

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 246/2008**

**Date of order: 18.03.2011**

**CORAM:**

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER  
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

G R Sharma S/o Shri Vishwamber Dayal Sharma, aged about 52 years, R/o House No. A-4, Defence Colony, Air Force Area, Jodhpur, at present employed on the post of PGT (Bio.) (under suspension) in Kendriya Vidyalaya (Army), Banar, Jodhpur (Raj.) - 342027.

...Applicant.

Mr. Kuldeep Mathur, counsel for applicant.

**VERSUS**

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 110016.
2. The Chairman, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 110016.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, 92, Gandhinagar Marg, Bajaj Nagar, Jaipur - 302015 (Rajasthan).
4. Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 110016, through Joint Commissioner (Admn).

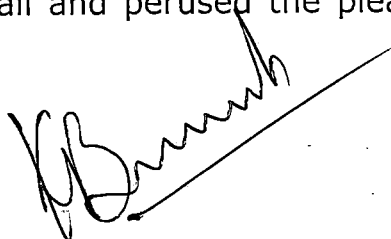
... Respondents.

Mr. V.S. Gurjar, counsel for respondents.

**ORDER**

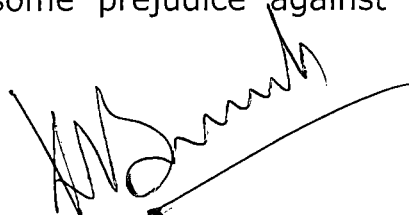
**(Per Dr. K.B. Suresh, Judicial Member)**

Heard Shri Kuldeep Mathur, learned counsel for the applicant as well as Shri V.S. Gurjar, learned counsel for the respondents, in detail and perused the pleadings and record of this case.



2. After hearing both the learned counsels for the parties, we think that ends of justice would be met if we pass a comprehensive order comprising the whole incident or incidents, which happened in this particular case. We keep in mind that sensitivity for human value is important in the society and in the field of education and that is why provision of Article 81 (B) of the Education Code for Kendriya Vidyalayas has continued to be in the Rule Books because even though it is highly draconian and an arbitrary rule. In view of the sensitive constitution of educational institutions at least at some time it warrants invoking of such draconian provisions also. Therefore, the Court, in the land have an looked with mercy on this ~~the~~ infraction of constitutional matrix in the an larger interest of the society.

3. Looking to the enquiry proceedings, we find that preliminary enquiry and the subsequent committee report are not focused against the applicant in its entirety, as showed in the impugned order annexure A/1 dated 19.11.2008. It is also trite to point out that most of the complainants were taking tuitions with Shri V.K. Saxena, PGT (Physics), at that relevant time and also most of the students were found watching blue pictures on Computer in Computer Lab and informed on by the applicant. We also note that main complainant Kumari Manju was allegedly to have been involved an ~~to be~~ found by the committee an in watching of blue pictures on the Computer in Computer Lab, as also Kumari Harpreet. The an applicant had reported the said episode to the Principal and thereby he had earned some prejudice against himself. The

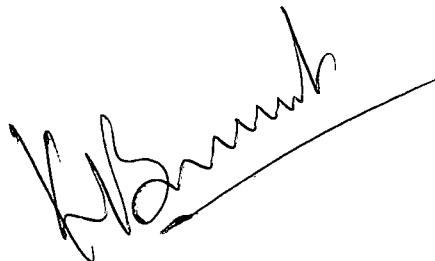


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committee has also found that the applicant had apparently scolded Kumari Manju for mishandling microscope in Bio Lab. Kumari Manju made allegation against the applicant for indulging in immoral behavior towards the girl students but without nexus in time and occasion. Besides that, one another girl Kumari Harpreet Kaur also made allegation against the applicant regarding act of moral turpitude towards her. Therefore, there must be two strong grounds to presuming that they might be prejudiced against the applicant as noted by the committee. ~~ku.~~

The committee opined that the presence of Shri P.K. Chandran, Principal, Shri G.R. Sharma, PGT (Bio) & Shri V.K. Saxena, PGT (Phy.) in the Vidyalaya is not in the interest of students on cogent and explained grounds.

4. But the concerned authorities, probably taking in view the sensitive nature of the issue, and the present trend of treating with harshness any complaint made by a woman against a man, ~~ku.~~ have issued the impugned order for seeking cause from the applicant for not being dismissed immediately. While, it is true that crimes against women are increasing, or there are more cases reportable these days, facts remain that 19<sup>th</sup> century situation may not be the same as regards the situation of the second millennium where much water has flown under the bridge, when the general understanding of the people has arisen, and to follow the Angelic innocence philosophy may not be a rightful approach in the right direction. Mere vague



allegations steeped in a cloud of suspicion based on actual prejudice cannot be allowed to destroy a man's life.

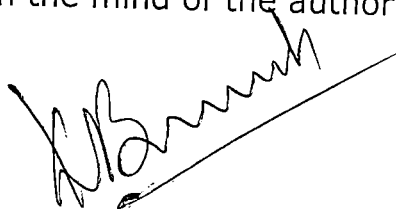
5. But at the same time, the doors of truth should also not be shut out, therefore, after discussing with the learned counsels for both the parties, we pass the following orders:

(a). The impugned order dated 19.11.2008 (Annexure A/1) is hereby quashed and set aside as it is arbitrary, result of non application of mind and patent and latent illegality.

(b). We direct that the authorities should issue charge-sheet against the present applicant as well as Shri P.K. Chandran, Principal and Shri V.K. Saxena, PGT (Physics), respectively, if action had already not been taken against them in respect to the incident covered by the preliminary enquiry report. The applicant shall cooperate with the enquiry in every way.

(c). The applicant shall be given an opportunity to cross examining the necessary persons who are witnesses and whose statements the authorities propose to rely upon.

(d). We also make it clear that institutional integrity and the teachers' character must be above reproach, <sup>and</sup> while instituting and concluding the proceedings, ~~and~~ <sup>and</sup> these facts shall be ever in the mind of the authority.



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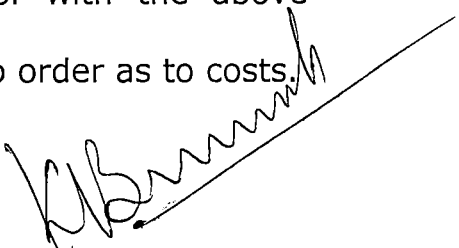
(e). We note with concern, the Supreme Court judgments wherein the Hon'ble Supreme Court had distinguished the punishment proposed to be imposed on a clerk in an organization and a teacher in educational institution as they would naturally be in view of respect and trust which teachers hold in the society, there should be a difference in proportion of punishment if found necessary for a teacher or any similarly situate person.

(f). Till the enquiry is completed and the applicant is exonerated, he cannot come to same school on transfer also.

(g). The interim order issued in this case earlier on 03.12.2008 by this Tribunal will stand dispensed with.

6. The Original Application is disposed of with the above observations and directions. There shall be no order as to costs.

  
(SUDHIR KUMAR)  
ADMINISTRATIVE MEMBER

  
(DR. K.B. SURESH)  
JUDICIAL MEMBER