

17
07.08.2024
Ct.18
adeb

W.P.A. 18617 of 2024

Debasish Maity & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Bidhan Biswas
Mr. Tapas Chatterjee

....for the petitioners.

Dr. Sutanu Kumar Patra
Mr. Amartya Pal

...for the State

Md. Sarwar Jahan
Ms. Mousumi Mitra

...for the respondent no. 4

Petitioners have come up with the present writ petition claiming to be treated as Samprasaraks/Samprasarikas in Madhyamik Shiksha Kendras (for short “MSK”) instead of para teachers.

It has been submitted by the learned advocate representing the petitioners that in terms of notification dated 18th December, 2019 issued by the School Education Department, Government of West Bengal they exercised option to function as para teachers not as Samprasaraks. However, petitioners have 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 petitioners to approach this Court for being treated as Samprasarakas/ Samprasarikas on cancellation of the option forms which were submitted to avail of aforesaid scheme.

In support of such contention reliance has been placed on an order dated 16th 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 petitioners to be treated as para teachers not as Samprasarakas.

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 petitioners are permitted to function as Samprasaraks/ Samprasarikas not as para teachers with a rider that in future they may not be permitted to be treated as para teachers.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of permitting the petitioners to function as Samprasaraks/ Samprasarikas in MSKs till the end of this tenure and the respondent authorities are directed not to act upon the option exercised by the petitioners.

However, it is made clear that petitioners shall not be permitted to claim the benefits of para teachers in future based on the options which were exercised previously.

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

It needs to be recorded that in terms of the previous order dated 31st July, 2024 deficit Court fee has been deposited by the petitioners and in support of the same copies of the documents are produced before this Court and the same is taken

on record.

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.)