IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 37853 of 2026
(CNR No. ODHC010890092026)

Ashok Kumar Debta and others …. **Petitioners**

Mr. T.K. Nayak, Advocate

-Versus-

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

Mr. C.M. Singh, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
16.11.2026

Order No.

01. 1. Heard Mr. Nayak, learned counsel for the petitioners and Mr. Singh, learned ASC for the State.

2. No instructions are available with the State and hence, Mr. Singh, learned ASC for the State requests the Court for an adjournment. However, having regard to the plea of the petitioners and claim that they are similarly situated and are to be extended the benefits in view of the Apex Court's decision 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, this Court is inclined to dispose of the matter recording the objection of Mr. Singh, learned ASC for the State.

3. Instant writ petition is filed by the petitioners for consideration of his promotion from Level-IV to Level-III as

per the final gradation list and to quash the impugned select list issued by opposite party No.3 under Annexure-4 series 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.

4. Mr. Nayak, learned counsel for the petitioners refer to the provisional and final gradation lists as at Annexure-3 and Annexure-2 series and submits that the petitioners have not been included in the select list at Annexure-4 series 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 is the copy of the extracts of the Service Books of the petitioners, it is further submitted that petitioners 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 series is liable to be interfered with and set aside with consequential directions issued in that regard.

5. Recorded the submissions and objection of the Mr. Singh, learned ASC for the State.

6. Gone through the impugned select i.e. Annexure-4 series addressed to opposite party No.2 by opposite party No.3 in regard to submission of select list of Level-IV Graduate Teacher for promotion to the Headmaster Level-III in Baragada 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 on under Annexure-4 series.

7. 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 Service Books of the petitioners as at Annexure-1 series, 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, for the decision (supra) and the fact that their names find place in the final gradation list, i.e. Annexure-2 series, petitioners' names should have been included in the select list and therefore, the impugned letter i.e. Annexure-4 series is liable to be quashed with a direction to opposite party No.3 to include the petitioners therein for consideration of their promotion to Level-III post. In other words, the petitioners since are exempted from having such qualification for being appointed prior to the cut-off date, opposite party No.3 is to

include their names in the select list at Annexure-4 series and for having not done so, the same is liable to be set aside and quashed.

8. Accordingly, it is ordered.

9. In the result, the writ petition stands disposed of with a direction to the opposite party No.3 to prepare a fresh select list of Level-IV for consideration of promotion of the petitioners to the Post of Level-III Headmaster in view of the direction hereinabove preferably within a period of six weeks from the date of receipt of a copy of this order.

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

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified
Digitally Signed
Signed by: ROJINA SAHOO
Designation: Sr. Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 26-Nov-2026 14:24:36