

04.07.2025
(D/L 12)
Ct.-17
(Susanta/
Samar)

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

APPELLATE SIDE

W.P.A. 14506 of 2025

Rita Sarkar & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Bidhan Biswas,
Mr. Palash Bapari,

...For the Petitioners.

Mr. J. Datta,
Mr. B. Ghosh,

.... For the State.

Mr. Sarwar Jahan,
Ms. Mousumi Mitra,
Ms. Tapati Sarkar,

.... For the Respondent no. 2.

Copy of the acknowledgement of challan evidencing payment of deficit court fees along with affidavit of service is filed on behalf of the petitioners, let it be kept with the record.

The petitioners are the Sahayikas in different Sishu Siksha Kendras (SSKs, in short), all of them 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 Teachers 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.”

Mr. Biswas, learned advocate for the petitioners submits that though his clients 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 they have realized that by exercising the said option they would not get the benefit of pension, as such, they are now praying that they may be reverted to their original status of Sahayaks/Sahayikas.

Mr. Jahan, learned advocate for the Pachim Banga Rajya Shishu Shiksha Mission, the respondent no. 2 herein, submits that his client has no objection to the said prayer of the petitioner.

The concerned respondents, therefore, are directed to allow the petitioners to maintain their status as Sahayikas in their respective SSKs ignoring the option exercised by them under the aforementioned Notification and to allow them to continue in their such engagement upto the age of 65 years.

It is made clear that the petitioners will not be entitled to any of the benefits of Para Teachers.

WPA 14506 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.)