

50/100  
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**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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2  
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FORM NO. 4  
(See Rule 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.  
GUWAHATI.

ORDER SHEET

Orginal No. 124/2002  
Misc. Petition No. /  
Contempt Petition No. /  
Review Application No. /

Applicant(s) A. K. Mahanta

Respondent(s) N. O. T. I. Govt.

Advocate for Applicant(s) K. K. Mahanta, J. Roy Chaudhury  
R. Dasgupta, Arun C

Advocate for Respondent(s) K. N. Chaudhury, S. S. Saikia

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
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12.4.02

Heard Mr. K. K. Mahanta learned counsel

for the applicant and also Mr. B. C. Das learned counsel for the Respondents.

Issue notice on the respondents to show cause as to why the interim prayer should not be granted as prayed for.

List on 26.4.02 for Admission.

I C Usha  
Member

lm

26.4.02

Heard learned counsel for the parties.

Application is admitted. Issue notice on the respondents. Call for records. The Respondents has filed the written statement. The case may now be listed for hearing on 10.5.02.

DINo 1148 to 52

Dtd - 22/4/02

lm

① Service report are still awaited.

24/4/02

Vice-Chairman

29. 4. 2002

W/S submitted  
by the Respondent. No. 2, 3, 4,  
5 and 6.

10.5.2002 Heard counsel for the parties.  
Judgment delivered in open Court,  
kept in separate sheets.

The application is allowed in  
terms of the order. No order as to  
costs.

6.5.02

Rejoinder submitted  
by the applicant in reply  
to W/S.

bb

ICC Shan

Member

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./K.X. NO.124 of 2002 . . XX

DATE OF DECISION 10.5.2002 . . . . .

Sri Ashwin Kumar Mahanta

APPLICANT(S)

Mr.K.K.Mahanta, J.Roy Choudhury,  
S.Singh, R.Duarah & Arun C. ADVOCATE FOR THE APPLICANT(S)

VERSUS -

union of India & Others.

RESPONDENT(S)

Mr.K.N.Cheudhury, B.C.Das &  
S.Sarma.

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE MR K. K. SHARMA, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble **Administrative Member.**

10/5/02  
Usha

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.124 of 2002.

Date of Order : This the 10th Day of May, 2002.

THE HON'BLE MR K. K. SHARMA, ADMINISTRATIVE MEMBER.

Sri Ashwin Kumar Mahanta  
S/o Sri Subal Chandra Mahanta  
Teacher, Physical Education  
Jawahar Navodaya Vidyalaya  
Bihpuria, North Lakhimpur  
Assam.

... Applicant.

By Advocates Mr.K.K.Mahanta, J.Roy Choudhury, S.Singh &  
R.Duarah & Arun C.

- Versus -

1. Union of India

Represented by the Assistant Director  
Navodaya Vidyalaya Samiti  
Regional Office, Nangrim Hills  
Shillong, Meghalaya-3.

2. The Deputy Director

Navodaya Vidyalaya Samiti  
Regional Office, Nangrim Hills  
Shillong, Meghalaya - 3.

3. The Director

Navodaya Vidyalaya Samiti  
An Autonomous Organisation of  
Ministry of Human Resource and Development  
Govt. of India, A-39 Kailash Colony  
New Delhi-110 048.

4. The Deputy Commissioner, Chairman

Navodaya Vidyalaya, Bihpuria  
North Lakhimpur, Assam.

5. The Principal

Jawahar Navodaya Vidyalaya, Bihpuria  
North Lakhimpur, Assam.

6. Sri Sanjay Kumar, Principal

Jawahar Navodaya Vidyalaya, Bihpuria  
North Lakhimpur, Assam.

... Respondents.

*U.U.Sha* By Sr.Advocate Mr.K.N.Chaudhury, Mr.B.C.Das & Mr.S.Sarma.

ORDERK.K.SHARMA (ADMIN.MEMBER):

By this application under section 19 of the Administrative Tribunal's Act, 1985, the applicant has challenged the order dated 19.12.2001 (Annexure-4 to the O.A.) issued by the respondents releasing the applicant from Jawahar Navodaya Vidyalaya, Lakhimpur and directing him to report at the Regional Office at Shillong.

1. The applicant was appointed as P.E.T. in Assamese by letter dated 3.10.2001 and was posted at Navodaya Vidyalaya, Bihpuria, Dist:- North Lakhimpur, Assam. On 19.12.2001 the applicant was served with the impugned order. The order indicated that the applicant has been transferred for misconduct. It is stated that the applicant has been instigating and creating parochial feelings among the students of the Vidyalaya. The transfer order has been challenged on the ground that the Principal, who passed the order was not competent to pass the order and it was only the Assistant Director, who was competent to pass any transfer order. It is also stated that no order was given to the applicant and the applicant was directed to report Regional Office, Shillong for getting his necessary order. The legality of the order is also challenged on the ground that it is punitive in nature and stigmatic. The order has been passed without giving the applicant a fair opportunity.

*KK Sharma*

2. Mr.K.K.Mahanta, learned counsel assisted by Mr.R.Duarah, learned counsel appearing on behalf of the applicant elaborated the averments made in the application. Mr. S.Sarma, learned counsel appearing for the respondents relied on the written statement filed. Mr. Sarma submitted that the transfer order has been passed by the Principal after consultation with the Hon'ble Deputy Director, Navodaya Vidyalaya Samiti, Shillong. The applicant was ~~on~~ in probation for a period of two years and he was transferred for instigating the students.

3. I have perused the records and carefully considered the submissions made on behalf of the parties. The impugned order makes serious allegations against the applicant. If there was a misconduct particularly on the part of the applicant, considering his period of service ~~the respondents~~ should have <sup>been</sup> <sub>by</sub> counseled <sup>by</sup> <sub>with</sub> his seniors. Serious allegations have <sup>been</sup> been levelled against the applicant without giving him an opportunity to explain his case. Therefore, the transfer order dated 19.12.2001 on the ground of serious allegation of misconduct without giving him an opportunity to defend his case cannot be sustained. The fact that the applicant is inexperienced in such matters <sup>is obvious</sup> is exposed as he approached the Hon'ble High Court against the impugned transfer order before approaching this Tribunal. The applicant had also made representation dated 10.1.2002 to the Assistant

IC (Shay)

Contd./4

Director, Navodaya Vidyalaya Samiti, Shillong which has not been disposed of yet.

Considering the facts and circumstances of the case the impugned order of transfer dated 19.12.2001 cannot be sustained and is accordingly set aside for the reasons mentioned above.

The application is allowed to the extent indicated above.

There shall, however, be no order as to costs.

*K.K.Sharma*  
( K.K.SHARMA )

ADMINISTRATIVE MEMBER

BB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::::GAUHATI BENCH

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

Title of the Suit

O.A.No. 124 /2002.

Sri Ashwin Kumar Mahanta.

...Applicant.

- Vs -

Union of India & others.

...Respondents.

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For use of Tribunal's Office

Date of filing :-

Registration No.:-

9  
Filed by the  
Applicant A.K. Mahanta  
through J.R. Churniary  
11-4-2002

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH

O.A. NO. 124 /2002

Sri Ashwin Kumar Mahanta.

- Vs -

Union of India & ors.

BETWEEN

Sri Ashin Kumar Mahanta

S/O Sri Subal Chandra Mahanta

Teacher, Physical Education,

Jawahar Navodaya Vidyalaya, Bihpuria,

North Lakhimpur, Assam.

...Applicant.

- Vs -

1. Union of India , represented by

the Assistant Director,

Novodaya Vidyalaya Samiti,

Regional Office, Nongrim Hills, Shillong

Meghalaya- 3.

2. The Deputy Director,

Novodaya Vidyalaya Samiti,

Regional Office, Nangrim Hills,

Shillong, Meghalaya- 3.

3. The Director,

Navodaya Vidyalaya Samiti,

An Autonomous Organisation of

Ministry of Human Resource and Development,

Govt. Of India, A- 39 Kailash Colony,

New Delhi- 110048.

