

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-131/2000 order pg-1 to 3

Disposed date- 8/6/2000

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SECTION OFFICER (Judl.)

## FORM NO. 4

(See Rule 42)

## In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 19/2000(T) OF 199

Applicant(s) Sri Radhey Shyam Maurya.

Respondent(s) Union of India and Ors.

Advocate for Applicant(s) Dr. Person

Advocate for Respondent(s) Dr. B.P. Todi,  
K.V.S.

Notes of the Registry	Date	Order of the Tribunal
This writ petition No. 4088/99 was received from the Hon'ble High Court vide order 17-12-99 (on the basis of Govt of Assam Notification dated 17th Dec 1998). Hence this is registered as an original application.	24.1.2000	Present : Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman and Hon'ble Mr. G.L. Senglyine, Administrative Member. Heard the applicant in person. Application is admitted. Issue usual notices. Returnable on 22.2.2000. Applicant to take steps within a week.
Laid before Hon'ble Tribunal for further orders Dr. Registrar 20/1/2000 20/1/2000	22.2.00	6 Member Vice-Chairman No written statement has been submitted. None for the respondents. However, for the ends of justice to

Contd

Notes of the Registry	Date	Order of the Tribunal
<u>1 - 2 - 2000</u> Service of notices prepared and sent to D. Section 337 issuing of the same to the respondents through Regd. post with A.O. 21/2 1.2. 337 Dtd. 1-2-2000	22.2.00 trd	case is adjourned till 9.3.00 for written statement and further orders. List on 9.3.00 for written statement and further orders. Member
<u>21-2-00</u> Service reports are still awaited.	9.3.00	Dr. B.P. Todi, learned counsel for the KVS submits that the written statement is ready for submission. He may submit written statement with copy to the applicant who is present in person. List on 6.4.00 for hearing.
<u>8 - 3 - 2000.</u> ① Notice duly served on R. No. 2 P4. ② No. written statement has been filed.	trd 6.4.00	<u>J</u> Member (J) No Division Bench is available today. List for hearing on 8.6.00. Member (A)
<u>24-4-2000</u> Written statement has been filed by the respondents. No. 2, 3, 4, 5, 6, 7.	nkm 8.6.00 lm	Heard applicant in person. Dr. B.P. Todi learned counsel for KVS. The applicant in person prays for time to file rejoinder. Time is granted. List on 26.6.00 for orders. Member (Judicial)
<u>26.6.00</u>	26.6.00	There is no Bench today. Adjourned to 26.7.00.
	26.7.00	No Bench is available. Adjourned to 21.8.00.
	21.8.00	No Bench is available. Adjourned to 24.10.00.

Notes of the Registry	Date	Order of the Tribunal
The Case is ready for hearing as regards WFS.	24.10.00	Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.  The case is ready for hearing as the written statement has already been filed.  List on 22.12.2000 for hearing.
<i>By</i> 21.12.2000	pg	Vice-Chairman
	22.12.2000	List this case for hearing on 25.2.2001.
		<i>W</i> Member(A)
	15.2.01	<i>W</i> Vice-Chairman
	15.2.01	List this for hearing on alongwith O.A.20/2001.
		<i>ICU Shar</i> Member
	19.2.01	<i>W</i> Vice-Chairman
16.3.01  Register filed by in apptmt.		The written statement in O.A.20/2001 is yet to be filed though it is a case of removal of a teacher that took affect in the year 2000. Mrs P. Barua, learned counsel appearing on behalf of Dr. B. P. Todi submitted that two weeks time may be granted to file written statement. Prayer allowed.
		List on 5.3.2001 for hearing along- with O.A.20/2001.
		<i>ICU Shar</i> Member
The case is ready for hearing.	pg	<i>W</i> Vice-Chairman
<i>By</i> 28.3.01	5.3.	NO D.B. LEFT IT AGAIN ON 28.3.2001. <i>By</i> A. B. S.

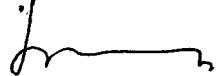
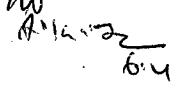
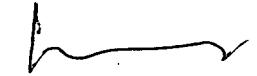
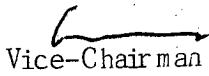
(4)

C.A. 19/2000.

## Notes of the Registry

## Date

## Order of the Tribunal

	29.3.01	On the prayer of the applicant, who appeared in person the case is adjourned to 6.4.01.  ICU Shar Member	 Vice-Chairman
	6.4.	There is no Division Bench today. The case is adjourned to 29.4.2001 at 20/2001.	 Vice-Chairman
<u>20.4.01</u> Ready for hearing. For	23.4.01	On the prayer of the applicant who appeared in person the case is adjourned to 8.5.01 for hearing.	 Vice-Chairman
<u>The case is ready for hearing.</u>	11.5.2001	List the matter for hearing on 7.6.01.	 Vice-Chairman
	7.6.2001	Heard the learned counsel for the parties. Hearing concluded. Judgment reserved.	 Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<p>Copy of the order of 28.6.2001 sent to D. Section for issuing of the same to the applicant and learned Advocate for the respondents.</p> <p><i>Re</i> 12.7.01</p>	28.6.01	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman The Hon'ble Mr K.K. Sharma, Administrative Member.</p> <p>By the impugned order dated 1.6.99 the applicant was placed under suspension in contemplation of a disciplinary proceeding against the applicant in exercise of power conferred under sub-rule 1 of Rule 10 of the C.C.S (Classification, Control and Appeal) Rules 1964. A memorandum containing the articles of charges were thereafter drawn vide memo dated 9.8.99 and vide order dated 29.5.2000 the order of penalty of removal from service was inflicted upon the applicant, which was the subject matter in O.A.20/2001. By our order the aforesaid application was allowed and the respondents were directed to complete the proceeding within the specified time after affording reasonable opportunity to the applicant.</p> <p>Considering the materials on record in its entirety we do not find any illegality or infirmity in the order of suspension and accordingly the application stands dismissed.</p> <p>There shall however, be no order as to costs.</p> <p><i>K K Sharma</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal	

IN THE GAUHATI HIGH COURT

(High Court of Assam Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

W.P.(c)

No. 4088 of 1999

Appellant

Petitioner

Sri Radhey Shyam Bhawaya

Versus

Union of India & Rs.

Respondent

Opposite-Party

Appellant - Mr. J. Ahmed  
Petitioner - Mr. C. Watty  
Respondent - Mr. S. Das  
Opposite-Party - Mr. J. Assam.

Notices by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
V1	2	3	4

- PRESENT -

THE HON'BLE MR JUSTICE JN SARMA

18.8.99

Heard Mr J Ahmed, Advocate for the petitioner.

Let the records be called for.

Let a Rule issue calling upon the Respondents to show cause as to why a writ should not be issued as prayed for or why such further or other orders should not be passed as to this court may seem fit and proper.

The rule is made returnable by six (6) weeks.

contd.

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders proceedings with signatures
	(contd)		
	18.8.99		
			Mr D Sur, CGSC accepts notice on behalf of the Respondents No.1 to 4. 4 copies of petition shall be served on him by tomorrow obtaining necessary receipt failing which rule issued shall stand discharged without further reference to this court. Notice to other respondents shall be sent by registered post. Steps within 48 hrs.
THE END			✓
Within 6 weeks			✓ JUDGE
CGSC accepts notice for the records from the Office respondent by regd post.	BARUAH 20899		
R 23/8 G 24/8 D 25/8 P 26/8			
6/9/99 Records carried for			
Steps filed on 23/8/99 and the same received by the section concerned on 4/9/99.			
Notices on the respondent Nos. 5, 6 and 7 sent to despatch for issuance			

Noting by office or  
Advocate.

Serial

Date

Office notes, reports, orders, or proceeding  
with signature.

6/9/99

Notices issued  
on the respon-  
dent Nos. 5, 6 and  
7 by regd. post  
with A.D. r/c  
memo. Nos. 16, 607  
— 09/12M dt.

6/9/99

no. 2/6/99

BEFORE

THE HON'BLE MR JUSTICE DN CHOWDHURY

17.12.99

The matter pertains to the condition  
of services of persons who are working in Kendriya  
Vidyalayas. It has been stated in the Bar that  
Sangathan  
Kendriya Vidyalaya / is now within the purview of  
the Central Administrative Tribunal Act, 1985 as  
per gazette notification dated 11.1.99. In that  
view of the matter, the case is transferred to  
the learned Central Administrative Tribunal.

Heard Mr J Ahmed, the learned counsel for  
the petitioner and also Mr GP Bhowmick, the learned  
C.G.S.C.

The matter stands disposed of.

JUDGE

skd

**Noting by Office or Advocate**

Serial  
No.

Date

**Office notes, reports, orders or proceedings  
with signature**

**THE GAUHATI HIGH COURT**  
 ( THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR : TRIPURA  
 MIZORAM AND ARUNACHAL PRADESH ,

Category	No.	Year
1. (a) Case No. :	W.P.(C)	4088 /199
1. (b) Related Case No. :		1199
1. (c) Related Information :	Designated order of 1/6/1999 under section 136(4) of the Constitution of India.	
1. (d) Jurisdictional Value Rs.	50/-	1. (e) Court Fee Rs. 58.80/-
1. (e) Provision of law under which the case filed	Article 142 of the Constitution of India.	
DATE	MONTH	YEAR
1. (f) Date of Registration :	16/08/1999	
2. (b) Case Category Code :	10051	*
2. (a) Subject Category Code :	11	*
2. (e) Bench Code :	A	
3. State Name :	Assam	
4. Petitioner (s) :	Sri Radhey Shyam Baruwa	
5. Respondent (s) :	Union of India & others	
6. Petitioner (s) :	Mr. J. Ahmed	
Advocate (s)	Miss. M. Waris	
	Mr. S. Das	
7. Respondent (s) :	S.A.C.B.S.C.	
Advocate (s)		
8. Stage Code of the Case :	111	
9. Court No. :	1	
10. Gaveat ( if any ) :	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

\* Kindly use appropriate codes.

Nasiruddin Ahmed  
 Signature with date 16/8/1999

DI STRICT:-KAMRUP.

IN THE GAUHATI HIGH COURT.

(THE HIGH COURT OF ASSAM:NAGALAND:MEGHALAYA:MANIPUR:

TRIPURA: MIZORAM AND ARUNACHAL PRADESH)

CODE NO. 1005/1

MATTER :- *Suspension*

BENCH :- A.

04.19/2000(7)

W.P.(C). NO.

4088/99.

Sri Radhey Shyam Maurya ..... Petitioner.

-Vs-

The ~~State~~ of Assam Union of India & ors.

..... Respondents.

I N D E X

Sl. No.	particulars	page No.
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Filed by :-

*Chiranjit Das* 16/8/99

Advocate.



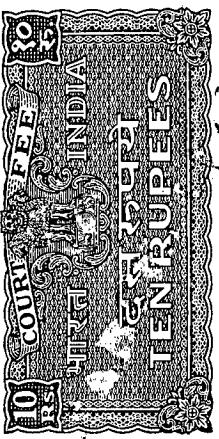
DISTRICT : KAMRUP

(IN THE GAUHATI HIGH COURT)

(THE HIGH COURT OF ASSAM:NAGALAND:MEGHALAYA:

MANIPUR :MIZORAM :TRIPURA AND ARUNACHAL PRADESH)

(CIVIL EXTRA ORDINARY JURISDICTION )



WRT PETITION (CIVIL) NO. 4088 OF 1999

CATEGORY NO. :- 10051 (Suspension)

CODE NO. :- 10051

BENCH:- A.

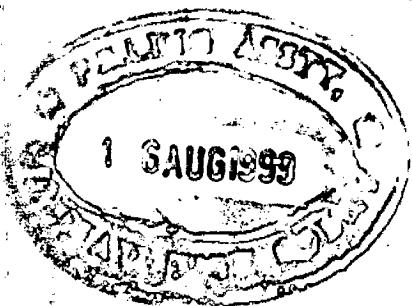
MATTER:- Suspension

TO,

The Hon'ble Sri. Brijesh Kumar, B.A., LL.B.,  
the Chief Justice of the Gauhati High Court  
and His Lordships other companion justices  
of the said Hon'ble Court.

IN THE MATTER OF :-

An application under Article  
226 of the Constitution of  
India for issuance of a writ  
in the nature of Mandamus and /  
or Certiorari and / or any other  
appropriate writ or order or  
direction.



Filed by the  
petitioner through  
Shyamal Deo Advocate.

8

-2-

-AND-

IN THE MATTER OF :-

Violation of the fundamental  
rights of the petitioner guaranteed  
under the Article s 14,16,19 and 21  
of the Constitution of India .

-AND-

IN THE MATTER OF :-

Violation of the principle of  
"natural Justice " equity , good  
conscience and administrative  
fair -play.

-AND-

IN THE MATTER OF :-

Impugned order dated 1st June ,  
1999 passed by the Assistant  
Commissioner , K.V.S., Gauhati  
Region , Maligaon whereby placed  
the petitioner under " suspension "  
with immediate effect without  
showing any reason ✓

-AND-

IN THE MATTER OF :-

Illegal and arbitrary action of  
the respondents .

-AND-

IN THE MATTER OF :-

Radhey Shayam Maurya

S/O. Sri. Ram Kumar,

Village - Shah Pur Awarawn

P.O. - Ram Nagar,

District - Faizabad, (U.P.)

and now serving as a P.G.T.

(Chemistry) in Kendriya Vidyalaya

Khanapara, Gauhati -22.

(Assam)

..... Petitioner

VERSUS

1. The Union Of India,

(under Ministry of H.R.D.),

Department of Education,

represented by the Secretary,

Government of India,

New Delhi -110001

2. The Kendriya Vidyalaya Sangathan

18, Institutional Area,

Shaheed Jeet Singh Marg,

New Delhi -16,

represented by the Secretary of  
Deputy Commissioner (Admin) *Shivaji* *16/15*

K.V.S., New Delhi -16.

3. The Commissioner,

Kendriya Vidyalaya Sangathan,

18, Institutional Area ,

Shaheed Jeet Singh Marg ,

new Delhi -16.

4. The Assistant Commissioner,

Kendriya Vidyalaya Sangathan,

Gauhati Region , Maligoan ,

Gauhati -12 , (Assam).

5. Dr. E. Prabhakar (Education -

Officer )

Kendriya Vidyalaya Sangathan,

Gauhati Region , Maligaon ,

Gauhati -12 .(Assam) .

6. Mrs. J. Das Basu , (Principal)

Kendriya Vidyalaya Khanapara ,

Gauhati - 22 , (Assam) .

7. Mr. G. S. C. Bose-babu , (Principal)

Kendriya Vidyalaya , Narangi

Gauhati , (Assam) .

•••• Respondents

The humble petition of the petitioner above

named :-

MOST RESPECTFULLY SHERETH:-

1. That the petitioner is a citizen of India and permanent resident of Faizabad , District of U.P. state and as such he is entitled to all the rights ,

privileges and protections given to a citizen of India by Part III of the Constitution of India and other laws of the land and at present he is serving as a post graduate teacher (P.G.T.) in Chemistry in Kendriya Vidyalaya, Khanapara, Gauhati (Assam).

2. That the petitioner begs to state that the respondent No. 5 is an Education Officer of K.V.S. and is an interested person in this matter as because the petitioner has intimated him all the history of this Vidyalaya but intentionally he did not take any proper steps and developed malafide attitude towards the petitioner to harm him.

3. That the petitioner begs to state that the respondent No. 7 is a close friend of the respondent No. 6 due to this reason he willingly came as an external examiner in Chemistry Practical of class XII and produced him self as a witness on behalf of the respondent No. 6 (PRINCIPAL, K.V.Khanapara) against the petitioner with malafide motive and tried to sabotage the petitioner during the Practical Examination whereas only P.G.T.'s came as an external in Biology and Physics Practicals while respondent No. 7 (Principal) came in Chemistry as an external leaving behind his school.

4. That the petitioner was initially appointed as

a Primary Teacher in K.V.Rupa in the West Kameng district of Arunachal Pradesh which is one of the "hardest station" in the N.E. Region. Thereafter, the petitioner was transferred to K.V.New Bongaigaon, K.V.B.R.P.L. (Dhaligaon) and in K.V.Borjhar on request transfer on medical ground and served till 28.11.95 in Borjhar. On the eve of selection as Post Graduate Teacher, the petitioner was transferred to K.V.Khanapara as a P.G.T.(Chemistry) and joined his duties in the forenoon of 30.11.95.

5. That the petitioner has been serving in the Kendriya Vidyalaya Sangathan in the North - East Region since 28.08.1985 in different capacities like as Primary Teacher, Trained Graduate Teacher and at present as a Post Graduate Teacher in Chemistry in Kendriya Vidyalaya, Khanapara since 30th November, 1995 and as such has continuous service of 14 years in North - East .

