

ML 223
08.01.2025
Ct. No. 18
adeb

W.P.A. 16261 of 2023

**Snigdha Kuchlan
Vs.
The State of West Bengal & Ors.**

Mr. Firdous Samim
Ms. Gopa Biswas
...for the petitioner

Mr. Pankaj Halder
Mr. Sanatan Panja
...for the State

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

It is submitted that petitioner is an approved assistant teacher of a Government aided school who was in receipt of House Rent Allowance till September, 2013. Thereafter from October, 2013 to April, 2017 House Rent Allowance was stopped and same was not paid to the petitioner. Subsequently, again House Rent Allowance was paid to the petitioner on and from May, 2017 onwards. Petitioner questions withdrawal of House Rent Allowance for the period from October, 2013 to April, 2017. In support of the case made out in this writ petition reliance has been placed on behalf of the petitioner on a communication dated 6th February, 2017 issued by the Assistant Secretary to the Government of West Bengal, School Education Department whereby it was clarified that the petitioner is eligible to draw House

Rent Allowance in terms of G.O. No. 955-SE(Law)/SL/5S-1221/09 dated 27th July, 2011. It is submitted that in view of clarification made by the Assistant Secretary, as contained in communication dated 6th February, 2017, petitioner is entitled to receive House Rent Allowance for the aforesaid period.

Learned advocate representing the State-respondents has made attempt to defend the stand taken by the concerned District Inspector of Schools (SE) by not paying House Rent Allowance for the period from October, 2013 to April, 2017. An argument has been advanced on behalf of the concerned District Inspector of Schools (SE) that in terms of communication dated 6th February, 2017 of the Assistant Secretary, effect of such clarification offered by the Assistant Secretary should be given effect to from subsequent date after the communication dated 6th February, 2017 and not prior to that.

Having considered the respective submissions made on behalf of the parties this Court needs to rely upon the explanation offered by the Assistant Secretary as contained in communication dated 6th February, 2017 wherein it has been clarified that in terms of Government Order dated 27th July, 2011 petitioner is entitled to receive House Rent Allowance. Therefore, the date of offering clarification by the Assistant Secretary is immaterial what is relevant is the entitlement of the

petitioner to receive House Rent Allowance in terms of Government Order dated 27th July, 2011. Therefore, the decision of the concerned District Inspector of Schools (SE) to withhold House Rent Allowance for the period from October, 2013 to April, 2017 stands negated. Accordingly, the State-respondents and the concerned school authority are directed to pay House Rent Allowance to the petitioner for the period from October, 2013 to April, 2017 within a period of 4 (four) weeks from the date of communication of this order.

The communication dated 5th November, 2024 issued by the District Inspector of Schools (SE), Purba Bardhaman is placed before this Court and same is taken on record.

The writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)