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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 219/1/2002
R.A/C.P No.
E.P/M.A No. 127/02

1. Orders Sheet..... OA Pg. 1 to 3
MP 127/02 order Pg 1

2. Judgment/Order dtd. 17.7.2002 Pg. 1 to 10. Rejoinder Pg 10

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 219/02 Pg. 1 to 17.0.....

5. E.P/M.P..... 127/02 Pg. 1 to 9.....

6. R.A/C.P..... Pg. to

7. W.S..... Pg. to

8. Rejoinder..... Pg. to

9. Reply..... Pg. to

10. Any other Papers..... Pg. to

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judi.)

Gulit
28/11/17

FROM No. 4
(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 219 /2002

Mise Petition No. _____ /

Contempt Petition No. _____ /

Review Application No. _____ /

Applicant(s). Sri R. S. Mawye

-Vs-

Respondent(s) U. O. T. Sons

Advocate for the Applicant(s) Mr. D.K. Mishra, Ms. S. Jahan,
M. A. Dutta

Advocate for the Respondent(s) KVS, S.C.

Notes of the Registry Date Order of the Tribunal

12.7.02

List on 16.7.02 for Admission.

This application is in
form but not in time
Condonation Petition is
filed / not / 14 C. F.
for Rs. 5/- deposited
vide IPO/B. No 041596
Dated 10-7-02 041591
10-7-02 879239

I.C. Ushan

Member

Vice-Chairman

16.7.02

List on 17.7.2002 for admiss-

ion.

mb

17.7.02

Heard Ms. Shamina Jahan, learned
counsel for the applicant and also
Mr. M.K. Mazumdar, learned counsel
for the Respondents at length.

The application is directed
against the order dated 1.5.2002
whereby the Respondent authority
imposed upon the applicant a penalty

Contd/-

Contd..

17.7.02 of removal from service, as a Post Graduate Teacher (PGT) in Chemistry, KVS, Khanapara after holding an enquiry. Against an order of removal etc. under the service Rules, applicable to the applicant, one can prefer an appeal for redressal of grievances. Ms. Jahan, the learned counsel for the applicant submitted that the applicant in fact preferred an appeal under Rule 23 of the Central Civil Service (Classification Control & Appeal) Rules 1965 on 8th May, 2002. The learned counsel submitted that as per office memo dated 20.11.86 issued by the Govt. of India such appeal is to be disposed of within a month from the date of receipt of the appeal. The learned counsel for the applicant further submitted that since it was not done the Tribunal has ample jurisdiction to entertain the appeal. The learned counsel also submitted that the bar put under section 20 of the Administrative Tribunals Act, 1985 will not apply in the instant case, in as much as the impugned order imposing penalty is per se illegal, without jurisdiction and violative of principles of Natural Justice.

We have given our anxious consideration on the matter. As mentioned earlier an appeal is provided under the statue against such order as a redressal. The applicant has preferred an appeal which has not been disposed of. Under the scheme of the Administrative Tribunals Act, a Tribunal, ordinarily is not to admit an application unless it is satisfied that the applicant had availed of all the remedies available to the applicant. Admittedly, the applicant preferred an appeal which is yet to be disposed of. The Respondent authority no doubt, as contended by the applicant, were

Contd/-

O.A. 249/2002

Notes of the Registry | Date | Order of the Tribunal

Contd..

17.7.02

required to dispose of such application as per guidelines, expeditiously, but that by itself will not be a ground to entertain the application on the face of section 20 of the Act.

In the circumstances, we are not inclined to admit the application at this stage and instead allow the respondent authority to dispose of the appeal expeditiously. Accordingly, we direct the respondents to dispose of the appeal within one month from the date of receipt of the order if not already disposed of and communicate the order to the applicant expeditiously. It is needless to say that it will always be open to the applicant to move this Tribunal if he so aggrieved.

The application is accordingly disposed of. No order as to costs.

K. I. Sharma

Member

Vice-Chairman

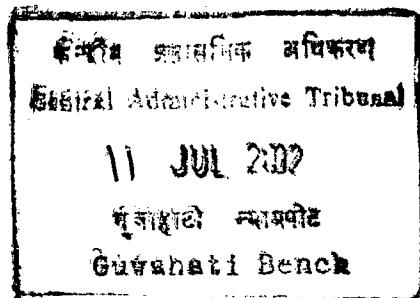
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Notes of the Registry Date Order of the Tribunal

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH :: GAUHATI

O.A. NO. 219 of 2002.



Radhey Shyam Maurya,
..... Applicant.

-Vs-
K.V.S. and others.

..... Respondents.

INDEX

S.No.	** Annexures	** Particulars of the Documents	** Page No.
1.	-	Original Application	→ 1-26
2.	-	Verification	→ 27
3.	A1	Purchase Bill dated 3.2.99 with recorded objections	→ 28
4.	A2	Notice dated 7.1.99	→ 29
5.	A3	Notice for entry dated 24.4.99	→ 30
6.	A4	Receipt of submission of Stock Register dtd.7.5.99.	31
7.	A5	Relevant portion of Audit Report.	32
8.	A6	Suspension order dtd.1.6.99.	33
9.	A7	Memo. of Charges dtd.9.8.99.	34-45
10.	A8	Ex-parte Inquiry Report.	46-54
11.	A9	Removal Order dated 29.5.00.	55-57
12.	A10	Order dtd.28.6.01 by the Hon'ble Tribunal.	58-66
13.	A11(a)	Written Statement dtd.19.9.01.	67-110
14.	A11(b)	P.O.'s Brief.	111-114
15.	A12	Inquiry Report	115-123
16.	A13	Representation dtd. 11.4.02.	124-157
17.	A14	Impugned Order dtd. 1.5.02.	→ 158-160
18.	A15	Appeal dated 8.5.2002.	161-170

X
Filed by the
Applicant through
S. Jahan, Advocate
11. 7. 02.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH: GAUHATI

(ASSAM)

(An application under Section - 19 of the Administrative -
Tribunal Act, 1985)

सेंट्रल अदामिनिस्ट्रेटिव ट्रिब्युनल Central Administrative Tribunal
11 JUL 2002
गौहती बैचनक

O.A. No. 219 /2002

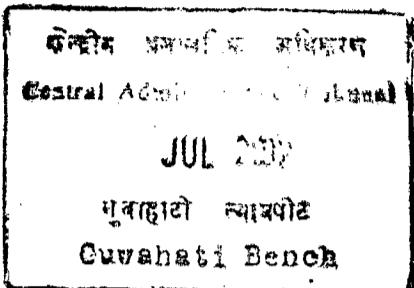
BETWEEN

Radhey Shyam Maurya,
S/o.(Late)Ram Kumar,
Post Graduate Teacher (P.G.T.)Chemistry,
Kendriya Vidyalaya,Khanapara,
Gauhati - 22 (Assam).

..... Applicant.

- Vs -

1. The Kendriya Vidyalaya Sangathan,
(Represented by its Secretary)
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 16.



2. Sri.D.K.Saini,
S/o. Sri.C.L.Saini,
The Assistant Commissioner,

and

The Disciplinary Authority,
Kendriya Vidyalaya Sangathan,
Maligaon Chariali,
Gauhati - 12.

3. Mrs.J.Das Basu,
W/o. Sri.A.K. Basu,
The Principal,
Kendriya Vidyalaya, Khanapara,
Gauhati - 22, (Assam)

..... Respondents

DETAILS OF APPLICATION :-

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :-

Order No.F.14-5/2001-KVS(GR)/6692-94 dated 1.5.2002 passed by the Assistant Commissioner and Disciplinary Authority, Kendriya Vidyalaya Sangathan, Maligaon, Gauhati - 12 (Assam) whereby the service of the applicant was terminated by imposing the penalty ^{from service on} of removal with immediate effect.

2. JURISDICTION :-

The applicant declares that the subject matter of the Order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :-

The applicant further declares that the application is within the limitation period prescribed in Section - 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :-

4.1 That the applicant is a citizen of India and was working as a Post Graduate Teacher (P.G.T. in short) Chemistry, in Kendriya Vidyalaya, Khanapara and as such he is entitled to all the rights, privileges and protections guaranteed to an Indian citizen by the Constitution of India and other laws of the land.

4.2 That the applicant after passing M.Sc. and M.Ed. Examination was appointed as a Primary Teacher (P.R.T.) in Kendriya Vidyalaya Sangathan duly selected by the selection committee. He joined his duties in Kendriya Vidyalaya (K.V.), Rupa, Arunachal Pradesh. Thereafter,

he was selected as Trained Graduate Teacher (T.G.T.) in 1993 on merit. The applicant was subsequently selected as Post Graduate Teacher (P.G.T.) in Chemistry in the year 1995 through the aforesaid process and joined his duties on 30.11.95 (A/N) in Kendriya Vidyalaya, Khanapara, Gauhati - 22 (Assam).

4.3 That the applicant respectfully states that since the date of his joining in Kendriya Vidyalaya Sangathan as a teacher, he has been rendering service to the Kendriya Vidyalaya Sangathan without any blemish. There were occasions when his services were appreciated and the certificates as well as remarks were given to the applicant by his superiors as a token of appreciation for good performance.

The applicant craves the leave of the Hon'ble Tribunal to produce the said certificates and remarks at the time of hearing of this application.

4.4 That the applicant respectfully states that the Respondent No.-3 joined as Principal on 16.12.98 in Kendriya Vidyalaya, Khanapara. Just after sometimes a

notice dated 16.12.98 was served upon the applicant by the Respondent No.-3 to submit the requisitions for purchases of Chemistry Department and accordingly the applicant submitted requisitions dated 22.12.98 to the Respondent No.-3 with a request in goodfaith to make purchases from the Government approved shops. The request so made by the applicant was with a view to obtain good quality of chemicals as per his past experiences the applicant knew that the chemicals purchased from other than the Government apporoved shops are of inferior quality at higher rates and were of no use for chemical analysis for better, accurate and precise results. The aforesaid request made by the applicant was disliked by the Respondent No.-3 and the Respondent No.-3 became ill disposed and took this request as a reprisal and as such planned a strategy to take action against the applicant and consequently stopped the payment of the Special Duty Allowances (S.D.A.) to the applicant since,January'1999 without any genuine reason.

4.5 That on receipt of a letter dated 8.1.99 from the Assistant Secretary , Central Board of Secondary Education (herein after referred to as C.B.S.E.),Gaubati for completion of Class XII Chemistry Practical Examination'1998-99on/before

12
B.M.A.

15.2.99, the applicant vide an application dated 23.1.99 followed by Reminder dated 2.2.99 made a request to the Respondent No.-3 for the sanction of the sum of advance Rs.5000/- (Rs. Five Thousand Only) to purchase some urgently required chemicals etc. from the Govt. approved shops for conducting Class XII Chemistry Practical Examination on 9,10,11 and 12 February'99 respectively in a fair and efficient manner. Thereafter, the Respondent No.-3 alongwith one Mrs. J.Borah (T.G.T. Maths) made some purchases from Appichem Enterprises without any intimation to the applicant and submitted a Bill of purchase dated 3.2.99 for immediate stock entry at 3:10 p.m. on the same day. The applicant returned the said Bill to the Respondent No.-3 by recording his objections and sought for guidance/instructions from the concerned end in order to incorporate the entry of the said Bill in the Stock Register. It is stated hereinthat the said shop is not a Govt. approved shop. It is also stated that the applicant being the Head of the Purchase committee of K.V,Khanapara as well as P.G.T. Chemistry and I/C of the Chemistry Department was totally unaware about the aforesaid purchase of the stores of Chemistry Department and thus illegality is apparent from the face of the records.

The copy of the Bill dated 3.2.99 and the notice dated 7.1.99 is annexed as Annexures - A1 and A2 respectively .

4.6 That on receipt of the ~~said~~ Bill alongwith recorded objections seeking written guidance in the matter, the Respondent No.-3 tutored several documents against the applicant ,dictated students , teachers and parents etc.to write complaints against the applicant in a pre-planned manner .It is also stated hereinthat the Respondent No.-3 prevented the students from attending their Chemistry Practical Classes during Basanti Mela period as well as ^{the applicant is} in Examinations at several occasions .This led to believe ~~the applicant~~ that thereafter the Respondent No.-3 approached the Respondents No.- 1 and 2 respectively and recommended them to start Disciplinary Proceeding against the applicant in order to fulfil her personal gurde. It is stated herein that the Stock Registers were with the applicant and the same were handed over to the Respondent No.-3 on 24.4.1999 and 7.5.1999 respectively in sealed covers. However in order to make payment to the supplier a false endorsement was made on the duplicate copy of the Bill to the effect that the stock entry has been made on 3.2.99.

The copies of the documents substantiating the aforesaid facts are annexed as Annexures - A3,A4, and A5 respectively.

4.7 That the applicant while serving as Post Graduate Teacher (hereinafter referred to as P.G.T.) Chemistry at Kendriya Vidyalaya, Khanapara (hereinafter referred to as K.V.) was placed under suspension pending Disciplinary Proceeding contemplated against him vide Order No.14-5/99-KVS(GR)/2091-93 dated 01.06.99 passed by the Assistant Commissioner (Respondent No.-2), Kendriya Vidyalaya Sangathan (hereinafter referred to as K.V.S.). Thereafter, vide Memo. No. 14-5/99-KVS(GR)/5251-54 dated 09.08.99, the Memo of Charges was served upon the applicant by the Respondent No.-2.

The copy of the Order dated
1.6.99 and Memo. of Charges dated
9.8.99 are annexed as Annexures-
A6 and A7 respectively.

4.8 That since the applicant was not furnished with the documents listed in Annexure - III of the said Memo alongwith the Memo of Charges dated 9.8.99, he applied for the same alongwith some Additional Documents while denying the Charges levelled against him. The aforesaid enquiry proceeded ex-parte against the applicant without furnishing him the documents. Thereafter, an Inquiry Report was submitted against the applicant which ultimately led to his removal from service vide Order dated 29.5.2000 and subsequently the applicant was forced to vacate his Official accommodation within ten(10) days by Respondent No.-3.

The copy of the ex-parte Inquiry Report and Order of removal dated 29.5.2000 are annexed as Annexures - A8 and A9 respectively.

4.9 That after preferring an Appeal to the Appellate authority the applicant approached this Hon'ble Tribunal against the Order of 'removal' from service and vide judgment and - Order dated 28.6.2001 passed in O.A.No.20/2001 this Hon'ble Tribunal was pleased to set aside the impugned order of removal from service and directed the Respondents to hold a fresh enquiry after furnishing the copy of the documents to the applicant within four (04) months.

The copy of the Hon'ble Tribunal Order dated 28.6.2001 is annexed as Annexure - A 10.

4.10 That in pursuance of the aforesaid judgement and order dated 28.6.01, a Memo. dated 7.9.2001 was issued to the applicant for submitting his Written Statement which was submitted by the applicant on 19.9.01 denying all the Charges to the Respondent No.- 2 and ^{was made} ~~request~~ to drop the proceeding.

The copy of the Written
Statement dated 19.9.01 with all
annexures is annexed as Annexure - A 11(A)

4.11 That thereafter for starting a fresh enquiry as directed by the aforesaid judgment and order dated 28.6.01, Mr. N.D.Joshi , Principal, Kendriya Vidyalaya, Srikona (Assam) and Mr. P.V.S. Ranga Rao, Principal, K.V,Tejpur No.1 were appointed as Inquiry Officer (I.O.) and Presenting Officer(P.O.) respectively.

It may be stated that the enquiry proceeding was conducted on 19.10.01, 29.11.01 , 19.12.01 ,18.1.02 , 19.1.02 and 22.2.02 respectively on the basis of the Memo, of Charges dated 9.8.99 supplied to the applicant.

4.12 That during the Inquiry Proceeding the applicant was denied the inspection of the original documents having direct bearing to the Charges. It is also stated that the applicant was not furnished the copy of list of documents relied by the I.O. and P.O. and therefore the applicant was prevented from making his proper and effective defence documents / statements.

4.13 That during the course of Inquiry Proceeding the

prosecution did not examine a single witness and utterly failed to prove the Charges. It may be stated herein that the learned I.O. also did not even receive the Defence documents in respect of all Charges except Charge - I. The applicant thereafter was served with the Presenting Officer's brief vide letter dated 26.2.02 by the Inquiry Officer for submission of Written Brief which was accordingly submitted on 11.3.2002 to the said Inquiry Officer. It may be further submitted that by the aforesaid letter dated 26.2.02 the applicant was also informed about the closure of the Inquiry Proceeding.

The copy of P.O.brief is annexed as Annexure - A 11(b).

4.14 That subsequently the Disciplinary Authority (Respondent No.-2) sent a copy of the Inquiry Report to the applicant on 22.3.02 wherein all the Charges under Articles - I, II, III, IV & VI were stated to have been proved.

The copy of the Inquiry Report is annexed as Annexure - A 12.

4.15 That on receipt of the purported Inquiry Report, the applicant submitted a representation dated 11.4.02 to the Disciplinary Authority (Respondent No.-2), challenging the validity and legality of the said Inquiry Report as

well as the findings and further requested the concerned authorities to drop the charges.

Jawad

The copy of the representation dated 11.4.02 with annexures is annexed as Annexure - A 13.

4.16 That thereafter the Disciplinary Authority (Respondent No.-2) vide order dated 1.5.02 imposed the penalty of removal from service with immediate effect upon the applicant.

The copy of the removal order dated 1.5.02 is annexed as Annexure - A 14.

4.17 That the applicant, unable to get any relief preferred an Appeal to the Appellate authority, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi - 16, which is still pending.

The copy of the appeal dated 8.5.02 without annexures is annexed as Annexure - A 15.

4.18 That the applicant demanded justice which has been denied to him and there is no alternative and equally efficacious remedy except this application before this Hon'ble Tribunal filed bonafide on the following grounds.

5. GROUNDS OF RELIEF WITH LEGAL PROVISIONS:-

Charge - I

5.1 For that the Inquiry Officer committed grave error of law in holding that the Charge contained in Article - I against the applicant is proved without there being any basis for arriving at the said finding.

5.2 For that the finding of the Inquiry Officer that the letter written by the Principal, K.V,Dinjan (Serial No. 26) appointing the applicant as External Examiner for Chemistry Practical at K.V,Dinjan cannot be treated as Appointment Order is totally perverse.

5.3 For that the Inquiry Officer acted illegally and in gross violation of the Principles of Natural Justice in denying the request made in writing by the applicant for calling the Principal, K.V,Khanapara (namely Mrs.J.Das Basu) and Mr.K.K.Choudhary, the Assistant Secretary , Central Board of Secondary Education

(C.B.S.E.), Gauhati for cross-examination who allegedly directed the Principal, K.V, Khanapara not to relieve the applicant for conducting Class XII Chemistry Practical Examination at Dinjan.

5.4 For that the Inquiry Officer as well as the Disciplinary Authority wholly ignored the fact that the applicant conducted the Practical Examination at K.V, Dinjan of Class XII students as otherwise they could not have questioned the Appointment Order made by the Principal, K.V, Dinjan for proving the Charges contained in Article - I.

5.5 For that if the Principal, K.V, Dinjan's letter dated 3.2.99 appointing the applicant as External Examiner for Class XII C.B.S.E. Chemistry Practical Examination ~~cannot~~ be treated as Appointment Order, it is surprising as to why no other person was appointed to conduct the Practical Examination as to why the applicant was allowed to conduct the Practical Examination in K.V, Dinjan. Thus, Inquiry Officer accordingly failed to apply his mind and reach the finding which could not have been arrived at by any reasonable and prudent person. Therefore, the entire Inquiry Proceeding is vitiated and the Order of removal from service is liable to be set aside and quashed.

Charge - II

5.6 For that the Inquiry Officer acted illegally in relying upon the alleged Practical copy of the four(04) students selected by the Presenting Officer by refusing to call for the Practical Note Books of all the students of Class XI together with the attendance well as result registers etc.

5.7 For that as per the list of documents mentioned in Annexure - III to the Memo. of Charges, this Charge was to be proved " by the Practical Note - Books of the students of K.V, Khanapara " but the Presenting Officer choose to produce only alleged four (04) Practical copies and for such act and omission the entire proceedings is vitiated.

5.8 For that out of the four (04) students two are Primary Teacher's ward who are ill disposed towards the applicant and they were also not called as a witness in the proceedings and as such the entire proceeding was conducted against the principle of natural justice denying the applicant the opportunity to cross-examine the aforesaid students.

5.9 For that the Inquiry Officer not only refused to examine any witnesses but also refused to call for all the Practical Note - Books of students of Class XI together with Attendence as well as Result Registers and also refused to look into the documents annexed alongwith the Written Statements pertaining to this Charge, while arriving at the findings that the applicant did not conduct Class XI Practical Classes till January'99 in gross violation of the Principles of Natural Justice.

5.10 For that in so far as awarding 30 marks each to the students is concerned the Inquiry Officer totally ignored the statements made by the applicant in Written Statements that the marks were given to the students with the consent of the then Principal, Sri.N.D. Bhuyan and refused to call Sri.N.D. Bhuyan as a witness. Such act and omission on the part of I.O. has the effect of vitiating the entire enquiry and the impugned order is accordingly liable to be set aside.

5.11 For that the documents annexed with the Written Statement amply established that the required chemicals was made available only in the middle of November'98 and

therefore the Chemistry Practical Examination could not be conducted before half - yearly (Cumulative Test) Examination. Maximum marks were allotted to each student with the consent of the then Principal. The learned Inquiry Officer ought to have considered the fact that there was no complaint or disagreement regarding the award of marks, otherwise Cumulative Test being an Internal test the Principal could have asked for fresh test by cancelling the earlier marks when the chemicals became available.

Charge - III

5.12 For that the findings of the Inquiry Officer that the applicant refused to conduct the Chemistry Practical Examination of Class XIth is totally false and baseless in as much as the Practical Examination was conducted on 24.3.99, 25.3.99. and 27.3.99 respectively by the applicant.

5.13 For that the Inquiry Officer without going into the facts and circumstances of the case, was wrong in concluding that the applicant asked the students to bring chemicals for Practical Examinations. For conducting Practical Examination certain chemicals like, Methylated spirit, distilled water etc, are required , the last

21
Dwelling

purchase of Methylated Spirit was made on 15.12.98 and the same got exhausted while the Practical Classes for Class XI and XII were conducted. Therefore, the applicant made a number of representations to the Principal for procurement of said chemicals, which was not acted upon and as such the applicant was constrained to request the students to bring the Chemicals since the applicant bore the sincere desire to conduct the Practical Examination in a fair and efficient manner as per the curriculum.

5.14 For that the applicant being unable to procure the said chemicals inspite of his sincere efforts, conducted the Practical Examination by using the ordinary tap water and with whatever little amount of Methylated Spirit was left .The applicant divided the students into three groups and some how conducted the examination.

5.15 For that the Charge that the applicant refused to conduct the Practical Examination of Class XII Private students contained in Article - III of Memo. of

Charges, by no stretch of reasoning can be said to have been proved without oral evidence. The Inquiry Officer therefore acted against all canons of fair play and justice , recommending that the aforesaid Charge has been proved .

5.16 For that the applicant was ready and willing to conduct the Practical Examination of Clas XII Private students , but, since the chemicals were not available, he informed the Principal vide his letter dated 31.3.99 and requested to sanction Rs.1000/- for purchase of chemicals. Thereafter the applicant was not informed as to what has happened. Incidentally in the previous ex-parte inquiry , this Charge was held to be not proved .

Charge - IV

5.17 For that the applicant in order to avoid any malpractices like leakage of Question Papers etc, honestly decided to submit Question Papers only a day before the examination and also because no stipulated time as alleged in the Charge was brought to the applicant's notice that the Question Papers were not submitted before hand.

The aforesaid decision about the submission of Question Paper was informed to the Principal, who in turn did not object. However, on Principal's order dated 26.2.99, the Question Paper was immediately submitted to the Examination I/C namely Mrs.B.P.Goswami by the applicant.

Charge - VI

5.18 For that the finding of the Inquiry Officer that the applicant tampered with the documents ^{was} without any reasonable basis .

5.19 For that the applicant conducted the Chemistry Practical Examination for Class XII students in K.V,Narengi on 5.2.99 and 6.2.99 respectively. On 6.2.99, the applicant conducted the said Examination and concluded it by 6:30p.m. and mentioned the said time of departure in the relieving order.

5.20 For that the Inquiry Officer failed to apply his mind to the facts that 6.2.99, being a Saturday, the Answer - Scripts and Award List could not have been submitted because the C.B.S.E. Office remains closed on Saturday.

5.21 For that the conclusion of the Inquiry Officer that the applicant tampered the relieving order in order to cover up his late arrival in the school on Monday i.e. on 8.2.99 is totally perverse, in as much as 6.2.99 being a Saturday the Answer - Scripts etc. could have been submitted in C.B.S.E. office on Monday only i.e., 8.2.99.

5.22 For that the Respondents have acted in clear violation of the Central Civil Services (Conduct) Rules, 1964 and therefore, the entire proceeding including the Charge - Sheet, Inquiry Report and the Impugned order dated 1.5.2002 is liable to be set aside and quashed.

5.23 For that the Inquiry Officer allegedly found the applicant guilty of misconduct under Rules 3(1)(i), (ii) and (iii) of C.C.S.(C.C.A.)Rules, 1965 in utter disregard of the Article - 55 of Education Code and for such act or omission the entire proceeding is vitiated.

5.24 For that the applicant is innocent and he would have been awarded for detection of the frauds and illegalities in purchases of chemicals etc.

committed by the Respondent No. - 3 but, the Respondents have victimised the applicant just to suppress the realities and therefore the Impugned order dated 1.5.2002 is unsustainable in law.

5.25 For that the said Inquiry Proceeding was unduly prolonged and thus it smacks of malafide and therefore the entire proceeding including the Impugned order dated 1.5.2002 are liable to be set aside and quashed.

5.26 For that the purported Disciplinary Proceeding initiated against the applicant is arbitrary, discriminatory and malafide in a pre-planned manner with oblique motive and therefore the entire proceeding is vitiated.

5.27 For that the Impugned order of removal dated 1.5.2002 is punitive in nature and casts social stigma on the dignity and reputation of the applicant and therefore the same is liable to be set aside and quashed.

5.28 For that the Disciplinary Authority passed the Impugned Order mechanically in colourfull exercise of the power arbitrarily and illegally and therefore, the same is liable to be set aside and quashed.

5.29 For that ,in any view of the matter whether in fact or in law , the Impugned Order of removal of the applicant dated 1.5.2002 is bad in law as well as in contraventions of the Articles 14,16 and 21 of the Constitution of India and as such the said Impugned Order cannot be sustained in the eye of law and therefore the same is liable to be set aside and quashed.

5.30 For that the Impugned order of removal from service is harsh , conscience shocking and disproportionate and did not commensurate to the misconduct alleged against the applicant and therefore the same is liable to be set aside and quashed.

5.31 For that the applicant belongs to a very poor family and is the only earning member in the entire family consisting of six (06) members . The applicant is

in a rented house after eviction from his official accommodation by Respondent No. - 3 to look after his family , to pay the house rent as well as to meet the cost of education of his children which has become an impossible task unless the Impugned Order is stayed the applicant is likely to suffer irreparable injury and hardship.

6. DETAILS OF REMEDIES SOUGHT FOR :-

The applicant declares that he has availed all the remedies available to him under the service rules and now there is not any other alternative and efficacious remedy except this application seeking immediate and urgent remedy.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT :-

The applicant further declares that he has preferred an Appeal dated 8.5.2002 before the Appellate Authority, K.V.S., New Delhi - 16 which is still pending.

8. RELIEF SOUGHT FOR :-

Under the premises aforesaid it is respectfully prayed that your Lordship(s) would be pleased to admit this application ,issue notice, call for the records of the case and upon hearing the parties and perusal of the records of the case be pleased to grant the following reliefs :

- i) To set aside and quash the impugned order dated 1.5.2002 (Annexure - 14) with full backwages alongwith all past consequential service benefits.
- ii) To reinstate the applicant in his original post in Kendriya Vidyalaya, Khanapara.
- iii) Cost of the application.
- iv) Any other relief(s) to which the applicant is entitled to and as your Lordships may deem fit and proper for the interest of justice.

9. INTERIM RELIEF PRAYED FOR :-

The applicant most respectfully and most humbly prays that in interim the operation of the impugned order dated 1.5.2002 (Annexure - 14) passed by the Assistant Commissioner, K.V.S. Gauhati be stayed during the pendency of the rule, otherwise the applicant will suffer an irreparable loss and injury.

10. That this application is filed through advocate.

11. PARTICULARS :-

(i) I.P.O. 041590, 041591 and 879239.
(ii) Date - 10/7/02
(iii) Place - Gauhati

12. LIST OF DOCUMENTS :-

As stated above.

VERIFICATION

I, Radhey Shyam Maurya, S/o.(Late)Ram
Kumar, aged about 42 years and resident of Six Mile,
Khanapara, Gauhati - 22 do hereby verify that the
contents of para 4.6.....4.16.....
..... are true to my personal knowledge
and paras 4.17.....to.....4.18.....
are believed to be true on legal advice and that I
have not suppressed any material fact.

Date :- 11-07-02

Radhey Shyam Maurya
Signature of the Applicant

Place:- Gauhati.