6. That the petitioner is a highly qualified teacher having M.Sc in Chemistry, B.Ed., M.Ed., LL.B, and LL.M., degree in this school and has got capability and competency in his subject as well as mastery in teaching and learning methodology through which he used to develop scientific temper among the students and makes his teaching - learning process effective .

7. That the petitioner is a hard working honest ,

sincere, punctual and dedicated one in his assignment and duties which is evident from his C.B.S.E. results of class XII Science during his stay in this Vidyalaya with that of other Science subjects.

8. That the petitioner has also benefitted to K.V.S. Gauhati Region from his knowledge of law in settling the cases of the departments pending in Hon'ble Gauhati High Court during the year 1993-94.

9. That the petitioner begs to state that respondent No.6 ( Mrs. J. Das Basu, Principal ) joined this Kendriya Vidyalaya only on 16.12.98 in the forenoon as Principal and after joining, a notice was issued to all P.G.T.'s to submit the requisitions for purchases even before introduction to the teachers. Thereafter, at about 2:30 p.m. an introductory meeting was held in the library whereby she assured to follow the path of honesty and to work as per guidelines of K.V.S. mentioned in Education Code / Accounts Code. But, it was utter surprising that just after a few seconds she used unparliamentary words like "DALAL", "BUDDHU" etc., in the meeting itself which speaks a lot about her personality and administrative quality.

10. That the petitioner begs to state that he submitted the requisition to the Principal herself

on 22.12.98 and requested her to receive the same but she willingly denied to put her initial on the carbon copy . The petitioner requested for the purchase of "Exhaust Fans , L.P.G.Cylinders and Fire Extinguishers" etc . for the department of Chemistry / Laboratory with a request to make purchasing in accordance with K.V.S. norms and from the Government approved shops at ~~printed~~ prices only , but it was not made . In this connection it is pertinent to mention herein that due to lack of proper essential facilities in the Chemistry department / Laboratory , the previous P.G.T. Chemistry has got injury from fire on her body and during my tenure also on several occasions some untoward incidents have taken place during handling of chemicals as well as during the conduct of Practicals . The same has been reported to the concerned authority but in vain .

The copy of the requisition

dated 22.12.98 is annexed

herewith and marked as

Annexure 1.....

11. That the petitioner begs to state that he applied for the grant of advance of Rs.5000/= only for purchase of some urgent items / chemicals for the smooth conduct of class XII C.B.S.E. Boards Practicals vide an application dated 23.1.99 but the same has been denied by the respondent No.6 on the pretext of that

.....Contd..

the respondent NO.5 has asked her not to sanction any amount to the Department of Chemistry .

The copy of the application

dated 23.1.99 is annexed herewith  
and marked as Annexure 2....

12. That the petitioner begs to state that the respondent NO.6 has a close relation with respondents NO. 5 and 7 who are misguiding her for their vested interests in purchasing and hence they are busy in misappropriation of Govt. money / funds / and have more assets than their income which they earn by misusing of their posts and power. Not only this , they have planned just to remove the petitioner from service just to appoint their own person in Chemistry at the place of petitioner .

13. That the petitioner begs to state that when he submitted reminder on 2.2.99 to the respondent NO.6 and a copy to the respondent NO. 4 then on 3.2.99 , the respondent NO.6 made some purchases with the help of some other interested teacher without consulting the head of the Department of Chemistry and I/C of Laboratory who is the petitioner . Therefore , the respondent NO. 6 asked the petitioner to enter the items in the stock

register immediately and threatened that in case of the petitioner failure, will face " direconsequences ". It is necessary to mention herein that the respondent No.6 belongs to the area of the supplier of the items and is well known to her . It is also pertinent to mention herein that the articles purchased are of inferior quality as well as on exorbitant prices . For instance ... (i) the cost of methylated spirit is Rs.40/- per litre only, in which purchase was made by petitioner himself earlier, whereas the same is purchased in Rs.70/- per litre by the respondent No.6 herself . (ii) The cost of Nessler 's reagent for ammonia testing is Rs.69.12 /- only . in which purchase was made earlier from the Govt. approved shop by the petitioner and whereas the same article has been purchased by the respondent No.6 in Rs.100.00 from other shop but not Govt. approved shop . In this connection , it is also necessary to mention herein that the respondent No.6 <sup>has</sup> ~~blatantly~~ refused to put her initial signature on the purchase bill brought by herself, when the petitioner requested to put her signature on bill . Moreover , there is a standing purchase committee consisting of three members in which the petitioner is the convener but the respondent No.6 purchased articles by herself without any consultation with the purchased committee . Being an honest , sincere , and qualified person as well as having some legal

expertise , when the petitioner did not certify the bill and requested the Principal to give her guidance for the same in writing to the I/C concerned but she failed and that is why some internal dispute has been arisen .

Since then , the respondent No.6 started blaming the petitioner and planning to take "stern action" against him with "malice motive" . Being an influential and local Principal , she managed the higher authorities in her favour by levelling some false , baseless and fabricated charges against the petitioner , so that the petitioner can be placed under suspension .

The copies of the bills / reminder / purchase committee are annexed herewith and marked as  
Annexure <sup>4A</sup> P.4.5.6 .

14. That the respondent No.6 has taken all the K.V.S. rules and regulations in her favour and had violated the provisions laid down in Education Code . For example - (i) She has reduced the school timings on her own will and wish from the scheduled timings of K.V.S. (ii) She did not refund the Science fee / fund, collection <sup>ed</sup> from the ward of the petitioner (son) for which he has applied through a written application . So, the respondent No.6 got furious after receiving the said letter and decided to take 'stern action' against the petitioner and made a conspiracy in consultation with the respondents No.5 and 7.

The copy of the application

dated 06.04.99 is annexed herewith  
and marked as Annexure...7.

15. That the petitioner was shocked and astonished when a letter bearing Memo No. F.14-5/99-KVS(GR)/2091-93 dated 1.6.99 issued by the Assistant Commissioner, K.V.S.(Gauhati Region) was served to him through the Peon-Book on 4.6.99, when the school was closed for long decided Summervacation of about 51 days whereby the petitioner was placed under suspension with immediate effect in the pretext of contemplated disciplinary proceeding without showing any reason.

The photo copy of the impugned order

NO. F-14-5/99-KVS(GR)/2091-93 dt.

1.6.99 issued by A.C., K.V.S.(G.R.)  
is annexed herewith and marked as  
Annexure ...8.....

16. That the respondent No. 6 has allowed to continue all existing committees till the end of this session like, Bus / examination / C.C.A./ admission etc but she was very much interested in the purchase committee where petitioner was head. From this, it appears that the respondent No.6 desires only to earn money in purchasing by supressing the petitioner and violating the K.V.S. Rules and

regulations as because the petitioner is highly qualified and knows some legal provisions . Moreover, the petitioner could not co -operate with respondent No.6 in some of her illegal activities and that is why she planned to disturbances the petitioner to perform his duties satisfactorily .

17. That the petitioner begs to state that the respondent No.6 is in close relation with respondents No.5 and 7 and she is doing all the illegal things only on the aid and advice of respondent No.5 and 7 , who are behind the curtain . From this instance , it became crystal clear , when the respondent No.6 has been given 03 (Three) transfer(s) within the terms of three years as Principal in this region , within the distance of about 60 Km , by violating all the transfer norms of K.V.S. It is also interesting to mention herein that in the night of 15th , December , 1998 the respondent No.5 and 7 went to K.V.Digaru along with the respondent No.6 and got her relieved from there and allowed her to resume her duties as Principal in K.V.Khanapara early in the morning of 16.12.98 without any formal order and relieving the existing incumbent .

18. That the petitioner begs to state that under the rules of proceedings, he cannot access to the

10  
office and the respondent No.6 does not receive any paper /reply/representation of the petitioner and under such circumstances the petitioner does not understand how and by what means he should communicate his grievances to the to the immediate concerned authority. Although, the petitioner is regularly informing the Assistant Commissioner about the activities of the respondent No.6.

19. That the petitioner begs to state that the respondent No. 6 is fully involved in extortion of money from the students in this or that way in the pretext of this or that celebration without issuing any proper money receipt.

20. That the petitioner begs to state that for the conduct of class-XII Chemistry Practicals in respect of private students, he again applied for the sanction of Rs. 1,000/- only in advance vide an application dated 31.3.99 but the same has been denied. It is further stated that without handing over the lists of examinees and award list to the petitioner, the respondent No.6 has asked him to return the aforesaid documents by sending a written notice through the peon which clearly indicates the "Ulterior motive" of the respondent towards the petitioner. It is surprisingly enough to mention herein that instead of sanctioning the said amount, the petitioner was given about 200 ml. spirit and two bottles (about 1400 ml) distilled water marked "Use" only <sup>in</sup> Battery, for the Chemistry Board Practical Examination but the same is not fit for Chemistry Practicals.

The copy of application dated 31.3.99 is annexed herewith and marked as Annexure- 9

contd.....15.

21. That it will not be wrong to mention herein that the respondent No.6 (Principal, K.V.Khanapara) is not expert in Chemistry subject at all, rather, she is well experienced in business line as because she had a very good "SARI" shop in Gauhati, which is managed by herself during school hours and some times by marking "OUT DUTY/ON DUTY" in the attendance register.

22. That the respondent No.6 could not qualify K.D.E.(Kendriaya Vidyalaya Departmental Examination) even in many attempts which clearly speaks a lot about the competency, knowledge and expertise of the said respondent in the field of rules /regulations of the K.V.S.

23. That the respondent No.6 (Principal, K.V.Khanapara) has not submitted the correct positions of the staff members to the K.V.S. Head Quarter, New Delhi with the intention just to protect the surplus staffs for her vested interests. Not only this, she has totally ignored the guidelines framed by K.V.S.(H.Q.) in framing ~~on~~ the correct timetable and in other ~~fields~~ <sup>fields</sup> of education too and as such she has violated the article 14 of the Constitution of India.

24. That the petitioner begs to state that the respondent No.6 has adopted the principle of "DISCRIMINATION" <sup>as</sup> on the basis of region, caste, race and languages and such she ~~had~~ violated the article 19 of the Constitution of India.

25. That the respondent No.2 (Deputy Commissioner-Adm.) is fully involved in illegal transfer of student from K.V.Rangpuri, New Delhi to K.V.Tuli (Nagaland), just to please the General Secretary, A.I.K.V.T.A. , Mr.A.S.Mazumdar. •It is necessary to mention herein that his own son has been illegally transferred from Rangpuri to Tuli with the intention to get seat in Medical /Engineering from Nagaland quota and thus deprived the genuine candidates of this region .

26. That the petitioner begs to state that the Principal , K.V.Khanapara did not relieve him to conduct C.B.S.E. class XII Chemistry Examination 1998-99 with 'malice-motive' only on the aid and advice of the respondents No. 5 and 7 whereas , she relieved other teachers in similar situation •It is also pertinent to mention to herein that the respondent No.6 <sup>herself</sup> <sub>busy</sub> remains busy in C.B.S.E. duties through out the years either alone or with respondent No.7 and claims bills illegally and thus , deprives the other senior and more competent persons .

27. That just after joining on 16.12.98 , the respondent No.6 stopped the S.D.A. (Special Duty Allowances) of the petitioner with 'malafide intention' only without showing any reason . The petitioner believes that it was done only on the instructions given by respondents No. 5 and 7. Thereafter, the petitioner filed representations

staking his claim to be a genuine candidate for the same to the Principal as well as a copy to the Chairman, Vidya-laya Management Committee (V.M.C.) , K.V.Khanapara but they paid no heed . It is pertinent and surprising to mention herein that the Principal ♀ K.V.Khanapara (respondent No.6) is a permanent resident /domicile since her birth of S.D.A. Gauhati city but she has been drawing herself which is totally illegal and unjustified .Not only this , she has not paid the arrears of S.D.A. to the petitioner till date , even on several requests of the petitioner .

28. That the Executive Committee of this particular institution is made only on erroneous ground consisting of only interested members and as such the same is liable to be declared null and void ab initio .

29. That the respondent No.4 was very much interested to appoint his own candidate (Miss.Sita Rawat ) on the place of the petitioner .It is necessary to mention herein that the respondent No,4 and the father of Miss. Sita Rawat are fast friends since 1984 ,when respondent No.4 was the Principal of K.V.Tengavally and her father was an employee in Shergaon apple orchard of Arunachal Pradesh. And thus, it is crystal clear that there is a large crowd behind the petitioner to place him under suspension without showing any reason and only just to appoint their own person.

30. That the petitioner is a highly qualified one in the entire school and most of the teachers of this school in general and most particularly <sup>the Principal</sup> ~~she~~ has jealous with the petitioner in so many ways and she has been always trying to damage his image in the society. and that is why on several occasions she dictated some boys and girls of the school to write complaints against the petitioner, so that actions can be taken <sup>against</sup> ~~she~~ him by the Principal. Even then, the said Principal levelled some charges against the petitioner that he could not perform / conduct practicals to the students properly and not only that she managed some <sup>Y</sup> ~~A~~ guardians also to do some thing against the petitioner and accordingly an "Editorial" has been published in a local daily paper namely the "The Sentinel" on its issue dated 9.4.99 where baseless, concocted and fabricated allegations have been published against the petitioner only on the abetment of respondent No. 4, 5 and 7, whose one friend Mr. Vijay Kumar, Education Officer is sitting in New Delhi just to conceal the misdeeds done by the above said respondent s. The petitioner also filed a rejoinder with supporting document s and narrated the real facts which was published on 25.4.99 but no action has been taken for the improvements of Chemistry Laboratory as well as purchasing of required chemicals/ equipments from the Govt. approved shops at printed price for the smooth conduct of practicals so that no

objections can be raised by the auditors during auditing the records .

The copy of the Editorial is annexed herewith and marked as Annexure.10.....

31. That the petitioner has been working as a P.G.T. Chemistry in this Vidyalaya since 30.11.95 and due to his brilliant academic career , the earlier Principal of this K.V. has also certified about the good performance of the petitioner in teaching line and the earlier Chairman , V.M.C. of K.V.Khana-para also issued an appreciation letter to the petitioner for his conduct and expertise in teaching / learning process specially in the conduct of Chemistry Practicals etc.. The present Principal resumed office only on 16.12.98 and since then she has been torturing the petitioner mentally and physically only on the ground that he is highly qualified and sincere teacher in this K.V. and ultimately she played such a narrow role to place the petitioner under suspension by leveling "false and fabricated charges" without any "locus standi" only on the aid and advice of the respondents No.5 and 7, against the petitioner and as such, the petitioner believes that the impugned suspension

contd....20.

the impugned suspension order has been issued only at the interest of the principal and her associates on the only ground that why the petitioner should not "bow down" before her, even she asked the petitioner, if the petitioner will come with folded hands then, no action will be taken against him but being an honest, sincere and most educated teacher of this school, the petitioner could not do so and that is why the petitioner was placed under suspension and as such the impugned suspension order dated 01.6.99 is liable to be set aside and quashed.

( The xerox copy of the appreciation letter and remarks of the Principal is annexed herewith and marked as Annexure. (11 and 12) )

32. That it is very much necessary to mention herein that the petitioner was asked by the Principal to handover the charges of the Chemistry department/laboratory and after getting such order the petitioner requested the principal to allow him to handover the charges in the presence of some experts/magistrates who are not interested persons in this matter because the petitioner believes that the principal may level some charges regarding the laboratory purchasing and since the disputes arose regarding purchase of chemicals /laboratory equipments and there is every apprehensions that if the petitioner handed over the charges to the principal directly, then she may tamper/damage the valuable documents/stocks and also may level some charges so that the petitioner can be removed from service but interestingly on 09.06.99, during the summer vacation the principal herself broke the seal of

the Chemistry department / laboratory and entered in the laboratory and petitioner came to learn that she manipulated some valuable documents /records/stocks and damages some laboratory equipments so that charges can be levelled against the petitioner and as such the impugned suspension order dated 01.6.99 issued by the Assistant Commissioner, K.W.S., Gauhati Region, is liable to be set aside and quashed.

33. That the petitioner begs to state that the business of the institution remains closed completely during the long summer vacation and it was <sup>not</sup> necessary to break the seal of the Chemistry Department / Laboratory in vacation period although there were no practical classes and as such there is some "Criminal-Conspiracy" with "Criminal Intention" back behind of the principal to take the life of the petitioner in "pre-meditated consultation" with the respondent No.5 and 7 and as such the impugned suspension order dated 01.6.99 is discriminatory, unreasonable, capricious, malafide and arbitrary and is therefore, liable to be set aside and quashed.