4. The Deputy Commissioner, Chairman,

Navadaya Vidyalaya, Bihpuria,

North Lakhimpur, Assam.

5. The Principal,

Jawahar Navodaya Vidyalaya, Bihpuria,

North Lakhimpur, Assam.

6. Sri Sanjay Kumar, Principal

<sup>Na</sup> Jawahar Navodaya Vidyalaya, Bihpuria,

North Lakhimpur, Assam.

.....Respondents

#### DETAILS OF APPLICATION

1. PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE : -

This application is made praying for a direction to quash/set aside the impugned order /letter being No. F. No-2-II/JNVS/NLP/2001/1730-22 dated 19/12/2001 passed by Shri Sanjay Kumar, Principal, Jawahar Navodaya Vidyalaya (Respondent No. 6) by means of which the applicant has been relieved from the vidyalaya on 19/12/2001 and directing him to report at Regional Office, Shillong at the earliest, arbitrarily and without any authority and also without offering any opportunity to the applicant as to why he shall not be relieved and also seeking a direction upon the respondents to allow the applicant to continue in duties in the said vidyalaya.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The applicant declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE

4.1. That the applicant is a ~~Permanent~~ resident of Kokrajhar, Assam and a citizen of India. As such the applicant is entitled to all the rights guaranteed under the Part of III of the Constitution and other Rights as conferred by the other relevant Acts, Rules and statutes presently in force.

4.2. That the applicant who is a Bachelor of Physical Education from UTD Devi Ahalya University, Indore and first class Master Degree holder from UTD Bartakullah University, Bhopal and presently being enrolled to complete his Ph.D. was appointed as a teacher of physical Education under the Directorate of Navodaya Vidyalaya Samiti Regional Office, Namgram Hills, Shillong- 3 vide letter No. F.No. 2-7/2001/NVS(SHR)/pers/1899 dated 3/10/2001 after due scrutiny/following the due process of law on being so appointed he was posted in the Jawahar

Navodaya Vidyalaya, Bihpuria, Dist. North Lakhimpur where the applicant discharged his assigned duties till 19/12/2001 without any interruption. It may be pertinent hereto mention that the appointment letter was issued under the hand & seal of the Assistant Director, Navodaya Vidyalaya Samittee, Regional Office, Shillong the appointing authority.

of the Bio-data, Registration for Photocopies ~~of~~ PH.D.Certificate, and appointment letter dated 3/10/2001 are annexed hereto and marked as Annexures 1, 2 and 3 respectively.

4.3. That on 19/12/2001 the applicant was served with the impugned letter/order being F. No. 2-II/JNVB/NCP/2001/1720-22 dated 19/12/2001 issued by Sri Sanjay Kumar, Principal, N Jawahar Navodaya Vidyalaya whereby it was ordered that the applicant has been relieved from the aforesaid Vidyalaya on the allegation that applicant is responsible for instigating the students of the Vidyalaya on the basis of difference of language due to which the students are on the verge of revolution. It is stated in this context that an unrest amongst the students of the Vidyalaya was reported due to some conflict between its teachers and the students on 18/12/2001 due to which the students of the Vidyalaya started hunger strike. It may be mentioned herein that the applicant who spends maximum of his time in his studies and performing his duties had no prior intimation regarding the said unrest and is totally innocent having no hand, at all



*Vide*

in the said unrest. <sup>Vide</sup> the impugned letter the applicant was also directed to report at the Regional Office, Shillong, at the earliest and was also mentioned that the said order has been issued after consultation with S.O.S.D. Sri M.L.Sharma, Deputy Director, (Admn.)

A copy of the impugned letter dated 19/12/2001  
27 is annexed hereto and marked as Annexure- 4.

4.4. That the applicant begs to state that in the impugned letter dated 19/12/2001 it has been alleged that the applicant was "injecting venom among the boys on the line of Assamese and non-Assamese" and that the applicant was not correcting himself although ample suggestions were given to him. The applicant begs to state that the same is totally false, unfounded concocted, based on some irrelevant and extraneous considerations, unreasonable, malafide and illegal. The action of the respondent No. 6 cannot be and ought not be said to be in accordance with the well settled principles of serving jurisprudence as well as the principles of natural justice.

4.5. That the applicant further begs to state that the authority has acted at their whims and caprices, totally arbitrarily and with some vested interest. It is transparent from the impugned letter dated 19/12/2001, that the applicant has been relieved from the said vidyalaya making certain allegations against the applicant. The allegations as mentioned

in the said letter are totally false and previous without any reason whatsoever and is levelled against the applicant with some malafide vested interest of the concerned authorities without giving <sup>an opportunity to defend his</sup> him <sup>interest/reput</sup> the allegations and to support his case. Moreover there is nothing on record to substantiate the allegation levelled against the applicant.

4.6. That the applicant also begs to state that the impugned order dated 19/12/2001 has been issued by the respondent No. 6 without providing any opportunity to the applicant to show-cause as to why he shall not be released. This action of the respondents is violative of the Principles of natural justice.

4.7. That the applicant further begs to state that no inquiry, whatsoever was initiated by the concerned authorities to find out actual reason behind the unrest amongst the students of the Vidyalaya. The occurrence of hunger strike took place at night on 18/12/2001 at about 9 P.M. and in the next morning the applicant was served with the impugned relieve order hurling the allegations/holding him responsible for the said unrest without making any enquiry whatsoever before leveling stigmatic allegations against the applicant. The applicant further begs to state that although the impugned order mentioned that the order was passed with consultation of the

O.S.D. Sri M.L.Sarma, Deputy Director, Administration, but it may be put on records that the same is false and concocted in as much as the respondent No. 6 passed the impugned order himself without any consultation with his superiors. Be that , as it may, the impugned order is wholly without authority and capricious beside being void- ~~Ab- initio~~ , illegal, unjust and unfair.

4.8. That the applicant also begs to state herein, that as mentioned earlier, the Respondent No. 6, illegally, arbitrarily and with malice issued the impugned order. It may be ~~repeatedly~~ reiterated herein that, the Respondent No. 6 hastily without applying his mind and observing the well settled procedures of law issued the impugned order which is prima facie illegal and as such cannot be allowed to sustain and hence liable to be quashed and set aside.

4.9. That the applicant also begs to state that the Respondent No. 6 is not the competent authority and had acted without his jurisdiction in passing the impugned order . Therefore, the same itself being passed without authority is liable to be quashed and set aside for the ends of justice.

4. 10. That the applicant further begs to state that immediately after the issuance of the impugned order dated on 19/12/2001 a teacher-parent meeting was held in the evening on the same day in which the Respondent No. 6 put his signature in presence of as

Abin

many as 24 presentees that everything is settled amicably and there is no problem in the Vidyalaya. It was also admitted by the Respondent No. 6 that the applicant was co-operating with all. Subsequent to this meeting on 19/12/2001 the applicant was again allowed by the Respondent No. 6 to attend his duties and the applicant also attended his duties for next 3 days i.e. from 20/12/2001 to 22/12/2001 and put his signature in the attendance register. But on 23/12/2001 when the applicant again visited the vidyalaya, the applicant was astonished to find that his attendance signatures have been struck off, showing him to be absent for those days from 19/12/2001 to 22/12/2001 which is highly illegal, perverse, arbitrary, unfair, unjust, and against the well settled principles of service jurisprudence.

A copy of the minutes of the meeting held on 19/12/2001 is annexed hereto and marked as Annexure- 5.

4. 11. That the applicant further begs to state that he has no knowledge of the conspiracy and is in no way involved in instigating the students in causing troubles for the authorities. The Respondent No 6 with some causes harbouring anti -Assamese feeling <sup>678</sup> created all problems in the said vidyalaya and it is pertinent to mention here that, before the joining of the applicant there existed the problem of tussle between the students and the school authorities. The applicant

has been made the scape-goat and the action of the Respondent No. 6 is malafide, arbitrary, unjust and not in accordance to the norms . It is amply clear from the report which was published widely stating the anomalies existing within the school in the following newspapers : -

<u>Name of paper</u>	<u>Date of Publication</u>
1. The Dainik Agradoot	24th December, 2001
2. The Amar Asom	29th Dec, 2001
3. The Amar Asom	3rd January, 2002
4. The Azir Asom	4th January, 2002
5. The Dainik Janam - bhumi	7th January, 2002.

