

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14977 of 2014**

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Narmadeshwar Mishra, son of late Jagdeo Mishra, resident of village-Bela,  
P.O., P.S. and District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Department of Education, Government of Bihar, New Secretariat, Bailey Road, Patna.
2. The Director, Primary Education, Education Department, Government of Bihar, New Secretariat, Bailey Road, Patna.
3. The Secretary Finance, Government of Bihar, New Secretariat, Bailey Road, Patna.
4. The Accountant General, Bihar, Birchand Patel, Path, Patna.
5. The District Provident Fund, Officer, Aurangabad.

... .. Respondent/s

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**Appearance :**

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|-----------------------------|---|--------------------------------|
| For the Petitioner/s        | : | Mr. Shailendra Kumar, Advocate |
| For the Respondent/s        | : | Mr. S.A. Alam, Advocate        |
| For the Accountant General: |   | Mr. Uday Kumar, Advocate       |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      02-08-2018                      Heard learned counsel for the petitioner and the  
  
counsel appearing on behalf of the State.

The present writ application was filed by the original petitioner for a direction to the respondents to grant the benefit of promotion in Subordinate Education Service Class-II with effect from 01.01.1977.

Learned counsel for the petitioner submits that similarly circumstanced others have been granted the benefit of such promotion whereas the case of the original petitioner was arbitrarily rejected.

The issue as to the grant of promotion to Subordinate



Education Service Class-II was considered by this Court as well as Apex Court in different proceedings and it has been held out that those who are in the Lower Subordinate Education Service are entitled to promotion in the position of Subordinate Education Service Class-II.

The original petitioner died during the pendency of the writ petition. I.A. No. 1865 of 2015 has been filed by one Rabindra Nath Mishra son of the original petitioner for substitution. In para 4 of the interlocutory application a statement is made that the other legal heirs of the late Narmadeshwar Mishra has no objection in substitution of name of this petitioner in place of original petitioner.

Considering the totality of the facts situation, the writ petition is disposed of with direction to the respondents to examine the claim of legal heirs of the original petitioner for grant of consequential benefits on account of granting promotion in Subordinate Education Service Class-II in the light of the judgment of the Apex Court and the fact that similarly circumstanced others have been granted the benefit of promotion from Lower Education Service to Subordinate Education Service Class-II.

Final decision in this regard may be taken by the



respondents within a period of six months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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