34. That the petitioner begs to state that when the petitioner has called the student(s) for the practical classes, then respondent No.6 (the Principal,) instigated them not to attend practical classes as well as be absent during examination also and accordingly they did. Not only this, she also dictated them to write complaints against the petitioner and hence all these actions of the respondents are done on 'pick and choose' basis in discriminatory manners which speaks of arbitrariness and hence is violative of

Articles 14 and 16 of the Constitution of India and as such, the impugned order dated 1.6.99 is bad in law and in facts and is therefore, liable to be set aside and quashed and the petitioner prays to this Hon'ble Court to direct the respondent No. 1 to make an enquiry into the matter and take necessary action against the persons found guilty for the interest of justice.

35. That it is also learnt that it has been the tradition of this institution to torture the outsider employees and compel them to leave this station otherwise, resign from the job. For instance, Mr. Shrinivaslu, Principal, Mr. Swaroop (P.G.T), Miss. R.Bala Devi (T.G.T) and ..... so on employees have been harassed on the discriminatory basis and as such, the said action of the respondent No.6 has violated the Article 14, 16, and 19 of the Constitution of India. That is why the respondent No.6 has adopted the same technique along with the <sup>support of</sup> <sup>lobby</sup> local group of teachers (5-6 in numbers), with the petitioner too. Not only this, some students have been made fail on the discriminatory ground of languages and as such, the said actions of the respondents are against the directive principles of state policy and therefore, the impugned suspension order dated 1.6.99 is liable to be set aside and quashed.

36. That the petitioner begs <sup>to</sup> state that till date no 'Show Cause' notice has been served to the petitioner and no ground has been stated as to why the petitioner was placed under suspension and as the petitioner could not submit the reply of the charged and thereby, the petitioner was prejudiced and as such, the petitioner has been ill-treated and discriminated and has been unreasonably placed under suspension which is contrary to the provisions of law and principle of natural justice and hence impugned order

ddt. 01.6.99 is bad in law and in fact and as such is liable  
~~to be set~~ to be set aside and quashed .

37. That the said impugned suspension <sup>order</sup> dated 01.6.99 issued by the Assistant Commissioner , K.V.S. , Gauhati Region has also adversely affected the studies of the petitioner's 04(Four) school /University going children as well as their "Nourishment" in view of the non- payment of "SUBSISTENCE ALLOWANCES" and hence the impugned suspension order dated 01.6.99 is violative of the principles of "Natural Justice , Directive Principles of State Policy" as well as has violated Article 21 of the Constitution of India and as such the said impugned suspension order dated 01.6.99 is liable to be set aside and quashed .

38. That the petitioner begs to state that due to non-disbursement of the "Subsistence Allowances" the petitioner has been sufferings under a great "Financial Crisis" and as such the impugned order dated 01.6.99 is bad in law and therefore it is liable to set aside and quashed.

39. That the petitioner begs to state that the actions of the respondents in placing the petitioner under suspension during the long summer vacation on false and fabricated grounds is illegal , malafide and against the "Rule of Law" and also violated the Articles 14,16,19 and 21 of the Constitution of India .

40. That the impugned suspension order dated 01.6.99 issued by Assistant Commissioner , K.V.S. , Gauhati Region is arbitrary , illegal , malafide and also in violation

of the Principle of natural justice, equity, good-conscience and administrative fair-play.

41. That the petitioner has demanded justice and the same has been denied to him.

42. That there is no other alternative and efficacious remedy except this petition under Article 226 of the Constitution of India which has been filed bonafide and for the interest of justice.

It is, therefore, prayed that Your Lordships would graciously be pleased to admit the petition, issue a rule, call for the records, calling upon the respondents to show cause as to why a writ of certiorari should not be issued to set aside the impugned suspension order dated 1.6.99 issued by the Assistant Commissioner, K.V.S., Guwahati Region and/or a writ of Mandamus should not be issued directing or commanding the respondent No.3 to make an enquiry into the matter and/or a cause/causes if shown any and upon hearing the parties be pleased to make the rule absolute for the interests of justice and/or pass any order/orders as Your Lordships may deem fit and proper.

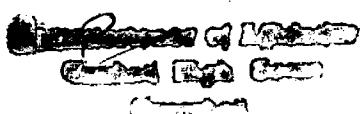
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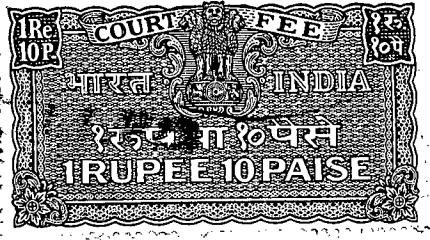
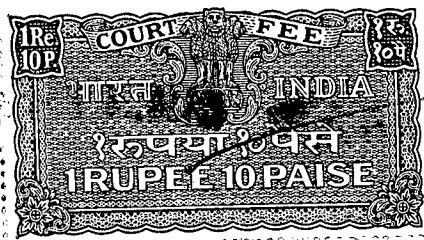
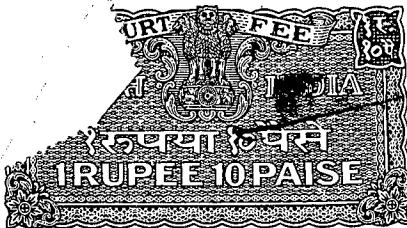
Further, it is also prayed that till the disposal of the rule, would be pleased to direct the respondent to pay the subsistence allowances to the petitioner and/or would be pleased to suspend/stay the

impugned suspension order dated 1.6.99  
issued by the Assistant Commissioner,  
Kendriya Vidyalaya Sangathan, Guwahati  
Region, for the interest of justice.

And for this act of kindness, the petitioner  
as in duty bound, shall ever pray.

contd.....affidavit.





A F F I D A V I T

I, R.S.Maurya, son of Sri Ram Kumar aged about 39 years, by faith Hindu and at present serving as a Post Graduate Teacher in Chemistry in Kendriya Vidyalaya, Khanapara, Guwahati-22, Assam do hereby solemnly affirm and declare as follows :-

1. That I am the petitioner in the instant case and as such am fully acquainted with the facts and circumstances of the case.
2. That the statements made in this affidavit and in paragraphs 1 to 40 are true to the best of my knowledge and belief and information and the statements made in the rest are my humble submissions before this Hon'ble court.

And I sign this affidavit on this 16th day  
of August, 1999 at Guwahati.

Identified by

Nashua, N.H.  
Advocate's clerk  
16/87 ac

Deposited

Radhey Shigam Mansya  
Deposent,

DEPARTMENT OF CHEMISTRY.

K.V. KHANAPARA.

Date. 22.12.98.

To,

The Principal,

K.V. Khanapara, Ghy-22.

Sub:- Procurement of articles related with safety and security of the dept as well as for smooth conduct of practical.

D/Madam,

With due regard I would like to inform you that following articles are very urgently needed in this department from the safety and security points of view.

(1) Two exhauste fans (standard quality) at printed price.  
(2) Four fire extinguishes (Medium size. Std. Company) at printed price.

(3) Four L.P.G. Cylinders(for practicals).

N:B:- Reg chemicals etc the list is available in the office. Some selected chemicals and equipments were to be purchased as per the amounts sanctioned with reasonable restrictions from the Goverment approved shops. at printed price of standard companies.

Thanking you.

Yours faithfully,

Sign of Principal.

R.S. Maurya,

P.G.T.

Chemistry, K.V. Khanapara.

.....

DEPARTMENT OF CHEMISTRY.

K.V. Khanapara.

To,

The Principa.

Date-

23rd January, 99.

K.V. Khanapara, Ghy-22.

Sub:- Request to sanction Rs. 5,000/- only for AISSCE  
(Chem. Practical) 1998-99 in advance.

D/Madam,

I am to inform Your that for the smooth conduct of Chemistry Practical of AISSCE, 1998-99 some contingency items are required along with the chemicals mentioned below.

Therefore, Your goodself is cordially requested to sanction the sum of amount Rs. 5000/- (Rees Five thousand only) for the same in advance.

Some items -

1. K<sub>2</sub>Hg I<sub>4</sub>(100 ml) - 15 Bottles.
2. Ce-NH<sub>4</sub>-No<sub>3</sub>(500g.) 2 Pkts.
3. AgNo<sub>3</sub>(25 g.) 4 Pkts.
4. Litmus paper(Red)- 25 Pkts.
5. Litmus paper(Blue)-25 Pkts.
6. K.I. (100g) .2 Pkts.
7. C<sub>6</sub>H<sub>5</sub>OH (500 ml)- 4 Bottles.
8. CH<sub>3</sub>OH -20Lts
9. Towels- 2
10. other stationery items.
11. Rough clothes 10mtss.
12. Match Box- 2 pkts.
13. Na<sub>2</sub>CO<sub>3</sub> (500g.)-4pkts.
14. First aid items etc.

Yours faithfully.

R.S.Maurya,  
P.G.T.Chemistry,  
Department of Chemistry  
K.V.Khanapara, Ghy-22.

....

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ANNEXURE - 3

Date-15.12.98.

15th Lt. Spirit No. 1 .... 600/-

Total Rs. Six hundred only. Rs. 600/- only.

sd/-

15.12.

DUPLICATE

## NORTH EAST CHEMICALS CORPORATION

## AUTHORISED DISTRIBUTORS :

- \* GLAXO Chemicals
- \* LOBA Chemicals
- \* EMERCK Chemicals

S.C. GOSWAMI ROAD, PANBAZAR, GUWAHATI - 781 001  
 Cable : NORTHCHEM, Phone : 516838, 542613  
 Fax : (91) 0361 - 541351

## AUTHORISED DISTRIBUTORS :

- \* BOROSIL. \* Glassware
- \* TARSONS Polytheneware
- \* WHATMAN Filter Paper

INVOICE NO.	BILL NO.	DATE:	YOUR ORDER NO.:	DATE:
SL. NO.	QUANTITY	PRODUCTS	RATE EACH	TOTAL VALUE
	4x100ml	Nessler's Reagent, Glexo 35833	69.12	276.00
			Total Rs.	276.00
<u>(RUPEES TWO HUNDRED SEVENTY SIX ONLY)</u>				
<p>The above prices are inclusive of A.G.S.T. @ 8% as these are locally purchased Tax paid goods.</p> <p>jd</p>				

1. We hereby certify that our registration certificate under the Assam General Sales Tax Act, 1993 is in force on the date on which the sale of the goods specified in the invoice is made by us.
2. Please draw your Cheque/Draft and FORM C/D in favour of M/s. North East Chemicals Corporation, Guwahati and send them to above address.
3. An interest @ 24% will be charged on this bill if not settled within 30 days.
4. Central Sales Tax Registration No. CST/GAU/2353 dt. 31.10.73.
5. Assam Sales Tax Registration No. GAU/AGST/UNIT -A/7, dt. 18.8.93

Subject to Guwahati Jurisdiction

for North East Chemicals Corporation

E.&amp;O.E.

Authorised Signatory

# APPICHEM ENTERPRISE

(A House of Chemicals & Quality Scientific Instruments)  
HEM CHANDRA ROAD • UZANBAZAR • GUWAHATI-781 001  
GRAM : APPICHEM PHONE : 541570

38

To, Principal,  
.....  
Kendriya Vidyalaya,  
.....  
Khanapara,  
.....  
Guwahati .....

CHALLAN NO:	1363 (td), 03.02.98
ORDER NO:	KVG/20/Sci/9899/646
DATE:	03.02.99.
BILL NO.:	AB/ 187 /98-99
DATE:	3.2.99

Five thousand five hundred sixty two  
Rupees only

卷之三

5562.00

卷 80

For APPICHEM ENTERPRISE

A.G.S.T.-A-412, Central Sales Tax No. 1405 dt. 1-7-67

Our risk and responsibility ceases on delivery of the goods on Rail, Steamer or Carriers. No complain will be entertained if not lodged within 3 days from receipt of goods. Interest @ 25% per annum will be charged on all bills unpaid within one month.

## এ পি কে ম এ টো ব প্রাই জ

DEPARTMENT OF CHEMISTRY.

K.V. KHANAPARA.

Date:-

REMINDER NO. 1

2nd February, 1999.

To,

The Principal,

K.V. Khanapara, Gauhati-22.

Reference :- Vide my application dated 23rd January, 1999.

Madam,

I would like to remind Your to the reference quoted above for your favourable action at Your kind perusal.

Yours faithfully,

Copy to :-

(1) The A.C.,

R.S. Maurya, P.G.T.(Chem.)

K.V.S.(G.R.)

K.V. Khanapara.

2.2.99.

for information please.

.....

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Annister - 6



केन्द्रीय विद्यालय, गुवाहाटी 561062  
KENDRIYA VIDYALAYA GUWAHATI  
KHANAPARA GUWAHATI  
Pin : 781022

Ref. No. F. 20/KVG/98-99/ 402

Date 6/11/1998

OFFICE ORDER

The following teachers of this KV are deputed to purchase the Chemistry laboratory articles from the firm the "North East Chemicals Corporation" Pan Bazar urgently. They will check and make list of articles on 6.11.1998.

1. Shri R.S.Mourya, PGT and head of the Chemistry Department.
2. Shri D.Sengupta, Yoga teacher.
3. P.K.Das PET.

(N.D. BHUYAN)  
PRINCIPAL

ANNEXURE--- 7.

From:- R.S. Maurya,  
P.G.T. (Chem.)  
K.V.Khanapara, Ghy-22.

Date - 06<sup>th</sup> April, 99

To,

The Principal,

K.V. Khanapara, Ghy- 22.

Sub :- Refund of Science fee/fund regd.

B/Madam,

By this representation I would like to invite Your kind attention towards the following facts:-

- (1) That I am a regular employee of K.V.S and my son Master-Siddhartha Maurya was a student of class X, 1998-99 who paid the sum of amount Rs. 25/- (Rupees twenty five only) as = Science Fee/Fund".
2. That in reference to the subject, quoted above, I am to state that the science fee/fund" charged from the ward(s) of K.V.S. employees is regudable.

Therefore, Your goodself is requested to refund the same.

Hoping for favourable action and kind consideration at earliest.

Thinking Your.

Copy to:-

The A.C.K.V.S(G.R.)

For kind information and necessary action through proper channel.

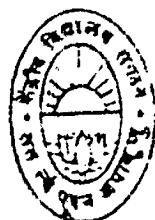
Yours faithfully.

R.S.Maurya, P.G.T.(chem).

K.V.Khanapara.

.....

(35)  
Annexure-8



दूरध्वाष / Phone : 571797, 571798  
Fax : 571799

## केन्द्रीय विद्यालय संगठन KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय      Regional Office  
मालीगाँव चारियाली      Maligaon Chariali  
गुवाहाटी : 781 012      Guwahati : 781 012

फलाक : No. F. : 14-5/99-KVS(GR)/^99/ - 93

दिनांक :  
Dated : 01.6.99

### ORDER

WHEREAS a disciplinary proceeding against Shri R.S. Maurya, PGT(Chem), KV, Khanapara is contemplated.

NOW, THEREFORE, the undersigned in exercise of the powers conferred by Sub-rule(i) of Rule 10 of the Central Civil Services(Classification, Control and Appeal) Rules, 1965, hereby places the said Shri R.S. Maurya, PGT(Chem), KV, Khanapara under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarters of Shri R.S. Maurya should be Kendriya Vidyalaya, Khanapara and the said Shri R.S. Maurya shall not leave the headquarter without obtaining the previous permission of the undersigned.

*Lalit Kishore*  
( Dr. Lalit Kishore)  
Assistant Commissioner

Shri R.S. Maurya,  
PGT(Chem),  
Kendriya Vidyalaya,  
Khanapara, Guwahati  
Teachers qrs. No.4-8(Top floor).

Copy to :-

1. The Principal, KV, Khanapara.
2. The Deputy Commissioner(Admn), KVS(Hqrs), New Delhi.

DEPARTMENT OF CHEMISTRY

K.V. Khanapara,

To,

Dated 31st March, 99.

The Principal,

K.V. Khanapara,

Guwahati- 22.

Sub :- Sanction of Advance of Rs.1000/-only.

D/Madam.,

With reference to your notification dated 31.03.99, regarding conduct of Chemistry Practicals in respect of class-XII/ Science Private Students, I am to state that neither I had ~~mixx~~ methylated spirit nor D/Water including some ~~accessories~~ etc. Therefore, Your honour is requested to sanction this sum of amount Rs.1000/- only (Rees one thousand only) for the same. After procurement of the amount and subsequently, articles required, the date of Practical examination will be fixed and notified.

It is for your kind information and necessary action.

Thanking Your.

Yours faithfully,

Dated 31st March, 99.

R.S. Maurya,

P.G.T. Chemistry,

K.V. Khanapara.

.....

# LETTERS TO THE EDITOR

## A Rejoinder

Apropos of the news published in your esteemed daily in the Letters to the Editor column on April 9, under the caption "Teacher Terrorizes Students".

