

Court No. 22  
**22.12.2023**  
(Item No. 14)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 28343 of 2023**

Dinesh Kumar Mondal & Ors.  
VS  
The State of West Bengal & Ors.

Mr. Kamal Mishra  
.... For the petitioners  
Ms. Mousumi Chowdhury  
Ms. Rajyashree Mukherjee  
.... For respondent Nos. 1 & 2  
Md. Saewar Jahan  
Mr. Kaustav Roy  
.... For respondent No. 4

Affidavit of service filed in Court today is taken on record.

On the prayer of Mr. Kamal Mishra, learned counsel appearing for the petitioners, leave is granted to the petitioners to correct the cause title of the writ petition in so far as the address and description of the respondent No. 6 is concerned.

The learned advocates appearing for the respondents do not oppose to such prayer. Accordingly, leave is granted to correct the description of the respondent No. 6 in the cause title of the writ petition by putting the signature of the advocate on record for the petitioners in course of the day and subject to that this order shall be effected.

There are fourteen individual writ petitioners. Learned counsel for the petitioners submits that each of the writ petitioners has paid the necessary court fees in accordance with law. The receipts showing

such payment handed over to this Court, is taken on record.

Md. Sarwar Jahan, learned counsel appearing for the ***Paschim Banga Rajya Shishu Shiksha Mission***, submits that, a recent development has taken place in view of the judgment and order dated ***December 7, 2023*** passed by a coordinate Bench ***In the matter of : Arup Kumar Mukherjee & Ors. -vs.- Union of India & Ors., rendered in WPA 7766 of 2023.*** The relevant observation of the coordinate Bench is quoted below:

***“23. The benefits of the aforesaid order shall be available only to those Samprasarak & Samprasarika and Sahayak & Sahayika, who have exercised the option to retire at the 2 age of 60 and wish to continue with such option.”***

Mr. Kamal Mishra, learned advocate appearing for the petitioners, on instruction from his clients submits that, all the writ petitioners herein wish to revert back their status as Samprasaraks/Samprasarikas and not at par with para-teachers and they further wish to continue their employment till their age of 65 years. Subject to this undertaking given by the writ petitioners before this Court, this order is being passed.

The petitioners were engaged as ***Samprasaraks/ Samprasarikas in different Madhyamik Siksha Kendras (MSKs)*** for a period of one year and in that regard agreements were executed

with them. The engagements were renewed from time to time on contractual basis.

The petitioners, in terms of the notification dated May 2, 2008 issued by the Department of Panchayats and Rural Development, Government of West Bengal, claimed the benefit for being age of superannuation up to 65 years.

In an identical writ petition, a Coordinate Bench of this Court by its **judgment and order dated May 19, 2023 delivered in WPA 12057 of 2023 (Susampad Das & Ors. v. The State of West Bengal & Ors.)** allowed the benefit in favour of the writ petitioners.

Mr. Mousumi Chowdhury, learned counsel appears for the respondent nos. 1 and 2.

Md. Sarwar Jahan, learned counsel appears for the respondent No. 4.

Both the learned advocates appearing for the respondents had submitted that no appeal was carried out from the said order dated May 19, 2023 and the State authorities had carried out the said decision of the Coordinate Bench and allowed the claim of the petitioners.

On reading of the said judgment and order dated May 19, 2023, I am also in respectful agreement with the same.

In view of the above, in the light of the said judgment dated May 19, 2023 delivered **in the**

***matter of Susampad Das (supra)***, this writ petition stands allowed to the extent the right of the petitioners was decided in the said judgment.

With the above observation, this writ petition, **WPA 28343 of 2023**, stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously

**(Aniruddha Roy, J.)**