

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 280/2007

R.A/C.P No.

E.P/M.A No. 124/2007

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SECTION OFFICER (Judl.)

Kalita
70.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. 280 / 07

2. MIS 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. Dharah

K. Konwar, P. K. Das

Advocate for the Respondent(S) K. N. Chaudhary, R. S. Chaudhary, M. Khound for - 3
R. S. Chaudhary for 2, 3 & 4

Notes of the Registry

Date

Order of the Tribunal

23.10.2007

Heard Mr. K. K. Mahanta, learned counsel for the Applicants in O.A. Nos. 279/2007 & 280/2007.

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.

Contd....

This application is in form
is filed C.F. for Rs. 50/-
deposited vide IPO No. 329044373
Dated 12-10-07

Registrar

Petitioner's orig
by issue notices are
received with
envelops. Copy not
served.

23/10/07

OA. 280/2007

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.

(Khushiram)
Member (A)

19.11.2007

Mr R. Duarah, learned counsel for the Applicant is present. None for the Respondents. Learned counsel for the Applicant has stated that the Applicant of the O.A. has been reinstated on revocation of the suspension order. Therefore, he prays for withdrawal of the O.A. The O.A. is allowed to be withdrawn. M.A. No. 120/07 is also permitted to be withdrawn.

The O.A. accordingly stands disposed of. No order as to costs.

(Khushiram)
Member (A)

(M.R. Mohanty)
Vice-Chairman

Notice & order sent to
D/Section for issuing to
resp. nos. 1 to 5 by regl.
A/D post.

Cas. D/No-1320 to 1324.

11/11/07. Dt= 15/11/07

12/11/07
order of 19.11.07
issued vide D/No.
1649 to 1650 on
30.11.07.

Received copy
of order dated
29.11/07

26.11.07
Copy of the order
has been sent to D/Sec.
for issuing the same to
the Responders 2 & 5
by post and a copy
order collected by 15
1/12/07.

23/11/07
Advocate for
the applicant
Notice duly
served on R-5, A.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos.280 of 2007(124 of 2007), 298 of 2007 &
279 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 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

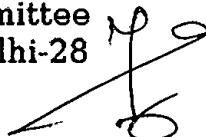
3. (i) Dr.Ashwin Kumar Mahanta
Son of Sri Subal Chandra Mahanta
Teacher, Physical Education,
Jawahar Novadaya Vidyalaya,
Nalbari, District-Nalbari, Assam.
- (ii) Mr. Babita Mahanta
Wife of Dr.Ashin Kumar Mahanta,
Librarian, Jawahar Navodaya Vidyalaya,
Nalbari, District-Nalbari, Assam.

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.Khound, for Respondent No.3

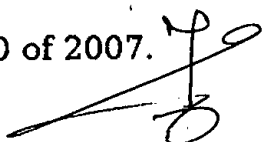
(O.A.298 of 2007)
(O.A. 279 OF 2007).
(O.A.280 OF 2007 &
M.P.124 OF 2007)

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 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.

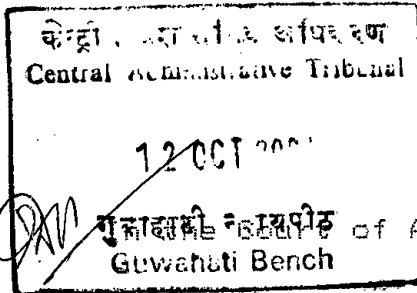
9. The Original Application Nos. 279 of 2007, Misc. Petition No.124 of 2007 filed in O.A.No.280 of 2007 and O.A.No.298 of 2007 accordingly stands disposed of.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(M.R.MOHANTY)
VICE-CHAIRMAN

LM

OA (in 2+5 sets) a/c 19045 envelopes
is filed by Shri Raktim Dharak, Advocate
to be posted on 23.10.07.



