

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

Before:

The Hon'ble Mr. Justice Jay Sengupta

WPA 18612 of 2024

Jhunu Mondal & Ors.

Vs.

The State of West Bengal & Ors.

For the Petitioners : Mr. Bidhan Biswas,
Mr. Tapas Chatterjee

For the State : Mr. Bhaskar Prasad Vaisya,
Mr. Sagnik Chatterjee

For the Respondent No. 4 : Mr. Md. Sarwar Jahan,
Ms. Mousumi Patra,
Ms. Tapati Sarkar

Heard on: 12.08.2024

Judgement delivered on: 12.08.2024

Jay Sengupta, J: This is an application for reverting back to the post of Sahayak/Sahayika from the status at par with Para Teacher.

Affidavit-of-service filed on behalf of the petitioners is taken on record.

Copy of payment details of deficit court fees, as filed on behalf of the petitioners, is also taken on record.

The petitioners were Sahayaks and Sahayikas in the Shishu Shiksha Kendras (SSKs) under the scheme run by the State. They exercised option of being treated at par with Para Teachers to retire at the age of 60 years and avail of terminal benefits of

Rs.3,00,000/-. As they have not been provided with terminal benefits, they want to reverse their options and be treated as Sahayaks and Sahayikas in the SSKs. By reason thereof, the petitioners would retire at the age of 65 years.

In a decision of this Court passed in WPA 7766 of 2023, this Court had directed the Para Teachers to be granted the benefits of P. F.

As the petitioners wish to revert back as Sahayaks and Sahayikas in the SSKs, they shall, therefore, not be entitled to the P. F. facilities.

Reliance may be placed on the decision passed by a Co-ordinate Bench of this Court on 22.04.2024 in WPA 10664 of 2024.

Therefore, all benefits payable to the petitioners as Sahayaks and Sahayikas shall be paid to them and they shall be treated as Sahayaks and Sahayikas henceforth and continue to work until the age of 65 years. The earlier option to be treated at par with the Para Teachers given by the petitioners shall stand revoked and cancelled.

With the aforesaid directions, the writ petition is disposed of.

However, there shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J.)