

Ct. 03.01
No. 14 2023
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W.P.A. 28592 of 2022

**Sabita Nanda (Mishra) & Ors.
-Versus-
The State of West Bengal & Ors.**

Mr. Kamal Mishra

...For the Petitioners

Md. Sarwar Jahan

...For Respondent No. 4

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

In terms of agreements between the petitioners and the respective Shishu Shiksha Kendras the petitioners were engaged as Sahayikas / Sahayak and their age of retirement is 65 years. Since, 1st April 2020 all the Shishu Shiksha Kendras have been brought under the School Education Department, Government of West Bengal and thereby Sahayikas of the aforesaid Shishu Shiksha Kendras who were within 60 years of age prior to 1st April 2020 were permitted to get the status at par with the ‘para-teachers’ by extending the benefits available to the post of ‘para teachers’ if they exercised option by 1st February 2020 through the appropriate authority. The petitioners exercised their option in order to get the benefits as available to the ‘para-teachers’ accordingly. But since 1st April 2020 no benefit was extended to them which is admissible to the ‘para-teachers’ The ‘para-teachers’ are to retire at the age of 60 years.

The petitioners are going to retire within a short span of time. Under such circumstances, the petitioners seek directions so that they may maintain their status as ‘/ Sahayikas / Sahayak or revert back to the post of ‘/

Sahayikas / Sahayak from the status at par with ‘para-teachers’ and they be allowed to continue their service upto the age of 65 years.

Mr. Sarwar Jahan, learned Advocate appearing for the respondent No. 4, Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, fairly submits that a scheme which was to be promulgated to bring the Sahayikas / Sahayak at par with the para-teachers could not be promulgated as yet. Mr. Jahan suggests that since the petitioner No. 1, Sabita Nanda (Mishra) will retire soon, she may be permitted to withdraw the option exercised by her. However, liberty be given to the rest of the petitioners to ventilate their grievance if the situation arises in future.

Learned Advocate appearing for the petitioners accepts the submission / suggestion as advanced by Mr. Jahan.

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. 1 may be allowed.

Therefore, in view of the above, the petitioner No. 1 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. 1 shall not be allowed to claim any benefit as available to ‘para-teachers’ in future.

In so far as the prayer of the rest petitioners is concerned, liberty is reserved to agitate their grievance in accordance with law if the situation occurs in future.

With the aforesaid directions, the writ petition

stands disposed of.

Since, no affidavit-in-opposition has not 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.*)