

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/NO... 238 2009
R.A./CP/NO..... 2015
E.P./M.P./NO..... 2015

1. Order Sheets..... 3 pg..... 1 to..... 4 ✓
2. Judgment/ order dtd 18.1.2010 pg..... 1 to..... 11 ✓
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A. 238/09 page..... 1 to..... 21 ✓
5. E.P/M.P. ✓ page..... to.....
6. R.A./C.P..... ✓ page..... to.....
7. W.S. Billed R.No. 2,3,4, & 5 Page..... 1 to..... 32 ✓
8. Rejoinder Billed by the applicant page..... 1 to..... 6 ✓
9. Reply ✓ page..... to.....
10. Any other papers Rule mention page..... 01 to..... 08 ✓
1995 SCC 532 (Supreme Court)
11. Memo of appearance ——— P/01 ✓

PC
07/07/2015
SECTION OFFICER (JUDL.)

can
8-7-2015

FORM NO. 1
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
ORDERSHEET

✓ 1. Original Application No. 238 / 2009

2. Misc. Petition No. _____ in O.A. No. _____

3. Contempt Petition No. _____ in O.A. No. _____

4. Review Application No. _____ in O.A. No. _____

5. Execution Petition No. _____ in O.A. No. _____

Applicant (S) : Sri Titendra Mudgal

Respondent (S) : Union of India & Ors

Advocate for the : Mr. A. Dasgupta

(Applicant (S)) : Mr. K. M. Haloi

Advocate for the : _____

(Respondent (S)) : _____

AVS

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form of Petition/C.F. for Rs. 10/- deposited vide PC/BD No. <u>396/44/374</u> Dated: <u>13.11.09</u></p> <p><u>13.11.09</u> Dy. Registrar <u>13/11/09</u></p>	19.11.2009	<p>On the request of Mr. K.M. Haloi learned counsel for the applicant case is adjourned to 27.11.09.</p> <p>(Madan Kr. Chaturvedi) Member (A)</p> <p>(Mukesh Kr. Gupta) Member (J)</p>
<p><u>13.11.09</u></p> <p>5 (Five) copies of application with envelope received for issue notices to the Respondents No. 1 to 5. Copy served to the SSC.</p> <p><u>13/11/09</u> K. Dasgupta</p> <p>Issue notice to the Respondents urgently.</p>	27.11.2009	<p>Notices be issued to the Respondents requiring them to file their reply in this case by 7th January, 2010.</p> <p>List on 07.01.2010.</p> <p>(Madan Kumar Chaturvedi) Member (A)</p>

7.1.2010

Learned counsel for the Respondents seeks and allowed four weeks time to file reply. Counsel for the Respondents ^{No.1} is not present which is otherwise proforma party.

List the matter on 9.2.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

Copies of notices along with order dated 27/1/09 send to D/Sec. for issuing to the respondents by regd. A/D post.

D No -12782-12786 Am/

11/12/09. D/Sec. 4-12-2009

No w/s filed.

7
6.1.2010

No w/s filed.

7
8.2.2010

09.02.2010

Learned proxy counsel on behalf of Mr. K.N. Choudhury, learned Sr. Advocate for Respondents seeks four week time to file reply.

Case is adjourned to 08th March 2010.

(Madan Kumar Chaturvedi)
Member (A)

/PB/

5.3.10.
No w/s filed.

08.03.2010

Mr M.Mahanta, learned counsel for the respondents seeks further 10 days time to file written statement.

List on 22.3.2010.

(Mukesh Kr. Gupta)
Member (J)

No w/s filed.

7
19.3.2010

/pg/

22.3.2010: 22:03.2010

N/S has been filed by the Respondent No. 2, 3, 4 & 5. Copy served. 22/3/2010

Rejoinder not filed.

7
20.4.2010

Mr. M. Mahanta, learned counsel for Respondent Nos. 2,3,4&5 submitted that written statement would be filed today. Proxy counsel for Applicant submitted that he needs some time to file rejoinder. He seeks three weeks time to file rejoinder.

List the matter on 21st April 2010.

(Madan Kumar Chaturvedi)
Member (A)

/ob/

21.4.2010

Enabling the applicant to file rejoinder
as prayed for, case is adjourned to 6.5.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

Rejoinder not
filed.

5.5.2010

Im

06.05.2010

Mr. K.M. Haloi, learned counsel
for Applicant states that rejoinder is
being filed during the course of the day.
Mr. M. Mahanta, learned counsel for
Respondents states that the copy of
rejoinder has not been served upon him.
With filing rejoinder, pleadings would be
complete. Admit. Subject to legal
exception, if any.

6.5.2010
Rejoinder
has been filed
by the Applicant.
Copy served.
6/5/2010.

The case is ready
for hearing.

1.6.2010

List the matter for hearing on
02.06.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/pb/

02.06.2010

Mr.K.M.Haloi, learned counsel for
Applicant prays for adjournment, which
request has not been opposed by Mr. M.
Mahanta, learned counsel for
Respondents.

List the matter on 14th June 2010.

The case is ready
for hearing.

11.6.2010

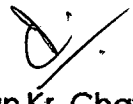
(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/Lm/

14.06.2010

Heard Mr A.Dasgupta, learned counsel for the applicant and Ms R.S.Choudhury, learned counsel for the respondents. Reserved for orders.



(Madan Kr. Chaturvedi)
Member (A)

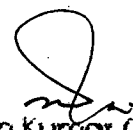

(Mukesh Kr. Gupta)
Member (J)

/pg/

18.06.2010

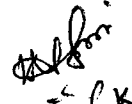
Judgment pronounced in open court, kept in separate sheets. O.A is dismissed. No costs.



(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

nkrm

Copy of order dt. 18/6/2010
is received


- (K.M. Habi)
Admitted for applicant
9/7/10


9.7.2010
Recd
Mrs R.S. Chaudhry

21-7-2010
Judgment/Verdict order.
Send to the S/S for recording
Recd. S - No - 1631/1636
21-22-7-2010

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.238 of 2009.

DATE OF DECISION: 18.06.2010

Jitendra Mudgal

Applicant/s.

Mr.A.Dasupta along with Mr.K.M.Haloi

Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors.

Respondent/s

Mrs.R.S.Choudhury

Advocate for the
Respondents

CORAM

THE HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER (J).
THE HON'BLE MR. MADAN KUMAR CHATURVEDI, MEMBER (A)

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

Judgment delivered by


Hon'ble Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.238 of 2009

Date of Order: This, the 18th day of June 2010

HON'BLE MR.MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE MR.MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Sri Jitendra Mudgal
Son of Late Rajendra Prasad Mudgal
16 Bishwa Sakha Colony
Khargone (West Nimar), M.P.
Pin-451001

... Applicant.

By Advocate: Mr.A.Dasgupta along with Mr.K.M.Haloi.

-Versus-

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Human Resource Development
New Delhi-110 048.
2. Navodaya Vidyalaya Samiti
Represented by the Commissioner
Kailash Colony, New Delhi-110048.
3. The Commissioner
Navodaya Vidyalaya Samiti
Kailash Colony, New Delhi-110048.
4. Deputy Commissioner
Navodaya Vidyalaya Samiti
Regional Office, Temple Road, Barik Point
Lachumiere, Shillong, Pin-793001.
5. Principal
Jawahar Navodaya Vidyalaya, Golaghat
Sensuwa, P.O.-Chinatali, District:- Golaghat
Pin:-785621.

... Respondents

By Advocate: Mrs. R.S.Choudhury

ORDER

MUKESH KUMAR GUPTA, MEMBER (J):

Jitendra Mudgal Trained Graduate Teacher (English), Jawahar Navodaya Vidyalaya, Golaghat, Navodaya Vidyalaya Samiti (NVS in short) in this O.A. challenges validity of order dated 15.09.2009 (Annexure-G), whereby his services have been terminated besides challenging relieving order dated 17.10.2009.

2. Facts, as projected, are that he holds M.A. and B.Ed. degrees from Indore University, participated in the selection process, and on being selected, was appointed as Trained Graduate Teacher (TGT in short) vide order dated 28.06.2006 (Annexure-1). Said appointment was temporary in the pay scale of Rs.5500-9000/-. He was placed on probation for a period of two years. Vide clause 2 of the terms and conditions of appointment, during the period of probation, his services can be dispensed with without assigning any reason. While on probation, applicant, in case wanted to resign was required to give one month's notice. He was also required to execute a bond to serve for 10 years in North East Region including Sikkim. Vide clause 11 of the terms and conditions, he was to be governed by the relevant rules and orders in force from time to time in the Samiti.

3. His grievance is that his probation was extended for a period of one year vide order dated 28.02.2008. Thereafter his services were terminated vide impugned order dated 15.09.2009 without assigning any reason.



4. Mr.A.Dasgupta, learned counsel appearing for applicant along with Mr.K.M.Haloi, raised the following contentions:-

- (i) Termination order is capricious, violative of Articles 14 & 16 of the Constitution of India. His services were dispensed with without assigning any reason. If the veil of the order is lifted, it would appear that said termination is founded on stigmatic reason - commission of misconduct without holding any departmental enquiry.
- (ii) He had discharged his assigned duties with utmost sincerity and there was no room to question his efficiency and suitability from any corner. Memorandum dated 27.01.2009 requiring him to explain about his alleged absence on Republic Day celebration had been duly explained on 31.01.2009 stating that he could not participate in said celebration as he was unwell on said date. Another memorandum dated 13.07.2009 issued by respondent no.5 had also been explained on 18.07.2009 stating that he could not present himself in PTC general body meeting as he was busy with Social Science test of class- VII.
- (iii) One month's notice, as prescribed vide Rule 5(1) of Central Civil Services (Temporary Services) Rules, 1965, was not served upon him, and therefore, termination order is non-est and violative of said rule.



- (iv) The stigma fastened upon him cannot be erased by mere employing the work 'unsuitability'. That apart, suitability of teaching quality cannot be assessed merely because he did not attend the Republic Day celebration or so-called absence in the guardian/teacher meeting. Suitability of teacher has to be assessed based on intellectual resources. It is not the case of unsuitability for retention in service, but a case of misconduct. The word 'unsuitability' is a camouflage. No material has been placed on record by the respondents to suggest that he was really found unsuitable. Termination order is based on predetermined and mala fide intention to suppress the real cause.
- (v) NVS, being a instrumentality of the State, has a duty to act fairly as well as to act as a model employer. The order is punitive, based on no valid reason, but grounded on extraneous consideration.

