

28.07.2025
Item No.12
Court No.17
SK

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

W.P.A. 15921 of 2025

Dr. Madhumita Basu

-Vs-

The State of West Bengal & Ors.

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

Mr. Biswabrata Basu Mallick, Ld. A.G.P.,
Mr. Shibasish Banerjee
.....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
English at Victoria Institution (College), Kolkata.

The petitioner is alleging that her House Rent
Allowance ('H.R.A.' in short) is partially not being paid to
her since July 2023 and is praying release of the same.

Mr. Bihani, learned senior advocate for the petitioner
submits that the HRA is being denied to the petitioner since
her husband, being an employee of a private organization, is
also receiving H.R.A.

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 July 2023 till date 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.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents

WPA 15921 of 2025 is disposed of with the above terms without any order as to costs..

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.)