15/10/07

Filed by the Applicant
Through
Shri Raktim Dharak
Advocate to 12/10/07

O.A. No. 280 07

Dr. Ashwin Kr. Mahanta & Others

..Applicants

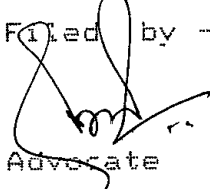
- Vs -

The Union of India and Others

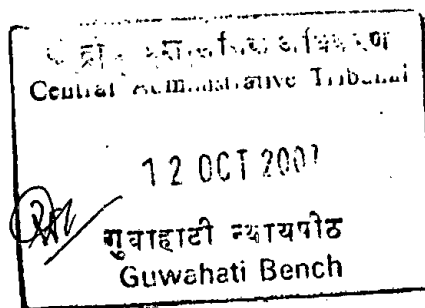
.. Respondents

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Filed by -

Advocate

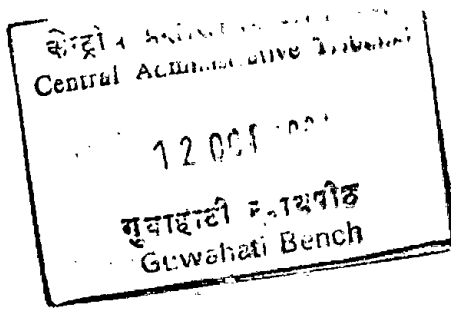
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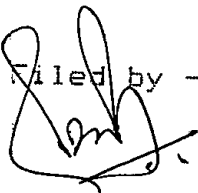
SYNOPSIS

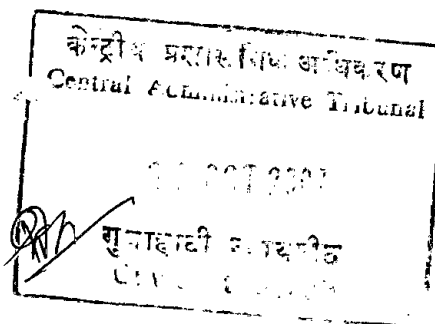
This application has been filed by the applicants challenging the order dated 18.9.07 issued by the respondent authority, whereby the applicant No.2 has been transferred to JNV, West Kameng, Arunachal Pradesh and attached the applicant No.1 to the JNV, West Kameng, Arunachal Pradesh as well as its consequential orders dated 22.9.07. The applicant No.1 is currently serving as Physical Education Teacher in JNV, Nalbari and the applicant No.2 is the Librarian of the said school. Both of them were posted in present place of posting on 30.8.05 on transfer and has just completed two years in the said station. The applicant No.1 is an outspoken honest and well principled person who always work with utmost sincerity and dedication. During this two years of his stay in the present station the applicant No.1 detected various irregularities and illegalities taking place in the school with full knowledge and consent of the principal of the said school. When the applicant started to object these irregularities and illegalities the principal and his other staffs, who always co-operate with the principal in his corrupt practice, started conspiring against the applicant No.1 to oust him from the school. As a result the authority has put the applicant No.1 under suspension vide

Contd/-...



order dated 23.8.07 on the alleged ground of contem-
plated departmental proceeding against him and also
transferred his wife i.e. applicant.No.2 malafide, to
JNV, West Kameng, Arunachal Pradesh. 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

D.A. No. 280 07

Dr. Ashwin Kr. Mahanta & Another

..Applicants

- Vs -

The Union of India and Others

.. Respondents

LIST OF DATES

30.08.05	The applicants were posted in JNV, Nalbari on transfer from JNV, Kalaigaon.
23.08.07	The authority issued order putting the applicant No.1 under suspension.
26.08.07 (Sunday)	The Office of the respondent No.3 faxed the said order dated 23.8.07 to the office of the respondent No.4 and 5.
27.8.07	The Principal of the school issued letter handing over the order dated 23.08.07 to the applicant No.1 and directed the applicant to handover the charge. (Annexure-2. Page-16)

Contd/-...

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

28.8.07

The applicant No.1 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 No.1. 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 No.1 submitted his representation before the Commissioner, NVS, Head Office, New Delhi, stating inter-alia that there is a well planned conspiracy against the applicant latching 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

The applicant No.1 filed representation before the Deputy Commissioner, though the principal, JNV, Nalbari, Assam for his re-instatement.

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

Contd/-...

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

18.9.07

The Deputy Commissioner issued the impugned order transferring the applicant No.2 to JNV, West Kameng, Arunachal Pradesh. Through the said order the authority also attached the applicant No.2 to JNV, West Kameng, Arunachal Pradesh.

