

12. 14.09.2022
Bd. Ct.15

W.P.A. 18148 of 2019

Dipankar Maji & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta

Ms. Dipa Acharyya

... for the petitioners.

Mr. Kanak Kiran Bandopadhyay

... for the SSC.

Affidavit of service filed by the petitioners is taken on record.

The writ petitioner being a para teacher has prayed for age relaxation for being appointed in the post of Assistant Teacher pursuant to the Employment Notification dated 23rd September, 2016.

The grievance of the petitioners is that vide subsequent notification dated 2nd November, 2016 an opportunity was given to the para teachers for editing their applications upon logging in on the website of the Commission within a particular period and in connection thereto a notification was issued on 8th November, 2016 whereby on inserting Clause 9 no upper age relaxation was provided for being appointed as Assistant Teacher in the upper primary section.

Mr. Dasgupta, learned advocate representing the petitioner has also drawn attention of this Court to the definition of “Teacher” as contained in section 2(p) under the West Bengal School Service Commission Act, 1997 and has submitted that such definition of teacher includes para teacher.

This Court has heard learned advocates representing the petitioner as well as the West Bengal Central School Service Commission.

The issue relating to age relaxation of para teacher for being appointed in the upper primary section in terms of Government Notification dated 23rd September, 2016 has already been decided by this Court in WPA 14274 of 2021 (Minati De –vs- The State of West Bengal & Ors.) by passing order dated 16th September, 2021. Only additional point which has been taken on behalf of the petitioner is that the petitioner needs to be treated as teacher though working as para teacher in terms of the definition as contained in section 2(p) of the Act of 1997. On perusal of such definition it appears that para teacher has not been expressly included in the definition of teacher.

Therefore, the issue needs to be considered in view of the order passed by this Court on 16th

September, 2021.

Accordingly, the writ petition stands dismissed upon placing reliance on the said order dated 16th September, 2021 passed in WPA 14274 of 2021. The order passed by this Court in WPA 14274 of 2021 dated 16th September, 2021 shall be retained on record.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)