

Dd 03 05.07.2023

WP.ST 98 of 2023

**Adhir Sarma & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Samim Ahammed,
Mr. Ambiya Khatun, Advocate
... .. For the Petitioners

Mr. Tapan Kumar Mukherjee, APP
Ms. Tuli Sinha, Advocates
... .. For the State

The writ petition is directed against an order dated June 13, 2023 passed in OA 296 of 2023. By the impugned order, learned tribunal did not grant interim order as prayed for. The tribunal directed the matter to be placed in the list on December 6, 2023 before the Division Bench after completion of the pleadings.

Learned advocate appearing for the writ petitioners draws the attention of the Court to a notification dated January 24, 2019 issued by the Department of Higher Education which directs enhancement of the retirement age from 62 years to 65 years with immediate effect. He submits that similar facility be extended to the writ petitioners.

Writ petitioners are workshop instructors. According to the writ petitioners they were given the status of teacher by a memo dated January 31, 1981.

The issue as to whether, the writ petitioners fall within the category of persons whose age of retirement was enhanced from 62 years to 65 years by virtue of notification dated January 24, 2019 and the issue as to whether, workshop instructors, can claim such benefit

are issues in the main Original Application which are yet to be decided.

The workshop instructors are not included in the category of persons named in the notification dated January 24, 2019.

The tribunal proceeded to invite pleadings in order to decide the issue.

Balance of convenience is not in favour of the writ petitioners for granting interim order as prayed for. The view taken by the tribunal is a plausible one.

In such circumstances, we are unable to grant relief to the writ petitioners.

WP.ST 98 of 2023 is accordingly **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)