IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38344 of 2026
(CNR No. ODHC010900662026)

Pratima Mohanty …. **Petitioner**

Mr. T.K. Nayak, Advocate

-Versus -

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

Mrs. Siva Mohanty, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **18.11.2026**

03. 1. Heard Mr. Nayak, learned counsel for the petitioner and Mrs. Mohanty, learned ASC for the State.

2. Instant writ petition is filed by the petitioner for consideration of her 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 or in the alternative, to include her name in the select list for being appointed prior to the cut-off date, i.e. 3rd September, 2001 on the grounds stated.

3. Mr. Nayak, learned counsel for the petitioner refers to the provisional and final gradation lists as at Annexure-3 and Annexure-2 series submits that the petitioner has not been included in the select list 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 extract of the Service Book of the petitioner, it is further submitted that petitioner has joined prior to 3rd September, 2001, hence, no need to have OTET qualification for consideration of her promotion, hence, the impugned select list 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 select list addressed to opposite party No.2 by the opposite party No.3 in regard to submission of select list of Level-IV Graduate Teacher for promotion to the Headmaster Level-III in Nabarangpur district as per gradation list for approval for her promotion. Since the petitioner's name is not included in the said select list, hence, the challenge herein. This Court finds that the final gradation list was prepared and therein, the petitioner's name found place, but not in the select list submitted for approval. 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 Book of the petitioner as at Annexure-1, this Court finds that she has been appointed prior to the aforesaid cut-off date. In such view of the matter, even though the petitioner does not have OTET qualification in view of the decision (supra) and for the fact that her name finds place in the final gradation list,

i.e. Annexure-2 series, petitioner's name should have been included in the select list and therefore, the impugned select list is liable to be quashed with a direction to opposite party No.3 to include the petitioner therein for consideration of her promotion to Level-III post. In other words, the petitioner since is exempted from having such qualification appointed prior to the cut-off date, opposite party No.3 is to include her name in the select list 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.3 to prepare a fresh select list of Level-IV for consideration of promotion of the petitioner to the post of Level-III Headmaster, 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

Narayan

Signature Not Verified
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Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
Date: 20-Nov-2026 19:28:49