4. 12. That the applicant, finding no way ~~to~~ out , submitted an appeal to the Assistant Director Navodaya Vidyalaya Samiti, Shillong region, Shillong on 10/01/2002 through the Respondent No. 6 with an advance copy to the addressee. And <sup>the</sup> same has been ~~had~~ received by the authorities, as has been confirmed from the concerning post offices as it was posted under certificates of posting .

A copy of the aforesaid appeal dated 10/1/2002 is annexed hereto and marked as Annexure- 6.

4. 12. That it is further stated that the applicant filed a writ petition before the Hon'ble Gauhati High Court against the arbitrary action of

19

Respondent No. 6 : The applicant was ill-informed ~~xxx~~ that it is a fit case to be filed in the Hon'ble High Court and he was not aware that the jurisdiction is vested with this Hon'ble Tribunal to take up the case against the Navodaya Vidyalaya Sangathan. Having relied the mistake the applicant sought permission of the Hon'ble High Court to withdraw the ~~xxx~~ said writ petition with liberty to file the same before this Hon'ble Tribunal and the liberty as prayed for having been granted by the High Court vide order dated 5/4/2002 the applicant ~~xxx~~ has filed this application before this Hon'ble Tribunal.

A copy of the order dated 5/4/2002 is annexed hereto and marked as Annexure- 7.

**5. GROUND FOR RELIEF WITH LEGAL PROVISION**

5.1. For that the release order dated 19/12/2001 is violative of the principles of natural justice.

5.2. For that the impugned order being punitive/stigmatific in nature issued in blatant violation ~~xxx~~ of the principles of natural justice and administrative fairplay as well as the same is honest in the eye of law and is liable to be struck down.

5.3. For that the impugned order being wholly without jurisdiction, it is void-a~~p~~-initio and is liable to be set aside .

5.4. For that the impugned order having being issued at the whims and fancies of the authorities and the same being capricious cannot be sustain a judicial scrutiny and is liable to be struck down.

5.5.1 For that the allegation levelled against the applicant/stigma caste on him through the impugned order being wholly unformed, unreasonable besides being without authority, the same is liable to be set aside and quashed.

5. 6. For that, the impugned order is vitiated by the doctrine of bias since the Respondent No. 6 has resorted to <sup>this</sup> action with a view to get <sup>his</sup> vide of the applicant to suit <sup>his</sup> personal interest.

5. 7. For that, the impugned order is vitiated by the doctrine of colourable exercise of power with the intent to harass the applicant and to fulfill the evil designs of the respondents.

5.8. For that, the authority have arbitrary failed to look into the appeal/representation of the applicat~~x~~ without any just cause and kept the applicant ~~hanging~~ hanging.

DETAILS OF REMEDIES EXHAUSTED

6. The applicant states that there is no remedy under any rule and this Hon'ble Tribunal is the only remedy. However, he has represented personally and also submitted appeal to the authority.

7. MATTER NOT PENDING WITH ANY COURT

The applicant declares that there is no case pending before any other court/tribunal.

8. RELIEF SOUGHT FOR:-

In the facts and circumstances of the case the applicant prays for the following reliefs : -

27  
8.1. The release order dated 19/12/2001 (Annexure-4) be set aside and quashed.

8.2. The respondent be directed to allow the applicant to continue to serve in the Jawahar Navodaya Vidyalaya, Bihpuria, Dakhimpur, Assam.

9. INTERIM RELIEF :-

In the facts and circumstances of the case , the applicant prays for an interim order staying the operation of the impugned letter dated 19/12/2001 (Annexure- 4) and to allowed the applicant to resume his duties in the Jawahar Navodaya Vidyalaya, Bihpuria as a teacher of Physical Education till the disposal of this petition.

10. In the event of application being sent by registered post-~~the application has been filed through lawyer.~~

11. PARTICULARS OF POSTAL ORDER: -

I.P.O. NO. :- 76 549714

Date of issue :- 10-4-2002

Issued from :- G.P.O. Guwahati

Payable at :-

12. LIST OF ENCLOSERS : -

As per index.

- 13 -

VERIFICATION

I, Shri Ashwin Kumar Mahanta, Son Of Sri Suban Ch.

Mahanta, aged about 27 years, service by Profession , resident of Bihpuria, dist North Lakhimpur, fully conversant with the facts and circumstances of the case, solemnly declare that the statements made above are true to my knowledge , information and belief and I sign this verification on this 10th day of

26 April, 3-109  
April, 2002 at Guwahati.

- Appeal 37 - hearing

~~25~~ - 19-12-01 M.

not compelled to do so.

I do - not compelled to do so.  
II - primitive - stigmatic - without obj.

Ashwin Kumar Mahanta

APPLICANT

### Annexure-1.

## N I T E

Name : Achwin Kumar Mahanta.  
Father's name : Sri Subal Chandra Mahanta  
Nationality : Indian  
Category : General  
Date of birth : 10.4.1975  
Sex : Male  
Marital status : Unmarried.  
Language known : Assamese, Hindi, Bengali, English  
Address for correspondence : C/o Ashish Upadhyay  
163 Tilak Path, Indore,  
Phone- 0731-424876  
Email address ashwinasam  
@ rediffmail.com.  
Permanent address : S/o Subal Chandra Mahanta  
District & Post office Kokrajhar  
ward No.10, 783370, Assam  
Telex (03661) 70032 (Ass).  
Academic qualification : Master of Physical Education  
from U.T.D. Barkatullah University  
Bhopal with 72 % first class\*first  
year 2000.  
\* Bachelor of Physical education  
from U.T.D. Devi Ahalya University,  
Indore, with 74% first  
class first with new record year  
1998.

*It is my true copy.*

Certified to be true copy.  
S. = Govindachary  
Advocate

contd..

\* Higher secondary from Assam Higher Secondary Education council, Guwahati II nd class in science, year 1993.

AWARDS AND HONOUR :-

1. Officiated as a line judge in International Tennis Federation Junior World Banking group 5 Tennis Championship 1996.

2. Officiated as a Line judge 'and chair Umpire in I.T.P. Men's future Tennis circuit".

3. Certificate of I.T.F. Level-1 Official'.

4. Selected as member of 'Indian Atya latya Team'.

National:

1. Participated National Atye-Patya Championship as a Captain of Assam State Team.

2. Participated All India Atya Patya Tournament as a Captain of Assam club Team .

3. participated All India Inter University Yoga Championship as a member of Devi Ahalya University, Indora.

4. participated West Zone Inter University as a member of Barkatullah University Football team, Bhopal.

5. Scholarship holder from, Department of H.R.D. North Eastern council India.

contd..

14.

6. Paper published in National Seminar Human Resource Management and Role of libraries in the development of Physical Education & Sports On september, 2000.

States :

1. Participated R.C. Baruah district (Under 16) Cricket Rournament
2. Participated G.K. Baruah Trophy Inter District (Under 19) cricket Tournment.
3. Participated All Assam Archary Coaching camp.
4. Member of Winning Football Team M.P. State Tournment Barkatullah University Bhopal.

Others:-

1. Registered player of Madan Maharaja Football club, Bhopal.
2. Registered player of Major Bhyan chand football club , Bhopal.
3. Member of U.T.D. Jugo, Carom, Athletics, volleyball, Badminton team.
4. Participated district Judo championship.
5. Different articles published in magaines & newspapers.

Work : Experience :

1. Worked as a Lecturer in U.T.D. Barkatullah University.
2. Two month experience as a Sports officer in vaishnavi International Public school, Near Hydaravad (A.P).
3. One year four month experience as Physical Education teacher in Mother convent CD-ED High school, Bhopal.
4. Six month experience as a messenger in Ricky's Body Mania Health club, Bhopal.

contd..

