09.10.2026
Item no.29
Subrata
Bhattacharyya
AR(C)

In the High Court at Calcutta

Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA No.8971 of 2026**

In the matter of:

Moumita Mukherjee

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Sakti Pada Jana
Mr. Subhojyoti Das

....Advocates

For the State:

Ms. Mary Datta
Ms. Sneha Chatterjee

....Advocates

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

2. The petitioner seeks arrear house rent allowance (HRA). Her HRA is due from August 1, 2018 to December 31, 2024. The HRA component was withheld on the ground that her spouse was receiving HRA.

3. It is the specific case of the petitioner that her spouse does not work in any government organization. He works in a private company.

4. Whether the teacher would be entitled to receive house rent allowance if the spouse receives house rent allowance from the employer has been decided by the Court on 16th March, 2021 in **WPA 1389 of 2018** in the matter of **Mousumi Biswas & Anr. Vs. The State of West Bengal & Ors.**

5. The Court was pleased to hold that the employer does not have any right to deduct house rent allowance from the teacher even if the

spouse received house rent allowance from the employer of a private organization.

6. In view of the law laid down by the Court in the matter of Mousumi Biswas (supra), the respondent authorities cannot withhold house rent allowance of the petitioner as the spouse of the petitioner does not receive house rent allowance from any government organization.

7. The instant writ petition is disposed of by directing the District Inspector of Schools (SE), North 24 Parganas being the respondent no. 3 herein to ascertain as to whether the spouse of the petitioner is working in a government organization or not and thereafter take a decision on the prayer of the petitioner seeking release of her arrear house rent allowance from August 1, 2018 till December 31, 2024 strictly in line with the law laid down by the Court in the matter of Mousumi Biswas (supra).

8. A decision shall be taken at the earliest but positively within a period of twelve weeks from the date of communication of this order.

9. An opportunity of hearing shall be given to the petitioner for production of documents in support of the HRA drawn by her spouse, if any.

10. If the prayer of the petitioner is allowed, then steps for releasing the HRA in favour of the petitioner shall be taken without any further delay.

11. As the petitioner will receive HRA at a delayed point of time, accordingly, the petitioner would be entitled to receive interest on account of the delayed payment.

12. The dues of the petitioner shall be released with interest calculated at the rate of six per cent per annum on and from the due date till the date of actual payment.

13. The writ petition stands disposed of.

14. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

15. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)