APPICHEM ENTERPRISE

(A House of Chemicals & Quality Scientific Instruments)

HEM CHANDRA ROAD • UZANBAZAR • GUWAHATI-781 001

GRAM : APPICHEM PHONE : 541570

To, Principal,
Kendriya Vidyalaya,
Khanapara,
Guwahati.

CHALLAN NO:	1363 dtg. 03.02.98
ORDER NO:	IKVG/20/Sci/9899/676
DATE:	03.02.99.
BILL NO.:	AE/ 187 /98-99
DATE:	20.02.99 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 টা র প্রাইজ

NOTIFICATION

The following persons have been entrusted the job
of looking after the Committee as Heads.

1. Admissions - Mr. B. P. Gorwani
2. Examinations - Mr. B. P. Gorwani
3. Time-tables - Mr. S. K. Bagga
4. Note Books - Mr. R. S. Sankha
5. M.C.C.A - Mr. S. K. Kushwaha
6. Purchases - Mr. R. S. Kaurya
7. ~~Examinations~~

Mr. S. K. Bagga
Mr. R. S. Sankha
Mr. S. K. Kushwaha
Mr. R. S. Kaurya

7/1/99

7/1/99

7/1/99

7/1/99

Indore
7/1/99

Mr. B. P. Gorwani
Mr. S. K. Bagga
Mr. R. S. Sankha
Mr. S. K. Kushwaha
Mr. R. S. Kaurya

To WHOM IT MAY CONCERN

Received the ^{sealed} stock Registers
(i.e. consumable & non-consumable)
from the Dept. of Chemistry, K.V.
Khanapara along with sealed
envelope containing two (2) keys
only.

Sign of Teacher

Monya
07/05/99

C. R. S. Monya

P.G.T. (Chem)

K. V. Khanapara

Ganhati - 22

Date - 07th May, 1999

Sign of Principal

7/5/99
Principal:
Bendriya Vidyalaya
Khanapara,
Guwahati-22

Few examples are given below :

1. Vr.No. 18 dt. 31.7.86	Rs. 9976/-
2. Vr.No. 17 dt. - do -	Rs. 11043/-
3. Vr.No. 19 dt. - do -	Rs. 3397/-
4. Vr.No. 20 dt. - do -	Rs. 11127/-
5. Vr.No. 22 dt. - do -	Rs. 1057/-
6. Vr. No 21 dt. - do -	Rs. 5580/-

Purchase procedure as laid down in Accounts Code fully avoided. Similar other all cases may be reviewed and *ex post facto* sanctioned be ~~xxxxxxxx~~ obtained under intimation to audit.

IM No.53 (Page 5)

(2) In the below mentioned cases it has noticed that where quotations called, comparative statement have been signed only by the Principal, no rates has been compared, due to this some over payments has been done which required to be immediately recovered.

Vr.No.	dt.	Amount	Remarks
Vr.No.14	dt. 31.8.87	Rs. 2000	62.60 to be recovered
Vr.No.92	dt. 30.3.80	Rs. 575	105 - do -
Vr.No.111	dt. 1.1.88	Rs. 7006	7006 - do -

IM No.53

(3) Discrepancies as noticed in inspection memo may kindly be set right :

Vr.No.252 dt. 28.9.85 Rs.2740 M/S K.B.Bhattacharya & Co., Guwahati (Reg. Earn. money)

Vr.No.339 dt. 16.5.86 Rs.1350 Supporting voucher Rs.96/- to be recovered from the employee concerned.

Vr.No.316 dt. 2.3.86 Rs.2148 M/S B.Bhattacharya & Co., Guwahati, Reg. Income Tax # 25 Rs.577/-

Vr.No.340 dt. 16.5.86 Rs.528/50 Private call one Rs.96/- to be recovered from the employee concerned.

Vr.No.22 dt. 9.7.99 Rs.5562 M/S Anup Chemics, Ghy. Sl.No. 1 Rs.94 Rs.5562/- to be recovered from above firm. Comparative statement prepared as on 12.2.97 whereas the purchases made on 3.2.99 payment made on Duplicate bill. Avoided purchase procedure.

Vr.No.6 dt. 17.6.96 Rs.1440/- SID call was not certified & payment of Rs.637/50 may be recovered from employee concerned.

Vr.No.38 dt. 10.8.88 Rs.307/- Rs.307/- may be recovered as the call was not certified.

Similar all other cases as above may kindly be reviewed and action taken in this regard may be intimated to audit.

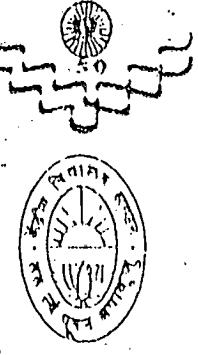
IM No.53.

page ... 28/-

33

Annexure-A-6

39



केन्द्रीय विद्यालय संगठन
KENDRIYA VIDYALAYA SANGATHAN

राज्यीय कार्यालय
मालिगाँव चारियाटी
गुवाहाटी : 781 012

Regional Office
Malgun Chariali
Guwahati : 781 012

प्राप्ति:

No. F. : 14-5/99-KVS(GR)/2091-73

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.

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

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

1. The Principal, KV, Khanapara.

2. The Deputy Commissioner(Admn), KVS(Hqrs), New Delhi.

True copy
Dated 20/6/99

Dr. Vijay Prakash Sharma
Senior Research Officer
Central Silk Board, Guwahati-5

18/6/2003

34
KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE
CHAYARAM BHAWAN : MALIGAON CHARIALI
GUWAHATI : 12

Annexure-A7

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 of 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 article 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 article of charge.

(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(Conduct) 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,
PGT(Chemistry) (Under Suspension).
Teachers Qrt. No. 4-B (Top Floor),
Kendriya Vidyalaya, Khanapara,
Guwahati : 22.

(DR. LALIT KISHORE)
ASSISTANT COMMISSIONER

Copy to :-

- (1) The Principal, Kendriya Vidyalaya, Khanapara.
- (2) The Assistant Commissioner (Admn.) KVS (Hqrs) New Delhi : 16.
- (3) Guard file.

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SHRI
R.S. MAURYA, PGT (CHEMISTRY) KENDRIYA
VIDYALAYA, KHANAPARA

ARTICLE - I

That the said Shri R.S. Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of CBSE, Chemistry for Class XII (Sc.) on 15.02.1999 without permission/relieving by the competent authority.

This act on the part of Shri R.S. Maurya constitutes a misconduct, and thus violated Rule 3(1) (i), (ii) & (iii), Rule 1964 as extended to the Kendriya Vidyalaya Sangathan employees.

ARTICLE - II

That Shri R.S. Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January'99 and during the cumulative Test 1998-99 examination all students were awarded 30/30 marks in Practical examination of Chemistry.

Thus, Shri Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1) (i), (ii) & (iii) of CCS (Conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

ARTICLE - III

That during the session 1998-99 Shri R.S. Maurya while functioning as PGT(Chemistry),

(..2..)

Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of Class XI(1998-99) and asked the students to bring chemicals for Practical. Shri Maurya also refused to take CBSE(AISSCE) '99 Chemistry Practical examination for Private students.

Thus, Shri Maurya has violated the code of conduct for Teachers as laid down in Education code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (i), (ii) & (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - IV

That Shri R.S. Maurya while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99, had not submitted session ending question papers in the stipulated date as notified by the Principal.

Thus Shri Maurya, PGT(Chemistry) has violated Rule 3(1) (i), (ii) & (iii) of Central Civil Services(Conduct) Rules, 1964 as extended to the employees of the Kendriya Vidyalaya Sangathan.

ARTICLE - V

That the said Shri R.S. Maurya, while working as PGT(Chemistry) at Kendriya Vidyalaya, during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri R.S. Maurya had not obeyed the orders of the Principal.

This act on the part of Shri Maurya constitutes a mis-conduct which is unbecoming to teacher(employee) of KVS in violating of Rule 3(1) (i), (ii) & (iii) of CCS(Conduct) Rules 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

(..3..)

ARTICLE - VI

That Shri R.S. Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had tampered the Official documents.

Thus Shri Maurya, has violated the Rule 3(1) (i), (ii) & (iii) of Central Civil Services (Conduct) Rules 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SHRI R.S. MAURYA, PGT (CHEMISTRY), KENDRIYA VIDYALAYA KHANAPARA

ARTICLE - I

That Shri R.S. Maurya, while functioning as PGT(Chemistry) Kendriya Vidyalaya, Khanapara during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan(Army) to conduct Practical examination of Class XII(Sc.) CBSE on 15.02.99. He was not relieved/permited by the Principal, Kendriya Vidyalaya, Khanapara for same as per Principal, Kendriya Vidyalaya, Khanapara letter No. F.PF/KVK/98-99/773-76/PB-182, dated 18.02.1999. (Refer Para - 4) and letter dated 05.03.1999(Para-3).

Thus Shri R.S. Maurya, PGT(Chemistry) has committed a serious misconduct and violated Rule 3(i)(ii) and (iii) Rule 1964 as extended to the Kendriya Vidyalaya Sangathan Employees.

ARTICLE - II

That Shri R.S. Maurya, while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had not conducted the practical classes of class XI(Sc.)(Chemistry) till January'99 but in the cummulative Test(Half Yearly examination) all students were awarded 30/30 marks in the said practical examination.

<u>Roll No.</u>	<u>Name of Students,</u>	<u>Marks in Chemistry Practical</u>
01	Anjana Das	30
02	Absent	-
03	Banameeta	30
04	Bhaswati	30
05	Bonti Boro	30
06	Kasturi Saikia	30
07	Madhuparna	30

Contd.....

(..5..)

08.	Malita Das	30
09.	Mousomi	30
10.	Monalisa Das	30
11.	Nibedita Sarma	30
12.	Sangeeta	30
13.	Sikhamoni Das	30
14.	Shreeyasi	30
15.	Suranjana	30
16.	Sushila Das	30
17.	Swati Sarma	30
18.	Pinky Prasad	30
19.	Abhinav Pincha	30
20.	Adjhjer Bhuyan	30
21.	Arkander	30
22.	Arup Das	30
23.	Barabjit	30
24.	Chandan	30
25.	Deepjyoti	30
26.	Dhrubajyoti	30
27.	Divy Ninad	30
28.	Farooq Indad	30
29.	Feroj Hussain	30
30.	Gautam Kumar	30
31.	Indraneel	30
32.	Jitu	30
33.	Absent	-
34.	Naval Kishore	30
35.	Nilamani	30
36.	Parish Deka	30
37.	Pralay Roy	30
38.	Praveen J. Vasana	30
39.	Raktim Konwar	30
40.	Rupam	30
41.	Siddnaisha	30
42.	Vikram Jeet Khaund	30
43.	Daisy Khargharia	30

This act on the part of Shri R.S. Maurya constitutes a misconduct and thus violated Rule 3(1) (i.), (ii.) & (iii) Rule 1964 as extended to the Kendriya Vidyalaya Sangathan employees.

Contd....6/-

ARTICLE - III

That the said Shri R.S. Maurya while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara during the academic session 1998-99 has refused to take Practical of XI(Sc.) (Chemistry) final examination on 23rd, 24th, & 25th March'99 and asked the students to bring Chemicals for the Practical examination.

Sl.No. Name of students of Class-XI(Sc.)

01. Anjana Das
02. Banoneeta Bharali
03. Bharnali Batabye
04. Barti Boro
05. Kasturi Saikia
06. Monalisa Das
07. Malita Das
08. Mousumi Dey
09. Madhuparna Gupta
10. Nibedita Sarma
11. Shikhamoni Das
12. Shryasi Debnath
13. Suvanjana Saikia
14. Vikramjit
15. Arkendu Bhardwaj
16. Arup Das
17. Nilmani Sarmah
18. Rupam Sarmah

Shri R.S. Maurya also refused to take CBSE (AISSCE) 1999 Practical examination of (Chemistry), Private students. Due to that the venue of Practical examination of said students has been shifted from Kendriya Vidyalaya, Khanapara to Hindustani Kendriya Vidyalaya on a telephonic request by the Secretary, CBSE Guwahati Regional Office.

Thus, Shri Maurya has violated the code of conduct for teachers as laid down in Education code for Kendriya Vidyalayas in chapter VI and violated Rule 3(1) (i), (ii) & (iii) of the Central

(...7...)

Civil Services (Conduct), Rules 1964
as extended to the employees of Kendriya Vidyalaya
Sangathan.

ARTICLE - IV

That Shri R.S. Maurya while working as PGT(Chemistry) in Kendriya Vidyalaya, Khanapara, during the academic year 1998-99 had not submitted the session ending Question papers of Chemistry (his Class) in the stipulated date. As per Notice issued on 03.02.99 the last date of submission of Question papers was 15.02.99.

01. 1st Notice issued to all concerned on 03.02.99 by the Principal, Kendriya Vidyalaya, Khanapara.
02. 2nd Notice (Reminider) issued to Mr. R.S. Maurya on 26.02.99 by the Principal, Kendriya Vidyalaya, Khanapara.
03. 3rd Notice (Reminder) issued to Mr. R.S. Maurya on 02.01.99 by the Principal, Kendriya Vidyalaya, Khanapara.

Thus, Shri Maurya has done insubordination leading to unbecoming behaviour of Kendriya Vidyalaya Sangathan Employees and violated Rule 3(1) (i), (ii) & (iii) of CCS(Conduct) Rule, 1964 as extended to the Kendriya Vidyalaya Sangathan Employees.

ARTICLE - V

That the said Shri R.S. Maurya while working as PGT(Chemistry) at Kendriya Vidyalaya, Khanapara during the period 1998-99 never attended assemblies in the Vidyalaya, staff meetings called by the Principal, thus Shri Maurya disobeyed the orders of his controlling Officer i.e. Principal, Kendriya Vidyalaya, Khanapara.

This act on the part of Shri Maurya constitutes insubordination, misconduct which is unbecoming to as

teacher(employee) of Kendriya Vidyalaya Sangathan in violating of Rule 3(1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

ARTICLE - VI

That, Shri R.S. Maurya, while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara, during the academic year 1998-99 had tempered the Official documents to cover up his late arrival to the Kendriya Vidyalaya, Khanapara at 11.30 A.M. on 08.02.99. Relieving Order issued by the Principal Kendriya Vidyalaya, Narangi vide Ref. No. 4-5/KVN/98-99/795-97, dated 06.02.99 Shri Maurya had used peon book against Sl. No. 211 for sending his replies to the Principal, Kendriya Vidyalaya, Khanapara. Thus, Shri Maurya has tempered the Official documents which is a serious misconduct and violation of the Rule 3(1) (i), (ii) & (iii) of Central Civil Service (Conduct) Rule 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES ARE PROPOSED TO BE SUSTAINED AGAINST SHRI R.S. MAURYA, PGT (CHEMISTRY) KENDRIYA VIDYALAYA KHANAPARA

01. Show cause Notice issued by the Principal, Kendriya Vidyalaya, Khanapara vide Ref. No. F.PF/KVC/98-99/773-76/PB-182, dated 18.02.99 Para-4, and Principal, Kendriya Vidyalaya, Khanapara letter dated 5th March, 1999 addressed to the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, Para-3.

02. (i) Principal, Kendriya Vidyalaya, Khanapara letter KVC/PF/RSM/98-99/ 632-33, dated 27/28.01.99 address to Shri R.S. Maurya, PGT (Chemistry).

(ii) Complaint of guardians of children studying at Kendriya Vidyalaya, Khanapara dated 21.01.99 and publication in Sentinel dated 09.04.1999.

(iii) Practical Note Books of students of Kendriya Vidyalaya, Khanapara

(iv) Copy of the Marks slip of Class XI, A (Science).

(v) Report submitted by the Principal, Kendriya Vidyalaya, Khanapara vide letter dated 21.06.99.

03. (i) Copy of the letter No. KVG/58/XI/ 98-99/868, dated 22.03.99 from Principal, Kendriya Vidyalaya, Khanapara.

(ii) Copy of the letters addressed to the Principal, Kendriya Vidyalaya, Khanapara, by the students of Class XI-A, dated 22.03.99, dated 23.03.99, dated 26.03.99 and 09.02.99.

04. (i) Copy of the letter of Shri U.N. Adhikary, Examination I/C, Kendriya Vidyalaya, Khanapara.

(ii) Copy of Memo dated 26.02.99 issued by the Principal, Kendriya Vidyalaya, Khanapara.

05. (i) Para 5(viii) of the report submitted vide letter dated 21.06.99 by the Principal, Kendriya Vidyalaya, Khanapara.

(ii) Copy of the Notice/Memo dated 05.03.99 of Principal, Kendriya Vidyalaya, Khanapara, addressed to Mr. Maurya.

(iii) Copy of the guardians letter dated 12th Jan'99 with remarks of the Principal, Kendriya Vidyalaya, Khanapara

06. (i) Copy of the Relieving Order No.F.4-5/ KVN/98-99/795-97/, dated 06.02.99, issued by the Principal, Kendriya Vidyalaya, Narangi. Copy of Shri R.S. Maurya and copy of the Principal Kendriya Vidyalaya, Khanapara.

(ii) Copy of the Peon Book Sl.No. 210 and 211.

(11)

51

ANNEXURE - IV

STATEMENT OF WITNESSES BY WHICH THE ARTICLES OF
CHARGES ARE PROPOSED TO BE SUSTAINED
AGAINST SHRI R.S. MAURYA,
PGT (CHEMISTRY),
KENDRIYA VIDYALAYA
KHANAPARA

(46)

52

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE : GUWAHATI

No. F.14-5/99-KVS (GR)/490

Dated : 20.04.2000

Conf./Speed Post.

MEMORANDUM

WHEREAS the disciplinary proceedings under Rule 14 of CCS (CCA). Rules, 1965 were initiated against Shri R.S. Maurya, PGT (Chem.), (U/S), Kendriya Vidyalaya, Khanapara, vide this office Memorandum No. F.14-5/99-KVS (GR)/5251-54, dated 09.08.99 and he was served the Articles of charge and imputation of Misconducts through the above memorandum.

AND WHEREAS, Shri R.K. Gautam, Principal, Kendriya Vidyalaya, Upper Shillong and Shri P.V.S. Ranga Rao, Principal, Kendriya Vidyalaya, No.1 Tezpur were appointed as Inquiry Officer and presenting Officer respectively to inquire in-to the charges against Shri R.S. Maurya and to present the case.

AND WHEREAS, Sh. R.K. Gautam, Principal, Kendriya Vidyalaya, Upper Shillong and the Inquiry Officer vide his letter No. F.RSM/KV-US/99-2000/1033, dt. 27.03.2000 has submitted report on the charges against Shri R.S. Maurya in which Articles I, II, IV & VI of the charge sheet has been established and Article III Partially Proved.

NOW, THEREFORE, the undersigned forward a copy of Inquiry report submitted by the Inquiry Officer to Shri R.S. Maurya, PGT (Chem.), (U/S), Kendriya Vidyalaya, Khanapara and provide an opportunity to Shri R.S. Maurya to submit his written representation or submission if any, to the undersigned on the report of the inquiring authority within 15 days from the issue of this Memorandum, failing which it will be presumed that Shri R.S. Maurya does not wish to make any written representation or submission and further necessary action will be taken as per CCS (CCA) Rules.

To,

Shri R.S. Maurya,
PGT (Chem.) (U/S),
Teachers Qrt. No.4-B (Top Floor)
Kendriya Vidyalaya, Khanapara,
Guwahati : 22.

(D. K. SAINI) 20/4/2000
ASSISTANT COMMISSIONER
&
DISCIPLINARY AUTHORITY

INQUIRY REPORT INTO THE CHARGES FRAMED AGAINST
SHRI. R.S.MAURYA. PGT (Chem.) (UNDER SUSPENSION) OF
KENDRIYA VIDYALAYA KHANAPARA, GUWAHATI.

INTRODUCTION:

I, R.K.Gautam, Principal, K.V. EAC Upper Shillong was appointed as inquiry officer vide KVS(GR) office order No.14-5/99-KVS(GR)7018-22 dated 13-9-1999 to inquire into the charges framed against Shri. R.S.Maurya, PGT (Chem.) (under suspension), of K.V. Khanapara, Guwahati and the said order was received on 20-9-99. The Disciplinary Authority, the Charged Officer and the Presenting Officer were informed of the appointment of the Inquiry Officer, vide DOS - I of dated 23-9-99 and corrigendum of dated 28-9-99. The Charged Officer was given the opportunity to present himself for preliminary hearing through letters no. RSM/KV-US/99-2000/553-57 dated 12-10-99, and No.RSM/KV-US/99-2000/590-94 dated 25-10-99 (through registered post) on 25-10-99 at 11.00 hrs and 4-12-99 at 11.00 hrs. In the office of the Inquiry Officer at K.V.EAC Upper Shillong respectively.

The Charged Officer raised certain objections regarding the conduct of the enquiry and its place, subsistence allowance and security for self and his family through his representation dated 25-11-99 received on 2-12-99 by the Inquiry Officer. The representation of the Charged Officer was disposed off vide letter No.RSM/KV-US/99-20(X)/683-85(DOS-9) dated 4-12-99, the C.O. was provided another opportunity to present himself for preliminary hearing on 28-12-99. (Incidentally the P.O. vide letter No.F Conf. /KVT/99-2000/945-46 dated 31-11-99 has also requested for the deferment of the inquiry on 4-12-99).

Instead of presenting himself the C.O again made two representations dated 15/16-12-99 received by the I.O on 23-12-99 raising objections of criminal conspiracy against officers of KVS, non-payment of subsistence allowance, place of conduct of inquiry & security for himself and his family. Inquiry officer deferred the inquiry till the disciplinary authority ensures the payment of suspension allowances vide letter No.RSM/KV-US/99-2000/579-81 (DOS-11) dated 28-2-99. The Disciplinary authority vide his letter No.14-5/99-KVS (GR) 8990 dated 5-1-2000 disposed off the representation stating that the payment of suspension allowance can not be and has not been made because the Charged Officer did not submit the certificate under F.R 53(2) to D.D.O. The I.O also being of the opinion that the onus of submission of certificate under FR 53(2) lies on the C.O. The Charged Officer vide office order no. RSM/KV-US /99-2000 /597- 600 dated 13-1-2000 was given the opportunity to present himself and to co-operate with the inquiry on 27-1-2000 as the inquiry was to be conducted on day to day basis at K.V. Maligaon, Guwahati. To facilitate the Charged Officer the inquiry was shifted to K.V. Maligaon, Guwahati at the insistence of the C.O for not being able to attend the inquiry at Shillong, with the instructions that the inquiry shall proceed as Ex-parte if he still decides not to attend it.

Inquiry was conducted at K.V. Maligaon in the office of the Inquiry Officer at 11.00 hrs. Since the C.O did not present himself as such, the order vide letter No.F.RSM/KVM/99-2000/868-69 dated 27-1-2000 was passed to proceed with the Ex-parte inquiry and the Presenting Officer was directed to present the document, for to be taken on record on 28-1-2000 at 10.30 hrs. The C.O was informed of the decision through the letter referred above and telegram dated 27-1-2000. The inquiry was conducted on 28-1-2000 in the office of I.O at 10.30 hrs. Since the C.O did not present himself, the Inquiry Officer

Contd. on page - 2

- 2 -

Waited for the C.O for one hour. When the C.O did not report till 11.30 hrs, the P.O was requested to present the documents on record. The P.O presented the documents and were marked in red as SW-1, SW-2, ... SW-15 in support of the case against Article of charges I to VI. Inquiry Officer vide his order (DOS-15) No. RSM /KVM /99-2000 /883-84 dated 28-1-2000 directed the P.O to complete his presentation of the case on 29-1-2000 and proceedings were resumed at 10.00 hrs. The C.O was also informed of the same through registered post.

The presenting officer presented his case in complete on 29-1-2000. The inquiry officer passed the order dated 29-1-2000 (DOS -16) directing the P.O to send his written brief in duplicate latest by 14-2-2000. The D.A once again vide letter No.14-5/99-KVS (GR)9135 dated 12-1-2000 requested the C.O to send the certificate under FR 53(2) in order to enable the D.D.O to disburse suspension allowance and the same was received by the I.O on 30-1-2000. Inquiry Officer received two representations from the C.O on 31-1-2000 regarding subsistence allowance. His representations were considered and rejected as he did not comply with the rules as laid down under FR 53(2). Submission of certificate under FR 53(2) is the responsibility of the charged officer and not the D.D.O.

Presenting officer sent in his written brief in duplicate as directed through his letter No. PF/PVSR/Principal /KVT/99-2000/1125 dated 5-2-2000 and the same was received by the I.O on 12-2-2000. The charged officer was provided once again with the opportunity as laid down in the rules and the copy of the written brief was sent to the Charged Officer so that he may defend himself even at this stage, if he so desires. This request was made to the C.O vide letter No. RSM/KV-US/99-2000/869-872 dated 16-2-2000 (DOS-19) and the charged officer was requested to send in his defence by 6-3-2000.

Inquiry Officer made all possible efforts under the rules to facilitate the Charged Officer to participate in the inquiry and to defend himself but it seems that C.O. had his own reasons for not participating in the inquiry.

DEFENCE OF THE CHARGED OFFICER

Finally in response to the written brief of the P.O, the reply of Charged Officer was received by the inquiry officer by speed post on 13-03-2000 and is disposed off as under.

Para. -1 -Matter of fact.

Para. -2 & 3 -The C.O. has raised the objection that he was not allowed to inspect the original documents as a result he could not submit his written statement. The objection of the charged officer is not maintainable, as Disciplinary Authority vide his letter no. F.14-5 / 99 - KVS (GR) / 5897 -900 dated 29-09-99 informed the C.O. that since the I.O. has been appointed in the case, he shall be given opportunity for inspection of documents as per rules, however the C.O chose not to co-operate in the inquiry and avail the opportunity as laid down in the rules.

Para. -4,7 & 8 -Regarding non-payment of subsistence allowance. The C.O. was informed time and again by Drawing and Disbursement Officer and Disciplinary Authority to furnish certificate under FR 53(2) to D.D.O but he did not comply with it. As such the onus of non-payment of subsistence allowance lies on the C.O. and not the Disciplinary Authority, Inquiry Officer or the Drawing and Disbursement Officer.

Para. -5,9&10. -The Charged Officer has charged the Presenting Officer, of bias and the same

Contd. on page -3

was earlier rejected by the disciplinary authority vide letter no.F.14-5/99-KVS (GR)/8990 dated 05-01-2000. Even otherwise the presenting officer cannot be expected too be neutral, as he has to defend the case on behalf of the department.

Para. -6 -The Charged Officer raised objections that he made several requests to conduct inquiry at Khanapara, Guwahati, keeping his sentiments in view the inquiry was conducted and concluded at Kendriya Vidyalaya Maligaon, Guwahati which is just a few kms. away from K.V. Khanapara. He simply did not want to co-operate for his own reasons.

Para.11 -Charges has been denied by the Charged Officer in response to written brief of the presenting officer, which validates the conduct of the inquiry.

Para.12-13 -The charge of the Charged Officer is baseless that a reasonable opportunity has not been given to him. This is his own creation, as whenever he was requested to present and defend himself in the case he chose to stay away. He is to accuse no one other than himself.

INQUIRY REPORT

The Charged Officer Shri.R.S.Maurya PGT (Chem) (Under Suspension) has been charged of six charges under Article of charges as Article I to VI vide memorandum no.F.145/99-KVS(GR)/525-54 dated 9-8-99. The report of inquiry officer in respect of all charges, for the consideration of disciplinary authority and necessary action is as under.

Article of Charge-I

That the said Shri.R.S.Maurya, while functioning as PGT (Chem) Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of C.B.S.E., Chemistry for Class XII (Sc) on 15-02-99 without, permission/relicving by the competent authority.

This act on the part of Shri.R.S.Maurya constitutes a misconduct, and thus violated Rule 3 (1) (i), (ii) & (iii), Rules 1964 as extended to Kendriya Vidyalaya Sangathan employees.

Analysis of evidence:

Presenting Officer based his arguments on the documents brought on record as SW-1/1-5. SW-1/4-5 cannot be accepted for to be based for the purpose of evidence because the copy of the same was not given to the charged officer to explain his conduct and also it is not authenticated by any officer of KVS, it is merely a photocopy. The charged officer did not defend his case in-spite of all opportunities given to him. The inquiry officer had no option but to decide on the basis of SW-1/1-3. SW-1/1 is the order of appointment of Shri.R.S. Maurya, PGT (Chem) of Kendriya Vidyalaya Khanapara as practical examiner of Chemistry at Kendriya Vidyalaya, Dinjan.

The question is not who authorised Shri.R.S. Maurya and what C.B.S.E authorities say on his appointment as examiner as put in by the Presenting Officer. Nothing is proved out of this point. On the basis of application of Shri.R.S.Maurya of dated 15-2-99 (SW-1/2) and show cause notice (SW-1/3) it is proved that Shri.R.S.Maurya, PGT (Chem) was given sufficient opportunity to explain his conduct. He was served with the show cause notice through peon book on 18-2-99 at S.No. 182 page 20. (SW-15)

Contd. on page -4

In his application dated 15-2-99 addressed to the Principal (SW-1/2). Shri.R.S.Maurya, wrote, "I am proceeding to Kendriya Vidyalaya, Dinjan (Army) to conduct the class XII chemistry practical examination on 15-2-99" shows that he had no respect for rules as laid down for the conduct of an employee. This expression also proves an act of insubordination and disrespect to the chair. It seems that he left his duties without the approval of the competent authority and left the children under his charge, as unattended. This proves that the Charged Officer left his duties and station without the approval of competent authority, which constitutes misconduct on the part of the Charged Officer.

