

Ct.
No.
26

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akb

24.03
2021

W.P.A. 3268 of 2020

Madhumita Dutta

- Versus -

State of West Bengal & Ors.

Mr. Ekramul Bari

Ms. Tanuja Basak

...For the Petitioner

Ms. Chaitali Bhattacharya

Mr. T.M. Siddiqui

Mr. Nilotpal Chatterjee

...For the State Respondents

This matter relates to drawing of 'house rent allowance' (HRA) under ROPA, 2009.

By an order and judgment delivered on March 16, 2017 in WPA 1389 of 2018 (*Mousumi Biswas & Ors. Vs. State of West Bengal & Ors.*), I have held that payment of house rent allowance cannot be disallowed to the petitioners (who are teachers) on the ground that their spouse is also drawing house rent allowance in a private organisation.

In the light of the said finding, various Audit Memos and Finance Department Memos have been struck down.

This writ petition is also disposed on the same basis and the judgment delivered on March 16, 2021 shall apply to this writ petition.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat copy of the order, if applied for, be supplied to the petitioner on priority basis on compliance of necessary formalities.

(Shekhar B. Saraf, J.)