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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 274/2006

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SECTION OFFICER (Judl.)


30/11/17

FROM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 274/06
2. Mice Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) N. Radha Krishna Nair

Respondant(S) U.O.I & ORS.

Advocate for the Applicant(S) Mr. J. K. Nair, B. Sama

A. Chetany

Advocate for the Respondat(S) case

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
is filed/C. F. 7/ Rs. 10/-
dupes and vide PO No. 286/932341
Dated 12.10.06

[Signature]
Dy. Registrar

[Signature]

NE
6/11/06

06.11.2006

Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Heard learned Counsel for the
parties. The Application is disposed of in
terms of the order passed in separate
sheets at the admission stage itself. No
order as to costs.

[Signature]
Vice-Chairman

/mb/

9.11.06

Copy of the order
has been sent to the
D/Sec. for issuing the
one to the 2/10/06. In
the parties
[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

.....

274 of 2006

O.A. No.

06.11.2006

DATE OF DECISION

Sri N. Radha Krishnan

..... Applicant/s

Mr U.K. Nair, Mr B. Sarma and Mrs. A. Chakrabarty

..... Advocate for the
Applicant/s.

- Versus -

Union of India & Others

..... Respondent/s

Mr G. Baishya, Sr. C.G.S.C. for the Respondent No. 1

..... Advocate for the
Respondents

CORAM

HON'BLE SRI K.V. SACHIDANANDAN, VICE-CHAIRMAN
HON'BLE

1. Whether reporters of local newspapers
may be allowed to see the Judgment ? Yes/No ☒
2. Whether to be referred to the Reporter or not ? Yes/No ☒
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench ? Yes/No ☒
4. Whether their Lordships wish to see the fair copy
of the Judgment ? Yes/No ☒

Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 274 of 2006.

Date of Order : This the 6th Day of November 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

Sri N. Radha Krishnan,
Son of Sri V.P. Sivarama Kurup,
Presently working as Principal,
Navodaya Vidyalaya, Nongstoin
West Khasi Hills, Meghalaya.

... Applicant

By Advocate : Mr U.K. Nair, Mr B. Sarma and Mrs. A. Chakrabarty,
Advocates.

- Versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Human Resources Development
New Delhi.
2. The Navodaya Vidyalaya Samity
represented by its Commissioner, A-28,
Kailash Colony, New Delhi - 110 048.
3. The Deputy Commissioner,
Navodaya Vidyalaya Samity,
Regional Office - Nongrim Hills,
Shillong, Meghalaya - 793 003.

... Respondents.

By Advocate : Mr G. Baishya, Sr. C.G.S.C. for the Respondent No.
1.

.....

ORDER (ORAL)

K.V. SACHIDANANDAN (V.C.)

The Applicant, who is presently working as Principal, Navodaya Vidyalaya, Nongstoin, West Khasi Hills, Meghalaya was transferred on promotion as Principal, Jawahar Navodaya Vidyalaya, Ri-bhoi, Meghalaya vide order dated 30.05.2006 (Annexure - 3). The Applicant preferred a representation on


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08.06.2006 against the transfer order dated 30.05.2006 and joined on 08.07.2006 as Principal, Jawahar Navodayalaya, Nongstoin. The Applicant stated that there was some mis-understanding amongst the local people, which forced him to make request for transfer and filed representation dated 26.09.2006 (Annexure - 6). Subsequently the situation melted and the Applicant continued in the said school and even shifted his daughter to the said school and she is preparing for the CBSE Class XIIth science examination. Vide impugned order dated 19.10.2006, the Applicant has been transferred to Tawang, Arunachal Pradesh. Mr U.K. Nair, learned Counsel for the Applicant has brought to my notice the order dated 18.10.2006 by which one Sri R. Medarist Shylla has been appointed on Direct Recruitment basis as Principal in the said school and contended that the transfer order dated 19.10.2006 is really meant to accommodate said Sri R. Medarist Shylla. Therefore, the impugned transfer order dated 19.10.2006 cannot be in public interest and great hardship would be caused to the Applicant if the said transfer is given effect to. The Applicant submitted representation on 30.10.2006 for cancellation of the impugned transfer order dated 19.10.2006, to the Commissioner, Navodaya Vidyalaya Samity. Aggrieved by the transfer order dated 19.10.2006, the Applicant has filed this Application seeking the following reliefs:-

"8.1 To set aside and quash the impugned order dated 19.10.2006 (Annexure - 8) in so far as it concerns the applicant.

8.2 To direct the respondent to forbear from giving effect to the impugned order dated 19.10.2006 (Annexure - 8), in so far it concerns the applicant.

8.3 To direct the Respondent authorities to consider the case of the applicant for a posting to Kerala after 31.03.07.



8.4 Cost of the application.

8.5 Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Court upon consideration of the matter."

2. Mr U.K. Nair, learned Counsel for the Applicant submitted that he will be satisfied if a direction is given to the 2nd Respondent to consider the representation dated 30.10.2006 within a time frame. Mr G. Baishya, learned Sr. Central Government Standing Counsel appearing for the Respondent No. 1 submitted that since Respondent Nos. 2 and 3 are the contesting Respondents, he does not have anything to say in the matter.

3. Considering the issue involved, I direct the 2nd Respondent and/or any other competent authority to consider and dispose of the representation dated 30.10.2006 submitted by the Applicant and pass a speaking order and communicate the same to the Applicant within a period of three months from today. The Applicant is also directed to send a copy of the O.A. alongwith other documents to the 2nd Respondent within a period of seven days from today. Considering the entire aspect of the matter, this Court also directs that the Applicant should not be disturbed by the Respondents from the post currently held by him, i.e. Principal, Jawahar Navodaya Vidyalaya, Nongstoin, till the disposal of the representation.

4. The O.A. is disposed of as above at the admission stage itself. No order as to costs.


(K.V. SACHIDANANDAN)
VICE-CHAIRMAN

6 OCT 2007

गुवाहाटी न्यायपीठ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: AT GUWAHATI.

ORIGINAL APPLICATION NO. 274 /2006.

Sri N. Radha Krishnan Nair

.....Applicant.

VERSUS

The Union of India & Ors.

....Respondents.