Annexure-1.

AREA OF SPECIAL INTEREST :-

1. Coaching in Football.
2. Coaching in High Jump & Javalia.
3. Coaching in cricket.
4. Massage, Both Luxury and therapeutic.
5. Yoga.
6. Treatment for Physically Deform person.
7. Treatment for Mentally Disable person.
8. Writing articles on physical Education & sports.

I vouch for the authenticity for the  
aforementioend facts.

Yours faithfully

Ashwin Kumar Mahanta

16.

Annxure- 2.

DEVI ANILYA VIDYALAYA : IN

University House

Indore 452001.

No.ACS/xi/Ph.D/ PHYSICAL /01/ 2340 Dt.18 oct/2001.

To

Sri Ashwin Kumar Mahanta,  
c/o Dr.Deepak Mahanta  
School of Physical Education,  
D.A.V.V. Indore (M.P.).

Sub :Registration for Ph.D.

Sir,

Regarding your application date 29.6.2001  
you are registered as under :-

1. Title : INVESTIGATION OF COMPETITION BASED PSYCHOLOGICAL TRAINING METHODS ADOPTED BY THE VARIOUS COACHES OF NATIONAL LEVEL FOR DIFFERENT COMPETITIVE SPORTS .
2. Subject & faculty : Physical Education(Facality or Physical education).
3. Registration date : 29.6.2001.
4. Supervisor : Dr.Deepak
5. Research centre : School of physical education  
indore.

Certified & written copy

J. K. Choudhury  
Admire

contd..

6. Enrollment No.IED/SB/PHY. /2001.

Sd/-Illegible,

Registrar.

No.ACM./MU/PH.D/ PHYSICAL EDU./01.

C.C.to

1. Research Centre, Head, School of physical education  
D.A.V.S. Indorse.

2. Supervisor, Dr.Deepak Mahanta, senior Lecturer,  
school of Physical Education DAVV Khandna Road,  
Indore (MP).

The supervisor shall submit six monthly  
progress reports of the Research scholar as per-  
appendix -2 of the ordinance 18 to the University.  
If the progress of the work is not found satisfactory  
in two successive report no reports are received for  
a period of one year and candidate fails to deposit  
fee, his registration may be cancelled.

Asstt.Registrar(Academic).

Annexure-3

Navodaya Vidyalaya Samiti

Regional office

Nongrim Hills Shillong-3.

Ph 0364-521363.

F.No.2-2/2001- NVS/ ( /pers/1899)

Dt. 3.10.2001.

REGISTERED

To

Sh/ Ms. Ashwin Kumar Mahanta

Sanjay Gandhi New Hostel Room No.9,  
Barkatullah University, Bhopal,  
UP 462026.

Sub

:- Appointment to the post of on  
Direct Recruitment basis.

Pet- Assamese.

Sir/Madam,

With reference to your application on the  
above mentioned subject and on recommendation of the  
selection committee, I am to offer you a post of  
PET ASS) on temporary basis in the Navodaya Vidyalaya  
samiti and posted at Jawahar Navodaya Vidyalaya North  
Lakhimpur, Chandah Puniys on the following terms and  
conditions:- Dist. North Lakhimpur, Assam 784161.

1. The scale of pay attached to the post is 5500-175-9000/- your initial pay in this scale will be fixed in accordance with normal rules and you will

Certified to be true copy.

J. Roy Choudhury,  
Advocate

contd..

19.

as per in addition, be eligible for usual allowance admissible under the rules and orders enforce from time to time.

2. You will be on probation for a period of two years from the date of appointment extendable under the rules. Fails to complete the period of probation to the satisfaction the competent authority or if found unsuitable for the post during probation period, you will be liable to be discharged from service at any time without any notice or without assigning any reasons thereto.
3. You will not be entitled to any travelling allowance for joining the post.
4. Your appointment will be subject to your being found medically fit by the competent authority of appointment to the aforesaid post. This offer of appointment is liable to be cancelled if you are not found medically fit. You are therefore, advised to bring your medical certificate of fitness from a Civil Surgeon in the enclosed proforma, at the time of joining the post.
5. Your appointment will further be subject to your character and antecedent verification report being found satisfactory by an appropriate authority and your being, declared fit for the post in the samiti/ Govt.

contd...

22

31

6. Female candidate should certify that she is not in the family way at the time of acceptance of the appointment. If, however, she is pregnant of twelve (12) weeks standing or more at the time of acceptance of appointment as a result of medical test, she will be declared temporarily unfit and the offer would be treated as withdrawn for the present. However, the appointment would be held in abeyance until her confinement is over. She would be medically re-examined and declare fit six weeks after the date of delivery and her appointment would be subject to production of medical fitness certificate a Civil Surgeon. In case, the candidate fails to comply with these instructions her candidature would not be considered and no further correspondence will be entertained in this regard from her. On production of medical fitness certificate, she will be considered for appointment to the post for which she has been selected for.

7. On appointment you will be required to take an oath of allegiance to the constitution of India and make a solemn affirmation to that effect.

8. That appointment will be further subject to the submission of a marital declaration and in the event of your having more than one spouse living, the appointment will be subject to your being

21.

exempted from the enforcement of the requirement in this behalf.

9. You shall declare your home town within a period of six months of your joining the duty in the samiti.

10. You shall have to submit the above mentioned documents in the prescribed proforma provided by the regional office and the following documents duly attested by the officer not less than a class II Gazetted office, (self attested copies will not be accepted to the NVS.

i) Degree/ Diploma certificate of Educational Qualifications.

ii) Secondary school / SALC certificate issued by the Board indicating your date of birth.

iii) Discharge certificate/ relieving order, in original from previous employer, clearing indicating whether you have been relieved after acceptance of your resignation or your lien has been retained in your parent organisation in case your lien has been retained by your parent-organisation, then in the event of transfer or your services/ repatriation to your parent organisation the samiti will not be liable to be payleave salary and pension contribution.

contd..

22.

iv) Production of original certificate from the competent authority viz. The Dist. Magistrate/ Deputy Commissioner / collector etc. of your Dist. In respect of candidates belongis to SC/ST communities and other backward classes clearly indicating that he/ she is not covered under creamy layers.

v) Last pay certificate , issued from your parent organisation at the time you are relieved, in original.

You are also requested to fill in and submit the following proforma at the time of joining the duty :-

- i) Details of family.
- ii) Attestation form in triplicate, Photo on each form may be signed and the form attested by one of the authorities mentioned.

11. Other conditions of service will be governed by the relevant rules and orders in force from time to time in the samity.

12. If any declaration or information furnished by you proves to be false or if you are found to have willfully suppressed any material information

contd..

23.

at any time for getting this job or otherwise, you will be liable to removal from service and to such other action as the Samiti may deem fit.

13. Canvassing rearding posting will not be entertained and may result in cancellation of the offer to appointment. No. request for change of posting will be considered.

14. You are liable to be posted anywhere in India in any Jawahar Navodaya Vidyalaya which are primary located in the remote/ rural areas.

15. If you accept the offer on the above terms and conditions you should communicate your acceptance through your employer , if any so as to reach the undersigned latest by 18.10.2001 failing which the offer shall stand withdrawn.

16. In case your accept the offer, on the terms and conditions contained in this letter, you may report to the Principal, Jawahar Navodaya vidyalaya North, Lakhimpur, positively on or before 20.10.2001 failing which the offer shall stand withdrawn and no correspondence will be entertained from you in this regard.

Yours faithfully

W.Tariang

Asstt.Director (PERS).

Regional office, Shillong.

contd..

Copy forwarded to :-

1. The Principal JRV North Lakhimpur, Assam, with directions to check original certificate of the candidate before allowing him/ her to join duty and send joining report to this office immediately by regd. post and inform us on phone also.
2. Joint Director (Admn) Navodaya vidyalaya samiti New Delhi.
3. Concerned file.

Asstt. Director (Person)

25.

Annexure- 4.

