

S/L 7
27.4.2021
Court No.26
SD

WPA 7000 of 2020
With
CAN 1 of 2020
(Via Video Conference)

Bibi Gupta (Sengupta) nee Bibi Sengupta
Vs.
State of West Bengal & Ors.

Ms. Debjani Sengupta
Ms. Shreya Bhattacharjee
Ms. Koyel Bag

...for the Petitioners.

Ms. Chaitali Bhattacharyya

...for the State.

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

By an order and judgment delivered on March 16, 2021 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 light of the said finding, various Audit Memos and Finance Department Memos have been struck down.

This writ petition along with application are 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 certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)