With reference to the above, I would like to clarify the following facts:

(1) As regards the allegations made in Paragraph 1 of the letter, they are totally incorrect and hence denied. None of my students is scared of me, nor have I threatened or used undesirable and rude language with them. It is also not true that at the beginning of the session I threatened the new-comers to leave the school. Nor did I ever tell them that they would fail in my subject. That I am a sincere, punctual and competent teacher, can be verified from the CBSE Board results during my stay in this school.

(2) As regards Para 2 of the allegations, I have to say that due to lack of chemicals/equipments and other basic accessories in the chemical laboratory of the school, I found it impossible to conduct the practical examinations. In spite of my repeated letters submitted before the principals for the purchase of chemicals, etc., from government-approved shops, they were neither made available nor the funds sanctioned for them. Hence, regular practicals could not be taken. In this regard, the enclosed papers submitted by me before the principal for providing chemicals of requisite quality funds, etc., are self-explanatory.

(3) As the students were very

much interested in chemistry practicals, I had no other alternative but to ask them to come with requisite chemicals like spirit (100 ml), distilled water (1 bottle), etc., so, that their practicals could be conducted.

Besides, I gave this direction to the students in response to the appeal made by the guardians/parents last year at the guardians' meeting wherein they had assured me that in case there were no chemicals in the school, the guardians would provide the students with the chemicals, etc., because the paramount interest of the students would thereby be protected. Moreover, two highly qualified guardians (both doctors) had also gone with me to the government-approved shops of chemicals and had a discussion with the manager of the shops for purchase of chemicals, etc.

(4) However, I have conducted the practicals of the students with insufficient chemicals by clubbing/grouping five to six students together (due to lack of sufficient chemicals/equipments etc.) to provide them separate experiments, for which I should not be personally held responsible. Moreover, since I am not the authority to sanction funds for purchase of chemicals, etc., and in spite of my repeated letters the chemicals were neither purchased with my approval from Government-approved shops nor advance funds sanctioned to me for this. Hence, instead of levelling charges against me in a letter, it would have been more proper and better if the competent authority of the school had been questioned about the reasons for not providing the chemicals of requisite quality and/or funds for the purchase of chemicals.

etc

(5) Since the last few months I am being tortured and harassed in this school for no fault of mine. On the one hand, my SDA has been stopped, and unnecessary questions are put to me, and on the other, students are dictated to make complaints against me which is evident from the photocopy of the letter of some girls students submitted herewith.

(6) In view of the above, I wish to state that I am not responsible for any alleged irregularities in the school. Nor are the students suffering from my teaching, attitude, behaviour. Rather, the students are being used as instruments in the hands of those who actually do not like that qualified, honest and reputed teachers like me should be in this school for their own vested interests.

R.S. Maurya,  
Teacher, Kendriya Vidyalaya,  
Khanapara,  
Guwahati-22.

• • •

the Holy Spirit. This is one of the most advertised marks of Jesus' divinity, and so it is surprising that neither the Gospel according to Mark, nor that for that was AD 6 BC, in 2 or 1 BC, three dates occurri

worry and tension among our children just before the result of the final exams.

Finally, we would like to request the present Principal to look into these irregularities and see that our innocent children do not suffer. We also request the higher authorities of the KVS to take necessary steps and stop such activities of this particular teacher.

Some Guardians,  
Kendriya Vidyalaya,  
Khanapara,  
Guwahati.

## LETTERS TO THE EDITOR

### Teacher Terrorizes Students

Through the columns of your esteemed daily, we, the guardians of children studying at Kendriya Vidyalaya (KV), Khanapara, want to express our concern about the teacher of Chemistry, Mr. R. S. Maurya and his attitude towards our children. Our children are very scared of him because he threatens them and uses undesirable, rude language. At the beginning of the session, he threatened the newcomers to leave the school within 15 days or they will fail in his subject.

In the previous year and also for the previous batches, no practicals were conducted at Class XI level. Also for Class XII, the practicals were conducted a few days before the final Board Exams and that also everyday and throughout the day. Due to that, the students had to miss their important classes. This year also, he started the Chemistry practicals in December, and to everyone's surprise, the Chemistry teacher asked our wards to bring chemicals for practical examination which according to other teachers was not correct. We pay school fees for our children and also other kind of fees which we believe includes science, games etc. When we did not give our sons and daughters money for science material, we were told by our children that Mr. Maurya refused to take the practical examination. This had created much

The Sentinel,

09<sup>th</sup> April, 99

The Sentinel, 25<sup>th</sup> April, 99

Annexure-11

(38)

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567001 (R)

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Dr. B. K. Gohain, IAS.  
Secretary

Government of Assam  
Personnel, SA(b) and  
G. A. Department,  
Dispur, Guwahati-781006.

Dated : November 23, 1998.

POW. No. 2402/PER/1/98

To

Sri R.S. Maurya,  
P.G.T. Chemistry,  
K.V. Khanapara.

I do hereby accord my appreciation of the special efforts made by you in procuring the chemicals and in arranging the laboratory for running of the Practical Classes in Chemistry in your school. Without your sincere efforts the Practical Classes in Chemistry in Class-XII (Science) would not have been possible. I am sure you will continue to show this kind of zeal towards your work.

I wish you all success in life.

Yours faithfully,

Dr. B.K. Gohain  
23/11/98

(Dr. B.K. Gohain)  
Secretary to the Govt. of Assam,  
Personnel etc. Deptt.

Chairman VMC, K.V. Khanapara.

Copy to :

1. The Principal, K.V. Khanapara, Guwahati.
2. The Addt. Commissioner, Kendriya Vidyalaya Sangathan, Guwahati - he is requested to keep this letter in the C.I. Dossier file of Sri Maurya.

(Dr. B.K. Gohain)  
Secretary to the Govt. of Assam  
&  
Chairman VMC, K.V. Khanapara.

LESSON NOTE

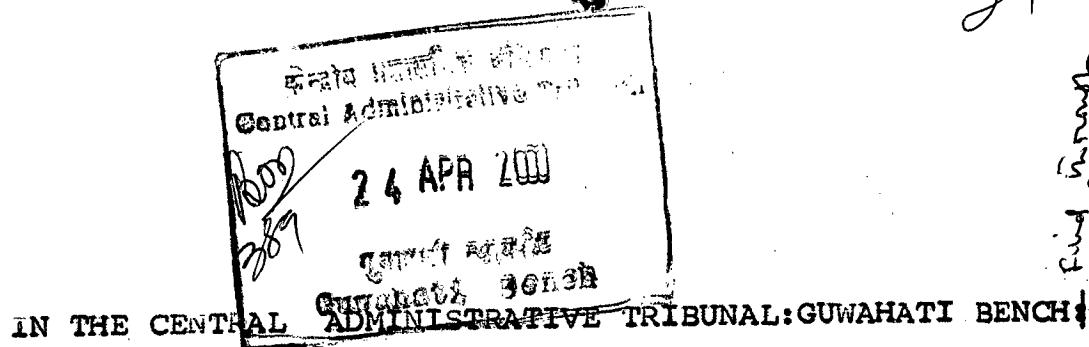
1. Date - 1.12.98      3. Subject- Chemistry      5. Period required- 2.      7. Expected age of completion- 22.12.98  
 2. Class- XII & XI      4. Topics- Chemistry. Date of commencement- 1.12.98.      8. Actual Date of Completion .....

Gist of the Lesson/chapter. ..	Additional information. ....	Source of the addl.information.	Home assignment ..	Exercise/Questions prepared to supplement those gifts in the text book.
<u>For class XII</u>	.....			
<u>Practicals</u>	.....			
1. Titrations.	.....			
2. KMnO <sub>4</sub> & H <sub>2</sub> CrO <sub>4</sub> .	.....			
2. KMnO <sub>4</sub> & Mohrs Salt,	.....			
2. ....	Rate law.			
3. Mixture Analysis etc.	R			
<u>For class XI</u>	.....			
1. Rates of Chemical reactions.				
2. Chemistry of non metals				
3. Chem. of Non metals II	.....			
<u>Isotopes of Hydrogen</u>	.....			
<u>ALLOTROPY.</u>	.....			
<u>For class XII</u>				
	<u>Short notes on</u>			
	1. Iodoform Test,			
	2. Tollen's Test.			
	3. Felling's Test,			
	4. Carbylamine Test,			
	5. Ring Test,			
	6. FeCl <sub>3</sub> Test.			
<u>For Class-XII.</u>				
	Learn by heart all the viva-voce question given in practical book.			
	<u>For class XI.</u>			
	1. Write the structure of diborane.			
	2. What is carborandum ?			
	What is its common use ?			
	3. Discuss the allotropy of sulphur.			
	4. Write the resonance structures.			
	SO <sub>4</sub> <sup>2-</sup> , O <sub>3</sub> , PO <sub>4</sub> <sup>3-</sup> .			
	5. Write the products.			
	i. Cut conc H <sub>2</sub> SO <sub>4</sub>			
	ii. H <sub>2</sub> S + SO <sub>2</sub> CaCl <sub>2</sub>			
	iii. Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> + I <sub>2</sub> .			
<u>For Class XI.</u>				
	1. NO <sub>3</sub> <sup>-</sup>			
	2. B <sub>2</sub> H <sub>6</sub>			
	3. H <sub>2</sub> O <sub>2</sub>			
	4. SO <sub>4</sub> <sup>2-</sup>			
	5. HNO <sub>3</sub>			
	6. H <sub>2</sub> SO <sub>4</sub>			
	7. S <sub>10</sub> <sup>4-</sup>			
	8. H <sub>3</sub> PO <sub>4</sub>			
	9. SO <sub>2</sub>			
	10. S <sub>8</sub> .			

Teacher:- R.S.Maurya,  
 1.12.98.

V.good.

Seal & signature of the Principal,  
 Kendriya Vidyalaya, Khanapara.



ORIGINAL APPLICATION NO. 19/2006

Shri Radhey Shyam Maurya .... Applicant

-Versus-

Union of India & others .... Respondents

The Respondent Nos. 2, 3, 4, 5, 6, and 7 beg to file  
their written statement as follows :-

1. That all the averments and submission made in the Original Application are denied by the answering respondents save and except what has been specifically admitted herein and what appears from the record of the case .
2. That with regard to the statement made in paragraph 1 of the Original Application, I have no comments to offer .
3. That with regard to the statements made in paragraph 2 of the Original Application I beg to state that the Respondent No. 5, Dr E. Prabhakar was serving in the capacity of Education Officer in Kendriya Vidyalaya

contd....2

Sangathan R D, Guwahati from November, 1995 to 24th December, 1999. Now he is posted in the Kendriya Vidyalaya Sangathan (Hqrs), New Delhi. During his service as Education Officer in Kendriya Vidyalaya Sangathan Guwahati Region, he was officially known to Respondent No.7 due to the nature of work only. Therefore Respondent No.5 does not come into the picture at all.

4. That with regard to the statements made in paragraph -3 of the Original Application I beg to state that the Respondent No.7 is officially known to the Respondent No.6 as both served in the same Organisation and in similar capacity. In this connection I beg to state that appointment of External Examiners is a policy matter of the Central Board of Secondary Education(hereinafter referred to as the C B S E ) and the sole direction of the Regional Officer, CBSE.

A copy of letter No. CBSE.GHY.COMF: 7(b):  
PRAC:EXAMR:79 dated 8.1.99 by which the Respondent No.7 was appointed as practical Examiner is annexed hereto and is marked as Annexure-1.

5. That the statements made in paragraphs 4 and 5 of the Original Application being matters of record of the case, I do not admit anything contrary to or inconsistent from what appears from the record

6. That with regard to the statements made in

paragraph 6 of the Original Application I beg to state that the Applicant who is employed as a PGT in Chemistry has been working under the Respondent No. 6 and is supposed to teach as per the prescribed syllabus and as per the guide lines in force in the Kendriya Vidyalaya Sangathan. It would be pertinent to mention here that the Applicant was placed under suspension by the competent authority keeping in view the charges levelled against him. The Applicant has already been served with the Charge Sheet vide Office Memo No. 14-5/99-KVS (GR)/5251-54 dated 9.8.1999, under Rule 14 of the CCS (CCA) Rules, 1965.

A copy of the aforesaid Office Memorandum dated 9.08.99 is annexed hereto and is marked as ANNEXURE - II.

7. That with regard to the statement made in paragraph 8 of the Original Application beg to state that the Applicant is a Post Graduate Teacher in Chemistry in Kendriya Vidyalaya, Khanapara and his job is to teach students. Kendriya Vidyalaya Sangathan cases are being taken care of by this appointed counsel in various courts.

8. That with regard to the statement made in paragraph 9 of the Original Application I beg to state that the Respondent No. 6 had received transfer Order from Kendriya Vidyalaya Sangathan Headquarter by Speed Post on 15.12.98 in the morning. The Respondent No. 6 was released by the Chairman, Vidyalaya Management Committee,

4.

Air Force Station Digaru on 15.12.99 in the afternoon and thereafter she reported for duty at Kendriya Vidyalaya, Khanapara on the forenoon of 16.12.98 with intimation to the Respondent No. 4. Immediately on joining the Respondent No. 6 called a Staff Meeting, issued Circular for sports day and called for requisition from the departmental heads of Physics, Chemistry and Biology keeping in mind the conduct of practical exams. of the Board Examination, in the first week of February. Since purchase procedure takes time as purchases are made through quotations. Instructions was also issued by the teacher-in-charge for smooth conduct of half yearly examination. As such, it is clear that purchases was not the only consideration.

Letter dated 25.1.99 issued under Ref. No. KVG/28/Sci/98-99/615-617 dtd. 25.1.99 inviting quotations from three firms for supply of Laboratory items, extract of despatch register, showing despatch of the aforesaid letter dated 25.1.99, quotation received from one Appi Chem Enterprise and Office Note dated 16.2.99 highlighting the financial irregularity committed by the ~~ps~~ applicant are annexed herewith and marked as Annexures - III, IV, V and VI respectively.

9. That with regard to the statement made in paragraph 10 of the Original Application beg to state that purchase of items for Chemistry Laboratory was done as per

the prevailing practice and the Chemicals were handed over on 3.12.1999 to the applicant by the Respondent No.

6. Developmental work regarding welfare of the school and students were taken up one by one on priority basis.

10. That with regard to the statement made in paragraph 11 of the Original Application I beg to state that Laboratory items were purchased as per procedure prescribed for the same. Advance is normally not granted unless it is very urgent. An application was received from the Applicant on 23.01.1999, quotations were called on 25.01.1999 the chemicals were handed over on 3.02.1999 who acknowledged receipt of the same. The Respondent No. 6 being the administrative head of the Vidyalaya is fully capable and responsible and is well aware of the needs of the Vidyalaya does not have to resort to excess or pretext. Therefore, the Respondent No. 5 does not come into picture at all.

11. That with regard to the statement made in paragraph 12 of the Original Application I beg to state that the Respondent Nos. 5 and 7 knows each other officially due to their nature of work as they serve in the same organisation. Respondents No. 6 and 7 work in the same capacity and the Respondent No. 5 being the Education Officer of Kendriya Vidyalaya Sangathan, Guwahati Region under whose jurisdiction Kendriya Vidyalaya, Khanapara falls, Respondent No. 6 is answerable to Respondent No. 5

in all matters. The Applicant should desist from making such baseless and false allegation.

12. That with regard to the statement made in paragraph 13 of the Original Application I beg to state that purchases were made as per procedure. The supplier belongs to Uzanbazar and the Applicant was asked to make entries in the stock register, judge the quality of chemicals and return the bill to the Office. Which would then be passed for payment under the signature of the Respondent No. 6. This was not done by the Applicant till the date of his suspension following a Circular by the Respondent No. 6 requesting all departmental heads to update stock entries. The Applicant refused to do so, even after a verifier was appointed for the Chemistry Laboratory. This was informed by the verifier to the Respondent No. 6 in writing during stock entry period. All committees were dissolved by the previous Principal, no committee existed when the Respondent No. 6 joined.

13. That with regard to the statement made in paragraph 14 of the Original Application, I beg to state that prior to the Respondent No. 6 joining Kendriya Vidyalaya, Khanapara as Principal school timings were less than the prescribed time as laid down by the KVS (HQ). For the Session 1999-2000 it was implemented as per Kendriya Vidyalaya Sangathan norms with the following timings -

Primary - 8.15 A.M. - 1.50 P.M.

contd....

Total School times of 5 hrs. 35 mins. divided into 8 periods.

Secondary 9.40 A.M. to 3.50 P.M.

Total School timing of 6 hrs. 10 mins. divided into 9 periods.

