

21.12.2022
Item No.A87
Ct. No.17
S.A.

**WPA 10723 of 2022
with
CAN 1 of 2022**

**Jahanara Bibi
-vs-
State of West Bengal & Ors.**

Mr. Jyoti Prakash Chatterjee
Mr. Sekhar Barman
...for the petitioner
Md. Sarwar Jahan
Ms. Mousumi Mitra
Mr. Maidul Islam Kayal
...for the respondent No.4
Mr. Subhendu Roy Choudhury
...for the State

The petitioner has filed an application being CAN 1 of 2022 in connection with WPA 10723 of 2022 for restoration of the matter after recalling the order dated 17th August, 2022 passed by this court. I find that sufficient reason has been disclosed in support of the prayer for restoration of the matter after recalling the order dated 17th August, 2022. Hence, the order dated 17th August, 2022 is recalled and the matter is restored to its original number and file.

The petitioner was a Sahayika in Shishu Shiksha Kendra in the district of North 24 Parganas. Her employment was terminated and all honorarium was stopped after 60 years of age of the petitioner. But from the Annexure P/4 at Page 20 it appears that

the authority made a mistake as the petitioner opted for service up to her age of 65 years.

Therefore, there is an admission on the part of the authority that the petitioner has been terminated from her service wrongfully on completion of 60 years and, therefore, she is entitled to be engaged till 65 years.

In the facts and circumstances, I hold that such termination is illegal and bad and such termination is set aside.

The petitioner should be allowed to continue in her service and the due amount of honorarium should be paid to her within a period of two months from the date of communication of the order by the District Nodal Officer and the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission. There shall be continuity of service to the petitioner as the order for her superannuation has been declared bad and has been set aside by this court.

The petitioner should be allowed to resume her work forthwith.

With the above observation and direction, this writ application is allowed.

(Abhijit Gangopadhyay, J.)