Placing strong reliance on **(2008) 2. SCC 479, Nehru Yuva Kendra Sanghathan v. Mehbub Alam Laskar** particularly para 9, 16 and 21, it was contended that foundation of the order was a misconduct, as reflected vide memorandums dated 27.01.2009 and 13.07.2009 and advisory note dated 18.07.2009. Material, which amounts to stigma need not be contained only in the order of termination, but may also be contained in an order or proceeding referred to in the order of termination or annexure thereto, strongly canvassed, learned counsel for the applicant. Reliance was also placed on **1995 Supp (1) SCC 557, Syed Azam Hussaini**



v. **Andhra Bank Limited**, to contend that Rule 5 of CCS (Temporary) Rules was construed to the effect that simultaneous payment of one month's salary is a condition precedent.

5. Contesting the claim laid and by filing detail reply and placing on record minutes of DPC held on 10.09.2009, vice which termination has been recommended, it was stated that NVS has its own sets of rules and regulations for recruitment etc., but follow some notifications and the Central Civil Services Rules in certain areas. Applicant joined service on 15.07.2006, was initially placed on probation for a period of two years. Based on the recommendation of DPC dated 24.01.2008 and noticing applicant's performance below the mark, probation was extended for a period of one year vide order dated 28.02.2008. His performance was again assessed by the Committee meeting held on 10.09.2009, which in all considered 74 cases for declaration of probationary period based on ACR/SPR grading for the last three consecutive years. After careful verification and thorough examination of individual cases, it recommended clearance of probation period of 63 employees and termination of 4 employees including the applicant. Consequently termination order dated 15.09.2009 was issued and he was relieved vide order dated 17.10.2009. His service was not found satisfactory and he was not performing his duties sincerely. The Principal of the school was constrained to issue explanatory note dated 05.07.2007. His assessment report revealed that his performance was below the mark and in fact he had no interest in teaching. The appointment order dated 28.06.2006 itself clearly envisages that unsatisfactory performance of the incumbent during


probation period would render him liable to be discharged from service. The settled law specifically provides that a power is vested with the appointing authority to terminate the service of a probationer, if it finds his performance to be unsatisfactory during the period of probation.

6. Mrs.R.S.Choudhury, learned counsel for the respondents also placed strong reliance on **Mehbub Alam Laskar** (Supra), particularly paras 21-23 to contend that satisfaction of the respondents rested on the unsatisfactory performance of the applicant and the impugned action had not been based on any misconduct, as projected. In any case, distinction between the foundation and motive in relation to an order of termination is either thin or overlapping. It would be difficult either to categorize or classify strictly orders of termination simpliciter failing in one or the other category, based on misconduct as foundation for passing the order of termination simpliciter or on motive on the ground of unsuitability to continue in service. Learned counsel strongly emphasizes that impugned termination order is an order simpliciter based on unsatisfactory performance and nothing more should be read in between. No enquiry was held at any time for his alleged misconduct, and therefore, the memorandum issued on 05.07.2007, 27.01.2009 and 13.07.2009 were not the foundation for passing such impugned order. Reliance was also placed on **(1975) 4 SCC 13, Raj Kumar v. Union of India & Others**, **(1986) 1 SCC 675, Union of India and Others v. Arun Kumar Roy** and **(2000) 10 SCC 115, Municipal Corporation of Delhi (MCD) v. Prem Chand Gupta & Another** to contend that it was not obligatory to pay the concerned officer a sum equivalent to the amount of his pay and allowances for the period of notice at the rate at which he was drawing

them immediately before the termination of his service, as the case may be for the period by which such notice falls short. Thus, payment of one months' salary in lieu of notice is not a pre-requisite for termination under Rule 5(1)(b) of CCS (Temporary Service) Rules, 1965. Such payment need not be made simultaneously with the order of termination but can be made after service of the order. For the contention that he had not been paid one months salary in lieu of notice as envisaged under Rule 5 of aforesaid Rules, as projected, it was stated that no specific pleadings on this aspect has been raised. In any case, learned counsel stated that law is well settled that such appointment need not be made simultaneously while passing order of termination. Furthermore, learned counsel emphasized that if applicant had not been paid one months' salary, respondents would not be averse to pay him one months' salary.

7. Our attention was drawn to applicant's 11th and 22nd monthly assessment reports as well as minutes of the DPC dated 24.01.2008 and 10.09.2009 to emphasis that the Committee considered applicant's case fairly and objectively, but finding him below the mark and unsuitable to hold said post, recommended for his termination. It was also emphasized that his services were terminated pursuant to para 2 of offer of appointment dated 28.06.2006.

8. We have heard learned counsel for the parties, perused the pleadings and other materials placed on record very carefully. Short question, which arises for consideration is whether termination order dated 15.09.2009 is based on misconduct or is a termination simpliciter.



9. We have given our thoughtful consideration to the rival contention of the parties. As noticed hereinabove, both sides have relied upon **Mehbub Alam Laskar** (supra). On perusal of said judgment, law relating to termination of probationer, foundation or motive can be summarized as follows:-

(a) The result of preliminary enquiry can be taken into consideration only for the purpose of judging suitability of the incumbent to continue in service, which cannot be said to be a foundation for terminating the probation;

(b) When foundation for such termination order is not unsatisfactory performance on the part of the employee but overt acts amounting to misconduct, an opportunity of hearing to the employee concerned is imperative;

(c) Mere holding of preliminary enquiry where explanation is called for from the employee, if followed by innocuous order of discharge, cannot be held to be punitive in nature, but not when it is founded on finding of misconduct;

(d) Material which amounts to stigma need not be contained only in the termination order, but may also be contained in an order or proceeding referred to in the order of termination or annexure thereto. When the report submitted by a competent authority in a disciplinary proceeding forms the foundation therefore, termination order is stigmatic in nature as such an order will have civil consequences.



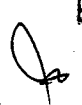
(e) Where the impugned termination order is not based on unsatisfactory nature and character of his performance only, it takes into account series of his acts as well, misconduct on his part, the order questions the characteristic of stigma.

10. Examining the case based on aforesaid test vis-à-vis facts of present case, we may note that applicant's probation had been extended by one year vide order dated 28.02.2008. The memorandums were issued on 27.01.2009, 13.07.2009. Vide first explanatory note, he was required to explain about his absence from Republic Day celebration. Certainly this cannot be the test for judging the suitability of a teacher. As far as memorandum dated 13.07.2009 is concerned, he was required to explain three aspects, namely (i) his absence from PTC general body meeting on 11.07.2009; (ii) his leaving the campus on 11.07.2009 at 10 A.M. without any prior permission and (iii) frequently leaving the campus without any permission or writing in the movement register. In reply thereto, as reflected vide explanation dated 18.07.2009 (Annexure-E) it appears that applicant had taken a plea that he was not present in staff meeting held on 06.07.2009: "being busy with the Social Science test of class-VII" where such a decision was taken to conduct PTC meeting on 11.7.2009. According to him, he was thus unaware of the PTC general body meeting to be held on 11.07.2009 for which "no circular" was issued. About his leaving the campus on 11.07.2009 at 10 A.M., it was stated that he left the campus: "to have my haircut thinking that it will merely be taking 30 min. at most but there I found myself in a long que". It was, thus, not denied that he indeed left the school at 10 A.M. and



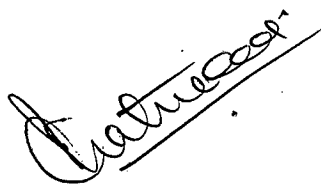
came back to campus only at 3.30 P.M. On the face of it, it did not reflect upon his devotion to duty. Furthermore, the authority rightly observed: "not to bluff in future being role model to the students". Furthermore, vide memorandum dated 13.07.2009, it is mentioned that a decision to hold a PTC general body meeting on 11.07.2009 was taken in the staff meeting held. No separate circular had been issued for said purpose, a plea projected by the applicant. In any case, these are trivial issues, the basic question which remains to be considered is whether any material has been placed on record to suggest that applicant's termination order is founded on misconduct, which is the basic contention of the applicant.

11. On giving thoughtful consideration to all aspects of the matter, we are of the considered view that impugned termination order was innocuous order, contained no element of stigma. It is not in dispute that no enquiry was ever held either preliminary or departmental before passing the impugned order. It is solely rested on his unsatisfactory performance. No other acts or overt acts amounting to misconduct were either referred to or taken note of in the given circumstances, as such, an opportunity of hearing to the applicant was not imperative. The order of termination is innocuous on the face of it. Performance/assessment reports, placed on record along with respondents reply, demonstrate his grade awarded under various attributes. Even after expiry of period of probation, there was hardly any improvement in his performance. The minutes of DPC dated 10.09.2009 while considering applicant's case besides others, indicates that it is because of his poor performance termination from service was

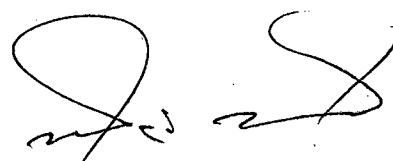


recommended. In our considered view, **Mehbub Alam Laskar** (supra), so relied by applicant, basically does not help him, as projected. Reliance placed on **Syed Azam Hussaini** (supra) is misconceived and misplaced, as para 13 thereof, would indicate that Hon'ble Court did not consider it necessary to go into the question whether provisions of concerned statute postulates payment of one month's salary in lieu of notice **along with the order of termination** and its non-payment at that time renders the termination illegal. Consequently, we do not find any justification in the various contentions raised by the applicant.

12. In this result, finding no merits, O.A. is dismissed. No costs.



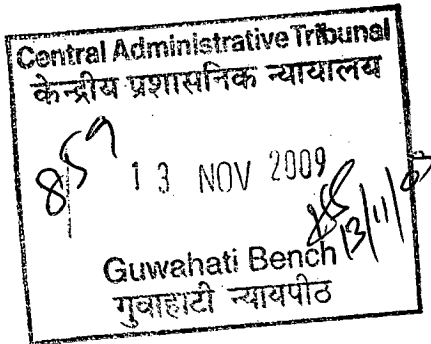
(MADAN KUMAR CHATURVEDI)
MEMBER (A)



(MUKESH KUMAR GUPTA)
MEMBER (J)

/BB/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI.



Original Application No. 238/2009.

Jitendra Mudgal

....Applicant.

-Versus-

Union of India and Others.

....Respondents.

