



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24116 of 2025

Rajashree Mohapatra

....

Petitioner

Mr. Karunakar Rath, Advocate

-versus-

Union of India and others

....

Opposite Parties

Mr. P.K. Parhi, Deputy Solicitor General of India
along with Ms. Pratima Nayak, Central Government Counsel
Mr. Saswat Das, Additional Government Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER
09.10.2025

01. **1.** After perusing the prayer made in the instant writ petition and the pleadings of the writ petitioner, we find that the point so urged has now been set at rest by the apex Court in case of ***Anjuman Ishaat-E-Taleem Trust v. The State of Maharashtra***, reported in ***2025 INSC 1063***. The apex Court, in the said judgment, has held that the Teachers' Eligibility Test (TET) qualification prescribed in the Right of Children to Free and Compulsory Education Act (in short, 'the RTE Act') is indispensable and the in-service teachers, appointed prior to the advent of the said Act, have to obtain the TET



qualification provided that they have more than 5 years of service in the said post.

2. We are given to understand by Mr. Saswat Das, learned Additional Government Advocate (AGA), appearing on behalf of the opposite parties-State that the Odisha Elementary Education (Method of Recruitment and Conditions of Service of Teachers and Officers) Rule, 1997 as amended in 2019 provides an exemption of TET qualification but the aforesaid provision has been challenged in a spate of writ petitions which are fixed for final disposal on 28th October, 2025.

3. According to Mr. Das, learned AGA for the State, since the *vires* of the said exemption provision contained in the said rules is challenged in the instant writ petition, it would be apposite to keep this matter also to be decided along with the other batch of writ petitions.

4. Though we are convinced that once the apex Court has decided the issue with the authoritative pronouncement, it would not be open for the High Court to depart therefrom. However, the State has legislated in dispensing with the TET eligibility qualification



and, therefore, unless the said statutory provision is tested on the anvil of its constitutional validity, it would not be proper for us to decide this matter in isolation thereof.

5. Thus, list this matter along with W.P.(C) No.10430 of 2024 on 28th October, 2025.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S. Behera

Signature Not Verified
Digitally Signed
Signed by: SUMANTA BEHERA
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 09-Oct-2025 19:37:23

