

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Krishna Rao

WPA 20480 of 2026

Ankan Sarkar & Ors.

Vs.

Union of India & Ors.

For the petitioner	:	Mr. Subir Sanyal, Sr. Adv. Mr. Dwarikanath Mukherjee Mr. Ratul Biswas Mr. Durlav De
For the State	:	Mr. Surajit Nath Mitra, Ld. AG Mr. Lokenath Chatterjee Mr. Partha Banerjee Mr. Swarvanu Saha
For the Union of India	:	Mr. Dhiraj Kumar Trivedi, Ld. ASGI Mr. Rajendra Kumar Gupta Mr. Anish Kumar Mukherjee

With

WPA 21277 of 2026

Anup Kumar Sahoo & Ors.

Vs.

Union of India & Ors.

For the petitioner	:	Mr. Bikash Ranjan Bhattacharyya, Sr. Adv. Mr. Firdous Samim Ms. Gopa Biswas Ms. Salini Bhattacharjee Mr. Mainak Ghosal Mr. Md. Imzamul Islam Ms. Ayush Majumder Mr. Rajosik Dutta
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For the State : Mr. Lokenath Chatterjee
Mr. Swarvanu Saha

For the Union of India : Mr. Dhiraj Kumar Trivedi, Ld. ASG
Mr. Sukanta Chakrabarty
Mr. Arijit Mazumdar

With

WPA 21968 of 2026

All Bengal Teachers' Association & Ors.

Vs.

Union of India & Ors.

With

WPA 21969 of 2026

All Bengal Primay Teachers' Association & Ors.

Vs.

Union of India & Ors.

For the petitioner : Mr. Bikash Ranjan Bhattacharyya, Sr.
Adv.
Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Gulsanwara Pervin

For the State : Mr. Srijib Chakraborty
Mr. Atreya Chakraborty

For the Union of India : Mr. Dhiraj Kumar Trivedi, Ld.ASGI
Mr. Rajendra Kumar Gupta
Mr. Anish Kumar Mukherjee

Heard on : 3 11.08.2026, 14.08.2026, 18.08.2026 & 19.08.2026

Judgement on : 21.08.2025

KRISHNA RAO, J.:

1. In all writ applications, the petitioners have challenged the notification dated August 3, 2026 wherein the Joint Director of School Education, West Bengal directed the Chairman/Secretary of the District Primary School Council of all districts, K.P.S.C. and Siliguri P.S.C. as well as the District Inspector of Schools (P.E.) that Census work should be done in such a way that academic activities in the school are not affected, the teachers may perform Census activities post class hours or during the weekends.
2. During the pendency of the writ applications, the learned Advocate General has handed over the Memo No. 1154(46) – Sc/Apt dated August 19, 2026 issued by the Joint Director of School Education, West Bengal addressed to the Chairman/Secretary of the District Primary School Council of all districts K.P.S.C. and Siliguri P.S.C. as well as the District Inspector of Schools (P.E.) intimating that the Commissioner of School Education, West Bengal vide Memo dated August 19, 2026 requested the Senior Special Secretary, Home and Hill Department, West Bengal to utilize the teachers deployed

to Census duty keeping in mind that the academic interest of the students of the schools are not affected adversely and it was further requested to follow the instructions of the Census authority and treat the office Memo No. 708(46)-Sc/P dated August 3, 2026 as withdrawn.

3. Learned Advocate General by referring the letter dated August 19, 2026 and referring the prayer made by the petitioners in their respective writ petitions submits that the grievances of the petitioners have been considered by the authorities and have withdrawn the impugned memo dated August 3, 2026.
4. Learned counsel appearing for the petitioners submits that though the respondent authorities have withdrawn the memo dated August 3, 2026 but it has not been made clear whether the duty of Census assigned to the teachers has to go for the Census duty by leaving the classes or whether the teachers shall continue with their teaching duties without going to the Census work.
5. Learned counsel appearing for the petitioners have referred the notification dated May 26, 2026 wherein the State Government declares that the house listing operation of the Census of India, 2027 shall take place between August 16, 2026 and September 14, 2026 in the State of West Bengal

during a period of 30 days with an option for self-enumeration shall be conducted in 15 days time period between August 1, 2026 and August 15, 2026 just before the start of house to house listing operation.

6. By referring the said notification, learned counsel appearing for the petitioners submits that the Census is to be completed within a period of one month and if the petitioners have been allotted the work of Census on the other hand, the State authority will direct the petitioners to continue with their teaching job in addition to the work allotted to the petitioners for Census of India, 2027, the petitioners would not be in a position to complete the said work and to execute the work of Census.
7. Learned counsel for the petitioners further submits that the many of the petitioners who are working as a teacher are residing far away from their place of posting, the school timing is 10.00 a.m. to 4.00 p.m. and the journey hours of one side is about one and half to two hours. If the petitioners are directed to do the Census work after the school time, it is not possible for the petitioners to do the Census work. It is the further contention of the petitioners that Saturday is also working day and only the Sunday is the holiday and it is not

possible for the petitioners to do the Census work on Sunday which is the only weekly off of the petitioners.