(Annexure-5, Page-30)

22.09.07

The Principal, JNV, Nalbari issued orders whereby the relieved the applicants of directed the applicant No.1 to vacate her /their official residence with immediate effect and also constituted a board for taking over the library charge from the applicant No.2.

(Annexure- 6 (series), Page-31-35)

03.10.07

The applicants submitted application before the Deputy Commissioner requesting him to post the applicant No.1 anywhere in Assam nearest to their home district Kokrajhar.

(Annexure-7 (series), Page-36-37)

Hence this application.

Contd/-....

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

In the Court of Administrative Tribunal Guwahati Bench

D.A. No. 280 07

1. Dr. Ashwin Kumar Mahanta

son of Sri Subal Chandra Mahanta

Teacher, Physical Education,

Jawahar Navodaya Vidyalaya,

Nalbari, District - Nalbari, Assam.

781340

2. Mrs. Babita Mahanta

wife of Dr. Ashwin Kumar Mahanta

Librarian, Jawahar Navodaya Vidyalaya,

Nalbari, District - Nalbari, Assam.

781340

...Applicants

- 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. *Commissioner*

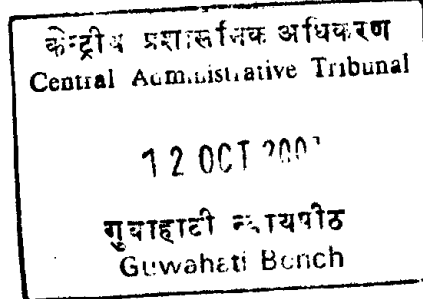
Navodaya Vidyalaya Samittee

An Autonomous Organisation

Contd/-...

Filed by the Applicants
Through
Sri Raktan Doreal
Advocate
12/10/07

Dr. Ashwin Kumar Mahanta



of Ministry of Human Resource and
Development Government of India,
Represented by its Commissioner
Navodaya Vidyalaya Samittee,
New Delhi. KAILASH, COLONY. -28

3. The 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.
781340

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

DETAILS OF APPLICATION

PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION

IS MADE

1. This application has been jointly preferred
by the applicants against the impugned orders bearing

Contd/-...

Dr. Ashwin Kumar Nahant

12 OCT 2007

गुवाहाटी न्यायाधीश

Memo Nos. f-2-7/PF/NVS (SHR)/Pers/dtd. 18.9.07 issued by the Deputy Commissioner, Navodaya Vidyalaya Samitee, Regional Office, Shillong by which the applicant no.2 has been transferred to Jawahar Navodaya Vidyalaya West Kameng, Arunachal Pradesh and attaching the applicant No.1 to the Jawahar Navodaya Vidyalaya, West Kameng, Arunachal Pradesh as well as order bearing memo No. F-2-6/JNV (NLBR)/2007-08 /CONF/08 dated 22/9/2007 dated 22.9.07 issued by the Principal, Jawahar Navodaya Vidyalaya, Nalbari relieving the applicant No.2 to join Jawahar Navodaya Vidyalaya, West Kameng, Arunachal Pradesh and order bearing memo No. F.I. - 17/JNV (NLBR)/2007-08/Conf/10 dated 22.9.97 issued by the Principal, JNV, Nalbari directing the applicant No.2 to vacate the official residence allotted to her and also against the order bearing memo No. F-1-17/JNV (NLBR)/2007-08/CONF/11 dated 22.9.07 issued by the Principal, Jawahar Navodaya Vidyalaya, Nalbari relieving the applicant No.1 for reporting Jawahar Navodaya Vidyalaya, West Kameng, Arunachal Pradesh.

2. JURISDICTION OF THE TRIBUNAL

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

Contd/-...

Dr. Ashwini Kumar Mahanta

12 OCT 2007

गुवाहाटी न्यायपीठ

3. (i) Limitation -

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

3. (ii) That your applicants beg to state that as the greivances and reliefs prayed in this application are common. Therefore, they pray for grant of permission under Section 4(5)(a) of Central Administrative Tribunal (procedure) rules, 1987 to move this application jointly.

