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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5523 of 2023

In the matter of an application under Article-226 & 227 of
the Constitution of India

.....

Akadashi Parida

Petitioner

....

-versus-

State of Odisha & Others

....

Opposite Parties

For Petitioner : Mr. B. Behera, Adv.

For Opp. Parties : M/s. A. Tripathy,
Addl. Govt. Advocate
Mr.J. Jena, Adv.
(for O.P. No.3)
Mr.S.S. Rao, Sr.Adv.
along with
Mr. B.K. Mohanty, Adv.
(for B.S.E, Odisha)

PRESENT:

THE HONBLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 26.03.2026 and Date of Judgment:26.03.2026

Biraja Prasanna Satapathy, J.

- 1.** This matter is taken up through Hybrid Mode.
- 2.** Pursuant to order dt.18.02.2026, Mr. S.S. Rao,
learned Sr.Counsel appearing for the Board along with



Mr. B.K. Mohanty, learned counsel files a further affidavit so sworn by the Secretary, Board of Secondary Education, Orissa, in Court with service of copy on the learned counsel appearing for the Petitioner. The same be kept on record.

2.1. Basing on the affidavit, more particularly, the Rules governing the appearance of a candidate in the High School Certificate Examination through Correspondence Course, learned Sr. Counsel contended that, at the relevant point of time, a candidate who had studied upto Class-V, can appear the H.S.C examination through Correspondence Course, if he is above 14 years of age. In terms of the provision contained under Para-1(d) of the Board's guideline, Petitioner was allowed to appear in the Annual H.S.C Examination, 1996, through Correspondence course.

3. Heard learned counsel appearing for the parties.

4. The present Writ Petition has been filed inter alia with the following prayer:



(i) Admit the writ application

(ii) Call for the records.

(iii) Issue rule nisi calling upon the Opp. Parties to show cause as to why the impugned order dated 11.01.2023 of Opp. Party No.2 under Annexure-3 in giving promotion to O.P. No.3 to the post of junior grade diarist and the office order No.4441, dt.01.05.2024 of Opp. party No.2 in giving promotion to Opp. Party No.3 to the post of junior grade diarist under Annexure-7 shall not be quashed.

(iv) And if the Opp. Party do not show cause or show insufficient cause, issue a writ in the nature of certiorari in quashing the impugned order dated 11.01.2023 under Annexure-3 and the office order dt.01.05.2024 under Annexure-7.

v) Issue a writ a Mandamus directing the Opp. Party more particularly O.P. No. 2 to give promotion to the petitioner to the post of Jr. Grade diarist w.e.f. 11.01.2023 to the post of senior grade diarist w.e.f. 01.05.2024 respectively with all service benefits within a reasonable time to be stipulated by this Hon'ble Court.

vi) And/or pass such other order/orders, direction/directions as this Hon'ble Court may think fit and proper for the ends of justice;

And for this act of kindness the petitioner as in duty bound shall ever pray.

5. Learned counsel appearing for the Petitioner contended that, Opp. Party No.3 though is junior to him in the Gradation list, so published under Annexure-2, in respect of Group-C and Group-D employees working in the establishment of Chief Engineer, National Highways, Odisha, but ignoring his claim, private Opp. Party No.3 was extended with the benefit of promotion to the rank of Jr. Grade Diarist



vide order dt.11.01.2023 under Annexure-3 and to the rank of Sr. Grade Diarist vide order dt.01.05.2024 under Annexure-7.

5.1. It is contended that since in the Gradation list of Group-C and Group-D employees so published under Annexure-2, Petitioner was at Sl. No.3 as against the post of Treasury Sarkar and Private Opp. party No.3 was at Sl. No.2 as against the post of Duftary, taking into account the initial joining of Petitioner as 23.09.1987 and that of private Opp. party No.3 as 06.05.1994, with their joining in the rank of Treasury Sarkar and Duftari as 11.10.2019, Opp. Party No.3 could not have been extended with the benefit of promotion to the rank of Jr. Grade and Sr. Grade Diarist vide order dt.11.01.2023 and 01.05.2024 under Annexures-3 & 7 ahead of the Petitioner.

5.2. It is also contended that Petitioner while was holding a Group-C post of Treasury Sarkar, Opp. party No.3 was holding a Group-D post of Duftary. However, without considering the eligibility and suitability of the Petitioner to get the benefit of promotion to the rank of



Jr. Grade Diarist and thereafter Sr. Grade Diarist, Private Opp. Party No.3 was given the said benefit vide the impugned order dt.11.01.2023 under Annexure-3 and 01.05.2024 under Annexure-7.

