

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 21458 of 2024

Runa Kandar & others.

Versus

The State of West Bengal & Ors.

For the petitioners

Mr. Bidhan Biswas
Mr. Tapas Chatterjee

For the State

Mr. Rezaul Hossain

For the respondent no.4

Mr. Md. Sarwar Jahan
Ms. Mousumi Mitra
Ms. Tapati Sarkar

Heard on : 05.11.2024

Judgment on : 05.11.2024

JAY SENGUPTA, J:

The petitioners have come up with the present writ petition claiming to be treated as Sahayak/Sahayika in Shishu Shiksha Kendra instead of Para Teacher.

At this stage, learned counsel appearing on behalf of the petitioners submits that the following petitioners do not think that they should be treated as Sahayak/Sahayika instead of Para Teacher and they want to continue as Para Teacher. As such, they would not like to press this application.

The names of such petitioners as under:

Serial No.	Name of the petitioners
09.	Sunita Basuri (Paira)
13.	Babli Adhikari Bairagi
15.	Ganga Rani Das
17.	Mithu Mandal Gnora
18.	Supriya Mandal Ghorai
19.	Madhumita Ghorai Patra
20.	Nuresha Khatun
21.	Bharati Mandal (Maji)
22.	Arpita Bera (Chowdhury)
24.	Tapati Midya
26.	Dilsadia Khatun
27.	Nilima Ghorai (Manna)
28.	Barnali Ghorai Mondal
29.	Supriya Duari Patra
30.	Lipika Mandal Kuar
40.	Rina Das
55.	Jayashree Giri
56.	Banasri Jana
63.	Hemanta Kumar Jana
64.	Sujata Bera

65.	Abha Jana
66.	Durgamani Patra Giri
68.	Sabana Ullah Bibi
69.	Mamata Haque
70.	Maya Manna Hazra
71.	Mina Roy Mondal
80.	Pramila Roy Majumdar
82.	Gitanjali Jana Maity
83.	Mahuya Begum Laskar
84.	Shiuli Mondal
85.	Shajida Khatun Sarkar
87.	Sikha Sardar
88.	Rehena Sheikh Khan
89.	Bithika Mandal
90.	Sagarika Mondal
91.	Rekha Barman Hait
92.	Kakuli Pariya Bera
93.	Habiba Khatun Molla
94.	Suchitra Chatui
95.	Maskura Khatun Sekh
96.	Sabina Saikh Molla
98.	Amita Mandal
100.	Namita Bairagi
101.	Puspa Kayal
102.	Kabita Patowari (Naskar)
103.	Sakila Pailan
105.	Kaberi Bhandari
106.	Munni Mishra

107.	Rathi Rui Das
108.	Sobha Biswas
115.	Lazima Khatun Bibi
119.	Bandana Murmu (Hansda)
120.	Sumitra Sau Patra
124.	Sanghamitra Pal (Nandi)
128.	Pushpa Maity (Das)

The petitioners were initially serving as Sahayak/Sahayika in Shishu Shiksha Kendra. They exercised option to avail the benefit given in favour of para teachers.

The benefit of para teacher to be given to the Sahayak/Sahayika was, on publication of the notification, found to be not beneficial. Some of the petitioners, accordingly, intend to be reverted back to the status of Sahayak/Sahayika and they intend to remain in service till 65 years of age.

Various writ petitions on similar facts were considered by the Court and the Court by judgment dated 27th September, 2024 in WPA 24808 of 2024 (Antara Pandit & Ors –Vs- The State of West Bengal & Ors.) directed the concerned State authorities including PBRSSM authorities to treat the petitioners as Sahayak/Sahayika and the option submitted by them to be treated as para teacher has been directed to be treated as cancelled.

As the facts of the case are similar to the case of Antara Pandit & Ors (supra), accordingly, in line with the above judgment, the instant writ petition is disposed of by directing the Mission Director to treat the petitioners in question as Sahayak/Sahayika and permit them to remain in service till 65 years of age.

No benefit in respect of para teacher will be allowed in their favour.

The order passed hereinabove will not be applicable in respect of the following petitioners and the writ petition shall be deemed to be dismissed as not pressed in respect of them:

Serial No.	Name of the petitioners
09.	Sunita Basuri (Paira)
13.	Babli Adhikari Bairagi
15.	Ganga Rani Das
17.	Mithu Mandal Gnora
18.	Supriya Mandal Ghorai
19.	Madhumita Ghorai Patra
20.	Nuresha Khatun
21.	Bharati Mandal (Maji)
22.	Arpita Bera (Chowdhury)
24.	Tapati Midya
26.	Dilsadia Khatun
27.	Nilima Ghorai (Manna)
28.	Barnali Ghorai Mondal

29.	Supriya Duari Patra
30.	Lipika Mandal Kuar
40.	Rina Das
55.	Jayashree Giri
56.	Banasri Jana
63.	Hemanta Kumar Jana
64.	Sujata Bera
65.	Abha Jana
66.	Durgamani Patra Giri
68.	Sabana Ullah Bibi
69.	Mamata Haque
70.	Maya Manna Hazra
71.	Mina Roy Mondal
80.	Pramila Roy Majumdar
82.	Gitanjali Jana Maity
83.	Mahuya Begum Laskar
84.	Shiuli Mondal
85.	Shajida Khatun Sarkar
87.	Sikha Sardar
88.	Rehena Sheikh Khan
89.	Bithika Mandal
90.	Sagarika Mondal
91.	Rekha Barman Hait
92.	Kakuli Pariya Bera
93.	Habiba Khatun Molla
94.	Suchitra Chatui
95.	Maskura Khatun Sekh
96.	Sabina Saikh Molla

98.	Amita Mandal
100.	Namita Bairagi
101.	Puspa Kayal
102.	Kabita Patowari (Naskar)
103.	Sakila Pailan
105.	Kaberi Bhandari
106.	Munni Mishra
107.	Rathi Rui Das
108.	Sobha Biswas
115.	Lazima Khatun Bibi
119.	Bandana Murmu (Hansda)
120.	Sumitra Sau Patra
124.	Sanghamitra Pal (Nandi)
128.	Pushpa Maity (Das)

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J)