Finding

Thus this act of Shri R.S.Maurya, PGT(Chem) of Kendriya Vidyalaya, Khanapara, proves the charge of misconduct under rule 3(I), (I), (II) and (III) of CCS Rules 1964 as extended to K.V.S. employees that he left the school without the prior approval of the competent authority.

Article of Charge-II

That Shri.R.S.Maurya, while functioning as PGT (Chem) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of class XI till January, 99 and during the cumulative Test 1998-99 examination all the students were awarded 30:30 Marks in Practical examination of Chemistry.

Thus, Shri Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1), (i), (ii) & (iii) of CCS (conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

Analysis of evidence: -

In order to defend his case the presenting officer based his case on documents (SW-2 to SW-9) as already placed on records. Shri.R.S.Maurya, PGT (Chem) has been presumed to be served with a letter (SW-2/1) but it is not proved whether the same had been served to him. SW-2/1 is a photocopy and has not been authenticated by the competent authority. Collective complaints of parents (SW-2/2-3) have not been confirmed through independent witness and also bears no diary no. as such its authenticity is again in question. SW-2/4-8 a copy of the newspaper can be made the base for a fact-finding inquiry but not as the conclusive evidence in a regular inquiry.

SW-3 to SW-6 placed on records are the practical notebooks of Master Gautam Kumar of XI-A (Sc), Master Deepjyoti Das of XI-A (Sc), Master Aditya Bhuyan of XI (Sc), and Kasturi Saikia of XI respectively. As per the index-page of these notebooks no practical was conducted before 12-1-99, and the subject teacher has initialed the entries on the index-page. It is proved that no practical was conducted in XI (Sc) class before 12, Jan. 99.

SW-7 is the award list of cumulative test for class XI-A (Sc) for 1998-99 giving marks for theory and practical in Chemistry, duly signed by Shri.R.S.Maurya, PGT (Chem). The cumulative test as per KVS schedule is conducted in the month of November during every academic year. It is proved that the marks have been awarded, without conducting practical in the class. Under no circumstance students can get equal marks in practical particularly when weak in theory, it is proved that students at Sl. No.34 & 38 have been awarded 30 marks in practical whereas they have scored 29 and zero marks in theory respectively.

Contd. on page -5

SW-8 cannot be taken as authentic as has not been verified by independent witness. SW-9 can also not be relied upon because it is a report of the Principal to the Assistant Commissioner, KVS (GR) against Shri.R.S.Maurya and Shri Maurya has neither been provided with the copy of complaint nor provided with opportunity to defend himself.

Finding

SW-3, SW-4, SW-5, SW-6 and SW-7 prove that Mr.R.S.Maurya, PGTChem) awarded marks to children without conducting practical. This is not only dereliction of duty but also a criminal/unethical act on the part of Shri.R.S.Maurya, PGT (CChem). Hence this act on the part of Shri. Maurya constitutes misconduct and proves the charge of misconduct under rules 3(I) (I), (II) and (III) of Rule 1964 as extended to KVS employees.

Article of Charge-III

That during the session 1998-99 Shri R.S.Maurya while functioning as PGT (Chem), Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of class XI (1998-99) and asked the students to bring chemicals for practical. Shri.Maurya also refused to take CBSE (AISSCE) 99 Chemistry Practical examination for private students.

Thus, Shri Maurya has violated the code of conduct for Teachers as laid down in Education Code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (i), (ii), (iii) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employee of Kendriya Vidyalaya Sangathan.

Analysis of evidence: -

SW-10/1 cannot form the basis of evidence, as neither it is an authenticated document (a photocopy of the letter written by the Principal to the Assit.Commissioner, KVS (GR)) nor the copy of the same was endorsed to Mr.R.S.Maurya for the observance of the principle of natural justice. SW-10/2 is a copy of the notice written by Shri R.S.Maurya, PGT (Chem). The copy of the same noted down by Mrs. J. Dasbasu, Principal, K.V.Khanapara shows clearly a violation of conduct rules on the part of the Charged Officer. SW-10/3 was written by Shri.R.S.Maurya, does prove that it had been written by him beyond his competence. SW-10/4 to 9 are the letters written by students. It proves that the Charged Officer did not discharge his duties as directed by the controlling officer.

As regards the refusal of Shri.R.S.Maurya, PGT (Chem) to conduct the CBSE (AISSCE) 99 practical examination nothing has been placed on record except its mention in the charge sheet and statement made by the presenting officer while presenting the case and in his written brief as such the contention of prosecution is not accepted.

Finding :-

The charge of misconduct that Shri Maurya has violated the code of conduct for Teachers as laid down in Education Code for Kendriya Vidyalayas in chapter VI and Rule 3(1) (I), (II), (III) of the Central Civil Services (Conduct) Rules, 1964 as extended to the employee of Kendriya Vidyalaya Sangathan. is partially proved

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Article of Charge-IV

That Shri.R.S.Maurya while working as PGT (Chem) in Kendriya Vidyalaya Khanapara during the academic year 1998-99 had not submitted session ending questions papers in the stipulated date as notified by the Principal.

Thus Shri.Maurya, PGT (Chem) has violated Rule 3(1), (i), (ii) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

Analysis of evidence:-

SW-11/1 refers to non-submission of question paper by Shri R.S.Maurya by 15-2-99. The said report of dated 23-2-99 by Shri.U.N. Adhikary is addressed to the Principal. This report is about non-submission of question paper by Shri Maurya, as a result question paper could not be sent to the press. It also points out that Mr.Maurya did the same at the time of half yearly exam. This shows that the Charged Officer is habitually irregular in the performance of his duties.

SW-12 is an office order in the Office Order Register on page 1. Through this order the Principal ordered Shri.R.S.Maurya on 26-2-99 to submit the question paper by 3 PM on 26-2-99. Afterwards there is nothing to show that he did not submit the question paper of session ending examination by the stipulated date and time.

Shri.Maurya complied with the instructions of dated 26-2-99 as contained in SW-12 on page 1, marked in red ink in box proves that he does not care for rule of law.

Finding:-

The charge of misconduct that Shri.Maurya, PGT (Chem) has violated Rule 3(1), (i), (ii) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan is proved for non compliance of instructions.

Article of Charge-V

That the said Shri.R.S.Maurya, while working as PGT (Chemistry) at Kendriya Vidyalaya during the period 1998-99 never attended assemblies, staff meetings called by the Principal thus Shri.R.S. Maurya had not obeyed the orders of the Principal.

This act on the part of Shri Maurya constitutes a misconduct which is unbecoming of a teacher (employee) of KVS violating of Rule 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

Analysis of evidence:-

As per article of charge Shri.R.S.Maurya, PGT (Chemistry) never attended morning assemblies and staff meetings called by the Principal. The presenting officer has based his arguments on SW-13/1-2

Contd. on page -7

SW-13/1-2 relates to request of parents to see the answer scripts as their wards who got unexpectedly low marks in Chemistry in Cumulative exam. On this document the examination In-charge has written that Mr.Maurya and Mr.Dwivedi has not submitted the answer scripts to the examination department. It seems that the parent's grudge is that, when their wards got 30/30 in Chemistry practical than how come they got less marks in theory and even does not explicitly relates to the article of charge.

SW-13/3 is a note sent to Mr.Maurya to meet the Principal at 2 PM on 5-2-99. This note appears to have been sent to Mr.Maurya when earlier he did not meet the Principal as he had a class. In this note however the Principal had mentioned that he was free, but the Presenting Officer has not been able to prove either by way of arguments or documents. SW-13/3 is again not an authenticated document being only a photocopy. Of the documents brought on record and the argument presented by presenting officer does not prove the charge as to when did Mr.Maurya not attend the above referred assembly and staff meetings. Neither Mr.Maurya has been served with a show cause notice nor any evidence of his declining to attend the meeting has been brought on record.

Finding: -

That the evidence on record does not prove that Shri R.S.Maurya did not obey the orders of the Principal hence the act on the part of Shri Maurya does not constitutes a misconduct which is unbecoming to teacher (employee) of KVS violating of Rule 3(1) (i), (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

Article of Charge-VI

That Shri R.S.Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya Khanapara during the academic year 98-99 had tampered the official documents.

Thus Shri Maurya, has violated the Rule, 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan.

Analysis of evidence: -

SW-14/1 and 2 are copies of the relieving order of Mr.R.S.Maurya, PGT (Chem) from Kendriya Vidyalaya Narangi on the basis of which the Presenting Officer has tried to prove the tampering of records by the Charged Officer. On the personal scrutiny by the Inquiry Officer of the documents it is observed that both the documents are the copies of the same order and clearly show that the time of departure has been written later on to suit the interests of the Charged Officer on the copy of the relieving order submitted in the office thus he not only tampered the records but also cheated the Govt. by way of excessive claim of TA/DA. This proves the misconduct on the part of the Charged Officer.

- Both the documents (SW-14/1, & SW-14/2) are the carbon copies of the same order but the entries column for writing date of relieving are different in both of them.
- Despatch no., has been written in pen on both copies (SW-14/1 and 2) by the same person.

11/1/

Contd. on page -8

SW-15 is the peon book in which the Presenting Officer has drawn the attention of Inquiry Officer on the receipt columns at SI.No.182, 184,211,212,219 and 236.

At SI.No.182 the Charged Officer has written ' Time received (1.45pm) a letter in sealed envelope with unknown content and signed with date. At SI.No.184 the Charged Officer has written ' received a sealed envelop with unknown content' (At 12 Noon) and signed with date.

At SI.No.211 it is the remark of the Principal and not of the Charged Officer as such does not constitute an offence.

At SL. No. 212 the Charged Officer signed and wrote in the column of "by whom delivered" name of the concerned peon is not mentioned"

At SL. No. 219 the Charged Officer wrote a note in the peon book regarding submission of employment certificate after his suspension. Similarly at SLNo.236 he wrote a request to provide the details of subsistence allowance.

As regards the charge of tampering of records by way of changing /addition of time in the relieving order is proved. The use of peon book for correspondence and replies is also an act of misconduct on the part of the Charged Officer. As such the charge of misconduct is proved.

Finding: -

That the charge of tampering of official documents is proved as such Shri Maurya, has violated the Rule, 3(1) (i) (ii) & (iii) of CCS (conduct) Rules, 1964, as extended to the employees of Kendriya Vidyalaya Sangathan

CONCLUSION: -

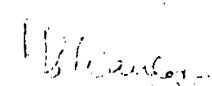
Defence lead by the Charged Officer in response to the written brief of the Presenting Officer is vague and can not accepted as rational defence.

The Charged Officer is found guilty of misconduct under Rule 3(I) (I) (II) and (III) of CCS (Conduct) Rules 1964 in the following Article of charges.

Article I -	Proved
Article II -	Proved
Article III -	Partially proved
Article IV -	Proved
Article V -	Not proved
Article VI -	Proved

It is proposed that the Charged Officer be imposed penalty as under the rules against Article of Charges I, II, III, IV and VI.

Dated: - March 25, 2000


 (R.K.GAUTAM)
 Inquiry Officer & Principal,
 Kendriya Vidyalaya, EAC Upper Shillong.

KENDRIYA VIDYALAYA SANGATHAN
Regional Office
Chayaram Bhawan, Maligaon Chariali,
GUWAHATI-12

Annexure-Ag

No. F.14-5/99-KVS(GR)/L998-X9

Dated : 29.5.2000

DRY RUN

ORDER

WHEREAS disciplinary proceedings under Rule 14 of Central Civil Services (Classification Control and Appeal), Rules, 1965 were instituted against Shri R. S. Maurya, PGT (Chemistry), KV, Khanapara, vide this office Memorandum No. 14-5/99-KVS(GR)/5251-54, dated 9.8.99 on the following Articles of charges :-

- (i) That the said Shri R.S. Maurya, while functioning as PGT (Chemistry), Kendriya Vidyalaya, Khanapara, Guwahati during the academic year 1998-99 went to Kendriya Vidyalaya, Dinjan to conduct practical examination of CBSE, Chemistry for class XII (Sc) on 15.02.1999 without permission/relieving by the competent authority.
- (ii) That Shri R.S. Maurya, while functioning as PGT (Chemistry), Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January '99 and during the cumulative Test 1998-99 examination all students were awarded 30/30 marks in Practical examination of Chemistry.
- (iii) That during the session 1998-99, Shri R.S. Maurya while functioning as PGT (Chemistry), Kendriya Vidyalaya, Khanapara, has refused to take Practical examination of Chemistry of Class XI (1998-99) and asked the students to bring chemicals for Practical. Shri Maurya also refused to take CBSE (AISSCE) '99 Chemistry Practical examination for Private students.

W7/11/2000/EXN

29/5

(2)

(iv) That Shri R. S. Maurya while working as PGT(Chem) in Kendriya Vidyalaya, Khanapara during the academic year 1990-99, had not submitted session ending question papers in the stipulated date as notified by the Principal.

(v) That while he working as PGT(Chemistry) at Kendriya Vidyalaya, Khanapara during the period 1998-99, never attended assemblies, staff meetings called by the Principal thus Shri R.S. Maurya had not obeyed the orders of the Principal.

(vi) That Shri R.S. Maurya while functioning in the aforesaid capacity at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had tampered the Official documents.

A Statement of imputations of misconduct/misbehaviour on which the Articles of charges were based, together with a list of documents by which, the charge were proposed to be sustained, were also forwarded to him alongwith the above said Memorandum dated 9.8.99.

AND WHEREAS, Shri R.S. Maurya has failed to submit his written statement of his defence on the above chargesheet within the stipulated time. Accordingly Shri R.K. Gautam, Principal, Kendriya Vidyalaya, EAC Upper Shillong was appointed as Inquiry Officer to inquire into the charges vide Order No.14-5/99-KVS(GR)/9025-29, dated 13.9.99 and Shri P.V.S. Ranga Rao, Principal, Kendriya Vidyalaya No.1, Tezpur was appointed as Presenting Officer, vide Order No.F.14-5/99-KVS(GR)/7018-22, dated 13.9.99.

AND WHEREAS, the Inquiring Officer, vide his letter No.F.RSM/KV-US/99-2000/1033, dated 27.3.2000 gave the findings that Articles-I,II,IV & VI against Shri R.S. Maurya has been established and proved and Article III has partially established & proved.

W.M.11/11/2000
14/3

(3)

AND WHEREAS, a copy of the report of Inquiry was sent to Shri R.S. Maurya, vide Memo. No.F.14-5/99-KVS(GR)/490, dated 20.4.2000 and he was given an opportunity of making such submissions in his defence on the report of Inquiry as he desired. Shri R.S. Maurya has not made any submission in this regard within the stipulated period.

AND WHEREAS, on careful consideration of the report of the Inquiry Officer and Other records of the case, the undersigned has decided to accept the findings of the Inquiry Officer in respect of Articles I, II, IV & VI as proved and Article III partially proved.

NOW, THEREFORE, after considering the records of the Inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Shri R.S. Maurya (i) left his duties without the approval of the competent authority and left the children under his charge, as unattended. (ii) He awarded marks to children without conducting the practical examinations. (iii) He refused to take practical examinations of CBSE(AIISCE)'99 Chemistry & asked the students to bring Chemicals for practical. (iv) during the academic year 1998-99 had not submitted session ending questions papers in the stipulated date as notified by the Principal. (v) that during the year 1998-99 Shri R.S. Maurya had tampered the official documents and thus committed misconduct under Rule 3(i) -(i), (ii) & (iii) of CCS(Conduct) Rules 1964 as extended to the employees of KVS and hence ends of justice require that the penalty of removal from service with immediate effect which shall not be a disqualification for future employment under the KVS be imposed upon him.

IT IS, THEREFORE, Ordered that Shri R.S. Maurya, PGT(Chem), Kendriya Vidyalaya, Khanapara presently under suspension be imposed the penalty of removal from service with immediate effect which shall not be a disqualification for future employment under the Kendriya Vidyalaya Sangathan.

To

Shri R.S. Maurya,
PGT(Chem)(Under Suspension),
Teachers Dr. No.4-B(Top Floor),
Kendriya Vidyalaya, Khanapara,
Guwahati-22

(D. K. SAINI) 25/1
ASSISTANT COMMISSIONER

Kendriya Vidyalaya Sangathan
Regional Office, Guwahati

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Annexure - A10

Original Application No. 20 of 2001
Date of Order: This the 28th Day of June, 2001.

HON'BLE MR.D.N.CHOUDHURY, VICE-CHAIRMAN
HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

Radhey Shyam Maurya,
S/O. Sri Ram Kumar,
Post Graduate Teacher (P.G.T.) Chemistry,
Kendriya Vidyalaya, Khanapara and at
present resident of Khanapara,
Six Mile, Gauhati-22 (Assam) ... Applicant

By Advocate Mr. D.K. Mishra
Ms. S.Jahan
Mr. I Longen

1. Union of India,
represented through the Secretary,
Dept. of Education under Ministry of
Human Resources & Development (M.H.R.D.),
Shashtri Bhawan, ... of ...
New Delhi-1.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16.
3. The Deputy Commissioner (Personal)
(The appellate authority)
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet
Singh Marg, New Delhi-16
4. The Assistant Commissioner,
(The Disciplinary Authority)
Kendriya Vidyalaya Sangathan,
2nd Floor, Chhaya Ram Bhawan,
Maligaon, Gauhati-12 (Assam)
5. Dr. E. Prabhakar,
Ex-Educational Officer, K.V.S.)
Gauhati Regional Officer and at present
Education Officer.
Kendriya Vidyalaya Sangathan.
18, Institutional Area, Shaheed Jeet
Singh Marg, New Delhi-16
6. Mrs. Jayshree Das Basu (Principal)
Kendriya Vidyalaya Khanapara,
Gauhati-12.
7. Mr. G. S. C. Bosebabu (Principal)
K.V.S. Narangi, Gauhati-12. Respondents.

By Advocate Mr. B. P. Todi,

contd.

(C. U. Shaha)

— C O R D E R —

K.K. SHARMA, ADMINISTRATIVE MEMBER

In this application under Section 19 of the "Administrative Tribunals Act 1985, the applicant has challenged the impugned order of termination dated 29.5.2000 and has also prayed for reinstatement. The applicant was a Post Graduate Teacher(PGT) in Chemistry at Kendriya Vidyalaya, Khanapara. Earlier he was appointed Primary Teacher(P.R.T.) in August 1985. In 1993 he was selected as a TGT Teacher and in 1995 he was posted as PGT Kendriya Vidyalaya, Khanapara. It is stated that with the posting of by respondent No.6 on 16.12.98, the applicant's problems started. His SDA was stopped from the month of January 1999. On 9.8.99 the applicant was served with the Memorandum of charges. Five Articles of charges were mentioned in the Memorandum of charges which are summarised below:-

I) The applicant went to conduct the practical examination of CBSE, Chemistry to Kendriya Vidyalaya, Dinjan, (Army) for the academic year 1998-99 without the permission of the Principal.

ii) The applicant did not conduct the practical classes for class XI for chemistry for the academic year 1998-99 till Jan. 99 and awarded 30/30 marks to all students in half yearly Test.

III) The applicant refused to conduct Practical Examination of Chemistry of Class XI for the year 1998-99 and asked the students to bring chemicals for practical Examination. He also

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refused to take CBSE(AIISCE)'99 Chemistry Practical Examination for private students.

Due to this act of the applicant the test had to be shifted from Khanapara to Hindu-stan Kendriya Vidyalaya.

- IV) The applicant did not submit session ending question papers for the academic year 1998-99
- V) During the period 1998-99 the applicant never attended assemblies, staff meetings called by the Principal and did not obey the orders of the Principals.
- VI) The applicant while working at Kendriya Vidyalaya, Khanapara during the academic year 1998-99 had tampered with the official documents to cover his late arrival on 8.2.99.

The applicant was required to submit his reply to the Memorandum of charges within 10 days of receipt. The Memorandum of charges was received by the applicant on 19.8.99. By letter dated 25.8.99 addressed to the Assistant Commissioner, KVS Guwahati Region, the applicant replied as under:-

"With reference to your aforesaid letter bearing Memo No. F.14-5/99-K.V.S.(GR)/5251-54 dated 09.08.99. I am to inform you that I want to inspect/procure the following relevant documents for the submission of written statements in defence against the charges levelled against me."

The applicant sent two reminders dated 13.9.99 and 23.9.99. The applicant did not file any written statement for the

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The copies as stated by the applicant, as the respondents did not give the opportunity to inspect the documents. Some of the documents were the same as mentioned in the memorandum of charges. The Enquiry Officer was appointed by order dated 13.9.99 and the presenting officer by order dated 23.9.99. The Enquiry Officer fixed hearing at Shillong on 25.10.99, 4.12.99 and 28.12.99. The applicant replied by letter dated 25.1.99, 16.12.99, 23.12.99 that as he was not getting subsistence allowance, he could not attend the Inquiry at Shillong. By letter dated 17.1.2000, the Enquiry Officer informed the applicant that the enquiry would be conducted at Maligaon. The applicant did not participate even at Maligaon. The Enquiry Officer submitted the enquiry report on 25.3.2000. The charges at serial No. I, II, IV & VI of the memo of charges have been established as proved and charge at serial No III partially proved. The charge at serial No 5 was not proved. By letter dated 20.4.2000 the Disciplinary Authority sent a copy of the Enquiry Report to the applicant to submit his representation/ submission on the Inquiry Report within 15 days from the date of issue of the said letter. By a letter dated 3.5.2000 the applicant sought 20 days time for replying. By another letter dated 5.5.2000 the applicant wrote a letter to the Disciplinary authority.

Ansunder :-

That I am in receipt of a Memorandum under reference dated 20.4.2000 issued by your goodself whereby I am asked to submit my representation/ submission if any before your goodself. In this connection I intend to write that for the preparation of the reply of the said Memorandum dated 20.4.2000, I urgently needed the Documents (original and additional) as listed in my representation dated 25.8.99 sent to your good office. Therefore, some other developments have taken place and ex parte proceedings have been conducted by the Inquiry Officer. During, the ex parte proceeding, the I.O. has recorded some documents and as SW 1,

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SW. 15 in his D.O.S. No. 15 dated 28.1.2000 but none of the said documents of either D.O.S. No.15, or listed documents dated 25/8/99 have been supplied to me. Therefore I am facing difficulty to prepare my reply of the instant Memorandum in question and therefore your goodself is requested to supply the aforesaid documents within 10 days from today so that I can prepare my reply properly and I can send the same to your good office within the prescribed time."

By this representation the applicant requested for the supply of documents and asked for another 10 days time to prepare reply properly. The applicant however was not given opportunity to inspect requested documents. Not receiving any reply in respect of the reply dated 5.5.2000 another representation was sent to the Disciplinary authority on 25.5.2000 which was received by the Disciplinary authority on 26.5.2000. The disciplinary authority did not consider this representation on the ground that the same was not received within the stipulated period. Thereafter the Disciplinary Authority passed the impugned order dated 29.5.2000 imposing the penalty of removal of the applicant from service with immediate effect, which has been challenged through this application. The impugned order is challenged on the ground that the applicant was not given any opportunity to inspect the Original documents and also the copies of the documents were not furnished by the Assistant Commissioner, KVS, Guwahati. The applicant sought 20 days time on 5.5.2000 for submission of his reply and he also requested to furnish the documents by his representation dated 5.5.2000. The applicant was denied reasonable opportunity of inspecting the documents and as such he was prevented from submitting his written statement against the Articles of charges. There has been total denial of the principle of natural justice.

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The Disciplinary Authority committed a grave error of law and acted in violation of the principles of natural justice in refusing to consider the said representation dated 26.5.2000 on the ground that it was not received within the time allowed before passing the impugned order dated 29.5.2000. The impugned order dated 29.5.2000 casts a "social stigma" on the applicant ^{including himself} and ⁱⁿ the same is 'punitive/nature having being passed with "ulterior motives." The same is challenged as malafide.

2. We have heard the learned counsel Mr.D.K.Mishra appearing on behalf of the applicant. He argued that the proceedings were bad in law for denying the applicant opportunity to inspect the documents for preparing his defence. There was violation of principles of natural justice by not considering the representation dated 25.5.2000 imposing the penalty of removal from service. On 25.8.99 the applicant requested for inspection of documents to prepare his defence, yet without giving opportunity the respondents on 13.9.99 appointed Enquiry Officer. The ^{secret} ^U applicant certificates of non-employment by registered post for the release of subsistence allowance as the Principal had refused to receive him. The respondents were pre-determined and prejudiced against the applicant. The learned counsel for the applicant ^{relied on} ^U laid down the following Judgment :-

"State of U.P. Vs. Shatrughan Lal (1998) 6 SCC -651.

3. In this case the documents relied on in the charge sheet were not supplied to the applicant. A plea was taken

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that the documents could be inspected at any time. The Supreme Court held that principles of natural justice were violated as the respondents did not afford effective opportunity. He argued that the denial of the opportunity to inspect the documents was serious lacuna. There were serious irregularities, legal infirmities and biasness in the conduct of proceedings. The applicant had filed an appeal against the penalty order on 12.6.2000 which was not considered within a period of six months. As such the applicant has filed this O.A.

4. On the other hand Shri S.Sharma appearing for the respondents disputed the submissions for the applicant. He referred to the written statement filed by the respondents. He argued that the applicant was a teacher and his conduct affected the students behaviour. The applicant was not a responsible teacher. The charges against him were very serious viz not conducting classes, not holding examination, asking the students to bring materials for the examination. The applicant did not conduct himself as a disciplined teacher. The applicant also did not co-operate in the enquiry. He has been awarded the penalty after conducting enquiry as per rules.

5. We have carefully considered the submissions of the parties and have perused the material placed before us. The undisputed fact is that the applicant did not participate in the enquiry and the report submitted by the Enquiry Officer was ex parte. The charges against the applicant were such that he had to refer to the documents/

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by the respondents to admit or deny the charges. At different stages the respondents denied that opportunity to him. Before the disciplinary authority the applicant made a representation which was received by the respondents on 26.5.2000. The Disciplinary Authority had not passed any order by then yet he chose to ignore the representation before passing the order dated 29.5.2000. The applicants case for subsistence allowance through registered letter did not receive any attention. The enquiry was fixed at Shillong - though the applicant was serving at the time of his suspension at Khanapara, Guwahati. The conduct of the applicant is also not appreciated. He had no justification for not presenting himself at Maligaon when the enquiry proceedings were held there. He had no business to question the "academic/professional back ground as well as expertise of the I.O." as done by his letter dated 23.9.99. Yet it is clear to us that the proceedings suffer from a major defect that vitiate the whole proceedings -viz denial of opportunity to inspect the documents on which the respondents were relying. The Supreme Court has held in the above mentioned case that the supply of documents should be at the earliest stage of the proceedings. The applicants requests to inspect the documents by letters dated 25.8.99 and 5.5.2000 were ignored. No reasons were given for denying him this opportunity. For this reasons the proceedings, as well as the penalty order dated 29.5.00 cannot be sustained. The Departmental proceedings are set aside and the penalty order dated 29.5.00 is quashed. The respondents are directed to restart the enquiry by appointing a new Enquiry Officer. The enquiry should be held at Guwahati.

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The applicant is directed to submit his written statement within two weeks from the date of receipt of the order. The respondents are directed to provide opportunity to the applicant for inspection of documents. The respondents shall be free to take all measures to prevent tampering with the records/documents at all relevant time. The applicant may submit additional written statement, if any, within two weeks after inspection of the documents. The applicant is directed to render the necessary co-operation to the authority for expeditious completion of the enquiry. The applicant shall remain under suspension till completion of the enquiry proceeding. The respondents are directed to complete the enquiry proceeding within a period of 4 months. The respondents are also ordered to take all the necessary steps for regular payment of the subsistence allowance.

The application is disposed of as above. There shall be no order as to costs.

Sd/VICE CHAIRMAN
Sd/MEMBER (ADM)

Certified to be true Copy
সত্যাগ্রহ প্রতিলিপি

Colonel Officer (I)

দায়িত্বপ্রাপ্তি (স্বাক্ষর করা)
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক অদিবাসী
Guwahati Bench, Guwahati
পদবী = বাবু, প্রকাশ

115
29/6/201

To,
 The Assistant Commissioner,
 and
 Disciplinary Authority,
 Kendriya Vidyalaya Sangathan,
 Maligaon, Gauhati - 12,
 (Assam)

Date: - 19.9.2001

Annexure - A11(a)

IN THE MATTER OF:-

"Written Statement" in respect
 of Articles of Charges framed
 against the undersigned and
 communicated to him by Memo No.
 F.14-5/99 - KVS(GR)5251 - 54 dated
 9.8.99.

- AND -

IN THE MATTER OF:-

Order No. F.14-5/2001 - KVS(GR)/
 15689 dated 7/9/2001 passed pursuant
 to the Judgement and order dated
 28/6/2001 passed by the Hon'ble
 Tribunal, Gauhati in O.A. 20/2001.

- AND -

IN THE MATTER OF:-

Radhey Shyam Maurya,
 P.G.T. (Chemistry) U/S
 K.V. Khanapara and r/o.
 C/o. Universal Book Depot,
 SIX MILE, Khanapara,
 Gauhati - 22 (Assam).