5.3. It is contended that since Petitioner was holding a Group-C post and was senior to Opp. Party No.3, so far as date of initial joining is concerned, Petitioner could not have been discriminated vis-à-vis Opp. party No.3 for his promotion to the rank of Jr. Grade Diarist and Sr. Grade Diarist. It is accordingly contended that Opp. Party No.2 be directed to consider the claim of the Petitioner to get the benefit of promotion to the rank of Jr. Grade and Sr. Grade Diarist by conducting a review DPCs of the DPC dt.09.01.2023 and 29.04.2024, basing on which Opp. Party No.3 has got the benefit vide order under Annexures- 3 & 7 and extend the benefit of promotion in favour of the Petitioner, if he is found otherwise eligible, even on notional basis.

6. Mr. A. Tripathy, learned Addl. Govt. Advocate on the other hand placing reliance on the counter affidavit, contended that since Petitioner has no



requisite Educational qualification of Class-7 pass, as specified in para-4 of the G.A.& P.G Department Resolution No.13012 dt.04.06.2020, Petitioner's claim was not considered while extending the benefit of promotion in favour of Opp. Party No.3 to both the ranks on being duly recommended by the DPC dt.09.01.2023 and 29.04.2024.

6.1. It is also contended that in the Service Book of the Petitioner, Petitioner's Educational Qualification is reflected as Class-5. Though Petitioner produced a Certificate from the Board of Secondary Education, showing that he had appeared the H.S.C Examination in the year 1996 through Correspondence Course, but the same having not been reflected in the Service Book by the Establishment Officer of the Office, Petitioner was found not eligible and entitled to get the benefit.

Stand so taken in para-6 of the counter affidavit reads as follows:

It is true that the petitioner is senior to the Opp. Party No. 3 in service and also completed three years of continuous regular service carrying in Level-3 in the Pay Matrix on the day of Departmental Promotion Committee. But, the Petitioner has no requisite



Educational qualification Le. Pass in Class-VII for promotion to the Group-C post as specified at Para-4 in General Administration and Public Grievance Department Resolution No. 13012/Gen. Did.04.06 2020,

As per the Service Book of the Petitioner, his Educational Qualification is Class-V. Subsequently, he had submitted a Certificate, issued by the Directorate of Correspondence Course, Board of Secondary Education, Bhubaneswar Zone wherein it has been mentioned that he has failed in the H.S.C. Examination appeared in correspondence course during 1996(S). The same has been reflected in his service book by the Establishment Officer of this office on dt.01.08.2015. A copy of the School Leaving Certificate for Failed Candidates of the Petitioner is annexed herewith as Annexure-A/2.

Further the certificate issued by the Board Secondary Education Odisha, Cuttack clearly mentioned that he was then reading in Class-V As such there is no documentary proof that he has passed M.E. Standard. In this connection, clarification was sought vide this Office Letter No 651/ dtd 24.01.2022 from the Board of Secondary Education, Odisha, Cuttack regarding whether the petitioner's Educational qualification can be treated as Class-VII passed or not? A copy of the Office Letter No. 651/dtd.24.01.2022 is annexed herewith as Annexure-B/2.

In reply to the same, the Board of Secondary Education. Odisha, Cuttack vide their Letter No. 1932 dt. 12.09.2022 furnished a Verification Report of his appearing of 1996 Supplementary Examination, but nothing was mentioned regarding query of this office, i.e. whether the Educational Qualification of Sri Akadasi Parida (petitioner) can be treated as Class-VII passed or not. Further clarification in this regard was also sought from the G.A. & P.G. Deptt. Vide this Office Letter No.5000 dt.02.06.2022 and reminder Letter No. 7463 dt.06.08.2022 but no clarification has yet been received. The copies of the Letter No.5000 dt.02.06.2022 & Letter No. 7463 dt.06.08.2022 are annexed herewith as Annexure-C/2 & Annexure-D/2 respectively.

6.2. It is accordingly contended that since Petitioner does not have the requisite qualification of Class-7 pass, which is the minimum requirement to get the



benefit of promotion to the rank of Jr. Grade Diarist and thereafter Sr. Grade Diarist, Opp. party No.3 since was having the required qualification, he was extended with the benefit of Promotion vide under Annexures-3 & 7, basing on DPC recommendation. It is accordingly contended that no illegality or irregularity has been committed by Opp. Party in extending such benefit in favour of Opp. Party No.3.