4. Facts of the Case -

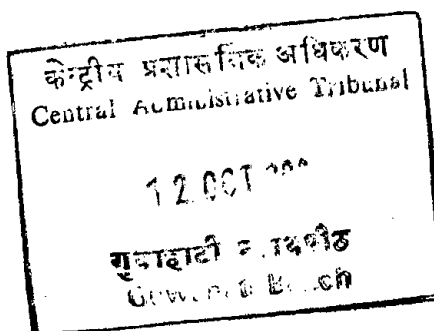
a. The applicants are permanent residents of Kokrajhar, Assam and are bonafide citizens of India by birth. As such the applicants are entitled to the rights and privileged guaranteed under the Part - III of the Constitution of India and other legal rights granted by the various Acts, Rules, Statutes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

b. That the applicant No.1 is currently serving as physical Education Teacher in Jawahar Navodaya Vidyalaya (JNV. in Short), Nalbari and his wife, the applicant No.2 is currently serving as a Librarian, JNV, Nalbari. Both of them were posted in JNV, Nalbari on 30.8.05 on transfer from JNV, Kalai-gaon Darrang and has just completed 2 (two) years in the present station.

c. That after joining the JNV, Nalbari the applicant No.1 who is an honest sincere and dedicated employee of the school detected various irregulari-

Contd/-...

Dr. Ashwin Kumar Mahanta



ties 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 No.1 started objecting those illegal acts of the principal and the other staffs, who assisted him to commit those illegal acts and thus the applicant No.1 became an eyesore to the Respondent No. 4 & 5 and started conspiring against the applicant No.1 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 purifiers 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 purchased some below standard school Uniforms from a supplier for his personal gains which was also strongly objected by the applicant No. 1 as

Contd/-...

Dr. Ashwin Kumar Mahanta

12 OCT 2007

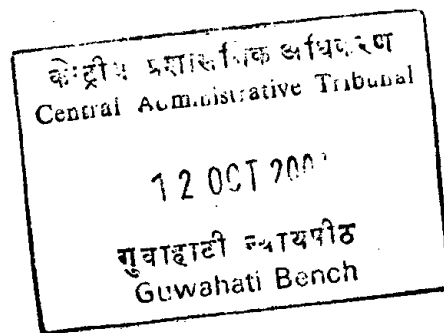
गुवाहाटी न्यायपीठ
Guwahati Bench

he was one of the members of the verification Committee for verification and acceptance of those uniforms and the respondent No. 4 and 5 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 No.1 and started instigating the teachers and other staffs of the school as well as the students against the applicant No.1 and started hatching conspiracy. Besides, the respondent No.4 and 5 also started instigating the respondent no.3 against the applicant No.1 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 No.1 under suspension without any rhyme or reason on the alleged ground of contemplated Departmental proceeding against the applicant No.1. In the said order it was also ordered that the applicant No.1 would not leave the station without prior permission of the respondent No.3. It may be mentioned herein that although

Contd/-...

Dr. Ashish Kumar Mahanta



the order was issued 1 1/2 months back, neither any departmental proceeding has been initiated nor any show-cause notice has been issued to the applicant No.1 till date.

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

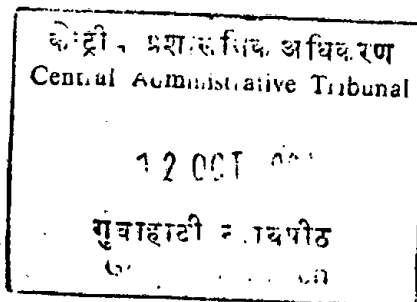
e. That the said order was faxed by the office of the respondent No.3 to the Respondent No. 4 and 5 on 26.8.07 (A non working day being a Sunday) and the respondent No.4 issued a letter to the applicant No.1 on 27.8.07 vide letter bearing Memo No. F.1-17/JNV (NLBR)/2007-08/Conf/05 directing him to handover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

Contd/-...

Dr. Ashwini Kumar Mahanta



both the applications to the respondent No.3 vide its letter dated 28.8.07. But the respondent No.3 neither permitted the applicant No. 1 to leave the station nor revoked the suspension order and continued to remain silently. The applicant No.1 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 No.1. Finding no other way the applicant No.,1 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..lm24

A copy of the representation dated 30.8.076 is annexed hereto and marked as Annexure - 4.

Contd/-...

