

S/L 12
24.4.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 15479 of 2023

Mithu Mukhopadhyay @ Chatterjee

Vs.

The State of West Bengal & Ors.

Mr. Suranjan Saha

...for the Petitioner.

Ms. Iti Dutta

...for the State.

The petitioner is an Assistant Teacher at Sodepur High School for Girls (Government sponsored). She was denied House Rent Allowance (HRA) for the period from November 2015 to January 2020 on the ground that her husband, an employee of a private company was also entitled to HRA.

The petitioner however is receiving HRA on and from from February 2020, after the retirement of her husband. She is praying disbursement of HRA for the aforesaid period.

Ms. Dutta, learned advocate for the State files a copy of the instruction dated April 23, 2024 received from the District Inspector of Schools (SE), Barrackpore, North 24 Parganas, the respondent no.4 herein, let it be kept with the record.

It appears from the instruction received by Ms. Dutta that the respondent no.4 sought to justify the non-payment of HRA to the petitioner for the said period on the basis of the Memorandum bearing no. 8012-F(P₂)/FA/O/2M/206/17 (N.B.) dated December 27, 2018.

A coordinate Bench of this Court by the order dated April 10, 2014 passed in **WPA 1389 of 2018 (*Mousumi Biswas & Ors. State of West Bengal & Ors.*)** and 25 other writ petitions has struck down the said Memorandum dated December 27, 2018. Though an appeal is pending against the said judgment and order, but there is no order of stay passed in the said appeal, as such this Court in similar facts and circumstances allowed the prayer of similarly placed teachers for disbursement of HRA vide order dated April 10, 2024 passed in **WPA 27461 of 2022 (*Dr. Sahadev Bandyopadhyay vs. The State of West Bengal & Ors.*)**.

Therefore, the petitioner is also entitled to get the HRA for the said period.

The respondent no.4 is directed to disburse the HRA for the said period with interest at the rate of 4% per annum from the date on which it was payable till the date of payment. Such payment be made within a period of eight weeks from the date of communication of this order.

WPA 15479 of 2023 is disposed of with the above terms.

There shall be no order as to costs.

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.)