

24-02-2023
Item 3
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.3995 of 2023
Prakash Chandra Ghosh & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Bidhan Biwas ...for the petitioners

Mr. Md Sarwar Jahan
Mr. Asif Mehdi
Mr. S.N. Thander ...for respondent no. 3

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

In terms of agreements between the petitioners and the respective Madhyamik Shiksha Kendras the petitioners were engaged as *Samprasarakas* and their age of retirement is 65 years. Since, 1st April 2020 all the Madhyamik Shiksha Kendras have been brought under the School Education Department, Government of West Bengal and thereby *Samprasarakas* of the aforesaid Madhyamik Shiksha Kendras who were within 60 years of age prior to 1st April 2020 were permitted to get the status at par with the para-teachers by extending the benefits available to the post of 'para-teachers' if they exercised option by 1st February 2020 through the appropriate authority. The petitioners exercised their option in order to get the benefits as available to the para-teachers accordingly. But since 1st April 2020 no benefit was extended to them which is admissible to the para-teachers, the para-teachers are to retire at the age of 60 years.

The petitioners are going to retire within six months. Under such circumstances, the petitioners seek

directions so that they may maintain their status as Samprasarakas or revert back to the post of 'Samprasarakas from the status at par with 'para-teachers' and they be allowed to continue their service upto the age of 65 years.

Mr Sarwar Jahan, learned advocate appearing for respondent no. 3, Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, fairly submits that a scheme which was to be promulgated to bring the Samprasarakas/Samprakarikas at par with the para-teachers could not be promulgated as yet. On such score, learned advocate submits, if the petitioners, who are to retire within six months, may withdraw their option.

Learned advocate appearing for the petitioners accepts the submission / suggestion as advanced by Mr Jahan.

Having heard the learned advocates appearing for the parties and on consideration of the relevant Government Notifications/Orders annexed to the writ petition, I feel that the prayers as made by the petitioners may be allowed.

Therefore, in view of the above, the petitioners are allowed to switch back to the post of *Samprasarakas* with immediate effect and work as *Samprasarakas* till the age of 65 years. However, the petitioners shall not be allowed to claim any benefit as available to para-teachers 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.

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

[Rabindranath Samanta, J]