

37.
28.04.2022
S.D.

W.P.A. 3930 of 2022

**Dayamay Murmu
Vs.
The State of West Bengal & Ors.**

Mr. Dilip De
Mr. A. Pati

...For the petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey

..For the State.

The petitioner is an assistant teacher of a primary school. He has admitted that he failed to exercise option to come under ROPA 1990. Thereafter, he also failed to exercise option to get the benefit of ROPA 1998, 2009 and 2019.

The petitioner made a representation before the Secretary of the School Education Department with a request to permit him to exercise the option to come under ROPA 1990. The said representation was filed by the petitioner in December 2021.

In the earlier writ petition filed by the petitioner being W.P.A. 10546 of 2020, an order was passed on 01.12.2021 wherein the Court mentioned that any option exercised beyond the prescribed date will not be an option exercised in accordance with the ROPA. Option exercised beyond the prescribed date

cannot be taken into consideration by the respondent authority for grant of benefit in accordance with the ROPA, in the absence of a specific rule/guideline for extension of time for filing the option.

Today also no provision of law has been shown before this Court permitting extension of time for filing the option to avail the benefit of ROPA 1990.

That being the position, the prayer of the petitioner for directing the Secretary, School Education Department to consider his prayer for exercising option to avail the benefit of ROPA 1990 cannot be accepted.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)