

M/L 17
04.08.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 1624 of 2025

Nefajuddin Mondal

Vs.

The State of West Bengal & Ors.

Mr. Bidhan Biswas

...for the Petitioner.

Mr. Susanta Pal
Ms. Ananya Neogi

...for the State.

Ms. Tapati Sarkar

...for the Respondent No.2.

The petitioner was engaged as Sahayak in Kupila Ghatpara Sishu Sikha Kendra.

The Government of West Bengal, by a notification bearing No. 979-ES/EE/10M-164/19 dated December 18, 2019, had transferred the administrative control of the Sishu Sikha Kendra(SSK) from Panchayat and Rural Development Department to the School Education Department and had invited option from the Sahayaks/ Sahayikas of SSKs for treating them as para teachers of Paschimbanga Samagra Sikha Mission.

The petitioner had exercised the said option but the Government of West Bengal, in terms of the said notification, had failed to extend the benefit of para teachers to the Sahayaks/ Sahayikas.

The petitioner in the meantime has crossed the age of 60 years i.e. the age of superannuation of a para-teacher.

The petitioner is now praying that he may be allowed to revert to the post of Sahayak so that he can continue his service as such till the age of 65 years.

In view of the judgment of the Co-ordinate Bench in W.P.A No. 8271 of 2022 (***MD. SULTAN SAIKH & ORS vs. THE STATE OF WEST BENGAL & ORS.***), the issue whether the petitioner can be reverted to his original post of Sahayak is no longer *res integra*.

The petitioner, therefore, is permitted to continue as Sahayak in the said Sishu Sikha Kendra till he attains the age

of 65 years, it is however made clear that the petitioner would not be entitled to claim any financial or other benefit of a Para-Teacher.

The concerned B.D.O. shall pass necessary direction for re-joining of the petitioner within seven days from the date of communication of this order.

The petitioner, after retirement, since has not rendered any service to the said Sishu Sikha Kendra, he is not entitled to any remuneration for the said period but such absence shall not be construed as discontinuation of his service as Sahayak.

WPA 1624 of 2025 is thus disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)