SYNOPSIS

That the applicant has by way of this applicant assailed the discriminatory and vindictive attitude adopted by the Respondent authorities against him. The applicant who was transferred as Principal, Jawahar Navodaya Vidyalaya, West Khasi Hills vide order dated 30.05.06 (Annexure – 3) had joined as Principal, Jawahar Navodaya Vidyalaya, Nongstoin, West Khasi Hills on 08.07.06. After joining the said school, the measures as initiated by the applicant for the all round development of the school, gave rise to some misunderstanding which resulted in threats being held out to the applicant. However, with the passage of time and on a better understanding by all concerned of the steps initiated by the applicant, the misunderstanding stood removed. The applicant is now able to discharge his duties in a more conducive environment.

The respondent authorities without any rhyme or reason, proceed to issue an order dated 19.10.06 transferring and posting the applicant to Tawang. There existed no public interest and/or administrative exigency in passing of the impugned order dated 19.10.06. Later on, however, it became evident that the sole reason for passing of the impugned order dated 19.10.06 was to make the post held by the applicant vacant so as to accommodate one R. Medarist Shylla who came to be appointed on direct recruitment basis vide order dated 18.10.06. As such, it is clear that the impugned order dated 19.10.06 was not issued in any public interest but was so issued in colorable exercises of power.

The impugned order has the effect of subjecting the applicant to frequent transfer and that to a place wherein the applicant would find difficult to cope with, due to the extreme cold conditions. Further, the studies of the daughter of the applicant, who is preparing for her class XII exams, would be adversely affected.

The appeals made by the applicant against the transfer ordered in his case vide order dated 19.10.06, having failed to evoke any response, he has come under the protective hands of your Lordships praying for redressal of his grievances.

Filed by :

nni doohz
(H.K. Nair)

Advocate

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: AT GUWAHATI.**

ORIGINAL APPLICATION NO. 274 /2006.

Sri N. Radha Krishnan Nair

.....Applicant.

VERSUS

The Union of India & Ors.

....Respondents.

LIST OF DATES

1. 1989 – Applicant appointed as Post Graduate Teacher in English in Jawahar Navodaya Vidyalaya, Amravati, Maharashtra.
2. 1998 – Applicant promoted to the cadre of Vice Principal, Jawahar Navodaya Vidyalaya.
3. 30.05.06 – Applicant posted on promotion as Principal, Jawahar Navodaya Vidyalaya, Ri-bhoi, Meghalaya.
(Annexure – 3, page -16)
4. 08.06.06 – Representation preferred by the applicant against the order-dated 30.05.06.
5. 08.07.06 – Applicant joins against his transferred post at Jawahar Navodaya Vidyalaya, Nongstoin.
6. 26.09.06 – Applicant prefers representation for a posting out of the region, given the problems faced by him at Jawahar Navodaya Vidyalaya, Nongstoin.
(Annexure – 6, page -19)
7. 18.10.06 – In spite of the fact that the post held by the applicant was not vacant, fresh appointment effected against the said post.
(Annexure – 10, page -24)
8. 19.10.06- Applicant without any rhyme or reason, transferred and posted to Tawang.
(Annexure – 08, page -22)
9. 30.10.06 – Representation preferred by the applicant against the order of his transfer dated 19.10.06.
(Annexure – 09, page -23)
10. – Petitioner yet to be released from the post of Principal, Jawahar Navodaya Vidyalaya, Nongstoin and is continuing as such.

Filed by

(N. K. Nair)

Advocate

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: AT GUWAHATI.**

ORIGINAL APPLICATION NO. 274 /2006.

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Filed by;
N. Radha Krishnan Nair
--- Applicant

Through;

U.K. Nair
Advocate, 06.10.06

Sri N. Radha Krishnan Nair, son of Sri V.P.
Sivarama Kurup, presently working as Principal
of Jawahar Navodaya Vidyalaya, Nongstoin,
West Khasi Hills, Meghalaya.

.....Applicant.

VERSUS

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Human Resources
Development, New Delhi.
2. The Navodaya Vidyalaya Samity,
represented by its Commissioner, A-28,
Kailash Colony, New Delhi - 110048.
3. The Deputy Commissioner, Navodaya
Vidyalaya Samity, Regional Office -
Nongrim Hills, Shillong, Meghalaya -
793003.

.... Respondents.

Dr

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

This application is directed against the arbitrary and illegal action on the part of the respondent authorities in issuing an office order under No. 10-1/ 2006-NVS (Pers) dated 19.10.06 transferring the applicant from West Khasi Hills to Tawang, within a period of 3 months of his joining as Principal, Jawahar Navodaya Vidyalaya, Nongstoin, West Khasi Hills. The impugned order of transfer dated 19.10.06 has the effect of disrupting the preparation by the daughter of the applicant, for her class – XII exams which is slated to be held in the month of February – March, 2007.

2. **JURISDICTION:**

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

3. **LIMITATION:**

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

4. **FACTS OF THE CASE:**

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed thereunder.

4.2 That your applicant states that he is presently working as the Principal, Jawahar Navodaya Vidyalaya, Nongstoin, West Khasi Hills and had joined against the said post on transfer on 08.07.06.

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4.3 That the applicant states that he was initially appointed as a Post Graduate Teacher (PGT) in English way back in the year 1989. The initial appointment of the petitioner was at Jawahar Navodaya Vidyalaya, Amravati, Maharashtra. The petitioner was in the year 1992 transferred and posted as Post Graduate Teacher to Jawahar Navodaya Vidyalaya, Trichur.

4.4 That the applicant was in the year 1998 promoted to the cadre of Vice-Principal and on promotion was posted to Jawahar Navodaya Vidyalaya, Hamirpur, Himachal Pradesh. The petitioner joined against his promoted post on 01.11.98.

4.5 That the applicant states that while working as Vice-Principal Jawahar Navodaya Vidyalaya, Hamirpur, the applicant was posted on several occasions to other schools of the Samity situated in the states of Himachal Pradesh and Punjab, as In-Charge Principal of the said schools. The petitioner complied with the orders issued reposing upon him higher responsibilities and discharged his duties to the best of his ability and without blemish to any quater.

