

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No 2791/2007

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... OA Pg.....1.....to 3.....
2. Judgment/Order dtd. 07.01.2008 Pg.1.....to ff. 280, 298, 299 & 124/2007
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 279 Pg.1.....to ff......
5. E.P/M.P..... Pg.....to.....
6. R.A/C.P..... Pg.....to.....
7. W.S..... Pg.....to.....
8. Rejoinder..... Pg.....to.....
9. Reply..... Pg.....to.....
10. Any other Papers..... Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 279/07
2. Miss Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) ... Ashwin Kr. Mahanta vs Union of India & Ors

Advocate for the Applicants.. K.K.Mahanta, R.Dwarka....
.....K.Konwar.....

Advocate for the Respondent(s):.....

Notes of the Registry	Date	Order of the Tribunal
Application is in form A.C.P. for Rs. 70/- and vide IPS/BD 926/044874 dated 12.10.07	23.10.2007	Heard Mr.K.K.Mahanta, learned counsel for the Applicants in O.A. Nos.279/2007 & 280/2007.
Registrar Rm.		The Applicant in O.A.279/2007 contends that he was suspended from service w.e.f. 23.08.2007 but so far he has not been issued any charge sheet which normally should have been issued within 45 days, otherwise suspension stands revoked as per rules. If the contention of the Applicant is correct, then he is directed to resubmit his joining report along with representation to the concerned authority pointing out relevant rules and the concerned authority is directed to dispose of the representation within 15 days from the date of receipt of the representation. Meanwhile, Applicant would have right to join his duties if he has not been issued any charge sheet within the times stipulated in the rules.
Mr. 21.10.07		Contd....

Contd....

Contd
23.10.2007

Applicant No.2 Mrs. Babita Mahanta wife of the first Applicant (in O.A. No.280/2007) who has been transferred out on 18.9.2007 and has been asked to vacate the residential quarter. Learned counsel for the Applicant contends that this action has been taken only to harass the Applicant and his wife i.e., second Applicant.

Considering the facts and circumstances of the case, the O.A.s are admitted. Issue notice to the Respondents. Respondents are directed to file reply statement. Looking to the circumstances of the case, as explained by the learned counsel for the Applicants, if Mrs. Babita Mahanta may be allowed to continue in the present place of posting till the next date, if she has not been relieved already.

Post the case on 10.12.2007. Copy of this order shall be sent to the Respondents directly also.

Notice and order sent to D/Section for issuing to R-1 to 5 day regd. A/D post.

D/No-1315 to 1319

DT- 15/11/07.

Notice duly served on R-54 (A/D card at file "C" of OA 280/07).

Copy of

10.12.2007

Mrs. M. Khound (learned counsel appearing

for Mrs. R.S. Choudhury) learned counsel states that they have got instruction in this case to appear for the Respondents. It is the case of the Respondents that this O.A. No.279/2007 has already become infructuous. However, this matter is connected with the disposed of O.A. No.280/2007 and O.A. No.298/2007; which are now posted to 17.12.2007.

In this aforesaid premises, call this matter on 17.12.2007.

(Gautam Ray)
Member (A)

(M. R. Mohanty)
Vice-Chairman

① Service report awaited.

7.12.07

11.12.07

An application filed by the Applicant on 16.12.07, at flag A copy served.

Q.M.

Notice duly served on R-2. Copy of (A/D card at file "C" of OA 280/07).

23-
3
O.A. 279/2007

17.12.2007 Call this matter on 07.01.2008, before
the Division Bench.


(M.R. Mohanty)
Vice-Chairman

603 not biled

/bb/

7.1.2008

Judgment pronounced in open Court.
Kept in separate sheets. Application
is disposed of. No costs.


(Khushiram)
Member(A)


Received on 24/1/08
M. Mohanty
Advocate

1m


(M.R. Mohanty)
(Vice-Chairman)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos. O.A.279 of 2007,O.A. 298 of 2007.&
O.A.280 of 2007(M.P.No.124 of 2007)

DATE OF DECISION: 07.01.2008

Mr.Ashwin Kumar Mahanta

.....Applicant/s

Mr.K.K.Mohanta and Others

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

- Versus -

U.O.I. & Ors.

.....Respondent/s

Mr.K.N.Choudhury, and Ors.

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN

THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

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 their Lordships wish to see the fair copy
of the Judgment? Yes/No

Vice-Chairman/Member

10

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Date of Order: This the 7th Day of January, 2008

**HON'BLE MR.MONORANJAN MOHANTY, VICE-CHAIRMAN
HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER.**

1. **Dr.Ashwin Kumar Mahanta
Son of Sri Subal Chandra Mahanta
Teacher, Physical Education
Jawahar Navodaya Vidyalaya
Nalbari, District -Nalbari, Assam
(Applicant in O.A. No.,298 of 2007)**

By Advocate Mr. K.K.Mahanta, Mr.P.K.Das

2. **Dr.Ashwin Kumar .Mahanta
Son of Sri Subal Chandra Mahanta
Teacher, Physical Education,
Jawahar Navodaya Vidyalaya,
Nalbari, District -Nalbari, Assam.
(Applicant in O. A No. 279 of 2007)**

By Advocate Mr.K.K.Mahanta, R.Duarah, Mr.K.Konwar, Mr.M.Pathak

3. (i) **Dr.Ashwin Kumar Mahanta
Son of Sri Subal Chandra Mahanta
Teacher, Physical Education,
Jawahar Novadaya Vidyalaya,
Nalbari, District-Nalbari, Assam.**

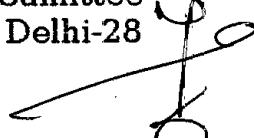
- (ii) **Mr. Babita Mahanta
Wife of Dr.Ashin Kumar Mahanta,
Librarian, Jawahar Navodaya Vidyalaya,
Nalbari, District-Nalbari, Assam.**

Applicants in O.A. No.280 of 2007(M.P.No.124 of 2007)

By Advocate Mr.K.K.Mahanta, Mr.R.Duarah, Mr.K.Konwar, Mr.M.Pathak,

-Versus-

1. **The Union of India,
Represented by the Commissioner and
Secretary to the Ministry of Human Resource and
Development, Government of India, Shastri Bhawan,
R.P.Road, New Delhi**
2. **Commissioner,
Navodaya Vidyalaya Samittee
An Autonomous Organisation
Of Ministry of Human Resource and
Development Government of India,
Represented by its Commissioner,
Navodaya Vidyalaya Samittee
Kailash Colony, New Delhi-28**



3. Deputy commissioner,
Navodaya Vidyalaya Samittee,
Regional Office,
Temple Road, Barik point,
Shillong, Meghalaya,
Pin.793003

4. The Principal,
Jawahar Navodaya Vidyalaya,
Nalbari, District – Nalbari, Assam
Pin.781340

5. Mr.R.Daniel Ratnakumar
Principal,
Jawahar Navodaya Vidyalaya, Nalbari
District- Nalbari, Assam Pin-781340

(Respondent in all the cases)

Mr.K.N.Choudhury, Mrs. R.S.Choudhury, Ms.M.Khoud, for Respondent
No.3

(O.A.298 of 2007)
(O.A. 279 OF 2007)
(O.A.280 OF 2007 &
M.P.124 OF 2007)

ORDER (ORAL)

M.R.MOHANTY,V.C:

The Applicant Dr.Ashwin Kumar Mahanta, Physical Education Teacher of Jawahar Navodaya Vidyalaya was placed under suspension while continuing at Jawahar Navodaya at Nalbari. His suspension is the subject matter of challenge before this Tribunal in O.A.No.279 of 2007.

2. During pendency of the said Original Application No. 279 of 2007, the Applicant's wife Mrs. Babita Mahanta (a Librarian of Jawahar Navodaya Vidyalaya at Nalbari in the State of Assam) was transferred to Jawahar Navodaya Vidyalaya at West Kameng in Arunachal Pradesh. While transferring Mrs. B. Mahanta to J.N.V at Kameng in Arunachal Pradesh, the Headquarters' of her husband was asked to be shifted to Kameng. The said action against the husband and wife became the subject matter of O.A.No.280 of 2007.

3. During pendency of both the cases, the suspension of the Applicant, Dr.A.K.Mahanta was revoked and, as such, the O.A. 279 of 2007 become infructuous.

4. Instead of filing an Application in O.A. No.279 of 2007, wrongly a Petition (for withdrawal) was filed in O.A.No.280 of 2007; for which Misc. Petition No.124 of 2007 has been filed to restore O.A. No.280 of 2007.

5. While revoking the order of suspension, the Applicant Dr.A.K.Mahanta was asked to go and join at JNV/West Kameng/Arunachal Pradesh, for which the said Applicant filed O.A. No.298 of 2007.

