

4

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No 279/2007

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application NO. 279/07

2. MiEs Petition No. \_\_\_\_\_

3. Contempt Petition No. \_\_\_\_\_

4. Review Application No. \_\_\_\_\_

Applicant(S).... Ashwin K. Mahanta VS-Union of India & Ors

Advocate for the Applicants... K.K. Mahanta, R. Anandh....  
..... K. K. Mahanta .....

Advocate for the Respondent(S).....

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form of C.A. No. 79,- dated 12.10.07 vide IPB/20 No. <u>326/044874</u> Dated <u>12.10.07</u></p> <p>Registrar <u>[Signature]</u></p> <p>Petitioner's copy for issue notices are received with envelopes. Copy not served.</p> <p><u>[Signature]</u> <u>12/10/07</u></p>	<p>23.10.2007</p>	<p>Heard Mr.K.K.Mahanta, learned counsel for the Applicants in O.A. Nos.279/2007 &amp; 280/2007.</p> <p>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 or 90 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.</p> <p style="text-align: right;">Contd....</p>

OA-279/2007-2

6

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 by 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)

(Khushiram)  
Member (A)

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.

① Service report awaited.

7.12.07

11.12.07

An application filed by the Applicant on 11.12.07, at flag A copy served.

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

In this aforesaid premises, call this matter on 17.12.2007.


(Gautam Ray)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

O.A. 279/2007

17.12.2007

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


  
(M.R. Mohanty)  
Vice-Chairman

60/3 not filed

/bb/

7.1.2008

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

  
(Khushiram)  
Member(A)

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

Received on 24/1/08  
M. Khound  
Advocate

lm

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

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Date of Order: This the 7<sup>th</sup> 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

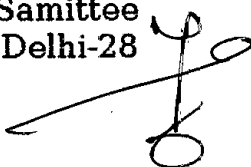
3. (i) Dr. Ashwin Kumar Mahanta  
Son of Sri Subal Chandra Mahanta  
Teacher, Physical Education,  
Jawahar Navodaya Vidyalaya,  
Nalbari, District-Nalbari, Assam.
- (ii) Mr. Babita Mahanta  
Wife of Dr. Ashin Kumar Mahanta,  
Librarian, Jawahar Navodaya Vidyalaya,  
Nalbari, District-Nalbari, Assam.

**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.Khound, for Respondent No.3

(O.A.298 of 2007)

(O.A. 279 OF 2007)

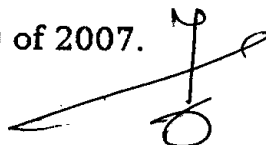
(O.A.280 OF 2007 &  
M.P.124 OF 2007)

**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.



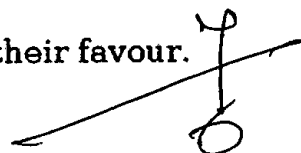
3. During pendency of both the cases, the suspension of the Applicant, Dr.A.K.Mahanta was revoked and, as such, the O.A. 279 of 2007 become infructuous.

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.

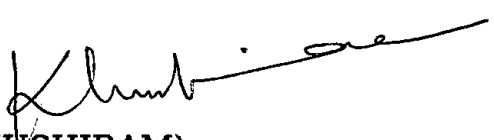
7. Since the authorities have, on reconsideration, given posting to both the Applicants, at J.N.V/ Re Bhoi/ Meghalaya; the Applicants have now expressed their desire to go and join at the new station. Applicant, Dr.Mahanta has disclosed, in writing, that he will go and report at the new Station on 14<sup>th</sup> 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 (nos 245 sets) is filed & 10 + Envt  
today by Shri Raktem Dharsh, Advocate  
to be posted on 23.10.07.

केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal

12 OCT 2007

गुवाहाटी न्यायापीठ  
In the Court of Administrative Tribunal Guwahati Bench

of Administrative Tribunal Guwahati Bench

(overleaf)  
15/10/07

Filed by the Applicant  
Through  
Shri Raktem Dharsh  
Advocate 12/10/07

O.A. No. 279 / 07

Dr. Ashwin Kr. Mahanta

..Applicant

- Vs -

The Union of India and Others

.. Respondents

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Filed by -

Advocate

Contd/-...

केन्द्रीय प्रशासकीय न्यायालय  
Central Administrative Tribunal

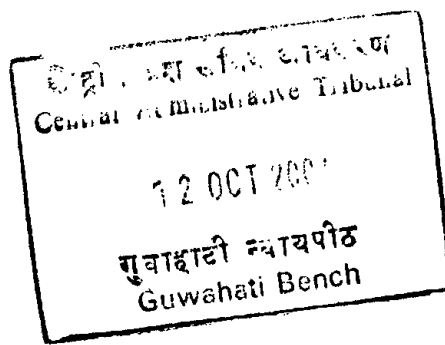
12 OCT 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

SYNOPSIS

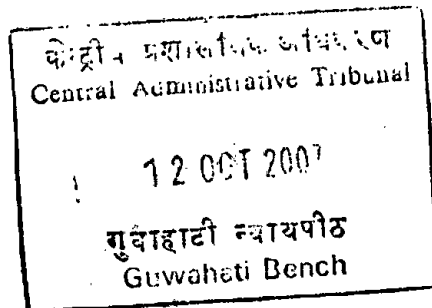
This application has been filed by the applicant challenging the legality and validity of the impugned order dated 23.8.07 where by the respondent has put the applicant under suspension contemplating departmental proceeding. The applicant is a physical Education Teacher of Jawahar Navodaya Vidyalaya, 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.

Filed by  
  
Advocate



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

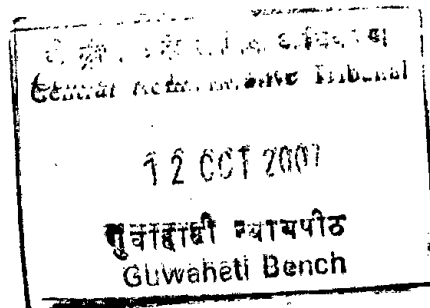
Non working day being a Sunday, but the respondent No.3 faxed the order dated 23.8.07 to the principal of the JNV, Nalbari.

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/-...



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)

Contd/-...

12 OCT 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

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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

Contd/-...

12 OCT 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

In the Court of Administrative Tribunal Guwahati Bench

O.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. KALLASH COLONY.

Contd/-...

18  
Filed by the Applicant -  
Through  
Sri Lakshmi Dharal  
Date: 12/10/07

Dr. Ashwin Kumar Mahanta



12 OCT 2007

गुवाहाटी न्यायपीठ  
Guwahati Bench

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.

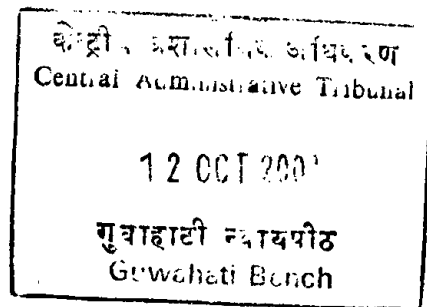
DETAILS OF APPLICATION

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



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. Arjun Kumar Mahanta

12 OCT 2001

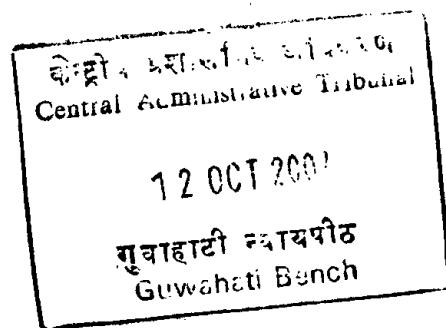
गुवाहाटी न्यायपीठ  
Guwahati Bench

19

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. Bhabu Kumar Mahanta



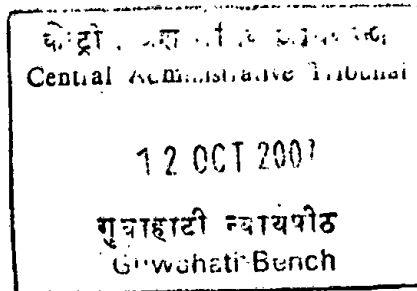
28

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. Arun Kumar Mahanta



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.