JAWAHAR NAVODAYA VIDYALAYA  
Chachapuniya, Lakhimpur  
Ministry of Human Resource Dev.  
(Edn. Deptt) Govt. of India,  
P.O. Bihpuria, Dist. Lakhimpur,  
Assam, Pin 784161.

Gram Navasaat Bihpuria.

Date 19.12.2001.

R.No.2-11/JNVB/NLP/2001/ 1730-22. D

To

Mr. Ashwin Kumar Mahanta (PET).

Sub :- Receiving order from the vidyalaya, regarding.

I have to inform you that to days acts of yours can not be justified anyway. Injecting venom among the boys on the line of Assamese and non-assamese is highly objectionable and against the norm of the vidyalaya. You are a new incumbent hardly having two months and after giving ample suggestions you are not correcting yourself. Due to your pointing, students are even into revolt which is not good for vidyalaya.

In the light of above reasons you are hereby relieved from the didyalaya on 19.12.2001 and

Certified to be true copy.

John Kamal Ray  
Admiree

contd..

26.

directed to report at Regional office shillong, at the earliest.

This order is given to you by consultation with honorable Deputy Director, (Adm) CED Sri M.L. Sharma Sir.

sd/-

Sanjay Kumar

Principal

copy to :-

1. The Deputy Director, NVS, EO Shillong

for information please.

2. The Deputy Commissioner, Lakhimpur ,Assam

for information please..

3. Office copy.

Sd/- principal.

Annexure- 5.

A teachers / parents meeting was held today to discuss the matter. It is decided to say the D/D that everything is settled amicable and now there is no problem in the vidyalaya. P.E.T. Aswin Kumar Mahanta is well co-operating with all of us. No please settle the thing amicably.

Sd/-IllegiblePrincipal

19.10.2001.

1. Sukhwant Singh.
2. Gopal Saikia.
3. Arun Borua
4. Prabhat Dutta 19.12.2001.
5. Dilip Hazarika.
6. Madhab Duol
7. Golap Mahanta.
8. Ramen Goswami
9. N.M. Goswami
10. B.R. Sonowal
11. D.S. Kusing.
12. G. Hazarika.
13. D. Sonowal.
14. Biren Chutia.
15. Siba Prasad Das.
16. Gajendra Nath Dutta.
17. Ramal Borah.

Certified to be true copy contd..

J. Roy Choudhury  
Advocate.

18. Niju Hazarika (Neog).  
19. Arpana Hazarika.  
20. Biren Hazarika.  
21. Mrs. Josoda Bora.  
22. Mrs. Chitralekha Saikia.  
23. Mrs. Durga Saikia.  
24. Mrs. Chanimal Sonowal.

## Annexure-6.

To

The Asstt. Director

Nabodaya Vidyalaya Samittee

Shillong Region, Shillong 3 (Hongrim Hills).

Through :-

The Principal,

Jawahar Nabodaya Vidyalaya,

Chaudahpuniya, Lakhimpur,

Bihpuria, Assam.

## IN THE MATTER OF:

An application against the order  
 addressed under No.E-No.2-11/  
 JNVS/NLP/ 02 2001 / 1720-22 dated  
 19.12.2001 and issued by the  
 Principal, Nabodaya Vidyalaya,  
 Bihpuria, North Lakhimpur rele-  
 asing the appellant from the said  
 school and with a direction to  
 report at Regional office, Shillong.

-AND-

## IN THE MATTER OF:

Ashok Kumar Mahata

teacher of Physical Education  
 Nabodaya vidyalaya, Bihpuria.

Certified to be true Copy.  
 J. R. Choudhury  
 Advocate.

...Appellant.

The humble appellant above-named.

MOST RESPECTFULLY ~~XXX~~ BEGS TO STATE THAT:-

1. That your honour had been pleased to and the authority on verification of the Bio-data of the appellant, being satisfied, appoint him as a teacher of Physical Education under the Directorate of Nabodaya Vidyalaya Samittee, Shillong Region as per order issued under No. F-No.2-7/2001-KVS(SHB)/Pers/1099 dated 3.10.2001 and has been posted in the Nabodaya Vidyalay Bihpuria.

Copy of the Bio-data and that of the order dated 3.10.2001 are annexed as annexure- '1' and '2'

2. That in pursuance of the aforesaid order the appellant reported his joining on 10.10.2001 and has been performing his duties sincerely in the said School without any manner from any corner rather and effection from the colleague staff and obedience from the ~~xxx~~ students.

3. That due to some ~~misunderstanding~~, the Principal of the school has issued an order and direction under his No.F.No.2-11/JAVA/NLP/2001/1720-22 dated 19.12.2001 releasing the appellant from the aforesaid School with a direction to report at the Regional office at Shillong.

A copy of the aforesaid order dated 19.12.2001 is annexed as Annexure- '3'

31.

4. That influenced by some subterfuge or malafide the Principal might issue the order at Annexure-'3' and after clarification in a meeting of the Principal and 24 teachers and parents held on 19.12.2001 settled the matter amicably and has been absolved the appellant from the allegations stated in the order at Annexure-'3' which may be seen in the minutes of the meeting held on 19.12.2001.

A ~~photo~~ copy of the minutes of the said meeting is annexed as Annexure-'4'

5. That after the meeting of 19.12.2001 the appellant was directed to perform his duties in the school and accordingly he has performed his duties from 19.10.2001 putting his attendance in the Attendance Register to 22.12.2001.

6. That surprisingly enough the Principal has prevented the appellant from 22.12.2001 to perform him duties in the School and it is all the more astonished that the Principal has strucked the attendance of the appellant in the Attendance Register from 19.10.2001 to 22.12.2001

contd....

by trampling down the minutes of the meeting held on 19.12.2001 in presence of the Principal and 24 teachers and parents of the students.

7. That the appellant prays before your honour to hear the matter personally recording oral evidence of the appellant, the Principal, the teachers and parents who attended the meeting held on 19.12.2001 and perusing the original minutes of the meeting and the Attendance Register of the teachers of the school.

In the premises aforesaid the humble appellant respectfully prays that Your honour would be pleased to call for the records from the Principal of the Nabodaya Vidyalay Bihpuria heard the parties and witnessess concerned and set aside the order at Annexure-'3'

Annexure-6

And-

The appellant has further prayed that your honour would be pleased to stay the operation of the order at Annexure-'3' till finalisation of the matter after perusal hearing and disposal of this appeal.

And for this act of kindness, the humble appellant will ever pray.

Yours faithfully,  
Sd/- Illegible  
10.01.2002

(Ashwin Kr. Mahanta  
Teacher, P.E. Nabodaya  
Vidyalaya, Bihpuria

Copy submitted to :-

1. The Director, Nabodaya Vidyalaya Samittee, New Delhi.
2. The Deputy Director, Nabodaya Vidyalaya Samittee, Shillong Region, Shillong.
3. The D.C., Lakhimpur (Chairman of Naboday Vidyalaya, Bihpuria.

Sd/- Illegible  
10.01.2002  
(Ashwin Kr. Mahanta)  
Teacher ,P.E.Nabodaya  
Vidyalaya, Bihpuria

Advance copy submitted to the Assistant Director, Nabodaya Vidyalaya Samittee, Shillong Region, Shillong-3 (Nongrim Hills) with a request to call for the appeal from the Principal with his comment at the earliest convenience.

Sd/- Illegible,  
10.01.2002

(Ashwin Kr. Mahanta)  
Physical Education Teacher,  
Nabodaya, Vidyalaya,  
Bihpuria.

Certified to be true Copy.  
J. Ray Choudhury  
Advocate

## VITE

Name : Ashwin Kumar Mahanta  
Father's name : Shri Subal Chandra Mahanta  
Nationality : Indian  
Category : General  
Date of birth : 10.04.1975  
Sex : Male  
Marital status : Unmarried  
Language known : Assamese, Hindi, Bengali, English  
Address for correspondence. : C/o, Ashish Upadhyay  
163 Tilak Path  
Indore  
Phone-0731 - 424876  
Mail address : ashwinasam@rediffmail.com.  
Permanent address : S/o Subal Chandra Mahanta  
District & Post Office-Kokrajhar  
Ward No. 10, 783370, Assam  
Tele. (03561) 70032(Res.)  
Academic Qualification: Master of Physical Education from  
U.T.D.Barkatullah University, Bhopal  
with 72% first class first, year 2000.  
Bachelor of physical education from  
U.T.D Devi Ahalya University, Indore,  
with 74% first class first with new  
record year 1998.  
Higher Secondary from Assam Higher  
Secondary Education Council, Guwahati-1  
IIInd class in Science, year 1993.

