

10.12.2024
Item No. 2, DL,
Court No.19
AJ.

W.P.A. 26775 of 2024

Sonali Jana Das

-Vs-

The State of West Bengal & Ors.

Mr. P.D. Mukherjee,
Ms. Ankita Das,
Mr. Ayush Shaw,
Ms. Bristi Chahdra.

.....for the petitioner.

Mr. Bhaskar Prasad Vaisya, Ld. A.G.P.,
Mr. Pinaki Bhattacharya.

...for the State.

Md. Sarwar Jahan,
Ms. Tapati Sarkar.

....for the respondent no.4.

Affidavit of service filed on behalf of the
petitioners be kept with the record.

The petitioner is the Sahayika of a Sishu
Siksha Kendra (SSK, in short), she opted to avail
the benefit of the Notification of the Government
of West Bengal, School Education Department,
Elementary Education Branch, bearing Memo
No: 979-ES/EE/10M-164/19 dated December
18, 2019 for being treated as Para Teacher of
Paschim Banga Rajya Shishu Shiksha Mission.
The relevant paragraph of the said Notification is
quoted below:

“2. The Sahayaks/Sahayikas and
Mukhya Sahayaks/Mukhya Sahayikas
of SSKs, Samprasaraks/Samprasarikas
and Mukhya Samprasaraks/Mukhya
Samprasarikas of MSKs who are within
the age of 60 years on the date
01.04.2020 shall be required to give

their option in the format annexed herein, by 5 pm of 01/02/2020 to Mission Director of PBRSSM through the District Nodal Officer, SSK/MSK of the concerned district, for treating them at par with the Para Teachers of Paschim Banga Samagra Shiksha Mission under School Education Department, Govt. of West Bengal and engage them with similar terms and conditions as that of Para Teachers, to get similar benefits extended to the Para Teachers.”

The School Education Department failed to provide the benefit to the petitioner accrued to her on exercise of such option, the petitioner under such circumstances, is praying that she may be permitted to revert to her original status of Sahayika and to continue her service as such, upto the age of 65 years.

Learned advocate for the petitioner, in aid of the relief as prayed for by the petitioner, places reliance on a decision of a Co-ordinate Bench of this Court in WPA 4524 of 2023 whereby identical prayer of similarly placed Sahayikas was allowed.

Mr. Jahan, learned Advocate for the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, Government of West Bengal, the respondent no. 4 herein, does not raise any objection to such prayer of the petitioner.

The concerned respondent, therefore, is directed to allow the petitioner to maintain her status as Sahayika in the respective SSKs ignoring the options exercised by her under the aforementioned Notification and to allow her to continue in her such engagement up to the age of 65 years.

It is made clear that the petitioner will not be entitled to any of the benefits of Para Teachers.

WPA 26775 of 2024 is disposed of with the above terms, there shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)