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SK
Ct. No. 18
25.03.2021

**W.P.A. No. 5396 of 2021
(Via Video Conference)**

**Pampa Haldar
Vs.
The State of West Bengal & Ors.**

Mr. Samim-ul-Bari,
Ms. Molly Saha ... For the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Suman Dey ... For the State respondents.

This is the fourth journey of the petitioner to this Court for redressal of her grievance on the self-same issue.

The petitioner on October 04, 2010 was engaged as Additional Para Teacher of Temporary Contractual basis in the Muldia Chitanyapur Desgourab Vidya Mandir District- 24 Parganas (South).

W.P. 115(W) of 2016 was the first writ petition whereby the petitioner complained that the District Project Officer Sarba Shiksha Mission, the respondent no. 4 herein is not issuing letter of engagement which would enable her to apply for online registration for two-year D.L.(Ed) course.

The said writ petition was disposed by the order dated January 11, 2016 by granting liberty to the petitioner to file a comprehensive representation with a direction upon the respondent no. 4 for taking necessary steps in the matter, such comprehensive representation was disposed of by the respondent no.

4 by the order dated March 04, 2016 holding that since the petitioner is not in continuous service, as such, she is not eligible for online registration for the aforesaid course.

The second writ petition of the petitioner being W.P. 23409(W) of 2016 was directed against the aforesaid order of the respondent no. 4. The said writ petition was disposed by the judgment and order dated January 10, 2016 with a direction upon the authority to pass a fresh reasoned order on the said issue after giving an opportunity of hearing to the petitioner.

The respondent no. 4 again rejected the prayer of the petitioner holding that she was engaged on October 04, 2010 as para teacher in the said school, as such by virtue of the embargo of the Government Order No. 376(Pry) dated June 09, 2010, she is not entitled to the relief as prayed for.

The petitioner challenged the said decision of the respondent no. 4 in her third writ petition being W.P. 14480(W) of 2017 which was disposed of by the order dated July 19, 2017 with the following observations:-

“Accordingly, I remand the matter back to the DPO, SSM, South 24-Parganas being the respondent no. 4 for taking a fresh decision in the matter in the light of all relevant Circulars/Notifications including the Circular dated 16th November, 2010 as also the Division Bench order dated 13th October, 2015

referred to above passed in MAT 1252 of 2015. The DPO shall give a hearing to the petitioner or her authorised representatives who shall be entitled to place all relevant documents including Circulars/Notifications and decisions of Court before the DPO”

The respondent no. 4 without considering the said judgment of the Division Bench and the Circular dated November 16, 2010 rejected the prayer of the petitioner by the impugned order dated September 01, 2017 holding that since the petitioner joined as para-teacher after June, 2010 and her engagement was issued for one year only, so in accordance with the Government Order being G.O. No 273 SE(P)/PBRPSUS dated April 23, 2010 and G.O. No 485 (21)-SE(P) dated July 22, 2010, she is not entitled to any relief.

The Government Order bearing No. 376-SE(Pry) dated June 09, 2010 prescribes that no new engagement of para-teacher or any other category of employees can be made after issue of the said order.

However, the Government subsequently by the Notification bearing No. 886-SE(Pry)/PBRPSUS/ADMN/9/04-05 (Pt. II) dated November 16, 2010 declared that the para-teachers now working on contractual basis under PBSSM will be engaged by the government through DPO as per procedure prescribed in the said Notification, for

better appreciation, paragraph 4 of the said Notification is quoted below:-

“4. In terms of the observations of Finance Department order under their U/O No. 1429Gr.-‘P’ dated 23-4-2010 and in continuation of this Department NO SE (P)/PBRPSUS/ADMN/9/04-05 dated 9-6-2010 it is further ordered that all Para Teachers, VRPs and Siksha Bandhus now working on contractual basis under the PBSSM will be engaged by the Government through the District Project Officer, Sarba Siksha Mission as per procedure laid down at para-‘2’ hereinabove and will continue to remain so engaged under contractual basis till attainment of the age of 60 years.”

Rejection of the prayer of the petitioner without considering the aforementioned Government Order is not justified, as such, the order impugned is set aside.

The petitioner is granted liberty to apply before the respondent no. 4 to get the benefit of the aforementioned Government Order dated November 16, 2010 within a period two weeks from date and if such application is made, the respondent no. 4 shall extend the benefit of the aforesaid government order dated November 16, 2010 to the petitioner if she is otherwise eligible to get the benefit of the said government order.

The respondent no. 4 shall complete his exercise in this regard within a period of four weeks from the date of receipt of the application of the petitioner and shall communicate his decision to the petitioner.

WPA 5396 of 2021 is disposed of with the above terms.

Since no affidavit-in-opposition has been invited the allegations made in the writ petition are deemed to have been denied by the respondents.

No order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)