

20 **11.03.
2026**

Ct. No. 24

Ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE.**

WPA 4920 of 2026

**Aurinjoy Biswas
Vs.
The State of West Bengal and others.**

**Mr. Nayan Chand Bihani,
Mr. Soumya Mukherjee.
... for the petitioner.**

**Mr. Arjun Roy Mukherjee,
Ms. Debangana Dey.
... for the State.**

1. The affidavit of service filed today is kept on record.
2. The petitioner is an Assistant Professor of History in Basanti Devi College since 2014. The petitioner is aggrieved that the compensatory House Rent Allowance (HRA) payable to him has not been paid in view of relevant resolutions and corrigendum issued by the State Government.
3. Mr. Bihani, learned Senior Advocate appearing for the petitioner, submits that the initial Memorandum of July 9, 2012, which brought into fold of HRA payable to the existing State Government employees, their spouses, even if they were employed in private organizations. This Memorandum of July 9, 2012 was clarified subsequently by a corrigendum of December 27, 2018, which related to the employees of the State

Government serving in Educational Institutions, as specified therein. The said corrigendum of December 2018 was followed by the Department of Higher Education and an order was issued on November 11, 2020 bringing all employees serving the State Government in sponsored/aided educational institutions within its fold. By this order of November 11, 2020, the spouse of the afore-stated employees, working in private organizations, would also be taken into account for determining the grant of HRA to the said employees.

4. The corrigendum of December 2018 was challenged before this Hon'ble Court and was ultimately set aside by a judgment and order dated March 16, 2021. I have been informed that there is an appeal pending from said order. However, the said order has not been stayed on account whereof it cannot be said that the order of December 2018 is still in subsistence.
5. The supporting order of the Higher Education Department dated November 11, 2020 has also been set at rest by the Hon'ble Court by the order of February 23, 2023.
6. In fact, this order of February 23, 2023 has not been challenged and has attained finality.
7. Thus, there is no impediment or fetter to hold that

the petitioner as of now is entitled to the HRA payable to him irrespective of the engagement of spouse and receipt of HRA by him from a private organization.

8. In view of the afore-stated circumstances, I direct the respondent no. 6 to immediately disburse the HRA of the petitioner from December 2020 (partial) till February 28, 2026.
9. The respondent no. 6 will disburse such payment by April 15, 2026. The respondent no. 6 is also directed to keep making payment of the current HRA, commencing from March 2026. The payment and receipt thereof will be without prejudice to the rights and contentions of the parties, as may be established before the Appellate Court.
10. I further direct the respondent no. 6 to calculate the interest accrued on the HRA payable to the petitioner from December 2020 till December 2025 at the rate of six per annum and to keep the same in an interest bearing account in a nationalized bank to the credit of the petitioner, payable to the petitioner subject to the result of the appeal being MAT 1023 of 2021.
11. Upon disposal of the afore-stated appeal, the respondent no. 6 will immediately inform the petitioner.
12. Depending on the result of the appeal, in which

the petitioner is not a party, but may be bound by the same in the event a supporting order is issued by the Department of Higher Education, Government of West Bengal, the interest amount so kept in a nationalized bank in an interest bearing account by the respondent no. 6 will be handed over to the petitioner or the petitioner will refund the entire amount of HRA subject to corresponding notifications and/or memorandums that may be issued by the concerned Department of the Government of West Bengal.

13. With these afore-stated directions, the writ petition is disposed of.
14. There shall, however, be no order as to costs.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

