

09.07.2025
(D/L 11)
Ct.-17
(Susanta
Samar)

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

APPELLATE SIDE

W.P.A. 13766 of 2025

Aparajita Nag

-Vs-

The State of West Bengal & Ors.

Mr. Shuvro P. Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal,

...For the Petitioner.

Mr. Swapan Kumar Dutta, Ld. AGP.,
Mr. Rajat Dutta,

.... For the State.

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

The petitioner is an Associate Professor of the subject Physics at Brahmananda Keshab Chandra College, a College under West Bengal State University.

The petitioner is alleging that her House Rent Allowances ('HRA' in short) has been stopped since August 2024. She is praying payment of regular HRA and arrears thereof with interest.

Mr. Lahiri, learned advocate for the petitioner submits that the authority is denying HRA to the petitioner as her husband is also receiving such allowances but since he is in private employment, stoppage of HRA of the petitioner is not justified.

Having heard the learned counsel for the parties and on perusal of the materials-on-record, it appears that the HRA of the petitioner is stopped as per 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 operation of the said judgment and order has not been stayed. Mere pendency of the appeal would not operate as a bar to follow the said judgment of the Co-ordinate Bench.

The Director of Public Instructions, Government of West Bengal, the respondent no.2 herein, therefore is directed to pay regular HRA to the petitioner, the arrears thereof be paid within a period of four weeks from the date of communication of this order.

Payment(s) of HRA to be made in terms of this order is subject to the decision of the said pending appeal being MAT 1023 of 2021.

No affidavit-in-opposition since has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

W.P.A 13766 of 2025 is disposed of with the above terms without any order as to costs.

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 of all requisite formalities.

(Biswajit Basu, J.)