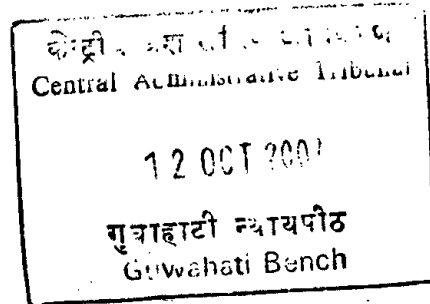
e. That the said order was faxed by the office of the respondent No.3 to the Respondent No. 4 and 5 on 26.8.07 (A non working day being a Sunday) and the respondent No.4 issued a letter to the applicant No.1 on 27.8.07 vide letter bearing Memo No. F.1-17/JNV (NLBR)/2007-08/Conf/05 directing him to handover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



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.

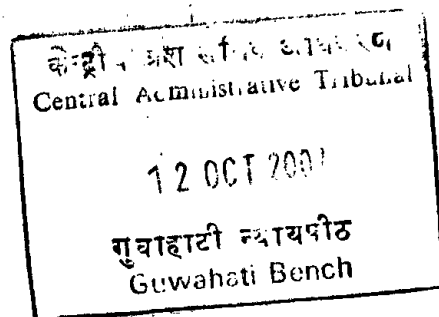
Copies of the representations dated 28.8.07, forwarding letters dated 28.8.07 and representation dated 6.9.07 are annexed hereto and marked as Annexures - 3 (series).

9. 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. Aswini Kumar Borah



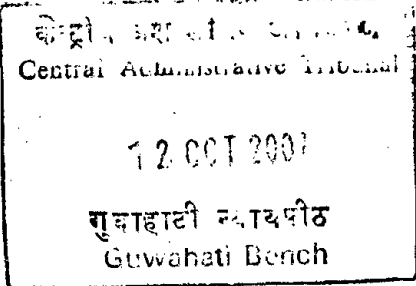
h. That coming to learn about the said letter, the respondent No.4 and 5 became more furious and again conspired against the applicant with the help of the night chowkidar of the school viz. Sri Kamal Deka, a temporary employee of the school. Consequently, on 10.9.07 the said night chowkidar threatened 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. Ashish Kumar Mahanta



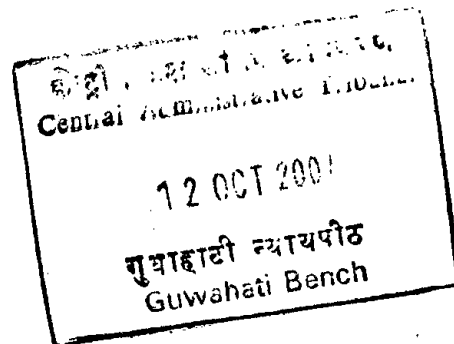
j. That it may be stated herein that the applicant never requested for his transfer and only intimated the respondent No.3 about the threatening given by the night chowkidar on 10.9.07 requesting for necessary actions. But , the respondent No.3 manipulating and misinterpreting the entire information given through the SMS, illegally and arbitrarily passed the impugned order. It is worth mentioned herein that he 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.