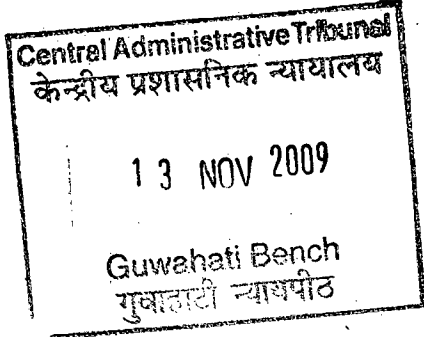
SYNOPSIS

Applicant was appointed as Trained Graduate Teacher (TGT) by the Navodaya Vidyalaya Samiti, an autonomous body in Jawahar Navodaya Vidyalaya, Golaghat after due screening by way of written test and viva-voice test held for this purpose. The applicant was appointed as a probationer initially for two years on 28.06.2006. He joined in Jawahar Navodaya Vidyalaya, Golaghat on 15.07.2006. Accordingly, his probation period was to be completed on 15.07.2008. But, the authority concerned extended his period of probation for one more year, i.e. up to 15.07.2009. After completion of his probation period, the applicant was of the view that since his service was not terminated on completion of probation period, his service has been confirmed. The authority concerned made some communications stating interalia non performance of proper duties. Accumulated situation was that the applicant committed misconduct. But all on a sudden he has been terminated from his service vide Order dated 15.09.2009 putting a stigma upon him that he is not suitable to hold the post of TGT(English) in Jawahar Navodaya Vidyalaya and he was relieved from school by relieving Order dated 17.10.2009 issued by the Principal, Jawahar Novodaya Vidyalaya, Golaghat w.e.f. 21.10.2009. The applicant received both these orders on 24.10.2009. This Order is basically found on misconduct- a stigma.

Novodaya Vidyalaya Samiti has no Service Rule in its own and it has adopted Central Civil Services Rules. As the petitioner is a temporary servant his case is to be governed by the Central Civil Services (Temporary Services) Rules, 1965. According to Rule 5(1) of the Central Civil Services (Temporary Services) Rules, 1965, applicant was to be served one months' notice regarding termination of his service and he was to be afforded with opportunity of hearing. But, the same was not done. The Order of termination is stigmatic. No enquiry was held. The Order is liable to be set aside and quashed.

Filed by
Kumar Manoranjan Haloi
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI.



Original Application No. 238/2009.

Jitendra Mudgal

....Applicant.

-Versus-

Union of India and Others.

...Respondents.

LIST OF DATES

DATE

PARTICULARS

Year 2005

Applicants appeared in the written test at Kolkata conducted by the Navodaya Vidyalaya Samiti for recruitment of teachers and he became successful.

January, 2006

Applicants appeared in the viva-voce test in Shillong for the post of teachers in Navodaya Vidyalaya and h was selected.

28.06.2006

Applicant was appointed as TGT (English) in the Jawahar Navodaya Vidyalaya, Golaghat. Initially applicant was in probation for a period of two years. (Annexure-A).

15.07.2006

Applicant joined as TGT (English) in the Jawahar Navodaya Vidyalaya, Golaghat.

15.07.2008

Applicant's probation period was to be completed, but, he was discharged from service and he had been continuing his service.

27.01.2009

Principal of the Jawahar Navodaya Vidyalaya, Golaghat issued explanatory note to the applicant. (Annexure-B)

31.01.2009

Applicant submitted his reply to the explanatory note dated 27.01.2009. (Annexure-C)

13.07.2009

Principal of the Jawahar Navodaya Vidyalaya, Golaghat issued memorandum to the applicant.(Annexure-D)

18.07.2009

Applicant submitted his reply to the memorandum dated 13.07.2009.(Annexure-E)

13 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

18.07.2009 Principal of the Jawahar Navodaya Vidyalaya, Golaghat served an advisory note to the applicant stating interalia that his explanation dated 18.07.2009 is not satisfactory. (Annexure-F)

15.09.2009 Applicant's service was terminated on the ground of unsuitability. (Annexure-G)

17.10.2009 Applicant was relieved from his service by the Principal of the Jawahar Navodaya Vidyalaya, Golaghat. (Annexure-H)

24.10.2009 Applicant received the termination letter as well as relieving Order.

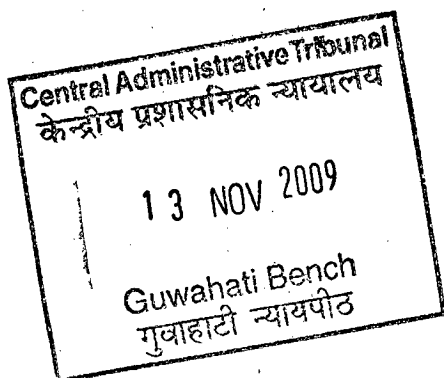
Filed by

Kumar Manoranjan Haloi
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI.



Original Application No. 238/2009.

Jitendra Mudgal

....Applicant.

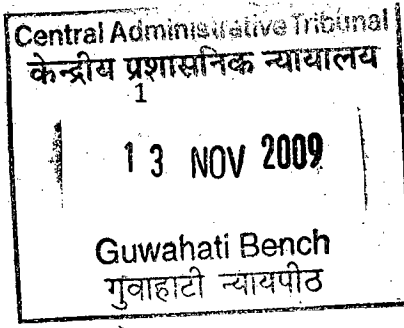
-Versus-

Union of India and Others..

...Respondents.

INDEX

<u>Sl. No.</u>	<u>Particulars</u>	<u>Annexure</u>	<u>Page</u>
1.	Original Application		1- 10
2.	Verification		11
3.	Annexure	A	12-14
4.	Annexure	B	15
5.	Annexure	C	16
6.	Annexure	D	17
7.	Annexure	E	18
8.	Annexure	F	19
9.	Annexure	G	20
10.	Annexure	H	21
11.	Vakalatnama		
12.	Notice		
13.	W/S by R.No 2,3,4 & 5 -		22-54
14.	Rejoinder -		55-60
			Filed by
			Kumar Manoranjan Haloi
			Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

Filed by the applicant
Hemant Kumar
Hemant Kumar Haloi
Advocate
13.11.2009

Original Application No. 238/2009.

1. PARTICULARS OF THE APPLICANT :

Sri Jitendra Mudgal
Son of Late Rajendra Prasad Mudgal
16 Bishwa Sakha Colony
Khargone (West Nimar), M.P.
Pin :- 451001.

2. PARTICULARS OF RESPONDENTS :

1. Union of India

Represented by the Secretary to the Government of India
Ministry of Human Resource Development,
New Delhi-110048.

2. Navodaya Vidyalaya Samiti

Represented by the Commissioner
Kailash Colony, New Delhi-110048.

3. The Commissioner

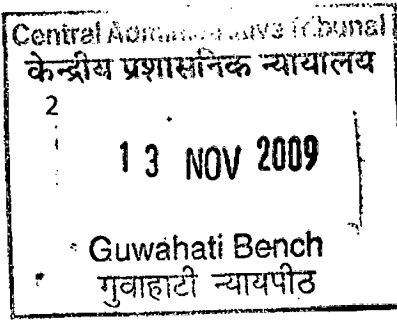
Navodaya Vidyalaya Samiti
Kailash Colony, New Delhi-110048.

4. Deputy Commissioner

Navodaya Vidyalaya Samiti
Regional Office, Temple Road, Barik Point
Lachumiere, Shillong, Pin: - 793001.

5. Principal,

Jawarhar Navodaya Vidyalaya, Golaghat
Sensuwa, P.O.- Chinatali District:- Golaghat
Pin :- 785621.



[Handwritten signature]

3. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

Order being F. No. 2-61/2009/NVS(SHR)/Pers/3591 dated 15.09.2009 issued by the Deputy Commissioner of Navodaya Vidyalaya Samiti, Regional Office, Shillong and order No. F. 2-2 (J. Mudgal)/ JNVG/2009-10/494 dated 17.10.2009 passed by the Principal i/c, Navodaya Vidyalaya, Golaghat.

4. JURISDICTION OF THE TRIBUNAL :

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

5. LIMITATION :

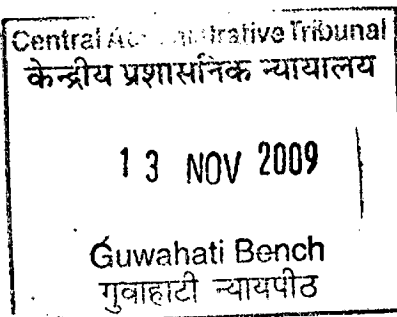
The applicant further declares that the present application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6. FACTS OF CASE :

6.1. That the applicant is a citizen of India and a permanent resident of Vishwa Sakha Colony, Khargone (West Nimar), Madhya Pradesh. Being a citizen of India, he is entitled to all the rights and privileges guaranteed under the Constitution of India and other settled laws of the land accrued thereunder.

6.2. That the applicant passed his Higher Secondary examination from Madhya Pradesh Board of Secondary Education, Bhopal in the year 1993 securing second division, B.A. from Indore University securing second class in the year 1996, M.A in English from Indore University securing second class in the year 1998 and B.Ed. from Indore University securing First division in the year 2005.

6.3. That the Navodaya Vidyalaya Samiti is an autonomous Body under the Ministry of Human Resource Development, Government of India, which is engaged in imparting education upto Higher Secondary level by establishing residential school under the name and style of Jawahar Navodaya Vidyalaya in different parts of the Country which are affiliated to the CBSE.



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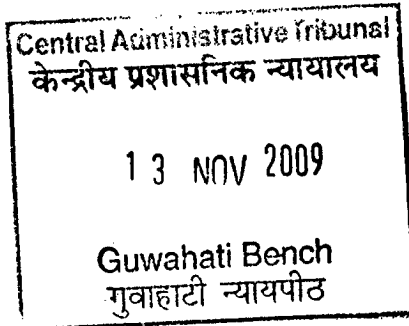
6.4. That in pursuant to an advertisement the applicant appeared in a Written Test in Kolkata in the year 2005 conducted for recruitment of teachers in Navodaya Vidyalaya and he became successful in the same. On being successful, he was called upon to appear in the Viva Voice Test and accordingly he appeared in the same held in Shillong in the month of January, 2006 and he was selected. On being selected, he was appointed as Trained Graduate Teacher(hereinafter called as TGT) of English, in the Jawahar Navodaya Vidyalaya, Golaghat in the district of Golaghat, Assam vide an Order being No. F.2-7/2001-NVS(SHR)/Pers/1750 dated 28.06.2006 issued by one D. Hazarika, Deputy Commissioner of Navodaya Vidyalaya Samiti, Regional Office, Shillong. Accordingly, the applicant joined as TGT(English) in the Jawahar Navodaya Vidyalaya, Golaghat on 15.07.2006.

