

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23471 of 2025

Sangita Sanyal
v.
State of West Bengal & Ors.

Mr. Saibal Acharyya
Mr. Pradip Paul
... For the petitioner

Mr. Sasthi Charan Dhara
... For the State

1. The petitioner is aggrieved as her House Rent Allowance (hereinafter referred to as 'HRA') has been abruptly reduced by the authority without giving any reason. She assumes that as her husband is working in a private organization (CESC Limited), the authority may have taken into consideration his service benefits and reduced the HRA which she is entitled to receive in accordance with law.
2. This Court in a batch of writ petitions first of which is WPA 1389 of 2018 (Mousumi Biswas & Anr. vs. The State of West Bengal & Ors.) framed an issue whether the State can curtail the right of the employees of non-Government sponsored educational institutions to draw HRA, based on the premise that their spouse, who are employed with private organizations, are receiving separate

HRA and thereby triggering the ceiling envisaged by the ROPA 2009?

3. The Court vide judgment dated 16.03.2021 held that the impugned, clarificatory Corrigendum dated December 27, 2018 read with the Finance Department Memo No. 5839-F(P) dated July 9, 2012 is applicable in the matter of grant of HRA to a State Government employee, who are governed by the altogether separate West Bengal Service (ROPA) Rules, 2009 issued vide Memo No. 1691-F dated February 23, 2009 and for the self-same reason, it is inapplicable to the category of employees employed in Non-Governmental Educational Institutions, who are governed by the ROPA 2009.
4. The petitioner relies upon the order passed by the Court on 4th November, 2025 in the matter of WPA 22930 of 2025 (Moumita Talukder v. The State of West Bengal & Ors.) in support of the submission that she will be entitled to the HRA in full.
5. It appears that the petitioner made a representation before the Headmistress of the School requesting immediate restoration of full HRA and to release the arrears. The same is pending consideration till date.
6. Upon hearing the parties, the instant writ petition stands disposed of by directing the District Inspector of Schools (Secondary Education),

Kolkata, to take into consideration the petitioner's representation strictly in accordance with law and in line with the law laid down by this Court from time to time and pass a reasoned order on the prayer of the petitioner after affording an opportunity of hearing to produce all documents in support of her claim at the earliest but positively within a period of eight weeks from the date of communication of this order.

7. A reasoned order shall be passed and communicated to the petitioner.
8. If any amount on account of HRA is found due and payable, the same shall be released in favour of the petitioner immediately thereafter.
9. The petitioner shall be paid interest at the rate of six per cent per annum on the arrears of HRA from the date it fell due till the date of actual payment.
10. The employer shall continue paying the current HRA to the petitioner promptly on the due date.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)