

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28898 of 2025

Moumita Datta
v.
The State of West Bengal & Ors.

Mr. Shuvro Prakash Lahiri
Mr. Ankan Mondal
... For the petitioner

Mr. Swapan Dutta, Ld. GP
Mr. Dipankar Dasgupta
Mr. Amartya Pal
... For the State

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

2. The petitioner is serving in a Government aided school. She received house rent allowance (HRA) for two months. The same has been stopped allegedly 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. In the instant case the husband of the petitioner is serving in a private organization.

6. As the husband of the petitioner is not receiving HRA from the government, accordingly, the petitioner would be entitled to receive full HRA.

7. The District Inspector of Schools (Secondary Education), Nadia, vide communication dated 7th November, 2025, has sought for clarification of admissibility of the petitioner's claim of arrear HRA from the head of the institution. There is no response either from the end of the school or the District Inspector of Schools.

8. 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).

9. The instant writ petition stands disposed of by directing the District Inspector of Schools (Secondary Education), Nadia to take a decision on the prayer of the petitioner for grant of arrear HRA and for regularizing her current HRA strictly in accordance with the law laid down in the matter of Mousumi Biswas (supra) at the earliest but positively within a period of twelve weeks from the date of communication of this order.

10. All arrear and current HRA in full shall be disbursed if the prayer of the petitioner is allowed. As the petitioner will receive the amount on account of HRA at a delayed point of time, accordingly, the arrear HRA shall be paid with simple interest @ 5% per annum from the date it fell due till the date of actual payment.

11. It will be open for the District Inspector of Schools (Secondary Education), Nadia to provide an opportunity of hearing to the petitioner, if required, for production of documents in support of the submission that her husband works in a private organization.

12. The writ petition stands disposed of.

13. As the writ petition is being disposed of without calling for any affidavit, allegations made therein are deemed not to have been admitted by the respondents.

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

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

(Amrita Sinha, J.)