**Contd...**

#### AWARDS AND HONOUR

##### International :

1. Officiated as a Line judge in International Tennis Federation 'Junior world Ranking Group-5 Tennis Championship 1996'.
2. Officiated as a Line judge and Chair Umpire in 'I.T.P., Man's Future Tennis Circuit'.
3. Certificate of 'I.T.F. Level-1 Official'.
4. Selected as member of 'Indian Atya-Patya Team'.

##### National :

1. Participated National Atya-Patya Championship as a Captain of Assam State Team.
2. Participated All India Atya-Patya Tournament as a Captain of Assam Club Team.
3. Participated All India Inter University Youga Championship as a member of Devi Ahalya University, Indore.
4. Participated West Zone Inter University as a member of Barkatullah University Football team, Bhopal.
5. Scholarship holder from, Department of M.P.D. North Eastern Council India.
6. Paper published in National Seminar "Human Resource Management and Role of Libraries in the development of Physical Education & Sports" on September, 2000.

##### States :

1. Participated R.G. Baruah District (Under 16) Cricket Tournament.

Contd...

2. Participated G.K.Baruah Trophy Inter District (Under 19) Cricket Tournament.
3. Participated All Assam Archery Coaching Camp.
4. Member of winning Football Team M.P. State Tournament, Barkatullah University, Bhopal.

**Others.**

1. Registered player of Modan Maharaja Football Club, Bhopal,
2. Registered player of Nojor Dhyan Chand Football Club, Bhopal
3. Member of U.T.O.Judo, Carom, Athletics, Volley ball, Badminton Team.
4. Participated district Judo Championship.
5. Different articles published in magazines & newspapers.

**Work Experience :**

1. Worked as a Lecturer in U.T.O Barkatullah University.
2. Two month experience as a "Sports Officer" in Vaishnavi International Public School, Near Hyderabad (A.P)
3. One year four month experience as a Physical Education Teacher in Mother Convent CO-ED High school, Bhopal.
4. Six month experience as a Massanger in Ricy's Body Maina Health Club, Bhopal.

**AREA OF SPECIAL INTEREST :**

1. Coaching in Football.
2. Coaching in High Jump & Javelin.
3. Coaching in Cricket.
4. Massage, "Both Luxury and therapeutic".
5. ~~and~~ Yuge.
6. Treatment for Physically Deform person.

Contd...  
1

47-  
39-  
48

7. Treatment for mentally disable person.
8. Writing articles on physical Education & Sports.

I vouch for the authenticity for the aforementioned facts.

Yours faithfully

(Ashwin Kumar Mahanta)

Annexure-

NOVODAYA VIDYALAYA SAMITI  
Regional Office  
Nongrim Hills  
Shillong-3

Ph : 0364 - 521363

N-NO.3-7/2001-HVS(SHW)/Para/1899 Dated - 3.10.2001.

REGISTERED

To,

Sh/Ms.Ashwin Kumar Mahanta  
Sanjay Gandhi New Hostel Room No.9,  
Barkatullah University, Bhopal  
U.P.-462026

Subject :- APPOINTMENT TO THE POST OF PET - Assamese  
ON DIRECT SECRUITMENT BASIS.

Sir/Madam,

With reference to your application on the above mentioned subject and on recommendation of the Selection Committee, I am to offer you a post of (PET.ASS) on temporary basis in the Navodaya Vidyalaya Samiti and posted at Jawahar Navodaya Vidyalaya North Lakhimpur, Chandah Puniya on the following terms and conditions :- Dist. North Lakhimpur, Assam-784161.

1. The scale of pay attached to the post is 5500-175-9000/- your initial pay in this scale will be fixed in accordance with normal rules and you will also in addition, be eligible for usual allowances admissible under the rules and orders enforce from time to time.
2. You will be on probation for a period of two years from the date of appointment extendable under the rules.

Contd...

-27- A1  
8

Failure to complete the period of probation to the satisfaction of the competent authority or if found unsuitable for the post during probation period, you will be liable to be discharged from service at any time without any notice or without assigning any reasons thereto.

3. You will not be entitled to any travelling allowance for joining the post.

4. Your appointment will be subject to your being found medically fit by the competent authority of appointment to the aforesaid post. This offer of appointment is liable to be cancelled if you are not found medically fit. You are therefore, advised to bring your medical certificate of fitness from a Civil surgeon in the enclosed proforma, at the time of joining the post.

5. Your appointment will further be subject to your character and antecedent authority and your being declared fit for the post in the Samity/Govt.

6. Female candidate should certify that she is not in the family way at the time of acceptance of the appointment. If, however, she is pregnant of twelve(12) weeks standing or more/ & at the time of acceptance of appointment as a result of medical test, she will be declared temporarily unfit and the offer would be treated as withdrawn for the present. However, the appointment would be held in abeyance until her confinement is over, She would be medically re-examined and declared fit six weeks after

Contd...

the date of delivery and her appointment would be subject to production of medical fitness certificate from a Civil surgeon. In case, the candidate fails to comply with these instructions her candidature would not be considered and no further correspondence will be entertained in this regard from her. On production of medical fitness certificates, she will be considered for appointment to the post for which she has been selected for.

7. On appointment you will be required to make an oath of allegiance to the constitution of India and make a solemn affirmation to that effect.

8. The appointment will be further subject to the submission of a marital declaration and in the event of your having more than one spouse living, the appointment will be subject to your being exempted from the enforcement of the requirement in this behalf.

9. You shall declare your home town within a period of six months of your joining the duty in the Samiti.

10. You shall have to submit the above mentioned documents in the prescribed proforma provided by the Regional Office and the following documents duly attested by the Officer not less than a Class II Gazetted Officer, (Self attested copies will not be accepted to the NVS).

(i) Degree/Diploma Certificate of Educational Qualifications.

(ii) Secondary School/SSLC Certificate issued by the Board indicating your date of birth.

(iii) Discharge certificate/relieving order, in original from previous employer, clearly indicating whether you have been relieved after acceptance of your resignation or your lien has been retained in your parent organisation. In case your lien has been retained by your parent organisation, then in the event of transfer of your services/repatriation to your parent organisation, the Samiti will not be liable to pay leave salary and pension contribution.

(iv) Production of original certificate from the competent authority viz. The Distt. Magistrate/Deputy Commissioner/ Collector etc. of your Distt. In respect of candidates belongs to SC/ST communities and other backward classes clearly indicating that he/she is not covered under creamy layers.

(v) Last pay certificate, issued from your parent organisation at the time you are relieved, in original

You are also requested to fill in and submit the following proforma at the time of joining the duty.

(i) Details of family.

(ii) Attestation form in triplicate, Photo on each form may be signed and the form attested by one of the authorities mentioned.

11. Other conditions of service will be governed by the

Contd...

- - -  
✓✓✓ AA ✓

relevant rules and orders in force from time to time in the Samiti.

12. If any declaration or information furnished by you proves to be false or if you are found to have willfully suppressed any material information at any time for getting this job or otherwise, you will be liable to removal from service and to such other action as the Samiti may deem fit.

13. Canvassing regarding posting will not be entertained and may result in cancellation of the offer to appointment. No request for change of posting will be considered.

14. You are liable to be posted anywhere in India in any Jawahar Navodaya Vidyalaya which are primarily located in the remote/rural areas.

15. If you accept the offer on the above terms and conditions you should communicate your acceptance through your employer, if any so as to reach the undersigned latest by 18.10.2001 failing which the offer shall stand withdrawn.

