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26.11.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 26089 of 2025

**Manidipa Basu
-versus
The State of West Bengal & Ors.**

**Mr. Shuvro Prakash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal.
...For the Petitioner.**

**Mr. Sadhan Kumar Haldar,
Ms. Chandana Ghosh.
...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 respondent authorities from paying full HRA to the petitioner.

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 engaged in private employment and enjoying HRA, full benefit of HRA ought to be allowed to the teacher.

5. In the instant case the husband of the petitioner is serving in a private organization.

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

7. It appears that the petitioner is yet to make a representation before the District Inspector of Schools highlighting her grievance of non-receipt of full HRA.

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 disclosing details of her husband's employment, the said authority shall consider the same in accordance with law and in line with the judgment laid down 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. All arrear and current HRA in full shall be disbursed if the prayer of the petitioner is allowed. The arrear HRA shall be paid with interest @5% per annum from the date it fell due till the date of actual payment.

10. The writ petition stands disposed of.

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

(Amrita Sinha, J.)