

Ct. 11.01
No. 14 2022
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W.P.A. 8855 of 2022

**Dipu Biswas (Mondal) & Ors.
-Versus-
The State of West Bengal & Ors.**

**Mr. Kamalesh Bhattacharya
Mr. Bidhan Biswas
Mr. Aninda Bhattacharya ...For the Petitioners**

Mr. Rezaul Hossain ...For the State Respondents

**Md. Sarwar Jahan
Ms. Mausumi Mitra ...For the Respondent No. 4
Mission Director, PBRSSM**

In this writ petition the petitioners state that they were engaged as ‘Sahayaks / Sahayikas’ in the various Shishu Shiksha Kendras in the State.

In terms of agreements between the petitioners and the respective Shishu Shiksha Kendras the petitioners were engaged as ‘Sahayaks / Sahayikas’ for a period of one year and this period of one year was renewed from time to time. By an order under Memo dated 2nd May, 2008 issued by the Principal Secretary, Department of Panchayat and Rural Development, Government of West Bengal, the age limit of ‘Sahayaks / Sahayikas’ was enhanced to 65 years instead of 60 years. By another notification dated 18th December, 2019 issued by the School Education Department, Elementary Education Branch, Government of West Bengal it was notified that administrative control of Sishu Siksha Kendras (SSK) and Madhyamik Shiksha Kendras (MSK) stood transferred to School Education Department, Government of West Bengal. By the aforesaid notification dated 18th December, 2019 ‘Sahayaks / Sahayikas’ who were within the age of 60 years on 1st April 2020 were given opportunity to exercise option to come under the School Education Department in order to get the benefits as available to ‘para-

teachers'. Accordingly, the petitioners exercised their option in order to get the benefits as available to the 'para-teachers'. Even after lapse of more than two years since the option was exercised, the petitioners are deprived of getting any benefit as assured by the Government.

Learned Lawyer appearing for the petitioners submits that petitioner No. 13, Sumitra Roy (Dhali) is going to retire on superannuation by this month (31.01.2023). Under such circumstances, the petitioners seek directions so that they may maintain their status as 'Sahayaks / Sahayikas' or revert back to the post of 'Sahayaks / Sahayikas' from the status at par with 'para-teachers' and they be allowed to continue their service upto the age of 65 years.

I have heard Mr. Sarwar Jahan, learned Lawyer for the respondent No. 4.

This Bench in a number of writ petitions, allowed a member of 'Samprasarakas / Samprasarikas' or 'Sahayaks / Sahayikas' who were to complete 60 years of age shortly to switch back to the post of 'Samprasarakas / Samprasarikas' or 'Sahayaks / Sahayikas' with immediate effect and work as 'Samprasarakas / Samprasarikas' or 'Sahayaks / Sahayikas' till the age of 65 years.

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 petitioner No. 13 may be allowed.

Therefore, in view of the above, the petitioner No. 13 is allowed to switch back to the post of 'Sahayika' with immediate effect and work as 'Sahayika' till the age of 65

years. However, the petitioner No. 13 shall not be allowed to claim any benefit as available to 'para-teachers' in future.

In so far as the prayers of the petitioner Nos. 1 to 12 are concerned, liberty is reserved to agitate their grievance in accordance with law, since more than six months is available to them to reach the age of 60 years.

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.*)