

9.9.2022
Sl.No.25
sn

WPA 15080 of 2021

**Abha Saha
Vs.
The State of West Bengal & Ors.**

**Mr. Ahraful Haque
..for the petitioner
Mr. Sarwar Jahan
..for the respdt.5
Mr. Arindam Chattopadhyay
Mr. Lipika Chatterjee
..for the respdt.8**

The petitioner alleges that the District Nodal Officer, SSK and MSK, Murshidabad had wrongly passed the order impugned, rejecting the eligibility of the petitioner to continue up to the age of 65 years. The concerned authority allegedly relied on an option form submitted by the petitioner. It is alleged that the petitioner was not made aware of the meaning and consequential effect of such option form. It is further submitted that the form was not signed by the petitioner.

I find from the order of the concerned authority, where it has been recorded that the petitioner's option form had been forwarded to the authority along with the list which was prepared by the Block Development Officer. The signature of the petitioner on the form, tallied with the petitioner's signature in attendance sheet at the hearing.

However, this dispute need not be gone into by this Court, in view of the fair submission made by

Mr. Jahan, who appears on behalf of the Mission Director, Paschim Banga Rajya Sishu Shiksha Mission(PBRSSM). He submits that although such option form was invited from Sahayikas, for their option as to whether they wanted to continue to work up to the age of 65 years or retire at 60 years with the consequential benefits, the said policy could not be implemented. The issue is now pending before the Finance Department, Government of West Bengal, for necessary administrative approval.

Thus, it appears that the petitioner still has an opportunity to withdraw from the option of retiring at the age of 60 years by filing an appropriate application before the Mission Director, Paschim Banga Rajya Sishu Shiksha Mission(PBRSSM) through the District Nodal Officer. Her prayer for withdrawal from her option and her willingness to retire at the age of 65 years as per earlier rules, shall be allowed. Necessary orders will be passed.

For the interim period when the petitioner has not worked, the petitioner shall not be entitled to any remuneration. However, there will be no break in the continuity of the service of the petitioners, as a Sahayika.

Immediate steps shall be taken with regard to the issue, preferably within a period of 4 weeks from the date of receipt of the petitioner's application.

As no affidavit in opposition has been called for, the allegations against the respondents are deemed to be denied.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)