A copy of the appointment Order Vide No. F.2-7/2001-NVS(SHR)/Pers/1750 dated 28.06.2006 is annexed herewith and marked as Annexure :- A.

6.5. That the Navodaya Vidyalaya Samiti has no own service rules. Central Civil Services Rules have been adopted by it. Since the petitioner is a temporary servant as being probationer, Central Civil Services (Temporary Services) Rules 1965 is applicable to him.

6.6. That in the appointment order it has been stated that the applicant shall be initially on probation for a period of two years from the date of joining which may further be extended at the discretion of the competent authority.

Handwritten mark resembling a stylized '3' or '4' with a horizontal line It has also been stated in the appointment order that the applicant would have to give one month's notice of resignation in case he leaves the Samiti. Contrary to it, it is therein the appointment order that applicant's service may be dispensed with by the Samiti during the period of probation without assigning any reason. This is violative of Central Civil Services (Temporary Services) Rules 1965, as Rule 5 (1) of the said Rules provides for serving one month's notice to the temporary servant by the employer regarding termination of his service.



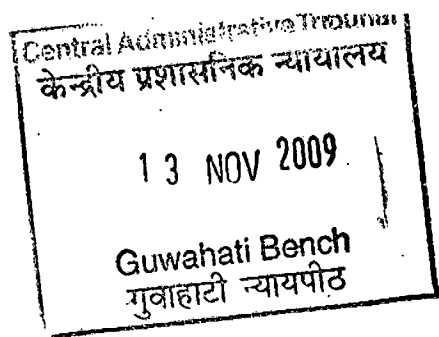
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6.7. That although applicants period of probation was initially for a period of two years, but, it was extended for another one year and it was to be completed on 15.07.2009. Since his date of joining, the applicant had been discharging his duty assigned to him with utmost sincerity.

6.8. That the applicant was suffering from severe dysentery on 25.01.2009 and 26.01.2009 and as a result he could not attend the Republic Day celebration in school on 26.01.2009. The Principal of the Jawahar Navoday Vidyalaya, Golaghat – Dr. E.U. Reddy issued an Explanatory Note Vide No. F.1 17/JNVG/2008-09/825 dated 27.01.2009 asking the applicant to give explanation on or before 31.01.2009 as to why disciplinary action should not be initiated against him for his aforesaid absence. The applicant submitted his explanation dated 31.01.2009 in this regard stating all the facts about his aforesaid absence.

A copy of the Explanatory Note dated 27.01.2009 and explanation of the applicant in this regard are annexed herewith and marked as Annexure :- B and C respectively.

6.9. That the Principal of the Jawahar Navodaya Vidyalaya, Golaghat once again issued a memorandum Vide No. F.1-17/JNVG/2009-10/251 dated 13.07.2009. In this memorandum allegation was brought against him that on 11.07.2009, the applicant was absent in the PTC general body meeting and left the campus at about 10 A.M. without any prior permission from the principal of the school. By this memorandum, the applicant was asked to submit his explanation on or before 18.07.2009 and accordingly the applicant submitted his explanation dated 18.07.2009 stating interalia that the date of PTC General body meeting was fixed in the staff meeting held on 06.07.2009 where he could not present as he was busy with the Social Science test of class VII conducted by Mrs. Sushila Kumari. Therefore, he was not aware



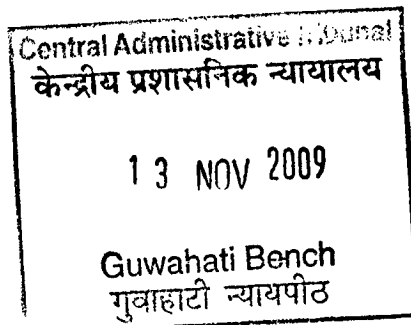
about the PTC General body meeting and due to his such ignorance he could not attend the said meeting.

A copy of the Memorandum dated 13.07.2009 and explanation submitted by the applicant dated 18.07.2009 are annexed herewith and marked as Annexure :- D and E respectively.

6.10. That after going through the applicant's explanation dated 18.07.2009 submitted in response to the memorandum dated 13.07.2009, the Principal, Jawahar Navodaya Vidyalaya, Golaghat served an Advisory Note to the applicant under reference No. F.1-17/JNVG/2009-10/273 dated 18.07.2009. In that Advisory Note the applicant was informed that his explanation regarding memorandum dated 13.07.2009 is not satisfactory. Some grounds regarding this dissatisfaction were also stated that in the said Advisory Note.

A copy of the Advisory Note No. F.1-17/JNVG/2009-10/273 dated 18.07.2009 is annexed herewith and marked as Annexure :- F.

6.11. That during the tenure of his service as TGT(English) in Jawahar Navodaya Vidyalaya, Golaghat, the applicant discharged his duties with best of his ability without any blemish and during this period no question arose from any corner at any point of time as to his efficiency and suitability. But all on a sudden, the Deputy Commissioner, Navodaya Vidyalaya Simiti, Regional Office, Shillong has terminated the applicant from his service on the ground of his unsuitability to hold the post of TGT (English) vide his Order under reference F. No. 2-61/2009/NVS(SHR)/Pers/3591 dated 15.09.2001, pursuant to this Order the Principal I/c of Jawahar Navodaya Vidyalaya, Golaghat relieved the applicant from his service w.e.f. 21.10.2009 vide his Order under reference No. F.2-2(J. Mudgal)/JNVG/2009-10/494



dated 17.10.2009. Both these orders were received by the applicant on 24.10.2009.

Copies of termination Order dated 15.09.2009 and the relieving Order dated 17.10.2009 are annexed herewith and marked as Annexure: - G & H respectively.

6.12. That the applicant begs to state that the order of his termination from service is a prima facie as illegal order and the same has been passed in an arbitrary manner. There is nothing apparent on the face of the records that the applicant is not suitable for the post of teacher. So, the order passed by the respondent authority is arbitrary, based on no reason. In fact if the veil of the Order lifted it would appear that the Order of termination is founded on stigmatic reason- commission of misconduct without holding any departmental enquiry.

6.13. That the applicant begs to state that under the facts and circumstances of the case it is crystal clear that the balance of convenience is in favour of granting a stay order against the order of termination of his service dated 15.09.2009.

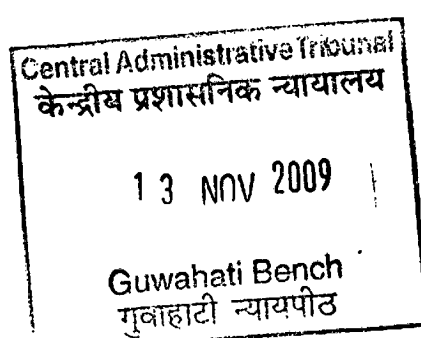
6.14. That the applicant begs to state that if an interim order staying the order of termination of his service dated 15.09.2009 shall is not passed, he will suffer irreparable loss inasmuch as the post where he was working shall be filled up by some other person.

7. GROUND FOR RELIEF SOUGHT WITH LEGAL PROVISION :

Being highly aggrieved by the action of the respondents the applicant prefers this application on the following amongst other grounds-

GROUND

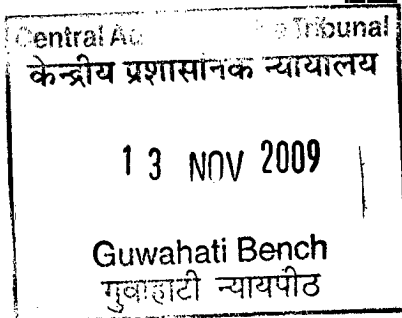
A. For that the impugned order of termination dated 15.09.2009 is arbitrary and capricious in nature and is violative of Article 14 of the Constitution of India.



B. For that the Rule 5(1) of the Central Civil Services (Temporary Services) Rules, 1965 provides for the scheme of termination of a temporary Government servant from his service. According to this scheme the employer is to serve one months' notice to the employee showing the intention to terminate him. The respondents in this present case ought to have serve one months' notice upon the applicant about his termination from service. But for any reason best known to the respondents no such notice was served upon the applicant. Hence, the action of termination is bad in law and is violative of Rule 5(1) of the Central Civil Services (Temporary Services) Rules, 1965 and as such the same is liable to be quashed and set aside.

C. For that it is apparent on the face of the record that the applicant has been abused with the allegations that he had not attended the Republic Day Ceremony; that he was not present in the guardian - teachers meeting. Both these allegations amount to misconduct - dereliction of duty. So, the basic motive of the impugned order is alleged imputation of misconduct. The employer will not be absolved on the ground that the impugned order is not founded on any stigma merely because it chooses to employ the phrase "Unsuitable to hold the post of TGT(English) in Novodaya Vidyalaya Samiti." It is manifestly clear that the motive has been trespassed to the foundation of the impugned order. As the basic reason of termination is commission of misconduct without holding of any enquiry the impugned order is liable to be set aside and quashed.

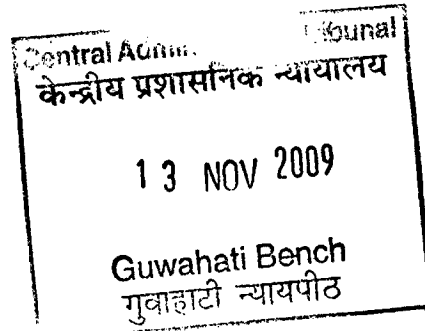
D. For that the stigma, as indicated above, incurred by the applicant cannot be erased by mere application of the word of unsuitability. That apart, suitableness of teaching quality cannot be assessed on the fact hat the applicant had not attended the Republic Day ceremony or so called absence in the guardians - teachers meeting. Suitability of a teacher is based upon his intellectual resources. It also substantially based upon his convincing capability of the ideas conceived by him to his students. So, it is apparent



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that if the order of termination is based upon the allegation, as reflected above, then it is not a case of unsuitableness, rather it is a case of misconduct. The employer camouflaging the situation by importing a notion that the applicant has been terminated as he was found unsuitable with a deliberate attempt to hide the real situation. So, if this Hon'ble Tribunal lift the veil, it would appear that the termination is founded on misconduct and as the same has been given effect to without holding any enquiry. The impugned order of termination is liable to be set aside and quashed

- E. For that the applicant was on probation for a period of two years from 15.07.2006. This period expired on 15.07.2008. There is nothing on the material on record to suggest that during this period he was found unsuitable. Even after expiry of this period there was nothing to indicate that his probationary period was extended. Only after expiry of this period the employer picked up some allegation and called applicant to submit his explanation. Based on these allegation the applicant was terminated from his service and through the relieving order dated 17.10.2009 the applicant was informed that his probationary period was extended. All these set of facts would clearly indicate that the applicant's termination is predetermined with malafide intention to hide the real situation.
- F. For that the Navodaya Vidyalaya is an instrumentality of the state. It is amenable to Article 14 and 16 of the Constitution of India. It owes an obligation to show that its action towards its employee is not arbitrary or capricious. It has a bounden duty to show that it is a model employer and fairly acted on its employees. All these basic ingredients are missing and as such the impugned order cannot be supported by any reason and the same is liable to be set aside and quashed.
- G. For that it is stated in Clause 2 of the applicants appointment order dated 28.06.2006 that if the applicant was to resign from his service during the probation period, he was to serve one months' notice upon the respondents.