That I would further like to state that Sciences fees is non-refundable. All KVs wards are to pay everything tuition fees except/as manifested from letter No. I-6-1/91-92/KVS/Bddget dated 24.8.99 issued by the KVS (HQ). Hence the necessity to consult respondent No. 5 and Respondent No. 7 does not arise. The allegation of hatching conspiracy is false and baseless.

A copy of the aforesaid letter dated 24.8.99 is annexed hereto and is marked as Annexure - VII.

14. That with regard to the statement made in paragraph 15 of the Original Application I beg to state that the Applicant was placed under suspension by the competent authority i.e. the Respondent No. 4 vide Order No. 14-5/99-KVS(GR)/2091-93 dated 1.6.99 with immediate effect keeping in view the prima facie charges levelled against the Applicant supported with complaints and other documents. The Charge Sheet under Rule 14 was served upon the applicant vide Memo No. F. 14-5/99-KVS(GR)/5251-54 dated 9.8.99.

I crave leave of this Hon'ble Tribunal to refer to and rely upon the charge sheet at the time of hearing.

contd...

15. That with regard to the statement made in paragraph 16 of the Original Application I beg to state that all committees were dissolved vide a staff circular issued by the previous Principal. Being the administrative head and being accountable for all expenses made by the Respondent No. 6 has to be alert as regards all purchases made at all levels. Purchases are made under approval of the Executive Committee of the Vidyalaya Management Committee after perusal of all concerned papers.

16. That with regard to the statement made in paragraph 17 of the Original Application I beg to state that as per Kendriya Vidyalaya Sangathan norms a Principal can be transferred after one year on request. The Respondent No. 6 has served more than one year in different Vidyalayas the details of which are furnished below :-

Kendriya Vidyalaya, Umroi Cantt. - 14.8.95 to  
26.11.96 - 1 Year 3 Months.

Kendriya Vidyalaya, Digaru - 27.11.96 to  
15.12.98 - 2 Years 1 Month on request.

Kendriya Vidyalaya, Khanapara - 16.12.98 till  
date on request.

On Official matters Regional Officers of Kendriya Vidyalaya Sangathan can visit all principals and Vidyalayas. Respondent No. 7 had not visited Kendriya Vidyalaya, Digaru on 15.12.98 nor had Respondent No. 5, 6 and 7 travelled

together to Kendriya Vidyalaya, Digaru on 15.12.1998.

17. That with regard to the statement made in paragraph 18 of the Original Application I beg to state that letters are to be diarised in the Vidyalaya Office by the concerned dealing assistant. In case any acknowledgement is required, the letter can be sent by registered post, or initial of the diary clerk can be obtained. The Respondent No. 6 being the head of Office is not supposed to acknowledge all documents addressed to her.

18. That with regard to the statement made in paragraph 19 of the Original Application I beg to state that the statement made therein is false and baseless leading to defamation.

19. That with regard to the statement made in paragraph 20 of the Original Application, I beg to state that no application dated 31.03.99 was received from the Applicant. Only a small piece of chit written in green ink was sent to the Respondent No. 6.

20. That with regard to the statement made in paragraph 21 of the Original Application I beg to state that being the head of Office Respondent No. 6 has every right to inspect and instruct all subordinates in all matters irrespective of subjects taught by them. It would be pertinent to mention here that the Respondent No. 6 was

selected as Principal by a panel of experts at KVS (Headquarters) after a rigorous interview. The Respondent No. 6 does not own any Saree Shop at Guwahati as such, the statement made by the ~~w~~ Applicant is totally false.

21. That with regard to the statement made in paragraph 22 of the Original Application I beg to state that the Applicant has no business to judge the competency of his superiors.

22. That with regard to the statement made in paragraph 23 of the Original Application I beg to state that vidyalaya Staff strength is calculated as per guideline laid down by KVS (Headquarters). Personal priorities does not affect the sanction of staff strength by KVS (Headquarters).

23. That with regard to the statement made in paragraph 24 of the Original Application I beg to state that there has been no discrimination on the basis of caste or creed, that apart the Respondent No. 6 herself is a Scheduled Caste candidate.

24. That with regard to the statement made in paragraph 25 of the Original Application I beg to state that the allegation made therein is not related with the prayer of the Original Application for quashing his suspension orders.

25. That with regard to the statement made in paragraph 26 of the Original Application I beg to state that the Applicant was not relieved for Class XII CBSE practicals, since no letter or direction to relieve the applicant was received by the Respondent No. 6 from the Regional Officer of the CBSE. CBSE duties are assigned by the Regional Officer keeping in view the guidelines to them. Therefore the question of depriving more competent people or submitting illegal bills does not arise. There was no necessity to consult respondent No. 5 or Respondent No. 3 or for that matter anyone else for Vidyalaya administration. Since everybody has been assigned their respective duties.

26. That with regard to the statement made in paragraph 27 of the Original Application I beg to state that special duty allowance was not stopped but kept pending since classification was sought for from the KVS, Headquarters. Special duty allowance was released to all those entitled after receipt of classification from KVS(Headquarters). Payment of arrears was made not during the tenure of the present principal but the previous incumbent. The Respondent No. 6 is entitled to special duty allowance as per guidelines framed by the KVS (Headquarters).

27. That with regard to the statement made in paragraph 28 of the Original Application I beg to state that the Executive Committee of the Vidyalaya Management Committee

has been constituted as per guidelines framed by the KVS (Headquarters).

28. That with regard to the statement made in paragraph 29 of the Original Application I beg to state that Miss Sita Rawat was one of the candidates who attended the interview for appointment of contractual teachers and her selection was made by a duly constituted selection committee comprising of experts in the respective subjects for which interview was held. The Respondent No. 6 saw her for the first time on the date of interview as she was the member Secretary of the Committee.

29. That with regard to the statement made in paragraph 30 of the Original Application I beg to state that the Applicant is simply a Post Graduate Teacher working under the administrative control of the Respondent No. 6. The Respondent No. 6 being the Principal of the Vidyalaya is primarily concerned about the overall healthy administrative and academic atmosphere of the Vidyalaya. The allegation of visiting guardians and the students is totally false and fabricated. Regarding publication of a letter to the Editor of the Sentinel by guardians I beg to state that Respondent Nos. 4, 5 and 7 have nothing to do with its publication, and it is not an official version of the state of affairs of the school. Mr. Vijay Kumar is a functionary of the KVS (Headquarters) at New Delhi who was previously posted at Guwahati. The Respondent No. 6 being the Principal of the Vidyalaya knows best how to run the

administration and needs no lession from the applicant, since she is a duly selected Principal and has years of experience to her credit.

30. That with regard to the statement made in paragraph 31 of the Original Application I beg to state that no false or fabricated charge has been levelled against the applicant. Complaints received from guardians, students and teachers in-charge of examinations were forwarded by the Respondent No. 6 to the Respondent No. 4. The Applicant was placed under suspension by the competent authority keeping in view the gravity of charges levelled against the applicant which are supported by necessary discriminatory evidence.

31. That with regard to the statement made in paragraph 32 of the Original Application I beg to state that after receipt of a copy of the suspension order by the Respondent No. 6, letter dated 4.06.99 was sent by the Respondent No. 6 to the Applicant to hand over charge to her since no other teacher was available during that period, the school being closed due to summer vacation. The Applicant was sent another reminder vide letter dated 7.06.99 by the Respondent No. 6 to hand over charge as because he had not complied with the earlier instruction. During the period of suspension the Applicant conspired with the Laboratory Attendant and managed to remove some important documents from the Chemistry Laboratory as is

manifested from letter dated 11.8.99 written by Ms. Sita Rawat, another Post Graduate Teacher of Chemistry. As the Applicant had failed to handover charge inspite of several reminders a committee was formed with 4 members with the approval of the Chairman Vidyalaya Committee Management and a resolution was adopted vide Ref. No. KVG/RSM/PF/99-2000 dated 9.6.99 to break open the Chemistry Laboratory following which a detailed report vide letter No. KVG/RSM/PF/99-2000/217-218 dated 9.6.99 was submitted by the Respondent No. 6 to the Respondent No. 4. The Chairman, Vidyalaya Management Committee was kind enough to oversee the entire operation.

Copies of aforesaid letters dated 4.06.99, 7.6.99, 11.8.99, Resolution dated 9.6.99 and letter dated 9.6.99 are annexed herewith and are marked as Annexures - VIII, IX, X, XI and XII respectively.

32. That I deny the correctness of the statement made in paragraph 33 of the Original Application. I beg to state that there is no criminal conspiracy and criminal intention behind the suspension of the Applicant and there has been no premeditated consultation with Respondents Nos. 5 and 7. The Respondent No. 6 has simply discharged her administrative duties and the exercise of breaking open the seal of the Laboratory is part of that duty.

33. That with regard to the statement made in

15.

paragraph 34 of the Original Application I beg to state that the Respondent No. 6 being the head of the institution, it is her only desire that students from her Vidyalaya should top the list and being an educationist it is her prime desire to maintain high the academic standard of the Vidyalaya which has a direct bearing on the future career prospects of the Respondent No. 6. Therefore, the allegation made by the Applicant is baseless.

34. That with regard to the statement made in paragraph 35 of the Original Application I beg to state that no technique has been adopted by the Respondent No. 6 to torture outsiders, nor it is the tradition of the Vidyalaya. Kendriya Vidyalaya Sangathan Employees enjoy all India Transfer liability and are posted in and transferred out on request or public interest as per KVS guidelines. Hence, such statements are uncalled for and totally unwarranted. In this connection it would be pertinent to mention that KVS is an autonomous body having 19 regional offices and more than 900 people from different languages, areas, caste, creed, religion and community serve in the organisation. The allegation of the applicant is malafide in nature as he himself has gone through three transfers before being posted at Kendriya Vidyalaya, Khanapara. The applicant was earlier posted at Kendriya Vidyalaya BRPL and Kendriya Vidyalaya, Borjhar.

35. That with regard to the statement made in

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paragraph 36 of the Original Application I beg to state that the Applicant has already been served with charge sheet vide Memo No. 14-5/99-KVS(GR)/5251-54 dated 9.8.99 pursuant to charges being framed by the competent authority.

I crave leave of this Hon'ble Court to refer to and rely upon the aforesaid charge sheet at the time of hearing.

36. That with regard to the statement made in paragraphs 37 and 38 of the Original Application I beg to state that subsistence allowance is to be paid on receipt of the prescribed certificate by the Drawing and Disbursing Officer. The Applicant was requested vide letter No. F.PF/KVG/99-2000/253 dated 29.6.99 to fill up the standard of certificate so that subsistence allowance could be paid to him. The Applicant inspite of letter dated 29.6.1999 did not submit the same. As such, the Respondent No. 4 vide letter No. F: 15-5/99-2888 KVS(GR)/3589-90 dated 1.07.99 requested the applicant to submit the same to the Respondent No. 4. The Applicant instead of submitting the said certificate as per F.R. 53(2) to the Respondent No. 6 submitted the same to the Respondent No. 4 as such the Respondent No. 4 vide letter No. 14-5/99/KVS(GR)/5443-45 dated 10.08.99 directed the Applicant to submit the said certificate in future to the Respondent No. 6 and in the instant case directed the Respondent No. 6 to make payment to the Applicant. Accordingly, vide letter No. KVG/PF/RSM/99-2000/384-86 dated 13.8.99 and letter No. KVG/PF/99-2000/415

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dated 19.08.99 the Respondent No. 6 intimated the Applicant about payment of subsistence allowance to him by Cheque No. MCAB/249 866196 dated 18.8.99 for Rs. 4,903/-. The Respondent No. 6 vide letter No. F.PF/KVG/99-2000/477-79 dated 7.09.99 requested the Applicant to submit the standard from certificate to her office for payment of subsistence allowance to the Applicant and save a break up of the subsistence allowance paid to the Applicant till date.

Copies of aforesaid letters dated 29.6.99, 1.07.99, 10.08.99, 13.08.99, 19.08.99 and 7.09.99 are annexed hereto and are marked as Annexures - XIII, XIV, XV, XVI, XVII & XVIII respectively.

37. That with regard to the statements made in paragraphs 39, 40, 41 and 42 of the Original Application I beg to state that the Applicant was placed under suspension by the competent authority considering the charges framed against him. The Applicant has already been furnished with the charge-sheet and as such, the departmental enquiry against the Applicant may be allowed to continue. As the challenge in the Original Application is totally misconceived and is liable to be dismissed with cost.

VERIFICATION ....

VERIFICATION

I, Sri D.K. Saini, Son of Sri C.L. Saini aged about 51 years, presently working as Assistant Commissioner (Officiating), Kendriya Vidyalaya Sangathan do hereby verify that the contents of paragraphs 1 to 36 are true to my personal knowledge and those in paragraph 37 are believed to be true on legal advice and that I have not suppressed any material fact.

Date :- 31.1.2000

Place :-



SIGNATURE



64

NOTICE

From : Dr. B.P. Todi  
Advocate,  
Central Administrative Tribunal,  
Guwahati.

To  
Shri J. Ahmed,  
Advocate,  
Central Administrative Tribunal,  
Guwahati.

Subject : Original Application No. /99.

Shri Radhey Shyam Maurya ... Applicant.

- Versus -

Union of India & Ors. ... Respondents.

Sir,

Please find herewith a copy of Written Statement  
filed on behalf of Respondent Nos. 2, 3, 4, 5, 6 and 7 in  
the aforesaid Original Application. Kindly acknowledge the  
receipt of the same.

Thanking you.

Yours faithfully,

Received Copy.

*Agarwal*  
Advocate

*Deb*  
(Dr. B.P. Todi)  
Advocate

—19—  
68  
Annexure-I.

Central Board of Secondary Education  
Regional Office

Rajgarh Road, Rajgarh Tiniali  
Guwahati- 781003.

No. CASE:GHY.CONF. 7(6) PRAC.EXAM. 99 Date: 8.1.99

To

Examiner No. .....

Sh. G.S.C. BoseBabu.  
Principal,  
K.V. Narangi,  
Guwahati- 27.

Sub : ~~copy~~ Appointment of Practical Examiner for  
All India Senior School Certificate  
Examination, 1999.

Sir/Madam,

I am to inform you that you have been  
appointed as Practical Examiner in Chemistry for All  
India Senior School Certificate Examination, 1999  
at the Schools/centres whose addresses is/are given  
below :

Name of the School(s) /Centre(s)

1. K.V. Khanapara, Guwahati- 22.
2. Guwahati Pub School, Panjabari.

The appointment as well as any information  
collected by you in the course of conduct of examination  
strictly be kept confidential. You will be required to  
do this work according to the instruction issued by  
the Board from time to time for All Cases Practical  
Examination School be Conducted and Completed by 15th

Contd...2.

- 2 -

February, 1999 and Award List duly completed along with answer-scripts should be sent in two separate confidentially sealed packets.

You are requested to send your acceptance on the enclosed proforma by 20th January, 1999. In case no reply is received from you within the prescribed time limit, it will be presumed that you are not interested in assignment and; therefore, alternative arrangements will be made without any further reference to you.

From the place of work to the place of posting you will be paid CA/DA as per ad subsity under the CBSE rules.

The remuneration for conduct of Practical Examination will be Rs. 3.75 (Rupees three and seventy five paise only).

Anticipating your hearty co operation in the smooth conduct of Practical Examinations, 1999.

Yours faithfully,  
Sd/-

( K.K. Choudhury )  
Assistant Secretary

Encl: As above.

Copy to :

01) .....for information and with a request to relieve the teacher an question for the purpose.

02) K.V. Khanapara  
03) GHY.Pub. Guwahati

for information and necessary action.

Sd/-  
( K.K. Choudhury )  
Assistant Secretary.

Annexure-II.

Kendriya Vidyalaya Sangathan  
Regional Office  
Chayaram Bhawan : Maligaon Chariali  
Guwahati : 12.

No. F. 14-5/99-KVS(GR)/5251-54 Dated : 09.08.99

Confidential  
By Registered Post.

MEMORANDUM

The undersigned proposes to hold an Inquiry against Shri R.S, Maurya, PGT(Chemistry), Kendriya Vidyalaya, Khanapara under Rule-14 of the Central Civil Services(Classification, Control and Appeal) Rules, 1965. The substance of the imputations or misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge(Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each articles of charge is enclosed(Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed(Annexure-III) and IV).

2. Shri R.S. Maurya, PGT(Chemistry) is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an Inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each articles of charge.

Contd...2.

- 2 -

4. Shri R.S. Maurya, PGT(Chemistry) is further informed that if he does not submit his written statement of defence on or before the date specified in Para-2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule-14 of the CCS(CCA) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry against him ex parte.

5. Attention of Shri R.S. Maurya, PGT(Chemistry) is invited to Rule-20 of the Central Civil Services (Conduct) Rules 1964 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sh. R.S. Maurya, PGT(Chemistry) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-20 of CCS(Conduct) Rules, 1964.

