

13.02.2026

Item no.DL 98
Court No. 24

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No.

WPA 30684 of 2024
with
CAN 1 of 2025

In the matter of :

JHARNA KHATUN

... Petitioner

VS.

STATE OF WEST BENGAL & ORS.

... Respondents

For the Petitioner :

Mr. Gausul Alam

... Advocate

For the Respondents / State :

Mr. Naba Kumar Das

... Advocate

For the Respondent no.4 :

Mr. Md. Sarwar Jahan

Ms. Mousumi Mitra

Ms. Shalini Sen

... Advocates

In Re : I. A. No.CAN 1 of 2025

1. Affidavit of service filed in Court today be kept with the record.
2. This is an application praying for recalling of the order dated January 21, 2025, dismissing the writ petition for default.
3. Sufficient grounds have been shown in the application by the learned advocate appearing for the writ petitioner as to why the petitioner was unrepresented on the said day.

4. Considering the same, the order dated January 21, 2025 is recalled.
5. The writ petition being WPA 30684 of 2024 is restored to its original file and number.
6. Accordingly, CAN 1 of 2025 stands disposed of.

In Re : WPA 30684 of 2024

7. The petitioner is working as a Sahayika in a Sishu Siksha Kendra ("SSK", in short). She 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 SSKs, Samprasaraks/Samprasarikas and Mukhya 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.”

8. Mr. Alam, learned Advocate for the petitioner, submits that though his client had opted for the benefit provided under the Memorandum bearing No. 306-SED18028(99)/2/2021-PBSEC-Dept., of SE dated August 29, 2024 but ultimately she realized that by exercising the said option she would not get the benefit of pension, as such, she is now praying that she may be reverted to her original status of Sahayika.
9. Mr. 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 petitioner.
10. The concerned respondent, therefore, is directed to allow the petitioner to maintain her status as Sahayika in her SSK ignoring the option exercised by her under the aforementioned Notification and to allow her to continue in such engagement up to the age of 65 years.

11. It is made clear that the petitioner will not be entitled to any of the benefits of Para Teachers.
12. Accordingly, WPA 30684 of 2024 is disposed of with the above terms, without any order as to costs.
13. All parties shall act on the basis of server copy of this order, duly downloaded from the official website of this Court.
14. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Reetobroto Kumar Mitra, J.)