Dr. Ashish Kumar Mahapatra

12 OCT 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

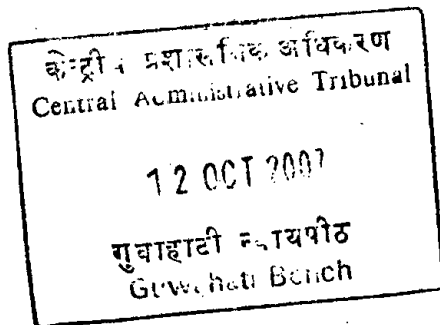
h. That coming to learn about the said letter, the respondent No.4 and 5 became more furious and again conspired against the applicant No.1 with the help of the night chowkidar of the school viz. Sri Kamal Deka, a temporary employee of the school. Consequently, on 10.9.07 the said night chowkidar threatened the applicant No.1 with life without any provocation/rhyme and reason. The applicant No.1 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 No.1 to leave station for taking legal advice, from 11.9.07 to 21.9.07 and on 22.9.07, the applicant No.1 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 No. 1 to JNV, West Kameng, Arunachal Pradesh on the so-called request of the applicant No.1 and has also transferred his wife viz. Smt. Babita Mahanta the applicant No.2 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

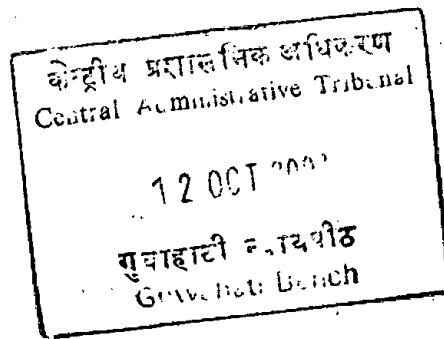


j. That it may be stated herein that the applicant No.1 never requested for his transfer and only intimated the respondent No.3 about the threatening given by the night chowkidar on 10.9.07 requesting for necessary actions. But, the respondent No.3 manipulating and misinterpreting the entire information 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 No.1 in JNV, West Kameng, Arunachal Pradesh, a very Hard- Hard Remote Area, and also transferred the Applicant No.2 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 applicant No.2 directing her to vacate the official residence forthwith and further constituting a Board for taking over the full charges of the library vide

Contd/-...

Dr. Ashish Kumar Bhowmik



order No. F.1-17/JNV (NLBR)/2007-08/CONF/09 the respondents also relieved the applicant No.1 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.

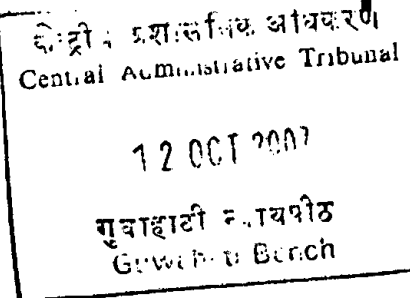
A copy of the envelope along with the impugned orders dated 22.9.07 are annexed hereto and marked as Annexure -6 (series).

1. That the applicants on 3.10.07 submitted representations before the respondent No.3 for posting them in a place near to their home district - Kokrajhar. But the respondent No.3 has not yet disposed of those representations and has been sitting silently without any action whatsoever, till date. However, both the applicants have not yet joined their new place of posting. Further, it would result serious hardships to the petitioners if they are compelled to join at West Kameng, Arunachal Pradesh with their 3 years old kid.

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

Contd/-...

Dr. Ashwin Kumar Mahanta



GROUND FOR RELIEF WITH LEGAL PROVISIONS -

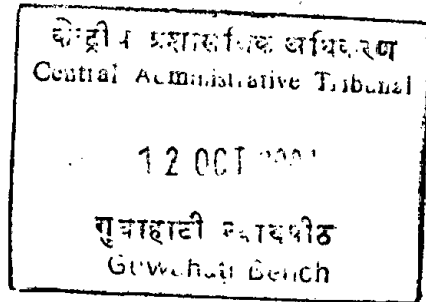
5. (i) For that the actions of the respondents are highly illegal, unjust, unfair, mala-fide, bias, arbitrary and whimsical and as such non sustainable in law and as such the impugned order are liable to be quashed and/or set aside.

ii. For that the impugned orders have been passed mala-fide to oust the applicants 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 are liable to be quashed and/or set aside.

iii. For that the impugned orders attaching the applicant No.1 and relieving him forthwith would clearly go to show that the respondent No. 3, 4 and 5 were all along trying to oust him from JNV, Nalbari and they ultimately could materialize their illegal designs taking the advantage if the SMS forwarded by the applicant No.1. The revengeful attitude as well as the mollify intentions of the Respondent No.3, 4 and 5 becomes more clear from the fact that they have not taken any action against the night chowkidar, who is serving the school, as a

Contd/-...

