

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11863 of 2024

Mousumi Mazumdar
-versus
The State of West Bengal & Ors.

Ms. Susmita Pal.
...For the petitioner.

Mr. Avishek Prasad.
... For the State

1. The petitioner's claim for grant of full House Rent Allowance has been rejected by the authority relying upon Memo No. 955-SE (Law)/SL/5S-1221/09 dated July 27, 2011.

2. It appears that the petitioner raised her claim for House Rent Allowance on regular basis as and when the same fell due but the authority, for reasons best known, kept the claim of the petitioner pending.

3. The spouse of the petitioner is not employed with the State Government. He works in a private organization and receives House Rent Allowance.

4. The judgment passed by this Hon'ble Court on 16th March, 2021 in **WPA 1389 of 2018** in the matter of **Mousumi Biswas & Anr. -Vs- State of West Bengal & Ors.** categorically laid down that the teachers of the non-government schools/sponsored schools/aided schools will receive House Rent

Allowance if their spouse works with some other organization but not in the State Government.

5. In view of the above, the rejection of the petitioner's prayer for grant of full House Rent Allowance cannot be held to be a valid one. The same stands dismissed.

6. The District Inspector of Schools (S.E), Barrackpore, North 24 Parganas is directed to process the claim of the petitioner for grant of full House Rent Allowance and ensure that the same is paid to the petitioner positively by 31st March, 2026.

7. As the petitioner would be paid her legitimate due at a delayed point of time, accordingly, she will be paid interest on account of such delayed payment @ 5% p.a. on the due amount calculated on and from the due date till the date of actual payment.

8. The impugned order of rejection dated 25th January, 2024 is set aside.

9. The writ petition stands disposed of.

10. Instruction forwarded by District Inspector of Schools (SE), Barrackpore, North 24 Parganas dated 7th May, 2024 be retained with the records.

11. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)