

27.01.2026
Ct. No.24
Sl. No.24
akd

W. P. A. 6907 of 2025

[Nirmal Pradhan & Anr. -Vs- The State of West Bengal & Ors.]

Mr. Arunava Banerjee
Ms. Simantika Dasgupta
... .. for the petitioners

Mr. Swapan Kumar Datta .. ld. G.P.
Mr. Dipankar Das Gupta
... .. for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. Learned Counsel appearing on behalf of the petitioners submits as follows:-
3. The petitioners are Helpers/Cooks/Sweeper/Kitchen Staff at the Hostel/Mess and/or at the Ramakrishna Mission Brahmananda College of Education (*a unit of Ramkrishna Mission Boy's Home*), Rahara (hereinafter '*the Institute*'), directly controlled by the Director of Public Instructions, Higher Education Directorate, Government of West Bengal. They have been working in their respective posts since their dates of appointment, without any break of service and to the satisfaction of their employers. They were appointed in such capacity in accordance with the recruitment rules and after observing all the procedures under the relevant statute. The appointment letters were issued by the Principal/Secretary of the said institute. After their appointment, they continued in their service uninterruptedly. They were extended the benefits of uniform service in terms of Government Notification No.998-

Edn(U) dated December 7, 1981. The pay was revised in terms of Memo dated February 14, 2000 issued by the Joint Secretary, Government of West Bengal. Although the status of the petitioners was like that of Group-D employees but all the allowances and other service benefits of Group-D employees were not extended. By an order dated January 2, 2014, the State authorities declined to extend the benefits as available to Group-D employees to hostel/mess of the polytechnics. Some of the employees challenged the aforesaid order by preferring writ petition being WPA 14133 (W) of 2014. Some others who were denied some benefits of Group-D employees opposed this by preferring another writ petition being WPA 18230(W) of 2014. Those writ petitions were disposed of by orders dated May 14, 2014 and June 27, 2014 wherein this Court quashed the impugned order dated January 2, 2014 and directed the concerned respondents to give the writ petitioners the status of Group-D employees and treat them as permanent employees. Aggrieved by such order, the Director of Technical Education and Training, Government of West Bengal preferred two mandamus appeals being FMA 1152 of 2015 and FMA 1161 of 2015. By an order dated February 28, 2019, the two appeals were dismissed. The orders were confirmed up to the Hon'ble Supreme Court. The Hon'ble Apex Court dismissed the Special Leave 3 Petitions being Special Leave to Appeal (c) Nos.28253 to 28254 of 2019 on March 4, 2022. Relying on earlier orders, a Co-ordinate Bench of this Court passed an order dated May 2, 2023 in WPA 10108 of 2022. By office order passed on July 24, 2024, such benefits were granted to the aggrieved employees.

Reliance is also placed on similar orders passed by this Court in WPA 11670 of 2024 and WPA 11014 of 2019.

4. Learned Counsel appearing on behalf of the State submits that several orders have been passed in this regard by Co-ordinate Benches. The matter had gone to the Hon'ble Apex Court and was decided in favour of the employees. However, there is a difference between 'Group-D' employees and hostel/mess employee.

5. It appears that the petitioners are employees who seek similar benefits as Group-D employees. They were appointed in accordance with relevant recruitment rules and as per statute. They continued their services uninterruptedly. They are getting the same pay scale as Group-D employees. They were extended benefits of uniform services in terms of the notification dated December 7, 1981. The pay was revised in terms of the Memo dated February 14, 2000.

6. Therefore, the petitioners appear to stand in the same footing as those aggrieved employees who had earlier been granted similar benefits by Co-ordinate Benches of this Court. In fact, some of the matters went up to the Hon'ble Apex Court and were decided in favour of the employees.

7. During the course of submissions, I was informed that the order of the Hon'ble Apex Court, on which reliance was placed was carried in review by the State respondents. The said review has, however, failed. Thus, the order of the Hon'ble Apex Court stands confirmed and is binding on this Hon'ble Court.

8. In view of the above, the writ petition is disposed of by directing the respondent authorities to extend the writ

petitioners the status and service benefits as available to Group-D employees of the Government of West Bengal including pay scale, allowance, service and superannuity benefits. In effect, they shall be treated as permanent Government employees. The concerned respondents including the State are directed to release all service benefits to the petitioners which are to be paid from the respective dates of appointments within 12 weeks from the date of communication of this order.

9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)