

16.03.2023
(D/L-11)
Ct.-18
(Susanta)

W.P.A. 10253 of 2022

Baishakhi Dey
-Vs-
The State of West Bengal & Ors.

Mr. S.P. Lahiri,
Mr. N. Naskar,
.... For the Petitioner.

Md. Sarwar Jahan.
Ms. Mousumi Mitra,
Mr. Shahzad Noor Thander,
.... For the Respondent No.3.

Mr. Sayan Ganguly,
.... For the State.

The petitioner was engaged as Sahayika in Vivekananda Sishu Sikha Kendra at Village Bansra, District- Pashim Burdwan.

The Government of West Bengal by a notification bearing No. 979-ES/EE/10M-164/19 dated December 18, 2019 transferred the administrative control of the Sishu Sikha Kendra(SSK) from Panchayat and Rural Development Department to the School Education Department and invited option from the Sahayaks/ Sahayikas of SSKs for treating them as para teachers of Paschimbanga Samagra Sikha Mission.

The petitioner exercised the said option but the Government of West Bengal, in terms of the said notification, failed to extend the benefit of para teachers to the Sahayaks/ Sahayikas.

The petitioner in the meantime has crossed the age of 60 years i.e. the age of superannuation of a para-teacher.

The petitioner is now praying that she may be reverted back to the post of Sahayika so that she can continue her service as such till the age of 65 years.

In view of the judgment of the Co-ordinate Bench in W.P.A No. 8271 of 2022 (**MD. SULTAN SAIKH & ORS vs. THE STATE OF WEST BENGAL & ORS.**), the issue whether the petitioner can be reverted back to her original post of Sahayika is no longer *res integra*.

The petitioner, therefore is permitted to continue as Sahayika in the said Sishu Sikha Kendra till she attains the age of 65 years but she will not be entitled to claim any financial or other benefit of a Para-Teacher.

The petitioner, since after retirement, has not rendered any service to the said Sishu Sikha Kendra, she is not entitled to any remuneration for the said period but her such absence shall not be construed as discontinuation of her service as Sahayika.

W.P.A 10253 of 2022 is thus disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)