

J2.

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction**

APPELLATE SIDE

WPA 12811 of 2025

Dasharath Sarkar

Vs.

The State of West Bengal & Ors.

Present : **The Hon'ble Justice Saugata Bhattacharyya**

For the Petitioner : Mr. Prabir Majumder,
Mr. Snehansu Majumder,
Mr. Debraj Shil,
Ms. Anindita Kundu

For the State : Mr. Sougata Mitra,
Mr. Nikhil Kumar Gupta

For Mission Director : Mr. Md. Sarwar Jahan,
Ms. Mousumi Mitra,
Ms. Tapati Sarkar

Heard on : **02-07-2025 & 16-07-2025.**

Judgment on : **16-07-2025.**

Saugata Bhattacharyya, J:

1. Petitioner has come up with the present writ petition claiming to be treated as Samprasarak/Samprasatika in Madhyamik Shiksha Kendra (for short, "MSK") instead of para teacher.

2. It has been submitted by the learned advocate representing the petitioner that in terms of notification dated 18th December, 2019 passed by the School Education Department, Government of West Bengal petitioner exercised

option to function as para teacher not as Samprasarak/Samprasarika. However, petitioner has 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 Samprasarak/ Samprasarika of Madhyamik Shiksha Kendras opted for engagement upto the age of 60 years. In addition thereto, petitioner has also filled up Data Capture Format (DCF) in terms of notification dated 4th September, 2024 for getting benefit of EPF. It is submitted by the learned advocate representing the petitioner that such scheme which has been introduced vide memorandum dated 29th August, 2024 is subsequently found to be not beneficial to the petitioner since same has been introduced with effect from 1st April, 2024 and petitioner wants to be treated as Samprasarak/Samprasarika of MSK without giving effect to the option and DCF which petitioner has exercised and filled in. In support of such contention, reliance is placed on an order dated 6th February, 2025 passed by a coordinate Bench on 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.

3. Paschim Banga Rajya Sishu Shiksha Mission (for short, "PBRSSM") and State respondents are represented by learned advocates.

4. It has been submitted specifically 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 petitioner has no other choice but to come under the said memorandum dated 29th August, 2024 based on option petitioner has exercised and filled in DCF. 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 Samprasarak/Samprasarikas.

5. 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 Samprasarak/Samprasarikas of MSKs with effect from 1st April, 2024 which appears to be not beneficial to the petitioner as a result whereof petitioner is praying before this Court for a direction to be treated as Samprasarak/Samprasarika not as para teacher by not giving effect to the option and DCF which petitioner has exercised and filled in. Similar benefit has been extended by a Coordinate Bench by passing order dated 6th February, 2025 on 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.

6. Therefore, this Court finds it apt to grant identical relief to the petitioner thereby treat the petitioner as Samprasarak/ Samprasarika by not giving credence to the option exercised by the petitioner 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 petitioner is concerned to be treated as Samprasarak/ Samprasarika without giving credence to the option and filled in DCF which was submitted by the petitioner.

7. In view of aforesaid discussions the writ petition stands allowed directing the concerned State authorities including PBRSSM authority to treat the petitioner as Samprasarak/Samprasarika and the option as well as filled in DCF which petitioner has exercised and submitted shall be treated as cancelled.

8. It is also clarified that in future petitioner cannot claim the benefits as para teacher.
9. Accordingly, the writ petition stands disposed of.
10. There shall be no order as to costs.
11. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Saugata Bhattacharyya, J.)

Item no.8.
Court no.18.
debajyoti