14.10.2026
Sl. No.8(DL)
Ct. No.14
srm

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 29865 of 2026

Swagata Mitra & Ors.
Versus
The Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, Government of West Bengal

Mr. Bidhan Biswas
...for the Petitioners.

Md. Sarwar Jahan,
Ms. Mousumi Mitra,
Ms. Sahina Parvin
...for the Mission Director.

1. This matter is appearing under the heading "*To Be Mentioned*".
2. Affidavit-of-service filed on behalf of the petitioners is taken on record.
3. Mr. Bidhan Biswas, learned Advocate for the petitioners undertakes to deposit the *ad valorem* court fees in the course of the day.
4. By the present writ petition, the petitioners seek necessary direction for allowing them to retain their status as Samprasarak and to get the benefit of continuation of their service as Samprasarak up to the age of 65 years which was the scheme for such appointment and also for cancellation of Data Capture Format (DCF) which have been filled up by the petitioners for having the benefit of EPF Scheme.
5. The petitioners contend that they were engaged in Madhyamik Shiksha Kendra as Samprasarak by the resolution of the Managing Committee of the Madhyamik Shiksha Kendra. A notification was issued

by the School Education Department, Elementary Education Branch, Government of West Bengal under Memo No.979-ES/EE/10M-164/19 dated 18th December, 2019 it was notified that the Sahayak/Sahayika or Samprasarak/ Samprasarika etc. who are within age of 60 years may opt to the Mission Director, Paschim Banga Rajya Sishu Shiksha Mission through the District Nodal Officer, SSK/MSK of the concerned district for treating them at par with Para Teachers of Paschim Banga Samagra Shiksha Mission under the School Education Department. Pursuant to notification no.1035(23)/Mission-432/2019 dated 20th December, 2019, the petitioners opted to be Para Teacher and also filled up the DCF Form for getting the benefit of EPF Scheme. By notification no.72/20/Admin/PBRSSM/2020 dated 26th February, 2021, the School Education Department, Government of West Bengal passed order that those Sahayak/Sahayika and Samprasarak/ Samprasarika, who has opted for Para teacher, shall get similar service and financial benefits at par with Para teachers with effect from 1st December, 2020. However, the petitioner was not granted such benefit in terms of the aforesaid scheme from the said date. Subsequently, it has been notified vide memorandum dated 29th August, 2024 that the benefit of EPF Scheme will be extended from 1st April. 2024. In the changed circumstances the petitioners intend to revert back to their original employment as Samprasarak

under the School Education Department, Government of West Bengal with necessary consequential orders.

6. Mr. Bidhan Biswas, learned Advocate appearing for the petitioners submit that since the petitioners have not got the benefit as per the Scheme issued by the Government of West Bengal vide its notification dated 20th December, 2019, the petitioners intend to revert back to their original employment as Samprasarak. In a similar situation, a Coordinate Bench of this Hon'ble Court has passed orders in ***Md. Quaish Ajmal versus The State of West Bengal & Anr. (In Re: WPA 13660 of 2025)*** allowing the prayer for reversion.

7. Ms. Mousumi Mitra, learned advocate for the respondent-Mission Director leaves the matter to the discretion of the Court.

8. It is not in dispute that the petitioners are similarly circumstanced as of the petitioner in *Md. Quaish Ajmal (supra)*.

9. In the aforesaid writ petition, following direction was issued:

> *"Therefore, this Count finds it apt to grant identical relief to the petitioner thereby treat the petitioner 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 petitioner in submitting DCF should not act as fetter so far as present petitioner is concerned to be treated as Samprasarak/ Samprasarika without giving credence to the option and filled in DCF which was submitted by the petitioner. 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 petitioner has exercised and submitted shall be treated as cancelled.*
>
> *It is also clarified that in future petitioner cannot claim the benefits as para teacher."*

10. In line with the above decision, following directions are issued:

    a) The petitioners be treated as Samprasarak by not giving credence to the option exercised by the petitioners and filled in DCF.

    b) 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 present petitioners are concerned to be treated as Samprasarak without giving credence to the option and filled in DCF which is submitted by the petitioners.

    c) The respondent, Mission Director, Paschim Banga Rajya Shishu Shiksha Mission, Government of West Bengal is directed to treat the petitioners as Samprasarak and the option as well as filled in DCF which petitioners have exercised and submitted shall be treated as cancelled.

11. It is clarified that in future the petitioners cannot claim any benefit as Para Teacher.

12. With the above direction, the writ petition being **WPA 29865 of 2026** stands disposed of.

13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

14. Interim order, if any, stands vacated.

15. All connected applications, if any, stand disposed of.

16. There shall be no order as to costs.

17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)