6. During the pendency of all the cases the Authority of J.N.V, who asked for posting of both husband and wife at J.N.V., West Kameng in Arunachal Pradesh, were asked to give posting (to both husband and wife) at a nearby place and, as it appears. the authority now have given posting to both the Applicants at J.N.V, Ri Bhoi in Meghalaya State. Apparently, the Authorities did not find a suitable vacancy in any nearby J.N.V.

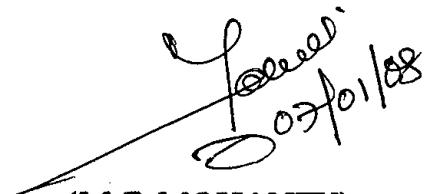
7. Since the authorities have, on reconsideration, given posting to both the Applicants, at J.N.V/ Re Bhoi/ Meghalaya; the Applicants have now expressed their desire to go and join at the new station. Applicant, Dr.Mahanta has disclosed, in writing, that he will go and report at the new Station on 14th January, 2008 i.e. after reopening of the school following to the current Winter Vacation. He has given in writing that he shall claim TA and other transfer benefits after joining new J.N.V. at Re Bhoi in Meghalaya. Mrs. R.S.Choudhury, learned counsel appearing for the JNV/Respondents, states (on receiving instructions) that, on joining the new Station, the TA and other transfer benefits claims of both the Applicants shall be settled in their favour.

8. In the aforesaid premises, Mr.K.K.Mahanta, learned counsel appearing for the Applicants did not want to press all the cases', any further.

9. The Original Application Nos. 279 of 2007, Misc. Petition No.124 of 2007 filed in O.A.No.280 of 2007 and O.A.No.298 of 2007 accordingly stands disposed of.


(KHUSHIRAM)

ADMINISTRATIVE MEMBER


(M.R.MOHANTY)

VICE-CHAIRMAN

LM

OA (viz 2+5 sets) is filed x/w 190 + Envelope today by Shri Ralcham Dhar, Advocate to be posted on 23.10.07.

केन्द्रीय नियन्त्रण
Central Administrative Tribunal

12 OCT 2007

गुवाहाटी न्यायालय
In the Court of Administrative Tribunal Guwahati Bench
Guwahati Bench

(Recd) 15/10/07

Filed by the Appellant
Tribunal
Sreyonita Dhar, Advocate 12/10/07

O.A. No. 279 / 07

Dr. Ashwin Kr. Mahanta

... Applicant

- Vs -

The Union of India and Others

... Respondents

INDEX

S. No.	Particulars	Page No.
1.	Body of the Petition -	1 - 13
2.	Affidavit -	14 (A)
3.	Verification	14
4.	Annexure -1	15
5.	Annexure - 2	16
6.	Annexure -3 series	17 - 22
7.	Annexure - 4	23 - 27
8.	Annexure -5	28 - 29
9.	Annexure -6 series	30 - 33
10.	Annexure -7	34 - 35

Filed by -
Sreyonita Dhar
Advocate

Contd/-...

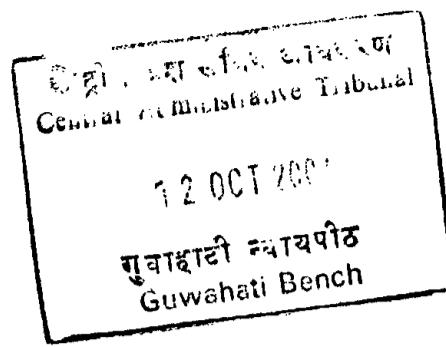
12 OCT '09

गुवाहाटी न्यायपीठ
Gauhati Bench

SYNOPSIS

This application has been filed by the applicant challenging the legality and validity of the impugned order dated 23.8.07 where by the respondent has put the applicant under suspension contemplating departmental proceeding. The applicant is a physical Education Teacher of Jawahar Navodaya Vidyalaya, Nalbari. He was posted in the said school on 30.8.05 on transfer from JNV, Kalaigaon, Darrang, Assam and has just completed two years in the present school. After joining the said school, the applicant being an honest and dedicated teacher always tries to give his utmost attention and best possible service to the said school in general and to the students in particular for its betterment. In the present school, during his tenure he detected various irregularities and illegalities which has been taking place where the Principal of the said school is also somehow involve. When the applicant started to object and protest all the irregularities the principal along with some other corrupt staffs of the said school have developed an *hostile* attitude towards the applicant and started conspiring against the applicant to oust him from the school and in the process the respondent authority on the alleged ground of contemplated

Contd/-...



departmental proceeding has issued the suspension order against the applicant. Being aggrieved, as there is no other equally efficacious remedy available hence this application.

Ruled by
Advocate

केंद्रीय प्रशासनिक न्यायपीठ
Central Administrative Tribunal

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

In the Court of Administrative Tribunal Guwahati Bench

O.A. No. 279 / 07

Dr. Ashwin Kr. Mahanta

..Applicant

- Vs -

The Union of India and Others

.. Respondents

LIST OF DATES

30.08.05 The applicant was posted in JNV, Nalbari i.e. the present station on transfer from JNV, Kalaigaon.

23.08.07 The respondent authority issued order putting the applicant under suspension on alleged ground of contemplated Departmental Proceeding against the applicant.
(Annexure-1, Page-15)

26.08.07 Non working day being a Sunday, but the respondent No.3 faxed the order dated 23.8.07 to the principal of the JNV, Nalbari.

27.8.07 The Principal issued letter handing over the order dated 23.8.07 to the applicant and directed the applicant to handover the charges held by him.
(Annexure-2, Page-16)

Contd/-...

12 OCT 2007

মুক্তিহীন স্বামী
Guwahati Bench

28.8.07 The applicant filed representations to the principal seeking permission for station leave for taking legal advice and also requested the principal to inform him in detailed about the so called contemplated departmental proceeding against the applicant. In pursuance to the said representations the principal forwarded the same to the Deputy Commissioner, NVS, R.O. Shillong.

(Annexure-3 (series), Page-17 - 20)

30.8.07 The applicant submitted his representation before the Commissioner, NVS, Head Office, New Delhi, stating inter-alia that there is a well planned conspiracy against the applicant hatching in behest of the principal only to oust the applicant since he has detected various irregularities and illegalities in JNV, Nalbari.

(Annexure- 4, Page-23-27)

06.09.07 Applicant filed representation before the Deputy Commissioner, through the Principal, JNV, Nalbari, Assam for his re-instatement.

(Annexure- 3 (Series), Page - 21-22)

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

18.9.07 The Deputy Commissioner issued order transferring the wife of applicant who is also working in JNV, Nalbari as Librarian to JNV, West Kameng, Arunachal Pradesh. Through the said order the authority also attached the applicant to JNV, West Kameng, Arunachal Pradesh.
(Annexure-5, Page-28)

22.09.07 The Principal, JNV, Nalbari issued orders whereby the relieved the wife of the applicant and the applicant himself from the school, directing the wife of the applicant to vacate the her official residence with immediate effect and also constituted a board for taking over the library charge from the wife of the applicant.
(Annexure- 6 (series), Page-30-33)

03.10.07 The applicant and his wife submitted applications before the Deputy Commissioner requesting him to post the wife of the applicant anywhere in Assam nearest to his home district Kokrajhar.
(Annexure-7 (series), Page-34-35)

Hence this application

9
Contd/-...

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

In the Court of Administrative Tribunal Guwahati Bench

D.A. No. 07

1. Dr. Ashwin Kumar Mahanta
son of Sri Subal Chandra Mahanta
Teacher, Physical Education,
Jawahar Navodaya Vidyalaya,
Nalbari, District - Nalbari, Assam.

Applicant

- Vs -

1. The Union of India
Represented by the Commissioner and
Secretary to the Ministry of Human
Resource and Development, Government of
India, A - 39, Kailash Colony,
New Delhi - 110048.

2. Navodaya Vidyalaya Samittee
An Autonomous Organisation
of Ministry of Human Resource and
Development Government of India,
Represented by its Commissioner
Navodaya Vidyalaya Samittee,
New Delhi. KAILASH COLONY.

Contd/-...

16
Filed by the applicant
through
Sri Lokanath
Deka
12/10/07

Dr. Ashwin Kumar Mahanta

Dr. Ashwin Kumar Mahanta

12 OCT 2001

गुवाहाटी न्यायपीठ
Gauhati Bench

18

3. The Deputy Commissioner,
Navodaya Vidyalaya Samittee,
Regional Office,
Temple Road, Barik Point,
Shillong, Meghalaya. PIN. 793001

4. The Principal,
Jawahar Navodaya Vidyalaya,
Nalbari, District - Nalbari, Assam.

5. Mr. R. Daniel Ratnakumar
Principal,
Jawahar Navodaya Vidyalaya, Nalbari,
District - Nalbari, Assam.

... Respondents.

