

16.05.2025.

PB

Sl. No.47.

Ct. No.25.

WPA 7289 of 2025

Rina Mandal & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,

Mr. P. C. Ghosh,

Mr. P. K. Neogi,

Mr. Arindam Saha,

Mr. Achintya Kr. Biswas.

... For the Petitioners.

Mr. Sarwar Jahan,

Ms. Mousumi Mitra,

Ms. Tapati Sarkar.

... For the respondent no.2.

Mr. Amitabh Choudhary,

Ms. Natisa Begum.

.... For the respondent.

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

Petitioners have come up with the present writ petition claiming to be treated as Samprasaraks/Samprasarikas in Madhyamik Shiksha Kendra (for short, "MSK"), instead of para teachers.

It has been submitted by the learned advocate representing the petitioners that, in terms of the notification dated 18th December, 2019 passed by the School Education Department, Government of West Bengal, the petitioners exercised option to function as para teachers and not as Samprasaraks/Samprasarikas.

The petitioners have subsequently found that for a considerable period of time, the 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 extended only from 1st April, 2024, in the event 2 Samprasarak/ Samprasarika of Madhyamik Shiksha Kendras opted for engagement upto the age of 60 years. In addition thereto, petitioners have also filled up Data Capture Form (DCF) in terms of notification dated 4th September, 2024 for getting benefit of EPF.

It is submitted by the learned advocate representing the petitioners that such scheme which has been introduced vide memorandum dated 29th August, 2024 is subsequently found to be not beneficial to the petitioners since the same has been introduced with effect from 1st April, 2024 and petitioners want to be treated as Samprasarak/Samprasarikas of MSK without giving effect to the option and DCF, which petitioners have exercised and filled in. In support of such contention, reliance is placed on an order dated 6th February, 2025 passed by the Hon'ble Co-ordinate Bench in a writ petition being **WPA 30483 of 2024 (Chaina Sarkar Ghosh & Ors. Vs. The State of West Bengal & Ors.)**. It is also submitted that the order dated 6th

February, 2025 passed by the Coordinate Bench has been given effect to.

The respondent/Paschim Banga Rajya Sishu Shiksha Mission (in short, “PBRSSM”) is represented by Mr. Jahan, learned advocate.

It has been submitted on behalf of PBRSSM that the situation which was prevailing prior to issuance of memorandum dated 29th August, 2024 is altered after 29th August, 2024. Therefore, at present petitioners have no other choice but to come under the said memorandum dated 29th August, 2024 based on option they have exercised and in terms in which DCF have been filled up by them. In the same breath it has also been submitted on behalf of PBRSSM that since the benefit of EPF is extended to the Samprasaraks/Samprasarikas with effect from 1st April, 2024 it may not be beneficial to Samprasaraks/Samprasarikas.

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 enumerating to extend benefit of EPF to Samprasaraks/Samprasarikas of MSKs with effect from 1st April, 2024, which appears to be not beneficial to the petitioners as a result whereof the petitioners are praying before this Court for a direction to be treated as Samprasaraks/Samprasarikas and not as para teachers by not giving effect to the option

and DCF which petitioners have exercised and filled in. Similar benefit has been extended by a Coordinate Bench by passing order dated 6th February, 2025 in a writ petition being **WPA 30483 of 2024 in the case of Chaina Sarkar Ghosh** (Supra) since as per norms unless EPF benefit is not availed for a period of ten years or more a para teacher/ Samprasarak is not entitled to get pensionary benefits.

Therefore, this Count finds it apt to grant identical relief to the petitioners, thereby treating all the petitioners as Samprasarak/ Samprasarika by not giving credence to the option exercised by the petitioners and filled in DCF. Mere issuance of memorandum dated 29th August, 2024 and subsequent steps taken by the petitioner in submitting DCF should not act as fetter so far as present petitioners are concerned, to be treated as Samprasaraks/ Samprasarikas without giving credence to the option and filled in DCF which was submitted by the petitioner.

In view of aforesaid discussions the writ petition stands allowed directing the concerned State authorities, including PBRSSM authority, to treat the petitioners as Samprasaraks/Samprasarikas and the option as well as filled in DCF which petitioners have exercised and submitted shall be treated as cancelled.

It is also clarified that in future the petitioners cannot claim the benefit as para teachers.

Accordingly, the writ petition stands disposed of.
There shall be no order as to costs.

Urgent photostat certified copy of the order, if
applied for, be given to the parties, upon usual
undertakings.

(Rai Chattopadhyay, J.)