But on the contrary, it is stated in the same clause that the competent authority can terminate the applicant from his service at any point of time during the probation period without assigning any reason. This clause of the appointment order is opposed to public policy and in the relevant situation it should be deemed that it is incumbent on the part of the employer to terminate his employee by giving one month's notice. As the same has not been done, the impugned order is liable to be set aside and quashed.

H. For that discharging of a probationer on the ground of misconduct or inefficiency or for similar reason without giving him reasonable opportunity of showing cause against his discharge, it might amount to inflicting the punishment of removal from service within the meaning of Article 311 (2) of the Constitution of India. In the light of this judgment it has been established that the impugned termination order dated 15.09.09 is unconstitutional as it is contrary to the provisions of Article 311 (2) of the Constitution of India. Hence, it is liable to be quashed and set aside.

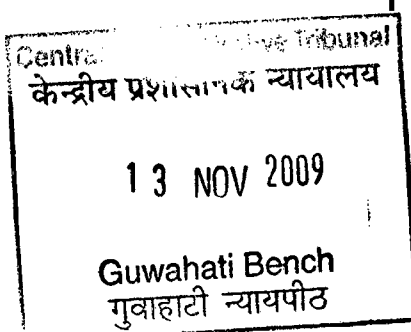
I. For that the impugned order of termination is punitive in nature and based on no valid reason.

J. For that the respondents while passing the impugned order of termination have acted upon some extraneous consideration - not material for the impugned order. Had he not been influenced by such extraneous consideration, the applicant would not have been terminated.

K. For that the respondents have passed the impugned order of termination dated 15.09.2009 arbitrarily and whimsically without following the procedure established by law and hence their action is violative of Article 21 of the Constitution of India as it would adversely affect the livelihood of the applicant.

8. DETAILS OF THE REMEDIES EXHAUSTED:

There is no other alternative remedy before the applicant than to approach this Hon'ble Tribunal by way of this application.



9. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT OR TRIBUNAL :

The applicants declare that the subject matter of this application is not pending before any other Court of Law or any other bench of this tribunal.

10. RELIEF SOUGHT :

Under the premises aforesaid, it is, therefore, prayed that Your Lordships would graciously be pleased to admit this application and be pleased to direct the respondents to show cause as to why the impugned order of termination of applicant vide F. No. 2-61/2009/NVS(SHR)/Pers/3591 dated 15.09.2009 [Annexure :- G] issued by the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Shillong and the Relieving Order Vide No. F. 2-2(J. Mudgal)/JNVG/2009-10/494 dated 17.10.2009 [Annexure :- H] issued by the Principal i/c of Jawahar Navodaya Vidyalaya, Golaghat shall not be quashed and set aside and after showing cause or causes, if any, and upon hearing the parties, Your Lordships may be pleased to quash and set aside the impugned orders dated 15.10.2009 and 17.10.2009 in the interest of justice.

11. INTERIM ORDER IF ANY :

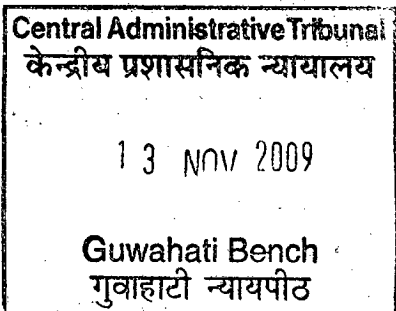
The applicant prays that pending disposal of this Original Application, Your Lordships may be pleased to keep the impugned order of termination dated 15.09.2009 [Annexure :- G] and relieving order dated 17.10.2009 [Annexure :- H] under suspension in the interest of justice.

12. PARTICULARS OF POSTAL ORDER :

I. P.O. No.	:	396 441 374
Name of issuing post office	:	G. P.O., Guwahati
Date of issue	:	13.11.2009
Payable at	:	G. P.O., Guwahati

13. LIST OF ENCLOSURES :

As indicated in the index.



VERIFICATION

I, Sri Jitendra Mudgal, son of Late Rajendra Prasad Mudgal, aged about 34 years, resident of 16 Bishwa Sakha Colony, Khargone (West Nīmar), Madhya Pradsh do hereby state that I am the applicant of this case and am well acquainted with the facts and circumstances of this case. The statements made in paragraphs 6.1, 6.2, 6.3, 6.5, 6.6, 6.7, 6.8 & 6.9 are true to my knowledge and belief and those made in paragraphs 6.4, 6.10 and 6.11 are true to my information derived from records which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 30th day of October, 2009 at Guwahati.

Jat Mudgal

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE
NONGRIM HILLS SHILLONG-793003

Phone No. : 0364 - 2521363
Fax No. : 0364 - 2521362
email : navsam@sancharnet.in
nvsroshillong@rediffmail.com

(Ministry of Human Resource Dev.
Department of Education)

REGISTERED

F.2-7/2001-NVS(SHR)/Pers/1750

Dated: 28th June 2006

To

JEETENDRA MUDGAL,
16 VISHWASAKHA COLONY,
KHARGONE DT.
M.P. PIN-451001.

Subject: - Appointment to the post of TGT (ENGLISH) NE 2006

Sir/Madam,

Consequent upon your qualifying in the written test followed by the recommendation of the Interview Committee, you are hereby offered a temporary post of TGT (English) in Navodaya Vidyalaya Samiti on the following terms and conditions.

1. The scale of pay attached to the post is Rs. 5500-175-9000. Your initial pay in this scale will be fixed in accordance with the normal rules and you will also, in addition, be eligible for the usual allowances admissible under the rules and orders of the organization in force from time to time.
2. You will be initially on probation for a period of two years from the date of your joining which may further be extended at the discretion of the competent authority. Failure to complete the period of probation to the satisfaction of the competent authority will render you liable to discharge from service. Further during the period of probation your service can be dispensed with by the Samiti without assigning any reasons. While on probation, you will be required to give one month's notice of resignation in case you leave the Samiti.
3. As per the condition laid down in advertisement for special recruitment of teachers for North East Region you will have to execute a bond to service for 10 years in North East Region including Sikkim in prescribed format on a Ten Rupees Non Judicial Stamp Paper. You will submit the same bond duly executed to the Principal before joining in Vidyalaya.
4. Jawahar Navodaya Vidyalaya being fully residential institutions the teachers are required to stay in the Vidyalaya campus. In addition to normal teaching duties, the teachers are required to perform additional responsibilities attached with residential system like House Mastership, remedial and supervisory studies, organization of co-curricular activities, escorting of students on migration and in general looking after student welfare. During the period of probation your performance in all these areas would also be assessed in addition to teaching ability to determine your suitability for the job.
5. You will not be entitled for travelling allowance for joining the place of appointment.

Attested
Kumar Manoranjan Haloi
Advocate
13.11.2009

2 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

6. Your appointment will be subject to your being medically found fit by the Civil Surgeon/ CMO of the Distt. for appointment to the aforesaid post. This offer of appointment will be automatically treated as cancelled if you are not found medically fit. You are, therefore requested to produce your medical certificates of fitness from the CMO at the time of joining. Medical Certificates from any other authorities will not be accepted.
7. If the candidate is a women, she should certify that she is not in the family way at the time of acceptance of appointment. If, however, she is pregnant of twelve weeks or more at the time of acceptance of appointment as a result of medical test, she will be declared temporarily unfit, the offer would be treated as withdrawn for the present and would be kept in abeyance until her confinement is over. She would be medically re-examine and if declared fit six week after the date of delivery, her appointment would be renewed subject to production of medical fitness certificate from CMO. She should indicate the expected date of her delivery. In case if the candidate fails to comply with these instructions her candidature would not be considered and no further correspondence would be entertained in this regard from her. On production of medical certificate, she would be appointed to the same post.
8. On joining the post you will be required to take an oath of allegiance to the Constitution of India, and make a solemn affirmation to this effect in the enclosed form.
9. The appointment will be further subject to the submission of a marital declaration in the form enclosed and in the event of your having more than one spouse living the appointment will be subject to your being exempted from the enforcement of a requirement in this regard.
10. You shall declare your home-town immediately on your joining the Samiti.
11. Other conditions of service will be governed by the relevant rules and orders in force from time to time in the Samiti.
12. You shall have to produce the following certificates in original alongwith attested copies thereof to the Principal of the Vidyalaya concerned at the time of joining.
 - (a) Degree/Diploma Certificate of Educational Qualification.
 - (b) Secondary School/SSL certificate issued by the Board indicating your Date of Birth.
 - (c) Memorandum of marks of three years of degree.
 - (d) Discharge Certificates/Relieving Order from previous employer, if any.
 - (e) Scheduled Caste/ Scheduled Tribe Certificate/ OBC certificate if applicable (in original) for verification.
 - (f) OBC candidate must submit requisite certificate in the revised prescribed format enclosed herewith in accordance to the Govt. of India, Ministry of Welfare Resolution No. 12011/68/93-BCCC dated 10/9/1993 from the District Magistrate and Deputy Commissioner otherwise their candidature will be summarily rejected and offer of appointment made herewith will be treated as automatically withdrawn.
 - (g) Attestation form in duplicate (copy enclosed) duly filled and attested.
 - (h) Details of family.
 - (i) Any other certificate (like experience, participation National Level Sports etc.) in original in support of entry made by you in your application.
13. If any declaration given or information furnished by you proves to be false or if you are found to have willfully suppressed any material information, you will be liable to be removed from services besides such other actions as Samity may deem necessary.

