

06.10.2023

Item No. 23

Court No.18

P.Jana.

W.P.A. 22062 of 2023

Lakshmi Rani Bera Jana & ors.

-Vs-

The State of West Bengal & Ors.

Mr. Kamal Mishra,
Mr. S.M. Ali,
.....for the petitioners.

Mr. Rezaul Hossain, for the State.

Mr. Md. Sarwar Jahan,
...for the respondent no. 4.

Affidavit of service filed on behalf of the petitioners
be kept with the record.

Mr. Kamal Mishra, learned counsel for the
petitioners, submits that the deficit Court fees has already
been paid.

The petitioners are the Sahayikas in different Sishu
Siksha Kendras (SSKs, in short), all of them opted to avail
the benefit of the Notification of the Government of West
Bengal, School Education Department, Elementary
Education Branch, bearing Memo No: 979-ES/EE/10M-
164/19 dated December 18, 2019 for being treated as
Para Teachers of Paschim Banga Rajya Shishu Shiksha
Mission. The relevant paragraph of the said Notification is
quoted below:

“2. The Sahayaks/Sahayikas and Mukhya
Sahayaks/Mukhya Sahayikas of SSKs,
Samprasaraks/Samprasarikas and Mukhya
Samprasaraks/Mukhya Samprasarikas of MSKs
who are within the age of 60 years on the date
01.04.2020 shall be required to give their option
in the format annexed herein, by 5 pm of
01/02/2020 to Mission Director of PBRSSM
through the District Nodal Officer, SSK/MSK of
the concerned district, for treating them at par
with the Para Teachers of Paschim Banga
Samagra Shiksha Mission under School
Education Department, Govt. of West Bengal

and engage them with similar terms and conditions as that of Para Teachers, to get similar benefits extended to the Para Teachers.”

The School Education Department failed to provide the benefit to the petitioners accrued to them on exercise of such option, the petitioners under such circumstances, are praying that they may be permitted to revert to their original status of Sahayikas and to continue their service as such, upto the age of 65 years.

Mr. Mishra, learned advocate for the petitioners, in aid of the relief as prayed for by the petitioners, places reliance on a decision of a Co-ordinate Bench of this Court in WPA 4524 of 2023 whereby identical prayer of similarly placed Sahayikas was allowed.

Learned counsel for the State and learned counsel for the respondent no. 4/the Mission Director, Paschim Banga Mission, Rajya Shishu Government Shiksha of West Bengal, does not raise any objection to such prayer of the petitioners.

The concerned respondents, therefore are directed to allow the petitioners to maintain their status as Sahayikas in their respective SSKs ignoring the options exercised by them under the aforementioned Notification and to allow them to continue in their such engagement upto the age of 65 years.

It is made clear that the petitioners will not be entitled to any of the benefits of Para Teachers.

WPA 22062 of 2023 is disposed of with the above terms, there shall however be no order as to costs.

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

(Biswajit Basu, J.)