

28.02.2025
Item No.20,DL
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 4396 of 2025

Sabita Rani Maity

-Vs-

The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta,
Mr. Subham Dutta.
.....for the petitioner.

Mr. Arindam Chattopadhyay,
Mrs. Lipika Chatterjee.
.....for the State.

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

The petitioner was a Sahayika in
Kamdebnagar Vidyasagar Sishu Siksha Kendra, her
employment contract was ended on March 31, 2024.

The School Education Department,
Government of West Bengal by a Notification bearing
No. 952-SED-11099/335/2023-SECND dated July
04, 2024 has enhanced one time terminal benefit to
Sahayika and other similarly placed contractual
employees from Rs.2.00 Lakh/3.00 Lakh to 5.00
Lakh with effect from April 01, 2024.

The petitioner is challenging the said
memorandum on the ground that fixing the cut-off
date for implementation of the said memorandum on
and from April 01, 2024 is arbitrary.

Mr. Dutta, learned Advocate for the petitioner
relying on a decision of the *Hon'ble Supreme Court* in
the case of *Raj Kumar Singh & Ors. -Vs- The Union*

of India & Ors. Reported in (2024)8 SCR 516 contends that the fixing of such cut-off date arbitrarily makes the said memorandum liable to be quashed.

Heard Mr. Dutta, perused the materials-on-record.

The memorandum dated July 04, 2024 is given effect to on and from April 01, 2024 with a view to implement it from the financial year 2024-2025.

This being the policy decision, the Government is not amenable to challenge under Article 226 of the Constitution of India. The decision cited by Mr. Dutta is distinguishable in the facts and circumstances of the present case, besides the Hon'ble Supreme Court at paragraph 34 of the said decision has held that a direction shall not be a precedent.

That being the position, this Court does not inclined to entertain the prayer of the petitioner to quash and set aside the said memorandum dated July 04, 2024.

WPA 4396 of 2025 is dismissed 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.)