

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 5150 of 2025

Nilima Das Chakladar and others
versus
The State of West Bengal and another

For the petitioner Mr. Bidhan Biswas

For the State Mr. Rajat Dutta
 Mr. Samrat Paul

For the Mission Director Mr. Sarwar Jahan
 Ms. Mousumi Mitra

Heard on 17.03.2025

Judgment on 17.03.2025

JAY SENGUPTA, J:

The petitioners have come up with the present writ petition claiming to be treated as Sahayak/Sahayikas in Sishu Shiksha Kendra instead of para teachers.

Affidavit of service filed on behalf of the petitioners is taken on record.

It has been submitted by the learned counsel representing the petitioners that in terms of notification dated 18th December, 2019 passed by the School Education Department, Government of West Bengal they exercised option to function as para teachers not as Sahayak/Sahayikas. However, the petitioners have subsequently found that for a considerable period of time scheme was not introduced and ultimately vide memorandum dated 29th August, 2024 issued by the Additional Secretary to the Government of West Bengal, Department of School Education benefit of EPF Scheme is only extended from 1st April, 2024 in the event Sahayak/Sahayikas of Sishu Shiksha Kendras opted for engagement upto the age of 60 years. It is submitted by the learned counsel representing the petitioners that such scheme which has been introduced vide memorandum dated 29th August, 2024 is found to be not beneficial to them since same has been introduced with effect from 1st April, 2024 and petitioners want to be treated as Sahayak/Sahayikas without giving effect to the options which they have exercised. Learned counsel for the petitioners further contends that they had filled up the Data Capture Format (DCF) Form in respect of the notification dated 04.09.2024.

The Paschim Banga Rajya Sishu Shiksha Mission (for short, PBRSSM) is represented. Learned counsel submits that certain orders had been passed earlier in this regard in other matters.

Having considered the respective submissions made on behalf of the parties, this Court finds that there is memorandum dated 29th August, 2024 issued by the Additional Secretary to the Government of West Bengal deciding to extend benefit of EPF to Sahayak/Sahayikas with effect from 1st April, 2024 which appears to be not beneficial to the petitioners as a result whereof they are praying before this Court for a direction to be treated as Sahayak/Sahayikas not as para teachers by not giving effect to the options as well as Data Capture Format (DCF) which they have exercised. In view of memorandum dated 29th August, 2024 whereby State authority has decided to extend the benefit of EPF to the petitioners with effect from 1st April, 2024 which is found not to be beneficial so far these petitioners are concerned since with the benefit of EPF at the fag end of their service tenure they have to retired at the age of 60 years instead of 65 years. If the petitioners are treated as Sahayak/Sahayikas they can function upto the age of 65 years which according to them is more beneficial than to function as para teachers till the age of 60 years accepting the condition as stipulated in the memorandum dated 29th August, 2024.

Since in the writ petitions which have been decided prior to issuance of memorandum dated 29th August, 2024 permitting those petitioners to be treated as Sahayak/Sahayikas without giving credence to the options which they exercised this Court finds no impediment in extending same benefit to the present petitioners. Mere issuance of memorandum dated 29th August, 2024 should not act as fetter so far present petitioners are concerned to be treated as Sahayak/Sahayikas without giving credence to the options as well as Data Capture Format (DCF) Form which they have exercised.

In view of aforesaid discussions the writ petition stands allowed directing the concerned State authorities including PBRSSM authority to treat the petitioners as Sahayak/Sahayikas and the options as well as Data Capture Format (DCF) Form which they have exercised shall be treated as cancelled.

It is also clarified that in future they cannot claim the benefits as para teachers.

Learned counsel representing the petitioners submits that the deficit Court fees has been put in and in support of the same document is produced before this court and the same is taken on record.

Accordingly, the writ petition stands disposed of.

However, there shall be no order as to costs.

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

(Jay Sengupta, J.)

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