

Court No. 13

24.04.2024

(Item No. 28)

AP

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

WPA 9746 of 2024

Nadira Begum & Ors.

VS

The State of West Bengal & Ors.

Ms. Santi Das

Mr. Rohan Dwaipayan Bhowmick

.... For the petitioners

Mr. Arindam Chattopadhyay

Ms. Lipika Chatterjee

.... For the State

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

There are **five (5)** individual writ petitioners. Learned counsel for the petitioners submits that each of the writ petitioners has paid the necessary court fees in accordance with law. The receipt showing such payment handed over to this Court, is taken on record.

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 clients submits that, all the writ petitioners herein wish to revert back their status as Sahayak/Sahayika 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.

The petitioners were engaged as ***Sahayak/Sahayika in different Shishu Siksha Kendras (SSKs)*** 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.

The petitioners, in terms of the notification dated May 2, 2008 issued by the Department of Panchayats and Rural Development, Government 3 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.

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 9746 of 2024***, stands disposed of, without any order as to costs.

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

(Rajasekhar Mantha, J.)