..... Applicant.

(68)

24

R/Sir,

The humble applicant submits his Written Statements
as follows :-

ARTICLE - I

1. That with regards to Article of Charges contained under Article - I of Memo of Charges , I respectfully states that I was appointed as External Examiner for conducting Chemistry Practical Examination for Class XII students in K.V,C.R.P.F., Amerigog, Gauhati and K.V,Narangi , Gauhati vide Order No. C.B.S.E.:GHY:CONF.7(6) :PRAC .Exam.99 dated 8/1/99 by the Assistant Secretary, C.B.S.E., Regional Office ,Gauhati. I was also appointed as an External Examiner for conducting Chemistry Practical Examination in K.V,Dinjan vide Order No. F.39/KVD/98-99/3165 dated 3/2/99. The aforesaid Chemistry Practical Examinations were to be completed by 15.2.99 and Award List duly completed along with answer - scripts were to be sent to C.B.S.E. Office.

The copy of the Orders dated 8/1/99 and 3/2/99 are Annexed as Annexures 1 and 2 respectively.

2. That the Principal, K.V,Khanapara vide Order No.F.58/KVG/97-98/685 - 686 - 687 dated 4/2/1999 relieved me for conducting Chemistry Practical Examination in K.V,Narangi on 5th and 6th February,1999 . However, no formal "Relieving Order" was issued in respect of K.V,C.R.P.F.,Amerigog, Gauhati and K.V,Dinjan respectively. Thereafter, by seeing the plight of the Class XII students ,I submitted an application to the Principal , K.V, Khanapara on 10/2/99 for relieving me to conduct the Chemistry Practical Examination at K.V,C.R.P.F. as well as K.V,Dinjan,

- 3 -

However, there was no response from the Principal, K.V, Khanapara. I met her personally and requested her to relieve me. But she refused to respond. I was in affixed as what should I do so that I am not put in difficulty. Since, I was appointed as External Examiner to conduct the Chemistry Practical Examination of Class XII at K.V,C.R.P.F. and K.V,Dinjan by the C.B.S.E. & by the Principal respectively, I felt duty bound to conduct the Chemistry Practical Examination at both the places on or before 15.2.99. I am astonished as to why no mention has been made of my conducting Chemistry Practical Examination in K.V,C.R.P.F., Amerigog , Gauhati. Be it stated that I again submitted an application dated 15/2/99 to the Principal and accordingly informed her my action/departure to K.V,Dinjan for conducting Chemistry Practical Examination in respect of Class XII students. Further, it is also stated that neither I was given any "Phone Call Message " by Mr.K.K.Chaudhary ,Regional officer, C.B.S.E. nor I was asked not to go to K.V,Dinjan for the same. It is also to be worth mentioning herein that there is no closed nexus between myself and Mr.Achhar Singh,Principal, K.V,Dinjan. Mr.A.Singh is well known to me being the former and neighbouring Principal of K.V,C.R.P.F. wherein the present Principal ,K.V,Khanapara tried for her posting in the year 1995 by replacing him.

I,therefore,emphatically deny the Charges contained under Article - I that I have committed a serious misconduct and violated Rule 3(1)(i),(ii) and (iii) of CCS(Conduct) Rule 1964.

The copy of the letter dated 10/2/99 and 15/2/99 respectively are Annexed as Annexures 3 and 4 respectively.

ARTICLE - IIFIRST PART

3.4 That with regards to the Charges framed under Article - II of Memo of Charges, I state that in K.V.Khanapara, the Chemicals required for conducting Chemistry practicals Classes were not purchased in the Academic year 1996 - 97 and 1997-98 respectively. As a result ,Chemistry practical Classes of XI and XII could not be conducted till the Mid - November 1998. In absence of the required Chemicals , I was not in a position to conduct Practical Classes of not only Class XI but also Class XII. This led to a hue and cry and the guardians/Parents of Class XII, students held a meeting in the School on 18.7.98 and met the Principal and demanded that "Quality Brand Chemicals/Equipments" should be purchased immediately so as to resume the Chemistry practical Classes.

The meeting was followed by another meeting which was held on 1.8.98 in school premises. The minutes of the meeting clearly shows the reasons for not holding the Chemistry Practical Classes.

The guardians/parents also met the Joint Commissioner, K.V.S. during his visit to Gauhati and Education Officer namely Dr.E.Prabhakar , K.V.S.(G.R.) on 23.8.98 and discussed the problems facing K.V.Khanapara including resumption of Chemistry Practical Classes.

The guardians/parents concerned about the working of K.V.Khanapara in general and inability to hold Chemistry Practical Classes was reported in Local News Paper "The Assam Tribune" on 10.9.98.

Because of the efforts of the guardians/parents and my personal effort in meeting the Hon'ble Chairman,Vidyalaya Management Committee (V.M.C.),K.V.Khanapara and apprising him of all

the facts and reasons for not holding Chemistry Practical Classes, the first lot of Chemicals were purchased on 12.11.98 followed by another lot of Chemicals on 18.11.98 after which the Chemistry practical Classes were resumed. In this connection, the Hon'ble Chairman, (V.M.C.), K.V, Khanapara issued an "Appreciation Letter" appreciating my efforts in running of the Chemistry Practical Classes.

I first took extra efforts to take the Chemistry Practical Classes of Class XII students as it was final year for the students and after completing their Chemistry Projects and Practicals etc., I started taking Chemistry Practical Classes of Class XI from December, 1998. Therefore, it is not true and correct that I intentionally did not take up the Chemistry practical Classes of Class XI till November, 98 but it was because of the reasons as stated above and as such no fault could be attributed to me and therefore, the first part of the Charge is accordingly false, baseless and is emphatically denied.

The copies of the letters dated (Combined) viz. 1.8.98, 23.8.98, 10.9.98, 6.11.98 and 23.11.98 respectively are annexed as Annexures 5, 6, 7, 8 and 9 respectively.

SECOND PART

3(B). That with regards to awarding 30 Marks to each in Chemistry Practical Examination for Class XI students in Cumulative Test (Half-Yearly Examination) 1998-99, I have to state as follows :-

The Cumulative Test (Half - Yearly) Examination was held from Mid - November, 1998 during the regime of Mr. N. D. Bhuyan as Principal, K.V, Khanapara and no Chemistry Practical was conducted for Class XI till then due to the reasons as stated above. It is

to be noted that as per the Senior School Curriculum of C.B.S.E., the Examination of Chemistry subject is divided/conducted in two parts namely - Theory and Practicals. The Maximum Marks allotted for Theory is 70 and for Practicals is 30 and accordingly I decided to follow the said Curriculum of C.B.S.E. and set the Question Paper of Chemistry Theory for 70 Marks and allotted separately 30 Marks for Practicals. Since the Chemistry Practical Classes could not be conducted due to shortage as well as non-availability of Chemicals arising due to reasons stated above, for which students could not be made to suffer. After completion of the Class XII Projects and Practicals, I wrote a letter to the then Principal namely Sri.N.D.Bhuyan on 13.12.98 seeking his guidance into the matter. The aforesaid letter was handwritten letter and the same was handed over to the then Principal, K.V., Khanapara. It was felt that since the Chemistry Practical Examination cannot be taken and therefore uniform Marks should be given to the students without making any discrimination and therefore each students were given 30 Marks.

It is to be stated that in other subjects namely Physics and Biology, no practical Examinations were conducted at all during the Cumulative Tests and Question Papers of 100 Marks were set covering only Theory which is against the Senior School Curriculum of C.B.S.E. as referred to above.

I, respectfully wish to point out that in respect of this part of the Charges the Department has relied upon a letter/complaints of parents addressed to the Principal, K.V., Khanapara. It is to be noted that the said complaint is a tutored one and is made at the behest of the said Principal, K.V., Khanapara in which date, "Dt.21.1.99" is written in her own handwriting just before one day of Saraswati Puja. It is further stated that the said tutored complaint neither bears any Diary Number nor is authenticated. In this connection, it is also stated that rest of the

- 7 -

documents to be relied upon by the Department in connection with the said part of the charge are also not genuine as because some of them are taken during the summer vacation by breaking the lock of the Chemistry Department more particularly the Index Pages which is signed and examined by me on 27.3.99 etc.

In this connection, Sir, I would like to invite your kind attention towards the Editorial Published in the Sentinel dated 9.4.99 with special reference to Para - 2 wherein it is clearly stated that the Practicals were started in Chemistry subject in the month of December, 98. Thereafter, a rejoinder dated 25.4.99 was published by me wherein all the ~~accusation~~ accusations were stoutly denied and the true and correct picture was given to the parents. It is also to be noted that the said publication was made at the behest of the said Principal of K.V, Khanapara just to malign my dignity, status and reputation gained in the society. It is also to be noted that the said publication was made after taking into cognisance the 30/30 Marks of cumulative test and the students were promoted from Class XI to Class XII. Therefore, Sir, it is crystal clear that the documents to be relied upon by the Department are tutored under the dictation of the Principal, K.V, Khanapara with a malice motive to ~~malice~~ implicate me in false accusations and therefore, I emphatically deny this part of Charge also, as alleged.

Thus, I therefore stoutly deny that I have acted in the manner of unbecoming of K.V.S. employee and thus violated Rule 3(1)(i), (ii) & (iii) of CCS(Conduct)Rule ,1964.

The copy of the rejoinder dated 25.4.99 (is annexed as Annexure G and is referred to in para (ii) of the charge)

ARTICLE - III

FIRST PART

4(A). That with regards to the charges framed under Article - III

- 8 -

of Memo of Charges, I state that the charges that I refused to take the Chemistry Practical Examination (98 - 99) is totally false and baseless.

I conducted the Chemistry Practical Examination of Class XI students in 3rd Batches on 24.3.99, 25.3.99 and 27.3.99 respectively. I, further state that 15 Litres of Methylated Spirit was bought on 15.12.1998, out of which 10 Litres were for the Chemistry Laboratory and 5 Litres were for the Junior Science Laboratory and some amount of distilled water was in stock when the Chemistry Practical classes were resumed in November, 1998. After conducting the Chemistry Practical classes of XI and XII, both these items namely Methylated Spirit and Distilled water were almost exhausted. And in the interest of the students of class XI, I asked them to bring these two chemicals so that the Chemistry Practical Examination may be conducted in a fair and efficient manner. (Please refer Annexure - 6). I have no otherwise personal interest in the matter.

The Notice dated 20/3/99 was sent by me to the Principal, K.V, Khanapara for her counter - Signature and when she refused to sign, it was pasted on the Notice - Board as well as displaced on the door of the Chemistry Laboratory and the same was informed to the students also, 23.3.99, was fixed for Chemistry Practical Examination for girl - students, however, none of them reported to the laboratory, rather they were found in the Principal's Chamber. On 24.3.99 and 25.3.99 respectively, the boys came and informed me that the Principal has asked them neither to appear in the Chemistry Practical Examination nor to bring any Chemicals as you all are paying Science Fee etc. But the students express their willingness to appear in their Chemistry Practical Examination. I, accordingly somehow by using tap water and with whatever little amount of Methylated Spirit was left conducted the Examination in groups, instead of doing individually. I also made it a point to save a small quantity of Methylated Spirit for girl students.

On 26/3/99, the girl students led by Miss. Monalisa Das came into the Chemistry laboratory and handed over a letter dtd. 26.3.99 to me. Seeing the language of the letter, I doubted that the letter could be written by these girl students and I asked them as to who dictated the said letter. All the girls said that the said letter was dictated by the Principal, K.V. Khanapara and she has forced us to write the said letter and give it to me. On such revelation, I requested Miss. Monalisa Das, who had taken dictation from the said Principal to write the said facts on this letter and accordingly, she wrote on the said letter as follows:-

Note:- This letter is dictated by the Principal madam under coercion and duress."

All the girls students who came on 26.3.99, signed on the back of the said letter. I have no hesitation, therefore, Sir, that all the complaints with regards to the charges in the said para was written at the dictate of the Principal, who bears grudge against me, for being an upright, competent, dedicated and honest teacher.

The copy of the Attendance sheet dtd. 24/3/99, 25/3/99 and 27/3/99, and letter dtd. 26/3/99 ^{combined of} are annexed as Annexures 11 & 12 respectively.

SECOND PART

4(B). That I deny the charges that I refuse to take the Chemistry Practical Examination (AISSCE), 1999 in respect of Private Students as alleged. In this connection, I state that the Principal, K.V. Khanapara in her office, Order dated 31.3.99 asked me to conduct Chemistry Practical Examination for Class XII Private Students. Since, the Kendriya Vidyalaya, Khanapara Chemistry Lab. did not have Methylated Spirit and Distilled Water, therefore, there was no way to conduct the Chemistry Practical Examination

- 10 -

of Class XII, Private Students. I have stated while replying to the First Part of the Charge that the Stock of Methylated Spirit and Distilled Water has exhausted and with great difficulty? I conducted internal Chemistry Practical Examination of Class XI with the help of tap water and by grouping the students in view of acute shortage of Methylated Spirit. Therefore, I wrote a letter dated 31.3.99 to the Principal, K.V,Khanapara requesting her to sanction an amount of Rs.1000/- Only for purchase of Methylated Spirit and Distilled Water etc., after which only a date for Practical Examination could have been fixed and notified by me. However, there was no reply of the aforesaid letter. Therefore, I deny the aforesaid Charge. I reiterate that I have not violated the code of conduct for teachers as well as Rule 3(1)(i)(ii) and (iii) of CCS(Conduct) Rule,1964 as alleged.

The copy of the letter dated 31.3.99 is annexed as Annexure-13.

ARTICLE - IV

5. That with regards to the Charge framed under Article IV of Memo of Charges , I state that I learnt that the Question Papers submitted in advance in the Office of the Examination I/C namely Sri.U.N.Adhikari(T.G.T) is being leaked to the students ,more particularly to the teachers Wards ,teaching in K.V,Khanapara .In order to stop this evil practice ,I talked to the Principal, K.V,Khanapara . I requested her to permit me use cyclostyled Question Paper by cutting stencils one day prior to the Examination. However, she did not say anything. I took her ~~silence~~ as her permission. ~~andxxxxxxxxxxxxxxxxxxxxxx~~ Moreover, under similar situation I prepared the cyclostyled Question Paper one day before the Cumulative Test by seeking the verbal permission of the then Principal.

However, there was no complaint or no advice by the Principal/ Exam. I/C and my action appeared to have been approved by the Principal.

In final Examination also, I informed her that like Cumulative Test, I intend to use cyclostyled paper in Chemistry. However, she ordered me to handover the Question Paper to the Senior Most P.G.T. namely Mrs. B.P. Goswami and accordingly I handed over the paper to Mrs. B.P. Goswami (Senior Most P.G.T.). My action was made for the well being of the students and to ensure that undeserving students do not score over the meritorious students by means of fraudulent action namely ^{by} leakage of Question Paper. The very fact that the Article of Charges do not make any reference to the Cumulative Test. Therefore, it is crystal clear that the Principal was averse to the method adapted by me. The fact, that on being Ordered by the Principal on 26.2.99, I immediately handed over the Question Paper to the Senior Most P.G.T. namely Mrs. B.P. Goswami. Therefore, it itself would establish that I did not violate her Order and thus there was no insubordination leading to unbecoming behaviour etc., as alleged.

In this connection, I further intend to write that since, 4.2.99 till 16.2.99, I was very much busy in conducting the AISSE Chemistry Practical Examination as an External as well as an Internal Examiner and as such there is no violation of Rule 3(1)(i)(ii)&(iii) of CCS(Conduct) Rule, 1964 as alleged and I therefore, deny the Charges in toto.

ARTICLE - V

6. That the Charge framed under Article V of Memo of Charges are totally denied. I state that I always attended the Morning Assembly in the Vidyalaya as well as Staff Meeting called by the Principal, K.V, Khanapara.

- 12 -

In this connection, I am to state that the Department has relied upon a note written by the Principal, K.V, Khanapara on a paper to meet her before 2.00 p.m. to discuss an important issue but I was astonished that the said note has no specific agenda for that important issue which were to be discussed. However, I complied the order and there was no discussion with the said Principal, on any important issue as mentioned in the note, rather she scolded me very badly and showed enemical and unharmonious behaviour towards me.

Further, it is also stated that the Department has also relied on a complaint written by one Mrs. Archana Bhuyan, who is none, other than a Primary Teacher (P.R.T.) of K.V, Khanapara. She has complaint not only of high Practical Mark but also unexpected mark in Chemistry Theory. To see the list and supporting documents in connection with the instant Charge I respectfully state that this complaint is tutored complaint to implicate me in false accusation. It is pertinent to mention herein that the documents to be relied on by the Department has no relevancy with the the said Charge at all.

I therefore, stoutly deny that the said action constitutes a misconduct, insubordination and violate Rule 3(1) (i)(ii)&(iii) of CCS(Conduct)Rule, 1964 as alleged in the said Article of Charge.

ARTICLE - VI

7. That with regard to the Charge contained in Article VI of Memo of & Charges I am to state that there was no tempering of documents as alleged and therefore I deny the Charges .

In this connection, I am to state that the school timing of K.V, Narangi at that relevant point of time was from 8:30 a.m. till 2:40 p.m. on 6/2/99, I was conducting Practical Exam which

was likely to go beyond the scheduled timing of closing of the Vidyalaya namely 2:40 p.m. The concerned office clerk handed over the relieving Order without making the last entries which contained ~~ask~~ the date and time of my release after conducting the Chemistry Practical Examination for Class XII students from K.V, Narangi. Saying, "You may fill up the date and time when you leave the school". This, he did because the school timing was over and he had to go to his house. Therefore, in the relieving Order, everything was filled up except the date and time of my release from K.V, Narangi. This is a normal affair as it is a fact that I did conduct the Chemistry Practical Examination on 6/2/99 upto 6:30 p.m. It is also not a case of the Department that the Practical Exam was over in the forenoon for which the copy of the relieving order relied upon by the Department also contain entries A/N. Therefore, there was no question of tempering of the documents as alleged. It is not the case of Department that the entries were made after erasing the earlier entries.

The motive for alleged tempering is stated to be to cover up my late arrival to K.V, Khanapara at 11.30 a.m. on 8/2/99. In this connection, I state that 6/2/99 was a Saturday and C.B.S.E. Regional office remains closed on Saturday and there was no way that I could have submitted the Answer - Scripts and Award Lists on Saturday i.e., on 6/2/99. In any case, the copies could have been submitted on Monday i.e., 8/2/99 on/after 10 a.m., which I did. As a result, I reached to K.V, Khanapara at 11.30 a.m. Therefore, to say that to cover up my late arrival, I have tampered the official document is not correct at all in any point of view.

So far as the use of Peon Book is concerned, Sir, the attitude of the Principal, K.V, Khanapara because of reasons which are mentioned herein below, I was apprehended that if I do not keep a proof of my reply to her letter, she will try to harm me and therefore, I sent my reply immediately through the

BD

- 14 -

Peon Book .Peon Book is nothing but proof of the acknowledgement of receipt by the concerned person. The Principal had refused to talk to me, ~~shaxwkhkxxakmxxaxxxapxxmp~~ and she had already refused to accept my F.R.53(2) Certificate of Unemployment and therefore, it is crystal clear that she was refusing all the letters which I used to send to her. Under the circumstances, in order to protect me from being further harassed I sent my reply through the Peon Book and therefore, I emphatically deny that I have committed any misconduct and violated Rule 3(1)(i)(ii)&(iii) of CCS(Conduct)Rule,1964 in my action as alleged.

8. That,Sir, I want to bring it to your kind notice that the entire action initiated against me is at the behest of the Principal, K.V,Khanapara,who became ~~indisposed~~ ^{of} towards me within a week from the date she joined her office in Khanapara. She joined K.V,Khanapara on 16.12.98 . on the same day , she issued notice to the Science teachers including myself to submit details of the items for purchases for the year ending 99, March. Pursuance to the said notice dated 16.12.98, I wrote a letter to the Principal on 22.12.98 wherein submitted the requirements for purchases and also informed her that the list of required Chemicals are in the office. In good faith, I also wrote that some selected Chemicals and equipments were to be purchased as per the amount sanctioned with reasonable restrictions from Govt. Approved Shop at printed price of the standard companies. This sole remark offended the Principal, K.V,Khanapara to unimaginable extent. She was visibly angry and questioned my authority to advice her in the matter of purchasing pertaining to the Department of Chemistry where I was the Head of the Department .Since, that day onwards her

attitudes towards me changed and on any given opportunity she did not hesitate to show her dislike for me. Sir, this incident is the beginning of the trouble and harassment of the undersigned.

In January, 99, she stopped my S.D.A. without any notice to me. On 3/2/99 on my requisition, she herself purchased the Chemicals along with one namely Mrs. J. Bora (T.G.T.) and sent the Invoice/Bill to incorporate necessary entries in the Stock Register. But, due to unawareness of the process I very gently requested her to make an endorsement on the Invoice/Bill that the Chemicals were purchased by her directly, which she refused. She even refused to take back the original Bill, which she sent to me and the same is still lying with me.

Sir, what has astonished me is that she appears to have a Xerox copy from the supplier and got an entry made by Mrs. Q. Sharma (T.G.T.) with following entries:-

"Received the articles in good condition and entered them in the stock - register under page nos mentioned above ."

From above endorsement, it is shown that the entry of the Chemicals purchased by aforesaid invoice dated 3/2/99 was made into Stock - Register on 3/2/99 whereas the register was lying with me till 24.4.99, on which date I deposited the old Stock - Registers under sealed cloth bags and another two registers were issued and counter signed by the Principal and the undersigned after proper paging. It will be interesting to see a note by office U.D.C. namely Mr. H.C. Soud of K.V, Khanapara dated 16/2/99, which will clearly show that the stock entry was not made till 16/2/99.

Further, there is a letter by Mrs. Q. Sharma (T.G.T.) that no entry was made in respect of the Chemicals purchased

on 3/2/99 by the concerned P.G.T, namely R.S.Maurya till April, 99 which she found during April end while verifying the stock of Chemistry Laboratory. It is also to be noted that there is an endorsement of the Principal, K.V.Khanapara for Mrs.Q.Sharma, which is as follows:-

"To enter following suspension of Mr.Maurya after taking over Charge of Chemistry Lab. from Principal, w.e.f. 28/6/99."

Further, it is stated that the said purchases made by the Principal on 3/2/99 have been objected by the Auditors in their Audit Report dated 4/22.5.2000. From above, the actions of the Principal would go to show that she bears a 'grudge' against me and made several false and fabricated complaints to your goodself and higher authorities and requested for initiation of the said Disciplinary Proceeding with a pre-planned strategy. Sir, those complaints have now been subject matter of Charges framed against me. While replying the Charges contained in Article - III, I have substantiated the malice in the action of the Principal in instigating the girl students to boycott Chemistry Practical Examination, by coercing them to address a letter to me, which is self explanatory.

Further, I respectfully states that most of the listed documents to be relied upon by the Department had not been supplied to me with reference to your letter dated 7/9/2001 which has prejudiced to me to prepare my proper and effective Written Statement of defence. Therefore, Sir, I once again request your goodself to supply me the rest of the listed documents and if they are voluminous kindly allow me for the inspection of the original as well as additional documents. It is further stated that after perusal of the supplied documents, I also needed some more additional documents to prepare a proper and effective Written Statement of defence to disprove the Charges. Now therefore, I may kindly be given next chance to file another Written Statement,

- 17 -

If necessary after inspection of the documents.

The copy of notice dated 16/12/98, the Bill dated 3/2/99, letter dated 16/2/99 and 28/6/99 are annexed as Annexures - 14,15, 16 and 17 respectively.

Sir, with great respect, I state that the Charges are baseless and have been framed on the basis of malicious and false complaints written by the Principal, K.V,Khanapara and I therefore, request you to kindly examine the Written Statement under Rule 14(5)(a) of the CCS(CCA)Rules,1965. As there is Govt. of India instructions issued by the M.H.A. under O.M.No.11012/8/82 dated 8/12/1982 which empowers your goodself to drop the Charges after the consideration/examination of the Written Statement of defence and Charges under the aforesaid provisions.

(R.S.Maurya)
Signature of the applicant.

R.S.Maurya,
P.G.T.(Chemistry) U/S
K.V,Khanapara,
C/o.Universal Book Depot,
Six Mile, Khanapara,
Gauhati - 22.(Assam)

Enclosures :-

As stated above.

Total pages 1 - 44 including
17 number of Annexures.

84

90

Annexure - 1

(18)

SECRETARIAL APPOINTMENT

CENTRAL BOARD OF SECONDARY EDUCATION

REGIONAL OFFICE

RAJGARH ROAD, RAJGARH, TIBALI

GUJARAT, 360003.

NO. CUSE: CHY/CONF.7(6):/WAC. EX. 4.1.99/...

DATE: 28/1/97.

To

S. R. S. Mawrya, ERCA, TIBER NO.

KV, Kharapara.

SUBJECT : 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)/CLASSE(S)

01. KV, K.C.R.P.E., Amreliyaj, GUJ.
02. KV, Narmagi, GUJ.
- 03.
- 04.

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. ~~IN ALL CASES PRACTICAL EXAMINATION SHOULD BE CONDUCTED AND COMPLETED BY 15TH 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 further reference to you.

*Accepted
Please fill back from
Central Board of Secondary Education
and send to the place of work to the place of posting you
as per admissibility under the CBSE rules.*

Contd... 2/..

85

(F)

21

The remuneration for conduct of Practical Examination will be 3.75 (Repees three and seventy five paise only) per candidate excluding TA/DA.

Anticipating your hearty co-operation in the smooth conduct of Practical Examinations, 1969.

Thanking you,

Yours faithfully,

K. K. Choudhury
(K. K. CHOWDHURY)
ASSISTANT SECRETARY

Encl: as above.

Copy to:-

The Principal,

01) KV, Kharagpur, for information and with a request to relieve the teacher on question for the purpose.

02) KV, CRPF, G.I.Y.

03) KV, Narsingi, G.I.Y. for information and necessary action.

04)

K. K. Choudhury
(K. K. CHOWDHURY)

ASSISTANT SECRETARY

* * * * *

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10
K. K. Choudhury

86

Annexure-2

20

3490
374

P-39/KVb/98-99/Block

To
The Principal
Kendriya Vidyalaya, Khenspara
Guwahati.

03.02.99

Subject: - Appointment for External Examiner for Chemistry practical
of Kendriya Vidyalaya Dibrugarh (Assam).
Sir, I filled immense pleasure to appoint Sh.R.S. Mourya, PGT (Chem.)
of your vidyalaya to conduct practical exam. in our vidyalaya on 14.02.99
as C.B.S.E. did not sponsor my name for the said practical
exam. kindly relieve Sh.R.S. Mourya on 14.02.99 for the same.
Your cooperation in this regard in matter is highly appreciated.

Thanking you,

Yours faithfully,

(A. Singh)
Principal.

Alleged
Record

Principal

31.2.99

87

Annexure - 3

TYPE & COPY

To,

The Principal,

K.V.Khonsopora,

Guwahati - 22,

(Assam).

From:

R.S.Kaurya,

P.G.T. (Chem.)

K.V.Khonsopora,

Guwahati - 22.

Date:- 10.2.99.

Subject:- Request for "Relieving Orders" to conduct
class XII chem. practicals, 1998 - 99.

D/Madam,

I have honour to inform you that I have been
appointed as "External Examiners" to conduct class XII th
Chemistry practicals at K.V, C.R.P.E., Amerigog and at
K.V.Dinjan.

Therefore I may kindly be relieved as per
following schedules:

a) For K.V, C.R.P.E. in the W/N of 12.2.99
(ref. a letter No. F.57/KVVA/CHPF/98-99/84 dtd.
05/02/99 and a letter No. C.R.P.E.:Gly:Conf:7(5)/Practical:
Exams.99 dtd. 03/01/99.)

b) For K.V.Dinjan, in the W/N of 14.01.99
(ref. a letter No. F.39/KVD/98-99/3165 dtd. 03/02/99)

Yours faithfully,

(R.S.Kaurya)

P.G.T. (Chem.)

K.V.Khonsopora

*Relieved
Kaurya*

88

24

Annexure - 4

~~SECRET~~
TYPED COPY

To,
The Principal,
K.V., Khanapara,
Gauhati - 22,
(Assam).

Date:- 15.2.99.

Subject:- External Examiner AISSCE (1998-99)-
Chemistry Practical.

Reference:- F.39/KVDO/98-99/3165 dated 03/02/99.

D/Madam,

With reference to aforesaid letter even dated
03/02/99, I am proceeding to K.V.Dinjan (Army) to conduct
the class XII Chemistry Practical Examination on 15/2/99.

It is for your kind information and n/a please.
Thanking you.

Dated 15 th Feb, 1999.

Yours faithfully,

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

R.S. Maurya
P.G.T. Chemistry
K.V. Khanapara
Gauhati - 22
Assam
Date: 15/02/99
Time: 10:00 AM

~~25~~

**MINUTES OF THE MEETING OF PARENTS OF CLASS XIITH WITH
PRINCIPAL KENDRIYA VIDYALAYA KHANAPARA, GUWAHATI ON 01-
08-98 AT 3:45 PM AT THE SCHOOL PREMISES**

This was a follow - up of the earlier meeting held on 18 - 07 - 98 with Principal K V Khanapara regarding the following issues :

1. Absence of Physics Teacher;
2. Non - conduct of Chemistry Practicals;
3. Facilities for students such as Fans in the classroom; and
4. Others.

