

08-01-2026
Item No.7
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.4506 of 2023

Rimi Ghosh Sarkar

-vs-

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya

Mr. Jaydip Basu

...for the petitioner

Ms. Munmun Tewary

...for the State

1. The petitioner alleges that her house rent allowance (HRA) has been withheld from the month of January 2018 allegedly on the ground that her husband receives HRA from his employer.
2. The husband of the petitioner is working with a private organization and does not receive any HRA from the State Government.
3. The issue as to whether the teacher whose spouse receives HRA from the private employer would be entitled to receive HRA from the State Government has been conclusively decided by the Court on **March 16, 2021** in the matter of **Mousumi Biswas & Anr. -vs- State of West Bengal & Ors. (WPA No.1389 of 2018)**.
4. The ratio laid down in the matter of Mousumi Biswas (supra) has been consistently followed by this Court. One such order dated **June 27, 2022** passed in **WPA No.15667 of 2021 (Sumi Chowdhury & Ors. -vs- State of West Bengal & Ors.)** is annexed to the writ petition.

5. Learned counsel for the State submits that she is not ready with any instructions.
6. As it appears that the issue is already settled by the Court, accordingly, similar order passed in Sumi Chowdhury & Ors. (supra) is being passed herein.
7. The concerned respondent is directed to release the HRA benefit to the petitioner together with all arrears at the earliest but positively within a period of sixteen weeks from the date of communication of this order.
8. Any impugned memo restricting grant of HRA to the teacher whose spouse receives HRA from the employer of a private organization will not be made applicable in the instant case.
9. The writ petition is disposed of.
10. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

