

17.05.2023
DL-69
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3548 of 2023

Dipak Kumar Chhatait
Vs.
The State of West Bengal & Ors.

Mr. Debasis Sur,
Mr. Angshuman Patra,
Mr. Himadri Sekhar Paul
....for the petitioner.
Mr. Kartik Chandra Kapas
....for the State.

The petitioner was engaged as a “Samprasarak” in a Madhyamik Siksha Kendra in the State. Such engagement was a contractual one. The age of retirement of “Samprasarak/Samprasarika” is 65 years. Since April 1, 2020 all the Madhyamik Siksha Kendras have come under the purview of School Education Department, Government of West Bengal. The “Samprasaraks/Samprasarikas” who were within the age of 60 years prior to April 1, 2020 were given the option to be treated at par with the “para teachers” by extending the benefits available to the post of “para teachers” if they exercised their option by February 1, 2020. The petitioner exercised his option within the stipulated time, on January 17, 2020. However, there was no response to such exercise of option. The petitioner retired on or about February, 2023. The petitioner has prayed for

continuation in the post of “Samprasarak” and continuation of his service till the age of 65 years. The petitioner made a representation on January 5, 2023 prior to his disengagement. However, the said representation has not been considered till date.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that the representation dated January 5, 2023 made by the petitioner to the respondent no.2/the Mission Director, Paschim Banga Rajya Sishu Siksha Mission will be considered by him within 6 weeks from date upon giving a personal hearing to the petitioner. The said representation will be disposed of by a reasoned order and the same shall be communicated to the petitioner within 2 weeks of passing thereof. In considering the representation of the petitioner, the order dated September 23, 2022 passed by a coordinate Bench of this Hon’ble Court in WPA 21944 of 2022 shall be considered.

If the petitioner is otherwise entitled to the benefits given to the petitioner, vide order dated September 23, 2022, the same shall also be extended to the petitioner herein.

With the directions aforesaid, **WPA 3548 of 2023 is disposed of.**

Since no affidavits have been directed to be exchanged in the writ petition, the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)