

WPA 14008 of 2021

Ishita Mukherjee

Vs.

The State of West Bengal & Ors.

**Mr. K.M. Hossain,
Ms. Tanuja Basak,
Ms. Keya Sutradhar,
Mr. Kazi Ardan Ali.**

... for the petitioner

1. The present writ petition is directed against the withholding of the House Rent Allowance of the writ petitioner with effect from the month of April, 2016 till date.
2. The petitioner says that being a teacher of a Government aided school, she would be covered with the judgment of this Court in WPA no. 1389 of 2018 (along with other writ petitions) dated March 16, 2021, and be eligible for grant of House Rent Allowance, to the optimum limit, as per the Rules.
3. In the said judgment as mentioned above, the Court has dealt with the question of grant of House Rent Allowance in case of a Government employee/teacher, whose other family member would be drawing House Rent Allowance from a Non-Government Sector Organization.
4. The Court by dint of the said judgment has set aside the memo dated November 16, 2017 and December 28, 2017 respectively.
5. The Court in the said judgment has directed the State respondent to ensure complete conformity in payment of House Rent Allowance to the petitioner

therein, in accordance with the ceiling envisaged in the ROPA-2009 and ROPA- 2019. The arrear was also directed to be paid.

6. In view of the factual background of the present case, the Court finds that the ratio of the said decision would be squarely applicable in case of the present petitioner.
7. Hence, the petitioner would also be entitled to be paid with the House Rent Allowance, in terms of ROPA-2009 and ROPA-2019 as applicable.
8. For the reasons as above, it is found proper to allow the present writ petition with the direction upon the respondent no. 5 to allow the House Rent Allowance to the writ petitioner, in terms of ROPA-2009 and ROPA-2019, with effect from April, 2016 till date and further, in due course and as per law.
9. Let the pay fixation be made to that effect immediately and arrear be paid within a maximum period of four (4) weeks from the date of communication of copy of this order.
10. With the above observations and directions, the writ petition being WPA 14008 of 2021 is allowed and disposed of, along with the pending applications, if any.
11. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)