

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26221 of 2025

Barnali Roy Choudhury
-versus
The State of West Bengal & Ors.

Mr. Malay Bhattacharyya
...For the Petitioner

Mr. Nara Narayan Ganguly
Ms. Kakali Pal
...For the State

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is serving in a Government Aided School. She used to receive house rent allowance (HRA). The same has been stopped allegedly on the ground that her spouse is receiving HRA.
3. It has been submitted that the spouse of the petitioner works in a private organization and his HRA ought not to stand in the way of the petitioner from receiving full HRA.
4. In support of the aforesaid submission, reliance has been placed on the judgment delivered by the Court on 16th March, 2021 in a batch of writ petitions, first of which is **WPA 1389 of 2018 (Mousumi Biswas & Anr. -vs- State of West Bengal & Ors.)** wherein the Court held that notwithstanding the spouse being engaged in private employment, full benefit of drawal of HRA ought to be allowed.
5. In the instant case the husband of the petitioner is reportedly serving in a private organization.

6. As the husband is not receiving HRA from the Government, accordingly, the petitioner would be entitled to receive full HRA.

7. The prayer of the petitioner for releasing full HRA has been forwarded by the school authority to the District Inspector of Schools (Secondary Education), Paschim Burdwan. The same is pending consideration.

8. In view of the above, the instant writ petition stands disposed of with the observation that if the petitioner files representation before the District Inspector of Schools (Secondary Education), Paschim Burdwan praying for releasing HRA, both current and arrears, disclosing details of her husband's employment, the said authority shall consider the same in accordance with law and in line with the judgment delivered by this Court in the matter of **Mousumi Biswas** (supra) at the earliest but positively within a period of eight weeks from the date of communication of this order.

9. If the prayer of the petitioner is allowed, then all arrear and current HRA in full shall be disbursed.

10. The arrear HRA shall be paid with interest @5% per annum from the date it fell due till the date of actual payment.

11. The writ petition stands disposed of.

12. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(**Amrita Sinha, J.**)