



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.6668 of 2025

Ashalata Nayak

.....

Petitioner

Represented by Adv. -
Dr.purusottam Chuli

-versus-

State Of Odisha & Ors.

.....

Opposite Parties

Represented by Adv. -
D.K. Sahoo, A.G.A.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
23.02.2026

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Government Advocate for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
3. The present writ petition has been filed by the petitioners with the following prayers:

“Under the above circumstances it is therefore humbly prayed that this Hon'ble Court may graciously be pleased to:-

i. Admit this writ application,

ii. Call for the records/documents from the opp. parties;

iii. Quash the letter No. 4981 dated 30.06.2023 issued by the District Education Officer, Sambalpur and the letter No. 4220 dated 17.11.2023 issued by the Block Education



Officer, Dhankauda under Annexure-6 series;

iv. Quash the letter No. 5465 dated 01.07.2024 issued by District Education Officer and the order No. 724/SME dated 08.01.2025 issued by Addl. Secretary, Department of School and Mass Education under Annexure-8 series;

v. Quash the office order No. 2642 dated 10.02.2025 issued by Joint Director, Elementary Education under Annexure-9;

vi. Issue writ of mandamus or any other appropriate writ(s)/direction(s)/ order(s) to the Director, Elementary Education, Department of School and Mass Education to direct the District Education Officer, Sambalpur to promote the petitioner as the Headmaster in Ranikhinda U.P.(M.E.) School, Ranikhinda, PO-Sason, Dist-Sambalpur with effect from 10.06.2024 complying with the approval of promotion by the Director, Elementary Education, vide office order No. 13108 dated 10.06.2024 under Annexure-7 with differential arrears;

vii. Pass such other order orders as this Hon'ble Court deems fit and proper to give complete relief to the petitioner;”

4. Learned counsel for the Petitioner at the outset contended that in the year 2001-02, Ranikhinda U.P. (M.E.) School was accorded permission to open Class VI and VII. Similarly, by virtue of notification dated 27.07.2007, 140 private educational institutions have been notified to be eligible to receive grant-in-aid as Aided Educational Institutions with effect from 01.08.2007. Accordingly, the Petitioner's school was included in the said list at Sl. No.116. While the matter stood thus, on 01.09.2007, the Director, Elementary Education issued office order to all the District Inspector of Schools in respect of 140 Non-Government UP (M.E.) Schools who have been notified to receive Block Grant as Aided Educational Institutions with effect from 01.08.2007.



5. Learned counsel for the Petitioner further submitted that by office order dated 05.01.2009 an amount of Rs.6,08,696/- was released in favour of employees of 834 Non-Government Aided Schools that list also in the name of the Petitioner's school appears at Sl. No.22. On 07.10.2009, the Petitioner was issued with an appointment order as Assistant Teacher by the Managing Committee of the concerned Aided Educational Institution. Pursuant to which the Petitioner joined as B.Sc. B.Ed. Assistant Teacher on 08.10.2009. By order dated 17.07.2010, the appointment of the Petitioner was approved by the Government and he has been found eligible for receiving Block Grant along with similarly situated Assistant Teachers and 2 Headmasters. Thereafter, by virtue of order dated 18.03.2019 of the Block Education Officer, Dhankauda under Sambalpur district, the pay of the petitioner has been fixed as per Grant-In-Aid Order, 2017 notionally allowing increment. While this was the position, the Deputy Director, Elementary Education requested all the District Education Officers and Block Education Officers to furnish the proposal for promotion of Assistant Teachers to the post of Headmasters of Non-Government Aided Schools vide his letter dated 30.12.2022. The name of the Petitioner was duly sponsored for promotion to the post of Headmaster, Ranikhinda UP (ME) School, which is a Non-Government Aided UP School vide letter dated 25.04.2023.