DETAILS OF APPLICATION

PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE

1. This application has been preferred by the applicant against the impugned order bearing Memo Nos. f-2-44/07-NVS (SHR)/Pers/ dtd. 23.8.07 issued by the Respondent No.3 putting the applicant under suspension contemplating departmental proceeding against the applicant.

Contd/-...

Dr. Ashwin Kumar Mahanta

12 OCT 2001

गुवाहाटी न्यायपीठ
Gauhati Bench

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

4. Facts of the Case -

a. The applicant is permanent resident of Kokrajhar, Assam and are bonafide citizen of India by birth. As such the applicant is entitled to the rights and privileges guaranteed under the Part - III of the Constitution of India and other legal rights granted by the various Acts, Rules, Statutes etc. framed thereunder, presently being inforce.

b. That the applicant is currently serving as Physical Education Teacher in Jawahar Navodaya Vidyalaya (JNV, in short), Nalbari. He was posted in Jawahar Navodaya Vidyalaya, Nalbari on 30.8.05 on transfer from JNV, Kalaigaon and has just completed 2 (two) years in the present station.

Contd/-...

Dr. Ashish Kumar Baruah

12 OCT 2001

গুৱাহাটী নথায়পৌঠ
Guwahati Bench

c. That after joining the JNV, Nalbari the applicant who is an honest sincere and dedicated employee of the school detected various irregularities and illegalities taking place in the school with the full knowledge and consent of the principal of the School viz. R. Daniel Retuakumar. Some of those illegal acts were also committed by the Principal himself. The applicant started objecting those illegal acts of the principal and the other staffs, who assisted him to commit those illegal acts and thus the applicant became an eyesore to the Respondent No. 4 & 5 and started conspiring against the applicant to oust him from the school so that he could easily carry on his illegal activities. The Principal alongwith the night chowkidar of the school viz. Sri Kamal Deka allowed mass copying in the last Board examinations by collecting Rs 50/- to Rs. 100/- per student which the applicant No.1 strongly objected. Besides, the respondent No.4 and 5 took away, the water purifies fitted in the dinning hall of the school meant for the students, to his residence and also took away the refrigerators, grinder mixture, T.V. Stand, Gas stove, Cylinder etc. meant for the students, staffs Medical Inspection Room and guests which was also strongly condemned and objected by the applicant No. 1. Further, the respondent No.4 and 5

Contd/-...

Dr. Ashok Kumar Mohanta

12 OCT 2001

गुवाहाटी न्यायपालिका
Guwahati Bench

20

purchased some below standard school Uniforms from a supplier for his personal gains which was also strongly objected by the applicant No. 1 as he was one of the members of the verification Committee for verification and acceptance of those uniforms and the respondent No. 4 and 5 was compelled to take an undertaking from the supplier to the effect that he would replace the goods if the uniforms quality deteriorates within a year and thus the respondent No. 4 and 5 developed an animosity towards the applicant and started instigating the teachers and other staffs of the school as well as the students against the applicant and started hatching conspiracy. Besides, the respondent No.4 and 5 also started instigating the respondent No. 3 against the applicant for fulfillment of his illegal designs to remove the applicant No.1 from the school malafide with a revengeful attitude.

d. That as a result, on 23.8.07, the respondent No.3 issued an order bearing Memo No. F.2-44/07-NVS (SHR)/Pers/Putting the applicant under suspension without any rhyme or reason on the alleged ground of contemplated Departmental proceeding against the applicant. In the said order it was also ordered that the applicant would not leave the station without prior permission of the respondent No.3. It may be mentioned herein that although the order was issued

Contd/-...

Dr. Bishwambher Manocha

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

1 1/2 month back, neither any departmental proceeding has been initiated nor any show-cause notice has been issued to the applicant till date.

A copy of the order dated 23.8.07 is annexed hereto and marked as Annexure -1.

e. That the said order was faxed by the office of the respondent No.3 to the Respondent No. 4 and 5 on 26.8.07 (A non working day being a Sunday) and the respondent No.4 issued a letter to the applicant No.1 on 27.8.07 vide letter bearing Memo No. F.1-17/JNV (NLBR)/2007-08/Conf/05 directing him to handover the charge.

A copy of the letter dated 27.8.07 is annexed herewith and marked as Annexure -2.

f. That being surprised by the suspension order as well as its consequential order date 27.8.07, the applicant submitted an application to the Respondent No.4 on 28.8.07 seeking permission for station leave and another representation against the suspension order. The respondent No.4 forwarded both the applications to the respondent No.3 vide its letter

Contd/-...

Dr. Arbind Kumar Mohanta

12 OCT 2007

गुवाहाटी न्यायालय
Guwahati Bench

22

dated 28.8.07. But the respondent No.3 neither permitted the applicant to leave the station nor revoked the suspension order and continued to remain silently. The applicant also telephonically tried to talk with the respondent No.3 for permission of station leave. But the respondent No.3 bluntly refused to talk to the applicant. Finding no other way the applicant sent another representation on 6.9.07 to the respondent No. 3 but in vain.

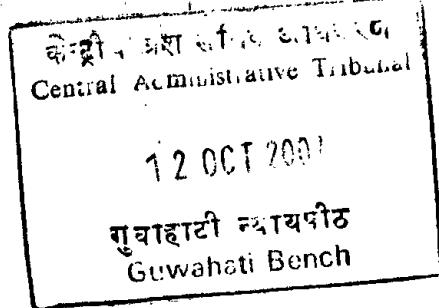
Copies of the representations dated 28.8.07, forwarding letters dated 28.8.07 and representation dated 6.9.07 are annexed hereto and marked as Annexures - 3 (series),

g. That in the meantime the applicant No.1 also intimated the Commissioner, Navodaya Vidyalaya Samittee about the irregularities and illegalities going on in the school vide his letter dated 30.8.07. But till date no action has been taken against the respondent No. 4 and 5 in this regard.

A copy of the representation dated 30.8.07 is annexed hereto and marked as Annexure - 4.

Contd/-...

Dr. Ashok Kumar Mohanty



h. That coming to learn about the said letter, the respondent No.4 and 5 became more furious and again conspired against the applicant with the help of the night chowkidar of the school viz. Sri Kamal Deka, a temporary employee of the school. Consequently, on 10.9.07 the said night chowkidar threatened the applicant with life without any provocation/rhyme and reason. The applicant on that night itself informed the incidence to the Respondent No. 3 through SMS from his mobile phone requesting to take necessary actions.

i. That on 11.9.07 the respondent No.3 accorded permission to the applicant to leave station for taking legal advice from 11.9.07 to 21.9.07 and on 22.9.07, the applicant resumed his duties when the respondent No. 4 & 5 served him a copy of the impugned order dated 18.9.07 whereby the respondent No. 3 has attached the applicant to JNV, West Kameng, Arunachal Pradesh on the so-called request of the applicant and has also transferred his wife viz. Smt. Babita Mahanta, to JNV, West Kameng, Arunachal Pradesh.

A copy of the impugned order dated 18.9.07 is annexed hereto and marked as Annexure -5.

Contd/-....

Dr. Ashwin Kumar Mahanta

12 OCT 2007

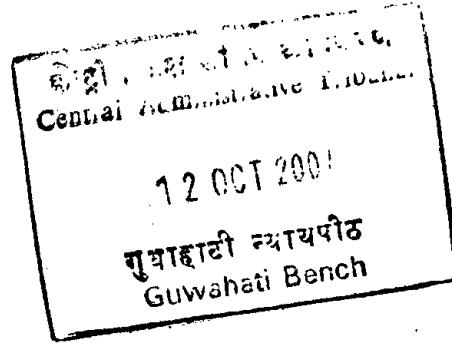
गुवाहाटी न्यायसीठ
Guwahati Bench

j. That it may be stated herein that the applicant never requested for his transfer and only intimated the respondent No.3 about the threatening given by the night chowkidar on 10.9.07 requesting for necessary actions. But, the respondent No.3 manipulating and misinterpreting the entire information given through the SMS, illegally and arbitrarily passed the impugned order. It is worth mentioned herein that the respondent No.3 ought to have taken actions for safety of his staffs and ought to have enquired the matter and should have taken appropriate measures against the respondent No.4 and 5 as well as the night chowkidar. But instead passed the impugned order attaching the applicant in JNV, West Kameng, Arunachal Pradesh, a very Hard-Hard remote Area, and also transferred his wife to the same place on the alleged administrative ground.

k. That the respondent No. 4 and 5, in pursuance of the said impugned order, issued other consequential orders on 22.9.07 vide its orders bearing Memo Nos. F-1-17/JNV (NLBR)/2007-08 Conf/10 and F-2-6/JNV (NLBR)/2007-08/CONF/09 relieving the wife of the applicant directing her to vacate the official residence forthwith and further constituting a Board for taking over the full charges of the library vide order No. F.1-17/JNV(NLBR)/2007-08/CONF/09 dated 22.9.07

Contd/-...