3 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

14. This appointment is subject to satisfactory report on verification of your character and antecedents by the District Magistrate of the District you belong. In case of any adverse report, your service will be terminated immediately.

In case you accept the offer on the terms and conditions contained in this letter you should communicate your acceptance (through your employer, if any) so as to reach the undersigned within 10 days with a copy to the Principal concerned and report to the Principal, Jawahar Navodaya Vidyalaya, Sensua, P.O. Chinatoli, District Golaghat, Assam-785 621 on before 15/7/06 positively, failing which this offer of appointment will stand atomically withdrawn and no further correspondence in this regard will be entertained. No request for change of place of posting will be entertained.

Sd/- Illegible

Date. 28/6/08

(D. HAZARIKA)

DEPUTY COMMISSIONER

Enclo : as above.

Copy to:-

1. The Principal of the concerned Vidyalaya- with a request to send the joining report of the said candidate/official within 7 days of his/her joining in the Vidyalaya. However before allowing to join the said candidate the documents as mentioned in para 3 and 12 of the letter may be properly verified and he/she may be allowed to join only on satisfying the age, educational qualification, percentage of marks, subject combination experience, SC/ST/OBC certificates and other eligibility for the said post. If there is any discrepancies in the case may be referred to Regional Office for further action before allowing the candidate to join in the post. The original application of the candidate is enclosed.
2. Office Copy/Personal file.

Sd/- Illegible

Date.- 28/06/08

DEPUTY COMMISSIONER

-15-

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
13 NOV 2009
Guwahati Bench गुवाहाटी न्यायपीठ

ANNEXURE :-B.

JAWAHAR NAVODAYA VIDYALAYA

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPTT OF EDUCATION), GOVT. OF INDIA

CHINATOLI, POST BOX 23 DIST GOLAGHAT, ASSAM PIN 785621

Ref No F. 1-17 / JNVG / 2008-09 / 825

Dated 27 / 01 / 2009

EXPLANATORY NOTE

To

Mr. Jeetendra Mudgal

TGT English.

Sir,

It is teacher who has to teach and preach patriotism. Teacher should be a role model to the students in all walks of life. But unfortunately you didn't attend Republic Day celebrations on 26-01-2009 in the Vidyalaya for which invitation was sent to you and which was also acknowledged by you. This is clearly against the CCS rules. Republic Day is not just a holiday to take rest in the quarter. This is an occasion to pay homage to the freedom fighters who scarified every thing to give us this freedom. You were very well present in the Vidyalaya and even came to mess for breakfast. The students of board classes for whom time is so precious also attended the programme and honoured the tricolor flag. It is the national programme and you being the government servant should not miss it. This shows your negative attitude towards national integration. Hence, why not a disciplinary action be initiated against you. I hereby instruct you to give your explanation in writing to the undersigned on or before 31-01-2009.

Sd/- Illegible

Principal

(Dr. E.U. Reddy)

Principal

Jawahar Navodaya Vidyalaya

GOLAGHAT

Copy to:

1. The Dy. Commissioner, NVS RO, Shillong.
2. Asst. Commissioner (Admn), Cluster. Incharge, NVSRO, Shillong.

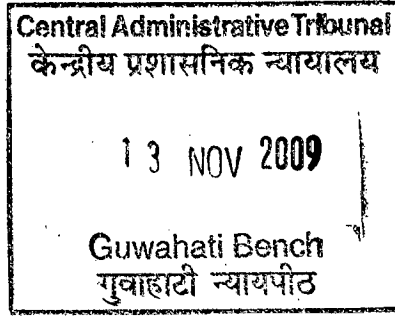
Attested

Kumar Manarajan Haloi

Advocate

13.11.2009

-16-



ANNEXURE :- C.

To
The Principal
J.N.V. Golaghat
Dated :- 31st Jan'09

Ref:- Your letter No. F.1-17/JNVG/2008-09/825.

Sub:- Explanation to my absence on 26th Jan 09.

Sir,

With due respect and humble submission I the undersigned wants to state that I was absent from the Republic Day ceremony due to some health problem I was going through desentry from previous night. My problem was of desentry which our staff nurse also knows as I took medicine from her on 25th Night and also on 26th morning. My absence was not intentional as the intensity of my problem was high and made me unable to attend the ceremony.

In the evening when my health was some what O.K. I attended the Beating Retreat ceremony as you also saw me there on the venue.

My above statement is for your kind information.
Looking for a favour

Yours faithfully.

Sd/- Illegible
(Jeetendra Mudgal)
T.G.T English.

Attested
Kumar Manoranjan Haloi
Advocate

ANNEXURE :- D.

JAWAHAR NAVODAYA VIDYALAYA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPTT OF EDUCATION), GOVT OF INDIA
CHINATOLI, POST BOX 23,
DISTT GOLAGHAT, ASSAM 785621
Phone No: (03774) 287601, (03774) 287775

Ref No F. 1-17/INVG/2009-10/ 251

Dated 13/07/2009

MEMORANDUM

To

Mr. Jitendra Mudgal,
TGT (English)

As was scheduled in the staff- meeting held on 06-07-2009 that there would be a PTC general body meeting on 11-07-2009 from 11.00 a.m onwards. All the teaching staff present in the campus except your self had attended the meeting and were also introduced to the parents. You did leave the campus on 11-7-2009 at 10. a.m without any prior permission from the undersigned. Moreover as per the D.O. No. 1/DC/2008-NVS(SHR)/2526 dated 25th August 2008 of the Dy. Commissioner, NVSRO Shillong all the essential staff members have to write the movements outside the campus in the register meant for it. It has been observed by the undersigned that you are frequently leaving the campus neither informing the undersigned nor writing in the movement register. Second Saturday being the parents visiting day parents generally meet the subject teachers and the house masters; hence your presence was very much essential on the day in the campus. When parents of your house were asking me about your whereabouts to get permission to take their wards home on some important grounds I was in a shameful position. Hence, hereby you are instructed to submit your explanation to the undersigned on or before 18/7/09 why not a disciplinary action to be initiated against you. ✓

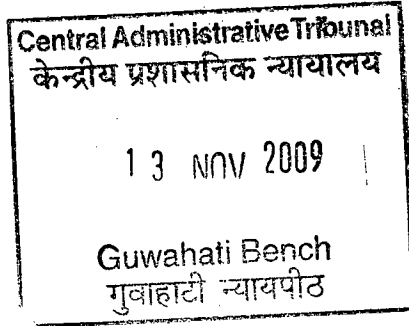
Sd/- Illegible
(Dr. R.U. Reddy)
Principal
Jawahar Navodaya Vidyalaya
GOLAGHAT

Copy: to the Dy. Commissioner, NVSRO Shillong for information.

(Dr. R.U. Reddy)
Principal

Attested

Kumar Manoranjan Hales
Advocate



ANNEXURE :- E.

To
The Principal
J.N.V. Golaghat
Date:- 18th July' 09

Sub: - Explanation to the memo reg.
Ref: - Your letter no. F. 1-17/INVG/2009-10/ 251

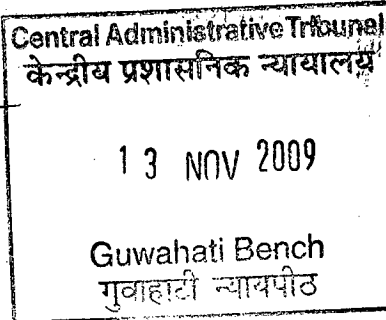
Sir,

With due respect and humble submission I would like to state that as I was not present in the staff meeting which was held on 06-07-2009 being busy with the Social Science test of class-VII conducted by Mrs. Sushila Kumari (S.Sc teacher) the same day when the meeting was going on so, I was unaware of the P.T.C. general body meeting to be held on 11-07-09 about which there was no circular also.

✓ Being unaware of the fact I went to Chariali to have my haircut thinking that it will merely be taking 30 min. at most but there I found myself in a long que. Before going out I informed my house wards to meet the A.H.M if it is required by them for any out passes and all. When I returned back the meeting was about to be finished or I should say it was almost finished. I regret for the fact that I couldnot be introduced by the parents. This is for your intimation. Hoping to be forgiven.
Thanking you.

Yours faithfully
Sd/- Illegible
J. Mudgal
T.G.T English.

Attested
Kumar. Manoranjan Haloi
Advocate



ANNEXURE :- F.

JAWAHAR NAVODAYA VIDYALAYA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPTT OF EDUCATION), GOVT. OF INDIA
CHINATOLI, POST BOX 23,
DISTT GOLAGHAT, ASSAM 785621
Phone No: (03774) 287601 , (03774) 287775

Ref No F. 1-17/JNVG/2009-10/ 273

Dated 18/07/2009

ADVISORY NOTE

Your explanation to the memorandum Ref No. F. 1-17/JNVG/2009-10/ 251 dated 13/7/2009 is not satisfactory on the following grounds:

1. Though you were on duty to conduct Social Studies unit test for around half an hour you came back very well for the staff meeting and were there when the discussion on PTC formation was going on and signed in the minutes register.
2. Notice was kept both in English and Assamese regarding PTC general body meeting both in the academic block and at the main gate on 13-6-2009 and 27-6-2009.
3. You did leave the campus at 10.00 a.m and came back to the campus at 3.30 p.m. Does it take 5.30 hours to get hair cut?
4. Moreover the D.O. No. 1/DC/2008-NVS(SHR)/2526 dated 25th August 2008 of the Dy. Commissioner, NVSRO Shillong was clearly discussed in the staff meeting and that all the essential staff members have been writing their movements outside the campus in the register meant for it there after. This also didn't follow.

Hence, hereby you are advised:

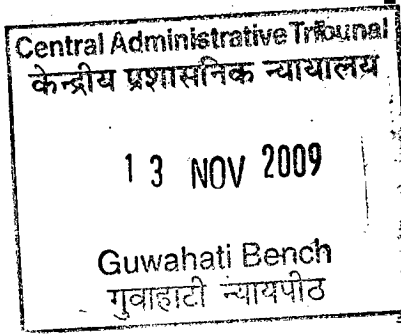
1. Not to bluff in future being the role model to the students as it will have a lot of impact on the students.
2. Not to find out mere excuses. Excuses you can get for every thing.
3. To attend the things in time and get rid of finding excuses and lead a happy life.