Dr. Arjun Kumar Mahanta



temporary staff and on the other hand has sent the applicants to such a hard - hard remote area on the alleged ground of administration and safety of the applicants. As such the impugned orders are not sustainable in law and are liable to be interfered with.

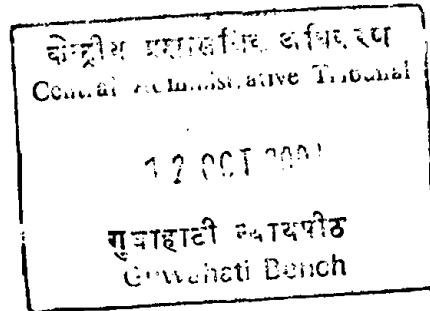
iv. For that the impugned orders are punitive in nature and such not sustainable in law.

v. For that there was no occasion to transfer the applicant No.2 nor there was any administrative exigency to relieve her in such a hurried manner and in constituting the Board to take over the charges of the library from her. However, the applicant No.2 has not handed over the charges till date. The promptness only goes to show that the respondent are trying to keep out the applicants from JNV, Nalbari malafide. As such the impugned orders are not sustainable in law and are liable to be interfered with.

vi. For that the impugned orders have been passed mechanically without any application of mind and the actions of the respondents are hit

Contd/-...

Dr. Aspin Kumar Mahanta



by the doctrine of 'Malice in law' and 'Malice in fact' and thus the impugned orders are not sustainable in law and are liable to be quashed and/or set aside.

vii. For that the actions of the respondents are 'crystal clear examples of colourable exercise of power and administrative discretion and as such not sustainable in law.

viii. For that in any view of the matter the impugned orders are not sustainable in law and are 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

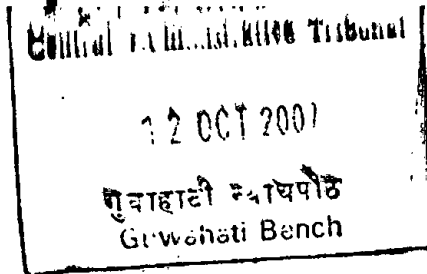
7. The applicants declare that there is no case pending before any other Court/Tribunal.

8. RELIEF SOUGHT FOR

In the facts and circumstances of the case the applicants pray for the following relief(s) :-

Contd/-...

Dr. Ashwin Kumar Mahanta



8.1 The impugned orders, dated 18.9.07 (Annexure - 5) and 22.9.07 (Annexure -06 series) be quashed and/or set aside.

8.2 The respondents be directed to allow the applicants to continue to serve in Jawahar Navodaya Vidyalaya, Nalbari, Assam.

9. INTERIM RELIEF -

In the facts and circumstances of the case, the applicants prays for an interim order staying the operations of the impugned orders dated 18.9.07 (Annexure-5) issued by the respondent No. 3 and its consequential orders dated 22.9.07 (Annexure - 6 series) issued by the respondent No. 4 and 5 and allow the applicants to continue their duties in Jawahar Navodaya Vidyalaya, Nalbari, Assam till 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. - 32 G 044374

Date of issue - 12/10/07

Issued from - G.P.O, Ghy

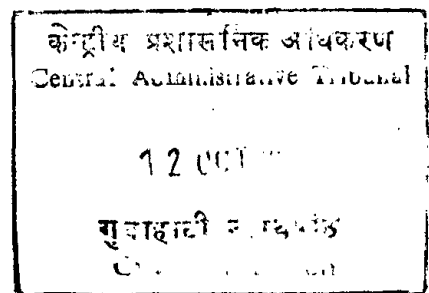
Payable at - Ghy,

12. LIST OF ENCLOSURES -

As per index.

