

22.03.2024
Item No. 29
Court No.13
ap

W.P.A. No. 6762 of 2024

Nandita Rani Giri Barik and others
-vs-
The State of West Bengal & Ors.

Mr. P.D. Mukherjee,
Mr. N. K. Ghosh,
Mr. Ayush Shaw,
Ms. Namrata Jha,
Ms. Israt Jahan.

.... For the petitioners.

Mr. Rejaul Hossain.

.... For the respondent nos.1 to 5.

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

2. There are thirty-three (33) individual writ petitioners. Learned counsel for the petitioners undertakes to pay the necessary court fees in respect of each of the writ petitioners in accordance with law.

3. Mr. Mukherjee, learned counsel appearing for the petitioners submits that a recent development has taken place in view of the judgment and order dated **December 7, 2023** passed by a Coordinate Bench ***In the matter of : Arup Kumar Mukherjee & Ors. -vs.- Union of India & Ors.***, rendered in **WPA 7766 of 2023**.

The relevant observation of the coordinate Bench is quoted below: “23. *The benefits of the aforesaid*

order shall be available only to those Samprasarak & Samprasarika and Sahayak & Sahayika, who have exercised the option to retire at the age of 60 and wish to continue with such option.”

4. Mr. P.D. Mukherjee, learned advocate appearing for the petitioners, on instruction from his clients submits that, all the writ petitioners herein wish to revert back their status as Samprasaraks/Sahayikas and not at par with para-teachers and they further wish to continue their employment till their age of 65 years. Subject to this undertaking given by the writ petitioners before this Court, this order is being passed.

5. The petitioners were engaged as **Sahayaks/ Sahayikas/Samprasarak in different Sishu Siksha Kendras (SSKs/MSKs)** for a period of one year and in that regard agreements were executed with them. The engagements were renewed from time to time on contractual basis.

6. 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.

7. 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.

8. Mr. Rejaul Hossain, learned counsel appears for the respondent nos. 1 to 5.

9. The learned Advocate 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.

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

11. 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.

12. With the above observation, this writ petition, **WPA 6762 of 2024**, stands **disposed of**, without any order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)