7. Mr.J. Jena, learned Counsel appearing for Opp. party No.3 also made similar submission, as made by the learned Addl. Govt. Advocate.

8. To the submission made by the learned Addl. Govt. Advocate, learned counsel appearing for the Petitioner, placing reliance on the affidavit filed by the learned Sr. Counsel appearing for the Board, contended that since Petitioner was allowed to appear the HSC examination in the year 1996 through Correspondence Course, it has to be held that he has studied upto Class-10. Reliance was placed to the provisions contained under Para-1(d) of the Guideline



of the Board, so produced by the learned Sr. Counsel along with his affidavit.

Para-1(d) of the Guideline reads as follows:

A candidate who has passed at least Class-V or above from a recognised school and wishes to appear for the Matriculation Examination through a Correspondence (distance learning) Course by studying at home may enroll. However, the candidate must have attained the age of 14 years or above as on the 1st of February of the year in which they are appearing for the Matriculation Examination. A valid proof of date of birth must be submitted. Additionally, a Declaration must be submitted by the father, mother, guardian or home tutor certifying that the candidate is eligible to appear for the Matriculation Examination.

Besides the above, the following candidates may also be considered eligible for this Course:

(i) Candidates who have studied Class 10 in any recognized High School, passed the Test examination, but could not fill up the form for the Annual or Supplementary High School Certificate Examination of the concerned Academic Year.

(ii) Students who have appeared in the High School Certificate Examination but have failed.

(iii) Candidates who had enrolled in the Correspondence Course of the Council in any Academic Year but did not fill up the form for the Annual or Supplementary High School Certificate Examination of that academic year.

8.1. It is accordingly contended that the ground on which Petitioner's claim was not considered while extending the benefit in faovur of Opp. Party No.3, is not sustainable in the eye of law.

8.2. It is further contended that since Petitioner in the meantime has already retired on attaining the age of



superannuation on 31.05.2025, he be given the benefit of promotion on notional basis at least, with revision of his pensionary benefits only.

9. Having heard learned counsel appearing for the parties and considering the submission made, this Court finds that Petitioner entered into service on 23.09.1987 and promoted to the rank of Treasury Sarkar on 11.10.2019. On the other hand, private Opp. party No.3 entered into service on 06.05.1994 and was promoted to the rank of Duftari w.e.f 11.10.2019.

9.1. As found from the Gradation list, so available under Annexure-2, which is not disputed by either of the parties, Petitioner's date of joining is much earlier than Opp. party No.3 and both were promoted to the rank of Treasury Sarkar and Duftary on 11.10.2019. However, as found from the stand taken in the counter affidavit, Petitioner was not given the benefit of promotion, inter alia on the ground that, he has not the required qualification of Class-VII pass, and in the Service Book, his qualification has been reflected as Class-V pass.



9.2. Placing reliance on the Guideline governing the field, so far as appearance of a candidate in the HSC examination through Correspondence course, more particularly, Para-1(d) of the Guideline, this Court is of the view that because of the appearance of the Petitioner in the HSC examination, 1996 through Correspondence Course, it has to be held that Petitioner has studied upto Class-10. Therefore, the ground on which Petitioner's claim was not considered while extending the benefit of promotion in favour of Opp. Party No.3 to the rank of Jr. Grade Diarist vide order dt.11.01.2023 under Annexure-3 and to the rank of Sr. Grade Diarist vide order dt.1.05.2024 under Annexure-7, as per the considered view of this Court, was not just and proper.

9.3. Therefore, while holding so and while holding the Petitioner eligible for consideration of the claim to get the benefit of promotion, this Court directs Opp. party No.2 to conduct a Review DPC of the DPCs dt. 09.01.2023 and 29.04.2024 and consider the eligibility and suitability of the Petitioner to get the benefit of



promotion to the rank of Jr.Grade and Sr.Grade Diarist, so extended in favour of Opp. party No.3 vide order under Annexures-3 & 7.

9.4. Since Petitioner has retired in the meantime on 31.05.2025, all such benefits of promotion to the rank of Jr. Grade and Sr. Grade Typist, if Petitioner is found eligible, be extended on notional basis with revision of his pensionary benefits as due and admissible, but without disturbing the promotion of Opp. party No.3. Petitioner be extended with the benefit as against any available vacancy in both the posts or by creating a supernumerary post of Jr. Grade and Sr. Grade Typist. This Court directs Opp. party No.2 to complete the entire exercise within a period of 4 (four) months from the date of receipt of this order.

10. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated 26th March, 2026/Sangita

Signature Not Verified
Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 06-Apr-2026 19:23:02