6. The receipt of the Memorandum may be acknowledged.

To,  
Shri R.S. Maurya, Sd/-  
PGT(Chemistry)(under suspension) (DR. LALIT KISHORE)  
Teachers Qrt. No. 4-B (Top Floor), ASSISTANT COMMISSIONER  
Kendriya Vidyalaya, Khanapara,  
Guwahati-22.

Copy to :-

- 1) The Principal, Kendriya Vidyalaya, Khanapara,
- 2) The Assistant Commissioner(Adm.) KVS(H.Qrs)N. Delhi-16.
- 3) Guard file.

\*\*\*

Annexure- III.

11 a.

KENDRIYA VIDYALAYA GUWAHATI  
KHANAPARA GUWAHATI  
Pin : 781022.

Ref No. KVS/28/Scl/98-99/615-617

Date: 25.1.99

QUOTATION

Sealed quotations are invited for the supply of Chemistry articles as per list enclosed. The Quotation should reached the undersigned on or before 30.1.1999 positively.

Sd/-  
( J. Dasbasu).  
Principal.

To,

- 1) M/S Brightways.  
Machkhowa  
Guwahati- 9.
2. M/s Verma Brothers  
Panbazar, Guwahati-1.
- 3) M/s Appichem Enterprises  
Jorpukhuri  
Guwahati- 1.

Kendriya  
DESPATCH

क्र० सं० Sl. No.	देने की तिथि Date of Issue	नाम व पदनाम सहित पता Name & Designation of the addressee
602	16.1.99	141 A.C. KVS (GR) Ghay-12
603	" 139	D.Tekchonanis A.R (Adm) JNU, N.D - 67
604	18.1.99	Principal, KV Mississipi No.2, Sonarpur
605	" 58	Sh. S. Kuswaria, PGT, KV Khanapara
606	" "	Principal, KV AFS Jorhat
607	" "	R.C. CBSE, Ghay-3
608	" 17	A.C. (F) KVS N.D.
609	" "	A.C. KVS GR
610	" 14	B.M. B.B. Dibrur
611	21.1.99	31 A.C. (Admn) KVS N.D.
612	" 11	" " "
613	" 38	E.E (PHE) Ghay. Div. No. II, Ghay-21
614	23.1.99	51 Chairman, VMC KV Khanapara
615	25/1/99	20 M/S. Brightways Mazarbari, Guwahati
616	" 20	M/S Verma Brothers, Panbazar, Ghay-1
617	" 22	M/S. Appiecon Enterprise, Guwahati - 1
618	25/1/99	83 Sri R.K. Chakraborty, Head Master
619	" 39	Sri Puran Chakraborty, joint Commissioner KVS (GR) N.D
620	" 39	Asstt. Commissioner, KVS (GR), Morigaon
621	" 39	Principal, K.V. Borjhar (Contingent leader, Bangladesh) National Jamboree Camp Site, Calcutta (W.B.)

Vidyalaya  
REGISTER

विषय Subject Matter	टिकट का मूल Value of Stamp Affixed	विवर Remarks
An application in v/o Mrs. S. Sen /holding of JNU Ent. on 15/1/99 May - 1999	5.00 3.00	own pass
D.D. for Rs. 6000/- No. 278042 dt. 13/99 in v/o S.S. G. Saikia, for Transfer TN/PA	15.00	Regd. 1272514 11.4.2
Relieved for Practical Exam. 99	—	by Land. (18/1/99)
" " "	—	by Land. (18/1/99)
" " "	3.00	by Land. (18/1/99)
No objection for transfer of CPF in v/o Mrs. N. Kher	—	by Land → S.G. (18/1/99)
Reg. for Bank balance (C.G.P.A.)	3.00	By P.P. Dan.
Apprehension of Surplus Transfer of PR-B	21.00	Speed Post 784193 734. dt. 21.99
Echeque No. 905941 dt. 12.1.99 for Rs. 2543/- for the payment of water charge Bill Bill No. 002 dt. 21.8.98	17.00	Regd. 219075 / dt. 21.99 62.00 → Panel by me 2 adjust by Land. (21.99)
Modification of bank in v/o N.D. Bhupen	—	By Land. (21.99)
Quotation for Science articles for the Lab	—	By Land. (21.99)
— do —	—	By Land. (21.99)
— do —	—	By Land. (21.99)
Office order for 6th Bangladesh National Jamboree	—	By Land. (21.99)
— do —	3.00	By Land. (21.99)
— do —	3.00	By Land. (21.99)
— do —	3.00	By Land. (21.99)
— do —	3.00	By Land. (21.99)



# APPICHEM ENTERPRISE

of Chemicals & Quality Scientific Instruments )  
W.M.C. ... SHA ROAD • UZANBAZAR • GUWAHATI-781 001  
GRAM : APPICHEM PHONE : 541870

To,  
Principal, *Off. set  
well noted  
Recd*  
Kendriya Vidyalaya, R.S.  
Khanapara,  
Guwahati. *to give for  
Recd*

CHALLAN NO.	1363 dtg. 03.02.98
ORDER NO.	KVG/20/Sci/9899/676
DATE	03.02.99.
BILL NO.	AE/ 167 /98-99
DATE	22.2.99 3.2.99

A.G.S.T.-A-412, Central Sales Tax No. 1405 dt. 1-7-67

For APPICHEM ENTERPRISE

Our risk and responsibility ceases on delivery of the goods on Rail, Steamer or Carriers. No complain will be entertained if not lodged within 3 days from receipt of goods. Interest @ 25% per annum will be charged on all bills unpaid within one month.

## এ পি কে ম এ গ্টা ব প্রাইজ

Mathew

16/2/99

70

Please MR,

As per allocation u/s found for the year  
1998-99 under the Head of

(a) Science Consumable Rs. 20,000/-

(b) Science M/s (Consumable Rs. 30,000/-

Total - Rs. 50,000/-

An amount of Rs. 50,000/- has already  
been spent through M/s. R.S. Mantri, PGT, Chem.  
The item what we have purchased not yet  
settled, no store entry. (C)

A bill from M/s Appichem Enterprise  
amounting Rs. 5562/- is ready for payment.

But no fund is available now under the  
Head of Science.

However, note from the PGT, Chem.  
completing it is not proper, store  
entry is also required.

Please see for payment of Rs. 5562/-  
and advise it in this regard.

JB  
16/2

No complaint will be entertained if not lodged within 3 months of receipt of goods. Interest at 25% per annum will be charged on all bills unpaid after one month.

PRISER  
16/2

Annexure- VII.

KVS(HQ) : NEW DELHI- 16.

NO. F.6-1/91-92/KVS/Budget dt. 24.8.99

The Asstt. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office

Sub : Revision in fee structure request for issuing  
exemption for wards of KVS staff.

Sir,

I am to refer to this office order No. 6-1/91-92/KVS/Budget dated 20th July, 1998 revisiong the fee structure effective from 1st Oct/1998. Attention is also invited to office order No. 6-1/91-92/KVS/Budget dt. 15.3.99 regarding creation of Maintenance & Development Fund to be collected from the students w.e.f. 1.4.99.

After issue of the above referred office order this office has received various letters from Vidyalayas and Regional office to find out whether there is any exemption from charging Pupil Fund, Maintenance and Development Fund and Science Fund from the wards of the KVS staff. The matter has been examined in the light of instructions contained in chapter V of Accounts Code. Article 63 (a) (ii) gives an exemption to the children of the employees of KVS from the payment of tution fee. However, no exemption or concession are available to the children of the employees of the KVS from the payment of Pupil Fund as per provision contained in Art. 67 of the Accounts Code. The whole matter has been examined and placed before the Commissioner, KVS and it has been decided that there is no exemption from charging of Pupil Fund, Maintenance & Development Fund and Science Fund from the wards of the employees of the KVS. As such except tution fee, all other charges are to be collected from the wards of the KVS employees.

The contents of this letter may please be brought into notice of all the vidyalayas under your region.

Sd/-

Copy to :

( P.K. Aggarwal)

1. All Officers/Sections in KVS(HQ)
2. All A.I.O. of the regional Offices.
3. Principal,KV Kathmando/Moscow.

Annexure- VIII.

Kendriya Vidyalaya, Khanapara, Guwahati  
Pin : 781022.

Ref. No. KVG/RSM/PF/99-2000/165-189 Date : 4.6.99.

To  
Mr. R.S. Maurya,  
PGT (Chemistry),  
Kendriya Vidyalaya, Khanapara,  
Teachers Quarter Block 4B (Top floor),  
Guwahati 781022.

Sub : (Handing Over-charge of Chemistry Deptt/Lab)-reg.

Mr. R.S. Maurya,

I am to inform you that vide letter No. 14-5/99-KVS(GR)/2091 dated 1.6.99, following your suspension order, you are hereby requested to handover charge of the Chemistry Department/Laboratory/of K.V. Khanapara by Saturday, 5th Jun '99, 2-00 P.M. to the undersigned.

This is for your information & n/a.

Sd/-  
(Mrs. J. Dasbasu)  
Principal,

Copy to: K-V. Khanapara, Guwahati-22.

1. The Asstt. Commissioner, KVS(GR),  
Maligaon, Guwahati-12 for kind information.
2. The Deputy Commissioner(Admn),  
Kendriya Vidyalaya Sangathan, (HQ),  
New Delhi-110016. for kind information.
3. The Chairman,  
V.M.C.,  
K.V. Khanapara, Guwahati-22 for kind information.

Sd/-  
Principal.

Annexure- IX.

Kendriya Vidyalaya , Khanapara,Guwahati.  
Pin- 781022.

Ref No. F.PF/KVS/99-2000/197-99 Date 07.6.99.

To,

Mr. R.S. Maurya,  
PCT(Chemistry),  
KV Khanapara,  
Guwahati-22.

Sub : Handing Over Charge.

Mr. R.S. Maurya,

"~~xxx~~ Vide letter No. F.KVS/ASM/PF/99-2000 dated 4.6.99, you were requested to hand over charge of the Chemistry Deptt/Lab. by 2 PM on Saturday 5th June, following your suspension order vide letter No. F.14-5/99-KVS(GR)/2091-93 dated 1.6.99.

Since you have failed to handover charge by 5th June, you are once again requested to hand over charge of the Chemistry Deptt./Lab. by 8th June 2 PM (Tuesday). This is for your information and doing the needful.

Sd/-  
(MRS. J. DASBASU)  
PRINCIPAL.

Copy to :

- 1) The Asstt. Commissioner,KVS(GR),  
Guwahati for kind information.
- 2) The Chairman, V.N.C., KV Khanapara  
for kind information.

Sd/-  
PRINCIPAL

Annexure- X.

Application.

Dt. 11.3.99.

To,

The Principal,  
K.V. Khanapara,  
Guwahati- 22.

Respected Madam,

I would like to bring that this  
your notice that Chemistry Lab. Assistant(Mr.Ambika)  
has taken all the paper materials (like Chemical  
purchasing cards, some paper(New cuttings,  
time-table, notices issued etc.) kept on the Lab.  
Office table without my permission & submitted to Mr.  
R.S. Maurya (Ex. Put. Chemistry).

Unfortunately, he asked him to get all that  
paper being kept during his teaching session.

So kindly see the matter with anticipation.

Thanking you,

Sincerely Yours

sd/- 11.3.99  
Sita Rawat.  
Put- Chemistry.

## Kendriya Vidyalaya, Khanapara, Guwahati.

PIN: 781022.

Ref No. KVG/RSM/PF/99-2000/ Date : 9.6.99.

TAKING OVER CHARGE OF CHEMISTRY DEPTT/LABORTARY  
FOLLOWING SUSPENSION ORDER OF SHRI R.S. MAURYA  
AND HIS REFUSAL TO HAND OVER CHARGE WITHIN STIPULATED  
DATE AFTER ISSUE OF 2(TWO) LETTERS FROM PRINCIPAL,  
KENDRIYA VIDYALAYA, KHANAPARA, GUWAHATI.

1. Seal broken and lock opened on 'Wednesday 9th June' 99  
at 2 P.M. in the presence of :

1. Chairman, V.M.C., K.V. Khanapara

Sri N.K.Das, IAS, Commissioner

### Lower Assam Division.

2. Mr. C.K. Haloi, TGT, Teacher Member. Sd/-

3. Mr. U.N. Adhikary, TGT, Teacher Member. Sd/-

4. Mrs. Jyothi Borah, TGT, Teacher Member. 5d/-

6. Mrs. M.B. Saikia, PRT, Teacher Member. Sd/-

6. Mrs. J. Dasbasu, Principal, K.V. Khanapara Sd/-

\* Charge taken over by Principal K.V. Khanapara w.e.f.

09.6.99.

Annexure- XII.

Kendriya Vidyalaya, Khanapara, Guwahati.  
Pin 781022.

Ref No. KVG/RSM/PF/99-2000/217-218 Date : 9.6.99

To

The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Guwahati Region,  
Chhayaram Bhawan,  
Maligaon Chariali,  
Guwahati-781012.

Sub : (Opening of Chemistry Lab & taking over charge  
of Chemistry Lab Kendriya Vidyalaya, Khanapara,  
locked by Mr. R.S. Maurya, PGT Chemistry, KV.  
Khanapara.)

Sir,

1) In compliance to your letter No. 14-5/99-KVS  
(GR)/2091-93 dated 1.6.99 Mr. R.S. Maurya, PGT(Chem)  
of this Vidyalaya has been suspended wee.f. 1.6.99.

2. In the 1st instance he has not handed over charge  
of Chemistry Deptt/Lab of K.V. Khanapara to the Principal  
within 5th June'99 2.00 P.M. vide letter No. KVG/RSM/  
PF/99-2000/189-189 dated 4.6.99 issued by the Principal.

3. In the 2nd instance he has again not complied  
with the letter No. PF/KVG/99-2000/197-99 dated 7.6.99  
wherein Mr. R.S. Maurya was again requested to hand  
over charge of Chem. Deptt./Lab to the Principal by  
8th June'99 2.00 P.M.

4. A Committee was thereby formed of the following  
members :

Contd...2.

- 2 -

1. Mr. C.K. Haloi, Teacher Member Sd/-
2. Mr. U.N. Adhikari, TGT, VMC Member Sd/-
3. Mrs. Jyothi Borah, TGT, Teacher Member Sd/-
4. Mrs. M.B. Saikia, PRT, Teacher Member Sd/-
5. On opprising the Chariman VMC of the problem and following his approval, the seal of the Chemistry Lab of K-V. Khanapara was broken on 9th June'99 (Wednesday) at 2 A.M. in the presence of the Honourable Chariman VMC, K.V. Khanapara Shri N.K. Das, IAS, Commissioner, Lower Assam Division and also members of the Committee as mentioned in SL. No. 4. The Committee has also taken an inventory of all articles in the Laboratory for record which is enlisted in the sheet attached herewith.

This is for your kind information please.

Thanking you,

Yours faithfully,

Sd/-  
( Mrs. J. Dasbasu)  
Principal.

Copy to :

1. The Chairman,  
VMC, KV Khanapara,  
for kind information please.

Annexure- XIII.

Kendriya Vidyalaya, Khanapara, Guwahati.  
Pin : 781022.

Ref No. F.PF/KVG/99-2000/253 Date: 29.6.1999.

To

Shri R.S. Mourya,  
PGT(Chem)(under Suspension)  
KV Khanapara, Gtr, No. 4 B, Top Floor,  
Guwahati-22.

Sub : Undertaking by suspended official.

Shri R.S. Mourya,

Following your suspension, you are requested to fill up the standard form of Certificate, to be furnished by the suspended official under F.R. 53(2) so that the undersigned who is the D.D.O. can do the needful regarding pay and allowances. The form is attached herewith in duplicate.

Sd/-  
(Mrs. J. Dasbasu)  
Principal.

N.B.

Under F.R. 53(2) you are to furnish this certificate of non-employment every month on/before 20th of each month, so that the office may do the needful regarding your drawal of subsistence allowance.

#### Annexure- XIV.

Kendriya Vidyalaya Sangathan  
Regional Office  
Maligaon Chariali  
Guwahati- 12.

No. F : 15-5/99-KVS(GR)/3589-90 Dated : 1.7.99.

To, By Regd. Post.  
Shri R.S. Mourya,  
PGT, (Chem), (Under suspension) .  
Kendriya Vidyalaya,  
Khanapara, Teachers Qrt. No. 4-B (Top Floor),  
Guwahati-22.

Subject : Drawal of subsistence allowance -reg.

Sir,

I am refer to your letter No. NIL, dated 14th June'99 and to inform you that during suspension period your headquarter has been fixed at K.V. Khanapara, vide this office order of even No. dated 1.6.99 and Principal Kendriya Vidyalaya,Khanapara is your Drawing and Disbursing Officer.

