

27th Jan., 2026
Item no.M/L 711
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 28585 of 2023**

In the matter of :

Shika Santra @ Shika Manna

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Ms. Sabita Khutia (Bhunya)

Mr. Krishna Pada Santra

....Advocates

For the State:

Mr. Biman Halder

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is a retired teacher-in-charge. She alleges that she has not been paid full Provident Fund dues. Reference has been made to the communication dated 13th December, 2018 made by the Assistant Inspector of Schools, Secondary Education, Haldia Sub-Division addressed to the teacher-in-charge of the school mentioning that the petitioner would be required to deposit the amount she received on account of house rent allowance as her husband worked as an employee of IOCL Haldia and stayed in the company allotted house during her husband's service period.
3. 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.**

4. 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.
5. In view of the law laid down by the Court in the matter of Mousumi Biswas (supra), the respondent authorities cannot withhold the balance Provident Fund amount of the petitioner.
6. The prayer made by the petitioner for releasing the balance Provident Fund due is pending consideration before the District Inspector of Schools, Secondary Education, Purba Medinipur.
7. The instant writ petition is disposed of by directing the District Inspector of Schools, Secondary Education, Purba Medinipur to take a decision on the prayer of the petitioner seeking release of her balance Provident Fund amount 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 house rent allowance drawn by her spouse, if any.
10. As the dues of the petitioner are illegally withheld from 2018, the petitioner would be entitled to receive interest on account of the delayed payment.

11. The dues of the petitioner shall be released with interest calculated at the rate of five per cent per annum on and from the due date till the date of actual payment.
12. The writ petitions stands disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)