6. Learned counsel for the Petitioner at this juncture referring to the letter at Annexure-7 contended before this Court that the name of the Petitioner was recommended by the Joint Director vide office order No.13108 dated 10.06.2024 for promotion to the post



of Headmaster in Ranikhinda UP (ME) School. He further submitted that the D.E.O without implementing the order passed by the Joint Director dated 10.06.2024 sought for a clarification from the Director, Elementary Education vide his letter dated 01.07.2024. Further, referring to the letter dated 10.02.2025 at Annexure-9, learned counsel for the Petitioner submitted that the order of promotion of the Petitioner dated 10.06.2024 has been cancelled by the Joint Director. In the aforesaid context, learned counsel for the Petitioner drawing attention of this Court to the order dated 10.06.2024 at Annexure-7 stated before this Court that the Petitioner has been given promotion as directed by the Director, Elementary Education, Odisha which is evident from letter dated 10.06.2024. However, subsequently, the Joint Director in exercise of his power has issued order dated 10.02.2025 thereby cancelling the promotion of the Petitioner to the post of Headmaster. In the aforesaid context, he further submitted that once the Petitioner has been given promotion by order of the Director, Elementary Education, the Joint Director has no authority to cancel such letter dated 10.06.2024. In such view of the matter, learned counsel for the Petitioner contended that the letter cancelling the promotion of the Petitioner at Annexure-9 to quash and the further direction be given to the Opposite Parties to give promotion to the Petitioner pursuant to the letter under Annexure-7 dated 10.06.2024.

7. Learned Additional Government Advocate on the other hand contended that although the State-Opposite Parties have not filed any counter affidavit. However, on perusal of the record it appears that the letter dated 10.06.2024 at Annexure-7 by which the



Petitioner was given promotion to the post of Headmaster has already been cancelled by a subsequent order dated 10.02.2025 at Annexure-9. In such view of the matter, learned Additional Government Advocate contended that the very foundation of the Petitioner's claim for promotion to the post of Headmaster has already been extinguished. Therefore, the Petitioner cannot claim promotion to the post of Headmaster of the school in question. On such ground, learned counsel for the State contended that the present writ application is devoid of merit and, accordingly, the same should be dismissed.

8. Having heard the learned counsels appearing for the respective parties, on a careful examination of the background facts as well as the documents annexed to the present writ application, this Court observed that the only dispute in the present writ application is that although the Petitioner was given promotion as per the order dated 10.06.2024 at Annexure-7, however, the same has been cancelled subsequently by order dated 10.02.2025 at Annexure-9. On a careful analysis of both the orders, it is observed that the order under Annexure-7 was issued as directed by the Director, Elementary Education. Therefore, there is no dispute that the initial promotion order dated 10.06.2024 was issued with the concurrence of the Director, Elementary Education. Subsequently, the same has been cancelled by the Joint Director vide order dated 10.02.2025 at Annexure-9. Such letter does not reveal that it has the concurrence of the Director, Elementary Education. In view of the aforesaid anomaly, this Court is of the view that the matter is required to be settled by the Director, Elementary Education, Odisha inasmuch as the order of promotion was initially issued as



per the direction of the Director, Elementary Education. However, the same has been subsequently cancelled by the Joint Director vide letter dated 10.02.2025.

9. On a careful analysis of letter dated 10.02.2025 it appears that no where it has been mentioned that the same has been issued with the concurrence of the Director, Elementary Education. In view of the aforesaid anomaly, this Court directs the Petitioner to approach the Director, Elementary Education, Odisha, Opposite Party No.2 along with a copy of today's order within two weeks from today. In such eventuality, the Opposite Party No.2 shall consider the case of the Petitioner by examining both the letters under Annexure-7 dated 10.06.2024 as well as the letter dated 10.02.2025 at Annexure-9. After such examination and after providing an opportunity of hearing to the Petitioner, the Director, Elementary Education, Opposite Party No.2 shall pass a final order with regard to the promotion of the present Petitioner within six weeks from the date of communication of a copy of today's order

10. With the aforesaid observations/ directions, the Writ Petition stands disposed of.

(A.K. Mohapatra)
Judge

Anil