4.6 That the applicant was in the year 2002 again reposted as Vice Principal, Jawahar Navodaya Vidyalaya, Hamirpur, Himachal Pradesh. After rejoining as Principal, Jawahar Navodaya Vidyalaya, Hamirpur, and working as such for about 3 months, he came to be placed under suspension, basing on some false and frivolous charges. One of the allegation levelled against the applicant pertained to an incident occurring in Jawahar Navodaya Vidyalaya, Firozpur, Punjab after the applicant had handed over the charge of the post of Principal (held by him on In-Charge basis). A departmental proceeding also came to be instituted against the applicant, which culminated in imposition of a penalty of withholding of one increment. The appeal preferred against the said penalty is still pending disposal. It may be mentioned here that none of the charges levelled against the applicant, could be sustained in the enquiry and the penalty came to be imposed upon him in a most illegal and arbitrary manner.

4.7 That the applicant during pendency of the departmental proceedings, was reinstated in service on 21.02.03 and was posted as Vice Principal to Jawahar

Navodaya Vidyalaya, Bari, Paisen, Madhya Pradesh. During the period the applicant was under suspension, his juniors came to promoted to the cadre Principal, however the case of the applicant was not considered. The nature of the allegations levelled against the applicant and the timing of his suspension and the departmental proceeding makes it clear that the said course of action was initiated only to deprive the applicant of his due promotion to the cadre of Principal and facilitate his supercession by his juniors. On conclusion of the departmental proceedings, the period of suspension of the applicant came to be regularised as on duty.

4.8 That the applicant states that while working as Vice Principal, Jawahar Navodaya Vidyalaya, Bari, he was vide order under no. F.44-106/ 2005/ NVS/ BPL/ PERS – 5230 dated 08.11.05 temporarily transferred and attached as the In-Charge. Principal, Jawahar Navodaya Vidyalaya, Sagar, Madhya Pradesh. Although the applicant was entitled to be promoted to the cadre of principal on regular basis no orders in this connection came to be issued.

A copy of the order-dated 08.11.05 is annexed as Annexure – 1.

4.9 That the applicant states that faced with the problems confronting him and his family, for the reason of his absence from his native state Kerala w.e.f. 1998, the applicant vide his representation dated 20.04.04 prayed before the authorities for consideration of his case for a posting to Kerala. It may be mentioned here that the applicant in his said representation had highlighted the difficulties faced by him due to his inability to provide for care and attention to his old and ailing parents.

A copy of the said representation dated 20.04.06 is annexed as Annexure – 2.

4.10 That the applicant states that belatedly though, the case of the applicant came to be considered for promotion to the cadre of principal. On his such promotion he was vide order under no. F No. 23-1/ 2006- NVS (Pers) dated 30.05.06 posted to Jawahar Navodaya Vidyalaya, Ribhoi, Meghalaya as Principal.

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A copy of the order dated 30.05.06 is annexed as Annexure – 3.

4.11 That the applicant states that on receipt of the order dated 30.05.06 (Annexure – 3) he proceeded vide his representation dated 08.06.06 to request the authorities to modify his order of posting as Principal and to effect his promotion against the vacant post of Principal available at Jawahar Navodaya Vidyalaya, Sagar. The said representation was followed by other appeals of the applicant in this connection.

A copy of the representation dated 08.06.06 is annexed as Annexure – 4.

4.12 That the applicant states that on his appeals for modification of his order of transfer dated 30.05.06 (Annexure – 3) having failed to evoke any response, the applicant proceeded to report before the respondent no. 3. However, the place of posting of the applicant as ordered vide order dated 30.05.06 was modified and he came to be posted to Jawahar Navodaya Vidyalaya, Nongstoin, West Khasi Hills. The applicant joined as Principal, Jawahar Navodaya Vidyalaya, Nongstoin on 08.07.06. The respondent no. 3 vide order dated 10.07.06 also accepted the joining of the applicant.

A copy of the order dated 10.07.06 is annexed as Annexure – 5.

4.13 That the applicant states that on joining as Principal, Jawahar Navodaya Vidyalaya, Nongstoin, he started his duties in right earnest and initiated steps for the all round development of the school and the children studying therein. However, due to a misunderstanding about the steps initiated by the petitioner, protests erupted against him. The applicant was threatened with dire consequences. The developments as occasioning lead the applicant to prefer representation dated 26.09.06 praying for a transfer outside the region.

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A copy of the representation dated 26.09.06 is annexed as Annexure – 6.

4.14 That the misunderstanding that had arisen due to the various measures initiated by the applicant in the school came to be removed with the passage of time and on a better understanding by all concerned about the bonafide behind the measures initiated by the applicant. The parents-teachers council of the school convened a meeting on 05.10.06 wherein all misunderstanding were removed. The meeting also requested the authorities not to transfer the applicant in the near future. It may be mentioned here that all threats held out to the petitioner also vanished and he was able to discharge his duties in a more relaxed and conducive environment. The said aspect of the matter is to the knowledge of the authorities.

A copy of the proceedings of the meeting held on 05.10.06 is annexed as Annexure – 7.

4.15 That the applicant states that in continuation of the discriminations being meted out to the applicant, the respondents proceeded to issue order dated 19.10.06 transferring and posting the applicant to Tawang (Arunachal Pradesh) and that too within 3 months from his joining as Principal, Jawahar Navodaya Vidyalaya, Nongstoin. The illegality committed in transferring the applicant within 3 months of his joining against the post, held by him was sought to be couched by terming the order to one issued in public interest.

A copy of the order dated 19.10.06 is annexed as Annexure – 8.

4.16 That the applicant states that he received the copy of the order dated 19.10.06 on 27.10.06 by fax. On receipt of the copy of the order dated 27.10.06, the applicant proceeded vide his representation dated 30.10.06 to pray before the authorities for revocation of his order of transfer dated 10.10.06. The applicant in his representation highlighted the following grounds;

(a) The misunderstanding arising at the time of the joining having been removed, the work atmosphere was conducive and he was able to discharge his duties in the best possible manner.

(b) The preparation by his daughter for her class XII exams stated to be held in the month of February-March, 2007 would be adversely.

In view of the applicant prayed for his continuance as Principal, Jawahar Navodaya Vidyalaya, Nongstoin at least till 31.03.07.

A copy of the representation dated 30.10.06 is annexed as Annexure - 9.

4.17 That the applicant states that the impugned order dated 19.10.06 came to be issued without any application of mind. The age and health condition of the applicant does not permit his posting to a place like Tawang having extreme climatic conditions. In the event the applicant is required to undertake the transfer as ordered, he and his family would be subjected to innumerable hardships and suffering and his daughters education would be adversely effected at this crucial juncture of her career.

