

WPA 8904 OF 2024

-----

Md. Saiger Ali  
Vs.  
The State of West Bengal & Ors.

Ms. Santi Das  
Mr. Rohan Dwaipayan Bhowmick.

...For the Petitioner

Mr. Gourav Das  
Mr. Pradyot Kr. Das.

...For the State

Mr. Sarwar Jahan  
Ms. Tapati Sarkar.

...For the Respondent  
No.4

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

The writ petitioner is working as a Samprasarak in Tarakpur MSK in subject History.

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.”*

Ms. Santi Das, learned advocate appearing for the petitioners, on instruction from his client submits that, the writ petitioner herein wishes to revert back his status as Samprasarak and not at par with para-teacher and he further wishes to continue his employment till his age of 65 years. Subject to this undertaking given by the writ petitioner before this Court, this order is being passed.

The petitioner was engaged as Samprasarak in Madhyamik Siksha Kendra (MSK) for a period of one year and in that regard agreement was executed with him. The engagement was renewed from time to time on contractual basis. The petitioner, 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.

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 8904 of 2024**, stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**