Sd/- Illegible
Dr. E.U. reddy)
Principal
Navodaya Vidyalaya
GOLAGHAT

Copy to: the Dy. Commissioner. NVSRO Shillong for information.

(Dr. E.U. reddy)
Principal

Attested
Kumar Manoranjan Holo
Advocate



ANNEXURE :- G.

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE, SHILLONG
TEMPLE ROAD, BARIK POINT
LACHUMIERE, SHILLONG-793001
(Ministry of Human Resource and
Development, Deptt. of Education,
Govt. of India)
Tel : 0364-2500331/ 2500332/ 2500335
E-mail navsam@sancharnet.in
nvsroshillong@rediffmail.com
Website : www.nvsroshillong.gov.in

F. No. 2-61/2009/NVS(SHR)/Pers/3591

Dated : 15 Sept 2009

ORDER

Whereas Sh. Jitendra Mudgal, TGT(English), JNV, Golaghat, Assam was appointed to the post of TGT (English) in Navodaya Vidyalaya Samiti w.e.f. 15.07.06 on direct recruitment basis on probation for a period of two years extendable at the discretion of the competent authority as per the terms and conditions of offer of appointment order No.2-7/2001-NVS(SHR)/Pers/1750 dated 28.06.06 to the post of TGT (English).

And whereas the Departmental Promotion Committee after careful consideration of overall performance and assessment of service records during the period of probation has found Sh. Jitendra Midgal unsuitable to hold the post of TGT (English) in Navodaya Vidyalaya Samiti and recommended for termination for his services.

Now, therefore, in pursuance of the provision contained at Para (2) of the offer of appointment no. 2-7/2001-NVS(SHR)/Pers/1750 dated 28.06.06, the undersigned in the capacity as Deputy Commissioner, NVS hereby terminates the services of Sh. Jitendra Mudgal from the post of TGT (English), JNV, Golaghat, Assam with immediate effect.

Sd/- Illegible

Date:- 15/9

(D. HAZARIKA)

DEPUTY COMMISSIONER

Sh. Jitendra Mudgal
TGT (English)
JNV, Golaghat
Assam

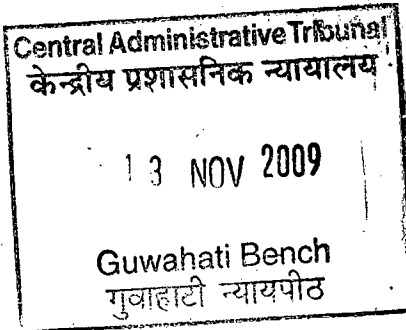
Copy to:

1. The Principal, JNV Golaghat, Assam with the directions to relieve Sh. Jitendra Mudgal with immediate effect.
2. Personal file of the individual.
3. CPF Cell, NVS, RO, Shillong for information and necessary action.
4. GSLIS, NVS, RO, Chandigarh, for information and necessary action.

DEPUTY COMMISSIONER

Attested
Kumar Manojan Hais
Advocate

-21-



ANNEXURE : H.

JAWAHAR NAVODAYA VIDYALAYA

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(DEPTT OF EDUCATION), GOVT. OF INDIA

CHINATOLI, POST BOX 23 DIST GOLAGHAT, ASSAM PIN 785621

Ref No. F. 2-2 (J. Mudgal) / JNVG / 2009 - 10 / 494

Dated 17 / 10 / 2009

Relieving Order

Mr. J. Mudgal, TGT (English) of this Vidyalaya is hereby relieved on 21.10.2009 (Afternoon) from all his duty since he has been terminated from his service vide Dy. Commissioner, NVS, R.O., Shillong letter No. F.2-61/2009/NVS(SHR)/Pers/ 3591 dated 15/09/2009.

To,

Shri J. Mudgal,
TGT (English),
JNV, Chinatoli,
Golaghat.

Sd/- Illegible
(M. Nandgopal)

Principal I/c

Jawahar Navodaya Vidyalaya
Golaghat

Copy to: 1. Dy. Commissioner, NVS, R.O., Shillong for information please.

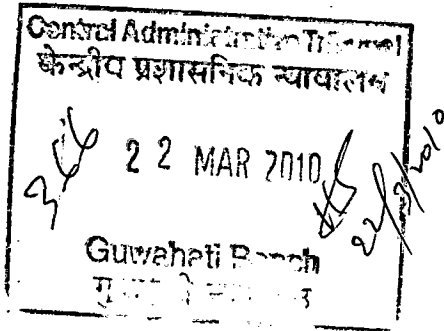
2. Asstt. Commissioner, NVS, R.O. Shillong for information please.

Principal I/c

Attested
Kumar Manoranjan Haini
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

ORIGINAL APPLICATION No. 238 OF 2009



Sri Jitendra Mudgal.

- Vs -

The Union of India & Others.

INDEX

<u>Contents</u>	<u>Page Nos.</u>
1. Written statement	1 to 8
2. Verification	9
3. Annexure- 1	10.
4. Annexure- 2	11 to 13.
5. Annexure- 3	14 to 16.
6. Annexure- 4	17 to 18.
7. Annexure- 5	19.
8. Annexure- 6	20 to 29.
9. Annexure- 7	30 to 32.

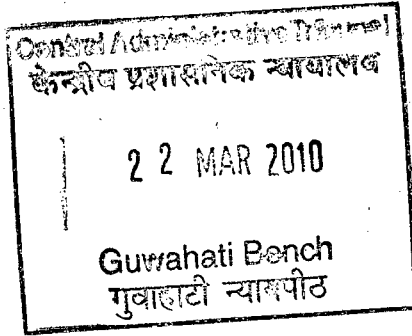
Filed by:

Madhurya Mahanta.
Advocate.

Harjinder
Subramanda

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

ORIGINAL APPLICATION No. 238 OF 2009



IN THE MATTER OF

O.A. No. 238/2009

Sri Jitendra Mudgal.

.... Applicant

- Vs -

The Union of India & Others.

... Respondents

-AND-

IN THE MATTER OF

A written statement filed on
behalf of the Respondent Nos.
2, 3, 4 and 5 in the aforesaid
Original Application.

WRITTEN STATEMENT

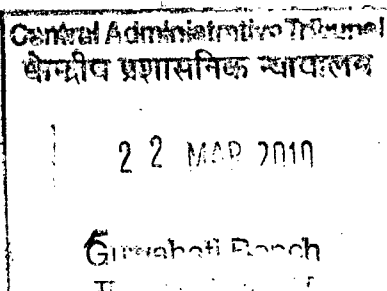
I, Shri Debananda Hazarika, Son of Late D. Hazarika,
, aged about 57 years, presently working as the Deputy Commissioner,
Navodaya Vidyalaya Samiti, Regional Office, Shillong, Meghalaya do hereby
solemnly affirm and state as follows.

1. That I have been impleaded as respondent no 4 in the instant Original
Application. A copy of the Original Application filed by the Applicant has been
served upon the answering respondents. I have gone through the same and
understood the contents thereof. I am also fully acquainted and well
conversant with the facts and circumstances of the case. Further I am

Filed By - the Respondent
Nos. 2 to 5.

Debananda Hazarika
through -
Mudhumpi Mukherjee
Advocate.

22/03/2010.



competent and duly authorized by the respondent nos. 2, 3 and 5 to swear this written statement on behalf of them and accordingly I do the same.

2. That save and except what has been specifically admitted in this written statement all other averments and submissions made in the Original Application, shall be deemed to have been denied by the answering respondents.

✓ 3. That before adverting to a detailed parawise reply to the statements/averments made in the instant Original Application, the deponent begs to state the following facts before this Hon'ble Tribunal:

(i) That the Applicant was appointed as Trained Graduate Teacher(TGT), English in the Jawahar Navodaya Vidyalaya, Golaghat, Assam vide order bearing No. F.2-7/2001-NVS (SHR)/Pers/1750 Dated 28.06.2006(Annexure-A to the O.A.). Accordingly the Applicant joined in service on 15.07.2006. It is pertinent to mention herein that the Applicant was appointed initially on probation for a period of two years from the date of his joining.

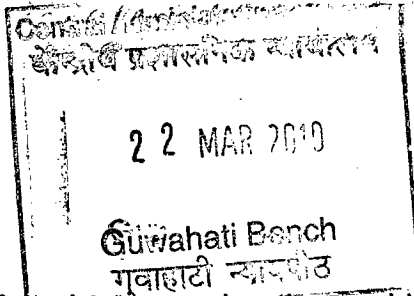
(ii) That Clause 2 of the said appointment letter dated 28.06.2006 envisaged as under:-

"You will be initially on probation for a period of two years from the date of your joining which may further be extended at the discretion of the competent authority. Failure to complete the period of probation to the satisfaction of the competent authority will render you liable to discharge from service. Further during the period of probation your service can be dispensed with by the Samiti without assigning any reasons. While on probation you will be required to give one month's notice of resignation in case you leave the Samiti"

Further, Clause 4 of the said appointment letter also envisaged as under:-

"Jawahar Navodaya Vidyalaya being fully residential institutions the teachers are required to stay in the Vidyalaya campus. In addition to normal teaching duties, the teachers are required to perform additional responsibilities attached with residential system like House Mastership, remedial and supervisory studies, organization

Subscribed for deponent



of co-curricular activities, escorting of students on migration and in general looking after student welfare. During the period of probation your performance in all these areas would also be assessed in addition to teaching ability to determine your suitability for the job”.

(iii) That it is stated herein by the deponent that the services of the Applicant, since his appointment, were not satisfactory and the Applicant was not performing his duties sincerely.

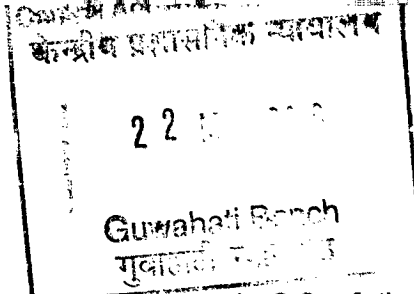
(iv) That the Applicant joined in service on 15.07.06 pursuant to his appointment on 28.06.06. The Applicant was appointed on probation for a period of 2 years from the date of his joining. Thereafter a meeting of the Departmental Promotion Committee (shortly as DPC) was held on 24.01.2008 and the said DPC recommended to extend the probation period of the Applicant for one more year so as to give him some more time to improve his performance.

4. That with regard to the statements made in paragraphs 1, 2, 3, 4 and 5 of the Original Application the deponent has no comments to offer.