16. In case you accept the offer, on the terms and conditions contained in this letter, you may report to the Principal, Jawahar Navodaya Vidyalaya North Lakhimpur Postively on or before 20.10.2001 failing which the offer shall stand withdrawn and no correspondence will be entertained from you in this regard.

Yours faithfully,  
Sd/-Illegible,  
Assistant Director, (PERS)  
Navodaya Vidyalaya Samiti,  
Regional Office, Shillong.

Contd...

46

Copy forwarded to :-

1. The Principal, JKV North Lakhimpur, Assam with directions to check original certificate of the candidates before allowing him/her to join duty and send joining report to this office immediately by Regd. Post and inform us on phone also.
2. Joint Director (Admn.) Navodaya Vidyalaya Samiti, New Delhi,
3. Concerned file.

ASSTT. DIRECTOR (PERS)  
NAVODAYA VIDYALAYA SAMITI  
REGIONAL OFFICE? SHILLONG.

No.03752 63382

Gram : NAVASAT BIHPURIA

JANAHAR NAVODAYA VIDYALAYA

Chaudahpuniya, Lakhimpur  
Ministry of Human Resource Dev.  
(Edn. Deptt.) Govt. of India  
P.O. Bihpuria, Dist. Lakhimpur  
Assam, Pin : 784161

F.No.3-11/JNVB/ALP/2001/1720-32 Dated 19.12.2001.

To,

Mr. Ashwin Kumar Mahanta  
(P.E.T.)

Sub :- Relativiving order from the Vidyalaya, regarding.

I have to inform you that to days acts of yours can not be justified anyway. Injecting venom among the boys on the line of Assamese, and non-assamese is highly objectionable and against the norm of the Vidyalaya, you are a new incumbant hardly having two months and after giving ample suggestions you are not correcting yourself. Due to your poisoning, students ~~and~~ are even try to revoid which is not good for vidyalaya.

In the light of above reasons you are hereby relieved from the vidyalaya on 19.12.2001 and directed to report at Regional Office Shillong, at the earliest.

This order is given to you by consultation with honourable Deputy Director, (Admn.) OSD Sri M.L. Sharma Sir,.

Copy to :-

Sd/- Illegible

1. The Deputy Director, MVS, P.O. : (Sanjay Kumar) Principal.  
Shillong for information please.
2. The Deputy Commissioner, Lakhimpur, Assam for information please.
3. Office copy.

Annexure-4.

A teachers parents meeting was held today to discuss the matter. It is decided to say the D/D that everything is settled amicable and now there is no problem in the vidyalaya , P.E.T. Ashwin Kumar Mahanta is well co-operating with all of us. So please settle x the thing amicably.

1.	Sukhwant Singh	Sd/- Illegible
2.	Gopal Barua	Principal
3.	Arun Borua	19.13.01.
4.	Prabhat Dutta - 19.12.01	
5.	Dilip Hazarika	
6.	Madhab Dutta	
7.	Golak	
8.	Bamesh Goswami	
9.	M.N.Goswami	
10.	B.K.Sonowal	
11.	D.S.K.	
12.	G.Hazarika	
13.	D.Sonowal	
14.	Biren Ghutia	
15.	Siba Prasad Das	
16.	Jogendra Nath Dutta	
17.	Kamal Borah	
18.	Niju Hazarika (Neog)	
19.	Arpana Hazarika	
20.	Bina Hazarika	
21.	Mrs.Josada Bora	
22.	Mrs.Chitralakha Saikia	
23.	Mrs.Durga Saikia	
24.	Mrs.Chanimai Sonowal	

\*\*\*

Date of Application for the W.P.	Date for intituting the requisite number of copies and to whom	Date of delivery of the requisite stamp and to whom	Date on which the copy is ready for delivery	Date of making over the copy of the application
8/1/02	9/1/02	9/1/02	9/1/02	9/1/02

IN THE GAUHATI HIG..COURT

(HIGH COURT OF ASSAM:NAGLAND:MEGHALAYA:MANIPUR:TRIPURA:

MIZORAM AND ARUNACHAL PRADESH )

W.P.C. NO. 580/2002

Ashwin Kumar Mahanta, son of Shri Subal Ch. Mahanta  
Teacher ,Physical Education, Jawahar Navodaya  
vidyalaya. Bihpuria, North Lakhimpur.

..Petitioner.

-Vs

1. Union of India, represented by the Asstt. Director Navodaya Vidyalaya Samiti ,Regional office, Nongrim Hills Shillong- 3.
2. The Principal,Jawahar Navodaya Vidyalaya, Bihpuria, North Lakhimpur, Assam.

... Respondents.

PRESENT:

THE HON'BLE MR. JUSTICE, J.N. SARMA.

For the petitioner :Mr. L.R.Dutta,Mr.KK Mahanta,Mr.R.Duarah  
Mr. Arun C.

For the respondent:- CGSC,

Mr.J.Roy,Mr.S. Munir, Miss. A. Paul.

Certified to be true copy  
J. Roy Choudhury  
Advocate.

Contd...2/-

-2-

Date:-5.4.2002.

O R D E R

Learned Advocate for the petitioner wants to withdraw this writ petition with liberty to file fresh application if necessity. The prayer is allowed. Accordingly, this writ application shall stand disposed of on withdrawal. However, liberty is granted to the petitioner to file a fresh petition, if necessity arises.

Mr. J. Roy, learned Advocate appears for the respondent No. 4.

Sd/-JN SARMA,

JUDGE.

No. of Petition	100527
Recd. by/Type by	Mr. J. Roy
Date	11/4/2002
Sign	(Signature)

CERTIFIED TO BE TRUE COPY  
Rishabh Kumar Sarma  
Date 11/4/2002  
Superintendent (Copying Section)  
Gauhati High Court  
Authorised U/S 76, Act I, 187  
Rishabh Kumar Sarma

26/4/02  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::  
AT GUWAHATI.

ORIGINAL APPLICATION NO. 124/2002.

Shri A.K. Mahanta ... Applicant

- Versus -

Union of India & Ors. ... Respondents.

The Respondent Nos. 2, 3, 4, 5 and 6 beg to file  
their Written Statement as follows :-

- 1) That all the averments and submissions made in the Original Application are denied by the answering respondents save what has been specifically admitted herein and what appears from the records of the case.
- 2) That with regard to the statement made in paragraph 1 of the Original Application ( hereinafter referred to as the O.A. ) the answering respondents beg to state that the applicant was relieved from Jawahar Navodaya Vidyalaya, North Lakhimpur with the direction to report to Regional Office in consultation with OSD, NVS, R.O., Shillong. But the applicant has not reported to the Regional Office, Shillong till date and, as such, this is violation of Official instruction for which

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2.

contervening CCS conduct rule and in no way the applicant was aggrieved by this order as he has simply been relieved to report to Regional Office, Shillong which is within the jurisdiction of the Principal.

3. That with regard to the statement made in paragraphs 2,3,4.1 and 4.2 of the O.A. the answering respondents have no comments to offer.

4. That with regard to the statement made in paragraph 4.3 of the O.A the order of the Principal dated 19.12.01 directing the applicant to report to NVS, R.O, Shillong is in order and within the jurisdiction of the Principal.

5. That the answering respondents deny the correctness of the statement made in paragraphs 4.4. and 4.5 of the O.A as it is to misled this Hon'ble Tribunal for undue sympathy and, as such the order dated 19.12.2001 is valid and legal.

6. That with regard to the statement made in paragraph 4.6 of the O.A the answering respondents state that the applicant was asked to report to NVS, R.O, Shillong which is under the preview and jurisdiction of the Principal and, as such, the allegation rendering violation of principles of Natural Justice appears to be not justified.

7. That the answering respondents deny the

contd...

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3.

correctness of the statement made in paragraphs 4.7, 4.8 and 4.9 of the O.A. as the applicant was relieved from JNV, North Lakhimpur in consultation with M.L. Sjamma, OSD NVS, R.O., Shillong and, as such, contention of the applicant is not justified/valid. Thus the order dated 19.12.2001 was issued within the jurisdiction of the Principal.