4.18 That the applicant states that adding insult to the injury, the applicant has recently come across an order dated 18.10.06 by which one R. Medarist Shylla has been appointed on Direct Recruitment basis as Principal, Jawahar Navodaya Vidyalaya, Nongstoin, although at the post is filled up and is held by the applicant.

A copy of the order dated 18.10.06 is annexed as Annexure - 10.

4.19 That the applicant states that his order of transfer to Tawang came to be issued on 19.10.06 and the same was stated to be so issued in public interest, but mere perusal of the order dated 18.10.06 (Annexure - 10) it would be revealed that the said order of transfer dated 19.10.06 came to be issued only to accommodate R. Medarist Shylla against a post of her liking. It was with this view

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that the applicant came to be treated as a shuttle lock and was transferred out to Tawang so as to get the post currently held by him vacated.

4.20 That on the date the order dated 18.10.06 (Annexure – 10) came to be issued, the post held by the applicant was not vacant and as such the same could not have been utilised for accommodating a candidate appointed on direct recruitment basis. This reveals that the impugned order dated 18.10.06 was not issued in any public interest but has been issued only to accommodate persons close to the respondents and for this purpose the applicant has been subjected to discrimination.

4.21 That the applicant states that in the case on hand the impugned order dated 19.10.06 has been issued without there being any administrative exigencies and/ or public interest. Further, the authorities under extraneous consideration, has issued the impugned order dated 19.10.06 in clear violation of all norms governing transfer. The impugned notification having been issued without any justification, the same is void ab-initio and liable to be set aside and quashed. It may be mentioned here that the sole objective behind the issuance of the said order dated 19.10.06 is to somehow oust the petitioner from the said post and thereby accommodate persons appointed on direct recruitment basis against it.

4.22 That the applicant states that the action on the part of the respondent authorities in acting in the matter with undue haste is with oblique purpose and with a view to oust the applicant from the said post at the earliest and as the same cannot under any circumstances be construed to be a transfer ordered in public interest. There exists no pressing administrative exigency requiring the transfer of the applicant from the post held by him within 3 months of his posting against it.

4.23 That the impugned order dated 19.10.06 is arbitrary, out rightly malicious, vindictive, whimsical, capricious, unfair and has been issued in clear violation of the procedure prescribed in this connection. The impugned action can be justified only by reason other than relevant and bonafide. There is malice in law as well as on facts. There is total non-application of mind by the respondent authorities and the same is devoid of any reasoning and as such the said order is liable to be set aside and quashed.

4.24 That the applicant states that in view of the facts and circumstances stated above it is a fit case wherein your lordship would be pleased to pass an interim direction as has been prayed for, failing which the petitioner stands to face irreparable loss and injury.

4.25 That the applicant states that in the event of your lordships being pleased to pass an interim prayer as has been prayed for, the balance of convenience would be maintained in favour of the applicant, inasmuch as, he is still continuing as the Principal, Jawahar Navodaya Vidyalaya, Nongstoin and has not handed over the charge of the post to any person. The applicant is yet to be released from the post of Principal, Jawahar Navodaya Vidyalaya, Nongstoin. The facts as narrated above would reveal that the applicant has been subjected to frequent transfers and there exists no justification behind it. The order dated 19.10.06 has issued without there being any administrative exigencies and/ or public interest. Further, the authorities under extraneous consideration, has issued the impugned order dated 19.10.06 in clear violation of all norms governing transfer. The impugned notification having been issued without any justification, the same is void ab-initio and liable to be set aside and quashed.

4.26 That the applicant states that she has no any other appropriate, equally efficacious alternative remedy available to her and the remedy sought for herein when granted would be just, adequate, proper and effective.

4.27 That this application has been filed bonafide for securing the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that the impugned order dated 19.10.06 having not been issued in any public interest, but only to accommodate a direct recruit against a post of her liking, the same is not sustainable and liable to be set aside and quashed.

5.2 For that the applicant having joined as Principal, Jawahar Navodaya Vidyalaya, Nongstoin only on 08.07.06 he could not have been picked up or further transfer, totally disrupting his life. The order dated 19.10.06 having the effect of subjecting the applicant to frequent transfer and that too without any jurisdiction, the order dated 19.10.06 is liable to be set aside and quashed.

5.3 For that the impugned order dated 19.10.06 has the effect of disrupting the preparation by the daughter for her class XII exams slated to be held in February-March, 2007 and the same having been issued without considering this vital aspect of the matter, the impugned order dated 19.10.06 cannot stand the scrutiny of law.

5.4 For that impugned order dated 19.10.06 can be justified only by reason other than relevant and bonafide. Total non application of mind by the respondent authorities is writ large on the face of the order dated 19.10.06 and the same is devoid of any reasoning and as such the impugned order is liable to be set aside and quashed.

5.5 For that in absence of any pressing administrative necessity, the applicant could not have been subjected to frequent transfers. As such, the impugned order dated 19.10.06 is illegal, arbitrary, outrightly malicious, vindictive and capricious.

5.6 For that in any view of the matter the impugned order dated 19.10.06 is not sustainable in the eye of law and the same is liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. **DETAILS OF THE REMEDIES EXHAUSTED:**

That the applicant declares that she has exhausted all the remedies available to her and there is no alternative remedy available to her. The urgent nature of the

relief's as sought for in this application has forced the applicant to approach this Hon'ble Tribunal at the earliest possible instance.

7. **MATTER NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

The applicant further declares that she has not filed any application, writ petition or suit regarding the grievance in respect of which this application is made before any other court or any other bench of this Tribunal or any other authority, nor any such application writ petition or suit is pending before any of them.

8. **RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be pleased to grant the following relief's to the applicants:

8.1 To set aside and quash the impugned order dated 19.10.06 (Annexure- 8) in so far as it concerns the applicant.

8.2 To direct the respondent to forbear from giving effect to the impugned order dated 19.10.06. (Annexure - 8), in so far as it concerns the applicant.

8.3 To direct the Respondent authorities to consider the case of the applicant for a posting to Kerala after 31.03.07.

8.4 Cost of the application.

8.5 Any other relief/ relief's to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Tribunal upon consideration of the matter.

