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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/9280/2026

MANJU DAS (SAHA) & ORS
VS.
THE MISSION DIRECTOR, PBRSSM, GOVERNMENT OF WEST BENGAL & ORS.

Mr. Bidhan Biswas, Advocate

.....for the Petitioners

Mr. Sarwar Jahan, Advocate

Ms. Mousumi Mitra, Advocate

Ms. Sahina Parvin, Advocate

.....for the Respondents

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners are the *Sahayikas* in different Sishu Siksha Kendras (*hereinafter referred to as 'SSKs'*). 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 and SSKS, Mukhya Samprasaraks/Samprasarikas 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."

3. Mr. Bidhan 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 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.

4. Mr. Sarwar Jahan, learned Advocate for the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, Government of West Bengal, the respondent herein, submits that his client has no objection to the said prayer of the petitioners.
5. The concerned respondent, therefore, is 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 such engagement up to the age of 65 years.
6. It is made clear that the petitioners will not be entitled to any of the benefits of Para Teachers.
7. **WPA/9280/2026** is **disposed of** with the above terms, without any order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)

