

23.06.2025
Item No.11, DL
Court No.17
AJ.

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

W.P.A. 13251 of 2025

Niyati Mukherjee (Majumdar)

-Vs-

The State of West Bengal & Ors.

Ms. Papiya Chattopadhyay.
.....for the petitioner.

Mr. Amitabrata Roy,
Mr. Alok Banerjee.
....for the State.

Mr. Md. Sarwar Jahan,
Ms. Mousumi Mitra.
...for the respondent no.4.

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

The petitioner is the Sahayika in concerned
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, Samprasaraks/Samprasarikas
and Mukhya Samprasaraks/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.”

Ms. Chattopadhyay, learned advocate for the petitioner submits that though her client had opted for the benefit provided under the Memorandum bearing No. 306-SED-18028(99)/2/2021-PBSEC-Dept. of SE dated August 29, 2024 but ultimately she realized that by exercising the said option she would not get the benefit of pension, as such, she is now praying that she may be reverted to her original status of Sahayak/Sahayika.

Mr. Jahan, learned Advocate for the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, Government of West Bengal, the respondent no. 4 herein submits that his client has no objection to the said prayer of the petitioner.

The concerned respondent, therefore, is directed to allow the petitioner to maintain her

status as Sahayika in her respective SSK ignoring the option exercised by her under the aforementioned Notification and to allow her to continue in 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 13251 of 2025 is disposed of with the above terms, there shall however be no order as to costs.

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.)