8. That with regard to the statement made in paragraphs 4.10, 4.11, 4.12 and 4.13 being matters of records of the case the answering respondents have no comments upon it.

9. That the answering respondents deny the correctness of the statement made in paragraphs 5.1, 5.2, 5.3, 5.4, 5.6 and 5.7 of the O.A. as it is to mislead this Hon'ble Tribunal. The applicant was relieved from JNV, North Lakhimpur with a direction to report to NVS, R.O. Shillong , but has failed to report till date which is violative of CCS (Conduct) Rules.

10. That under the facts and circumstances stated above, it is respectfully submitted that this present application is without any merit as per the terms and conditions offer of ~~expkis~~ appointment to the post of PET on direct recruitment basis vide even No. 1899 dated 3.10.2001 clause 14 the applicant is liable to be posted

contd...

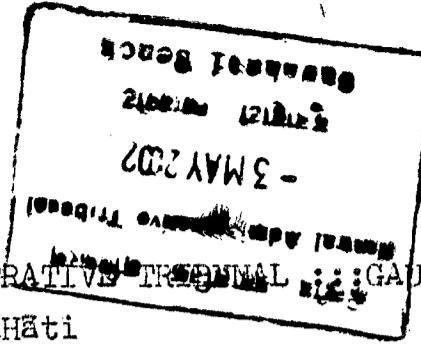
any where in India in any JNV and, as such, the allegation of malafide against the respondents are unfounded and not maintainable and on this count alone the application deserves to be with cost:

VERIFICATION

I,, Shri Bachcha Singh, Son of Ram Dahir Singh, aged about 49 years, presently working as Asstt. Director, Navodaya Vidyalaya Samiti, Regional Office, Shillong, fully conversant with the facts and circumstances of the case solemnly declare that the statements made above are true to my knowledge, information and belief and I sign this verification on this the 26th day of April, 2002 at Guwahati.

Bachcha Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GAUHATI BENCH  
GUWAHATI



Original Application No. 124/2002.

Sri Ashwin Kumar Mahanta.

...Applicant

- Vs -

Union of India and others.

...Respondents.

REJOINDER ON BEHALF OF THE APPLICANT ABOVENAMED: -

MOST RESPECTFULLY SHEWETH : -

1. That the applicant is in receipt of the written statement filed in the instant case on behalf of the respondent No. 2, 3, 4, 5 and 6. The applicant has gone through a copy of the same and having understood the contents thereof and in pursuance of the order dated 16/4/2002 passed by this Hon'ble Tribunal has filed this instant rejoinder.
2. That save & except those statements made in the written statement of the respondents abovenamed which are specially admitted, all other statements are deemed to be denied and are hereby denied.
3. That as regard the statements made in paragraphs 1 & 3 of the written statement the applicant has nothing to comment.
4. That as regards the statements made in paragraph 2 of the written statement the applicant begs to state that the impugned release order dated 19/12/2001 is not a simple

5/2002  
Ashwin Kumar Mahanta (Applicant)  
Through  
Raktim Debnath  
Advocate  
3/5/2002

release order in as much as the language of the impugned order dated 19/12/2001 itself speaks of the very nature of the order. Mere perusal of the impugned order dated 19/12/2001 will be sufficient to show that the order was made in malafide intention to put the applicant responsible for statements students unrest in the school premises in the previous night. It may be reiterated herein that a students unrest took place in the school premises at about 9.30 p.m. on 18/12/2001 due to some conflict between the students and the Music teacher of the school. The unrest was extended to such an extent that the students residing in hostel even denied to take dinner and went on hunger strike. It may be mentioned herein that at that relevant time the applicant was in his allotted quarter busy with his students for research works. Therefore, the applicant was not aware of the abovementioned students unrest as he was not even present on the scene. The applicant could only come to know about the incident in the morning of 19/12/01 when he was asked by the Principal (Respondent No. 6) to state the reasons for the previous night's incident. The respondent issued No. 6 asked ~~asked~~ <sup>also</sup> similar directions to two (2) other teachers of the school. At the receipt of the direction of the Principal, the applicant answered in negative stating that he was not aware of the reasons for the said unrest. Immediately after communicating his ignorance of the matter to the Principal, the applicant was served with the impugned order on that day itself releasing him forthwith to report to the Regional Office, Shillong, with all the allegations holding him responsible for the entire

incident. It may also be mentioned herein that no action has been taken up yet against the other two teachers of the school who were sought similar replies by the Principal. Besides, no enquiry, whatsoever, has also been conducted, till date to find out the real cause of the incident in the night of 19/12/2001 and on the other hand, the applicant has been malafide released from the institute for some reasons best known to the Principal hastily without even following due procedure of law. Further, it may be worthmentioning herein that in pursuance of the order dated 19/12/2001 the applicant alongwith his father went to the Regional Principal Office at Shillong <sup>on 27.2.02</sup> and reported <sup>to</sup> Mr. B.Singh, Assistant Director, The applicant besides narrating the entire incident at length, to the Assistant Director, submitted a copy of the appeal personally <sup>through proper channel</sup> on that very day in addition to the copy of the appeal which was filed earlier. But the office of the concerned official didnot give any receipt thereof. Thus the statement of the respondents that the applicant has not reported to the Regional Office till date is not only false but also misleading and hence the applicant strongly denies the same.

5. That ~~is~~ as regards the statements made in paragraphs 4, 5 and 6 of the written statement the applicant begs to state that the Principal of the said school is not the competent authority to pass the impugned order. The appointing authority of the applicant is the Assistant Director (Personal) Regional Office, Shillong and hence the principal has no authority to pass the impugned order that too, with certain allegations against the applicant. Hence, the impugned order dated 19/12/2001 which itself shows to be purunitive, at the very face of the order, is passed without authority and violating the principles of

natural justice. Therefore, the applicant strongly denies the same.

6. That as regards the statements made in paragraph 7 of the written statement the applicant begs to state that the Respondent No. 6 passed the impugned order without any consultation with M.L.Sharma, OSD, NVS, RO, Shillong. Besides, the applicant was not provided with any opportunity to show cause as to why the applicant shall not be relieved. As such the impugned order was passed arbitrarily at the whims and caprices, by the respondent causing great prejudice to the applicant. Therefore, the applicant denies the correctness of the statement made in paragraph 7 of the written statement, the same being false and fabricated.

7. That as regards the statements made in paragraph 9 of the written statement the applicant begs to state that the same are false and concocted and hence denied. The applicant reported to the Assistant Director, Regional Office, Shillong on 27/2/2002. Besides, the applicant submitted a copy of the appeal ~~xxx~~ personally to the Assistant Director, on that very day, which the applicant submitted earlier challenging the legality and validity of the impugned order dated 19/12/2001. The applicant was also directed to withdraw the instant case pending before the High Court on the contrary to which the case of the applicant will not be considered.

8. That as regards the statements made in paragraph 10 of the written statement the applicant begs to state that the applicant being a highly educated person is not reluctant to be posted in any place in India. It is further stated that as per clause 13 of the terms and conditions for appointment the applicant cannot also request for change of place of posting. As such the applicant has no other option but to join anywhere, he is posted by the respondents. But the applicant is aggrieved by the impugned order casting certain ~~allegations~~<sup>sigma</sup> which is not

only passed illegally, malafide, falsely and without any ~~maxx~~ basis , but also violating the well laid down principles of natural justice. The applicant also begs to state that such type of orders are not only prejudicial to the applicant but also adverse for further promotional avenues of the applicant. As such the impugned order dated 19/12/2001 is liable to be quashed.

V E R I F I C A T I O N

I, Shri Ashwin Kumar Mahanta, aged about 27 years, son of Sri Suban Ch. Mahanta, service by Professor, resident of Bipuria, Dist. North Lakhimpur, am the applicant of the instant appeal and being conversant with the facts and circumstances of the instant case do solemnly declare that the statements made herein above are true to the best of my knowledge, belief and information and nothing material has been concealed herein.

*Ashwin Kumar Mahanta*  
03/05/2002

APPLICANT