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07.10.2026
Court No. 24
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In the High Court at Calcutta

Constitutional Writ Jurisdiction
Appellate Side

WPA 16756 of 2026

Dr. Ujjaini Samanta (Roy)
VS.
The State of West Bengal & Ors.

Mr. N.C. Bihani, Sr. Adv.
Mr. Soumya Mukherjee
... For the Petitioner

Ms. Koyeli Bhattacharyya
Mr. Anshuman Bhattacharya
... For the State

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

2. The petitioner seeks house rent allowance (HRA). The petitioner was paid HRA till the month of March, 2020 in the old scale. From the month of April 2020, HRA was not paid at all.

3. HRA paid to the petitioner from 1st July, 2012 to 30th November, 2017 amounting to Rs.3,14,718/- and HRA for the period from 1st December, 2017 to 31st March, 2020 amounting to Rs.1,58,040/- which was initially paid was recovered from the petitioner as withdrawn amount taking into account HRA received by her spouse.

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

5. HRA directed to be refunded allegedly on account of overdrawn by the petitioner had to be complied by the petitioner or else the petitioner's prayer for career advancement scheme and other increments would not have been allowed.

6. Prayer has been made to direct the respondents to (i) refund HRA recovered from her, (ii) release arrear HRA, (iii) continue paying the current HRA and (iv) grant interest on account of delayed payment of HRA.

7. 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.**

8. 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.

9. 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.

10. The instant writ petition is disposed of by directing the Director of Public Instruction, Government

of West Bengal, being the respondent no.6 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 HRA strictly in line with the law laid down by the Court in the matter of Mousumi Biswas (supra).

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

12. 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.

13. If the prayer of the petitioner as mentioned in paragraph 6 above is allowed, then steps for releasing the same in favour of the petitioner shall be taken without any further delay.

14. 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.

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

16. The writ petition stands disposed of.

17. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Amrita Sinha, J.)