The Principal assured the Parents in that meeting that items mentioned above will be resolved by the end of July . So it was decided to assess the situation the Parents will meet again and hence this meeting was proposed . The main agenda for the meeting of 01 - 08 - 98 were as under :

1. Appointment of Physics Teacher;
2. Resumption of Chemistry Practicals;
3. Proper maintenance of the Chemistry Lab and Gas supply equipments;
4. Fans in the Class room;
5. Decongestion of the Class by creating Two - Sections as there are nearly 60 students packed in one section against the normal rule of 30 students; and
6. Others.

The List of the Parents attended the meeting is in Annexure. Besides the Principal of the school the meeting was attended by the representative of the Chairperson of Local Managing Committee of the School and the Chemistry Teacher . A brief resume of discussions on the above points is as follows :

A. Appointment of Physics Teacher : The Principal informed the Parents that he has informed the Asst. Commissiner KVs and also the Chairperson of the Local Managing Committee about the situation . He further stated that it is too difficult to get Trained (B. Ed) teacher for Physics in this region . If the authorities allow untrained Post Graduate Teacher, the appointment of the Physics Teacher could be done soon . He also mentioned as an alternative he was trying to get the Physics Teacher from other KVs for short durations to start Physics Classes . However this was also not done till date .

B. Resumption of Chemistry Practicals : This was the most contentious point as the Chemistry teacher and The Principal started accusing each other . However when the parents intervene to come to the point that what are the problems in starting Chemistry Practicals , the Chemistry Teacher explained the following problems :

1. There are no adequate chemicals and many of the available were not of the standard quality ;
2. The equipments available in the laboratory were also defective ;

3. There was no exhaust fan working in the Lab;
4. The gas supply equipment was not repaired and it has become dangerous to work on that;
5. The most important problem was the large size of the class as the Lab can not accommodate so many student at a time.

On the above points the Principle assured the Parents that he will allow the Chemistry Teacher to Purchase the quality brand of Chemicals and Equipments from the approved dealers. In the case of the size of the class the Principle did not have any solution.

C. Maintenance and Improvement of the Lab Conditions : The Chemistry Teacher took the Parents to the Chemistry Lab and its condition was not only pitiable but also very dangerous. The Parents wanted that the Principle should take - up these things urgently and get the Lab set properly and the differences between both the Chemistry Teacher and the Principal should not come in the way of teaching and practicals of the students as it the most crucial year of schooling for the students.

D. Fans in the Class Room : For a class of nearly 60 students there were only two fans in the room which was utterly inadequate to provide minimum comfort to the student in the present hot and salty weather. There is need to provide at least four Fans to cover all parts of the Class Room.

E. Over Crowded Class : The section has nearly 60 students as against the normal size and also according to the K V Manual. It was surprising that how so many students were admitted in a single section without any permission for an extra section. It is also surprising to note that how the Asst. Commissioner K V has allowed this.

F. Other Matters : The K V Khanapara displays the board of a Model School, but the sorry affairs as visible provides a different feeling. It therefore calls for a through assessment of the condition of the School. The Parents requested the representative of the Chairperson of the Local Managing Committee of the School to take note of all these matters and take appropriate steps to resolve all above mentioned problems and help the students to get the proper Teaching and other minimum facilities as this the most crucial year of schooling of the class XIITH students.

The Parents meeting was over with thanks to all those attended it and also decided to meet on 29 - 08 - 1998 at 3: 30 PM at the same venue and invite A C, Education Officer and the Chairperson of the Local Managing Committee of the K V Khanapara.

Copy to :

Signed by all parents present as per the list.

1. Commissioner, K V S, New-Delhi.
2. Asst. Commissioner K V S, Malt Gaon, Guwahati.
3. Chairperson Local Managing Committee, Dibrugarh, Guwahati.
4. President Gaurdians Committee.
5. All parents
6. Principal K V Khanapara

MINUTES OF MEETING OF A GROUP OF PARENTS OF CLASS XIITH KV
 KHANAPARA, GUWAHATI WITH JL COMMISSIONER (KVS DELHI)
 AND EDUCATION OFFICER KVS GUWAHATI ZONE ON 23 - 08 - 98 AT

CIRCUIT HOUSE GUWAHATI AT (6:15 PM)

A delegation of Five Parents of the Class XIITH KV Khanapara met Shri D K Srivastava Jt. Commissioner K V Sangathan who was on an Inspection Tour of North East on 23-08-98 at the Circuit House Guwahati, at about 6:15 PM. Dr. Prabhakar Rao, Education Officer, K V S Guwahati and Principal K V Maligaon were also present in the meeting. The Parents delegation consisted of the following persons :

1. Dr. B. K. Thapliyal
2. Shri M. K. Das
3. Shri G. C. Goswami
4. Dr. G. R. Sharma
5. Shri D. K. Bora

The delegation presented a copy of the Minutes of the Meeting of Parents with the the Principal K V Khanapara on 1ST August 1998 and also verbally apprised of the difficulties faced by the students of Class XIITH Science students as it is their most crucial year of schooling. In response to the facts presented by the delegation the reaction of the Jt. Commissioner and his assurances along with instructions to the Ed. Officer KVS Guwahati were as follows:

1. Sympathising with the problems put forth by the delegation, he stated that the instructions have already been issued to the the Principal to engage a Qualified Physics teacher on Contract basis. Wavng the B.Ed. Qualification is not as per the CBSE rules.
2. He instructed the Ed. Officer to visit the school and get the First Hand report the matter related to Chemistry Teaching & Practicals by discussing with Students personally and also check the inspection reports on the teacher.
3. About providing minimum four fans in the class room, he instructed the Ed. Officer to take immediate action. He also asked him to inspect the Chemistry Lab and take necessary steps to correct them and provide nessary items to resume Practicals.
4. He also categorically instructed the Ed. Officer that at the time of Practical Examination (final) the incumbent should be kept out and a teacher from neighbouring K V should be deputed.
5. The Jt. Commissioner also mentioned that he has called a meeting of Principals of K Vs of Guwahati and he will issue suitable instruction to the concerned Principal.
6. At the end of the meeting he assured that all matters will be inquired and appropriate action will be taken so that the study of the children is not affected.

This is for information of all concerned.

Signed by the members of Delegation

Copy for circulation :

1. Shri D K Srivastava, Jt. Commissioner, K V S, Delhi.
2. Dr. Prabhakar Rao, Ed. Officer, K V S, Guwahati.
3. Chairman, Local Management Committee KV Khanapara, Guwahati.
4. Principal, KV Khanapara, Guwahati.
5. All Parents of Class XIITH Science, KV Khanapara, Guwahati.
6. President, Gaurdians Committee, KV Khanapara, Guwahati.

92

26

ANNEXURE

LIST OF PARENTS PRESENT IN THE MEETING

1. B K Thapliyal
2. Mrs. Minu Bhattacharyya
3. D K Nag
4. M R Saikia
5. Mrs. R Saikia
6. D Sinha
7. B K Deb Ray
8. D M Lal
9. A K Barman
10. M Rahman
11. K L Das
12. K K Dutta
13. A C Das
14. M K Das
15. B K Hazarika
16. Dr. P D Baruah
17. B L Sharma
18. J P Goswami
19. A Purkayastha
20. Kamleswar Baruah
21. G C Goswami
22. R M Deka
23. A K Haloi
24. Dr. G R Sarma
25. A Sruvitkar
26. D K Bora

OFFICIALS PRESENT

27. Principal K V Khanapara
28. R S Maurya Chemistry Teacher, K V Khanapara
29. M R Bora (Dy. Sec. Edn. Dept., Govt. of Assam)
Representative of Chairperson, Local Managing Committee.

Annexure - 6

10 September, 98

THE ASSAM TRIBUNE / 3

Kendriya Vidyalaya, Kharanpara

Guards demand probe into CORRUPTION, nepotism

GUWAHATI, Sept. 9:— The Guardians Committee Kendriya Vidyalaya (GKV), has demanded investigation into deep-rooted corruption and deteriorating education environment in the Kendriya Vidyalaya, Kharanpara, which are allegedly threatening the future of its students.

A press release issued by the committee's general secretary D. K. Dhar asserted there was huge trans-

action of money in the matter of admission to underprivileged students. Teachers were finding it difficult to cope with such huge enrolment which was impeding proper edu-

The Kendriya Vidyalaya Sangathan (KVS) education code per-

mitted maximum 40 students in each section in contrast to 67 stu-

dents in one section, the general secretary said.

He said the principal of the school was now planning to start the fourth

section i.e. Section D in classes IV and V.

The office-bearer asserted this

two teachers who happened to be the wives of senior government of-

cers as well as to profit unethically by admitting non-deserving pupils,

the release said.

This exercise was also aimed at getting protection for the wrong-doings of the school authority, he affirmed.

Besides, there were no additional rooms to accommodate the extra sections, the release said.

To add to the woes of the students, there were no Physics and Commerce teachers for the last several months to teach class XII stu-

dents, the general secretary said.

In spite of knowing that the final board examination was instrumental in career-building, the principal was putting up with lame excuses like non-availability of M.Sc (Phy) with B. Ed

and V. T. candidates in the region.

No science practicals were being held in the school from class IX onwards, the release said.

The general secretary said the Chemistry laboratory had no provision to purchase various chemicals, agents and re-agents etc.

The guardians had decided to raise funds to purchase the same, the release said.

A meeting slated for August 28 last according to decision of meet-

ing of July 18, teacher did not materialise as all KV officials including chairman, Vidyalaya Management Committee, except PGT (Chem)

were found absent, the release said.

The education officer, KVS Dr E. Prabhakaran also failed to be present despite specific instructions from above, the general secretary said.

BANGKOK & PATTAYA

5 NIGHTS / 6 DAYS PACKAGE

Departure : 24th Sept. 98

6 NIGHTS / 7 DAYS PACKAGE

Departure : 27th Sept. 98

Return Airfares Rs. 10,000/-

Bus/Boat Element

BANGKOK & SINGAPORE

Return Airfares Rs. 14,000/-

Departure : 24th Sept. 98

7 NIGHTS / 8 DAYS PACKAGE

Departure : 27th Sept. 98

Return Airfares Rs. 10,000/-

Bus/Boat Element

JUNGLE TRAVELS

M.G. ROAD, SILENT HILL, DILWARTA, 781 019

Phone : 0371 5157862 / 5157863

Joint : 0371 527467

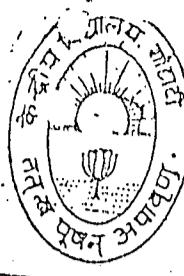
Shanty : 0371 529000 / 5290557

Ex-Caterers

Conditions apply. Deposit amount out of Rs. 10,000/-

Business Proprietor solicited for setting up a franchised Computer Education Centre with Apechi, the leading in Computer Education with over 1000 Centres in 10 Countries.

Entrepreneur having space in prime location and capable of utilising the options as mentioned below:



केन्द्रीय विद्यालय, गुवाहाटी ৯৪ ১০
KENDRIYA VIDYALAYA GUWAHATI
KHANAPARA GUWAHATI
Pin : 781022

Annexur - 7

Ref. No. E. 20/KVG/98-99/ 40

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.

Mr. Principal
Kendriya Vidyalaya Sangathan
Khapanpara, Guwahati
Assam
781022
Phone: 0361-221000

(N.D. BHUYAN)
PRINCIPAL

Mr. D. Sengupta
Yoga Teacher
-000- Kendriya Vidyalaya
Khapanpara, Guwahati
Assam
781022



Dr. B. K. Golain, IAS.
Secretary

29 95

Ansleyur - 8
SGT 605 (O)
SGT 7001 (R)

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

Ref. No. SECX/PER/1/98

Dated : November 23, 1998.

To

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

I do hereby record 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.

Alleged
Mein

Yours faithfully,

B.K.G.P.

(Dr. B.K. Golain)
Secretary to the Govt. of Assam,
Personnel etc. Deptt.
&
Chairman VNC, K.V. Khanapara.

Copy to :

1. The Principal, K.V. Khanapara, Guwahati.
2. The Ass't. Commissioner, Kendriya Vidyalaya Senghatan, Guwahati - he is requested to keep this letter in the C.R. Dossier file of Sri Maurya.

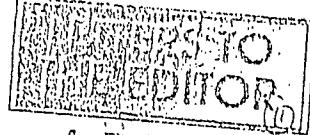
Alleged
Mein

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

96

Rejoinder dated 25.4.99

The Sentinel



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, in ad 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.

Community in

The Sentinel, dated 25 April, 99

Alleged
factual

Cumulative Test (1998-99)
CLASS XI:

Annexure - 10(a)

Time 3 Hrs. Chemistry (Theory) M.M. 70

General Instructions:

- (i) Attempt all the questions.
- (ii) Use log tables, if necessary. (2 x 10)
- (iii) Write the electronic configuration of Cr^{+3} and Cr^{+3} .

(4) What is hydrogen bonding? Give example.

(5) Predict the enthalpy of products, when calcium carbonate is heated.

(6) Draw the shape of sp^3 hybrid orbital in a compound containing two C-atoms.

(7) Find the oxidation numbers of the elements (atoms) underlined.

(i) $\text{K}_2\text{Cr}_2\text{O}_7$ (ii) ClO_4^- (iii) Na_3PO_4 (iv) Pb_2SO_4

(8) State modern periodic law.

(9) What is ionisation energy? How does it change in a (i) group and (ii) period?

(10) Give reasons for the following:

~~Answe~~ (i) Boiling point of liquid rises on increasing pressure.

~~Answe~~ (ii) Slope of water assumes a spherical shape.

(11) What is a co-ordinate bond? Write the structure of H_2SO_4 and show -

co-ordinate bond.

(12) (i) pH scale of a solution. Define.

(ii) Determine pH of a solution whose hydronium ion concentration is 6.2×10^{-7} mol L^{-1} .

(13) Calculate the E.M.F. of a cell at 298 K.

$\text{Pb}(\text{s}) / \text{Pb}(\text{NO}_3)_2 (0.1\text{M}) \parallel \text{HCl} (0.2\text{M}) / \text{H}_2(\text{g}), \text{Pt}$

Given E° for $\text{Pb}^{2+} / \text{Pb} = -0.13\text{ V}$, $p\text{H}_2 = 1\text{ atm}$

(14) A compound (molar mass = 60) contains 40% carbon, 6.7% hydrogen and rest oxygen. Calculate its E.F. and M.F. and suggest a

(13) The wave length of a moving body of mass 1.0 mg is $3.212 \times 10^{-19} \text{ m}$. Calculate the velocity.
 $(h = 6.625 \times 10^{-34} \text{ Js})$

(14) Calculate the percentage of C12 and O in glucose.

(15) Calculate the number of molecule present in 342 g of cane sugar.

(16) One mole of SO_2 occupies 1.5 L at 25°C . Calculate the pressure exerted by gas assuming that gases do not obey ideal gas equation. (Given $a = 3.6 \text{ atm L mol}^{-2}$ and $b = 0.06 \text{ L mol}^{-1}$) where a and b are van der Waal's constant.

(17) Give mathematical statement of Boyle's law. How is it expressed graphically?

(18) Define:
 (i) Resonance; (ii) Charles law.

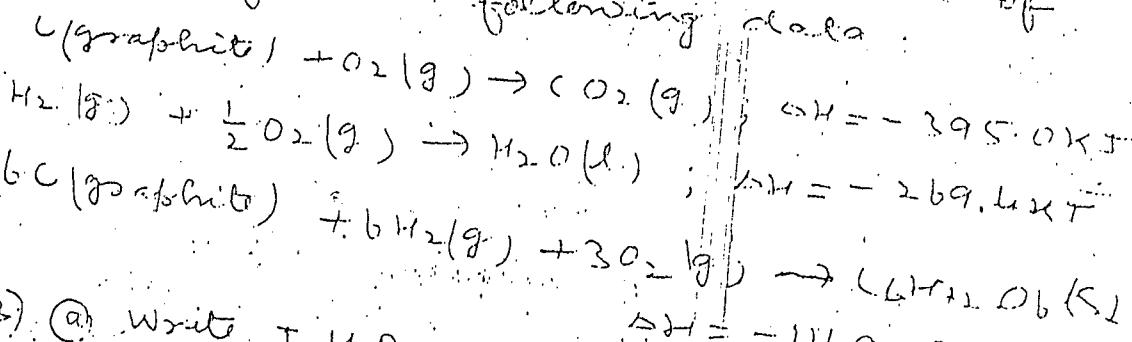
(19) (i) Define Gibbs free energy.
 (ii) Calculate the entropy change ΔS per mole for the following reaction:
 $\text{H}_2(\text{g}) + \frac{1}{2} \text{O}_2(\text{g}) \rightarrow \text{H}_2\text{O}(\text{g})$ at 298 K
 $\Delta H = -241.60 \text{ kJ}$
 $\Delta G = -228.60 \text{ kJ}$

(20) Balance the following redox reaction:
 (i) $\text{Cr}_2\text{O}_7^{2-} + \text{C}_2\text{H}_5\text{OH} \rightarrow \text{Cr}^{3+} + \text{C}_2\text{H}_5\text{O}^-$ (acid medium)

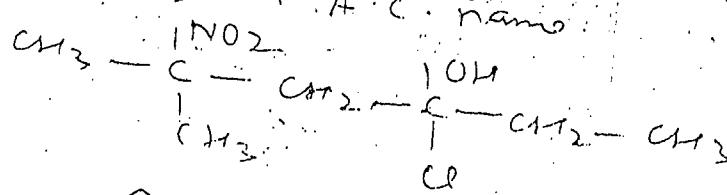
(ii) $\text{MnO}_4^- + \text{H}_2\text{C}_2\text{O}_4 \rightarrow \text{Mn}^{2+} + \text{CO}_2$ (acid medium)

(21) Calculate the C-C bond energy from the following data:
 (i) $2 \text{C}(\text{graphite}) + 3\text{H}_2(\text{g}) \rightarrow \text{C}_2\text{H}_6(\text{g})$; $\Delta H = -84.67 \text{ kJ}$
 (ii) $\text{C}(\text{graphite}) \rightarrow \text{C}(\text{g})$; $\Delta H = 716.7 \text{ kJ}$
 (iii) $\text{H}_2(\text{g}) \rightarrow 2\text{H}(\text{g})$; $\Delta H = 435.9 \text{ kJ}$
 Assume 416 kJ as the C-H bond energy.

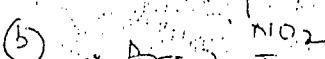
(22) Calculate the heat of combustion of glucose from the following data.



(23) (a) Write I.U.P.A.C. name.



(ii)



(i) 2-chloro-3-chlorocyclohexene

(ii) 2-chloro-2-methylbutanal

(24) Calculate the degree of ionisation

of H_3O^+ of a 0.01 mol L^{-1} CH_3COOH solution. The acid dissociation constant of acetic acid is 1.8×10^{-5} .

(b) At 298 K , the solubility of silver chloride in water is 0.00138 g L^{-1} . What

(25) Two flasks A and B, have equal volumes. Flask A contains H_2 and is maintained at 300 K while flask B contains an equal mass of CH_4 gas and is maintained at 600 K .

(i) Which flask contains a greater number of molecules? How many times more?

(ii) In which flask is the pressure greater? How many times greater?

(iii) In which flask will the molecules move faster?

(iv) In which flask are the number of collisions with the wall greater?

SYNTHETIC TEST
CLASS - XI
Subject - BIOLOGY

160

Time - 3 hrs.

M. Marks - 100

General Instruction.

- i) All questions are compulsory.
- ii) Draw neat and well labelled diagrams where ever necessary.

Section A.

$$1 \times 15 = 15$$

1. What is the use of phase contrast microscope. 1
2. What are Coenzymes ? 1
3. Name the smallest flowering plant. 1
4. Write any two examples of Tissue. 1
5. What are conjugated proteins ? Give an example. 1
6. What are simple enzymes ? Give example. 1
7. What is phagocytosis ? 1
8. Write the main function of Golgi complex. 1
9. Name the different types of RNA. 1
10. Why do we have control in Experiment. 1
11. What is an embryo? 1
12. Name a disease caused due to the deficiency of iron. 1
13. What are the components of Endoplasmic Reticulum? 1

31
Muniruzzaman

100

General instructions :

a) All questions are compulsory (1 x 50)

b) Q. No. 1 - 10 are Very short answer type.

c) Q. No. 11 - 16 are short answer type. Answer them in 30 - 40 words.

d) Q. No. 17 - 20 are to be answered in 40 - 50 words.

e) Q. No. 21 - 25 are to be answered in not more than 70 - 80 words.

f) Q. No. 26 each definitions/answer must not exceed 40 words.

g) Q. No. 27 - 28 are to be answered appropriately in 4 word sent.

h) Marks of each question is given in bracket at the right side.

Instructions :

1. Write the unit of first order reaction. 1 x 10

2. Calculate the order of reaction if rate law is $\text{Rate} = K[\text{NO}]^2[\text{H}_2]$

3. Write all the isotopes of hydrogen.

4. What is monomer unit of starch?

5. Write the chemical formula of cinnabar.

6. Write the components of Invar-alloy.

7. What is the chemical formula of plaster of Paris?

8. Write full name of TEL.

9. Draw the structure of H_2SO_4 acid.

10. If $n = 3$, find the values of l , m and s .

11. What do you mean by activation energy?

12. What is peroxide effect? Give a suitable example.

13. Draw the structure of a) B_3H_6 b) SiO_4^{4-} ion

14. Write any two uses of rare gases.

15. What do you mean by geometrical isomorphism?

Attendance sheet of class XI Session Ending
Examination of Chemistry Practically

1990-91

Date 24/03/91: (26) Class XI (Chem. Practical) Annexure - II

Rank No.	Roll No.	Name of the student	Signature of the student
1.	20	ADITYA BHUYAN	Aditya Bhuyan
2.	26	FAROOQ J MOND KHAN	Farooq Mond Khan
3.	34	Deepjyoti Das	Deepjyoti Das
4.	(19)	Abhiram Panchal	(19)
5.	(22)	Debasmita Deb	Debasmita Deb
6.	(24)	Utkalenduji Bhushan Jyoti Das	Utkalenduji Bhushan Jyoti Das
7.	(21)	Anup Das	Anup Das
8.	23	Chandan Choudhury	Chandan Choudhury
9.	(14)	Ushik Das	Ushik Das
10.	17	Deby Kharagharia	Deby Kharagharia
11.	15	Swati Sharma	Swati Sharma
12.	16	Ranby Prasad	Ranby Prasad
13.	199		
1.	27.	Eroz Hussain	Eroz Hussain
2.	29	Kiranmali Butta	Kiranmali Butta
3.	38	Siddhanta Phukan	Siddhanta Phukan
4.	33	Nilamari Sarmah	Nilamari Sarmah
5.	40	Arindra Bhowmik	Arindra Bhowmik
6.	35	Bikash J. Dasgupta	Bikash J. Dasgupta
7.	32	Naval Kishore Baruah	Naval Kishore Baruah
8.	37	Rajanikanta Baruah	Rajanikanta Baruah
9.	30	Jitu Goswami	Jitu Goswami
10.	39	Vikramjit Kharakul	Vikramjit Kharakul
11.	28	Galltan Kumar	Galltan Kumar
12.	31	Manobibi Borah	Manobibi Borah
13.	36	Raktim Karmakar	Raktim Karmakar
14.	34	Paatay K. Ray	Paatay K. Ray

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103

Date 27/3/99

(26)

(27)

Athenlonce School of Chemistry
Class XI Science (1998-99)

Sl.no.	Rollno.	Name of the students	Signature
1.	5	Kasturi Saikia	
2.	1	Anjana Das	A. Das
3.	8	Mausumi Das	Mausumi Das
4.	11	Bonali Boro	Bonali Boro
5.	2	Ranarupi Bhattacharya	Ranarupi Bhattacharya
6.	9	Monalisa Das	Monalisa Das
7.	11	Shikhamoni Das	Shikhamoni Das
8.	6	Maithuparna Bhattacharya	Maithuparna Bhattacharya
9.	10	Nikeshi Suman	Nikeshi Suman
10.	12	Satyajit Debnath	Satyajit Debnath

(May 27/3/99) (10 students only)

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To

Mr. Maurya

(B.B.)

P.G. II Chemistry

K.V. Ramanujan

26/3/99

Sir,

Since you have asked us to give in writing, that is why we are giving the application.

In the notice board you had written that we have to bring chemicals. Our friends didn't give us money, because we pay science fund. Therefore on 23/3/99 we came to school at 10 o'clock without any chemicals to give practical.

I, Sir, you told Shubha Kanti Das, Bodhi Bora, Sengupta, Debnath, Niladri Das that you will not take practical because we didn't bring chemicals. We waited till 12 o'clock and after that left school after telling principal madam.

Our class friends (boys) told us you took their practical without chemical. We request you to give us — girls students (Roll no 1-13) a date so that we can all come together.

NOTE - This letter is dictated by Mr - Thakurji your principal madam under coercion - Yours Obediently

S. das

Monalisa Das

All girls students (Roll no 1-13)

Allover

Class XI F

Hindi

Name of the standard 2000  2000  2000

1) Srikha Mani Das Srikha Mani Das 26.3.99

2) Kasturi Sarker Kasturi Sarker 26.3.99

3) Maalikupurna Gupta Maalikupurna Gupta 26.3.99

4) Nivedita Savarna Nivedita 26/3/99

5) Banareeta Bhosale Banareeta 26/3/99

6) Monalisa Das Monalisa 26/3/99

Alles best
feucht

____ Typed copy
Department of Chemistry

Annexur - 13.

K. V. Khanapara

Date - 31 March, 99

To

The Principal
K.V. Khanapara
Gauhati - 22

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

D/ Madam,

With reference to your notification dated 31.3.99, regarding conduct of Chemistry practicals in respect of class - XII Science private students, I am to state that neither I had methylated spirit nor D/water including some accessories etc. Therefore, your Honour is requested to sanction this sum of amount Rs. 1000/- only (Rs. 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 you.

Yours faithfully,

(R.S. Maurya),

PGT (Chem.)

K.V. Khanapara.

Dated: 31st March, 99.

Alleged

*Principal, Department of Chemistry
Assam Higher Secondary School
Gauhati - 22*

107

47

Annexure - 14

NOTICE - 3
(FOR CSSE & ANNUALS)

16/12/78

Dear Sirs & Madam

Pls. take note of the following

1. Price of Chancery (Chancery) to be submitted by 15th Dec 1978

2. Price of Stationery (Draughts) to be submitted by 15th Dec 1978

3. Organizations to submit details of items for purchase
by 15th Dec 1978 1979 March before L.W.D. to
facilitate smooth purchase procedure.

Strg

16/12/78

CSSE, B.M.C.
B.M.C. SECRETARIAL
RECORDED MAIL
C. T. (12/12/78)

(J. S. S. - P. T. B. S.)

108

Annexure-15

APPICHEM ENTERPRISE

of Chemicals & Quality Scientific Instruments
HEM CH. 101A ROAD • UZANBAZAR • GUWAHATI-781 001
GRAM : APPICHEM PHONE : 511070

To, **Parthasarathy, (2-11-99)** **Order No. 1363** **Date 03.02.99**
 Krishnadeva Vidyalya, P. S. 2-11-99 **Bill No. KVG/20/Sci/5899/676**
 Khanpara, **Date 03.02.99**
 Guwahati **Bill Date 03.02.99**
22/1

DESCRIPTION OF GOODS

Report of Chemistry

	Quantity	Rate	Amount
		Rs.	Rs.
1. Nessler reagent (10-11)	10x10ml	100.00	1000.00
2. Oxalic acid nitrate (120-121)	2x10gm	334.00	668.00
3. Silver nitrate (20-21)	2x25gm	468.00	936.00
4. Pot. Iodo. (64-65)	1x250gm	710.00	710.00
5. Sodium carbonate (111-115)	4x500gm	80.00	320.00
6. H. spirit. (116-117)	10 ml	70.00	700.00
7. Iodine paper, red & blue. (118-119)	12 pks	68.00	816.00
			5150.00

(i) Delivered bill (ii) not from us
 with Mr. R. S. Manna for delivery, Nitrate
 in quantity of 100 gm by road
 in good condition. Total 825/-
 Stock ledger no. 111
 Received the articles in
 good condition and entered
 in the stock ledger
 in the stock no. mentioned above
 on page no. mentioned above
 Date 31/2/99

Total Rs. 5150/-

Tax (-) 412/-

Net 4738/-

for Tax 412/-

Net 4738/-

A.D.

5567.90

E. & O. E.

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

and responsibility ceases on delivery of the goods on Rail, Steamer or Carriers.
 complaint will be entertained if not lodged within 3 days from receipt of goods. Interest
 % per annum will be charged on all bills unpaid within one month.

For APPICHEM ENTERPRISE

এপিকেম এন্টি বল্টাইজ

109

Annexure 16

109

10/2/79

Planned mill

After purchase of mill, planned for the year
1978-79 number 16. Total ds.

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

(b) Science App. Consumables Rs. 30,000/-

Grand Total - Rs. 50,000/-

An amount of Rs. 50,000/- has already
been spent through Mr. R. S. Marry, PGT, Chem.
The remaining amount has not yet
been spent through Mr. S. S. Venkateswaran, PGT, Chem.

