

31.08.2022
Court No.13
Item No.256
AP

WPA 19870 of 2022

**Niva Majumder
Vs.
The State of West Bengal & Ors.**

Mr. Kamalesh Bhattacharyya
Mr. Bidhan Biswas

... For the petitioners.

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das

... for the State.

Mr. Md. Sarwar Jahan
Ms. Mousumi Mitra

... For the Respondent No.4.

The petitioner was engaged as Samprasarika in Sarat Chandra Smriti MSK, Nadia. In or about April 2020 she opted for the posts of Samprasarika at par with para-teacher (SSAPT) on an assurance receiving EPF.

The respondents, particularly respondent No.4, has not been able to take any decision on allowing the petitioner to switch over and allow her the EPF benefit.

Since, under the SSAPT post the petitioner is due to retire today upon reaching the age of 60, she has now expressed a desire to switch back to the original post of Samprasarika.

Learned counsel for the respondent No.4 has fairly submitted that since the petitioner is retiring today, his client does not have any objection to the petitioner switching back to the post of

Samprasarak/ Samprasarika. The benefit that the petitioner would get is that her service continues till the age of 65.

In view of the above, petitioner shall be allowed to switch back to the post of Samprasarak/ Samprasarika with immediate effect. She shall continue as Samprasarika till she reaches the age of 65 years. The petitioner, however, shall not be allowed to claim any benefit as SSAPT in future.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)