You are requested to submit the require  
certificate(under F.R. 53(2)) to the Principal K.V.  
Khanapara for drawing and payment of subsistence allowances.

Certificate enclosed with above said letter  
is returned herewith for further necessary action as  
intimated in above para.

Yours faithfully,

( Dr. Lalit Kishore)  
Enclosed :: As above. Assistant Commissioner.

Copy to the Principal ,K.V. Khañapara with reference to his letter No. PF/KVG/99-2000/258 dated 30.6.99.

Sd/-  
Assistant Commissioner.

Kendriya Vidyalaya Sangathan  
Regional Office, Maligaon,  
Guwahati- 12.

No. F: 14-5/99-KVS(GR)/5443-45 Dated : 10.8.99.

To, . . . . . By Registered Post.

Shri R.S. Mourys,  
PGT(Chem.), (Under suspension)  
Kendriya Vidyalaya,  
Khanapara, Teachers Qrt. No. 4-B(Top Floor)  
Guwahati-22.

Subject : Drawal of subsistence allowance-reg.

Sir,

In continuation to this office Reg. letter of even No. dated 1.7.99 in which you were asked to submit the required certificate (Under F.R. 53(2), to the Principal Kendriya Vidyalaya, Khanapara for payment of subsistence allowance who is drawing and Disbursing office of Kendriya Vidyalaya, Khanapara, where your headquarter has been fixed during the suspension period.

However, it is once again observed that you have submitted the required certificate to this office, which is being return to the Principal, Kendriya Vidyalaya, Khanapara for making the payment of subsistence allowances.

In further, you are advised to submit the required certificate to the Principal, Kendriya Vidyalaya, Khanapara only. Certificate if sent to this office will not be entertained at any cost.

The Principal, Kendriya Vidyalaya, Khanapara  
is being requested to make the payment of subsistance  
allowances on receipt of the required certificate by her.

Yours faithfully,

sd/-

(Dr. Lalit Kishore )  
Assistant Commissioner.

Copy to :

- 1) The Principal, Kendriya Vidyalaya, Khanapara for compliance. The Original unemployment certificate for the month of July '99 is enclosed herewith. This is further advised to received the required certificate, if submitted by Sh. R.S. Mourya, PGT(Chem) (Under suspension) for further necessary action at her end.
- 2) The Assistant Commissioner(Admn.) KVS(HQrs) New Delhi for information.

sd/-

( Lalit Kishore)  
Assistant Commissioner.

Annexure- XVI.

Kendriya Vidyalaya, Khanapara, Guwahati.  
Pin : 781022.

Ref No. KVG/PF/RSM/99-2000/384-386 Date: 13.8.99.

To,

Shri R.S. Maurya,  
P.G.T.(Chemistry), (Under Suspension)  
Kendriya Vidyalaya, Khanapara,  
Teachers Qrt. No. 4-B(Top Floor),  
Guwahati-22.

Ref No. 1.F.PF/KVG/99-2000/255 dt. 29/6/99 (No. 1)

" No. 2.F.14-5/99-KVS(SR)/3399-90 dt. 1.7.99(No. 2)

" No. 3.F.14-5/99-KVS(GR)/5443-45 dt. 10.8.99(No. 3)

Sub : Drawal of Subsistance allowance -reg.

Sir,

Vide letter No. 1(under ref.) as mentioned above, you were requested to fill up the standard form of certificate under F.R. 53(2) , as that the undersigned who is the RPO could make the payment of subsistance allowance to you. But till date no form has been received by this office(K.V. Khanapara).

Vide letter No. 2(Under ref.) as mentioned above. You were requested by the Assistant Commissioner, KVS (GR) to submit the requested Certificate(Under F.R. 53(2) to the undersigned (after it was returned to you by Asstt. Commissioner, KVS(GR) for payment of subsistance allowance by Principal,K.V. Khanapara. But ~~was~~ till

Contd...2.

- 2 -

date the required certificate has not been received.

Vide letter No. 3 (under ref.) as mentioned above, this office has received the required certificate (under F.R. 53(27)) for Junly, 1999 which has been sent by AC-KVS(GR). Payment will be made very shortly in compliance with KVS(R.O.) directives.

In this context you are once again requested to send the Certificate (under F.R. 53(2)) for the month of June '99 and August '99 so that the payment of subsistance allowance could be made.

Yours faithfully,

Sd/-

( Mrs. J Dasbasu)  
Principal

Copy to :

- 1) The Asstt. Comm. KVS(GR)  
for information please.
- 2) The Asstt. Comm. (Admn)  
KVS(HQ), New Delhi for information  
please.

Annexure- XVII.

Kendriya Vidyalaya, Khanapara, Guwahati.

Pin : 781022.

Ref No. KVG/PF/99-2000/415 Date : 13.8.99.

By Peon Book No. 236.

To,

Shri R.K. Maurya,  
PGT(Chemistry) under Suspension,  
Kendriya Vidyalaya,  
Khanapara, Teacher Qrt. No. 4-B (Top Floor),  
Guwahati-22.

Sub : Payment of Subsistance allowance for the  
month of July, 1999

Sir,

I am sending herewith a cheque No. MCAB/249  
866195 dated 18.8.99 for Rs. 4903.00 (Rupees four  
thousand nine hundred three)only towards the payment  
of subsistance allowance for the month of July'99.

Kindly acknowledge the stamped receipt for  
office records.

Yours faihhfully,

Sd/-

(Mrs. J. Dasbasu)

Principal

Encl: As above.

Annexure- XVIII.

Kendriya Vidyalaya, Khanapara, Guwahati.

Pin : 781022.

Ref. No. F. PF/KVG/99-2000/477-79 Date: 7.9.1999.

To

Shri R.S. Mourya,  
PGT(Chem) Under suspension,  
Kendriya Vidyalaya Khanapara,  
Teachers Qrt. No. 4-B (Top Floor),  
Guwahati-22.

Sub : Drawal of subsistence allowance-regarding.

Ref No. F. 14-5/99-KVS(GR)/6154-55 dated 20.8.99.

Sir,

In compliance with the directives from KVS(GR) vide letter No. (under reference) as mentioned above, this office is in receipt of Certificate under F.R. 53(2) for the month of August'99 which you had sent to the Regional Office and has been redirected to KV. Khanapara.

The Cheque for the month of August'99 (subsistence Allowance) is attached herewith. Details : Cheque No. 896620 dated 4.9.99 for Rs. 4903.00 . Break up of your salary details is also sent.

Dues:-A

Deductions-B

1.50% of Basis pay-Rs. 3550/-	1. Prof. Tax- Rs. 65/-
2.32% B.A. -Rs. 1136/-	2. C.I.S. - Rs. 60/-
3.C.C.A. -Rs. 80/-	3 Licence fee Rs.182/- water & Elec. Charges.
4.12.2% S.B.A. -Rs. 444/-	
<hr/>	
Total : -Rs.5210/-	Total Rs.307/-

Net Amount Payable(A-B)-Rs. 4903.00

Contd...2.

- 2 -

In this context, I once again would like to remain you that the standard form of Certificate under F.R. 53(2) has not been sent from you end for the month of June '99, following which your subsistence allowance for June '99 is still pending. This is a third reminder for necessary action at you end.

Finally as per the letter from KVS(GR) under ref. as stated above, the certificate under F.R. 53(2) for the month of September is required to be sent to this office by 20th Sept '99 so that the undersigned, who is BDO can do the needful and disburse you payment in time.

Yours faithfully,

Sd/-

(Mrs. J. Basbasu)  
Principal.

Copy to :

- 1) The Asstt. Commissioner, KVS(GR), for information please.
- 2) The Asstt. Commissioner(Admn), KVS(HQ), New Delhi for information please.

Sd/-  
Principal.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GAUHATI BENCH

19/2000  
ORIGINAL APPLICATION : 19/2000 (T)

Radhey Shyam Maurya,

..... Applicant.

-Vs-

Union of India and others (KVS),

..... Respondents.

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Filing by  
Manager  
Applicant  
person  
(S)

REJOINDER

1. That all the averments and summisions made in the Written Statements submitted by the Respondents Nos. 2,3, 4,5,6 and 7 are denied by the answering deponent save and except what has been specifically admitted there in and what appears from the record of the case (affidavit).
2. That with regard to para - 2, the deponent has no comments to offer.
3. That the statements made in para - 3 of the affidavit (W.S.) is not fully correct. In this regard, the answering deponent begs to state that the respondent No.5, namely Dr.E.Prabhakar was Education Officer as well as working in the capacity of officiating Assistant Commissioner in Gauhati Region and he was fully informed by the deponent about all the irregularities (financial, administrative, educational etc.) related to the department of Chemistry and others by verbal as well written communications but due to his "biased and malafide attitudes" towards the applicant, he did not take any proper action rather instigated the respondent No.6, the Principal, namely Mrs.J.Das Basu of K.V.Khanapara to

start torturing to the applicant in several ways under his guidance. Moreover, being an inspecting officer as well as officiating Assistant Commissioner, he would have taken a positive view to prevent the irregularities and anomalies prevailing in K.V.Khanapara to get an amicable solution in an educational institution in democratic situation but he has vested interests in the matter. At present, the respondent No.5 is also guiding and instructing the respondent No.6 from the Kendriya Vidyalaya Head Quarter, New Delhi, and therefore, the statements of the answering respondents are false, baseless, and hereby denied .

4. That the statements made in para - 4 of the affidavit by the answering respondents is also false, baseless and hereby denied . In this connection, the applicant begs to state that due to the close relationships between the respondents No. 5,6 and 7, the respondent No.5 and 6 have personally approached to the Regional Officer C.B.S.E. to appoint the respondent No. 7 as an External Examiner to conduct the Chemistry Practical Examinations of Class XII students of K.V.Khanapara by Violating, the C.B.S.E. Examination rules . Further, the applicant also states that the respondent No.7 was appointed as an External Examiner in the year 1998 - 99 for K.V.Khanapara, and thereafter respondent No.7 was not appointed as an External Examiner for Practicals . Therefore, it is crystal clear that the appointment of respondent No.7 as an External Examiner in Chemistry department of K.V.Khanapara was made at the instance of respondents No. 5 and 6 just to harass and humiliate the applicant and under similar situations only P.G.T.'s were appointed as External Examiners for Practical in Physics and Biology departments of K.V.Khanapara . Moreso, the relationship is also crystal clear by visiting different schools together <sup>by s</sup> of both the respondents for C.B.S.E. inspection

5. That with regards to statements made in Para - 5 of the affidavit, the answering deponent offers no comment.

6. That with regards to the statements made in Para - 6 of the affidavit the answering deponent begs to state that the applicant is employed as PGT Chemistry since 30th Nov, '95 and during his entire service career he has been following the rules and guidelines of C.B.S.E./K.V.S. without any blamish from any nook and corners. But being an honest and law abiding employ of K.V.S. , he could not cooperate with the respondent No.6 in the purchasing of the Chemicals etc., whereby the purchase was made without the consultation of the Head of the Department of Chemistry i.e., applicant and therefore the respondents No. 5,6 and 7 submitted false reports by way of preparing false, fabricated and baseless documents to the respondent No.4 and recommended the suspension/removal etc. of the applicant and consequently the applicant was placed under suspension on 1.6.99 during the long summer vacation of 50 days. Thereafter, the charge-sheet was served to the applicant which itself is incomplete, indefinite and vague and therefore the same will not sustain in the scrutiny of law.

The applicant further states that being an honest, hard - working , dedicated and a competent Post Graduate Teacher in Chemistry he has produced a very good result of Class XII C.B.S.E. Board Examination in Chemistry in comparision with the other Science subjects but, the same was ignored by the respondents very intelligently while filing the affidavit with regard to Para - 7 of the O.A. and did not offer any comments and therefore the entire Charge-sheet is not sustainable in the eye of law .

7. That with regard to the statements made in Para - 7 of the said affidavit, the deponent states that he is a competent P.G.T. in Chemistry discipline and he always performs his job in accordance with the K.V.S./ C.B.S.E. guidelines but being a hard-working and sincere worker of K.V.S. he was assigned extra work by the respondent No.4 in the Regional Office ,Gauhati and the same was appreciated by all the Principals in the Principals conference held in K.V.I.O.C., Noonmati and therefore the K.V.S. authorities have also deputed the applicant to work as Resource Person to impart quality training to the Primary Teachers under Gauhati Region in the disciplines of Science and Mathematics and as such the contention of the respondents made in the affidavit is not correct at all.

8. That the statement made in Para - 8 of the said affidavit , by the answering respondents is also false and fabricated . In this regard, the deponent begs to state that the transfer of respondent No.6 was illegally made at the instance of respondent No.5 with the help of Mr.Vijay Kumar (Ex- E.O.) and now posted in K.V.S.(H.Q.) New Delhi by flouting the transfer guidelines of K.V.S. Moreover, the respondent No.6 was also allowed forcefully to join her duties as Principal in K.V.Khanapara without relieving the old Principal namely Sri.N.D.Bhuyan , who was on leave. It is also pertinent to state that the deponent is eye witness who saw the respondents No. 5 and 7 accompanying the respondent No.6 in the morning of 16.12.1998 in K.V.Khanapara Campus and thereafter it was learnt that the Principal's chamber was <sup>double lock of</sup> under seal . Be it noted that the entire episode was done in the presence of respondents No. 5, 6 and 7 respectively.Further, it is also stated that the respondent No.6 purchased the Chemicals etc., in clear violation of the purchase rules mentioned in K.V.S. Accounts Code/Education Code with ulterior motives from her known suppliers

namely Appichem Enterprises at higher rates .It is necessary to mention herein that in the year 1996-97 the same supplier has supplied the chemicals etc. to this department and all the chemicals etc. were duly returned by the Head of the Department due to the inferior qualities of chemicals/outdated reagents as well as exorbitant prices .Further, the deponent begs to state that prior to purchase of Chemicals on 3.2.99 no formalities were observed as stated by the respondents but curiously enough from the Annexure-IV on page 24 at Serial No. 615-17 it appears that the quotations were invited by hands from the three private suppliers whose authenticity is itself doubtful and thereafter the Chemicals etc., were purchased by the respondent No.6 with the help of a Junior T.G.T. namely Mrs.Jyoti Bora irrespective of her teaching disciplines. Moreover, the deponent vide his letter dated 22.12.98 (Annexure - 1,Page 27) of o.A. has already requested the Principal (respondent No.6) that the purchases in the Department of Chemistry should be made from the Govt. approved shops at printed price by keeping in view ISI marks etc., but no action was taken in this regard. It is also stated that there was a standing purchase committee consisting of three persons (Annexure VI on page 33 of o.A.) which was also ignored by the respondent No.6 . It is also learnt that there is a vast difference in the costs of the Chemicals purchased by the respondent No.6 in comparison with the costs of Govt.approved shops . Moreover, it was the bounden duty of the respondent No.6 to inform the deponent who was the convener of the purchase committee as well as Head of Chemistry Department about the said purchasing . It is stated that the signature of the deponent being the Head of the Chemistry Department was also not taken in the quotations which is must as per purchase rules. Moreover, when the deponent sought for the written guidance from the respondent No.6 for making entry

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Manohar

in the stock register etc. in the instant matter on 3.2.99 but no response was made in this regard till date. But, curiously enough the respondent No.6 has shown the stock entry in the duplicate bill on the pages mentioned against the article purchased on dated 3.2.99 itself (Annexure-V on page 25) of the affidavit while the stock register of the Chemistry department was in the custody of the deponent till the last closing day of the Vidyalaya for 50 days of summer vacation and the same was deposited in the office on the last working day of the Vidyalaya under sealed cover. It has also come into lime light by the Annexure-VI (Page 26) of the affidavit wherein Para - 4 of the letter dated 16.2.99 written by U.D.C. namely Mr. H. Soud addressed to the Principal that the entry of the articles are all required, and as such the ulterior motives and the illegality committed by the respondent No.6 is apparent from the face of the record where the entry is shown to be made by Mrs. Q. Sharma on 3.2.99.

Further it is also stated that the averments made regarding the smooth conduct of half - yearly examination is also vague, fabricated and totally false as because there is no post of teacher-in-charge in Kendriya Vidyalaya Sangathan. Moreover, the half - yearly examination was already finished in the month of November'98 before joining of respondent No.6 (i.e., on 16.12.98) itself and as such the question of issuing instructions for the same is also false, baseless and hereby totally denied and therefore the same is liable to be rejected and quashed.

Further, it is also stated that the chemicals etc., purchased by the respondent No.6 was handedover to the applicant on 3.2.99 at the time of closing the Vidyalaya and the same was under the custody of the applicant and placed in the Chemistry Laboratory but, curiously enough the respondents have very intelligently stated in the affidavit that the same was entered in the stock register by Mrs. Q. Sharma, a Junior T.G. T. which is totally false, fabricated and made with malafide

intention and as such on this ground alone the affidavit is liable to be rejected.