A bill from Mr. Appichem Salurpise
amounting Rs. 5562/- is ready for payment.

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

Consume with him Mr. PGT, Chem.

Amount Rs. 1034.00 is held for store

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

SHG
16/2

The amount mentioned above will be charged to the account of Mr. S. S. Venkateswaran, PGT, Chem. The amount will be charged on the bill until the amount is paid.

109/2/5

110

Annexure - 17 (b)

To:

The Principal,
Kendriya Vidyalaya Khanapara,
GUWAHATI-22.

Sub:- Non-Entry of Chemicals in Chemistry Stock
Register.

Madam,
As Stock verifier of Chemistry Laboratory
(i/c Mr. R.S. Maurya, PGT Chemistry) during April 2002
I have found that chemicals supplied by E/s Appichem
vide Bill no AG/157/92-93 dated 3.2.92 were not
entered in the stock register by Mr. R.S. Maurya, for
reasons best known to him.

This is for your kind information and necessary
action please.

Thanking you,

Yours faithfully

Sharma
(Signature)
7/4/02

Enclos:-Xerox copy of
Appichem Bill.

Mrs. Q. Sharma
to enter following description
of Mr. Maurya off. taking
own charge of Chem. Lab-0-0-
from Principal w.e.f. 28.6.99.

Indor

K.V. ONGC, SRIKONA
P.O. SRIKONA, CACHAR: ASSAM

F 1-8(a) / KV-ONGC-SNA / 2001-2002 Sir R.S. Maurya, PGT Chem. Khanapara has been charged on Dt 26/02/2002

Letter No. F.14-5/99-KVS(GR) dated 7-8-99 and proposed to take

To **Office of the Inquiry Officer** at the stage of **Registered**

Sh. R. S. Maurya of Ingr. 10 of misconduct in support of the article of **Article 21**

PGT (Chem.) (U/S) Maurya

K.V. Khanapara,

C/O. Universal Book Depot, Article 21

Six Miles, Khanapara, Sir R.S. Maurya while functioning as PGT Chem. of Guwahati - 22, during the academic year 98-99 went to Kendriya Vidyalaya

Sub. : Forwarding of Presenting Officer's Brief. on taking relieve in favor of

Sir, **Practical examination** in the year 98-99. It is given evidence of conduct

Please note the following. **Practical examination** without being relieved in the period of Sir R.S. Maurya was done in a miser

- 1) The enquiry proceedings in r/o. the Charges framed against you vide KVS (GR) letter no. F. 14-5/2001-KVS(GR) / 15532-33 dt 31/08/2001 are closed.
- 2) The Presenting Officer's Brief is enclosed herewith for your information.
- 3) You may submit your Brief within 10 days to the undersigned.

Yours faithfully,

(N. D. Joshi)
Principal,
K.V. ONGC, Srikona
&
Inquiry Officer.

Copy to:

- i) Sh. P. V. S. Ranga Rao, Presenting Officer & Principal, K.V. No. 1, Tejpur, P.O. Dekargaon, Distt. Sonitpur - 784501 (Assam) for necessary action.
- ii) The Assistant Commissioner & Disciplinary Authority, KVS (RO) Maligaon, Guwahati for information, please.
- iii) Guard File.
- iv) Inquiry file.

Inquiry Officer

112

Presenting Officer's Brief on Inquiry against Mr. R.S. Maurya, PGT Chem (U/S)
Kendriya Vidyalaya Khanapara

The undersigned has been appointed as Presenting Officer vide letter No. 14-5/2001/KVS(GR)/18,691 dated 7-9-2001 to present the case pertaining to Shri R.S.Mauriya PGT Chem U/S Kendriya Vidyalaya , Khanapara.

Shri R.S.Mauriya PGT Chem U/S K.V.Khanapara has been charge sheeted vide letter No. F.14-5/99-KVS(GR)/5521-54 dated 7-8-99 and proposed to hold inquiry against him for various charges. After having gone through all the stages of Inquiry proceedings the undersigned presents the following Brief on Entire Case.

Statement of Imputation of misconduct in support of the article of charges framed against Shri R.S.Mauriya.

Article - I

The charged Officer Shri R.S.Mauriya while functioning as PGT Chem. At K.V.Khanapara during the Academic year 98-99 went to Kendriya Vidyalaya , Dinjan(Army) to conduct Practical examination of class XII Chemistry of CBSE on 15-2-99 on the request of Principal K.V.Dinjan , without taking relieving orders from Controlling authority I,e. Principal K.V.Khanapara. It is gross violation of conduct rules and serious misconduct on part of Shri R.S.Mauriya. It clearly shows his vested interest to rush up to K.V. Dinjan to conduct Practical examination without being relieved by competent authority. This act on the part of Shri R.S.Mauriya constitutes a misconduct and thus violated rule 3,1,(i) (ii) & (iii) rule 1964 extended to KVS employees. This can be substantiated vide document S.No. 23a,23b,24,26 which is sufficient evidence to take disciplinary action against Shri R.S.Mauriya, PGT Chem U/S Kendriya Vidyalaya Khanapara.

Article II

That Shri R.S.Mauriya while functioning as PFT Chem at K.V.Khanapara had not conducted the practical classes of class XI Science till Jan'99 and during Cumulative Test held in Nov'98 all students awarded 30/30 marks in said practical examination. It is totally arbitrary, mischievous, illogical and defective evaluation technique to award 30 out of 30 to all the students without conducting even single practical. This act created utter confusion among students and may lead to disbelief in the system of examinations. By committing this blunder Shri R.S.Mauriya has betrayed the sacred evaluation system and madefun of Practical examination. There by he failed miserably to uphold ethical values of noble teaching profession. This act definitely renders Shri R.S.Mauriya unbecoming KVS employee. These charges can be proved beyond doubt vide documents 25 a,b,c,d, S.No. 8, S.No. 9, S.No 5, S.No 6, S.No 10

Article III

Shri R.S.Mauriya, PGT Chem during the Academic session 98-99 , refused to take CBSE, AISSCE '99 Chemistry Practical examination for Private Candidates. This has led to lot of Inconvenience to the students as well as CBSE authorities. Finally CBSE authorities had to shift the Venue from K.V.Khanapara to Hindustan Kendriya Vidyalaya for conducting the above Practical exam. It is mere violation and defiance of

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higher authorities on part of Shri R.S.Maurya. He also refused to take Practical exam of class XI Science on 23rd, 24th and 25th March 99 and asked the students to bring Chemicals for the practical exams. As per KVS rules all the required chemicals and other materials to be provided by Vidyalaya itself. It is highly objectionable to ask students to bring chemicals that too the chemical like Methylated Sprit, which is highly poisonous.

He directly displayed a notice on the board without approval/consent of Principal K.V.Khanapara in which it is stated that the students should bring the methylated sprit.

It is again violation and misconduct and insubordination on the part of Shri R.S.maurya. The students complained that the syllabus was completed in a month's time without understanding the content. The parents also expressed deep concern over misconduct of Shri R.S.Maurya through letters to the Principal as well as News paper.

The aforesaid acts brought down the image of Kendriya Vidyalaya in the society, thereby Shri R.S.Maurya damaged and defamed the reputation of Educational institution. The discontent among students, parents over the issue causes serious concern on the functioning of Vidyalaya. Hence Shri R.S.Maurya clearly ignored very basic values of noble teaching profession and unbecoming the teacher of KVS. These charges can be proved vide documents No. S.No. 11,12,13,14,15,16,17,18

Article -IV

Shri R.S.Maurya PGT(Chem) while working in KV Khanapara had not submitted the question paper of Chemistry during session ending examinations 98-99 in the stipulated date. He was issued two reminders on 3-2-99 and 26-2-99. The last date to submit question papers was 15-2-99. It had caused great inconvenience to the Vidyalaya Administration and detailed examination schedule.

The examination Incharge had also complained to Principal K.V.Khanapara regarding non submission of question papers by Shri R.S.Maurya in time. It clearly shows insubordination and false egoism towards authorities. It amounts to the negligence of his duty as PGT in Kendriya Vidyalaya. Thus Shri R.S.Maurya has done insubordination leading to unbecoming behaviour of KVS employee and violated rule 3(1) (i),(ii) and III (iii) of CCS rule 1964 as extended to the KVS employees. These charges can be proved vide document No. S.No. 19, 2-B (order book)

Article - V

That Shri R.S.Maurya while working as PGT(Chem) at K.V.Khanapara , during the period 98-99 never attended morning assembly in the Vidyalaya as well as staff meetings called by Principal. He always avoids discussion on academic matters with Principal on the pretext of busy work. Thus Shri R.S.Maurya disobeyed the orders of his controlling authority i.e. Principal K.V.Khanapara. This act on the part of Shri R.S.Mauriya constitutes insubordination, misconduct which is unbecoming to KVS employees. These charges can be substantiated vide document No. S.No. 20,21,22

Article -VI

Shri R.S.Maurya PGT Chem while working as PGT (Chem) at K.V.Khanapara, during the academic year 1998-99 had tampered the official documents to cover up his late arrival to K.V.Khanapara at 11.30 a.m. on 8-2-99 . The relieving order issued by the Principal, K.V.Narangi vide ref. 4-5/KVN/98-99/795-97 dated 6-2-99 shows tampering for his vested interest by adding "after 6.30 p.m." in the said relieving order of his copy, where as office copy does not show any addition. It is a gross misconduct on the part of

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Shri R.S.Maurya and deliberate attempt to tamper official documents leads to violation of conduct rules.

He also misused Vidyalaya's peon book for replying letters in negative manner to controlling officer.

The peon book is meant for receipt of letters and should not be used as medium for correspondence. All these acts amount to misconduct and violation of conduct rules. These charges can be proved vide documents No. S.No. 23 A, 23 B, S.No. 1. The charged officer is involved in all above allegations which can be proved by available documents (1-26)

2/2
(P.V.Sai Ranga Rao)
Presenting Officer
and
Principal, K.V.No.1, Tezpur.

KENDRIYA VIDYALAYA SANGATHAN
Regional Office,
Guwahati-12.

Annexure-A 12

No.F.14-5/2001-KVS(GR)/5251/1,

Dated : 22-3-2002

SPEED POST

MEMORANDUM

WHEREAS, the disciplinary proceedings under Rule 14 of CCS(CCA) Rules, 1965 were initiated against Shri R.S. Maurya, PGT(Chem) (U/S), Kendriya Vidyalaya Khanapara, Vide this office Memorandum No.F.14-5/99-KVS(GR)/5251-54, dated 9-8-99 and he was served the Articles of charge and imputation of misconducts through the above memorandum.

WHEREAS as per the direction of the Hon'ble CAT, Guwahati Bench order dated passed in OA NO.20/99 Shri N. D. Joshi, Principal, Kendriya Vidyalaya, Srikona, Silchar and Shri P.V.S. Ranga Rao, Principal, Kendriya Vidyalaya, No.1, Tezpur were appointed as new Inquiry Officer and presenting officer respectively to re-start inquiry into the charges against Shri R. S. Maurya and to present the case.

Shri N. D. Joshi, Principal, Kendriya Vidyalaya Srikona and the new inquiry officer, vide his letter dated 9-3-2002, has submitted report on the charges against Shri R. S. Maurya in which Articles I, II, IV, and VI of the charge - sheet has been established/proved and Article V not proved.

NOW, THEREFORE, the undersigned forward a copy of the Inquiry report submitted by the new inquiry officer to Shri R. S. Maurya, PGT(Chem.), (U/S), Kendriya Vidyalaya, Khanapara and provide an opportunity to Shri Maurya to submit his written representation or submission if any, to the undersigned on the report of the inquiring authority within 10 days from the issue of this Memorandum, failing which it will be presumed that Shri R. S. Maurya does not wish to make any written representation or submission and further necessary action will be taken as per CCS (CCA) Rules.

To,

Shri R. S. Maurya,
PGT(Chem), (U/S),
Kendriya Vidyalaya,
Khanapara,
C/O. Universal Book Depot.,
P.O. Khanapara,
Six Mile,
Guwahati-781 022.

D. K. Saini
(D. K. SAINI) 22/3/02

ASSISTANT COMMISSIONER

INQUIRY REPORT INTO THE CHARGES FRAMED AGAINST
SHRI R. S. MAURYA, PGT(Chem.) (UNDER SUSPENSION) OF
KENDRIYA VIDYALAYA KHANAPARA, GUWAHATI.

INTRODUCTION:

I, N. D. Joshi, Principal, K.V. ONGC, Srikona, Silchar was appointed as an Inquiry Officer vide KVS(GR) office order No. F. 14-5/2001 KVS(GR)/15532-33 dt. 31.08.2001, on the instruction of the Honourable CAT vide its order dt. 28.06.2001 passed in OA No. 20 of 2001 to inquire into the charges framed against Sh. R. S. Maurya, PGT(Chem) (Under suspension) of K.V. Khanapara, Guwahati and the said order was received on 05-09-2001. The Disciplinary Authority sent a copy of the said order to Charged Officer and the Presenting Officer respectively intimating the appointment of the Inquiry Officer vide order even no. dt. 31.08.2001. The Charged Officer was further given an opportunity to submit a written statement vide KVS order no. F. 14-5/2001-KVS(GR) 15689 dt. 07-09-2001 and accordingly the Charged Officer submitted his written statement on 19.09.2001 to the Disciplinary Authority. The Disciplinary Authority vide his letter no. F.14-5/2001-KVS/GR 17015-17 dt. 11.10.2001 provided an opportunity to the Charged Officer for inspection of original and additional documents at 2 pm on 18.10.2001 at K.V. Maligaon. Accordingly, the Charged Officer was provided with 12(twelve) relevant documents by the Principal, K.V. Maligaon on behalf of the Presenting Officer.

The Inquiry Officer held first sitting of Inquiry at 10-30 am on 19.10.2001 at K.V. Maligaon. The Charged Officer was given ample opportunity to speak out his mind and clear all the points whatever he wished to express therein. In turn, the Charged Officer requested for providing the original and additional listed documents in addition to those already supplied on 18.10.2001. The Inquiry Officer asked the Presenting Officer to provide all the relevant documents, which are directly related to the charges. The Presenting Officer agreed to provide all the documents at the earliest within stipulated date to the Charged Officer. On written request of the Charged Officer, the venue of inquiry proceedings was shifted from K.V. Maligaon to K.V. Khanapara from second sitting onwards. To fulfill the requisition of the Charged Officer as stated above, the Presenting Officer had shown the following documents and photo copies handed over as per the details furnished below:-

- a) 18.10.2001 12 documents.
- 19.11.2001 39 documents
- 17.11.2001 08 documents
- 29.11.2001 02 documents

Total 61 documents.

List of documents duly acknowledged
by the Charged Officer is enclosed herewith.

- b) The second sitting of inquiry was held on 29.11.2001 at K.V. Khanapara and the Presenting Officer had once again shown all the listed documents in original and satisfied the queries of the Charged Officer. This exercise was repeated due to frequent request made by the Charged Officer. By this date the total documents shown and handed over to him come to 61 (Sixty one) as stated earlier.

3/3/02

As regard the grievances are concerned, the Inquiry Officer very promptly ensured timely payment of Subsistence Allowance to the Charged Officer. In addition, LTC Advance, reimbursement of Tuition Fees in respect of his wards and Medical Allowance etc. were released to help out the Charged Officer during the inquiry proceedings, utmost care was taken in order to satisfy the aggrieved official in every respect to meet the end of natural justice.

- d) The Charged Officer was provided with as many as directly relevant documents requisitioned by him and in turns he expressed his satisfaction over the inspection of original documents and procurements of its copies while recording his statements during the proceedings held on 29.11.2001 (ref. page No. 2 of the proceedings of 29.11.2001).
- e) The Presenting Officer, under the direction of the Inquiry Officer, presented the original documents duly marked serially from serial no. 1-26 on 29.11.2001 and the same were taken in possession by the Inquiry Officer in the presence of the Charged Officer on 29.11.2001, itself.
- f) Third sitting of inquiry was held on 19.12.2001 and the statement in respect of the charge No. 1 was recorded wherein the Charged Officer admitted of having left the station without permission of Competent Authority to hold the practical in Chemistry for the Students of Class XII Science of Board Exams in K.V. Dinjan.
- g) The fourth sitting of inquiry was held at 10-00 am on 18.01.2002. The Charged Officer introduced two Defence witness namely Dr. C.B. Dwivedi, father of Master Rehit Dwivedi, a student of Class XI B (Arts) and Sh. Anulya Narzary, father of two children studying in Class I & II at K. V. Khanapara. Their statements were recorded in the presence of the Inquiry Officer, Presenting Officer & Charged Officer. Both the Defence witness did not specifically mention any point relevant to the case. In addition, article II was discussed at length wherein the point of awarding 30/30 marks was thoroughly examined.
- h) Fifth sitting of inquiry was held at 09-00 am on 22-02-2002 wherein 5 charges i.e. S. No. 2 to 6 were discussed at length and the Charged Officer denied all the charges while recording his statements.

BRIEF REPORT OF PRESENTING OFFICER.

The Presenting Officer presented his brief report on 23rd February 2002 and the same was forwarded to the Charged Officer on 26.03.2002. The Inquiry Officer made all possible efforts to make the Charged Officer to feel at ease since very beginning till last proceedings so as to enable him to defend his case properly.

DEFENCE OF THE CHARGED OFFICER.

The Charged Officer was given an opportunity to furnish the details of the Defence Assistant from within the KVS serving / retired employees which he failed to comply with within the stipulated time and thus himself defended the case.

2/3/02

913

OBSEvation ON WRITTEN STATEMENT OF CHARGED OFFICER
Sh. R. S. MAURYA dt. 19.09.2001 IN RESPECT OF THE CHARGES.

1. (a) In Article I (I) Sh. R. S. Maurya referred the letter of the Principal K.V. Dinjan who requested the Principal K.V. Khanapara to relieve him for conducting practical in Chemistry at his K.V. Here, the fact remains that neither CBSE Authority nor the Principal K.V. Khanapara consented in confirmation of his appointment as an External Examiner for Chemistry practical at K.V. Dinjan. It is surprising to note that Sh. R. S. Maurya took the risk of leaving the K.V. Campus without permission of Controlling Authority keeping all the KVS rules aside.
1. (b) In response to Article I & II, it is concluded that Sh. R. S. Maurya conducted the practical at K.V. Narangi and Amerigog on the basis of appointment order issued by the CBSE whereas such appointment order was neither made nor confirmed by the CBSE / Principal K.V. Khanapara for conducting practical Exams. in Chemistry at K.V. Dinjan.
2. In response to Article No. II wherein he tried to justify his act of awarding 30/30 marks Arbitrary to all the students without conducting practicals in Commutative Tests is full of Flaws and against exam bye-laws and thus can not be appreciated. This act of Mr. R. S. Maurya has underestimated the importance of practical exams, and thus the Inquiry Officer disagrees with all his comments as stated therein.
3. Part-(I) In response to Article III of the charges, he accepted that he asked the students to bring two chemicals namely, Methylated Spirit and Distilled Water for conducting practicals (Ref. page no. 8 para 2 of his written statements dt 19.09.2001). It is to be noted that Methylated Spirit is highly dangerous and can lead to major ill effects in the body which may be fatal if consumed / used unknowingly by the students. Secondly, asking the students to bring any kind of material for practical purposes is highly objectionable as per the KVS rules. Infact, all the items used in practicals are to be supplied by the Vidyalaya and in no case the students be asked to bring Chemicals. In case of shortage of chemicals in Lab., the Lab. In-charge is responsible for procuring the same through the Principal to ensure smooth conduct of practicals. Hence, the comments made in written statement by Mr. R. S. Maurya stand invalid and thus disagreed.

Part-(II) Non-Conduct of practicals for Class XII private students: The arguments of Mr. R. S. Maurya for non-conduct of practical in Chemistry for private students of Class XII cannot be appreciated. He should have ensured availability of chemicals in advance in consultation with the Principal. In any case, depriving the students from taking Board Exams. (ie, practicals) is an offence and against the principles of teaching profession.

4. In response to statement made therein Article IV, Mr. R. S. Maurya's justification for late Submission of question paper is found to be baseless. Infact, the tests / exams. are conducted by the Exams. Committee comprising the teachers from among the staff who are considered to be trustworthy to the exams system. Thus the apprehensive of leakage of question paper by Exams Committee as mentioned by Mr. Maurya does not carry any weightage.

31/9/01
31/9/01

5. In response to Article V of the charges, it was found that Mr. Maurya did not comply with the orders of the Controlling Officer under lame excuses. There was an occasion wherein Mr. Maurya refused to meet the Principal on the pretext of academic discussion on his subject matter with the SUPW Teacher and PGT (English) who are not directly concerned with the Chemistry. This clearly shows his disregard to the Chair.
6. In response to his statement under Article VI, Mr. Maurya made an willful attempt by making an additional entry in his relieving order (ie, "after 6-30 pm") which was issued by the Principal K. V. Narangji to justify his late arrival on next working day in the Vidyalaya. Thus the comments made by Mr. Maurya in his written statement are unsustainable. The documents submitted by Mr. Maurya in support of his defence are not directly related to the charges and thus are setaside.

INQUIRY REPORT.

The Charged Officer Sh. R. S. Maurya, PGF(Chemistry) U/S has been charged of 6 (Six) charges under Article of charges as Article I to VI vide memorandum F.14-5/2001-KVS(GR)15532-33 dt. 31.08.2001. The report of the Inquiry Officer in respect of all charges, for perusal of Disciplinary Authority and necessary action is as under:

ARTICLE OF CHARGE

That the said Shri R. S. Maurya while functioning as PGT Chemistry at K. V. Khanapara during the academic year 1998-99 went to K. V. Dinjan to conduct practical examination of CBSE in Chemistry for Class XII Science on 15-02-2-1999 without permission / relieving order of the Competent Authority.

This act on part of Sh. R. S. Maurya constitutes a misconduct, and thus violated rule 3 (1) (I) (ii) (iii) Rules 1964 as extended to KVS employees.

ANALYSIS OF DOCUMENTARY EVIDENCES

Mr. Maurya, in his application dated 15.02.1999 addressed to the Principal (Serial No.24) mentioned - "I am proceeding to K.V. Dinjan (Army) to conduct Class XII Chemistry practical examination on 15.-2.1999. It shows that he had no respect for rules as laid down in respect of the conduct of an employee. This expression further proves an act of insubordination and thus disrespect to the Chair. It is understood that he left the place of duty without the approval of the Competent Authority and left the students unattended who were under his charge. This act of Mr. Maurya constitutes misconduct on his part. The letter (S.No.26) written by the Principal K.V. Dinjan cannot be treated as an appointment order and thus the justification furnished by Mr. Maurya cannot be sustained.

FUNDINGS

Thus the said act of Mr. Maurya, PGT (Chem), U/S of K.V. Khanapara proves the charge of misconduct under rule 3(1) (i) (ii) & (iii) of CCR rules 1964 as extended to KVS employees that he left the K.V. premises without the prior approval of the Competent Authority.

31/10/2003

ARTICLE OF CHARGE II.

That Sh. Maurya while functioning as PGT Chemistry at K.V. Kharapara had not conducted the practical Classes of Class XI till January 1999 and during the Cumulative Test 1998-99, all the students were awarded 30/30 marks in practical exams. of Chemistry. Thus Sh. Maurya has acted in a manner of unbecoming of KVS employee and hence violated Rule 3(i) (ii) & (iii) of CCS (conduct) Rule 1964 as extended to KVS employee.

ANALYSIS OF DOCUMENTARY EVIDENCE.

In order to defend his case, the Presenting Officer based his case on documents serial No. 25 a,b, c, & d, placed on records are the practical note books of Master Gautam Kumar of XI (Science), Master Deepjyoti Das of XI (Sc), Master Aditya Bhuyan of XI(Sc) Kasthuri Saikia of XI(Sc) respectively. As per the Index page of these note books no practical was conducted before 12.01.1999.

Serial No.8 is the award list of Cumulative Test of Class XI for 1998-99 indicating marks awarded in theory and practical in Chemistry duly signed by Mr. Maurya, PGT(Chem). As per KVS schedule the Cumulative Tests are conducted in the month of November during every academic year. It is proved that the marks were awarded without conducting practicals in Chemistry. Under no circumstances all the students can get equal marks in practicals particularly, when some of them are weak in theory. It is observed that students at Sl. No. 37 & 38 have been awarded 30/30 in practicals whereas they have scored 02 & 00 marks out 70 marks in theory respectively.

FINDING.

Serial No. 25 a,b,c,d and Serial No. 8 proved that Sh. R. S. Maurya, PGT(Chem) awarded practical marks to the students without conducting practicals. This is not only dereliction of duty but also a criminal and unethical act on part of Sh. R. S. Maurya. Thus this act on part of Mr. Maurya constitutes misconduct and proved the charge of misconduct under rule 3(i) (ii) & (iii) of rule 1964 as extended to KVS employee.

ARTICLE OF CHARGE III.

Sh. R. S. Maurya while functioning as PGT(Chem) during the year 1998-99 has refused to conduct practical examination of Chemistry of Class XI and asked the students to bring chemicals for practical examinations. Sh. Maurya also refused to conduct practicals in Chemistry for private candidates who were to take exams of Class XII CBSE 1999. Thus Sh. Maurya has violated the code of conduct for teachers as laid down in Education Code for Kendriya Vidyalaya in Chapter VI and Rule 3 (i) (ii) & (iii) of CCS conduct Rules 1964 as extended to the employees of the KVS.

ANALYSIS OF DOCUMENTARY EVIDENCE.

Serial No. 11, 12, 13, 14, 15, 16, 17 & 18 are the documents as placed on records by the Presenting Officer and prove that Sh. Maurya asked the students to bring chemicals for practical examination which is highly objectionable and against the KVS rules. He also violated the

21/5/99

(2)

conduct rules by directly displaying the notice, asking the students to bring the chemicals, on the School Notice Board without the permission of the Competent Authority.

Mr. Maurya did not conduct the practicals for private candidates of Class XII in Chemistry under the pretext of non-availability of chemicals. This had created uneasiness among the students and thus the CBSE had to shift the venue for practicals from K. V. Kharapura to Hindusthan Kendriya Vidyalaya. This act of Mr. Maurya has not only created trouble for the students but also earned disrepute to the institution, which is declared a Model Kendriya Vidyalaya by the Organization. Mr. Maurya would have ensured availability of chemicals required for conducting practicals well in time in consultation with the Principal. Thus the arguments of Mr. Maurya cannot be appreciated in this regard.

FINDINGS.

The charge of misconduct that Mr. Maurya has violated the code of conduct for teachers as laid down in Education Code for Kendriya Vidyalaya in chapter VI and rule 3(l) (i) (ii) & (iii) of CCS conduct Rule 1964 as extended to the employee of KVS is proved.

ARTICLE OF CHARGE IV.

That Sh. Maurya while functioning as PGT(Chemistry) at K. V. Kharapura during the academic year 1998-99 had not submitted the question papers for Session Ending Exams in the stipulated period as notified by the Principal.

Thus Mr. Maurya, PGT(Chem) has violated the rule 3(l) (i) (ii) & (iii) of CCS conduct rules 1964 as extended to the employees of KVS.

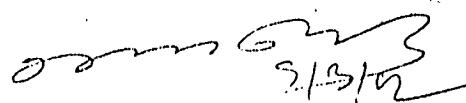
ANALYSIS OF DOCUMENTARY EVIDENCE.

Serial No. 19 is the report of dated 23.02.1999 written by Sh. U. N. Adhikari and addressed to the Principal which refers the non submission of question paper by Sh. R. S. Maurya within stipulated date i.e., 15.02.1999. As a result, the question paper could not be sent to press for printing. The said report further points out that Mr. Maurya did the same at the time of Cumulative Test. This shows that the Charged Officer is habitually irregular in performing his duties and does not care for orders signed by Competent Authority.

Serial No. 2-b is an office order dated 26.02.1999 on page no. 1 in the order book. The Principal, through this order, asked Mr. Maurya to submit the question paper by 3 pm on 26.02.1999 itself. It is to be noted that the last date for submission of question paper was 15.02.1999. This shows a very casual attitude on part of Mr. Maurya towards his duties. While going through the records it is noticed that Mr. Maurya had developed the habit of writing remarks / comments on the peon book / order book of the Vidyalaya which is highly objectionable and thus proves that Mr. Maurya does not care for rules.

FINDINGS.

The charge of misconduct that Sh. Maurya, PGT(Chem) has violated rule 3(l) (i) (ii) & (iii) of CCS conduct Rule 1964 as extended to the employees of KVS is proved for non-compliance of


2/5/02

actions of his immediate superior authority (ie, non-submission of question papers within stipulated date).

ARTICLE OF CHARGE V.

That Sh. Maurya while working as PGT (Chemistry) at K.V. Khanapara during the year 1998-99 never attended assemblies and staff meetings called by the Principal. Thus Mr. Maurya did not obey the orders of Principal.

This act on part of Sh. Maurya constitutes a misconduct which is unbecoming of an employee of KVS and violated the rule 3(l) (i) (ii) & (iii) of CCS conduct rules 1964 as extended to employees of KVS.

ANALYSIS OF DOCUMENTARY EVIDENCE.

