

Ct. 14.9
No. 14 2022
2
akb

W.P.A. 20862 of 2022

**Sri Dulal Kanti Das & Ors.
-Versus-
The State of West Bengal & Ors.**

Mr. Golam Mastafa	
Mr. Sakti Samanta	
Mr. Samirul Sardar	...For the Petitioners
Mr. Md Sarwar Jahan	...For Respondent No. 4
Mr. Rezaul Hossain	...For the State Respondents

Affidavit-of-service filed on behalf of the petitioners be kept on record.

In this writ petition the petitioners state that they were engaged as ‘Samprasarakas’ in various Madhyamik Shiksha Kendras in the State.

By a notification dated 18th December 2019 the Administrative control of Sishu Shiksha Kendras (SSKs) and Madhyamik Shiksha Kendras (MSKs) was transferred to School Education Department, Government of West Bengal. By another notification dated 20th December 2019, Samprasarakas were given opportunity to exercise their option to get the benefits as available to ‘para-teachers’. Being assured that their fate will be ameliorated, the petitioners exercised their option accordingly. But even after elapse of more than two years, petitioners were not getting any benefits as assured by the Government by the aforesaid notification. The petitioner No. 3 is going to retire within six months and the petitioner 1 is going to retire within eleven months. Under such circumstances, the petitioners seek that they be given liberty to withdraw the option exercised by them.

Mr. Sarwar Jahan, learned Advocate appearing for

the respondent No. 4, Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, submits that since the petitioner No. 3 is going to retire within six months, he will have no objection if the prayer made by him is allowed. However, he has objection to the prayer of the rest petitioners, since they will not retire within six months.

Learned Advocate appearing for the petitioners submits that since the petitioner No. 3 will retire soon, he may be permitted to withdraw the option exercised by him. However, liberty be given to the rest of the petitioners to ventilate their grievance if the situation arises in future.

Having heard the learned Advocates appearing for the parties and on consideration of the relevant Government Notifications/Orders annexed to this writ petition, I think that the prayers as made by the petitioner No. 3 may be allowed.

Accordingly, the petitioner No. 3 is allowed to switch back to the post of Samprasarak with immediate effect and work as Samprasarak till the age of 65 years. However, the petitioner No. 3 shall not be allowed to claim any benefits as available to the 'para-teachers' in future.

In so far as the prayer of the rest petitioners is concerned, liberty is reserved to agitate their grievance in accordance with law if the situation occurs in future.

With the aforesaid directions, the writ petition stands disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There shall be no order as to costs.

Urgent photostat copy of the order, if applied for, be supplied to the petitioner on priority basis on compliance of necessary formalities.

(*Rabindranath Samanta, J.*)