

02 07.08.2024  
NB Ct. 17

**WPA 28258 of 2022**

Ankita Chatterjee & Ors.  
Vs.  
The State of West Bengal & Ors.

Ms. Debjani Sengupta,  
Ms. Koyel Bag,  
Mr. Abhijit Chatterjee.  
...for the petitioners.

Mr. Jayanta Samanta,  
Mr. Manas Kumar Sadhu.  
...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos.1, 2 and 3 are the approved Assistant Teachers at Bantra BBPC Girls' High School (H.S.), Mohiary Ranibala Kundu Chowdhury Balika Vidyalaya and Bhramarpur Jr. High School. The husbands of the petitioners, being employees of private companies, are receiving House Rent Allowance (HRA) as separate engagements. The District Inspector of Schools (S.E.), Howrah and Purulia, relying on 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, stopped payment of HRA to the petitioners. A Coordinate Bench of this Court by the judgment dated March 16, 2021

passed in **WPA 1389 of 2018** (*Mousumi Biswas & Ors. State of West Bengal & Ors.*) quashed the aforementioned memoranda. An appeal being **MAT 1023 of 2021** (*The State of West Bengal & Ors. vs. Mita Majumder & Ors.*) against the said judgment and order of the said Coordinate Bench though is pending. But, no order of stay has been passed in the said appeal. Relying on this judgment, relief has been granted to a similarly circumstanced Assistant Teacher by an order dated 21.05.2024 passed in **WPA 14006 of 2024**. In view of the same, the petitioners would be entitled to full HRA along with interest on the arrears.

Learned counsel appearing on behalf of the State denies the allegations made in the writ petition and submits that if, at all, any relief is granted to the petitioners, the same has to be subject to the decision of the appeal being MAT 1023 of 2021.

It appears that the above-referred memoranda were quashed by a Coordinate Bench of this Court. However, an appeal is pending over the issue, but no stay has been granted in the said appeal.

Relying on the said decision, another Coordinate Bench of this Court has granted appropriate relief in favour of similarly circumstanced Assistant Teachers.

In the present facts which are quite similar, I find no reason to take a different view.

Therefore, the concerned respondent authorities are directed to release the HRA, both current and arrears in favour of the petitioner nos.1, 2 and 3, the arrears thereof be paid to the petitioners with interest @ 6% per annum from the date on

which it became payable till the date of payment. Such payment shall be made within a period of six weeks from the date of communication of this order.

It is, however, made clear that the payment of HRA in terms of this order is subject to the result of the above referred pending appeal.

Accordingly, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(Jay Sengupta, J.)**