

05-12-2022
Item No.5
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.24439 of 2022
Tajenur Khatun & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Ziaul Haque
Mr. Himadri Kukmar Mahata ...for the petitioners

Mr. Rejaul Hossain ...for the State

Md. Sarwar Jahan
Ms. Mousumi Mitra
Mr.Shahyad Noor Thander ...for respondent no.4

The petitioners were engaged as Sahayikas/Sahayaks under the Sishu Shiksha Karmasuchi in their respective Sishu Siksha Kendras and the age of superannuation of that post is 65 years. Since April 1, 2020 all the Sishu Siksha Kendras have been brought under the control of the School Education Department, Government of West Bengal, and thereby the Sahayikas/Sahayaks who were within 60 years of age prior to April 1, 2020 were permitted to get the status at par with the para-teachers by extending the benefits available for the para-teachers, if they exercised option as per the requisite format within February 1, 2020.

The service benefits available to the para-teachers were more lucrative in comparison with the post of Sahayikas/Sahayaks as no benefit of employees' provident fund scheme was available to Sahayikas/Sahayaks. Under such circumstances, the petitioners exercised their option to get the status and benefits at par with the para-teachers. But since April 1, 2020 no amount has been deducted from

their pay packet on account of the employees' provident fund nor any contribution has been made by the Government towards the said provident fund scheme. As a result of which, they put in immense sufferance, have been forced to retire at the age of 60 years of age. As such they seek a direction so that they may maintain their status as Sahayikas/Sahayaks or revert back to the post of Sahayikas/Sahayaks from the status at par with para-teachers and they may be allowed to continue their service up to the age of 65 years.

Learned counsels appearing for the petitioners submits that the petitioners by making their respective representations to the authorities concerned sought for the reliefs made in the writ petition, but to no effect.

Having heard learned counsels for the parties and on consideration of the documents annexed to the writ petition, I feel that the writ petition may be disposed of by directing the concerned authority to consider and dispose of the petitioners' representation by a reasoned order.

Accordingly, the fourth respondent, the Mission Director, Paschim Banga Rajya Shishu Shiksha Missions, Government of West Bengal, is directed to consider and dispose of the representations made by the petitioners – page 57, page 64, page 71 and page 78 respectively – by a reasoned order after giving the petitioners an opportunity of hearing within a period of six weeks from the date of communication of this order. The reasoned order once made shall be communicated to the petitioners within a week thereafter.

With the aforesaid observations, WPA No.24439 of 2022 stands disposed of. No order as to costs.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J]