Dr. Ashwin Kumar Mahanta



the respondents also relieved the applicant vide relieving order No. F.1-17/JNV(NLBR)/2007-08/CONF/II dated 22.9.07. Not resting on this, the respondent No.4 & 5 sealed the library without any justified reason. It may be stated herein that all the impugned orders have been served in a sealed envelope together.

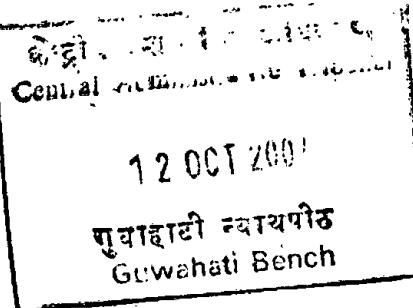
A copy of the envelope along with the impugned orders dated 22.9.07 are annexed hereto and marked as Annexure -6 (series).

1. That the applicant on 3.10.07 submitted representations before the respondent No.3 for posting him in a place near to his home district - Kokrajhar. But the respondent No.3 has not yet disposed of the said representation and has been sitting silently without any action whatsoever, till date. However, the applicant and his wife has not yet joined their new place of posting. Further it would result serious hardship to the petitioner if he compelled to join at West Kameng, Arunachal Pradesh with his 3 years kid.

Copies of representations dated 3.10.07
are annexed hereto as Annexure - 7
(series).

Contd/- . . .

Dr. Asimovic Kumar Morada



GROUND FOR RELIEF WITH LEGAL PROVISIONS -

5. (i) For that the actions of the respondents are highly illegal, unjust, unfair, malafide, bias, arbitrary and whimsical and as such non sustainable in law and as such the impugned order is liable to be quashed and/or set aside.

ii. For that the impugned orders have been passed malafide to oust the applicant from JNV, Nalbari for the ulterior motive of the respondent Nos. 3, 4 & 5 with a revengeful attitude without any administrative exigency and as such not sustainable in law and is liable to be quashed and/or set aside.

iii. For that, the impugned order has been passed mechanically without any application of mind and hit by the doctrine of 'Malice in law' and 'malice in fact' and the impugned order is not sustainable in law and is liable to be quashed and/or set aside.

iv. For that the action of the respondent is crystal clear example of calourable exercise of power and administrative discretion and as such not sustainable in law.

v. For that there was no exigency and/or necessity to put the applicant under suspension,

Contd/-...

Dr. Ashwin Kumar Mohanta

12 OCT 2001

गुवाहाटी न्यायालय
Gauhati Bench

which for any reason what so ever not involving moral turpitude and as such the suspension order is bad in law and is liable to be quashed and/or set aside.

vi. For that the applicant being a teacher ought not have to been suspended contemplating any departmental proceeding only as a matter of course and as such the impugned order being passed malafide is liable to be quashed and set aside.

vii. For that in any view of the matter the impugned order is not sustainable in law and all liable to be quashed and/or set aside.

DETAILS OF REMEDIES EXHAUSTED -

6. It is stated that there is no other remedy under any rule and this Hon'ble Tribunal is the only remedy.

MATTER NOT PENDING WITH ANY COURT

7. 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 relief(s):-

Contd/-...

Dr. Ashwin Kumar Mahanta

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

28

8.1 The impugned orders dated 23.8.07
(Annexure-I) be quashed and/or set aside.

9. INTERIM RELIEF -

In the facts and circumstances of the case, the applicants prays for an interim order staying the operation of the impugned orders dated 23.8.07 (Annexure-I) issued by the respondent No. 3 till the disposal of this petition.

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

11. PARTICULARS OF POSTAL ORDER

I.P.O. No. - 32G 044373

Date of issue - 12/10/07

Issued from - G. P. O. Ghy.

Payable at - Ghy.

12. LIST OF ENCLOSURES -

As per index.

Contd/-... .

Dr. Ashim Kumar Nahar

12 OCT 2007

गुवाहाटी न्यायालय
Guwahati Bench

✓9

VERIFICATION

I, Sri Ashwin Kumar Mahanta, son of Sri Subal Chandra Mahanta, aged about 32 years, working as Teacher, Physical Education in the office of Jawahar Navodaya Vidyalaya, Nalbari, Assam, resident of Kokrajhar Town, Ward No. 10, P.O. & P.S. Kokrajhar, in the district of Kokrajhar, Assam, do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge and para to be believed to be true on legal advise and that I have not suppressed any material facts.

And I set my hand on this verification today the 12th day of October, 2007 at Guwahati.


Signature

(Dr. Ashwin Kumar Mahanta)

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

12 OCT 2007

गुवाहाटी न्यायालय
Guwahati Bench

AFFIDAVIT

I, Dr. Ashwin Kumar Mahanta, son of Sri Subal Chandra Mahanta, aged about 32 years, by profession Teacher, Physical Education, Jawahar Navodaya Vidyalaya, Nalbari, in the district of Nalbari, Assam, do hereby solemnly affirm and declare as follows -

1. That I am the Applicant in the instant case and as such I am fully acquainted with the facts and circumstances of the case.
2. That the statement made in this affidavit and in the accompanying petition in paragraphs 1, 2, 3, 9 (A) —
—
— are true to my knowledge, those made in paragraphs in this accompanying petition in paragraphs 4 (D) —
— are true to my information derives from the records which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this 12th day of October, 2007 at Guwahati.

Identified by

Advocate ~~Subir~~

Dr. Ashwin Kumar Mahanta

DEPONENT

Contd/-...

26/08/2007 12:44 FAX

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE, NONGRIM HILLS
SHILLONG
PIN-790003
(Ministry of Human Resource Dev.
Department of Education)



Phone No. 0364-2521362
Fax No.: 0364-2521362

email: nvsam@sancharnet.in
nvseshillong@gmail.com

F.2-44/07-NVS(SIIR)/Pers/

Dated:- 23.08.07

ORDER

Where as a disciplinary proceeding against Dr. A.K. Mahanta, PET,
JNV, Nalbari (Assam) is contemplated.

Now, therefore, the undersigned, in exercise of the powers conferred by
sub-rule of Rule 10 of the Central Civil Services (Classification, Control and
Appeal) Rules 1965, here by places the said Dr. A.K. Mahanta - under
suspension with immediate effect.

It is further ordered that during the period that this order shall
remain in force the headquarters of Dr. A.K. Mahanta - PET, JNV, Nalbari
shall be the same JNV i.e Nalbari (Assam) and the said Dr. Mahanta shall
not leave the hqrs. without obtaining the prior permission of the undersigned.

To
Dr. A.K. Mahanta- PET,

M.L. Sharma
(M.L. Sharma)
Dy. Commissioner

Certified true copy
*Amrit
Betrocate*



Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
Under Ministry of HRD, Department of Secondary and Higher Education, Government of India
ASSAM

32

NO F.1-17/JNV(NLBR)/2007-08/ CONC/05

DATED: 27.08.2007

TO

Dr A.K.Mahanta
TGT/Physical Education Teacher
Jawahar Navodaya Vidyalaya
Nalbari, Assam.

Sub: - Handing over of Order No.F.2-44/07-NVS(SHR)/Pers/ dated 23.08.2007.

Sir,

1. Enclosed herewith the Order No.F.2-44/07-NVS(SHR) / Pers dated the 23rd August, 2007 of the Regional Office of the Navodaya Vidyalaya Samiti at Shillong received by this office through FAX for your immediate necessary action.
2. Hence, you are hereby directed to handover all the charges held by you in r/o Games and Sports Stores to Sri S.S.Shuvam, Store Keeper with immediate effect and the Store Keeper will handover the said store to the PET [F] on her joining after availing the leave.

Yours faithfully,
R. Daniel Retnakumar

[R. Daniel Retnakumar]
PRINCIPAL
J.N.V., NALBARI
নালবাড়ী
ASSAM

Copy to:-

1. The Deputy Commissioner, NVS, Shillong for inf. Pl.
2. The Deputy Commissioner-Cum-Chairman[VMC], Nalbari - for information pl.
3. Sri S.S.Shuvam, Store Keeper for compliance.
4. The Personal File of the incumbent for records.
5. Office Copy.

