

17.05.2024
(D/L 08)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 15541 of 2023

Sabita Bala Mandal & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Payel Shome,
Ms. Sampriti Saha,
Ms. Purba Mukherjee,
Mr. Avijit Kar,

... For the petitioners.

Mr. Rezaul Hossain,

... For the State.

Affidavit-of-service filed on behalf of the petitioner be kept
with the record.

In spite of service, the respondent nos. 5 & 6 are not
represented.

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. Samim, 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.

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 15541 of 2023 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.)