

Ct. 22.04
No. 26 2021
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akb

W.P.A. 7003 of 2020
(Via Video Conference)
Durga Chowdhury
Vs.
The State of West Bengal & Ors.

Ms. Debjani Sengupta
Mr. Shobhan Majumder
Ms. Koyel Bag
Ms. Shreya Bhattacharjee **...For the Petitioner**

Mr. Suman Dey **...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, 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 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. Consequently, the application, being CAN 1 of 2020 is also disposed of.

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.)