PRINCIPAL

certified by com
for
Advocate

33
ANNEXURE-3 (Series)

To,

The Principal

Jawahar Navodaya Vidyalaya, Nalbari (Assam)

Subject: Regarding Suspension Order.

Dated: 28th August, 07.

Respected Sir,

As you handed over a Suspension Order vide letter No.F.1-17/JNV(NALB)/2007-08/CONF/05 dated 27/08/07

1. Which is injustice and malafide
2. Which is without prior intimation and so cause.
3. Which is without giving chance/time to defend
4. Which is mentally harassment in the part of my sincere service.

So, in the above circumstances I would like to know from you what is the disciplinary proceeding contemplated against me and for which reason I have been handed over a suspension order as earlier as possible.

Thanking you.

Yours faithfully

Sd/- Illegible

28/08/07

Dr. A.K. Mahanta

TGT (Phy. Edl)

J.N.V. Nalbari (Assam)

*certified true copy
for
Advocate*

Contd....p/

To, The Principal

Jawahar Navodaya Vidya Laya, Nalbari (ASSAM)

Subject: Regarding Suspension Order

Dated: on 28/8/2007

Respected Sir,

As you handed over a Suspension Order. Vide letter No. F.1-13/JNV(NALB)/2007-08/CONT/05 dated 27/08/07

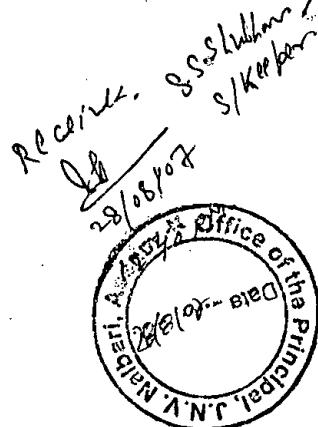
1. Which is injustice and malafide
2. Which is without prior intimation and so cause.
3. Which is without giving chance/time to defend
4. Which is mentally harassment in the part of my sincere service.

So, in the above circumstances I would like to know from you what is the disciplinary proceeding contemplated against me and for which reason I have been handed over a suspension order as earlier as possible.

Thanking you.

Yours
for afftly
Dr. A.K. Makarla

28/08/07



Certified true copy
Advocate

Dr. A.K. Makarla
P.G.T (Physics Ed)
J.N.V. Nalbari (ASSAM)

ANNEXURE-3 (i)

To,

The Principal
Jawahar Navodaya Vidyalaya, Nalbari (Assam)

Subject: Regarding Station leave.

Dated: 28th August, 07.

Respected Sir,

As you handed over a Suspension order vide letter No.F.1-17/JNU (NACB)/2007-08/CONF/05 dated 27/05/07; which is injustice and malafide without prior intimation and so cause. Since, I have been rendering my sincere service to the samiti retaining my Quality and result, the said order astonished me.

Hence, I would like to go to Guwahati to take some legal advice. So, kind sir allow me for the said. I need station leave from 29th August to 1st September D/N, 07.

Thanking you.

Yours faithfully

Sd/- Illegible

28/08/07

Dr. A.K. Mahanta

TGT (Phy. Ed.)

J.N.V. Nalbari (Assam)

*Certified true
R.M.
Advocate*

To
The Principal

Jawahar Navodaya Vidyalaya, Nalbari, Barakuchi (ASSAM)

Subject: Regarding Station leave

Dated: 28th August, 07

Respected Sir,

As you handed over a Suspension Order Vide letter No. F. 1-17/JNU (NACB)/2007-08/CON/05 dated 27/08/07; which is injustice and malafide without prior intimation and because, Since, I have been rendering my sincere service to the Govt. retaining my Quality and result, the said order astonished me.

Hence, I would like to go to Guwahati to take some legal advice. So, Kind Sir allow me for the said. I need station leave from 29th August to 1st Sept A/N. 07

Thanking you.

Yours faithfully
Dr. A.K. Mahanta

Dr. A.K. Mahanta
28/08/07

TGT (Ph. Ed)
J. N. V. Nalbari (ASSAM)

Received: C.S. Shutter
28/08/07
2 PM



certified true copy
S. M. D'Souza
Advocate



Jawahar Navodaya Vidyalaya:: Banekuchi:: Nalbari Dist
Under Ministry of HRD, Department of Secondary and Higher Education, Government of India]
ASSAM [781 340]

Dated: 28.08.2007

No F.1-17/JNV (NLBR)/2007-08/02

To

The Deputy Commissioner
Navodaya Vidyalaya Samiti,
Regional Office- Shillong.

Sub:- Forwarding of application - Reg.

Sir,

1. Please find enclosed herewith an application submitted by Dr. A.K.Mahanta TGT / PET in respect of the suspension order issued Vide NVS, RO Letter No. F.2-44/07-NVS (SHR) / Pers/ Dated 23rd August, 2007.
2. The application in original is forwarded herewith for your observation please.

Yours faithfully

R.D. Retnakumar
[R.D. Retnakumar]
PRINCIPAL

• PRINCIPAL प्राचार्य
J.N.V., NALBARI^{प्राचार्य}
नालबारी, असाम
ASSAM असाम

Enclosed:- As stated above.

copy to - Dr. A.K. Mahanta
TGT(PET)

Xerox copy of forward letter has been given to Dr. A.K. Mahanta (PET).

*Certified
Advocate*



Jawahar Navodaya Vidyalaya: Banekuchi: Nalbari Dist
Under Ministry of HRD, Department of Secondary and Higher Education, Government of India
ASSAM [781 340]

No F.1-17/JNV (NLBR)/2007-08/ 06

Dated: 28.08.2007

To

The Deputy Commissioner
Navodaya Vidyalaya Samiti,
Regional Office- Shillong.

Sub:- Forwarding of application - Reg.

Sir,

1. Please find enclosed herewith the Station Leave permission submitted by Dr. A.K.Mahanta TGT/ PET from 29TH August, 2007 to 1st September, 2007.
2. The application in original is forwarded herewith for your observation please.

Yours faithfully

R.D. Retnakumar
[R.D. Retnakumar]
PRINCIPAL
PRINCIPAL प्राचार्य
J.N.V., NALBARI
নালবারী
ASSAM असम

Enclosed: - As stated above.

*copy to Dr. A. K. Mahanta
TGT (PET)*

*Xerox copy of forwarding letter has been given to -
Dr. A. K. Mahanta
TGT (PET)*

OK

*Certified true copy
S. M. D. Advocate*

S. M. D. Advocate (M.S.M.D.)

ANNEXURE-3 (iv)

To,

The Deputy Commissioner Through Principal, J.N.V.
Nalbari, Assam.
N.V.S. Regional Office (Shillong Region)
Nougrim Hills, Noar Civil Hospital
Shillong (Meghalaya).

Subject: Regarding reinstate of my service.

Dated: 6th Sept., 07, J.N.V. Nalbari (Assam)

Respected Sir,

Most respectfully & truly I Dr. A.K. Mahanta would like to state you that on 28th August, 2007, I prayed regarding my station leave to take legal advice and the reason of my sudden Suspension order. But, still I am not receiving any information from your kind self (10 days over). the said applications has been routed out from the Principal J.N.V. Nalbari on 28th August, 07 by vide letter No.F.1-17/JNV(NLBR)/2007-08/06 & 07. Again, I have sent the xerox copy of teh said applications. Through "speed post" on 30/08/07 (Because, R.O's Fac and telephone No. was not working)

Respected Sir, I am a sincere staff of N.V.S.; I render my sincere service to the Samiti Since the eyar 2001. But, I am in gerat suppressed even you obtain me from my fundamental right by your adamant behaviour.

*Certified true copy
Advocate*

Contd....p/

So, kind Sir, once again I am praying your honour to reinstate me in my service to give me relief and utilize me for organising the cluster & Regional Sports meet which is my prime duty a grand success. (Because, I personally requested Mr. V.V. Reddy Asstt. Com. Sir to select the J.N.V. Nalbari as Vence for teh said Sport meet.07)

Your early necessary action in this regard is highly solicited.

Thanking you.

Yours faithfully

Sd/- Illegible

6th Sept.2007

Dr. A.K. Mahanta

TGT (Phy. Ed.)

J.N.V. Nalbari (Assam)

Certified true copy
[Signature]
Advocate

Contd....p/

Annexure- 3(iv)

To, The Deputy Commissioner Through Principal, J.N.V. Nalbari
(Assam)
N.V.S. Regional office (Shillong Region)
Nongrim Hills, Noni Civil Hospital
Shillong (Meghalaya)

Subject :- Regarding Reinstal of my service.