Contd/-...

Dr. Ashim Kumar 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.

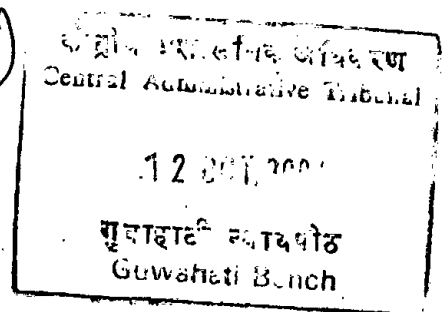
And I set my hand on this verification today the 12 th day of October....., 2007 at Guwahati.

Dr. Ashwin Kumar Mahanta

Signature

Contd/-...

16(A)



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 No.1 in the instant case and as such I am well conversant with the facts and circumstances of the case and I have been duly authorized to swear this affidavit on behalf of the applicant No.2 and hence I am competent to swear this affidavit.

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 th day of October, 2007 at Guwahati.

Identified by


(Rachin Mahanta)
Advocate's Clerk

Dr. Ashwin Kumar Mahanta

DEPONENT

Contd/-...

Dr. Ashwin Kumar Mahanta

20/08/2007 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: navsam@sancharnet.in
navsamshillong@yahoo.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, hereby 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)
Dy. Commissioner

Certified true copy
[Signature]
Associate



- 18 -

Annexure - 2

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 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]

PRINCIPAL Principal
J.N.V. NALBARI
জান.বি. 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.

Copy to:-
Principal
(Address)

PRINCIPAL

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. Ed.)

J.N.V. Nalbari (Assam)

Contd....p/

Certified true copy
[Signature]
Advocate

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.1-13/JNV(NALB)/2007-08/CONT/05 dated 27/08/07

1. Which is injustice and mala fide
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.

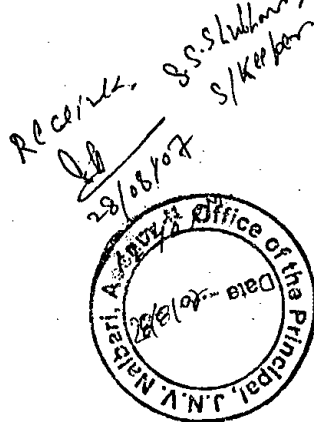
So, in the above circumstances I would like to know from you what is the disciplinary proceeding contemplated against me and for which reason I have been handed over a suspension order as earlier as possible.

Thanking you.

Yours faithfully

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

Dr. A.R. Mahanta
TGT (Phy. Ed)
J.N.V. Nalbari (Assam)



Certified true copy
10/10/07
Advocate

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, Baraknchi (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 (NAB)/2007-08/CONF/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 samite retaining my Quality and result, the said order astonished me.

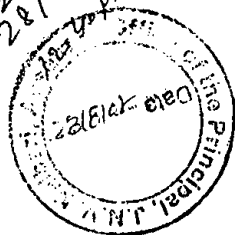
Hence, I would like to go to Guwahati to take some legal advice. So, Kind Sir allow me for the said. I need station leave from 29th August to 1st Sept A/N. 07

Thanking you.

Yours faithfully

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

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



Certified true copy
10/11/07
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)/2007-08/07

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]
PRINCIPAL

PRINCIPAL प्राचार्य
J.N.V., NALBARI
জানাবি, নালবাৰী
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).

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]

No F.1-17/JNV (NLBR)/2007-08/26

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

[Signature]
29/08/07

[R.D. Retnakumar]
PRINCIPAL
PRINCIPAL प्राचार्य
J.N.V., NALBARI
জেনে.বি.এ. 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

Certified true copy
[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.

Contd....p/

Certified true copy
Advocate

— 24 —

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, Near 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 the said applications through "speed post" on 30/08/07 (Because, R.O's. fax and telephone No. was not working).

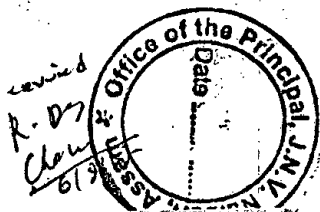
Respected Sir, I am a sincere staff of N.V.S; I render my sincere service to the Samiti since the year 2007. But, I am in great suppressed, even you abstain me from my fundamental right by your adamant behaviour.

