

11.07.2024.
Court No.13
Item No. 10
ap

W.P.A. No. 13570 of 2024

**Monika Saha
Versus
The State of West Bengal & Ors.**

Mr. Bidhan Biswas.

...For the petitioner.

Md. Sarwar Jahan,
Ms. Tapati Sarkar.

..For the respondent no.3.

Mr. Sourav Chowdhury,
Ms. Bineeta Bhattacharjee.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The instant case is a fall out of a consequence arising out of the inaction on the part of the State to release Provident Fund and other terminal benefits to Sahayaks/Sahayikas but who opted to retire at the age of 60 to obtain such benefit at par with the Para-Teachers.
3. In several matters, one of which is the case of Arup Kumar Mukherjee & Ors. – Vs. – Union of India & Ors. being W.P.A. No. 7766 of 2023 by an order dated 7th December, 2023, this Court had to intervene to direct the State to release Provident Fund dues to Sahayaks/Sahayikas who retired at the age of 60.
4. The petitioner has approached this Court for a slightly different relief. She retired as a Sahayika at the age of 60 in January, 2024, with the expectation

that she would receive Provident Fund immediately. Six months have passed, PF has not been made available to her.

5. It, therefore, appears that the State has not kept up its obligation to provide Provident Fund promptly to those who opted to retire at the stage of 60 years like the petitioner. In such case, several Benches of this Court have permitted the persons like the petitioner to continue to work until the age of 65 in view of the failure on the part of the State to pay Provident Fund in time.

6. The said cases are recorded in the order dated 13th March, 2023 in the case of Hazra Khatun & Ors. – Vs. – The State of West Bengal & Ors being W.P.A. No. 8273 of 2022; the order dated 11th August, 2023 in W.P.A. No. 12242 of 2023 (Sibsankar Das & Anr. – Vs. – The State of West Bengal & Ors.) and order dated 27th September, 2023 in W.P.A. No. 12248 of 2023 (Shikha Biswas & Anr. – Vs. – The State of West Bengal & Ors.).

7. Counsel for the Shishu Shiksha Mission submits that she has no objection to the petitioner continuing to work as a Sahayika in the same Shishu Shiksha Kendra until the age of 65 years.

8. In those circumstances, this Court directs the respondent no.3, namely, the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission to treat

the petitioner in continuous service from January 2024 till date and let her continue as Sahayika in the respondent no.5 being Sompara Daspara Shishu Shiksha Kendra, Post Office – Somapara, Police Station – Shaktipur, District – Murshidabad until the age of 65 years. The petitioner shall, however, not receive salary or emoluments from January, 2024 till 15th July, 2024.

9. The Block Development Officer, Beldanga-II Block, Murshidabad shall permit the petitioner to join Sompara Daspara Shishu Shiksha Kendra on 15th July, 2024 and let her sign the attendance register of the SSK on the said date.

10. The petitioner shall communicate a copy of this order by electronic mail, fax and whatsapp to the respondent nos.3, 4 and 5.

11. This Court expects strict compliance of the aforesaid order by the respondent nos.3, 4 and 5.

12. With the aforesaid directions, the instant writ petition shall stand disposed of.

13. There will be no order as to costs.

14. 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.)

