

10.04.2024
Item No. 22
Court No.18
(P. Jana)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 1975 of 2024

Parimal Kumar Samanta & ors.

-Vs-

The State of West Bengal & Ors.

Mr. Kamal Mishra,

.....for the petitioners.

Mr. Vijay Agarwal, for the State.

Mr. Md. Sarwar Jahan,

Ms. Tapati Sarkar, ...for the respondent no. 4.

Affidavit-of-service and Acknowledgement evidencing payment of deficit Court fees filed on behalf of the petitioners be kept with the record.

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 1975 of 2024 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.)