

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8445 of 2010

MAHENDRA KUMAR MAHTO S/O Shri Rameshwar Mahto R/O Mohalla
Moghalpura, P.S. Laheria Sarai, Distt.- Darbhanga

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Chief Secretary, Government Of Bihar, Patna
3. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna
4. The Director (Higher Education) Human Resources Development
Department, Government Of Bihar, Patna
5. The Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga,
Through Its Registrar
6. The Vice Chancellor Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga
7. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Pathak, Advocate
For the Respondent/s : Mr. GA-5

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 23-11-2023 1. The original sole petitioner Mahendra Kumar

Mahto has filed the instant application for the following

relief(s):

“I. To direct the respondents to pay
the arrears of salary as well as current salary to
the petitioner with all admissible allowances
which has arbitrary been withheld by the
respondents University, whereas the service of
the petitioner has duly been absorbed by the
respondent University in compliance of the
judgement dated 12.10.2004 passed in Civil
Appeal No.6098 of 1997 vide Memo No.VCR-
362-457/60 dated 4.4.2006.

II. And further to direct the



respondents University for making payment of interest at the rate of 18% per annum to the petitioner on aforesaid lawful dues arrears of salary which has been illegally withheld without any rhyme and reason.

III. Consequential and any other relief(s) deem fit and proper.”

2. On account of death of the only counsel appearing on behalf of the petitioner, by order dated 10.8.2018, notice was issued to the petitioner. As per the office note dated 10.11.2023, the service report of the unserved notice has been returned with the report to the effect that the sole petitioner died as stated by his son and the death certificate has been attached.

3. No one appears either on behalf of the petitioner who is reported to have died nor on behalf of any of the heirs of the petitioner.

4. In view of the above, the writ application is disposed of leaving liberty to the heirs of the petitioner to pursue the remaining grievances, as prayed for in the writ application, before the respondents-authorities.

5. The application stands disposed of.

(Partha Sarthy, J)

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