

29-07-2024
Item No.10
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.20918 of 2023
Asraful Amin & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Saikat Sutradhar
Mr. Sagar Dey
Ms. Saptarni Raha ...for the petitioners

Mr. Biswabrata Basu Mallick, AGP
Mr. Ratul Biswas ...for the State

Mr. Saikat Banerjee
Mr. Kaushik Chowdhury ...for the Board

All the three petitioners are serving as para-teachers for the last seventeen years. They claim regularization for the post of teacher of primary schools.

The petitioners, relying on a judgement delivered by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka & Ors. v. Umadevi & Ors.** reported in **AIR 2006 SC 1806** submit that as a one-time measure, the appointment of the petitioners ought to be regularized.

Learned advocate representing the State opposes the prayer of the petitioners and submits that there is no scheme framed by the Government for regularization of the para-teachers.

The instructions forwarded by the Joint Secretary to the Government of West Bengal signed on March 28, 2024 has been relied upon. A comparative chart with respect to the service of the para-teachers and the

teachers of primary schools has also been furnished.

I have heard the respective submissions made on behalf of both the parties.

Admittedly, no scheme has been framed by the State Government for regularization of para-teachers as teachers of primary schools. In fact, there is no scope for formulation of a scheme or a policy in this case.

Para-teachers and teachers of primary schools are completely two different set of employees. Service conditions of the para-teachers are distinctly different from that of the primary school teachers. Their mode of appointment, selection, terminal benefits are absolutely separate. The two cannot be equated under any circumstances.

Only because of the reason that the petitioners are in service for a considerable period of time does not necessarily call for regularization of their service in a different post.

The ratio laid down in the matter of **Umadevi & Ors.** (supra) cannot be made applicable to the facts and circumstances of the instant case. The scope and premise of engagement of two sets of teachers being different, there is no scope for regularization of the service of the petitioners. The service rendered by the para-teachers cannot be said to be at par with the service rendered by the teachers of primary schools.

The writ petition fails and is hereby dismissed.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]