



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.8695 of 2026

***Sanjeeb Kumar Pathi and
another***

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Petitioners

Represented by Adv. –
Mr. Budhadev Routray,
Senior Counsel

-versus-

State of Odisha and others.

.....

Opposite Parties

Represented by Adv. –
Mr. C.M. Singh, AGA for
O.P. Nos.1 to 4

Mr. P.K. Parhi, DSGI along
with Mr. Milan Kumar, CGC
for O.P. No.5

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
23.03.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard the learned Senior Counsel for the Petitioners, learned counsel for the State-Opposite Parties No.1 to 4 and Mr. P.K. Parhi, learned DSGI, along with Mr. Milan Kumar, learned CGC, appearing for Opposite Party No.5-NCTE. Perused the writ petition as well as the prayer made therein.
 3. By filing the present writ petition, the Petitioners seeks to challenge the clarification issued by the ST & SC Development, M & BCW Department, Government of Odisha, vide letter dated 11th February, 2026 at Annexure-9 to the writ petition.



4. Learned Senior Counsel appearing for the Petitioners, at the outset, contended that by virtue of the clarification, the department has clarified that the six months special programme, as recognized by the NCTE for elementary education, is required prior to final selection for the post of Sevak/Sevika and Tribal Language Teachers. He further contended that the aforesaid clarification is contrary to the NCTE Notification dated 23rd August, 2010 at Annexure-10. Drawing attention of this Court to clause-3(b) of the Notification, learned Senior Counsel appearing for the Petitioners contended that the candidates seeking appointment are required to possess D.Ed. or B.Ed qualification and after appointment they are required to undergo six months special programme in Elementary Education recognized by the NCTE. In the aforesaid factual background, the learned Senior Counsel appearing for the Petitioners contended that the clarification issued by the ST & SC Development, M & BCW Department, Government of Odisha vide letter dated 11th February, 2026 is unsustainable in law.

5. Upon hearing the learned Senior Counsel appearing for the Petitioners, this Court is of the view that the matter requires further hearing after filing the counter affidavit.

6. Hence, issue notice on the question of admission to the Opposite Parties.

7. Mr. C.M. Singh, learned Additional Standing Counsel accepts notice on behalf of the Opposite Parties No.1 to 4.

8. Since soft copy of the writ petition has already been uploaded in the LMS Portal, no hard copy of the writ petition is required to be served on the learned Additional Standing Counsel.



Soft copy of the writ petition, which has been uploaded in the LMS Portal, be utilized for issuance of notice to the Opposite Parties No.1 to 4 by the learned Additional Standing Counsel.

9. So far as the Opposite Party No.5 is concerned, an extra copy of the writ petition be served on Mr. P.K. Parhi, learned Deputy Solicitor General of India, within a week hence.

10. Counter affidavit, if any, be filed within four weeks hence after serving a copy thereof on the learned Senior Counsel appearing for the Petitioners.

11. List this matter in the week commencing 4th May, 2026.

I.A. No.5177 of 2026

12. Heard the learned Senior Counsel for the Petitioners, learned counsel for the State-Opposite Parties No.1 to 4 and Mr. P.K. Parhi, learned DSGI, along with Mr. Milan Kumar, learned CGC, appearing for Opposite Party No.5-NCTE.

13. As an interim measure, it is directed that two posts of Sevaks [one in UR Category and another in SEBC (visually impaired) Category] pursuant to advertisement dated 27.12.2024 at Annexure-1 shall not be filled up till the next date, if the same have not filled up in the meantime.

(Aditya Kumar Mohapatra)
Judge

Debasis