

October 30, 2024
Sl. No.91
Court No.7
Vacation Bench
s.biswas

WPA 26529 of 2024

Anita Paria Dey

vs.

The State of West Bengal and others

Mr. Bidhan Biswas

Ms. Diya Dutta

... for the petitioner

Ms. Sabnam De Bardhan

Ms. Rupsha Chakraborty

Mr. Milan Kr. Maity

Mr. Aniruddha Sen

... for the State

Mr. Md. Sarwar Jahan

... for the respondent nos. 3

1. Affidavit of service filed today be kept with the records.
2. The petitioner was initially serving as Sahayika in Shishu Shiksha Kendra. She exercised option to avail the benefit given in favour of para teachers.
3. Learned advocate for the petitioner has submitted that unless an order be passed by this court, the petitioner would be made to retire tomorrow (31.10.2024), on superannuation, at 60 years of her age.
4. The benefit of para teacher to be given to the Sahayak/Sahayika was, on publication of the notification, found to be not beneficial. The petitioner, accordingly, intends to be reverted back to the status of Sahayika and she intends to remain in service till 65 years of age.

5. 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 petitioner as Sahayak/Sahayika and the option submitted by them to be treated as para teacher has been directed to be treated as cancelled.
6. 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 petitioner as Sahayika and permit them to remain in service till 65 years of age.
7. No benefit in respect of para teacher will be allowed in their favour.
8. The writ petition stands disposed of.
9. Urgent certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Rai Chattopadhyay, J.)