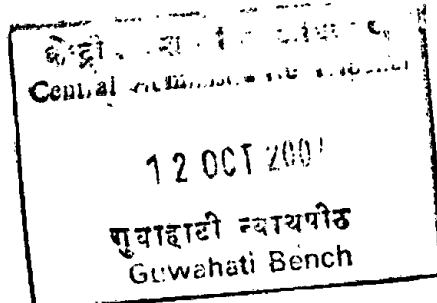
A copy of the envelope along with the impugned orders dated 22.9.07 are annexed hereto and marked as Annexure -6 (series).

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. Ashok Kumar Mahanta



26

GROUND FOR RELIEF WITH LEGAL PROVISIONS -

5. (i) For that the actions of the respondents are highly illegal, unjust, unfair, mala-fide, 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.

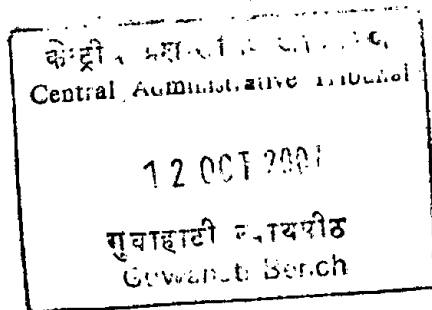
iii. For that, the impugned order has been passed mechanically without any application of mind and hit by the doctrine of 'Malice in law' and 'malice in fact' and the impugned order is not sustainable in law and is liable to be quashed and/or set aside.

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. Ashwini Kumar Borah



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 mater 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

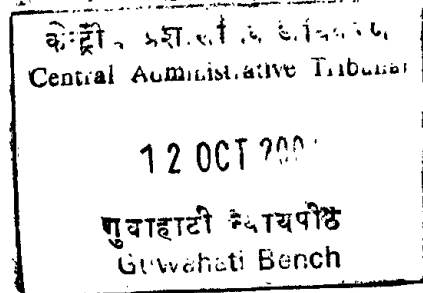
7. The applicant declares that there is no case pending before any other Court/Tribunal.

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



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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. - 326 044373

Date of issue - 12/10/07

Issued from - C. P. O Ghy.

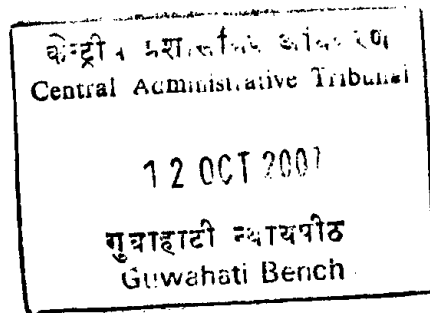
Payable at - Ghy.

12. LIST OF ENCLOSURES -

As per index.

Contd/-...

Dr. Ashim Kumar Mahanta



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 believed to be true on legal advice and that I have not suppressed any material facts.

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

  
Signature

(Dr. Ashwin Kumar Mahanta)

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
12 OCT 2007  
गुवाहाटी न्यायपीठ  
Guwahati Bench

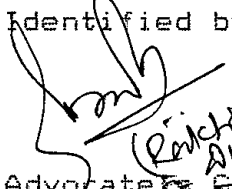
AFFIDAVIT

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, 4 (A) — are true to my knowledge, those made in paragraphs in this accompanying petition in paragraphs 4 (B) — 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 12<sup>th</sup> day of October, 2007 at Guwahati.

Identified by  
  
(Rajeshwar Anand)  
Advocate's Clerk

Dr. Ashwin Kumar Mahanta  
DEPONENT

Dr. Ashwin Kumar Mahanta

Annexure - 1

- 15 -

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01

20/08/2007 12:44 FAX

NAVODAYA VIDYALAYA SAMITI  
REGIONAL OFFICE, NONGRIK HILLS  
SHILLONG  
PIN-790001  
(Ministry of Human Resource Dev.  
Department of Education)



Phone No. 0364-2521362  
Fax No. 0364-2521362  
email: navsam@sanchamel.in  
navsanchillong@gmail.com

Dated:- 23.08.07

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

### 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 prio permission of the undersigned.

To  
Dr. A.K. Mahanta- PET,

(M.L. Sharma)  
Dy. Commissioner

Certified true copy  
Advocate



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Annexure - 2

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**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/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 23<sup>rd</sup> 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,

*[Signature]*  
[R.Daniel Retnakumar]  
PRINCIPAL  
J.N.V. NALBARI  
জ্ঞানবিদ্যালয়, নলবাড়ী  
ASSAM অসম

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.

