

**Item no. 4  
sandip  
Ct. 18  
09.05.2024**

**W.P.A. 12965 of 2024**

**Nabanita Banerjee  
Vs.  
The State of West Bengal & Ors.**

Ms. Debjani Sengupta,  
Ms. Koyel Bag,  
Mr. Abhijit Chatterjee  
... For the petitioner.  
Md. Moniruzzaman.  
Mr. Sourav Mondal  
... For the State.

Affidavit-of-service filed by the learned advocate for the petitioner be kept with the record.

The petitioner was initially appointed as an Assistant Teacher at Jhawkhalihat High School(H.S.), a school under the jurisdiction of the District Inspector of Schools(S.E.), District- 24 Parganas(South), the respondent no. 6 herein. The petitioner, thereafter, on May, 2021, joined the Bangabasi College School (H.S.), Kolkata on transfer, a school under the jurisdiction of the District Inspector of Schools (SE), District - Kolkata, the respondent no. 5 herein.

The husband of the petitioner since is an employee of a private organization, on the basis of the Memorandum of the Finance Department (Audit Branch), Government of West Bengal bearing No. 5839-F(P) dated July 09, 2012 and the Corrigendum Memorandum thereto bearing No. 8012-F(P2)/FA/O/2m/206/17(N.B.) dated December 27, 2018, first the respondent no.6 and then the respondent no.5 have stopped the H.R.A. of the petitioner. The petitioner is not getting H.R.A on and from January, 2018.

A Coordinate Bench of this Court by the judgment dated March 16, 2021 passed in W.P.A. 1389 of 2018 (*Mousumi Biswas & Ors. vs. State of West Bengal & ors.*) has quashed the aforementioned memoranda.

An appeal being **MAT 1023 of 2021** (*The State of West Bengal & Ors. vs. Mita Majumder & Ors.*) against the said order and judgment of the said Co-ordinate bench though is pending, but no order of stay has been passed in the said appeal.

In view of such position of the subject, the petitioner is entitled to full HRA, the concerned authority therefore, is directed to release the same, the arrear thereof be paid to the petitioner with interest @ 6% per annum from the date on which it became payable till the date of actual payment. The arrear H.R.A. is to be paid within a period of four weeks from the date of communication of this order.

It is however made clear that the HRA to be paid to the petitioner in terms of this order is subject to the result of the aforementioned pending appeal.

W.P.A. 12965 of 2024 is disposed with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Biswajit Basu, J.)**