

13.08.2025  
Item No.14  
Court No.17  
SK

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

**W.P.A. 17960 of 2025**

**Dr. Rubia Khatun**

**-Vs-**

**The State of West Bengal & Ors.**

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

Mr. Rajat Dutta  
.....for the State.

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

The petitioner is an Assistant Professor of the  
subject Bengali at Purash-Kanpur Haridas Nandi  
Mahavidyalaya, Howrah.

The petitioner is alleging that her House Rent  
Allowance ('H.R.A.' in short) is not being paid to her  
since February 2020 and is praying release of the same.

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

The H.R.A. of the petitioner is 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 which  
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 in so far as it is inconsistent by including within its ambit employees who are serving in non- Government/Aided/Sponsored educational institutions.

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 February 2020 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 17960 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.)**