09.10.2026
Item No.33
Subrata Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA No.27855 of 2026

Dipasree Sahu
Vs.
The State of West Bengal & Ors.

Ms. Koyel Bag
...for the Petitioner.

Mr. Saharangshu Bhattacharjee, AGP
Mr. Suchindram Bhattacharjee
...for the State.

1. Affidavit of service filed in Court today be kept with the records.

2. The petitioner is serving in a Government aided school. She received house rent allowance (HRA) till June 2023 and thereafter from July, 2023 the same was completely stopped on the ground that her spouse is receiving HRA.

3. It has been submitted that the spouse of the petitioner works in a private organization and his HRA ought not to stand in the way of the respondent authorities from paying full HRA to the petitioner.

4. In support of the aforesaid submission, reliance has been placed on the judgment delivered by the Court on 16th March, 2021 in a batch of writ petitions first of which is **WPA 1389 of 2018 (Mousumi Biswas & Anr. v. State of West Bengal & Ors.)** wherein the Court held that notwithstanding the spouse engaged in

private employment and enjoying HRA, full benefit of HRA ought to be allowed to the teacher.

5. The petitioner prays for a direction upon the District Inspector of Schools for releasing the arrear HRA and regularization of her HRA as laid down by the Court in the matter of Mousumi Biswas (supra).

6. Learned counsel representing the State respondents submits that the issue may be decided in line with the decision laid down by the Court in the matter of Mousumi Biswas (supra).

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

8. The instant writ petition is disposed of by directing the District Inspector of Schools (SE), Kolkata 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 arrear HRA from July 2023 strictly in line with the law laid down by the Court in the matter of Mousumi Biswas (supra).

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

10. 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.

11. 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.

12. 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.

13. 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.

14. The writ petition stands disposed of.

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

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

(Amrita Sinha, J.)