

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 737 of 2026

Paulamy Datta
-versus
The State of West Bengal & Ors.

Mr. Ujjal Ray
Mr. Sk. Abdur Rahim
... For the petitioner

Mr. Arun Kumar Mondal
Ms. Soumyajit Ghosh
... For the State

Ms. Koyeli Bhattacharyya
... For WBBSE

1. Affidavit-of-service filed in Court today is taken on record.

2. The petitioner is aggrieved by the order dated 21st November, 2025 passed by the District Inspector of Schools (Secondary Education), Barrackpore, North 24-Parganas rejecting the petitioner's prayer for grant of House Rent Allowance.

3. Specific submission of the petitioner is that her husband works in a private organization and she would be entitled to receive House Rent Allowance.

4. In support of such submission, learned advocate for the petitioner relies on the judgment delivered by this Court in a batch of writ petitions, first of which is **Mousumi Biswas & Anr. v. State of West**

Bengal & Ors. reported in **2021 SCC OnLine Cal 524** wherein the Court was pleased to set aside the clarificatory corrigendum dated 27th December, 2018, holding it to be inconsistent with the service Rules of the teachers.

5. An appeal preferred against the said judgment stood dismissed by the Hon'ble Division Bench. As on date, the judgment passed in the matter of Mousumi Biswas (supra) holds the field.

6. By the impugned order, the District Inspector of Schools rejected the claim of the petitioner relying on the Government Order No.5839-F(P) dated 9th July, 2012 and its Corrigendum No.8012-F(P2)FA/O/2M/206/17(N.B.) dated 27th December, 2018.

7. As it appears that the clarificatory note relying on which the prayer of the petitioner stood rejected by the authority was long set aside by the Court, accordingly, the authority ought not to rely on the same.

8. In view of the above, the impugned order is liable to be struck down and is, accordingly, set aside.

9. The District Inspector of Schools (Secondary Education), Barrackpore, North 24-Parganas is directed to re-consider the prayer of the petitioner strictly in the light of the judgment passed in the matter of Mousumi Biswas (supra).

10. An opportunity of hearing shall be provided to the petitioner for production of documents in support of the stand that her husband works in a private organization.

11. A decision shall be taken by the District Inspector of Schools at the earliest, but positively within a period of eight weeks from the date of communication of this order.

12. If the prayer of the petitioner is allowed, then necessary consequential steps for releasing House Rent Allowance shall be taken without any further delay.

13. If the petitioner is found to be entitled to any payment, the same shall be released along with simple interest calculated at the rate of six per cent per annum on and from the date the same fell due till the date of actual payment.

14. The writ petition stands disposed of.

15. All parties are directed to act on the basis of the server copy of this order duly downloaded from the official website of this court.

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

(Amrita Sinha, J.)