



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35399 of 2025

Samir Kumar Behera

....

Petitioner

Mr. J. Gupta, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. D.K. Sahu, AGA

CORAM:

HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

Order
No.

ORDER
12.02.2026

03. 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. Perused the Writ Petition as well as the prayer made therein.
3. Being aggrieved by the order dated 20.11.2025 passed by the Collector & District Magistrate, Cuttack at Annexure-11 whereby the Collector has rejected the application of the Petitioner's representation. Pursuant to order dated 22.04.2025 passed in W.P.(C) No.10385 of 2025, the Petitioner has approached this Court by
4. In the present Writ Petition.

Signature Not Verified

Digitally Signed
Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 17-Feb-2026 10:30:47

4. counter affidavit has already been filed. The grievance of the Petitioner is that although he is



working as Sevak and performing the duty of a Hindi Teacher, his case has not been considered for promotion as an in-service candidate to the post of one vacant the Teacher post in Cuttack district.

5. Learned counsel for the Petitioner further contended that the Petitioner is having all the qualifications required under the provisions of the OSTW Education Rules, 1993. Further drawing attention of this Court to Rule-5(iii) of the OSTW Education Rules, 1993, learned counsel for the Petitioner contended that the Petitioner is eligible to be promoted to the post of Hindi Teacher.

6. This Court in the previous Writ Petition, i.e., W.P.(C) No. 10385 of 2025 has specifically directed the Collector, Cuttack to consider the representation of the Petitioner in terms of Rule-5(ii) of the OSTW Education Rules, 1993. However, the representation of the Petitioner has been rejected only on the ground that the requisition has been sent for direct recruitment from the open market. On perusal of the aforesaid Rules, it appears that the post in question should be filled up through promotion nor directly from the open market.

7. Moreover, considering the submissions made by the learned Additional Government Advocate that he

Signature Not Verified instruction regarding the vacant position, this

Digitally Signed
Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 17-Feb-2026 10:30:47

Court grants a week time to obtain instruction in the matter.



8. List this matter on 18th February, 2026.

I.A. No.22449 of 2025

9. As an interim measure, it is directed that no appointment shall be given to the post of Hindi Teacher pursuant to Annexures- 5 & 8 till the next date, if the same has not been done in the meantime.

(Aditya Kumar Mohapatra)
Judge

amit

Signature Not Verified

Digitally Signed
Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 17-Feb-2026 10:30:47

