



IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Samir Kumar Behera

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Petitioner

Represented By Adv. –
Mr. Jyotirmay Gupta

-versus-

State of Odisha and others

.....

Opposite Parties

Represented By Adv. –

Mr. Sarbeswar Behera,
AGA

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

Order No.

ORDER

05.05.2026

08.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard the learned counsel for the Petitioner as well as the learned Additional Government Advocate appearing for the State-Opposite Parties. Perused the writ petition as well as the prayer made therein.
3. The sole dispute involved in the present writ petition is that the Petitioner, who is working as a Hindi Teacher and is having M.A. in Hindi qualification, claims promotion to the next higher post against a single post of Hindi Teacher in terms of Rule-5(3) of the Orissa Subordinate Tribal Welfare Education (Recruitment and Conditions of Service) Rules, 1993.
4. Learned counsel for the Petitioner contended that in terms of Rule-5(3) of the Orissa Subordinate Tribal Welfare Education (Recruitment and Conditions of Service) Rules, 1993, any odd number of posts is to be first reserved for the promotional category, and



thereafter for direct recruitment category on notation basis. He further submitted that in the present case, there is only one post, which is an odd number, and it should have gone to the promotional category. However, the Opposite Parties, wrongly assuming there is scope for the direct recruitment category, have notified the same to be filled up through direct recruitment by the Odisha Sub-ordinate Staff Selection Commission.

5. Learned counsel for the State, on the other hand, referring to the objection filed by the Opposite Party No.4 contended that the single post of Hindi Teacher is a direct recruitment post and the same is to be filled up through Odisha Sub-ordinate Staff Selection Commission by following the provision contained in Orissa Subordinate Tribal Welfare Education (Recruitment and Conditions of Service) Rules, 1993.

6. In view of the aforesaid anomaly and on the request of the learned counsel for the State, he is granted two weeks' time to take instruction as to whether the single post of Hindi Teacher is to be kept for the promotional category or for the direct recruitment category keeping in view the provision contained in Rule-5 of the Orissa Subordinate Tribal Welfare Education (Recruitment and Conditions of Service) Rules, 1993. He shall also obtain instruction on order dated 10.08.2023 at Annexure-13 to the writ petition in the meantime.

7. List this matter in the week commencing 18th May, 2026.

A free copy of this order be handed over to the learned counsel for the State.

(Aditya Kumar Mohapatra)
Judge

Signature Not Verified

Debasis

Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 11-May-2026 13:18:23

