

29.06.2022

21
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WPA 10699 of 2022

Saba Parveen

Vs.

The State of West Bengal & Ors.

Mr. Prantick Ghosh.

Mr. Siddhartha Sarkar ... for the petitioner

Mr. Sirsanya Bandopadhyay,

Ms. Deboleena Ghosh for the
Respondent no. 6

The petitioner is an Assistant Professor of Commerce in Seth Anandaram Jaipuria College, Kolkata. She applied for house rent allowance. In connection with her application for house rent allowance, she was required to furnish some information before the college in a prescribed proforma. The relationship of the petitioner with her husband is strained. There is a criminal case pending against the husband at the instance of the petitioner under Section 498A of the Indian Penal Code, 1860. The petitioner has also filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 before the jurisdictional Magistrate.

The petitioner was not in a position to provide particulars with regard to the income of her husband. She also could not obtain the signature of her husband in the said prescribed form.

I am of the opinion that the petitioner should not be deprived of her house rent allowance because of the non-cooperation from her husband.

I am of the view that the State should be directed to release the house rent allowance of the petitioner, if she is otherwise entitled to the same without insisting on the signature of the husband in the prescribed form. The State will be at liberty to ascertain the pay scale and salary of the petitioner from the West Bengal State Electricity Distribution Company Limited, the employer of the husband and release the house rent allowance of the petitioner within one month from the date of communication of this order, if she is otherwise entitled to in law.

Needless to mention that any observations made in this order shall not have any bearing in the proceedings between the parties pending before the criminal Court.

With these observations WPA No. 10699 of 2022 is disposed of.

Parties are directed to act on the server copy of this order.

(Kausik Chanda, J.)