

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25847 of 2025

Suvra Sarkar
v.
State of West Bengal & Ors.

Mr. Sobhan Majumder
Ms. Poulami Chakraborty
Ms. Koyel Bag
... For the petitioner

Mr. Supriyo Chattopadhyay, AGP
Ms. Sayantanee Bhattacharjee
... For the State

1. The petitioner alleges that her House Rent Allowance (HRA) has been stopped since August 2018 allegedly because her husband receives HRA from his employer.
2. Specific submission of the petitioner is that her spouse is not engaged with the State Government. He serves in a private organization. The HRA received by him ought not to be taken into consideration for providing HRA to the petitioner.
3. In support of the aforesaid submission reliance has been placed on the judgment delivered by this Court on 16th March, 2021 in a batch of writ petitions, first of which is WPA 1389 of 2018 (Mousumi Biswas & Anr. v. State of West Bengal & Ors.) wherein the Court laid down that the HRA received by the spouse of the employees employed in private organization cannot be taken into

consideration for grant of HRA in favour of the employees of non-Government/Aided/Sponsored educational institutions.

4. Learned counsel for the State is not ready with instruction.
5. In view of the above, the instant writ petition stands disposed of by directing the District Inspector of Schools (Secondary Education), Kolkata to grant an opportunity of hearing to the petitioner for production of documents in support of her claim for House Rent Allowance and to ascertain the source of HRA of her spouse.
6. If it appears that the spouse of the petitioner is employed with a private organization, then House Rent Allowance in full shall be paid to the petitioner.
7. A decision shall be taken by the District Inspector of Schools at the earliest but positively within a period of twelve weeks from the date of communication of this order.
8. As the petitioner would receive her HRA at a delayed point of time, the same shall be paid to her with interest at the rate of five per cent per annum calculated on the due amount on and from the due date till the date of actual payment.
9. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)