As per article of charge Sh. R. S. Maurya, PGT(Chemistry) never attended the morning assemblies and staff meetings called by the Principal. On perusal, no documentary evidence was found in records. The Presenting Officer could not provide any kind of documentary evidence to prove the said charge.

FINDINGS.

Since there is no documentary evidence in records and thus the charge that Sh. Maurya did not obey the order of the Principal, cannot be sustained. The act on part of Mr. Maurya does not constitute misconduct which is unbecoming on part of KVS employee and thus did not violate rule 3(l) (i) (ii) & (iii) of CCS conduct rules 1964 as extended to the employee of KVS. Thus the charge is set aside.

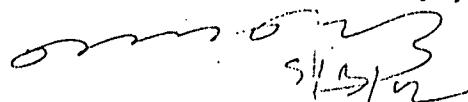
ARTICLE OF CHARGE VI

That Sh. R. S. Maurya, PGT(Chem) while working at K.V. Khanapara during the academic year 1998-99 had tampered with the official documents. Thus Sh. Maurya had violated the rule 3 (i) (ii) & (iii) of CCS conduct rules 1964 as extended to the employees of KVS.

ANALYSIS OF DOCUMENTARY EVIDENCE.

Serial No. 23 a & b are copies of relieving order of Mr. Maurya, PGT (Chem) from K.V. Narangi. On the basis of which the Presenting Officer has tried to prove the charge that is tampering with the records by the Charged Officer. On close perusal and personal scrutiny of the documents by the Inquiry Officer, it is observed that both the documents are the copies of the same order and clearly indicate that the time of departure had been written (as 6-30 pm) at later stage on the copy of Mr. Maurya to suit his personal interest so that he could justify his late arrival by 2 hours in the Vidyalaya on next working day. This act on part of Mr. Maurya has proved beyond doubt that he has tampered with the official records and thus misconduct is sustained.

Both the documents serial No. 23 a & b are the carbon copies of the same order but in the entry column on one of the copies the relieving time is shown differently by adding 6-30 pm though


S/15/2

123

129

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The despatch No., etc. has been written by the same person with same pen in both copies. It proves that Sh. Maurya added 6-30 pm in his relieving order at his own level to suit his interest.

Serial No. 1 is the Peon book in which the Presenting Officer has drawn the attention of the Inquiry Officer on the receipt columns at serial no. 182, 184, 211, 219 & 236. At all the places it was found that the Charged Officer had given remarks / observations which were uncalled for. It clearly indicates that the Charged Officer feels his bonafide right to record his remarks / observations anywhere whether it is an order book or the peon book which cannot be appreciated at any level.

As the charge of tampering with the records by way of additions in time at his level to suit his interest in the relieving order is proved, in the same way the use of peon book or order book for endorsing his remarks / comments has proved beyond doubt, the misconduct on part of the Charged Officer. As such the charge of misconduct is proved.

FINDINGS:

That the charge of tampering with official documents is proved as such Mr. R. S. Maurya has violated the rule 3(1) (i) (ii) & (iii) of CCS Conduct Rules 1964 as extended to the employees of KVS.

CONCLUSION:

The Charged Officer is found guilty of misconduct under rule 3(1) (i) (ii) & (iii) of CCS conduct Rules 1964 in the following articles of charges:

- Article I : Proved
- Article II : Proved
- Article III : Proved
- Article IV : Proved
- Article V : Not Proved
- Article VI : Proved

DATED: 6/3/2002

N. D. JOSHI
PRINCIPAL
K.V. ONGC, SRIKONA SILCHAR
&
INQUIRY OFFICER

Speed- Post

124

130

Annexure-A13

To,
The Disciplinary Authority,
Kendriya Vidyalaya Sangathan,
Malligaon, Gauhati - 12.

Date:- 11.04.2002

Subject :- Written Representation or submission on Inquiry Report.

Reference:- Vide Memo No.F.14-5/2001-KVS(GR)/5046 dated 22.3.2002.

Sir,

Please find enclosed herewith a copy of the Written Representation or submission on the Inquiry Report sent to me vide a Memo. dated 22.3.2002 as referred to above.

It is for your kind consideration and sympathetic action please.

Enclosure:-

Total 1 to 33
pages.

Yours faithfully,

(R.S.Maurya),

PGT (Chemistry)U/S,

K.V,Khanapara,

C/o,Universal Book

Depot,

Six Mile,Khanapara,

Gauhati - 22.

125

To,

The Disciplinary Authority,

&

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Maligaon, Gauhati - 12.

Date:-11.04.2002

Subject :- Disciplinary Proceedings against R.S.Maurya(PGT Chemistry),U/S, K.V,Khanapara,

Reference:- Inquiry Report submitted by the I.O. (Inquiry Officer) sent vide Memo.No. F.14-5/2001-KVS(GR)/5046 dated 22.3.2002.

Sir,

1. I received the aforesaid Memo. under reference on 30.3.02. Since, I received the Memo. under reference late, I immediately sent a telegraphic message vide receipt No. 942 dated 30.3.2002 and also a letter dated 30.3.02 seeking 15 (fifteen) days time for submission of my representation against the Inquiry Report.

2. Before, I proceed to make my Written Submission in respect of the Inquiry Report I wish to point out the manner in which the Inquiry was conducted which is as follows:-

1) The Article of Charges namely Charge - I to IV & VI said to have been proved by the I.O. are of such nature that they cannot be proved merely on the basis of the documents referred to in the Article of Charges, for example-

Article of Charge - I namely that I left to conduct Practical Examination in Chemistry to K.V, Dibrugarh without permission/ relieving order from competent authority. It is a fact that

Ind-SP EE781144939IN

PA : BABU

To: DR D K SAINI,

GUWAHATI, PIN: 781012

From: R S MAURYA, GH

111111, Pkt: 0.00

Amt: 20.00, 12/04/2002, 11:04:13

HAVE A GOOD DAY



(2)

no relieving order was issued by the Principal, K.V, Khanapara for conducting Chemistry Practical Examination for either K.V, C.R.P.F., Amerigog or for K.V, Dinjan. However, I have not been charged for conducting Chemistry Practical Examination at K.V, C.R.P.F., Amerigog because the appointment order was made by C.B.S.E., Gauhati. In case my appointment order as External Examiner was passed by C.B.S.E., I would not have been charged for going to K.V, Dinjan even without formal relieving order. The I.O. therefore, tried to distinguish the two by holding interalia that the appointment order by the Principal, K.V, Dinjan cannot be treated as an appointment order. This issue was required to be proved by the Prosecution by producing witnesses in absence of rules/circulars on the point. There is nothing on record what so ever from which the I.O. could have hold that the appointment made by the Principal, K.V, Dinjan cannot be treated as an appointment order.

Sir, similarly the other charges also required to be proved by oral witnesses and because of the said facts I submitted a number of requests for calling the witnesses so that I can cross-examine them, however my request was refused. I am enclosing the photocopy of my request letters dated 19.1.2002 which was duly received by the I.O. Therefore, the whole enquiry is vitiated.

The copy of the letters dated 19.1.2002 are annexed as Annexures - 1 and 2 respectively.

(3)

ii) Sir, when I was provided with the Presenting Officer's (P.O.'s) brief, I pointed out again that in order to challenge the veracity of the documents produced by the Prosecution, the persons who dealt with these documents and authored them may be called for cross-examination. Even this request was unjustly denied and the I.O. has not even whispered about my objection dated 11.3.2002 in the Inquiry Report.

The copy of the C.O.'s brief dated 11.3.02 is annexed as Annexure-3.

iii) That Sir, I was also denied the assistance of defence Counsel/Defence Assistant. Vide letter dated 21.12.01 the I.O. informed me that under the K.V.S. Rules, no other persons other than the serving/retired employee of K.V.S. can be permitted to assist me as defence assistant in response to which I requested the I.O. by showing him the Education Code and Accounts Code of K.V.S. that if there are some other rules in K.V.S., please furnish me a copy of the same. The response of the I.O. was that the copy of the K.V.S. Circulars will be made available to the Court, if necessary. This way I was denied the assistance of the Defence Counsel/ Defence Assistant.

The copy of the letter dated 19.12.01, 21.12.2001, telegraphic message dated 26.12.01 and letter dated 18.1.01 respectively are annexed as Annexures -4, 5, 6 and 7 respectively.

iv) The documents No. 11 and 12 are accepted in evidence without showing me the original and have been relied upon inspite of my objection that photocopy cannot be accepted without original. Infact in the beginning of the hearing itself I submitted the photocopy of the decision of the Hon'ble Supreme Court on the admissibility of the photo(Xeroxed) copy of the documents (AIR 1994 S.C. 591)

The copy of the letters dated 19.01.02 are annexed as Annexures - 8 & 9 respectively.

v) Sir, the observations of the I.O. on my Written Statement have been made separately and has been held to be non-acceptable by the I.O. without any valid reasons. The learned I.O. failed to consider the statements made in my Written Statements in its proper prospective ignoring the vital submissions made therein. The law requires that an adjudicating authority should first deal with the Charges, the evidence in support of the Charges and the defence against the said Charges and discuss them in his report before reaching the findings which could be based only on the discussions made in the manner as stated above but, that has not been done in the instant case and the defence has been dealt with first in total isolation and thereafter the prosecution case has been dealt with. This has caused a great prejudice and the Inquiry Report is accordingly vitiated.

vi) On 19.1.2002, two persons known to me reached the

place where the enquiry was being conducted in respect of Article of Charge - I. Since, their wards are also studying in K.V, Khanapara, the I.O. enquired from them about the Practical classes and asked me to put questions to them. Their statements were recorded surprisingly as DW-1 and DW-2. However, when their statements did not support the stand of the Department regarding Practical classes, the I.O. refused to counter sign their statements. Although, in his enquiry report he mentions that both the Defence Witnesses did not specifically mention any point relevant to the case. The fact of the matter is that the I.O. even refused to examine me and thus, prevented me from defending myself. Accordingly, the enquiry proceedings are in violation of the principles of natural justice and thus, the same is vitiated.

vii) Sir, I wish to point out that throughout the enquiry proceedings the learned I.O. was reluctant to call oral witnesses and even refused to record my statement. This led me to believe that, the I.O. was pre-determined and bent upon to prove the Charges and thus, the entire proceeding was conducted in clear violation of the principle of natural justice.

viii) That, Sir, the I.O. conducted the entire proceeding arbitrarily, in as much as where it suited the prosecution he ignored even the listed documents on which the prosecution has relied while framing the charges and took into consideration to haul me the Additional documents which I relied for my defence by giving a perverse interpretation to the said documents. I was denied the reasonable opportunity to defend myself and thus the said Inquiry Report is accordingly vitiated.

3. The Charge - wise reply are as follows :-

(6)

ARTICLE OF CHARGE - I

That the said Sh.R.S.Maurya while functioning as PGT(Chemistry) at K.V,Khanapara during the academic year 1998-99 went to K.V,Dinjan to conduct practical examination of CBSE in Chemistry for Class XII Science on 15.02.1999 without permission/relieving order of the Competent Authority.

This act on part of Sh.R.S.Maurya constitutes a misconduct and thus violated Rule 3(1)(i)(ii)&(iii) Rules 1964 as extended to KVS employees.

DEFENCE

I respectfully state that jumping to the conclusion on the basis of my application dated 15.2.99 (Sl.No.24) that I have no respect for rules as laid down in respect of conduct of an employee cannot be sustained in law without taking into consideration the attending circumstances under which I wrote the letter dated 15.2.99, which is in a very simple, respectful and generous language. (Ann.-4 to my Written Statement). The I.O. failed to take into account the documents submitted by me which are on the records of the enquiry proceedings. In this connection, I specifically refer to my letter dated 10.2.99(Ann.-3 to my Written Statement) by which I made a request to the Principal,K.V,Khanapara to relieve me for conducting Chemistry Practical Examination at K.V,C.R.P.F.,Amerigog and K.V,Dinjan respectively but, no relieving order was given to me in respect of either K.V,C.R.P.F.,Amerigog or K.V,Dinjan by the Principal,K.V,Khanapara whereas the Principal issued relieving order in respect of other teachers on various dates namely 8.2.2000,31.1.2000,28.2.2000,28.2.2000,28.1.2000, 9.2.2000,28.1.2000,9.2.2000, 9.2.2000, order dated 03.02.1999, 08.02.2000 and 09.02.2000 etc.

(7)

The I.O. was duty bound to call the Principal, K.V, Kharapara to verify as to what were the circumstances under which she did not issue relieving orders either for K.V, C.R.P.F., Amerigog or for K.V, Dinjan respectively.

The I.O. has mentioned in his report that the letter written by the Principal, K.V, Dinjan (Sl. No. 26) cannot be treated as an appointment order, if this is so, then, the examination which was conducted by me in K.V, Dinjan should have been annulled but this was not done because there has been convention/practice in K.V.S./other C.B.S.E. affiliated schools that the Principal also appoints external examiner for conducting Practical Examination. Not only that I have placed on record a letter dated 26.5.99 by Section Officer of C.B.S.E. (R.O.), Gauhati by which payment towards remuneration and T.A./D.A. for conducting Chemistry Practical Examination at K.V, Narangi, K.V, C.R.P.F. and K.V, Dinjan was made vide Cheque No. 334018 dated 26.5.99. If the appointment by the Principal, K.V, Dinjan cannot be treated as the appointment order as held by the I.O., I am astonished how remuneration, T.A./D.A. in respect of K.V, Dinjan could have been given to me by CBSE, R.O., Gauhati.

I have also placed on record an appointment order appointing me to conduct Chemistry Practical Examination issued by the Principal, Sainik School, Goalpara vide letter No. HSC/SSCE/Exam/0383 dated 31 March 1990, which shows that the External Examiners are also appointed by the Principals in respective Kendriya Vidyalayas and other C.B.S.E. affiliated schools.

It is worth mentioning that the comments written

(B)

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138

by the Principal, K.V, Khanapara on the body of the appointment letter dated 3.2.99 alleging that C.B.S.C. letter not received and phone call with one Mr. Choudhary who directed not to relieve him (me). On this point I made a prayer before I.O. to allow me to cross-examine the Principal, K.V, Khanapara which was denied. For argument sake even if it is admitted that C.B.S.E. letter was not received and one Mr. Choudhary directed the Principal not to relieve me, the question is whether any alternative arrangement in that case was made for conducting Chemistry Practical Examination on 15.2.99 by C.B.S.E., Gauhati. The answer is that no alternative arrangement was made for that, had it been so, I would not have been allowed to conduct Chemistry Practical Examination in K.V, Dinjan and also I would not have been paid remuneration and T.A./D.A. for conducting the Chemistry Practical Examination at K.V, Dinjan.

Sir, with all humility at my command I state that had I not gone to K.V, Dinjan for conducting Chemistry Practical Examination I would have still been charged for the dereliction of my duty. I made a request to the I.O. to call the appointment orders of teachers of K.V, Khanapara who were appointed as External Examiners in 1998-99 etc. and then to see whether all the appointments were issued by the C.B.S.E., Gauhati or some were also issued by the Principal of the respective Vidyalaya. This request was denied unjustly.

In view of the above I respectfully submit that no reasonable and prudent person could have reached a finding that I am guilty of misconduct as alleged and therefore, the finding of the I.O. is unsustainable in law.

ARTICLE OF CHARGE - II

That Shri. R.S.Maurya, while functioning as PGT (Chemistry) Kendriya Vidyalaya, Khanapara had not conducted the practical classes of Class XI till January'99 and during the cumulative test 1998-99 examination all students were awarded 30/30 marks in Practical Examination of Chemistry.

Thus, Shri.Maurya has acted in the manner of unbecoming of KVS employees and thus violated Rule 3(1)(1), (ii) & (iii) of CCS (conduct) Rule, 1964 as extended to Kendriya Vidyalaya Sangathan employees.

DEFENCE

The aforesaid Charge can be divided into two parts :-

(a) That, Shri.R.S.Maurya, while functioning as PGT (Chemistry) at K.V,Khanapara had not conducted the Practical classes of Class XI till January'1999.

(b) That, Shri.Maurya awarded 30/30 marks to class XI students in Chemistry Practical Examination during the Cumulative Test,1998 - 99.

(a) This, part of Charge is said to have been proved by producing four(04) Chemistry Practical Notebooks of Class XI students of which Mast.Aditya Bhuyan and Miss,Kasturi Saikia are Primary Teachers wards of K.V,Khanapara. Their mothers namely Mrs.Archna Bhuyan and Mrs.M.B.Saikia are ill disposed towards me, and they have tutoured the complaints against me in all about similar language.The Academic Session

in Kendriya Vidyalaya starts from first (1st) April, but the classes of Class XI students generally start from mid-July onwards. The Charge against me is that I did not conduct Practical Examination till January 1999. In my Written Statement I stated that Chemistry Practical Examination of Class XI and XII both could not be conducted till mid-November 1998 in absence of required Chemicals for conducting Chemistry classes. In this connection, I may refer the minutes of the meeting held between the parents of Class XII with Principal, K.V, Khanapara on 1.8.98 at 3:45 p.m. at the school premises and it was the follow-up of the earlier meeting dated 18.7.98 (Annexure - 5 to Written Statement), a Report published in The Assam Tribune on 10th September 1998 (Annexure - 6 to my Written Statement) and thereafter to the Office - order dated 6.11.98 (Annexure - 7 of my Written Statement) whereby three teachers including undersigned were deputed to purchase Chemistry laboratory articles. From the aforesaid documents it is clear that the chemicals required for conducting Practical classes were not available in K.V, Khanapara from July to till mid-November 1998 and that I was not responsible for sanctioning money for purchase of chemicals. Therefore, I understand that the Charge relates to the period from which the chemicals became available i.e., last part of November 1998.

I state that I first took extra efforts to take the Chemistry Practical Classes of Class XII students as it was Final year for the students and after completing their Chemistry Projects and Practicals etc., I started taking Chemistry Practical classes of Class XI from December 1998.

(11)

The fact that I took classes from December '98 is amply proved by document No. 7 relied by the prosecution/department (para - 2 of documents No. 7) but, the learned I.O. ignored it and instead relied on four (04) selected copies of the students who may not have been present when I started the Chemistry Classes of Class XI in mid-December '98. In the list of documents Annexure - III to the Article of Charges at Sl. No. 2(iii) it is mentioned as follows :-

" Practical Note Books of students of Kendriya Vidyalaya, Khanapara."

I requested the learned I.O. to call for all the Practical Note-Books of Class XI students of K.V., Khanapara in order to find out as to when I started their Practical classes together with Attendance Register but, the request was turned down unjustly. I therefore, respectfully submit that the Charge contained in this part - (a) by no stretch of imagination can be said to have been proved.

(b) So, far as awarding of 30/30 marks to each is concerned, I have stated in my Written Statement that it was done with the consent of then Principal, namely Shri N.D. Bhulyan and I wanted him to be brought before the I.O. as my witness, to corroborate the fact that he in fact instructed me to award 30/30 marks each to the students without discrimination in view of the fact that their Practical classes could not even be started due to non-availability of required chemicals and the students should not suffer for no fault of theirs. It was also taken into consideration

that there was no basis to judge as to what marks the individual students were entitled to. It is also to be stated that in other subjects namely Physics and Biology no Practical Examinations were conducted during the Cumulative Tests in respect of the said students and the Question Papers were set in contravention with the C.B.S.E. curriculum.

The 30/30 marks each was given in Cumulative Test '1998-99 and if the present Principal of K.V, Khanapara namely, Mrs. J. Das basu was of the view that the assessment of merit in Practical Examination was not properly done earlier, she could have ordered re-examination before promoting the students from Class XI to Class XII on the basis of the instant 30/30 marks. It is also stated that there was sufficient time for Class XI students for conducting re-examination in the said Chemistry Practical Examination being the internal assessment in Class XI but, it was not done rather she chose the said examination as a weapon in her hand to destroy my career as well as to malign my dignity, status and reputation, etc. I therefore, submit that there is no violation of the conduct Rule as alleged.

Contd.,

ARTICLE OF CHARGE - III

Sri. R.S.Maurya while functioning as PGT (Chem.) during the year 1998 - 99 has refused to conduct Practical examination of Chemistry of Class XI and asked the students to bring chemicals for practical examinations. Sh. Maurya also refused to conduct practicals in Chemistry for Private candidates who were to take exams of class XII CBSE 1999.

Thus, Sh. Maurya has violated the code of conduct for teachers as laid down in Education Code for Kendriya Vidyalaya in Chapter VI and Rule 3(1)(i)(ii) & (iii) of CCS (conduct)Rules 1964 as extended to employees of the KVS.

DEFENCE

The aforesaid Charge can be divided into three parts viz. :-

- (a) While functioning as PGT during year 1998-99 the C.O. refused to conduct Practical Exam. of Chemistry of Class XI.
- (b) The C.O. asked the students to bring chemicals for Practical Examinations.
- (c) The C.O. also refused to conduct practicals in Chemistry for Private candidates who were to take exams of Class XII CBSE, 1999.

- (a) The I.O. is silent on the charge that I refused to conduct Chemistry Practical Examination of Class XI during the year 1998-99 in view of overwhelming evidence on record that I did conduct Practical Examination (Annexure - 11 of my Written Statement dated 19.9.2001).
- (b) In so far as the Charge that I asked the students to bring chemicals for Practical Examination is concerned,

I state that it was the bounden duty of the I.O. to enquire regarding the purchases of the chemicals for Chemistry Practical classes/Examination made during the year 1998-99. It would have also been in the interest of justice to find out as to when the last purchase of the chemicals etc. was made by K.V, Khanapara but nothing was done and the reply to the charges made by me in my Written Statement that chemicals required for conducting Chemistry Practical classes/Examination were not purchased in 1996-97 and 1997-98 respectively and that limited quantity of methylated spirit was purchased in 1998 on 15.12.98 only, which was not sufficient for conducting Practical classes and examination was totally ignored by the I.O. I could have been held responsible, had I not brought to the notice of the Principal, K.V, Khanapara that neither chemicals nor spirit was available at the relevant time but it was not so, I brought it to the notice of the Principal on many occasions that no chemicals and spirits are available for conducting practical examination but no action was taken. The guardians of the students held a meeting with the Principal on 18.7.98 and the condition of the Chemistry lab. was made known to the Principal. The minutes of the meeting is at Annexure - 5 and the report in Assam Tribune dated 10 September 1998 wherein the guardians decided to raise funds for purchase of the required chemicals Annexure - 6 to my Written Statement has not even been referred to by the I.O., therefore, the observation made by the I.O. under the caption Analysis of documentary evidence which I quote-

" Mr Maurya would have ensured availability of chemicals required for conducting practicals well in time in consultation with the Principal ."

Sir, I was not allowed to submit the requisitions which I have given to Principal for the purchase of chemicals etc, on 22.12.98 and 23.01.99 by the I.O. In fact after discussion on Charge - I, the I.O. refused to receive any defence documents. I could not have done more than what I have done in procuring the required chemicals etc. In fact the purchases made during November, 1998, after a gap of about two years was because of my efforts for which the then Hon'ble Chairman, V.M.C., K.V, Khanapara wrote an appreciation letter on 23 November '98 which I annexed as Annexure - 8 along with my Written Statement. However, the I.O. not only refused to allow me to submit defence documents after discussion on Charge - I but the learned I.O. did not even consider the documents which are annexed along with my Written Statement dated 19.9.2001.

That Sir, following my requisition dated 23.01.99 after submitting Reminder No.1 dated 2.2.99, the Principal, K.V, Khanapara made purchase of Chemicals from Appichem-Enterprise which is not a Govt. Approved Shop and these Chemicals being of inferior quality were of no use. When the purchase Bill dated 3.2.99 was sent for my signature/ certification in order to incorporate entry into the stock register, I received the same by recording my objection on the body of the said Bill dated 3.2.99. Sir, I stood vindicated when the Audit objections were raised on the aforesaid purchase. The Audit Report makes an interesting revelation that the payment was made on Duplicate Bill. The facts was brought out by me in my Written Statement in paragraph - 8 and in support thereof documents Annexed as Annexures - 14,15 and 16 respectively. However, surprisingly before coming to

(16)

the conclusion which I have quoted above, the learned I.O. did not consider the contents of the Written Statement and documents annexed thereto specially in view of the facts that he did not allow me to examine myself as defence witness.

Under such aforesaid circumstances, I was constrained to advise the students to bring chemicals i.e., 100 ml methylated spirit and 1000 ml distilled water so that the Chemistry Practical Examination could be conducted in a fair and efficient manner. However, the students did not bring the same, I grouped them in a group instead of doing Practical individually and somehow conducted the Practical Examination.

I requested the I.O. to call for the answer-scripts to prove the aforesaid points but the I.O. refused to call those answer - scripts of the Chemistry Practicals Examination'98-99 of Class XI students in question.

Sir, so far as documents No.14 - 18 are concerned in my Written Statement I have pointed out that these documents were dictated by the Principal, K.V, Khanapara. This fact was disclosed to me by girl students led by Miss. Monalisa Das who voluntarily made a note on the letter dated 26.3.99 which I quote as follows -

" Note - This letter is dictated by the Principal Madam under coercion and duress ".

The learned I.O. while relying upon these documents did not make even a whisper about the aforesaid note made on the body of the letter dated 26.3.99 which is annexed as Annexure - 12 to my Written Statement. I further state

that in view of the statement made by me and the documents annexed as Annexure - 12 this charge could not have been proved without calling the girls etc. who said to have written complaints against me but the I.O. was reluctant to take oral evidence for the reasons best known to him.

In so far as pasting of notice on notice board is concerned, this is not the part of the charges and the document No.12 being the extract of the notice has already been commented upon in my Written Statement.

Sir, so far as the documents No.11 is concerned, it is the photocopy of a letter of the Principal and the same has no evidentiary value and thus it is not tenable in law.

Sir, so far as the document No.13 is concerned, it is a request letter dated 22.3.99 written by me and given to laboratory attendant of Chemistry department in order to procure methylated spirit from the chemicals shop to conduct Class XI Chemistry Practical Examination 1998-99 but the said Principal took the said letter from him when he requested her for permission to go ^{to} the chemicals shop and the I.O. has also not commented upon this letter in his enquiry report and therefore the same is also unsustainable in law.

(c) Before I refer to the Charge that I did not conduct Practical of Private students for Class XII on the pretext of non-availability of Chemicals I must bring it to your notice that in the earlier ex parte enquiry against me, this Charge was held as not proved. From the analysis made by the I.O. it is not at all clear as to how he came to the conclusion that I refused to conduct the Practical of Private

candidates of class XII on the pretext of non-availability of chemicals. There is not even an iota of evidence on record to show that the chemicals were available and that I did not conduct the examination. On the other hand Annexure - 13 dated 31.3.99 of my Written Statement dated 19.9.2001 is an evidence on record to show that the chemicals were not available and that I requested the Principal to sanction Rs.1000/- for procuring the same. All this was ignored by the learned I.O.. Further, there is nothing on record to show that I refused to conduct Practical Examination of Private students.

In view of above I respectfully submit that the finding of the I.O. is unsustainable in law.

ARTICLE OF CHARGE - IV

That Sh.Maurya while functioning as PGT(Chemistry) at K.V,Khanapara during the academic year 1998-99 had not submitted the question papers for Session Ending Exams in the stipulated period as notified by the Principal.

Thus, Mr.Maurya, PGT(Chem) has violated the rule 3(1)(i)(ii)&(iii) of CCS(conduct)Rules 1964 as extended to the employees of K.V.S.

DEFENCE

In order to prove this charge the department initially relied on a notice dated 3.2.99 (Sl.No.23 of letter dated 13.11.01) and a photocopy of the same was also given to me after my several repeated requests, by the I.O. and

143

149

(19)

on receipt of the said notice when I pointed out interpolation made on the notice and also showed my forged initial made on the said notice and this document appears to have been discarded by the I.O. as no where the I.O. refers to this particular document. Whereas the charge is that I did not submit Question Paper within stipulated time. The time was said to have been stipulated by document No.23 which has been discarded therefore there is no basis to say that there was any stipulated time which was brought to my notice. However, I maintained that I am not in favour of submitting Question Paper in advance as I have noticed during my tenure in K.V, Khanapara that the wards of the teachers get unexpected high marks in Cumulative Tests and final examinations compared to the marks that they get in the Unit Tests. Because of the aforesaid reason I was allowed by the earlier Principal to prepare cyclostyled Question Paper one day before the Cumulative Test held in November 1998.

Therefore, there is no basis for I.O. to hold that I am guilty of non-compliance of the instructions of his immediate Superior authorities. While holding at the same time that vide document at Sl.No-(2-b) dated 26.2.99 that Principal ordered me to submit Question Paper by said date without mentioning whether I have complied the order or not. The very fact that I complied with the order of the Principal as ordered by her disproves the aforesaid charge.

ARTICLE OF CHARGE - VI

That Sh.R.S.Maurya, PGT (Chem) while working at K.V, Khanapara during the academic year 1998-99 had tampered with the official documents .

Thus, Sh.Maurya had violated the Rule 3(1)(i)(ii) &(iii) of CCS (conduct)Rules 1964 as extended to the employees of K.V.S.