8. Learned counsel for the petitioners has also placed on record the schedule fixed by the Charge Officer for Census duty of some places wherein it reveals that the Census duty starts from August 16, 2026 from 9.00 a.m. till 4.00 p.m. and if the Census duty is allotted to the petitioners from 9.00 a.m. to 4.00 p.m., it is not possible for the petitioners to perform their duty as teachers in their respective schools.
9. The petitioners have also placed on record with regard to the order issued by the Block Development Officer and Charge Officer, Census-2027, Sonapur Development Block, South 24 Parganas, dated August 18, 2026 wherein the Charge Officer by referring Sections 15A and 15B of the Census Act, 1948 has requested all the authorities to instruct the respective HMs/TICs and Head of the Officers to treat the period during which the concerned staff perform the Census duties as "ON DUTY" and extend full cooperation by reliving the deployed personnel whenever required and ensure that no service related disability, administrative inconvenience or obstruction is caused in the discharge of their Census responsibilities.

10. Learned counsel for the petitioners have also draws attention of this Court that one of the Charge Officer, Ward no. 108 had issued the show-cause notice to one of the petitioner for not attending the Census duty from August 16, 2026. By referring the said show-cause notice, learned counsel appearing for the petitioners submits that the petitioners have filed the present writ applications on August 7, 2026 and this Court has firstly taken up the matter on August 11, 2026 and as per the prayer made by the learned counsel for the respondents, this Court has adjourned the matter till August 14, 2026. On August 14, 2026, the respondents have further prayed for time to take instruction from the authorities accordingly, this Court has fixed the matters on August 18, 2026.
11. On August 18, 2026 also the respondents have taken time for further instruction and today the respondent authorities have produced the memo dated August 19, 2026 wherein the authorities have withdrawn the impugned notice dated August 3, 2026. But in spite of the same knowing that the petitioners have filed the writ applications and the same are pending before this Court and the respondents have taken time for instruction but the Charge Officer had issued show-

cause notice to the petitioner for not attending the Census duty.

12. Learned counsel for the respondents has relied upon the judgment in the case of ***Election Commission of India vs. St. Mary's School & Ors.*** Reported in ***(2008) 2 SCC 390*** and submits that in the said case the Hon'ble Supreme Court has categorically held that as far as possible teachers would be put on electoral roll revision works on holidays, non-teaching days and non-teaching hours, whereas non-teaching staff be put on the duty any time. The Hon'ble Supreme Court has directed that all the teaching staff shall be put on the duties of roll revisions and election works on holidays and non-teaching days. Teachers should not ordinarily be put on duty on teaching days and within teaching hours. Non-teaching staff, however, may be put on such duties on any day or at any time, if permissible in law.
13. By referring the said judgment, learned advocate appearing for the respondent authorities submits that the petitioners who are working as a teacher can do the Census work after the school hours and during the holidays.
14. Learned counsel for the respondents further relied upon the judgment in the case of ***U.P. Madhyamic Shikshak Sangh***

though its Secretary and another vs. Union of India
though its Secretary, Home, New Delhi and others
 reported in ***2010 SCC OnLine All 1107*** and submits that the Hon'ble Division Bench of Allahabad High Court has held that it cannot be hold and say that the teachers cannot be taken for the purpose of rendering census work which is required for national importance, therefore, striking the balance between the two parts, the first part is the training and the same can be made within summer vacation of the year and fixed for three days only and for the final work for the purpose of completion of census work are concerned, for the sake of equity, the Central and the State authorities to fix a programme either preponing the days or otherwise so that the duties can be discharged by such teachers during vocational period which is forthcoming or in the periods when the institutions are closed inclusive of holidays unless they are compelled to accept their duty in any working day and if such work are taken in the working days then in that case the authorities will take into account the strength of the teachers of the individual institutions so that there should not by any difficulty in imparting education to the students.

15. Heard the learned counsel for the respective parties perused the materials on record.
16. Primarily the petitioners are aggrieved with the impugned order dated August 3, 2026 wherein the Joint Director of School Education, West Bengal has directed the school authorities that; *“As directed it is to inform him that Census work should be done in such a way that academic activities in the school are not affected. The teacher may perform census activities post class hours or during the weekends.”* Subsequently, on August 19, 2026 the Joint Director of School Education, West Bengal has withdrawn the impugned notice dated August 3, 2026.
17. The Charge Officer issued orders for appointment of some of the petitioners as Enumerator for Census 2027 – Houselisting and Housing Census and City Census Officer issued an order for deployment of some of the petitioners as Supervisors for Census 2027 - Houselisting and Housing Census. In the said orders, there is no mentioning of any timing of Houselisting and Housing Census, 2027
18. Sections 15A and 15B of the Census Act, 1948 reads as follows:

“15A. No member of the census staff shall suffer any disability in service by reason of his being on census duty and the period spent by him on such census duty shall be deemed to be the duty under his lending employer and any duty performed under this Act shall not in any manner affect the right of promotion or other advancement in his original service.

