



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.32176 of 2025

***Rajat Kumar Tanty and
others***

.....

Petitioners

Represented by Adv. -
Sthiti Pragyani Sunandini

-versus-

State Of Odisha and others

.....

Opposite Parties

Represented by Adv. -
Ms.S.Nayak, ASC

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

ORDER
14.07.2026

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned counsel for the State-Opposite Parties. Perused the writ application as well as the documents annexed thereto.
3. The Petitioners have filed the present writ application with the following prayer:

*“Under the above circumstance's humbly
prayed that the writ petition may be allowed
And
(A) A writ of mandamus or an appropriate writ
may be issued commanding the Opp. Parties to
approve the post of the petitioners keeping in view
of the decision of this Hon'ble Court in case of
Avimanyu Nayak Vrs. State of Odisha & Ors. in*



W.A.372/2016 and as per the Para No. 14 and necessary proposal may be sent in favour of the petitioners to approve their post, differential arrears' may be made available to the Petitioners with in a time to be stipulated by this Hon'ble Court.

(B) And any other order/orders or direction/directions may be issued so as to give complete relief to the Petitioners.”

4. As per the memo filed by the learned counsel for the Petitioners, the name of the Petitioner Nos.3 and 4 be deleted from the cause list, as they are no longer interested in prosecuting this present writ application.

5. The learned counsel for the Petitioner Nos.1 and 2 at the outset contended that by filing the present writ application, the Petitioner Nos.1 and 2 have sought for a direction to the Opposite Parties to approve their posts in terms of the judgment of the Division Bench of this Court in ***Avimanyu Nayak Vrs. State of Odisha & Ors.*** decided in ***W.A. 372 of 2016*** vide judgment dated 09.01.2018 at Annexure-3 to the writ application along with a batch of similar other writ applications. It is further submitted that the issue involved in the present case is squarely covered by the ***Avimanyu Nayak's*** case (*supra*).

6. On a careful analysis of the aforesaid judgment referred by the learned Counsel for the Petitioner Nos.1 and 2, this Court finds that the Division Bench, after taking note of the contention raised by both the sides and referring to the judgment and the applicable rules, was pleased to strike down Clause-3.12 of the Information Brochure for admission of in-service teachers'



training courses namely B.Ed. and held that the requirement of securing minimum qualifying mark in graduation is not applicable to the in-service candidates and directed that such restriction shall not be imposed on in-service candidates for taking admission in the B.Ed. course. The learned counsel for the Petitioner Nos.1 and 2 further contended that the judgment of the Appellate Division Bench has not been challenged further by the State Government and the same has attained finality.

7. Learned counsel for the State on the other hand contended that although a counter affidavit has already been filed by the State-Opposite Parties taking a stand that the Petitioner Nos.1 and 2 are not entitled to the relief as claimed in the present writ application, in the event, this Court directs the authority concerned to consider the case of Petitioner Nos.1 and 2 in the light of the ratio laid down by the Appellate Division Bench in *Avimanyu Nayak's* case (*supra*) within a stipulated period of time, she will have no objection to the same.

8. Having regards to the submissions made by the learned counsels appearing for the respective parties, on a careful examination of the factual background of the present case and further taking note of the judgment of the Appellate Division Bench relied upon by the learned counsel for the Petitioner Nos.1 and 2 at Annexure-3 to the present writ application, this Court deems it proper to dispose of the present writ application by directing the D.E.O., Sundergarh (O.P. No.5) to reconsider the case of the Petitioner Nos.1 and 2 strictly in terms of the



judgment of this Court in *Avimanyu Nayak's* case (*supra*) at Annexure-3 to the present writ application within a period of eight weeks from the date of production of certified copy of today's order. The final decision so taken by the O.P. No.5 in terms of the direction given hereinabove shall be communicated to the Petitioner Nos.1 and 2 within ten days thereafter.

9. With the aforesaid observation, the writ application stands disposed of.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

Binayak