*Certified true copy*  
*[Signature]*  
Deputy Commissioner

PRINCIPAL



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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*  
*[Signature]*  
*Advocate*

Contd....p/

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/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.

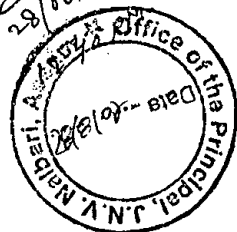
Thanking you.

Yours faithfully

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

Dr. A.R. Mahanta  
Pur (Ph. Ed)  
J.N.V. Nalbari (Assam)

Received. S.S. Shukla  
S/keeper  
29/08/07



Certified true copy  
[Signature]  
Advocate

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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 socause. 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 copy*  
*[Signature]*  
*Advocate*

Contd....p/

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/JNV (NALB)/2007-08/CONT/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  
same retaining my Quality and result, the said order  
asterished me.

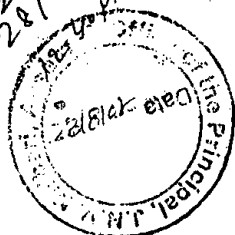
Hence, I would like to go to Guwahati to take some  
legal advice. So, Kind Sir allow me for the said. I need  
Station leave from 29th August to 1st Sept A/N. 07

Thanking you.

Yours faithfully,

Dr. A.K. Mahanta  
28/08/07  
TGT (A.S. Ed)  
J.N.V. Nalbari (Assam)

Received. S.S. Shukla  
28/08/07. S/keeper



Certified true copy  
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/DJ

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 23<sup>rd</sup> August, 2007.
2. The application in original is forwarded herewith for your observation please.

Yours faithfully

*[Signature]*  
24/08/07

[R.D.Retnakumar]  
PRINCIPAL

• PRINCIPAL विचार्य  
J.N.V., NALBARI  
ज० न० वि०, नलबारी  
ASSAM असम

Enclosed:- As stated above.

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

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

*[Signature]*

Certified true copy  
*[Signature]*  
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 29<sup>TH</sup> August, 2007 to 1<sup>ST</sup> September, 2007.
2. The application in original is forwarded herewith for your observation please.

Yours faithfully

*[Signature]*  
28/08/07

[R.D. Retnakumar]  
PRINCIPAL  
PRINCIPAL प्राचार्य  
J.N.V., NALBARI  
জ.ন.বি.স. নালবাড়ী  
ASSAM অসম

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

*[Signature]*  
Advocate

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*  
*[Signature]*  
*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/



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

Subject: Regarding reinstate of my service.

Dated: 6<sup>th</sup> Sept, 07, J.N.V. Nalbari (Assam)

Respected Sir,

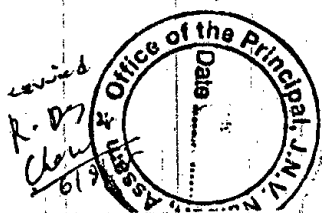
Most respectfully & truly I Dr. A.K. Marhanta would like to state you that on 28<sup>th</sup> August, 2007, I prayed regarding my station leave to take legal advice and the reason of my sudden Suspension order. But, still I am not receiving any information from your kind self (10 days over). The said applications has been routed out from the Principal J.N.V. Nalbari on 28<sup>th</sup> 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 Samiti since the year 2001. But, I am in great suppressed, even you abstain me from my fundamental right by your adamant behaviour.