DEFENCE

The aforesaid charge is sought to be proved on the basis of document Sl.No.23 a & b and Sl.No.-1. The document at Serial No.23 a & b are the copy of the relieving order of the C.O. wherein the I.O. observed that time of departure has been written at 6:30 p.m. at later stage on the copy of the letter of the C.O. to suit his personal interest so that he could justify his late arrival by 2 (two) hours at the Vidyalaya on the next working day . Nothing can be farther from the truth and I am compelled to state here that the learned I.O. did not even go through even my Written Statement which was the only document in my defence, since he refused to record my statements during the enquiry proceedings. It is the case of the Department that the exam. was conducted on 5.2.99 and 6.2.99 at K.V, Narangi and 6.2.99 being Saturday on which date the Regional office C.B.S.E. Gauhati remains closed and it hardly matters whether the examination was over early or at 6:30 p.m. as stated by me , as in both the cases the answers-scripts and award list could be submitted only on the next working day i.e., 8.2.99 after 10:00 a.m. Therefore, the observation of the learned I.O. that the time of departure mentioned

(11)

by me was to suit my personal interest to justify my late arrival on next working day by two hours is wholly perverse and imaginary.

Sir, so far as allegation of tampering is concerned I state that there is no tampering. The date and time is recorded in my copy whereas in the copy sent to C.B.S.B., Gauhati, the date is there, however time is not given because it might have been sent by the K.V, Narangl office to C.B.S.E. during working hours. I did conduct the examination upto 6:30 p.m. I have not been charged that the examination was over much before 6:30 p.m. and no evidence is there on the record to show that the examination was over before 6:30 p.m. Therefore, no motive could be attributed to me on the basis of conjectures and surmises. I accordingly submit that there is no substance in the charge and therefore the finding of the I.O. is unsustainable in law.

So far as the remarks made in the Peon-Book at Sl.No.- 1 is concerned I state that column at Sl.No.- 236, relates to period after the Charges were served on 19.8.99. So far as column at Sl.No. - 182, 184 and 219 are concerned they do not find mention in the statement of imputation served upon me. Moreover, in the Charge - Sheet column No. 210 and 211 had been relied upon. The column Nos. which do not find mention in the Charge - Sheet and as well as in the list of Departmental documents ought to have not been taken into consideration by the I.O. In any view of the matter in column No.-182 and 184, I have remarked

(223)

the condition in which I receive the letter for my safeguard as I had invited the wrath of the Principal, K.V.Khanapara by pointing out the defects/irregularities in purchase of chemicals made by her and refused to make entry in the Stock-Register unless she initials the Bill dated 3.2.99.

So, far as entries made at column nos. 211 & 219 are concerned, since the Principal, K.V.Khanapara had refused to talk to me and did not accept any of my letter, I sent my reply vide column no. 211 and under the same circumstances, I communicated to her vide column no. 219 & 236. In fact the observations made in the Peon - Book manifests the frustrations of the C.Q. who was being harassed and is still being harassed at the behest of the Principal, K.V.Khanapara being an honest, sincere, dedicated and upright and competent teacher. In view of above, the aforesaid finding of the I.O. cannot be sustained in law.

Sir, with great respect I most humbly submit that no charges have been proved against me and in view of the irregularities pointed out above, I request your goodself to reject the Inquiry Report and exonerate me.

Enclosures :-

As stated above.

R.S.Maurya
11.6.2000

Yours faithfully,

(R.S.Maurya)

PGT (Chemistry)U/S

K.V.Khanapara,

C/o.Universal Book
Depot,

Six Mile, Khanapara,
Gaubati - 22.

To
The Inquiring Officer,

C/o K. V. K. Khamapara

Copy - 2

Subject:

Prayer to the Province for P.W. for Cross-Examination

Cross-Examination in connection

with the charge under Article I.

R/fix

Annexure - 1

Enc.

16.11.1947

Kindly produce the concerned P.W.
 namely Mrs. J. DAS Basu, The Principal,
 K. V. Khamapara for Cross-Examination
 in order to prove the genuineness and
 authenticity of the documents to be relied
 on by your honour in connection with
 the charge under Article - I of Memo. of
 charges dated 09.08.49.

Recd.
 19/11

(S) Nandy 17-11-49
 yours faithfully,
 (R. S. Nandy)

P. G. T. (Chm) H/S
 K. V. Khamapara
 Copy - 2

148

(24)

Annexure - 2

Date

19.01.02

The Inquiring Officer,

cto. K. V. Khanapara

Gny-22

Subject:- Prayer to produce the P.W. for the Cross -

Examination in connection with the charge
under Article - I.

R/ Sir,

Kindly produce the concerned P.W.
namely Mr. K. K. Chaudhury, the then Assistant
Secretary, C.B.S.E., Gauhati for Cross -

Examination in order to produce the
statement written on a letter dt-dl. 03.02.99
to be relied on by your Plaintiff under
the signature of the concerned Principal,
K. V. Khanapara. The Cross - Examination
of the said P.W. is of utmost importance
to refute / disprove the allegation under
Article - I of the Memo. of charges dt-dl.
09.02.99.

(R. S. Manmohan)
19.01.02

yours faithfully,

(R. S. Manmohan)

P. G. T. (Chem) 4/5

K. V. Khanapara

Gny-22

Recd.
19/1

149

Annexure - 3

To

Sri N.D.Joshi
The Inquiry Officer
&
Principal
K.V. O.N.G.C.
Srikrishna, Assam

Dated- 11 March, 02

Subject:- Inquiry against the undersigned regd.

Reference:- Vide Letter No. F.148(a)/KV-ONGC-SNA/2001-2002/995

dated-26/2/2002.

Sir,

1. I have received the aforesaid letter dated 26/2/2002 under reference on 06/03/02 in the afternoon. In this connection, I respectfully state that filing of written brief by the learned Presenting Officer (P.O.) as well as by the Govt. Charged Officer (C.O.) as provided under Rule 14(19) of the C.C.S.(CCA) Rules, 1965 are meant for making a brief submission before the Hon'ble I.O. with regards to the evidences on record. I may be permitted to state that the department did not produce a single witness to prove and substantiate the allegations/charges against the undersigned. And at the same time no opportunity was given to me to produce my defence witnesses. This was so, as I believe because in absence of the evidence on record, I could not have been asked to enter defence as nothing has been proved against me.
2. The so called Presenting Officer's brief is nothing but the repetition of the charges framed by the Hon'ble Disciplinary Authority vide Memo No. F.14-5/99-KVS(GR)/5251-54 dated 09.08.99 to which I have already replied in detail by my Written Statement dated 19.9.2001.
3. The reliance placed by the Learned Presenting Officer to the documents mentioned in the articles are wholly illegal and unsustainable in law. Somebody who has dealt with these documents or have authored them must prove them in the course of the enquiry proceedings to enable me to cross-examine such persons and thereby

(Signature)
11.03.2002

150

26

-2-

challenge the legality, authenticity and contents of the said documents without which the documents referred cannot be relied upon to prove the allegations.

4. With great respect, kindly permit me to state that the procedure adopted during the so called proceedings of the enquiry is unknown to law.

I, therefore, most humbly request you to kindly consider the aforesaid facts and drop the proceedings by exonerating the undersigned to meet the ends of justice.

(R.S. MAURYA)

Yours faithfully,

(R.S. MAURYA)

P.G.T. (Chemistry)

K.V. Khanapara C/O Universal Book

Depot, Six Mile, Khanapara, Ghy 22

(KAMAL SACHINRAYA) Cutt. I
REG. NO. 5521
NAME: H. P. JOSHI, O. H. G. SIKHONA
CITY: SILCHAR

AMT: 100.00 / Gms. 100 / 11/03/2002 10:00



151

24

Annexure-4

Dtd - 19.12.01

5X

The Inquiring Officer,

Name: N.V. Gandhi
Khamarpata

Subject:- Grant of permission to avail the services of Defence Counsel regarding.

R/Ref,

With reference to the subject cited above, I request your great honour to be kind enough to provide the services of "Defence Counsel" for my legal assistance and natural justice to be incorporated, adopted and modified at the ends in the interest of justice, fair and unequal justice as your honour is well known that most just stage that attained to be decided a fair deciding point at this crucial juncture under the legal coverage at the free disposal of the C.O.

Many, I request your Sir, to make available the services of "Defence Counsel" in all the next meetings and also request you to be kind enough to minimize the needs simply by providing all the original copies of documents as required repeatedly and periodically to the authorities, to me at the spell.

Recd. of (one) per
Wishing a short, responce from your kind end for fair, free and just expeditious proceeding pursuant to the Stitable Tribunal
order dtd. 28.6.2001.

Manu. 19.12.01

Yours faithfully,
(B. S. Manu)

152

28

Application - 5

K.V. ONGC, SRIKONA
P.O. SRIKONA, CACHAR : ASSAM

F. A-8 / KV-ONGC-SNA / 2001-2002 / Sec. A

Dt. 21-12-2001

Office of the Inquiry Officer

To

✓ Sh. R. S. Maurya, PGT(Chem) U/S
C/O. Universal Book Depot.,
Six Miles, Khanapara,
Guwahati - 22.

REGISTERED

Sub. : Your request for the appointment of Defence Assistant, dt. 19/12/2001.

Sir,

In continuation with this Office letter dt. 19/12/2001, this is to intimate you that you are permitted to recommend the name of a serving / retired employee of the KVS alongwith his consent and other details viz. Qualification, Designation, Full official & residential address etc. to the undersigned latest by 31/12/2001.

It is clarified that a person, other than the KVS, will not be permitted to assist you in defending your case as per the KVS rules.

Yours faithfully,

(N. D. Joshi)

Principal,
K.V. ONGC, Srikona

&

Inquiry Officer.

K.V. ONGC, Srikona
Guwahati - 781022

Copy to:

- 1) Sh. P. V. S. Ranga Rao, Presenting Officer & Principal, K.V. No.1, Tejpur, P.O. Dekargaon, Distt. Sonitpur - 784501 (Assam) for information.
- 2) Smt. J. Das Basu, Principal, K.V. Khanapara, Guwahati - 781022 (Assam) for information.
- 3) The Assistant Commissioner, KVS (RO), Malignon, Guwahati - 781012 for information, please.

Inquiry Officer.

153

URGENT EXPRESS

The Inspiring Officer.

46 K. V. C. N. G. C.

SRIKONDA, SILCHAR
(Assam)

Driti.

2-6-12-01

Amuriv - 6

TELEGRAPHIC MESSAGE

KINDLY SEND COPY OF K. V. S. RULES FOR
D. A. FORTNIGHTLY

क्रमांक	दूर संचार विभाग
१४८ Deptt. Of Telecommunications	मात्र प्राप्त Serial No. 3781
क्रमांक Book No.	दस्ते युक्त निम्नलिखित पर
(प्राप्तव्य तारीख) को ब्रेक्वेन्यु फॉर शुल्क पत्रों	
श्रीमान तार सं	प्रेस
ived Rupees. 22/-	मुद्रा विवरण
the Post of inland Telegram No.	
d. 1/1/1943 Booked at	
Date of destination 1/1/1943	
 Signature of Book Link Clerk	

(R. S. Monaghan)

P·G·T (Chem) 115

K. V. Kharapova

6.10 Universal Design for All,

Six Mile, Kharapara
City - 22 (Assam)

12-21-21 Remarks of the Deputy Officer

- Telegram did not reach till late at 10V, Section, OMAC.
- Recd. the photocopy of the same on -
 - request of the Charged Officer -
 - at 10.15 a.m. on 22/2/2020.

Q
C \rightarrow
(A \wedge B) \rightarrow C

The Inquiring Officer,
C/o K. V. K. Rama Rao
Ghy-22

10.01.2002.

Subject :- Appointment of Defence Counsel regarding.

Reference:-

- ① Vide my Telegraphic Message dtd 26 12 ₂₀₀₁.
- ② Vide my letter dtd 26.12.2001.

R/Sir,

I most respectfully and humbly state -

- ① That vide my Telegraphic message dtd 26 12 ₂₀₀₁ I requested to your honour to be kind enough to send the copy of the "K. V. S. Rule for D. A." as referred in my office letter dtd 21.12.2001, received by me on 26.12.2001 within the stipulated time for receiving action but the same is not responded till date by your kind end and thus it is not attributable to me. It is also stated that this telegram was followed by another letter dtd 26-12-2001 wherein request was made for the appointment of Defence Counsel with genuine grounds but the same is also not responded from your kind end please till 27 date.
- ② That the statement made in para - 2 on page - 5 of the proceeding dtd 19.12.2001 & letters dtd 19.12.2001 & 21.12.2001 respectively are contradictory itself and therefore, once again I would like to request to your honour to be kind enough to permit me for the appointment of 'Defence Counsel' to defend my case properly & effectively to meet the ends of justice.

Contd on P.T.O. '2-->

31

(3) That the charges levelled against me are very grave, complicated, numerous and to be based on voluminous records, which alone I cannot deal & sift. However, I used to become "nervous" and "tongue tied" during the enquiry and investigation done by the learned I.O. and P.O. respectively.

(4) That I have a reason to believe and also under a reasonable apprehension that the said enquiry is pre-judged, pre-planned and is delayed at various foretexts just to harass my entire family members for the vested interest in pecuniary gain.

(5) That I am very much pitied against the experienced P.O., having a trained mind with legal expertise in the line of dealing several Dept. Proceeding cases to his credit and as such I feel that I shall not be able to get justice from your honour and a free, fair, reasonable opportunity is denied to me and therefore, I am very much dispirited to defend my case properly and effectively.

Therefore, it is prayed that your
great honour would be pleased to supply the
copy of the K. V. S. Rule for D.P. and would also
be pleased to allow me the services of the
Defence Counsel as per the K. V. S. Rule for
Rec'd. of (two) parties interested in justice in a force, fairly and
in just manners.

156

162

To

(32)

Annexure - B

Date

19.01.02

The Inquiring Officer

C/o Mr. V. V. Khanapara

Subject: - Prayer for submission of some more defence documents in order to refute and disprove the charge under Article - I.

R/Sir,

Kindly, please find the copies of the documents to be relied by your hon'ble in order to refute the allegation under Article - I at the time of hearing.

① AIR (1994) SC 591

A.P. Vs. K.C. Venkatesh Reddy

② The reliving orders dated 8/1/2000, 2/1/2000,
20/2/2000, 2/3/2000, 2/4/2000, 9/2/2000,
20/1/2000, 9/2/2000, order dated 03/02/1999
18/2/2000 and 09/02/2000 Only.

(S/Name)

19.01.02

Yours faithfully,

C. R. S. Manjana

P. G. T. (Chem) M/S

V. V. Khanapara

Copy - 22

19/1

To

The Inquiry Officer,
M/o V.V. Kharabaria
GNY - 22

Subject :- Objections regarding the "Admissibility of documents" in the proceedings.

R/Sir,

I most humbly and most respectfully state as follows:

- (1) That Sir, your honour is not permitting documents which you are likely to rely in proving the charges without the original documents being produced and proved in the inquiry.
- (2) That Sir, your honour is also not calling the Prosecuting Witness(s) (herein referred as P.W's) of the Department to enable me to cross-examine them in respect of the documents which you are accepting without being proved in spite of my repeated objections filed before your honour time to time.
- (3) That Sir, I am very much 'prejudiced' and I have been denied the reasonable opportunity to defend my case properly & effectively to meet the ends of justice.

Accd. (1) page
Decd. ✓, 1997

Yours faithfully:
(R. S. Manjra)
P.G.T. (Chem) M/S
V.V. Kharabaria

KENDRIYA VIDYALAYA SANGATHAN

Regional Office,
Chayaram Bhawan, Maligaon Chariali
Guwahati-12

No.F.14-5/2001-KVS(GR)/ C.C.S. - 24

Dated : 1.5.2002

ORDER

WHEREAS, Shri R. S. Maurya, PGT(Chemistry), (Under Suspension), Kendriya Vidyalaya, Khanapara was charge-sheeted under Rule -14 of Central Civil Services (Classification, Control & Appeal) Rules, 1965 as extended to the employees of the Kendriya Vidyalaya Sangathan vide Memorandum of even number dated 9.8.99.

WHEREAS, Pursuant to the Orders of the Hon'ble CAT, Guwahati Bench dated 28.06.2001, Passed in OA No.20 of 2001, Shri N.D. Joshi, Principal, Kendriya Vidyalaya, ONGC, Srikoona, Silchar, was appointed as new Inquiry Officer to re-inquire into the charges framed against the said Shri R.S. Maurya, vide Order dated 31.8.2001.

WHEREAS, the Inquiry Officer has concluded the inquiry in keeping with the provisions under Rule 14 of CCS(CCA) Rules, 1965, as extended to the employees of KVS and Shri R.S. Maurya has cooperated with the Inquiry proceedings and also availed the opportunities provided to him to defend his case.

WHEREAS, Shri N.D. Joshi submitted his report to the Disciplinary Authority, a copy of which was provided to the said Shri R.S. Maurya for making representation in terms of Government of India's Instructions under Rule-15 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, vide Memorandum dated 22/3/2002 and allowed extension of time as per his request vide letter dated 4.4.2002.

WHEREAS, Shri R.S. Maurya has submitted his written representation vide his letter dated 11.4.2002 and the grounds raised by him have been considered but can not be acceded to.

WHEREAS, out of 06 Articles of charges, 05 Articles of charges have been held proved by the Inquiry Officer. The charges under said 05 Articles are as under :-

1. That the said Shri R.S. Maurya, PGT(Chemistry) during the academic year 1998-99 went to Kendriya Vidyalaya, Dibrugarh to conduct practical examination of CBSE, Chemistry for class XII(Sc) on 15.2.1999 without permission/Relieving Order of the competent authority.

Contd...2/-



(2)

2. That Shri R.S. Maurya had not conducted the Practical classes of class XI till January, 1999 and during the Cumulative Test 1998-99, all the students were awarded 30/30 marks in Practical exams of Chemistry.
3. That Shri R.S. Maurya while functioning as PGT(Chem) during the year 1998-99 has refused to conduct Practical examination of Chemistry of class XI and asked the students to bring Chemicals for Practical examinations. Shri Maurya also refused to take class XII, CBSE (AISSCE)'99 Chemistry Practical examination for private students.
4. That Shri R.S. Maurya while working as PGT(Chem) in KV, Khanapara during the academic year 1998-99 had not submitted the question papers for session ending Examination within the stipulated period as notified by the Principal
5. That Shri R.S. Maurya, PGT(Chem) while working at KV, Khanapara during the academic year 1998-99 had tampered with the official documents.

AND WHEREAS, on careful consideration of the report of the Inquiry Officer and other records of the case, the undersigned has decided to accept the findings of the Inquiry Officer in respect of Articles-I, II, III, IV and VI as proved.

AND WHEREAS, after considering the records of Inquiry and the facts/circumstances of the cases, the undersigned has come to the conclusion that Shri R.S. Maurya, while working as such

- i) Left his duties without the approval of the competent authority and left the students unattended who were under his charge.
- ii) He awarded the marks to the children without conducting the Practical Examination in Chemistry.
- iii) He did not conduct the Practical for private candidates of class XII in Chemistry and asked the students to bring Chemicals for Practical.

Contd..3/-



(3)

(iv) That Shri Maurya during the academic year 1998-99 had not submitted the question papers for session ending Examinations in the stipulated period as notified.

(v) That during the year 1998-99, Shri Maurya had tampered the official documents and thus committed serious misconduct under Rule-3(I), (i) (ii) & (iii) of CCS (Conduct) Rules 1964 as extended to the employees of Kendriya Vidyalaya Sangathan.

NOW, THEREFORE, the undersigned in his capacity as Disciplinary Authority Orders imposition of penalty upon Shri R. S. Maurya of removal from service with immediate effect which shall not be a disqualification for future employment under the Government.

D. K. Saini
 (D. K. SAINI) 1/5/02
 Assistant Commissioner

To
 Shri R. S. Maurya,
 PGT(Chemistry), (Under Suspension),
 Kendriya Vidyalaya, Khanapara,
 C/o Universal Book Depot,
 Six Mile, Khanapara,
 Guwahati-22.

Copy to :

1. The Principal, Kendriya Vidyalaya, Khanapara
2. The Deputy Commissioner(Admn), KVS(Hqrs), New Delhi for information.

Assistant Commissioner

Sf

(16)

Annexure-A15

16

Speed-Post

Date

09/05/2002

From:-

R. S. Maurya
P.G.T. (Chemistry)

K. V. Khanapara

C/o Universal Book Depot,
Six Mile, Khanapara
Gauhati - 22
(Assam)

भारतीय डाक
Post Office, Gauhati
Assam, India
From: R. S. MAURYA, KM
Six Mile, Gauhati, Assam
Date: 09.05.2002
Rate: 83.00, 09/05/2002, 09.
Leave at 6000 G.A.

INDIA PO

To,

Sri D. Singh Visti

The Joint Commissioner,
(Administration)

&

The Appellate Authority

K. V. S., 1B - Institutional
Area, Shaheed Jee Singh Marg,
New Delhi - 16.

Sir,

Please find enclosed herewith the 'Appeal' in original containing pages 01 to 99 against the impugned Order dated 1.5.2002 for your kind consideration and sympathetic action at the earliest please to meet the ends of justice.

Thanking you:

R. S. Maurya
815702

yours faithfully,

(R. S. Maurya)

P.G.T. (Chemistry)

K. V. Khanapara.

C/o Universal Book Depot
Six Mile, Khanapara
Gauhati - 22
(Assam)

Subdpt. No. 161001
22/5/2002

भारतीय डाक
INDIA PO

To

Date : 8.5.2002.

Sri D. Singh Visht,
 The Hon'ble Joint Commissioner,
 (Administration)
 Kendriya Vidyalaya Sangathan,
 18, Institutional Area,
 Shaheed Jeet Singh Marg,
 New Delhi - 16.

23
22 not Jw
45

IN THE MATTER OF :

An appeal under Rule-23 of
 Central Civil Services (Classification, Control and Appeal), Rules, 1965 read with para- 6 of Appendix-XIX of Education Code for Kendriya Vidyalayas.

- And -

IN THE MATTER OF :

An Order bearing Memo No. F. 14-5/2001-KVS (GR)/6692-94 dated 01.5.2002 passed by the Assistant Commissioner Kendriya Vidyalaya Sangathan, Gauhati Region, removing the appellant from service with immediate effect allegedly for misconduct in violation of Rule 3(1) (i), (ii) and (iii) of the Control Civil Services (Conduct) Rule, 1964.

Contd.. 2.

- 2 -

- And -

IN THE MATTER OF :

Radhey Shyam Maurya,
P.G.T. (Chemistry)
Kendriya Vidyalaya,
Khanapara, Guwahati- 22,
Assam.

• • • Appellant.

The humble Appellant -

MOST RESPECTFULLY SHEWETH :

1. That the Appellant respectfully states that he was placed under suspension vide an Order No. F.14-5/99-KVS(GR)/2091-93 dated 1.6.99 passed by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati-12 (Assam).

The copy of the order dtd. 1.6.99
is annexed as Annexure-1.

2. That the Appellant respectfully states that thereafter, he was served the Memorandum of charges vide O.M. No. F. 14-5/99-KVS (GR)/315-54 dtd. 9.8.99 issued by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region.

Contd..3.

- 3 -

3. That thereafter, pursuance to an order No. F. 14-5/2001-KVS(CR)/15039 dtd. 7.9.2001, the humble appellant submitted his written statement dated 19.9.2001 to the Disciplinary Authority, K.V.S. Guwahati Region and consequently enquiry proceedings was initiated by I.O. on 19.10.2001 and the Disciplinary Authority sent a copy of the enquiry report to the appellant to submit his representation/submission on the enquiry report.

The copy of the written statement dtd. 19.9.2001 and enquiry report are annexed as Annexure-2 & 3 respectively.

4. That on receipt of the aforesaid enquiry report, the appellant submitted his representation / submission dated 11.4.2002 to the Disciplinary Authority assailing the legality and validity of the Inquiry Report on Charges I,II,III,IV and VI respectively which were allegedly proved by the I.O. Thereafter, the Disciplinary Authority passed the impugned order dated 1.5.2002 (Annexure-5) whereby imposed the penalty of removal of the appellant from service with immediate effect.

The copy of representation dtd. 11.4.2002 and impugned order dtd. 1.5.2002 are annexed as Annexures- 4 & 5 respectively.

5. That, on being aggrieved by the impugned order of removal from service dtd. 1.5.2002, the appellant prefers this appeal on the following grounds amongst others.

Contd...4.

GROUNDS OF APPEAL

- (i) For that the impugned order dtd. 1.5.2002 (Annexure-5) suffers from serious legal infirmity and illegality and thus the same is liable to be set aside and quashed.
- (ii) For that the punishment awarded is grossly excessive as well as disproportionate and did not commensurate with the gravity of the misconduct alleged and as such the impugned Order dtd. 1.5.2002 is bad in law.
- (iii) For that there is no evidence on record to prove and substantiate the allegations/charges against the appellant and thus the entire proceeding is vitiated.
- (iv) For that the department could not produce a single witness to prove and substantiate the allegations/charges against the appellant and thus the entire proceeding is unsustainable in law.
- (v) For that the appellant was neither given reasonable opportunity to state his defence, to submit his defence documents, to produce his defence witnesses nor was asked to examine himself as a defence witness before closing

Contd.. 5.

of inquiry by the inquiry officer and therefore, there is a clear violation of principle of natural justice and thus the entire proceeding is liable to set aside and quashed.

(vi) For that the prosecution failed to prove even an iota of charge during the course of enquiry and the appellant was not asked by the I.O. to enter the defence and as such the entire proceeding including the impugned order dtd. 1.5.2002 is liable to set aside and quashed.

(vii) For that the reliance placed by the I.O. to mentioned the documents in the articles are wholly illegal and unsustainable in law. Somebody who has dealt with these documents or have authored them must prove them in the course of the enquiry proceedings to enable me to cross-examine such persons and thereby challenge the legality, authenticity and contents of the said documents without which the documents referred cannot be relied upon to prove the allegations and such documents have no evidentiary value and therefore there is clear violation of the principle of natural justice and thus the entire proceeding is liable to be set aside and quashed.

Contd..6.

(viii) For that the entire procedure adopted during the so called proceedings of the enquiry is unknown to law and therefore the same is bad in law and thus liable to be set aside and quashed.

(ix) For that the appellant was denied the assistance of the defence counsel (Defence Assistant) of his choice and thus he was denied the reasonable opportunity to defend his case effectively and reasonably.

(x) For that the said enquiry proceedings was unduly prolonged and thus it smacks of malafide and as such the entire proceeding is vitiated.

(xi) For that the subsistence Allowances was not paid timely and regularly to the appellant and on this point alone the entire proceeding is unsustainable in law.

(xii) For that the appellant has rendered about 17 years of services to the K.V.S. and has a family of six members including four younger school going children who are totally dependent on the salaried income of the appellant and the said impugned order has deprived them from their livelihood and thus the same is liable to be set aside and quashed.

(xiii) For that the said impugned order dtd. 1.5.2002 is punitive in nature and casts social stigma

- 7 -

on the reputation and dignity of the appellant and therefore the same is liable to be set aside and quashed.

(xiv) For that the learned I.O. allegedly found the appellant guilty of misconduct under Rule 3(l) (i), (ii) and (iii) of C.C.S. (Conduct) Rules, 1964, said to have been extended to the employee of Kendriya Vidyalaya by totally ignoring the Article-55 of the Education Code in Chapter-VI, under the heading, the code of conduct for teachers (At page 51 of the Education Code) and for such act or omission the entire proceeding is vitiated.

(xv) For that the Hon'ble Disciplinary Authority imposed the penalty of removal of the appellant from service vide his impugned order dtd. 1.5.2002 (Annexure-5) allegedly for the violation of Rule 3(l) (i), (ii) and (iii) of the C.C.S. (Conduct) Rules, 1964 which does not apply to the teaching staff (like the appellant) but is applicable to the non-teaching staffs and Principal and therefore, the entire proceeding including the impugned Order dtd. 1.5.2002 is liable to be set aside and quashed.

(xvi) For that under the facts and circumstances of the entire matter, the appellant was denied the reasonable opportunity to defend himself and

Contd. 3.

- 3 -

therefore the enquiry report as well as the impugned order dtd. 1.5.2002 are in total violation of the principle of natural justice.

(xvii.) For that in any view of the matter whether in fact or in law, the impugned order of removal of the appellant from service dtd. 1.5.2002 cannot be sustainable in law and thus the same is liable to be set aside and quashed.

In the premises aforesaid your humble appellant prays that he may be given a personal hearing and also after hearing the representative of the department, your honour may be pleased to allow the appeal and set aside the impugned Order of removal dtd. 1.5.2002 and or may pass such order or orders as your honour may deem fit and just under the facts and circumstances of the entire matter

- And -

Contd. 9.

- 9 -

During the pendency of the appeal be pleased to direct the disciplinary authority not to take any further consequential action pursuant to the order of removal dtd. 1.5.2002.

- And -

Further in interim during the pendency of the appeal your honour would be pleased to stay the operation of the impugned Order dtd. 1.5.2002 for the interest of justice.

Radhey Shyam Maurya
Appellant.

Total Pages.

01 to 09 (marked in red ink)

Copy to :

The Disciplinary Authority
K.V.S., Ganhati Region
for kind information and
n/a please.

R.S. Maurya, P.G.T. (Chemistry)
Kendriya Vidyalaya, Khanapara,
C/o Universal Book Depot,
Six Mile, Khanapara, Ghy-22,
Assam.