9. **INTERIM ORDER PRAYED FOR:**

Pending disposal of this application, it is most respectfully prayed that your Lordship would be pleased to stay the effect and operation of the impugned order dated 19.10.06 (Annexure - 8) in so far as it relates to the applicant.

10.

11. **PARTICULARS OF THE POSTAL ORDER:**

- i) I.P.O No. -
- ii) Issued from -
- iii) Payable at - Guwahati.

12. **DETAILS OF INDEX:**

An Index showing the particulars of documents is enclosed

13. **LIST OF ENCLOSURES:**

As per Index.

VERIFICATION

I, Sri N. Radha Krishnan Nair, aged about 50 years, son of Sri V.P. Sivarama Kurup, presently working as Principal of Jawahar Navodaya Vidyalaya, Nongstoin, West Khasi Hills, Meghalaya, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph 1, 2, 3, 4.1 to 4.7, 4.9 to 4.14, 4.16, 4.18 to 4.20, 4.21, 4.25, 4.27 and 5 to 12 are true to my knowledge; those made in paragraphs 4.8 and 4.15 are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 2nd day of November, 2006.



(R. K. NAIR)



Navodaya Vidyalaya Samiti

(Department of Education under M.H.R.D.)

Regional Office, 160, Zone II, MP Nagar, Bhopal; MP- 462011

Phone: 2552336, 2571488 Fax :0755-2571513

27

No.F. 44-106/2005/NVS/BPL/Pers 523

Date : 08 Nov. 2005

OFFICE ORDER

Mr R.K.Nair, Vice-Principal, Jawahar Navodaya Vidyalaya, Raisen(M.P.) is hereby temporarily attached as **Incharge Principal** of JNV, Sagar(M.P.) till further orders with immediate effect. On his reporting at JNV, Sagar, he will take over complete charge of the Vidyalaya from Sh A.K.Tiwari, VP.

Mr R.K.Nair is also delegated with financial powers and authorized to sign cheques upto 30,000/- (Rupees thirty thousand only) with the second signature of the senior-most teacher of the Vidyalaya as per the rules of the Samiti and draw cheques amounting above Rs.30,000/- with the counter-signature of Chairman,VMC.

During the tenure of above temporary attachment he is entitled for D.A. as admissible under the provisions contained in SR-51 and actual TA / actual transit period towards joining time for the purpose. He is also permitted to draw his salary i.e. in the grade of Vice-Principal from JNV, Sagar, adjusting against the vacancy of Principal during the period of temporary attachment after obtaining provisional LPC from JNV, Raisen.

(V. K. SHARMA)
DEPUTY COMMISSIONER

To
Mr. R.K.Nair, Vice-Principal,
JNV, Raisen(M.P.)

Copy to :

1. The Principal, JNV, Raisen- for information with the direction to relieve Mr R.K.Nair, Vice-Principal immediately with instructions to him to report at JNV, Sagar under intimation to this office.
2. The District Collector & Chairman, VMC, JNV, Sagar.... for information
3. Sh A.K.Tiwari, Vice-Principal, JNV, Sagar.
4. The Manager, State Bank of , Sagar (through JNV, Sagar)
5. PF of Mr R.K.Nair, Vice-Principal.

V. K. Sharma
DEPUTY COMMISSIONER

Attested

Ani Boddz
(R.K.Nair)
Advocate

FROM
RADHAKRISHNAN NAIR
JAWAHAR NAVODAYA VIDYALAYA
KHURAI, DISTT - SAGAR (M.P.)

ANNEXURE-2

TO
THE COMMISSIONER
A-28, KAILASH COLONY
MINISTRY OF H.R.D.
NAVODAYA VIDYALAYA SAMITI,
NEW DELHI

SUBMITTED THROUGH PROPER CHANNEL

HONOURABLE Sir,

I am presently posted as a Principal at Jawahar Navodaya Vidyalaya Sagar District Madhya Pradesh has been working in the Northern part and Central part since 1998 onwards and before that worked in Maharashtra for four years. Thus I have been working in Himachal Pradesh, Punjab, Maharashtra and Madhya Pradesh and facing a lot of domestic problems because of being away from Kerala where our old ailing parents are residing their State of health so precarious that presence of my family and mine are indispensable with them at their fag end of life. Due to our inability to serve them at the time of need we are totally disturbed and not in a position to lead a peaceful life.

Though I have been making several requests in the past. My requests have not been considered yet leaving our old ailing parents at the mercy of extremely difficult Circumstances. I therefore request your honour to kindly transfer me to Kerala for which our old ailing parents and I shall ever remains grateful to you.

Thanking You,

Yours faithfully,

(R.K.Nair)

प्राचार्य

जवाहर नवोदय विद्यालय,

खुरई

बिला सागर, (म. प्र.)

Affected
Anni. body
(U.K. Nair)
Advocate

16

ANNEXURE - 3

Loc Ho 29244151
Ph 29244152, 55 & 58
Ph:9234153, 54, 56 & 57



NAVODAYA VIDYALAYA SAMITI
(An Autonomous Organization
under Ministry of HRD)
Dept. of Sec. Edn. & Hr. Edn., Govt. of India
A-28, Kailash Colony,
New Delhi - 110048

F.No.23-1/2006 - NVS(Pers.)

Date- 30.5.2006

OFFICE ORDER

Following Vice Principals are hereby offered promotion to the post of Principal in the scale of Rs 10,000-325-15200/- from 1.6.2006 after completion of penalty of withholding one annual increment with commutative effect.

S.No	Name of Vice Principal	Place of posting as Vice Principal	Regional Office	Place of posting on Promotion as Principal	Regional Office
1	Shri B.S.Manes	Junagarh (Gujrat)	Pune	Saraikela (Jharkhand)	Patna
2	Shri R.K.Nair	Sagar (MP)	Bhopal	Ri-Bhoi (Meghalaya)	Shillong

The above stated individuals are directed to report to the Deputy Commissioner of the Region concerned latest by 15.6.2006 after getting themselves relieved from their present place of postings.

(M.S. Khanna)

Joint Commissioner (Pers.)

