

21.04.2025
Item No.31,DL
Court No.17
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 7721 of 2025

Sudipta Gupta

-Vs-

The State of West Bengal & Ors.

Mr. N.C. Bihani,
Mr. Soumya Mukherjee.
.....for the petitioner.

Mr. Biswabrata Basu Mallick, Ld. A.G.P.,
Mr. Sayan Ganguly.
.....for the State.

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

The petitioner is an Assistant Professor of English at
Women's College, Calcutta.

The petitioner is alleging that her House Rent
Allowance ('H.R.A.' in short) was not paid to her for the
period from January, 2021 to July 2022 and is praying
release of the same.

Mr. Bihani, learned senior advocate for the petitioner
submits that the HRA was denied to the petitioner for the
said period since her husband, being an employee of a
private organization, was also receiving H.R.A, however on
and from August 20, 2022, the petitioner is receiving the said
H.R.A. as her husband has left his said job.

It appears from the record that the H.R.A. of the
petitioner was stopped in terms of the order of the
Department of Higher Education, Government of West
Bengal bearing Memo No.644-Edn(CS)/3A-04/2019 dated
November 11, 2020. The said order was issued on the basis
of the Finance Department's Memo 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 and order dated *March 16, 2021* passed in *WPA 1389 of 2018 (MOUSUMI BISWAS & ANR. vs. THE STATE OF WEST BENGAL & ORS.)* along with other connected matters has quashed the said Memorandum dated December 27, 2018.

Though an appeal being *MAT 1023 of 2021 (THE STATE OF WEST BENGAL & ORS. vs. MITA MAJUMDER & ORS.)* is pending against the said judgment and order but there is no order staying the operation of the said judgment and order.

Mere pendency of the appeal would not operate as a bar to allow the prayer of the petitioner, therefore the Director of Public Instructions, Government of West Bengal, the respondent no.6 herein is directed to release the H.R.A. of the petitioner for the period from January 2021 to July 2022 within a period of three weeks from the date of communication of this order but such payment of H.R.A. is subject to the decision of the said pending appeal being MAT 1023 of 2021.

WPA 7721 of 2025 is disposed of 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 been denied by the respondents.

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

(Biswajit Basu, J.)