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09.01.2025
Ct. No. 18
adeb

W.P.A. 30788 of 2024

Anitarani Maity (Bera)

Vs.

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury

Ms. Shreyeta Mitra

...for the Petitioner

Mr. Supriyo Chattopadhyay

Mr. S.P. Lahiri

...for the State

Mr. Sourav Mitra

...for the WBCSSC

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

Petitioner has prayed for permitting her to change option which she exercised in terms of Revision of Pay and Allowances Rules, 2019 which was introduced vide memorandum dated 13th December, 2019. Learned advocate representing the petitioner submits that option form was signed by her but the school authority where she is working put 1st January, 2016 in the option form as the date from which petitioner to be considered to come under the purview of aforesaid ROPA Rules of 2019. Instead of 1st January, 2016 if petitioner is permitted to come under ROPA Rules of 2019 on and from 1st July, 2017 petitioner would be financially more benefited. Therefore, prayer is made to give direction

upon the State authorities to permit the petitioner to change the date as mentioned in the option form which is to be reckoned the date from which petitioner to come under ROPA Rules of 2019.

Prayer made on behalf of the petitioner is opposed by Mr. Supriyo Chattopadhyay, learned Additional Government Pleader representing the State-respondents based on memo dated 27th September, 2024 issued by the Deputy Secretary, Government of West Bengal, School Education Department, Secondary Branch.

Having considered the respective submissions made on behalf of the parties and in consideration of memo dated 27th September, 2024 issued by the Deputy Secretary it appears that prayer of the petitioner to change the date of option was negated in terms of Rule 6(4) of the ROPA Rules of 2019. Rule 6(4) is placed before this Court wherefrom it appears that it is specifically provided once option is exercised shall be final. Nothing has been shown before this Court that any subsequent clarification or amendment has been made to such Rule 6(4) thereby permitting the teaching and non teaching staff of Government aided secondary schools to change the date of option.

Hence, no order can be passed on this writ petition permitting the petitioner to change the date of option.

Writ petition stands dismissed.

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.

(Saugata Bhattacharyya, J.)