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W.P.A. 22786 of 2023

Urmi Ghosh alias Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Malay Bhattacharyya,
Mr. Subhrojyoti Ghosh ... For the petitioner.

Mr. Anand Farmania (VC),
Mr. Nilay Baran Mandal ... For the State.

Affidavit of service filed on behalf of the petitioner
be kept with the record.

The petitioner is an Assistant Teacher at Salkia
Kedarnath Babulal Rajgarhia Girls' High School,
District – Howrah. The husband of the petitioner is an
employee of a private company.

The Headmistress of the said school, the
respondent no. 6 herein, by the impugned letter dated
September 11, 2023 has asked the petitioner to
inform as to whether she or her spouse will adjust the
HRA amount drawn in excess of the ceiling limit.

The said letter is based on the Memorandum of the
Finance Department bearing No. 5839 – F(P) dated
July 09, 2012 and the corrigendum Memo thereto
bearing No. 8012-F(P₂)/FA/O/2m/206/17(N.B.) dated
December 27, 2018.

A Co-ordinate Bench of this Court by the judgment
dated March 16, 2021 passed in WPA 1389 of 2018
(Mousumi Biswas & Ors. vs. State of West Bengal

& Ors.) has struck down the aforesaid Memos dated July 09, 2012 and December 27, 2018. This Court in WPA 27461 of 2022 (**Dr. Sahadev Bandyopadhyay vs. The State of West Bengal & ors.**) has also expressed similar view.

In view of such, petitioner is not obliged to furnish a reply to the impugned letter.

W.P.A. 22786 of 2023 is disposed with the above 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.)