So, kind Sir, Once again I am praying your honour to reinstate me in my service to give me relief and utilize me for organizing 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



Dr. A.K. Marhanta  
6<sup>th</sup> Sept. 07

Dr. A.K. Marhanta  
T.G.T. (Phy. Ed). J.N.V. Nalbari (Assam)

Certified true copy  
Advocate

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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

Contd....p/

*Certified true copy*  
*[Signature]*  
*Advocate*

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

Contd....p/

*Certified true copy*  
*[Signature]*  
*Advocate*

- 25 - 25 -

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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.

*Certified true copy*  
*[Signature]*  
*Advocate*

Contd....p/

8. Principal has given more advantage to the most indisciplined 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.

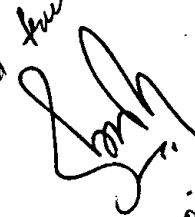
10. Last year more than Rs. 1 Lakhs mismanagement done by meso Committee. The details kept by Principal in hidden record.

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*  
  
*Advocate*

Contd. 3. 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.

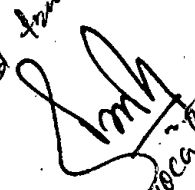
Dr. A.K. Mahanata)

T4T (Phy.Ed)

J.M.V. Nalbari, Assam.

Copy to:

Deputy Commissioner, Shillong Region for information  
Please.

*certified true copy*  
  
Advocate

Contd....p/

To, The Honourable 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. Retnakumar, I astonished by receiving the sudden order which was without prior intimation and reason.

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. Ofcourse 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 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. RATNAKUMAR, 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 Deka, night chawkidar collected Rs. 50/- to Rs. 100/- per students to handover the written copy from the physics laboratory which is nearest to the exam room where Teachers were engaged to write the answer.

Certified true copy  
[Signature]  
Associate

- 29-  
29
2. Last year Two Water Purifier "AQUA GUARD" had purchased for the students. It was ~~supposed~~ happened due to request by me to Honourable Deputy Commissioner, Mr. D. Hajirika. 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 two son and wife. by depriving 250 students along with staff.
  3. Vidyalyaya'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 Bora with the help of Mess ifi 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 deposite the amount received by selling the broken rice to the office but it was not deposite till now. There was no account on it. Principal is taking the money and blackmail the Cath. Asst. 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 morn 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 Vidyalyaya 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 Vidyalyaya. So, targetted me for my initiation.
  8. Principal has given more advantage to the most indisciplined students for which this Vidyalyaya 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 statements against me.
  10. Last year more than 100 mismanagement done by mess committee. The details kept by principal in hidden record.
  11. He engaged Mr. Phomed Singh, Atvind Kumar, Kairat Zolal, Mrs. M. Chutia Vidyalyaya Night Chowkidar, 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 who ever come to find out the facts.

→ Cont. ③

Copy filed for copy  
on  
Associate



30 49

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 cohesiveness of us.
  15. By hook and crook he wants my removal from this Vidyalaya for his self 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 honours 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 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 pm 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 can not happen so.

Therefore your early necessary action is Legally solicited.

Yours faithfully

Dhrin  
30/08/07

Dr A.K. Mahanta)  
TGT (Phy. Ed)  
J. M. V. Nalbari (ASSAM)

Copy to —

Deputy Commissioner, Shillong Region for information Please.

Certified true copy  
Advocate



NAVODAYA VIDYALAYA SAMITI  
REGIONAL OFFICE, SHILLONG  
TEMPLE ROAD, BARIK POINT,  
LACHUMIERE, SHILLONG - 793001  
Ministry of Human Resources and Development,  
Deptt. Of Education, Govt. of India  
Tel: 0364-2500331/2500332  
E-mail: navsam@sancharnet.in  
navroshillong@rediffmail.com  
Website: www.navroshillong.gov.in

Dated: 18<sup>th</sup> Sept. 07

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

### 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/TADA benefits as per NVS rules.

To,

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

(M.L. SHARM) 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.

