

**IN THE CIRCUIT BENCH CALCUTTA HIGH COURT
AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 1269 of 2025

Kalyan Thapa & Anr.

Vs.

The State of West Bengal & Anr.

For the petitioners : Mr. Bidhan Biswas, Adv.
Ms. Sourish Roy, Adv.

For the State respondent : Mr. Subir Kumar Saha, Adv.

Heard On : 08.07.2025

Order On : 08.07.2025

Om Narayan Rai, J.

1. The petitioners were initially engaged in their respective Madhyamik Shiksha Kendras in the capacity of Samprasarakas.

2. Subsequently, upon a notification dated December 20, 2019 being issued, whereby Samprasarakas/Samprasarikas were given opportunity to opt for being treated at par with Para Teachers of Pachim Banga Samagra Shiksha Mission under the School Education Department, the petitioners exercised such option to be so

treated as para teachers believing that the petitioners would then get entitled to the benefits of Employee's Provident Fund Scheme (hereafter EPF Scheme) which became applicable to para teachers with effect from December 2015.

3. Despite having duly exercised such option and despite being treated as Para Teachers, the petitioners did not get the benefit of the said EPF scheme till today.

4. At the time when the petitioners had exercised the option, the petitioners were of the belief that the benefits would be granted to the petitioners (in terms of Memo dated December 20, 2019) from the date of the petitioners having exercised such option i.e. from April 1, 2020.

5. Subsequently upon a Memorandum dated August 29, 2024 being issued by the Additional Secretary to the Government of West Bengal, Department of School Education, whereby it was stated that the benefit of EPF scheme would only be extended from April 1, 2024, the petitioners found that the option that they had exercised proved to be rather detrimental to them inasmuch as they would not only remain deprived of the benefits of the EPF scheme till August 29, 2024 but would also not be entitled to work upto the age of 65 years, which they would have otherwise been entitled to if they had worked as Samprasaraks.

6. The petitioners therefore made representations before the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, Government of West Bengal, thereby requesting the said authority to permit the petitioners to withdraw and/or cancel the option exercised by them for being treated at par with Para Teachers for getting the

benefit of the EPF scheme and thereafter to allow them to continue as Samprasarakhs till the age of 65 years.

7. Such representations of the petitioners have not been considered and therefore, the petitioners have approached this Court by filing this writ petition.

8. Learned Advocate appearing for the petitioners has invited the attention of this Court to the orders dated: a) July 4, 2023 in WPA No. 14699 of 2023 in the case of Md. Jamaluddin & Ors. Vs. The State of West Bengal & Ors,

b) dated December 7, 2023 in WPA No. 7766 of 2023 in the case of Arup Kumar Mukherjee and Others Vs. Union of India and Others.

c) September 25, 2024 in WPA No. 22612 of 2024 in the case of Gopal Rai & Ors. Vs. the State of West Bengal & Ors. and

d) March 13, 2025 in WPA No. 590 of 2025 in the case of Bhabendra Nath Roy and Others Vs. The State of West Bengal and Another.

9. Relying upon the aforesaid orders, it has been submitted that in similar circumstances, the Court has entertained writ petitions and issued directions to allow the petitioners therein to be treated as Samprasarakhs/Samprasarikas on the condition that the option that they had exercised earlier for being treated as Para Teachers would stand cancelled.

10. Having heard the learned counsel appearing for the respective parties and having considered the material on record, this Court finds that the petitioners before

this Court in the instant writ petition stand on a similar footing as that of the petitioners of the aforesaid cases.

11. Since at the time when the petitioners had opted for being treated at par with Para Teachers the petitioners justifiably expected to be entitled to the all benefits attached to the post of para teachers, in terms of the law governing the para teachers (including relevant notifications), the subsequent notification dated August 29, 2024 issued by the Department of School Education, whereby it was stated that benefit of the EPF scheme would only be extended from April 1, 2024, in fact put the petitioners under deep sea.

12. The petitioners' case for being considered as Samprasarakhs instead of being treated at par with Para Teachers can therefore very well be appreciated.

13. Indeed the petitioners could not be left doubly prejudiced i.e. first upon having lost the avenue to work till the age of 65 years as Samprasarakhs upon having opted for being treated as para teachers, secondly being deprived of the benefits of EPF scheme for a substantial period. The petitioners' grievances are therefore fully justified and need to be redressed in the light of the orders passed by this Court from time to time.

14. In view of the aforesaid, the writ petition stands allowed. The relevant State authorities including the respondent no. 2 are directed to treat the petitioners as Samprasarakhs on condition that the options that they had exercised for being treated as Para Teachers including the data capture format for receiving the benefit

of EPF scheme would stand cancelled and that the petitioners would not claim any benefit as Para Teachers in future.

15. WPA No. 1269 of 2025 stands disposed of with the aforesaid observations.

16. Urgent certified photo copy of this order, if applied for, be supplied as expeditiously as possible.

[Om Narayan Rai, J.]