

13.08.2026
Item no.D/L 138
Court No. 24
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 16401 of 2022**
(CAN 1 2024)

In the matter of:

Sarbani Dey

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Sobhan Majumder
Ms. Koyel Bag

....Advocates

1. The writ petition has been filed by a teacher alleging non-payment of House Rent Allowance in her favour on the alleged ground that her husband receives HRA from his employer. Her HRA has been stopped since February, 2019.
2. Learned advocate for the petitioner relies on the judgment passed by the Court on 16th March, 2021 in a batch of writ petitions first of which is **WPA 1389 of 2018 (Mousumi Biswas & Anr. Vs. The State of West Bengal & Ors.)**
3. The writ petition was taken up for consideration by the Court on 18th January, 2023 and as it was brought to the notice of Court that an appeal was filed against the judgment passed in the matter of Mousumi Biswas (supra), accordingly, the Court adjourned hearing of the writ petition by giving direction for filing affidavits in the matter. Liberty was granted to the parties to mention the matter after disposal of the appeal.
4. Learned advocate for the petitioner submits that the appeal being FMA 654 of 2023 (The State of West Bengal & Ors. Vs. Mita

Majumdar & Ors.) filed against the said judgment dated 16th March, 2021 stood dismissed on 4th December, 2025.

5. Whether the teacher would be entitled to receive house rent allowance if the spouse receives house rent allowance from the employer has been decided by the Court on 16th March, 2021 in **WPA 1389 of 2018** in the matter of **Mousumi Biswas & Anr. Vs. The State of West Bengal & Ors.**
6. The Court was pleased to hold that the employer does not have any right to deduct house rent allowance from the teacher even if the spouse received house rent allowance from the employer of a private organization.
7. In view of the law laid down by the Court in the matter of Mousumi Biswas (supra), the respondent authorities cannot withhold house rent allowance of the petitioner as the spouse of the petitioner does not receive house rent allowance from any government organization.
8. The instant writ petition is disposed of by directing the District Inspector of Schools, Secondary Education, Hooghly to ascertain as to whether the spouse of the petitioner is working in a government organization or not and thereafter take a decision on the prayer of the petitioner seeking release of her house rent allowance strictly in line with the law laid down by the Court in the matter of Mousumi Biswas (supra).
9. A decision shall be taken at the earliest but positively within a period of twelve weeks from the date of communication of this order.
10. An opportunity of hearing shall be given to the petitioner for production of documents in support of the house rent allowance drawn by her spouse, if any.

11. If the prayer of the petitioner is allowed, then steps for releasing the house rent allowance in favour of the petitioner shall be taken without any further delay.
12. As the petitioner will receive house rent allowance at a delayed point of time, accordingly, the petitioner would be entitled to receive interest on account of the delayed payment.
13. The dues of the petitioner shall be released with interest calculated at the rate of six per cent per annum on and from the due date till the date of actual payment.
14. The writ petition and the connected application being CAN 1 of 2024 stand disposed of.
15. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
16. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)