Dated :- 6th Sept, 07, J.N.V. Nalbari (Assam)

Respected Sir,

Most respectfully & truly I Dr. A.K. Mukanta would like to state you that on 28th August, 2007, I prayed regarding my station leave to take legal advice and the reason of my sudden Suspension order. But, still I am not receiving any information from your kind self (10 days over). The said applications has been routed out from the Principal J.N.V. Nalbari on 28th August 07 by vide letter No. F.I-17/JNV(NLBR)/2007-08/06 & 07.

Again, I have sent the Xerox copy of the said applications through "Speed post" on 30/08/07 (Because, R.O's Fax and telephone No. was not working)

Respected Sir, I am a sincere staff of N.V.S; I render my sincere service to The Saniti since the year 2001. But, I am in great suppressed, even you abstain me from my fundamental rights by your adamant behavior.

So, kind Sir, Once again I am praying your honours to reinstate me in my service to give me relief and utilize me for organising the Cluster & Regional Sports meet which is my prime duty. a grand success. (Because, I personally requested Mr. V. V. Reddy Asst. Com. Sir to Select the J.N.V. Nalbari as venue for the said sports meet. 07)

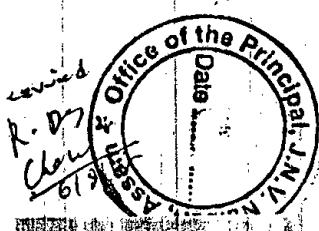
Your early necessary action in this regard is highly solicited.

Thanking you.

Yours faithfully

6th Sept. 07

Dr. A.K. Mukanta
T.G.T. (Phys. Ed.). J.N.V. Nalbari (Assam)



certified true
for
Advocate

ANNEXURE-4.

To,

The Hon'ble Commissioner
Navodaya Vidyalaya Samiti, Head Office, New Delhi.
(Kailash Colony)

Subject: Prayer for justice.

Dated : 30th August, 07 Nalbari (Assam)

Respected Sir,

Most respectfully and truly I would like to state you that on 27th August, 07, I got suspension order from my Principal Mr. D. Tatna Kumar, I astonished by receiving the sudden Order which was without prior intimation and so cause.

Respected Sir, It is a complete malafide, fabricated, total conspiracy and planning on my sincere service. As I have been rendering my sincere service since 2001 and during my service I always tried to established the truth for better tomorrow. By which I have been tortured/harassed/5 times transferred by authority/ever attacked by the instigated students; which is well know to you. As I am in truth, that's why, in every occasion by grace of god I got success for establishing the truth. Of course it was late.

Last year, before joining of Mr. Retna Kumar, Principal of this school, the Vidyalaya was in worse condition. No, teachers were interested to manager the situation. Myself and Retna Kumar (Principal) tried to

True copy
Certified
S. S.
Advocate

Contd....p/

manage the school. Even, he has issued several memo to the teachers for their each (not supporting the authority). The said memo's were kept in their personal file. Somehow, we manage the situation. But, in my name principal is taking advantage and gradually molest the school's environment and management for his own benefit and gain. Then I understood his motive and set aside myself. even, he tried to motivate me by giving different chances.

HOW, MR. PATNAKUMAR, PRINCIPAL, MISMANAGE THE VIDALAYA FOR HIS PERSONAL BENEFIT:

1. In cost Board Exam, Principal initiated a mass copying with the help of D Group and answer written by the teaching staff, Mr. Kamal Deka, night Chowkider collected Rs.50/- to Rs.100/- per students to hand over the written copy from the physics Laboratory which is nearest to the exam room where teachers were engaged to write the answer.
2. Last year two Water Purifier "AQUA GUARD" had purchased for the students. It was happened due to request by me to Hon'ble Deputy Commissioner, Mr. D. Hazarika. And I personally took the initiative to fitted the said in the Dinning Hall. But over Principal took the said "AQUA GUARD" to his own Quarter for his two son and wife by depriving 250 students along with staff.
3. Vidalaya's 'FREEZE, GRINDER MIXI, T.V. Stand along with gas stove, cylinder, guest-house items and lob move unauthorisedly kept in his quarter by depriving the

*Certified true copy
S. M. Deka
Advocate*

Contd....p/

facility given to the Students, Staff, M.I.Room and Guest.

4. Catering Assistant, Mr. Santosh Bora with the help of Mess I/C Sold huge amount of broken rice without any information. An enquiry committee was formed (by the Principal) where I was the member of that Committee and we placed the report along with the points of recommendation. In the Recommendation Committee recommend to deposit the amount received by selling the Broken rice to the Office but it was not deposited till now. There was no account on it. Principal is taking the money and blackmail the Catering Asstt. by that letter and taking advantage from him.

5. In the mess, mismanagement is going on alongwith not distributing the food times equally to the Students. Principal is mum on the matter.

6. In purchasing of Uniform, he is taking interest to deprive the poor students by giving low quality. But he failed because, I was the members of verifying Committee.

7. In my initiation R.O. has given an opportunity to organise cluster and Regional Sports meet along with National Coaching camp to this Vidyalaya for the first time ever since establishment of this School. But, Principal is playing a negative role and instigating the parents that it would hamper the teaching of the Vidyalaya. So, targeted me for my initiation.

Contd....p/

targeted me for my
Certified true copy
John T. Hayes
Advocate

8. Principal has given more advantage to the most indiscipline students for which this Vidyalaya has been facing trouble. Now he is instigating the said students against me (only 5 student of Class X).

9. Principal is not taking any action against the teachers who indulged in different activities. Their personal file could give you details. Now, he is instigating the said teachers to give wrong statements against me.

10. Last year more than Rs. 1 Lakhs mismanagement done by meso Committee. The details kept by Principal in hidden record.

11. He engaged Mr. Promod Singh, Arvind Kumar Kairect Zolal, Mrs. M. Chutia, Vidyalaya Night Chowkider, Driver and some P.T.C. members (one has Criminal Register case in Nalbari Thana) to instigate the students to give wrong statements against me to the Officer or any body whoever come to find out the facts.

12. He has been threatening the poor students/parents by forcefully taking the Court affidavit.

13. He is always deprive the leadership Quality of the Students.

14. He developed a groupism among the staff and destroying the whatsoever of us.

Certified true copy
John
Advocate

Contd. p/

15. By hook and crook he wants my removal from his Vidyalaya for his staff style Autocratic, undemocratic management which is only for his benefit and result etc.

Much more to say

In the above circumstances, I fervently pray your honour to understand the situation which is a conspiracy and planning against me and give me justice to find out the truth for better tomorrow. I would like to add more here that said Principal is taking the Support of Mr. Deepak Deka, a parent and forcefully member of P.T.C. who himself is criminal cum contractor cum political leader (self style) (He has register case in his name in Nalbari Thana). He is frequently visited the Principal even in night 11 p.m. and making this School a battle field of criminals for his personal benefit but not for the welfare of the Vidyalaya. Much more to say but it was not happened so.

Therefore, your early necessary action is highly solicited.

Yours faithfully,

Sd/ Illegible

30.08.2007.

Dr. A.K. Mahanata)

T4T (Phy.Ed)

J.M.V. Nalbari, Assam.

Copy to:

Deputy Commissioner, Shillong Region for information

Please.

Certified true copy
J.M.V.
Advocate

Contd....p/

To, The Honorable Commissioner
 Navodaya Vidyalaya Samiti, Head office, New Delhi
 (Kailash colony)

Subject on Prayer for justice.

Dated : ~ 30th August, 07. Nalbari (Assam)

Respected Sir,

Most respectfully and briefly I would like to state you that On 27th August, 07, I got suspension order from my Principal Mr. D. Retnakumar, I astonished by receiving the sudden Order which was without prior intimation and because.

Respected Sir, It is a complete malafide, fabricated, total conspiracy and planning on my sincere service. As I have been rendering my sincere service since 2001 and during my service I always tried to established the truth for better tomorrow. By which I have been tortured/ harassed/ 5 times transferred by authority/ even attacked by the instigated Students; which is well known to you. As I am in truth, that's why in every occasion by grace of god I got success for establishing the truth. Of course it was late.

Last year, before joining of Mr. Retnakumar, Principal of this school, the Vidyalaya was in worse condition. No, Teachers were interested to manage the situation. Myself and Retnakumar (Principal) tried to manage the school. Even, he has issued several memo to the teachers for their act (not supporting the authority). The said memo's were kept in their personnel file. Somehow, we manage the situation. But, in my name principal is taking advantage and gradually molest the school's environment and management for his own benefit and gain. Then I understood his motive and set aside myself. Even, he tried to motivate me by giving different chances.

