

16th Feb., 2026

Item no.D/L 12
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 19442 of 2025**

In the matter of :

Anwasha Modak

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Shuvro Prokash Lahiri

Mr. Ankan Mondal

....Advocates

For the State:

Mr. Arindam Chattopadhyay

Ms. Lipika Chatterjee

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is aggrieved as she is not receiving her house rent allowance.
3. From the documents annexed to the writ petition, it appears that the marriage between the petitioner and her husband stood dissolved by a decree of divorce passed on 23rd September, 2021.
4. The petitioner was receiving the proportionate share of house rent allowance as her husband, since divorced, was serving as assistant teacher in a government aided school.
5. The petitioner has challenged the decree of divorce by filing an appeal before this Court being FA 19 of 2022 which is pending disposal.

6. Prayer has been made to direct the respondent authorities to grant full house rent allowance to her as the marriage between the parties is no longer subsisting.
7. Learned advocate representing the State respondents opposes the prayer of the petitioner. It has been submitted that the petitioner has challenged the decree of divorce by filing an appeal which is pending consideration. If ultimately the appeal goes in favour of the petitioner, then she may not be entitled to receive full house rent allowance.
8. Upon hearing the submissions made on behalf of both the parties and on perusal of materials annexed to the writ petition, it appears that during the period the matrimonial proceeding between the parties was pending, the petitioner was paid proportionate amount of house rent allowance as she was living separately from her husband at a distant place.
9. Though a decree of dissolution of marriage has been passed in September, 2021 and there is no order of setting aside the said decree, and as the petitioner asserts that she is living separately from her husband at a distant place, accordingly, the headmaster of the school is directed to make the necessary calculation regarding the proportionate share of house rent allowance which the petitioner was receiving during the pendency of her matrimonial proceeding. The headmaster shall forward the necessary calculation to the District Inspector of Schools.
10. Till a final order is passed in the appeal, let the proportionate share of house rent allowance be paid to the petitioner.

11. The headmaster shall take into consideration the declaration given by the erstwhile husband of the petitioner regarding receiving house rent allowance at the time of calculating the house rent allowance receivable by the petitioner.
12. Steps shall be taken in the matter by the headmaster at the earliest but positively within a period of twelve weeks from the date of communication of this order.
13. The current and the arrear house rent allowance shall be disbursed in favour of the petitioner without any further delay.
14. The impugned communication of the District Inspector of Schools and the follow up communication made by the headmaster stand set aside.
15. The writ petition stands disposed of.
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.)