

01 29.07.2024  
rkd Ct.18

W.P.A. 16901 of 2024

**Mahesh Chandra Pal**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta,  
Mr. Saikat Sutradhar

....for the petitioner.

Mr. Shamim ul Bari,  
Mr. Nara Narayan Ganguli

....for the State.

Md. Sarwar Jahan,  
Ms. Mousumi Mitra

....for the respondent no.4.

Petitioner has come up with the present writ petition claiming to be treated as Samprasarak in Madhyamik Shiksha Kendra (for short "MSK") instead of para teacher.

It has been submitted by the learned advocate representing the petitioner that in terms of notification dated 18<sup>th</sup> December, 2019 issued by the School Education Department, Government of West Bengal he exercised option on 13<sup>th</sup> January, 2020 to function as para teacher not as Samprasarak. However, petitioner has subsequently found that the scheme which was formulated by the School Education Department, Government of West Bengal being beneficial to the para teachers has not been implemented as yet

which led the petitioner to approach this Court for being treated as Samprasarak on cancellation of the option form which was exercised on 13<sup>th</sup> January, 2020.

In support of such contention reliance has been placed on an order dated 16<sup>th</sup> March, 2023 passed by a coordinate Bench on a writ petition being WPA 4525 of 2023 (Bidhan Chandra Naskar & Ors. -vs- The State of West Bengal & Ors.).

Paschim Banga Rajya Shishu Shiksha Mission and the State respondents are represented by learned advocates.

It has been submitted by the respondent authorities that it was decided by the concerned authority in the Education Department to extend the benefit of provident fund in favour of the para teachers upon floating a scheme. According to the respondents that might be the reason for exercising option by the petitioner to be treated as para teacher not as Samprasarak.

However, it has been submitted on behalf of the Paschim Banga Rajya Shishu Shiksha Mission that till date the scheme has not been implemented. Therefore, it has further been submitted on behalf of the respondent authorities that they do not have objection if petitioner is

permitted to function as Samprasarak not as para teacher with a rider that in future he may not be permitted to be treated as para teacher.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of permitting the petitioner to function as Samprasarak in MSK till the end of his tenure and the respondent authorities are directed not to act upon the option exercised by the petitioner on 13<sup>th</sup> January, 2020.

However, it is made clear that petitioner shall not be permitted to claim the benefits of para teacher in future based on the option which was exercised on 13<sup>th</sup> January, 2020.

The order of the coordinate Bench dated 16<sup>th</sup> March, 2023 relied upon on behalf of the petitioner appears to support the case made out in the present writ petition.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

**(Saugata Bhattacharyya, J.)**