

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11895 of 2012

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Tunia Devi W/O Late Arjun Munda Resident Of Village- Chatia Madgari,
P.O.- Parasarai, P.S.- Bhandaria, District- Garhwa Jharkhand Presently
Resident Of North Koel Colony, P.S. And District- Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary-Cum-Commissioner, Water Resources Department,
Government Of Bihar, Patna
3. The District Magistrate, Aurangabad
4. The Chief Engineer Mechanical, Water Resources Department, Government
Of Bihar, Patna
5. The Chief Engineer, Water Resources Department, District- Aurangabad
6. The Superintending Engineer, Mechanical Circle, Water Resources
Department, Gaya-Camp Dehri-On-Sone, Rohtas
7. The Executive Engineer, Mechanical Division, Water Resources Division,
Aurangabad
8. The Executive Engineer, Quality Control Division, Water Resources
Department, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate
For the Respondent/s : Mr. Anjani Kr Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-02-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. Learned Counsel for the petitioner submits that
during pendency of the writ petition, petitioner has died.
Counsel submits that Annexure-7 is the order bearing Memo
No.960 dated 16.05.2012 which was challenged before this
Hon'ble Court and it was stayed *vide* order dated 27.08.2012.
Counsel submits that due to stay order, petitioner was permitted



to continue in the department. Counsel submits that petitioner is now dead, but definitely her heirs and legal representatives may have certain claim. Therefore, he submits that liberty may be granted to the heirs and legal representatives of the petitioner to file representation before the concerned authority.

3. Learned Counsel for the State submits that since, petitioner is dead, therefore, this case has become infructuous. But in case, heirs and legal representatives of the petitioner have any civil right available to them, they may file representation before the concerned authority.

4. In the light of the submissions made by the parties particularly the proposition of law that civil right never dies, liberty is hereby granted to the heirs and legal representatives of the petitioner to file representation before the concerned authority if cause of action of any type survives for them relating to their mother's (petitioner) service.

5. Accordingly, this writ petition is hereby disposed off.

(Dr. Anshuman, J)

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