

Court No. 2
02.4.2024
(Item No. 9)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 630 of 2024

Jamini Kanta Roy & Ors.
VS
The State of West Bengal & Ors.

Mr. Sudip Guha
Mr. Sandip Guha Roy
..... for the petitioners
Mr. Hirak Barman
Mr. A. Banerjee
.... For the State

Affidavit of service filed in Court today is taken on record.

Mr. Sandip Guha Roy, learned advocate led by Mr. Sudip Guha, learned advocate appears for the petitioners.

Mr. Hirak Barman, learned advocate appears for the respondents.

There are **17 (seventeen)** numbers of individual petitioners. Learned advocate for the petitioners has confirmed that, respective Court fees have duly been paid.

The petitioners are willing to work as **Samprasaraks** till the age of 65 years by withdrawing their options already exercised for working as **Para Teachers**.

Learned counsel for the petitioners drew attention of this Court to the representations of the petitioners, **Annexure P-7** at **pages 66 to 82** to the

writ petition submitted before the respondent No. 3 and submits that, the same have not yet received the attention of the State authority.

Mr. Barman, learned State counsel submits that, how many of the petitioners had really opted to work as Para-Teachers out of these petitioners are not known to him right now and he needs to take instructions in this regard. It also not known to the learned State counsel right now that whether the petitioners or how many of them have already received the benefits as Para-Teachers and then seek to withdraw their options.

After considering the rival contentions of the parties and upon perusal of the materials on record to sub-serve justice, the respondent No. 4 is directed to consider the said representations submitted by the petitioners available at **pages 66 to 82** to the writ petition and then shall pass a reasoned order on the issue. The respondent No. 4 shall issue a prior hearing notice of at least **seven days** upon all the petitioners and then after granting them an opportunity of hearing shall pass the reasoned order.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 4 positively within a period of **six weeks** from the date of communication of this order and then the reasoned order shall be communicated to all the petitioners

within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners in any manner and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records before the respondent No. 4.

In the event, the reasoned order goes in favour of the petitioners, the appropriate authority shall give an immediate effect thereto and positively within a period of **two weeks** from the date of communication of the said reasoned order to such appropriate authority.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is further made clear that, this order shall not create any right or equity in favour of the petitioners, if the petitioners are not eligible to receive their claim in terms of their respective representations strictly in accordance with law.

On the above terms, this writ petition being **WPA 630 of 2024** stands disposed of without any order as to costs.

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

(Aniruddha Roy, J.)