

Court No. 22
18.12.2023
(Item No. 26)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 27466 of 2023

Swapan Kumar Barik & Ors.
VS
The State of West Bengal & Ors

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriti Saha
.... For the petitioners
Mr. Samim-ul-Bari
Mr. Rezaul Hossain
.... For respondent Nos. 1-4
Md. Sarwar Jahan
Mr. Kaustav Roy
.... For respondent Nos. 5 & 6

There are nineteen individual writ petitioners.

This order shall be effected upon payment of Court fees by each of the writ petitioners payable in accordance with law.

The petitioners were engaged as Samprasaraks/ Samprasarikas in different Madhyamik Siksha Kendras (MSKs) for a period of one year and in that regard agreements were executed with them. The engagement was renewed from time to time on contractual basis.

The petitioners, in terms of the notification dated May 2, 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. Shamim-ul-Bari, learned advocate with Rezaul Hossain, learned advocate appeared for the respondent nos.1 to 4.

Md. Sarwar Jahan, learned advocate appeared for the respondent Nos. 5 & 6.

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, this writ petition, **WPA 27466 of 2023**, stands ***disposed of***, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)