Copy to:-

- 1 The individual concerned.
- 2 The Deputy Commissioner, NVS, RO- Shillong/Bhopal/Pune/Patna- for information and n.a.
- 3 The Principal, JNV- Junagarh/ Sagar/ Saraikela/ Ri-Bhoi- for n.a.
- 4 The Distt. Magistrate cum chairman, VMC, Distt.- Saraikela/ Ri-Bhoi- for information.
- 5 Guard file.

Attested
Shri. R.K. Nair
(R.K. Nair)
Advocate

No: JNV/KHU/06/

Date: 08 /06 / 2006

TO

The Commissioner
Navodaya Vidyalaya Samiti
Head Quarter ,New Delhi.

Through Proper channel

Hon'ble Sir,

With reference to my Promotion as Principal Ordered F.No.23-1 2006 NVS (Pers.,)Dated 30.5.2006. I have to submit for your Kind Consideration that at the time of my Promotion as Vice-Principal in the Year 1998 I was transferred from JNV Trichur, Kerala to JNV Hamirpur (H.P.) After complying this order of transfer and promotion I was subjected a Series of Harassment which culminated into my suspension from service and denied of my deserving promotion also without any valid reason (Copy of letters enclosed.)

The Present place of Posting i.e. at JNV Sagar when I was posted as an Incharge Principal from JNV, Bari Dist. Raisen (M.P.) since 9th November 2005 the situation at the time of taking charge from the Vice-Principal Shri A.K. Tiwari was quite worse (Proof enclosed.) After making concerted effort now the school has improved a lot and this year the result stands as testimony to this. The overall improvement in the running of the School has been taking cognition by the Chairman of the JNV Khurai Dist. Sagar as well as Parents, Students, Staff and People around who matters copies of the certificate in token of having the improved the overall running of this School are enclosed for ready reference. When I took over charge as the Incharge Principal lot of hindrances were created by the previous incharge Principal which is already in the notice of the Higher authority Despite all odd, I have been able to improve the situation which is quite discernible .

The above information has been adduced here to highlight the administrative necessity of following me to take over charge as regular Principal of my Promotion in this School itself. The problems which have already been explained by me in my faxed letter dated 08.06.06 may also kindly be kept in view for taking a favourable decision so that I am ordered to take of the Promotion post of Principal at Jawahar Navodaya Vidyalaya Khurai Dist. Sagar (M.P.)

Yours Faithfully

(R.K.Nair)
Principal.

Attested

Ann: 1002
(h.k. nair)
Advocate



=18=
NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE : NONGRIM HILLS SHILLONG-793003
(Ministry Of Human Resource Dev.
Department OF Education)

Telephone No : 0364 : 2521363 / Fax No. : 0364 : 2521362
email : navsam@sancharnet.in / nvsroshillong@rediffmail.com

ANNEXURE-5

F. 11-150/NVS (SHR)/ Admn./

Dated: 10 July '06

OFFICE ORDER

Consequent upon his promotion to the post of Principal, vide Samiti, Hqr. letter No F. 23-1/06-NVS (Pers.) dtd 30/5/06 and as per relieving order from JNV, Distt Raisen (Madhya Pradesh) vide order No JNV/Bari/06/1253 dtd. 4/7/06, Sh R.K Nair has reported to this Regional Office on 6/7/06 (F/N) and he is posted to JNV, Nongstoin, Distt West Khasi Hills Meghalaya, with a direction to take over the complete charge of the Vidyalaya as a full-fledge Principal.


(D. HAZARIKA)
DEPUTY COMMISSIONER

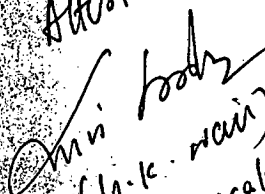
Sh. R.K Nair
Principal,
Jawahar Navodaya Vidyalaya, Nongstoin,
Distt. West Khasi Hills
Meghalaya.


Copy to: -

1. The Principal I/c, JNV, Dist West Khasi Hills- with a direction to hand over the complete charges of the Vidyalaya to Sh. R.K Nair on his reporting at JNV, Nongstoin as Principal and send the joining report along with handing/ immediately.
2. The Deputy Commissioner, NVS, RO Bhopal.
3. The Principal J NV, Bari Dist Raisen, Madhya Pradesh.
4. The Joint Commissioner (Pers.), NVS, Hqr, New Delhi. with a request to issue necessary amendment to office order No.23-1/06.NVS(Pers) dtd 30/5/06.as Sh.J Anil was earlier popsted to JNV,Distt Ri Bhoi Vide Your offer of appointment letter 1-29/03-NVS (p)dtd 25/04/06.
5. The Deputy Commissioner, Distt. West Khasi Hills.
6. The Assistant Commissioner (Fin)NVS, RO,Shillong.
7. The Assistant Commissioner ,Cluster i/c, NVS,RO,Shillong


10/7
DEPUTY COMMISSIONER

Attested


(U.K. Nair)
Advocate

5/10/06


To
The Commissioner,
A 29, Kailash Colony,
New Delhi

Submitted through proper channel.

Honorable Sir,

I was forced to join as Principal at JNV, West Khasi Hills, Meghalaya on 6.7.06 though I had requested and begged for my posting elsewhere on account of my family circumstances including the education of my children especially my daughter who is studying in class XII and is so much worried about her board class now, earlier request enclosed however I was not given any relief during my earlier promotion also I was forced to join Himachal Pradesh from Kerala and now from Madhyapradesh to Meghalaya, that too not to the initial posted school i.e Ri Bhoi but another school at west Khasi Hills Which is still interiorly located. Ever since I came and join my family and myself had been facing lot of difficulties mainly due to the consistent threatening by the locals even they have published in the newspaper "Maphor" dated 1.9.06 about my religion being a non - Christian only to instigate the students and public, as to be a Hindu is a dangerous one here, so the condition of my family and mine is very pathetic here and anything adverse may happen to us at any time. As the people here want a Christian principal it would be very necessary for us to go away from here to at the earliest to looking to safety problem and other adverse circumstances therefore it is earnestly requested to transfer me from here to Kerala, Karnataka or Goa or as an in charge of NLI Guntur at the earliest, so as to take me and my family out of this dangerous situation if anything happens to us Navodaya Vidyalaya Samiti alone will be responsible for it.

