

04 10.8.2023
Sc Ct. no.22

WPA 17874 OF 2023

Sri Sujit Sahu & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Shamim ul Bari
Ms. Keya Sutradhar.

....For the Petitioners

Mr. Bhaskar Prasad Vaisya
Ms. Iti Dutta

....For the State

Md. Sarwar Jahan
Ms. Mausumi Mitra
Mr. Maidul Islam Kayal.

....For the Respondent
No.4

Affidavit-of-service, filed in Court today, is taken on record.

Thirteen numbers of writ petitioners are before this court in the single writ petition. Definitely there are thirteen separate causes of action but it is true that the issue is identical. When causes of action are independent to each other and separate from each other but the legal issue may be the same, each petitioner has to pay the respective Court Fee payable in accordance with law.

Mr. Shamim ul Bari, learned counsel for the petitioner, in his usual fairness on behalf of his clients, undertakes to pay the individual Court Fee in accordance with law forthwith and ***subject to this undertaking, such order shall be effected.***

The petitioners were engaged as Samprasaraks and Samprasarikas and Sahayaks/Sahayikas in different

Madhyamik Siksha Kendras (MSKs) and Sishu Siksha Kendras (SSKs) for a period of one year and in that regard agreement were executed with them. The engagement was renewed from time to time on contractual basis.

The petitioners, in terms of the notification dated **May 12, 2008** issued by the **Department of Panchayats and Rural Development, Government of West Bengal**, claimed the benefit for being age of superannuation up to **65 years**.

In an identical writ petition, a coordinate Bench of this Court by its **judgment and order dated May 19, 2023 delivered in WPA 12057 of 2023 (Susampad Das & Ors. v. The State of West Bengal & Ors.)** allowed the benefit in favour of the writ petitioners.

Mr. Bhaskar Prasad Vaisya along with Ms. Iti Dutta, learned advocates appeared for the respondent nos. 1 to 3.

Md. Sarwar Jahan, learned advocate appeared for the respondent No.4.

Both the learned advocates appearing for the respondents had submitted that, no appeal was carried out from the said order dated **May 19, 2023** and the State authorities had carried out the said decision of the coordinate Bench and allowed the claim of the petitioners.

On reading of the said judgment and order dated **May 19, 2023**, I am also in respectful agreement with the same.

In view of the above, in the light of the said judgment dated **May 19, 2023** delivered ***In the matter of : Susampad Das (supra)***, this writ petition stands allowed to the extent the right of the petitioners was decided in the said judgment.

With the above observation, the writ petition, **WPA 17874 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)