9. That the statement made in Para - 9, of the affidavit is not in consonance with Para - 10 of the O.A. and therefore it is misleading and untrue. In this connection, the deponent begs to state that the electrification as well as water system along with installation <sup>of</sup> ~~overhead~~ water tank was done by the previous Principal but, curiously enough the respondent No.6 did not ~~pay~~ <sup>pay</sup> the electrification Bill to the concerned supplier even after several reminders of the supplier as well as by the Head of the Department of the Chemistry .

10. Same as in Para - 8.

11. Same as in Para - 4.

12. Same as in Para - 8. In this connection, the answering deponent begs to state that the statements made by the respondents in para - 8 ,10 and 12 are itself contradictory, as because the false stock entries have been shown by the respondents before the Hon'ble Tribunal in Annexures - V and VI on Pages 25 and 26 of the affidavit respectively. It is also stated that the stock verification can not be done by the subordinates which is in clear violation of Finance Rules. Be it noted that no committee was dissolved by the previous Principal as because he was forcefully relieved by the respondent No.6 during his absence.

13. That the statements made in Para - 13 of the affidavit is also not correct and the same is hereby denied .

14. That the statement made in Para - 14 of the affidavit by the answering respondents is also false, and baseless and hence hereby denied. In this connection, the deponent states that he was placed under suspension on the false, baseless and fabricated charges at the instance of respondents No. 5, 6 and 7 respectively. Moreover, the suspension order dated 1.6.99 has also not been issued by the competent authority. Further, it is stated that the respondent No. 4 is not the competent authority to place a P.G.T. under suspension since 1993 and as such the impugned order dated 1.6.99 along with the charge-sheet dated 9.8.99 are indefinite, illegal and unwarranted and therefore the same are liable to be set aside and quashed.

15. That the statement made in Para - 15 of the affidavit by the answering respondent is not correct at all and therefore the same is hereby denied. In this connection, the deponent begs to state that there was no executive committee in the Vidyalaya at the time of purchases and only the previous committee was allowed to continue, and hence the contention of the respondents are fully misleading.

16. Same as stated in Para - 8.

17. That the statement made in Para - 17 of the affidavit by the answering respondents is also false and misleading and therefore the same is hereby denied. In this connection, the deponent begs to state that the respondent No. 6 has strictly cautioned the U.D.C./L.D.C. of the said Vidyalaya not to receive any letters / representations / documents submitted by the deponent as is evident from the refusal of the letter submitted through Peon Book.

18. That the statement made in Para - 18 of the affidavit by the answering respondents is also totally false, fabricated and misleading and hence hereby denied . In this connection, the deponent begs to state that the respondent No.6 has been collecting the heavy amounts from the students of K.V.Khanapara in the name of Basant Puja each and every year without issuing any proper money receipt which is in clear violation of Article - 73 mentioned in Accounts Code for K.V.S. on Page 41 which runs as follows:-

" The Principal should not hold any cultural programme, Basant Mela , Children Fair etc., with the object of raising funds for whatever purpose."

The Article - 74 of Accounts Code clearly states , " No amount should be received without issuing a receipt in prescribed form over the signature of the authorised person." Not only this the respondent No.6 is also violating the provisions of Appendix - 29 of Accounts Code in connection with the Bus services and has very recently circulated a circular regarding unauthorised collection of Rs.100/- per child by forming a Bus Committee without calling the meeting of the Bus travellers and as such the unauthorised collection is crystal clear from the aforesaid collection .

19. That the statement made in Para - 19 of the affidavit is totally false and the same is denied . In this connection, the deponent begs to state that he filed an application in pursuance with ~~to~~ a notification dated 31.3.99 issued by the respondent No.6 regarding conduct of Chemistry Practicals in respect of Class XII (Sc.) Private Students but curiously enough the same was not responded by the respondent No.6 and thereafter the respondent No.6 asked the deponent via an Office Order to submit the lists of examinees and award list etc., in respect of Private Students. Be it noted that the deponent was not given any documents as referred above by the respondent No.6.

20. That the statements made in para - 20 of the affidavit by the answering respondents is false, and misleading . In this connection, the deponent begs to state that the respondent No.6 has managed her selection as Principal by way of submitting false documents /certificates of Schedule Caste while she belongs to a higher caste . It is further stated she had a very good Sari Shop in Kamarpatty area of Fancy Bazar at Gauhati and the shop is managed by the respondent No.6 during school hours in the name of out duty/ on duty which is evident from the Attendance Register . It has also been observed that wherever the respondent No.6 was posted the Sari business was prevailing in the Educational Institution including K.V.Khanapara till date and therefore the contention of the respondets are liable to be rejected .

21. That the statement made in para - 21 of the affidavit by the respondents is totally false and untrue . In this connection , the deponent begs to state that the competency of the respondent No.6 and others should reflect from the activities ~~itself~~ and the same ~~should~~ should have been judged by Qualifying the K.D.E. test in first attempt .

22. That the statement made in para - 22 of the affidavit by the respondets is also false and untrue and the same is hereby denied . In this connection, the applicant begs to state that the respondent No.6 threatened Miss.Renu Bala Devi (T.G.T. PCM) with the intention to remove her just to retain Mr. U.N.Adhikari and as such the personal grudge is clearly reflected in the said incident .

23. That the statements made in Para - 23 and 24 of the affidavit by the answering respondents is also false and baseless and are hereby denied. In this connection, the deponent states that the respondents NO.6 is practising the discriminatory treatment and arbitrary action with malafide intention for the honest and dedicated teachers like, the applicant . Furtherm it is also stated that the respondents are fully involved in the mal practises in the Educational Institutions like Kendriya Vidyalayas located in N.E.Region wherein they are taking contract for the allotment of seats in Medical/Engeneering Collages through awarding good marks in C.B.S.E. Class XII th Board Examinations where the services respondents No.4,5,6 and 7 are properly utilised . It is necessary to mention the case of 1998 - 99 year where Master. Surendra Majumdar etc., came into lime light who was transferred in the month of January under Roll No. 3299006 from K.V.Rangpuri (New Delhi) to K.V.Tuli (Nagaland) and he was selected for Engeneering from Nagaland quota. Another case, also came into lime light in the name of Miss.Armita Anand under Roll No. 3207863 who was also transferred from Bihar to K.V.Tuli(Nagaland) and she was also selected for Engeneering from Nagaland quota. Not only this several cases of similar nature have been reported in the K.V. of Itanagar No.1 and K.V.Gangtok also and all the K.V.'s referred above come under the jurisdiction of C.B.S.E. Gauhati and the evaluations of all the Answer Script are being done in the local K.V.'s /Schools of Gauhati itself and as such the illegality and mal practices are apparent from the facts of the instant case .

24. That the statements made in para - 25 of the affidavit by the answering respondent is totally false and therefore the same is denied. In this connection, the deponent states that

he was appointed as External Examiner for Chemistry Practicals in K.V.Narangi, K.V.C.R.P.F. by the C.B.S.E. Office itself and for K.V.Dinjan by the Principal with proper intimation to respondent No.6 and also to the Regional Officer, C.B.S.E., Gauhati , but curiously enough the respondent No.6 neither relieved the applicant nor responded to his application dated 10.2.99 wherein the applicant prayed for his relieving in compliance with the letters issued by the concerned authority to conduct the practicals in Chemistry on or before 15, Feb'99. It is necessary to note here that the respondent No.6 relieved the applicant for the same where respondent No.7 is the Principal. Not only this, the respondent No.6 also relieved several teachers in different disciplines for the same under similar situation.' For instance Mr.Balvinder Singh(P.E.T.) was also relieved to conduct Practical Examination in H.K.V., Bhangarh . Therefore, it is crystal clear that the respondent No.6 did not relieve the applicant on discriminatory and arbitrary basis which is in clear violation of K.V.S./C.B.S.E. Examination Guidelines and as such violated the fundamental rights as well as other legal rights of the applicant and therefore the said affidavit of the respondents is liable to be rejected.

25. That the statement made in para - 26 of the affidavit by the answering respondents is also totally false and baseless and totally misleading and the same is hereby denied. In this connection, the deponent states that the respondent No.6 willfully stopped the payment of S.D.A. along with the arrears due since 1.8.1997 just to harass and humiliate the applicant and on being aggrieved by the said action of the respondent No.6, the applicant approached to the Hon'ble Tribunal Gauhati by way of filing O.A.No.394/99 and the Hon'ble Tribunal was pleased to direct the respondents to make the payments of the S.D.A. including arrears due since 1.8.97 along with 12% interest as well as cost amounting Rs.1000/- vide its order dated 22.2.01 but curiously enough the payment is not made till date.

26. That the statements made in para - 27 of the affidavit by the answering respondents is also false, baseless and misleading and the same is hereby denied. In this connection, the applicant states that the Executive Committee formed by the respondent No.6 is not in accordance with the provisions of the K.V.S. The respondent No.6 has selected the members of the said committee of her own choice who can work on her dotted lines and she has selected Mrs.Jeuti Bora and Mr.U.N. Adhikari as the permanent members of the said Committee although both are junior teachers (T.G.T.s) and the Senior teachers (P.G.T.s) have been ignored . It is also stated that the Chairman of K.V.Khanapara should be either Deputy Commissioner, Kamrup or the Education Secretary /Commissioner , Govt. of Assam but, curiously enough they have been ignored very intelligently just after the joining of respondent No.6 in the said Vidyalaya on 16.12.98 .

27. That the statement made in para - 28 of the affidavit by the answering respondent is also not correct at all. In this connection, the deponent states that the applicant was placed under suspension by the respondent No.4 at the instance of respondents No. 5,6 and 7 respectively with the intention to appoint the ~~mixer~~ neice namely Miss.Sita Rawat of the respondent No.4 and therefore the respondent No.7 was called as expert in the interview and consequently Miss.Sita Rawat was selected as P.G.T. Chemistry.

28. That the statements made in para - 29 of the affidavit by the answering respondents is also misleading . In this connection, the applicant states that he is a P.G.T. Chemistry under the control of respondent No.6. But, it is not correct that the respondent No.6 being the Principal ~~now~~ has several years experience as because the respondent No.6 is an appointee of August 1984 while the applicant is an appointee of August 1985

29. That the statements made in para - 30 of the affidavit by the answering respondents is also totally baseless, fabricated and untrue and hereby denied. In this connection, the applicant states that till the joining of respondent No.6 the applicant was awarded very good remarks on his teaching performance by the earlier Principal namely Sri.N.D.Bhuyan and thereafter the Chairman, V.M.C., K.V.Khanapara also issued the appreciation letter dated 23.11.98 to the applicant. But curiously enough when the applicant objected the illegality committed by the respondent No.6 in the Department of Chemistry in the matter of purchasing then she started preparing false and fabricated documents at the instance of respondent No.4,5 and 7 respectively by instigating and misguiding as well as ~~mis~~ dictating the language of the document to be prepared against the applicant for placing him under suspension and consequently removal etc. Be it noted that the ~~exp~~ copies of the documents relied on, by the concerned authorities have not been provided to the applicant till date and as such there is ~~not~~ <sup>against applicant</sup> allegations as alleged by the respondents and on this ground alone the entire proceeding is vitiated .

30. That the statement made in para - 31 of the affidavit by the answering respondents is also totally false and misleading and the same is hereby denied. In this connection, the applicant states that in compliance with a letter dated 7.6.99 issued by the respondent No.6 and another letter dated 4.6.99, the applicant submitted his reply to the respondent No.6 immediately to handover the charges in the presence of some experts/ Magistrates who are not interested persons ~~in~~ this matter but, curiously enough it was learnt that the respondent No.6 broke the seal of the Chemistry Department and manipulated the documents as well as Chemicals etc., and formed a false and illegal committee just to conceal her misdeeds vide letter dated 9.6.99 ,Annexures - XI and XII on Pages 31 - 33 of the

W.S. clearly speaks about the violation of Principle of Natural Justice. Be it noted that the aforesaid letters have been kept in the personal file of the applicant as revealed from the letters but, curiously ~~mark~~ enough the copy of the same letters are not served upon the applicant .Moreover, it has also come into lime light that the all the members of the committee are junior teachers than the applicant . Although, the senior teacher namely Mr.D.K.Jha , P.G.T. Hindi was very much at the Station and resident of K.V.Campus itself . Moreover, it was the bounded duty of the respondent No.6 to call the applicant (resident of K.V.Campus) itself while breaking the seal but no action was taken in this regard and a false report was submitted before the Hon'ble Tribunal . Not only this, the respondent No.6 also instigated and dictated to write a complaint against the applicant by Sita Rawat on 11.3.99 (Annexure - X,Page 30 of W.S.). It is stated that on 11.3.99 the applicant was very much in the service as well as was the incharge of Chemistry Laboratory and was not placed under suspension. and as such the respondent No.6 has committed a serious error of law in consultation with the Chairman and other Junior interested teachers.

31. That the statement made in para - 32 of the affidavit by the answering respondents is also false and untrue and the same is hereby denied. In this connection , the applicant states that there is an established criminal conspiracy with the criminal intention supplemented with all ingredients , hatched in premeditation with the respondents to kill the entire family of the applicant which is crystal clear from ~~mark~~ the acts of commission /commission by way of stopping the Subsistence Allowances, S.D.A. and Medical Bills etc.,

32. That the statements made in para - 33 of the affidavit by the answering respondents is also false, baseless and fabricated . In this connection, the applicant states that the prime aim of the respondent No.6 is to prevail mal practices and illegality in the C.B.S.E. Examination as well as in other similar examination which is evident from the reports as well as marks obtained/awarded by the respondent No.6 in the subjects whose answer scripts were evaluated in K.V.Kharapar. It is also stated that an Educationist can ~~never~~ never involve in such practices as referred above. It is further stated that the respondent No.6 instigated and dictated Class XI th Students on several occasions to write the complaints against the applicant to fullfill her own desire to make a ground for the removal of the applicant.

33. That the statement made in para - 34 of the affidavit by the answering respondents is also not correct at all . In this connection, the applicant states that the respondents No.6 has adopted discriminatory and arbitrary technique to remove the competent, honest and dedicated employees who does not cooperate with ~~illegal~~ illegal activities.

34. That the statement made in para - 35 of the affidavit by the answering respondents is totally denied . In this connection, the applicant states that as per the rules of proceeding the respondents ought to have submitted the documents to be relied on along with the Charge - sheet dated 9.8.99 but curiously enough till date no documents have been furnished to the applicant and as such there is ~~not~~ no allegation against the applicant and therefore the entire proceeding including the penalty is unsustainable in the eye of law and the same is liable to be set aside and quashed .

35. That the statements made in para - 36 of the affidavit by the answering respondent is also not correct. In this connection, the deponent states that prior to receipt of the letter dated 29.6.99 the applicant has already sent the F.R.53(2) certificate to the respondent No.4 and thereafter also the applicant submitted the said certificate to the respondent No.4 by Registered Post / Speed Post to the respondent No.4 every month for the payment of Subsistence Allowances. But, curiously enough the respondent No.6 did not receive the certificate / document sent to her instead advised the respondent No.4 not to respond the letters of the applicant. It is also stated that even after several written request of the applicant to the respondent No.4 and 2 respectively , no agency was deputed for making the correspondence between the applicant and the concerned authority namely respondent No.5 and as such the Subsistence Allowance of the applicant was knowingly and wilfully stopped which causes great financial crunch to the applicant and placed the applicant's entire family at the verge of starvation. It is further stated that when the applicant was not able to count a single penny , during that time the learned I.O. conducted the ex-parte proceeding and allegedly held the most of the charges proved without giving reasonable opportunity to the applicant for personal hearing and as such on this ground alone the entire proceeding is liable to be set aside and quashed.

36. That the statement made in para - 37 of the affidavit by the answering respondent is also false and untrue and is hereby denied . In this connection, the applicant states that the impugned order dated 1.6.99 passed by the Assistant Commissioner , K.V.S. and thereafter all the consequential orders will not sustain in the eye of law as because the Assistant Commissioner (respondent No.4) is not the competent authority to place the applicant under suspension and consequently for passing the order of removal from service. As the counter

affidavit submitted by the answering respondent is totally misleading and misconceived and therefore the same is liable to be dismissed with cost.

VERIFICATION

I, Radhey Shyam Maurya, S/o.Sri.Ram Kumar aged about 41 years, presently residing at Khanapara do hereby verify that the content of paragraph 1 to 35 are true to my personal knowledge and those in paragraph 36 is believed to be true in legal advice and that I have not suppressed any material fact.

Date:- 21/03/01

Place:- Gomhati

Radhey Shyam Maurya  
Deponent/ Applicant