Attested
Ann: bobz
(N.K. Nair)
Advocate

26/9/06

(R.K. NAIR)

PRINCIPAL
JNV NONGSTOIN

**MINUTES OF THE SPECIAL MEETING ON 05 - 10 - 2006 IN THE
TRYSEM HALL OF THE OFFICE OF THE DEPUTY COMMISSIONER,
NONGSTOIN.**

Whereas there were agitations by the Students of the JNV Nongstoin

- And -

Whereas there were complaints of high - handedness in conducting the Institution and that the Students of the JNV Nongstoin demanded the removal of the Principal, the parents took the matter very seriously and convened the Special meeting in the TRYSEM HALL of the Office of the Deputy Commissioner at Nongstoin on 05 - 10 - 2006 to review the situation.

The meeting was chaired by Shri. Tom Roy Lyngdoh, member of the Parents Teachers - Council (PTC).

Among other things, the following were discussed in the meeting:

1. **DISCIPLINE** : The parents are unanimous and in one voice agreed that the Principal and Teachers should not allow in - discipline. In - discipline students must be punished but while exemplary punishment is being given to erring students, they should not be sent out and miss the Classes.
2. **TRESPASS** : The meeting also took note of reported trespass by outsiders into the campus. The JNV being a residential institution, an - authorized entry by any outsider should not be allowed.

The Parents are of the view that the Mawghlam - Nongpyndeng Dorbar may be requested to help the School authority in the maintenance of the Security of students and Teachers staying in the Campus.

3. **INCIDENTS OF COMMOTION**: Because of the REVIVAL there were incidents of commotion where students started singing, clapping and also fainting. Such incidents took place everywhere in the Khasi - Jaintia Hills District for the last one month. Children are suddenly charged with emotions and start singing, clapping and many faint. The victims cannot be controlled by force. What they need is prayer and counselling by the Church Elders. God knows when this spirit of Revival will stop. May be it will still continue.

This meeting, therefore, resolves to request the Principal to spare one room for counseling and prayer to be conducted by the selected church elders of Nongpyndeng Presbyterian Church. Special Permission may be granted by the Principal for the Counsellors to remain in the Campus during school hours to avoid commotion and disturbance to the smooth functioning of the school.

4. **REPORTED HIGH - HANDEDNESS**: The students complained of the high - handedness by the Principal in his dealings which hurted the religious feelings and sentiments of the majority Christian population in the Campus.

Tribals (especially Khasis) express their sorrows in words only by asking for forgiveness / Pardon. They are not used to bow down and to touch the feet of their Superiors. Tribals bow down to God only.

Attested
Tomi Loth
(H.K. Nain)
Advocate

5/10/06

This meeting, therefore, resolves to request the Principal to be more understanding and humane in the treatment of erring students. To treat the Children in the fatherly like manner. To err is human. Therefore, the parents urge and request the Principal to address and approach the students -- teachers relationship with love and compassion in such a manner that he wins the good will and instill confidence.

5. **THE T.C. THREAT:** Most of the parents were perturbed with the malicious news of threats of issuance of Transfer Certificates to students who are sickly and those who needed regular Medical Treatment.

Smt. B. Marwein, mother of Balamkumar Marwein (Class - XII) explained the mis-conception in details. She told that it is not a fact that Balamkumar was issued with the T.C on the other hand, she explained that she had requested the Principal to allow her to take her son out for Medical Treatment. She further explained that the Principal had given her permission to take the child out and further also allowed her son to study at home and that he can come and appear the Final Examination from the School if he will then be fit to do so.

This meeting resolves to request all the parents not to listen and pay heed to such malicious rumours being spread to malign the image of the Principal and the Staff members.

6. **THE CAMPAIGN TO OUST THE PRINCIPAL:** -

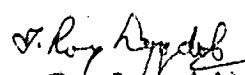
On 20th and 28th September 2006, the students resorted to hunger strike with the demand for removal of the Principal of the J.N.V. This apparently was the handiwork of some Organisations from outside. The members present in the meeting expressed deep concern and anguish over the interference by the outside Organisations in the affairs of the J.N.V, which is a Residential Institution. The parents strongly condemn such interference which mis - leads the young minds and encourage in-discipline.

This meeting, therefore, decided to warn the members of the so called social Organisations not to go and incite the young ones and encourage in-discipline as such interference will only spoil the minds of the innocent. The members of those Organisations are advised to maintain discipline as responsible youth organizations if they really want to serve the Society.

The meeting also unanimously decided to request the concerned authorities not to transfer the Principal in the immediate future.

It was also decided that another meeting will be held on 9 - 10 - 2006 at 12:00 Noon in the J.N.V.

The meeting ended with a vote of thanks from the Chair.


(Tom Roy Lyngdoh) 5/10/06
Chairman.

= 22 =

ANNEXURE- 8



NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organization
under Ministry of HRD)

Dept. of Sec. Edn. & Hr. Edn., Govt. of India
A-28, Kailash Colony,
New Delhi - 110048

F.No.10-1/2006-NVS(Pers.)

Dated: 19/10/2006

OFFICE ORDER

Following transfer of Principals are hereby ordered on public interest with immediate effect.

S.No	Name of the Principal	From	To
1	Sh. R.K. Nair	West Khasi Hills	Tawang
2	Sh. M. Raghumani Singh	Tamenglong	Thoubal
3	Sh. N. Dhiran Singh	Thoubal	Imphal West
4	Sh. E. Umapathi Reddy	Imphal West	Golaghat
5	Smt. B. Naik	Golaghat	Howrah

The individuals indicated above are directed to hand over the charge of the Vidyalaya to Vice-Principal/senior most PGT as per the direction of the Regional Office concerned and report for joining at their new place of posting latest by 10.11.2006 under intimation to this office.

The individuals are entitled for TTA and other transfer benefits as per the rules.

(M.S.Khanna)

Joint Commissioner(Pers.)

Copy to:-

- 1 The individual concerned.
- 2 The Deputy Commissioner, NVS, RO-Shillong/Patna- for n.a.
- 3 The Principal of the JNV concerned- for compliance.
- 4 Guard file.

Attested
Mini body
(N.K. Nair)

19/10/06

= 23 =

30.10.06
32

To : The Commissioner
NVS Kailash colony
New Delhi

ANNEXURE-9

Submitted through Honourable Deputy Commissioner NVS Shillong
Region

Sub: Request to cancel the transfer order to Arundachal pradesh]

Sir,

As per your fax letter dated 27/10/06 I am directed to accept the post of
Principal at JNV at Tawang in Arunachal pradesh.

