

15 22.09.2025
SM Court No.759

WPA 22394 of 2025

Anup Kumar Maity & Ors.

Vs.

**The Mission Director, Paschim Banga Rajya Shishu
Shiksha Mission, Government of West Bengal**

Mr. Bidhan Biswas

... for the petitioner

Mr. Md. Sarwar Jahan

Ms. Mousumi Mitra

Ms. Tapati Sarkar

... for the Mission Director

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
Samprasarak/Samprasatika in Madhyamik Shiksha
Kendra (for short, "MSK") instead of para teacher.

It has been submitted by the learned advocate
representing the petitioners that in terms of notification
dated 18th December, 2019 passed by the School
Education Department, Government of West Bengal the
petitioners exercised option to function as para teacher
not as Samprasarak/Samprasatika. 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 Samprasarak/Samprasatika of Madhyamik Shiksha Kendras opted for engagement upto the age of 60 years. In addition thereto, the petitioners have 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 petitioners since same has been introduced with effect from 1st April, 2024 and the petitioners want to be treated as Samprasarak/Samprasatika of MSK without giving effect to the option and DCF which the petitioners have 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.

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

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 the petitioners have no other choice but to come under the said memorandum dated 29th August, 2024 based on option the petitioners have 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 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 deciding to extend benefit of EPF to Samprasaraks/Samprasarikas of MSKs with effect from 1st April, 2024 which appears to be not beneficial to the petitioner as a result whereof the petitioners are 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 the petitioners have 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.

Therefore, this Count finds it apt to grant identical relief to the petitioners thereby treat the petitioners 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 petitioners in submitting DCF should not act as fetter so far as the present petitioners are concerned to be treated as Samprasarak/ Samprasarika without giving credence to the option and filled in DCF which was submitted by the petitioners.

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 the petitioners have exercised and submitted shall be treated as cancelled.

It is also clarified that in future the petitioners cannot claim the benefits as para teacher.

Accordingly, the writ petition stands disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Rajarshi Bharadwaj, J.)