IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36168 of 2026
CNR No.ODHC010844222026

Udit Narayan Padhi & Others …. **Petitioners**

Mr. P. K. Sahoo, Advocate

-Versus-

State of Odisha and Others …. **Opposite Parties**

Mr. S.K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
04.11.2026

Order No.

01. 1. Heard Mr. Sahoo, learned counsel for the petitioners and Mr. Parhi, learned ASC for the State.

2. Instant writ petition is filed by the petitioners for consideration of their promotion from Level-V(B) to Level-IV as per the final gradation list and to quash the impugned letter dated 18th September 2026 issued by opposite party No.4 under Annexure-4 or in the alternative, to include their names in the select list for being appointed prior to the cut-off date, i.e. 3rd September 2001 on the grounds stated.

3. Mr. Sahoo, learned counsel for the petitioners refers to the provisional and final gradation lists as at Annexure-2 series and Annexure-3 series and submits that the petitioners have not been included in the select list at Annexure-4 for having no

OTET qualification. The further submission is that in view of the decision of the Apex Court in (**Anjuman Ishaat-E-Taleem Trust and others Vrs. State of Maharashtra and others**) in Civil Appeal No. 1385 of 2025 disposed of on 1st September 2025, there is no need for any OTET qualification, if anyone is appointed prior to 3rd September 2001. Referring to Annexure-1, which are the copies of the extracts of the Service Books of the petitioners, it is further submitted that all of them have joined prior to 3rd September 2001, hence, no need to have OTET qualification for consideration of their promotion, hence, the impugned letter at Annexure-4 is liable to be interfered with and set aside with consequential directions issued in that regard.

4. Recorded the submission of the learned ASC for the State.

5. Gone through the impugned letter i.e. Annexure-4 addressed to opposite party No.2 by opposite party No.4 in regard to submission of select list of Level-V(B) Asst. Teacher in respect of Headmasters/Teachers of Jajpur district as per gradation list for approval for their promotion. Since the petitioners' names are not included in the said select list, hence, the challenge herein. This Court finds that the final gradation list was prepared and therein, the petitioners' names found place, but not in the select list submitted for approval vide Annexure-4. According to the Apex Court's decision in **Anjuman Ishaat-E-Taleem Trust** (supra), OTET qualification is not required for

anyone having been appointed prior to 3rd September 2001. Considering the extracts of the service books of the petitioners as at Annexure-1, this Court finds that they have been appointed prior to the aforesaid cut-off date. In such view of the matter, even though the petitioners do not have OTET qualification in view of the decision (supra) and for the fact that their names find place in the final gradation list, i.e. Annexure-3 series, all of them should have been included in the select list and therefore, the impugned letter i.e. Annexure-4 is liable to be quashed with a direction to opposite party No.4 to include the petitioners therein for consideration of their promotion to Level-IV post. In other words, the petitioners since are exempted from having such qualification appointed prior to the cut-off date, opposite party No.4 is to include them in the select list at Annexure-4 and having not been done so, the same is liable to be set aside and quashed.

6. Accordingly it is ordered.

7. In the result, the writ petition stands disposed of with a direction to the opposite party No.4 to prepare a fresh select list of Level-V(B) for consideration of promotion of the petitioners of the Assistant Teachers in view of the directions hereinabove preferably within a period of six weeks from the date of receipt of a copy of this order.

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Madhusmita

Signature Not Verified
Digitally Signed
Signed by: MADHUSMITA MALLICK
Designation: Jr. Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 06-Nov-2026 16:31:17