I find it extremely difficult to accept this new appointment on the
following grounds:

1. It is true that I found difficult to adjust to this place at the initial
period of my appointment here as principal. The lack of knowledge of
the local language and the culture of the people added to the trauma.
But as of now the situation has brightened and I feel accepted by the
students, the staff, the parents and the state authorities. I find myself
quite comfortable with the work and the surrounding..

2. My daughter is about to appear for the ensuing CBSE 12 th class
science stream examinations. She is already been registered to write the
examinations in this school.. JNV Nongstoin

It would put me into a lot of inconvenience to take up the new
appointment in Arunachal Pradesh and incase you are insistent on my
transfer, kindly consider my transfer to one of the southern states.

I do hope you oblige seeing the situation in which I am.

If possible kindly allow me to continue in this school at least till the
completion of my daughter's examinations (31 march, 2007).

Thanking you most sincerely,

Yours faithfully,

(R.K.Nair) 30/10/06

Principal
J.N.V Nongstoin

Repr. Nair

Attested
Ann. Nair
(R.K. Nair)
Advocate



NAVODAYA VIDYALAYA SAMITI
(An Autonomous Organization under Ministry of
HRD, Department of Secondary & Higher Education),
Government of India
A-28, Kailash Colony, New Delhi - 110048

Fax No.: 29244151
Ph: 29244152, 55 & 58
Ph: 9234153, 54, 56 & 57

No. F.1-1/06NVS(Pers.)

Date : 18/10/2006

To

Shri R. Medarist Shylla,
Dr. H. Dkhar's Compd.
Jaiawlangning
Shillong-793002
Meghalaya

Subject: Appointment to the post of Principal in Navodaya Vidyalaya Samiti on Direct Recruitment Basis.

Sir/Madam,

With reference to your application for the post of Principal in NVS, you are hereby offered a post of Principal on temporary basis in Navodaya Vidyalaya Samiti on the following terms and conditions:-

1. The scale of pay attached to the post is Rs.10,000-325-15,200/-. Your initial pay in this scale will be fixed in accordance with the normal rules, and you will also, in addition be eligible for usual allowances admissible under the rules and regulations of Samiti in force from time to time.
2. You will be on probation for a period of two years from the date of appointment extendable at the discretion of the Competent Authority. Failure to complete the period of probation to the satisfaction of the competent authority or if found unsuitable for the post during probation period will render you liable to be discharged/terminated from service at any time without any notice or without assigning any reasons therefore. While on probation, you will be required to give one month's notice of resignation in case you leave the Samiti.
3. Jawahar Navodaya Vidyalaya being fully residential institutions the Principal is required to stay in the Vidyalaya campus. During the period of probation your academic as well as administrative performance will be assessed to determine the suitability for the job.
4. You will not be entitled to any traveling allowance for joining the post.

Allocated
Anni for 2
(U.K. Nair)
Advocate

5. Your appointment will be subject to your being found medically fit by the Competent Authority for 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.
6. Your appointment will further be subject to your character and antecedents verification report being found satisfactory by appropriate authority(ies) and your being declared fit for the post in the Samiti/Govt.
7. Female candidate should certify that she is not in the family way at the time of acceptance of the appointment. If, however, she is found pregnant of 12 weeks standing or more 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 kept in abeyance until her confinement is over. She would be medically re-examined and declared fit six weeks after the date of delivery and her appointment would be subject to production of medical fitness certificate from a Civil Surgeon. She would indicate the date of delivery soon after it takes place. 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.
8. On joining the post you will be required to take an oath of allegiance to the Constitution of India and make a solemn affirmation to that effect in the enclosed form.
9. The appointment will be further subject to the submission of a marital declaration in the form enclosed 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.
10. You shall declare your Home Town within a period of six months of your joining the duty in the NAVODAYA VIDYALAYA SAMITI.
11. Other conditions of services will be governed by the relevant rules and orders in force from time to time in the Samiti.
12. You shall submit following documents to the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office concerned at the time of joining :- (all copies should be attested by an officer not less than a Gazetted Officer, self attested copies will not be accepted)
 - i) Degree/Diploma Certificate of Educational Qualification (attested copies)
 - ii) Secondary School/SSLC Certificate issued by the Board giving your date of birth

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

iv) You are requested to bring original certificate of Scheduled Caste/Scheduled Tribe/OBC. issued by DM concerned for verification and submit the same to RO at the time of joining.

v) OBC candidates must submit requisite certificate in the revised prescribed format enclosed herewith in accordance with the Govt. of India, Ministry of Welfare Resolution No.12011/68/93-BCC© dated 10.9.1993 from the District Magistrate/Deputy Commissioner, otherwise their candidature will be summarily rejected and offer of appointment made herewith will be treated as automatically withdrawn.

vi) Last Pay Certificate, issued from your Parent Organization 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 forms in triplicate. Photo on each form may be signed and the form attested by one of the authorities mentioned on page-7 of the form.

13. If any declaration of 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 Samiti may deem necessary.

14. Your present posting will be as under. Subject to exigencies of work you are liable to be posted anywhere in India. No request for change of initial posting will be entertained.

Name of the Vidyalaya :

District :

Mawlangphlang
PO Nongston
Distt.W. Khasi Hills
Meghalaya-793119

State :

- = 27 =
- 32
15. If you accept the offer on the above terms and conditions, you should immediately communicate your acceptance to the undersigned and report to the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Shillong at the address given below by 20 Nov. 2006 failing which this offer would be treated as withdrawn.

The Deputy Commissioner,
Navodaya Vidyalaya Samiti
Nongrim Hills
(Near Nagaland House)
Shillong-793003 (Meghalaya)
Telephone :0364-2522491
0364-2521362/63

Yours faithfully,

(M.S. Khanna)

Joint Commissioner (Pers.)

Copy to:

1. The Deputy Commissioner, Regional Office Shillong.

The above named officer may please be allowed to join the duties subject to verification of relieving order and other related documents. The documents, as mentioned above alongwith his joining report may be forwarded to Samiti (HQS.) in original immediately after his joining.

2. District Magistrate, District West Kharai Hills.
3. The Principal, JNV District West Kharai Hills
4. Regional Deputy Commissioner
5. Office Copy