So, kind Sir, Once again I am praying your honour to reinstate me in my service to give me relief and utilize me for organising the cluster & Regional Sports meet which is my prime duty. a grand success. (Because, I personally requested Mr. H.V. Reddy, Asst. Com. Sir to Submit 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. Mahanta
T.G.T. (Phy. Ed). J.N.V. Nalbari (Assam)



Certified true copy
[Signature]
[Signature]

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/

Confirmed true copy
[Signature]
Advocate

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/

Certified true copy
10/12/2017
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
[Signature]
Advocate

- 29 -

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.

Contd....p/

Certified true copy
[Signature]
Advocate

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 was 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 establish 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 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 memos 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 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 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.

Certified true copy
mm
Advocate

2. Last year Two Water Purifier "AQUA GUARD" had purchased for the students. It was ~~supposed~~ happened due to request by me to Honorable Deputy Commissioner, Mr. D. Hajari. 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. 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 Bina with the help of Mess ife 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 Varying 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 15 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. Premod Singh, Arvind Kumar, Kairat Zolal, Mrs. M. Chutia Vidyalyaya Night Chawkidar, 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 officers or any body who ever come to find out the facts.

Certified true copy
Advocate

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 thoma). 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 was not happen so.

Therefore your early necessary action is highly solicited.

Yours faithfully

Dhin
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

3-SEP-2007 14:43

NAVSAM SHILLONG.....

03642500335

+ P.01



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@ancharnet.in
navroshillong@rediffmail.com
Website: www.navroshillong.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/TADA benefits as per NVS rules.

To,

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

(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.

DEPUTY COMMISSIONER 18/9

31-



Annexure-6 (Series)

- ① F-2-6/JNV (NLBR)/2007-08/Conf/08 Dt. 22.9.07
- ② F-2-7/DF/NVS (SHB)/PEX/Dt. 18.9.2007
- ③ F-1-A/JNV (NLBR)/2007-08 Conf/09 Dt. 22.9.07
- ④ F-1-17/JNV (NLBR)/2007-08 Conf/10 Dt. 22.9.07

Relief
attached
Station leave

Form,

JAWAHAR NAVODAYA VIDYALAYA

To,

जवाहर नवोदय विद्यालय

Mrs. Baraita Mahanta

(मानव संसाधन विकास मंत्रालय, भारत सरकार, शिक्षा विभाग)

TGT (Librarian)

बानेकुची, जिला:- नलबारी (असम) पिन:- 781 340

(Ministry of Human Resource Development

Govt. of India, Deptt. of Education)

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

☎ 03624-240332 :: Fax No.- 03624-240332

e.mail-jnvnalbari@sify.com

JNV, Nalbari

Confirmed true copy
[Signature]
[Signature]



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 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 TTATA/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.

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

Certified true copy
[Signature]
Advocate



33 -

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 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 of office

1. Name
2. 22/9/07

PRINCIPAL

PRINCIPAL

J.N.V., NALBARI

Assam

Certified true copy
[Signature]
Advocate



— 34 —

Annexure-6(ii)

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. ✓ 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



35-

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 copy
Advocate

1/1/2008
2.11.07
PRINCIPAL
J.N.V., NALBARI
Assam

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 Kament is far away from my home District (Kokrajhat) 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]
[Signature]

Contd....p/

The Honorable Deputy Commissioner
Navodaya 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/DE/NVS(SHR)/prs 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)

Received
24/09/07

Certified
true copy
for
Advocate

37 -

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.

Contd....p/

Certified true copy
[Signature]
Advocate

34 /

Annexure - 7(1)

Shillong

3rd Sept '07

To,
The Honourable 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(Xb) got ~~an~~ my transfer order Order F.2-7/ PF/INS(SHR)/Ras/ dated 18th Sept 07 on 24th Sept. 07 where I have been transferred to JNV Kamru along with my husband Mr. A. K. Mahanta (attached). But Sir, JNV Kamru 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 (Kibharia)

JNV Nalbari

Handwritten signature: B. Mahanta
Date: 03/09/07
File No: _____

Confidential
True copy
B. Mahanta