

21.08.2025
(D/L 09)
Ct.-17
(Susanta
Samar)

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

APPELLATE SIDE

W.P.A. 18700 of 2025

Dr. Debasree De

-Vs-

The State of West Bengal & Ors.

Mr. N.C. Behani, Sr. Adv.,
Mr. Soumya Mukherjee,

...for the Petitioner.

Mr. Vivekananda Bose,
Mr. Tirthankar Das,

.... 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 History at Maharaja Srischandra College, Kolkata.

The petitioner is alleging that her House Rent Allowance ('H.R.A.' in short) is not being paid to her since July 2025 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 Instruction, Government of West Bengal, the respondent no.6 herein is directed to pay the admissible H.R.A. to the petitioner, arrears thereof be paid to her within a period of three weeks from the date of communication of this order but all such payments 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 18700 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.)