

S/L 6
27.02.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4452 of 2025

Prativa Maity (Mukherjee)

Vs.

The State of West Bengal & Ors.

Mr. Debraj Shil

...for the Petitioner.

Mr. Milan Kumar Maity

...for the State.

Md. Sarwar Jahan

Ms. Tapati Sarkar

...for the Respondent No.4.

Affidavit of service filed on behalf of the petitioner in Court today 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, Samprasarakas/Samprasarikas and Mukhya Samprasarakas/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 4452 of 2025 is disposed of with the above terms, there shall however be no order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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.)