DEPUTY COMMISSIONER



Form,

**JAWAHAR NAVODAYA VIDYALAYA**

To,

**उदाहर नवोदय विद्यालय**

Mrs. Babita Mahanta,

(मानव संसाधन विकास मंत्रालय, भारत सरकार, शिक्षा विभाग)  
बानेकुची, जिला: नलगारी (असम) पिन- 781 380

TGT (Library)

(Ministry of Human Resource Development  
Govt. of India, Deptt. of Education)

JNV Nalbari

Banekuchi :: Dist.- Nalbari Pin-781 340 (Assam)  
☎ 03624-240332 :: Fax No.- 03624-240332  
e.mail-jnvnalbari@sify.com

*Certifying true copy*  
*Advocate*

Annexure-6 (Series)

- ① F-2-6/JNV (NLBR)/2007-08/conf/08 Dt. 22.9.07
- ② F-2-7/DE/NVS (SHR)/PER / Dt. 18.9.2007
- ③ F-1-17/JNV (NLBR)/2007-08 conf/09 Dt. 22.9.07
- ④ F-1-17/JNV (NLBR)/2007-08 conf/10 Dt. 22.9.07.



*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(NLBRI)/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 18<sup>th</sup> 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 22<sup>nd</sup> 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/TADA benefits as per NVS rules.

[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.

**PRINCIPAL**  
**PRINCIPAL**  
J.N.V., NALBARI  
Assam

*Certified to true copy*  
*[Signature]*  
*Advocate*



- 35 -

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 18<sup>th</sup> 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 22<sup>nd</sup> 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 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. 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. Name  
2. 22/9/07

**PRINCIPAL**  
**PRINCIPAL**  
J.N.V., NALBARI  
Assam

Certified true copy  
Advocate



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Annexum - 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 18<sup>th</sup> 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. ✓ B.Mahanta, TGT/Librarian for strict compliance.
4. Office Copy.

1. Huc  
2. Huc  
22/09/07  
**PRINCIPAL**  
**PRINCIPAL**  
J.N.V., NALBARI  
Assam

Certified true copy  
Advocate



**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 18<sup>th</sup> 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 22<sup>nd</sup> 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 copy*  
*[Signature]*  
*Advocate*

*1/1/2008*  
*2. [Signature]*  
*22/09/07*  
**PRINCIPAL**  
J.N.V., NALBARI  
Assam

385 - 56

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 Kamet. But sir West Kamet is far away from my home District (Kokrajahat) and previous J.N.V. Nalbari where .... 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, 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.

*Certified true copy*  
*[Signature]*  
*Advocate*

Contd....p/



To,

The Honorable Deputy Commissioner  
Navadaya Vidyalaya Samiti  
Regional Office (RC) Shillong

Subject: Regarding Head Quarter attachment  
Dated: 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.2-7/PA/NVS(SHR)/PWS 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, do necessary steps sympathically so, that my wife could be posted in Near by J.N.V. of Assam which is nearest to my home district Kokrajhar.

Thanking you.

Yours faithfully  
}

Dated  
2nd Sept. 07  
(Dr. A.K. Mahanta)

TGT (Phy. Ed)

J.N.V. Nalbari (ASSAM)

Recd  
20/09/07

Certified true copy  
[Signature]  
Advocate

25 40 56  
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 household 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 copy*  
*[Signature]*  
*Advocate*

Contd....p/

Annexure - 7(1)

Shillong

3rd Sept '07

-41-

9

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 ~~an~~ my transfer order F.2-7/ PF/INS(SHR)/Res/ dated 18<sup>th</sup> Sept 07 on 24<sup>th</sup> Sept. 07 where I have been transferred to JNV Kameng along with my husband Mr. 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,

B. Mahanta

TGT (Librarian)

JNV Nalbari

For: *[Signature]*  
Date: *[Signature]*  
File No: *[Signature]*

Certified *[Signature]*  
A. K. Mahanta