How, MR. PATNAKUMAR, PRINCIPAL mismanage the Vidyalaya for his personal benefit ?

1. In last Board Exam, Principal initiated a mass copying with the help of D. group and answer written by the teaching staff. Mr. Kamal Deba, night Chawkidar collected Rs. 50/- to Rs. 100/- per student to handover the written copy from the physics laboratory which is nearest to the exam room where teachers were engaged to write the answer.

→ Cont - (2)

Certified true copy
 N.M.
 Advocate

29-
W.D.

2. Last year Two Water Purifier "AQUA GUARD" had purchased for the students. It was kept Lappend due to request by me to Honourable Deputy Commissioner, Mr. D. Hazarika. And I personally took the initiative to fitted the said in the Dining Hall. But, Our Principal took the said "AQUA GUARD" to his own Quarter for his son and wife. by depriving 250 students along with staff.

3. Vidyalaya's 'FREEZE', GRINDER Mixi, T.V. Stand, along with gas stove, cylinder, guest house items and lot more unauthorisely kept in his quarter by depriving the facility given to the students, staff, M.I. Room, and guest.

4. Catering Assistant, Mr. Santosh Bera with the help of Mess ifc sold huge amount of broken rice without any information. An enquiry Committee was formed (by the Principal) where I was the member of that Committee and we placed the report along with the points of recommendation. On the recommendation Committee recommended to depoite the amount received by selling the broken rice to the Office but it was not depoited till now. There was no account on it. Principal is taking the money and blackmail the Catt. Ass't. by that letter and taking advantage from him.

5. In the mess, mismanagement is going on along with not distributing the food items equally to the students. Principal is murn on the matter.

6. In purchasing of Uniform, he is taking interest to deprive the poor students by giving low Quality. But, he failed because, I was the members of Vetting Committee.

7. In my initiation R.O has given an opportunity to organise Cluster and Regional Sports meet along with National Coaching Camp to this Vidyalaya for the first time ever since establishment of this school. But, Principal is playing a negative role and instigating the parents that it would hamper the teaching of the Vidyalaya. So, targeted me for my initiation.

8. Principal has given more advantage to the most indiscipline students for which this Vidyalaya has been facing trouble. Now, he is instigating the said students against me. (Only 5 students of Class 8)

9. Principal is not taking any action against the teachers who indulged in different activities. Their personal file could give you details. Now, he is instigating the said teachers to give wrong statement against me.

10. Last year more than Rs. 1 lakh mismanagement done by mess committee. The details kept by principal in hidden record.

11. He engaged Mr. Promod Singh, Arvind Kumar, Kajal Zonal, Mrs. M. Bhutia, Vidyalaya Night Chawkidar, Driver and some P.T.C members (One h.s. criminal register case in Nalbari Thana) to instigate the students to give wrong statements against me to the Officer or any body who ever come to find out the facts.

Certified true copy
Smt. Advocate

12. He has been threatening the poor students/parents by forcefully taking the Court affidavit. 30/10/2019

13. He is always deprive the leadership Quality of the Students.

14. He developed a gencpism among the staff and destroying the cohesiveness of us.

15. By hook and crook he wants my dismissal from this Vidyalaya for his self style Autocratic, undemocratic management which is only for his benifit and result. etc.
Much more to say

In the above circumstances, I fervently pray your Honors to understand the situation which is a conspiracy and planning against me and give me justice to findout the truth for better tomorrow. I would like to add more here that said Principal is taking the support of Mr. Deepak Deka, a parent and forcefully member of P.T.C. who himself is criminal cum character cum political leader (self-style) (He has register case in his name in Nalbari Thana). He is frequently visited the Principal even in night 11 pm. and making this school a battle field of criminals for his personal benifit but not for the welfare of the Vidyalaya. Much more to say but it was not happened so.

Therefore your early necessary action is highly solicited.

Yours faithfully

Dtin
30/10/2019

Dr A.K. Mahanta

TGT (Phy. Ed)

J. M. V. Nalbari (ASSAM)

Certified true copy
from
Advocate

Copy to -

Deputy Commissioner, Shillong Region for information Please.

3-SEP-2007 14:43

NAVSAM SHILLONG.....

03642500335

+ P. 01



28-31
Annexure - 5
NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE, SHILLONG
TEMPLE ROAD, BARKI POINT,
LACHUMIREE, SHILLONG - 793001
(Ministry of Human Resources and Development,
Dept. Of Education, Govt. of India)
Tel : 0364-2500331/2500332
E-mail navaarm@ancharnet.in
nvros.shillong@rediffmail.com
Website : www.nvros.shillong.gov.in

F.2-7/PF/NVS(SHR)/Pers/

Dated : 18th Sept. 07

OFFICE ORDER

Whereas, Dr. A.K. Mahanta, PET, JNV Nalbari has been placed under suspension vide this office letter no.2-44/NVS(SHR)/Pers/2663 dated 23/8/07.

Whereas, Dr. A.K. Mahanta sent message through SMS on 10/9/07 to the undersigned and to the Cluster i/c stating thereby that there was threat to his life and his family in JNV, Nalbari.

Now, therefore, considering his request Dr. A.K. Mahanta, PET (U/S) is attached to JNV, W. Kameng. His wife Mrs. B. Mahanta, Librarian, JNV, Nalbari is also hereby transferred to JNV, W. Kameng on administrative ground so that the family may stay together.

They are entitled for TTA/TA/DA benefits as per NVS rules.

To,

Dr. A.K. Mahanta,
PET(U/S),
Mrs. B. Mahanta,
Librarian,
JNV, Nalbari.

M.L. Sharma
(M.L. SHARMA) 18/9/07
DEPUTY COMMISSIONER

Copy to :-

1. The Principal JNV, Nalbari to relieve the concerned persons immediately.
2. The Principal JNV, W. Kameng with request to submit reporting/joining immediately.

certified true copy
ML
Advocate

ML
DEPUTY COMMISSIONER 18/9/07



Annexure-6 (Series)

- ① F.2-6/ TNU CNLBR/ 2007-08/ 2007/ 08 Ad. 22.9.07
- ② F.2-7/ DRS/ MVS (SHB)/ Pre/ Dr. 18.9.2007
- ③ F.1-17/ TNU(CNLBR)/ 2007-08 cont/ 09 Ad. 22.9.07
- ④ F.1-17/ TNU(CNLBR)/ 2007-08 cont/ 10 Ad. 22.9.07.

Form,

JAWAHAR NAVODAYA VIDYALAYA

To,

Mrs. Barkita Mahanta

(ग्राम संसाधन शिक्षा विभाग, ग्राम सरकार, शिक्षा विभाग)

बानेकुची, जिला:- नलगढ़ी (आसम) पिन- 781 380

(Ministry of Human Resource Development)

Govt. of India, Dep't. of Education)

Banekuchi :: Dist.- Nalbari Pin-781 340 (Assam)

e.mail-Invnmalbari@sify.com

*Certified by
Advocate*

T.G.T Chivraman

Inv. Nalbari



SD-
Anexure - 6 (Series)
Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
[Under Ministry of HRD, Department of Secondary and Higher Education, Government of India]
ASSAM

No F.2-6/JNV(NLBR)/2007-08/CONF/ 08

DATED : 22 .09.2007

OFFICE ORDER

Consequent upon of the NVS, Regional Office, Shillong vide Office Order No. F.2-7/PF/NVS(SHR)/Pers/ dated the 18th September, 2007 [copy enclosed], Mrs B.Mahanta TGT/Librarian is transferred and posted at JNV, West Kemeng on administrative ground.

Mrs B.Mahanta TGT/Librarian is, hereby, relieved of her duties on the FN of the 22nd September, 2007 with a direction to join her new place of posting with immediate effect. Her Last Pay Certificate will be dispatched by post in due course of time.

She is entitled for TTA/TA/DA benefits as per NVS rules.

SD/
[R.Daniel Retnakumar]

Principal
PRINCIPAL
J.N.V., NALBARI

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. The Principal, JNV, West Kemeng with a request that her Service Book and other service records will be dispatched in due course of time.
4. Mrs B.Mahanta, TGT/Librarian for strict compliance.
5. Office Copy.

11/9/2007
PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

Certified to true copy
S. M. P.
Advocate



SB

Annexure - 6 (1)

Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
[Under Ministry of HRD, Department of Secondary and Higher Education, Government of India]
ASSAM

NO F.1-17/JNV(NLBR)/2007-08/ CONF/11

DATED : 22.09.2007

OFFICE ORDER

In pursuance of the NVS, Regional Office, Shillong vide Office Order No. F.2-7/PF/NVS(SHR)/Pers/ dated the 18th September, 2007 [copy enclosed], Dr A.K.Mahanta TGT/PET[M] under suspension is, hereby, attached to JNV, West Kemeng with immediate effect.