15B. No suit, prosecution or other legal proceeding shall lie against the Census Commissioner or any Director of Census Operations or any census-officer or any member of the census staff for anything which is in good faith done or intended to be done under this act or the rules made thereunder.”

19. The petitioners have relied upon several memorandums issued by the several States wherein it is mentioned that

a) all personnel drafted for Census duty (field trainers, supervisors and enumerators) must be relieved from their regular office duties to enable them to report to their respective training centers in their respective batches,

b) the period of absence shall be treated as ‘ON DUTY’ for all purposes.

No separate attendance in the parent department is required during this period.

Parent departments shall not mark these officials as absent.

20. Many Charge Officers have issued orders directing the concerned authorities including the school authorities to provide necessary instructions to the respective HMs/TICs and the Head of the Offices to treat the period during which the concerned staff performed the Census duty as 'ON DUTY' and extend full cooperation by relieving the deployed personnel whenever required and ensure that no service related disability, administrative convenience or obstruction is caused in discharge of their Census responsibilities.
21. By a letter dated August 19, 2026, the Joint Director of School Education requested the School Authorities of West Bengal to utilize the teachers deployed to Census duty keeping in mind that the academic interest of the students of schools are not affected adversely. In the case of **St. Mary's School (supra)**, the Hon'ble Supreme Court held that:

“33. We would, however, notice that the Election Commission before us also categorically stated that as far as possible teachers would be put on electoral roll revision works on holidays, non-teaching days and non-teaching hours; whereas non-teaching staff be put on duty any time. We, therefore, direct that all teaching staff shall be put on the duties of roll revisions and election works on holidays and non-teaching days. Teachers should

not ordinarily be put on duty on teaching days and within teaching hours. Non-teaching staff, however, may be put on such duties on any day or at any time, if permissible in law.”

22. In the case of ***U.P. Madhyamic Shikshak Sangh though its Secretary and another (supra)***, the Hon’ble Division Bench of Allahabad High Court held that:

“As against such view of the Supreme Court, we can not hold and say that Teachers cannot be taken for the purpose of rendering census work which is required for national importance, therefore, striking the balance between the two parts, we find that the first part is the training and the same can be made within summer vacation of the year and fixed for three days only, we do not find any difficulty for the Teachers in attending such training. So far as indexing and final work for the purpose of completion of census work are concerned, for the sake of equity, we direct the Central and State authorities to fix a programme either preponing the dates or otherwise so that the duties can be discharged by such Teachers during vocational period which is forthcoming or in the periods when the institutions are closed inclusive of holidays unless they are compelled to accept their duty in any working day and if such work are taken in the working days then in that case the authorities will take into account the strength of the Teachers of the

individual institutions so that there should not be any difficulty in imparting education to the students.”

23. In the present case, as per the notification issued by the Government of West Bengal, the Census work is to be completed in between August 16, 2026 to September 14, 2026, i.e., within 30 days. The Census is required to be done for national interest, nobody can avoid such type of work irrespective of their imparting education, particularly they are receiving salary from the public exchequer. This Court wanted to strike a balance between two contingencies, i.e., one is imparting education and another is with regard to assistance in the Census work by the teachers.
24. The intention of the State Government is also that while deploying the teachers to Census duty, to keep in mind that the academic interest of the students of schools are not affected adversely.
25. Considering the facts and circumstances of the present cases, the writ petitions are disposed of with the following directions:-
- i) The Director of Census Operations and the Charge Officer, if they intending to take the service of the

petitioners who are working as a teacher, they shall specify the date, time and place of the Census work to be executed by the petitioners to the head of the institution of the petitioners and if any request is received by the head of the institution, the head of the schools shall make necessary arrangements to allow the petitioners to go for the Census work and to make necessary alternative arrangements with the available teachers in their respective schools so that education of the students shall not be affected.

- ii) If the teachers are deputed for Census duty, they shall be treated as “On Duty” in terms of the Section 15A of the Census Act.
- iii) If the Census Authorities/School Authorities depute any teachers for Census work, no teachers shall deny to perform their Census work assigned to them.

26. In view of the above, the writ petitions being **WPA 20480 of 2026, WPA 21277 of 2026, WPA 21968 of 2026 and WPA 21969 of 2026** stand disposed of.

27. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)

**Sourav Banerjee/
Suvayan Ghosh/
Sudipta Gayen
A.R. (Court)**