Now, therefore, the said Dr A.K.Mahanta, PET [U/S] is, hereby, relieved from this establishment on the FN of the 22nd September, 2007 with a direction to report to The Principal, JNV, West Kemeng with immediate effect.

He is eligible for the TA/DA as per NVS rules.

SD
[R.Daniel Retnakumari]
Principal
PRINCIPAL
J.N.V., NALBARI
Assam

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. The Principal, JNV, West Kemeng for inf. and n/a please.
4. Dr A.K.Mahanta, PET [U/S] for immediate compliance.
5. Office Copy.
6. P/F to official

1. *1. 22/9/07*
2. *22/9/07*
PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

Copy
Certified by
Advocate



36

Annexure - 6(ii)

51

Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
[Under Ministry of HRD, Department of Secondary and Higher Education, Government of India]
ASSAM

NO F.1-17/JNV(NLBR)/2007-08/CONF/10

DATED : 22.09.2007

OFFICE ORDER

Consequent upon the transfer and posting of Smt. B.Mahanta TGT/Librarian to JNV, West Kemeng with immediate effect vide NVS, Regional Office, Shillong Office Order No. F.2-7/PF/NVS(SHR)/Pers/ dated the 18th September, 2007 and her subsequent relieving from this establishment vide Office Order No F.1-17/JNV(NLBR)/2007-08/CONF/08 dated 22.09.07, she is directed to vacate the official residence allotted to her in this establishment with immediate effect enabling this office to allot the said quarter to next official on seniority.

✓
[R.Daniel Retnakumar]
Principal
PRINCIPAL
J.N.V., NALBARI
Assam

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. ~~4.~~ B.Mahanta, TGT/Librarian for strict compliance.
4. Office Copy.

✓
3. Nal
22-9-07
PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

Certified true copy
John
Advocate



Sir - 38 - 55

Jawahar Navodaya Vidyalaya :: Banekuchi : Nalbari Dist
[Under Ministry of HRD, Department of Secondary and Higher Education, Government of India]
ASSAM

NO F.1-17/JNV(NLBR)/2007-08/CONF/09

DATED : 22.09.2007

OFFICE ORDER

Consequent upon the transfer and posting of Smt. B.Mahanta TGT/Librarian to JNV, West Kemeng with immediate effect vide NVS, Regional Office, Shillong Office Order No. F.2-7/PF/NVS(SHR)/Pers/ dated the 18th September, 2007 and her subsequent relieving from this establishment vide Office Order No F.1-17/JNV(NLBR)/2007-08/CONF/08 dated 22.09.07, a board is, hereby, constituted to take over the full charges of the Library with the officials as under :-

Sri K.Zalal, PGT/English	:	Presiding Officer
Sri P.K.Singh PGT/Hindi	:	Member
Sri S.S.Shubham, S/Keeper	:	Member
Smt M.M.Roy, TGT/Music	:	Member
Smt D.Deka, TGT/Hindi	:	Member

The board will check and verify the ground stock with the ledger stock and discrepancies, if any, are found, a report to be submitted to this office for further necessary action at this end. On taking over of the Library charges, the Library is to be sealed and handed over to the Librarian whoever is going to join the institution against the vacant post. The necessary handing/taking over of charges to be completed latest by 1700 hours on the 22nd September, 2007 enabling the relieved official to join her new place of posting at her earliest.

Sd/-
[R.Daniel Retnakumar]
Principal
PRINCIPAL
J.N.V., NALBARI
Assam

Copy to:-

1. The Deputy Commissioner, NVS, Shillong Region for inf. Please.
2. The DC-Cum-Chairman [VMC], Nalbari for inf. Please.
3. Smt B.Mahanta, TGT/Librarian for strict compliance & necessary coordination with the board members.
4. Officials concerned with a direction that discrepancies, if any, are found in future, they will be held responsible for the consequences there-of.
5. Office Copy.

*Certified true
J.M.B.
Advocate*

2. Nalbari 29/9/07
PRINCIPAL
PRINCIPAL
J.N.V., NALBARI
Assam

30 - 16

ANNEXURE-7 (Series)

To,

The Hon'ble Deputy Commissioner,
Navodaya Vidyalaya Samiti,
Regional Office (RO), Shillong.

Sub: Regarding Head Quarter Attachment.

Dated: 3rd September, 2007.

Respected Sir,

With due respect and humble submission, I would like to state you that I Dr. A.K. Mahanta, TGT (Phy. Ed) got your Order F. 2 .27/PF/NVS(SHR)/Prs dated 18th September, 2007 on 24th September, 2007 where I have been attached with my wife to J.N.V. West Kament. But sir West Kamenng is far away from my home District (Kokrajahat) and previous J.N.V. Nalbari Where my inventory and house hall items were kept and it will be the place where we will find difficult to look after my old parents and study of my Son "Abhinav".

So, kind sir, do necessary steps sympathetically so, that my wife could be posted in Near by J.V.V. of Assam which is nearest to my home district Kokrajhar.

Thanking You,

Yours

faithfully

Sd/ Illegible

(Dr. A.K. Mahanta) TGT (Phy.ED)

J.N.V. Nalbari, Assam.

Contd....p/

To

The Honorable Deputy Commissioner
Navodaya Vidyalaya Samiti
Regional Office (RC) Silchar

Subject: Regarding Head Quarter attachment

Dated on 3rd Sept. 07

Respected Sir.

With due respect and humble submission I would like to state you that I Dr. A.K. Mahanta TGT (Phy. Ed) got your order F. 2-3/PA/NVS(SHR)/PIS dated 18th Sept. 07 on 24th Sept. 07 where I have been attached with my wife to J.N.V. West Kameng. But, Sir, West Kameng is far away from my home district (KOKRAJHAR) and previous J.N.V. Nalbari where all my inventory and house hold items were kept and it will be the place where we will find difficult to look after my old parents and study of my son Abhinav.

So, Kind Sir, all necessary steps sympathically so, that my wife could be posted in Nalbari J.N.V. of Assam which is nearest to my home district Kokrajhar.

Thanking you.

Yours
truly
Dr. A.K. Mahanta

Dr. A.K. Mahanta
TGT (Phy. Ed)

J.N.V. Nalbari (Assam)

Received
Dr. T. D. Deka
Certified true copy
S. M. Deka
Advocate

35 40 58
ANNEXURE-7 (i)

To,

The Hon'ble Deputy Commissioner,
Regional Office (RO), Shillong.
Navodaya Vidyalaya Samiti,

Sub: Regarding Transfer Order.

Dated: 3rd September, 2007.

Respected Sir,

With due respect and humble submission, I would like to state that I Mrs. B. Mahanta, TGT (Leb) got my transfer Order F. 2-7/PF/NVS(SHR)/Prs dated 18th September, 2007 on 24th September, 2007 where I have been transferred to J.N.V. Kameng along with my husband Dr. A.K. Mahanta (attached). But Sir, JNV Kameng is far away from my home district and previous posting area JNV Nalbari where all my inventory and house hold items were kept and it will be the place where we will find difficult to look after my old parents in law (who are suffering from heart and having pace maker) and the study of small son.

So, please Sir, do necessary steps sympathetically that we could be posted in near by JNV of Assam which is nearest to my home district Kokrajhar.

Thanking you.

Yours faithfully

Sd/ Illegible

(B. Mahanta)

TGT (Liberian)

J.N.V. Nalbari, Assam.

certified true
by
Date
20/09/07

Contd....p/

Annexure - 7 (1)

Shillong

3rd Sept '07

47

SA

To:

The Honorable Deputy Commissioner
Regional office, Shillong
Navodaya Vidyalaya, Shillong

Subject: Regarding Transfer Order

Respected Sir,

With due respect and humble submission, I would like to state that I Mrs B. Mahanta, TGT(Lib) got my transfer order F.2-7/ PF/ NVS(SHR)/Peru/ dated 18th Sept 07 on 24th Sept. 07 where I have been transferred to JNV Kamei along with my husband Dr. A. K. Mahanta (attached). But Sir, JNV Kamei is far away from my home district and previous posting area JNV Nalbari where all my inventory and house hold items were kept and it will be the place where we will find difficult to look after my old parents in law (who are suffering from heart and having pace maker) and the study of small son.

So, please Sir, do necessary steps sympathetically that we could be posted in near by JNV of Assam which is nearest to my home district Kokrajhar.

Thanking You-

Yours faithfully,

B. Mahanta

TGT (Librarian)
JNV Nalbari

03/09/07

Received
Dated
File No.

Certified
on
Navodaya