5. That the statements made in the paragraphs 6.1, 6.2, 6.3 and 6.4 being matters of record, the deponent has no comments to offer but the deponent does not admit anything which are contrary to and inconsistent with the records of the case. It is pertinent to mention herein that the Applicant was appointed initially on probation for a period of two years from the date of his joining.

6. That the statements made in paragraph 6.5 of the Original Application are denied by the answering respondents the same being misconceived. It is stated herein by the deponent that the Navodaya Vidyalaya Samiti has its own set of Rules and Regulations for recruitment etc. but follow some notifications and the Central Civil Services Rules in certain areas.

Subenanda Hazarika



7. That with respect to the statements made in paragraph 6.6 of the Original Application the answering respondents begs to state that the appointment order was issued as per the mandate of Central Civil Services(Temporary Services) Rules, 1965.

✓ 8. That the statements made in paragraph 6.7 of the Original Application to the extent that 'since his date of joining, the Applicant had been discharging his duty assigned to him with utmost sincerity' is denied by the deponent. It is pertinent to mention herein that the services of the Applicant, since his appointment, were not satisfactory and the Applicant was not performing his duties sincerely as has been claimed by him. In this regard, the Principal of the school was constrained to issue an explanatory note to the Applicant on 05.07.2007 demanding explanation to the following effect-

"1) During the academic year 2006-07 you did not submit any records to be submitted by a teacher.

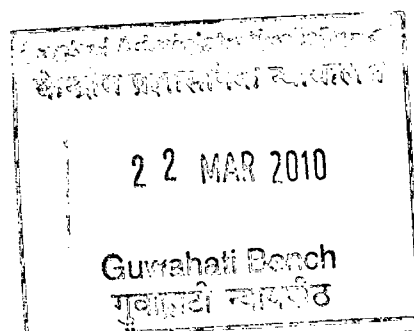
2) In this academic year also till date you did not submit annual plan, lesson plan, teacher diary etc.

3) As per the circular dated 30.06.2007 issued by me regarding the steps to be taken for the academic excellence I requested all the teachers to submit five copies of student note books every month. As per the schedule language teachers are supposed to submit on 02.07.2007. Till date you did not submit the same.

✓ 4) There was a complaint from the parents that you are teaching English in Hindi. Even I too observed the same and you have accepted orally and promised me that you will teach in English only. But still you are teaching in Hindi which is against the samithi norms.

→ 5) You did not complete prescribed syllabus in time last year as you did not have an academic plan. As per your statement dated 10.01.2007 you could able to complete only 60 percent of class VIII syllabus. The other thing which thrown me in an embarrassing situation was that the parents complaint on 04.03.2007 the day of class X Social Studies examination regarding the non completion of English syllabus. Which you could able to complete only before the English Board Examination that too after my request. The net result is one girl failed in your subject in CBSE Board Examination."

Harinder
Subananda



It is further stated by the deponent that the 11th monthly and 22nd monthly Assessment Report of the Applicant, clearly reveal the fact that the Applicant's performance of duties was much below the mark and infact the Applicant had no interest in teaching. However, a meeting of the Departmental Promotion Committee was held on 24.01.08 and the said committee in the interest of justice recommended for extension of the probation period for one year in respect of the Applicant so as to give him some more time to improve his performance. On the basis of the said recommendation of the DPC, the respondent no.4 issued an order extending the probation period of the Applicant for one year vide order dated 28.02.08.

Subordinate for duty.

Copies of the Explanatory Note dated 05.07.07, 11th Monthly Assessment Report, 22nd Monthly Assessment Report and the Minutes of the DPC dated 24.01.08 and the order dated 28.02.08 are annexed herewith and marked as Annexures-1, 2, 3, 4 and 5 respectively.

9. That with regard to the statements made in paragraph 6.8, 6.9 and 6.10 of the Original Application the deponent does not admit anything which are contrary to and inconsistent with the records of the case. However the said documents are clearly evidences of the Applicants poor performance and sincerity towards his duty.

✓ 10. That the deponent denies the correctness of the statements made in paragraph 6.11 of the original Application which are contrary to and inconsistent with the records of the case and the deponent reiterates that the services of the Applicant, since his appointment, were not satisfactory and the Applicant was not performing his duties sincerely. It is stated herein by the deponent that a Departmental Promotions Committee meeting was held on 10.09.09 and the said Committee considered 74 cases for the declaration of probation period on the basis of ACR/SPR grading for the last (three) consecutive years. After careful verification and through examination of individual cases, DPC recommended the clearance of the probationary period of 63 employees. Further, the Committee recommended for termination of

22.10.2009

Guruchand Singh

services of 3 numbers of employees including the Applicant. As such, the Respondent No. No 4 was pleased to terminate the service of the Respondent under Sub- Rule (1) of Rule 5 of the Central Civil Service (Temporary Service) Rules, 1965 vide order dated 15.09.09 bearing No. F.2-61/2009/NVS (SHR)/Pers/3591. Be it stated herein that although the termination order was issued on 15.09.2009 against the Applicant but he was relieved from his duties only on 17.10.2009.

It is further pertinent to state herein by the Deponent that the 33rd Monthly Assessment Report of the Applicant clearly reveals the fact that the applicant's performance was poor and in fact the Applicant had no interest in his duty.

Copies of the minutes of the meeting of the DPC dated 10.09.09 and 33rd Monthly Assessment Report are annexed herewith and marked as Annexure-6 & 7 respectively.

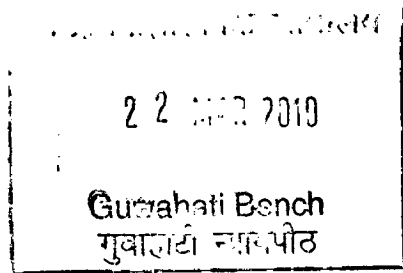
11. That the deponent denies the correctness of the statements made in paragraphs 6.12, 6.13 and 6.14 of the Original Application. It is stated by the deponent that the termination order dated 15.09.09 was passed by the respondent no.4 on the recommendation of the DPC and as per the provisions of under Sub- Rule (1) of Rule 5 of the Central Civil Service (Temporary Service) Rules.

12. That the deponent begs to state and submit that the grounds so averred in the Original Application are not legally tenable and as such no relief can be granted to the Applicant as sought for in the instant Original Application. It is humbly submitted by the deponent that it is a settled proposition of law that if some adverse findings are arrived at in an enquiry as to misconduct, behind the back of the Government servant, simple order of termination is to be treated as "founded" on the allegations and will be bad. If however, enquiry is not held, no findings are recorded and the employer is not inclined to conduct an enquiry, but at the same time, the employer does not want to continue with the employee against whom there are complaints, it would only be a case of "motive" and the order would not be bad.

It is further submitted by the deponent that that it is a well settled principle in service jurisprudence in general and law relating to confirmation of

Debanda Singh
22.10.2009

M. M. M. Adu



a probationer, in particular - that the primary thrust is to find out whether a probationer is suitable for confirmation. In the said decision making process even if some adverse remarks, reports are taken note of, the purpose is to find out whether the probationer is fit to be confirmed. Viewing the matter from this perspective it will be noticed that only when the adverse reports/complaints against the temporary government servant are used for the purpose of inflicting punishment, then the order becomes bad, as those materials would constitute foundation for the impugned action. As long as the decision making process is confined to finding out suitability of a probationer for confirmation, the same would always constitute 'motive' and consequently the order would be good in law.

Subramanda Hazarika

It is also further submitted by the deponent that the present being a case of a probationer the provisions of Article 311(2) of the Constitution of India has no application. It has been held in a catena of decisions that if an order on the face of it does not cast any s

13. That with regard to the statements made in paragraphs 8 and 9 of the Original Application the deponent the deponent has no comments to offer.

14. That with regard to the statements made in paragraphs 10 and 11 of the Original Application the deponent most respectfully begs to submit that the Applicant is not entitled to any of the relief/reliefs prayed for in the instant Original Application. The instant Original Application is devoid of any merit and deserves to be dismissed.

15. That with regard to the statements made in paragraph 12 and 13 of the Original Application the deponent has no comments to offer.

16. That under the facts and circumstances narrated herein above it is submitted by the deponent that the Applicant was on probation for a period of two years, from the date of his initial appointment and his probationary period was extended for one more year vide order dated 28.02.08. The appointment order dated 28.06.2006 itself categorically envisaged that non satisfactory performance of the incumbent during the probationary period would render the incumbent liable to be discharged from service. The law with regard to termination of services under Rule 5(1) of the Temporary Service Rules is no

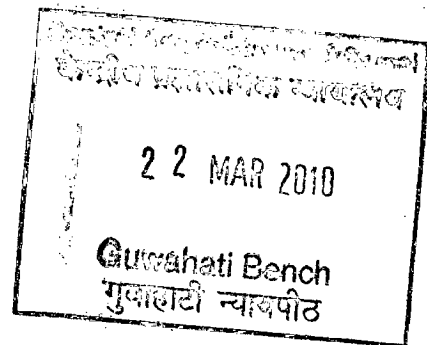
22 MAR 2016

Gurabati Bench
गुराबती बेंच

longer Res Integra and it has been repeatedly held by the Hon'ble Apex Court in a catena of decisions that such a power lies with the appointing authority which is at liberty to terminate the services of a probationer if it finds the performance of the probationer to be unsatisfactory during the period of probation. In that view of the matter, there is no merit in the instant Original Application and the same is liable to be dismissed.

.....VERIFICATION

Subananda Hazarika



VERIFICATION

I, Sri D. Hazarika, son of Sri(L) D. Hazarika aged about 57 years, serving as the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Shillong, Meghalaya do hereby state and verify that I am fully conversant with the facts and circumstances of the case. Further, I am competent and duly authorized by the Respondent Nos. 2, 3, 5 and 6 to sign this verification on behalf of them. The statements made in paragraphs 1, 2, 3(i), 3(iv)(a), 4 to 7, 8(p), 9, 10(a), 12 to 16 of the accompanying written statement are true to the best of my knowledge and those made in paragraphs 3(i), 3(ii), 3(iv)(a), 8(p), 10(p) & 11 above are true to my information derived from records and rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this the 22nd day of March, 2010 at Guwahati.

Subananda Hazarika

DEPONENT

JAWAHAR NAVODAYA VIDYALAYA

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(DEPTT OF EDUCATION), GOVT. OF INDIA

CHINATOLI, POST BOX 23 DIST GOLAGHAT, ASSAM PIN 785621

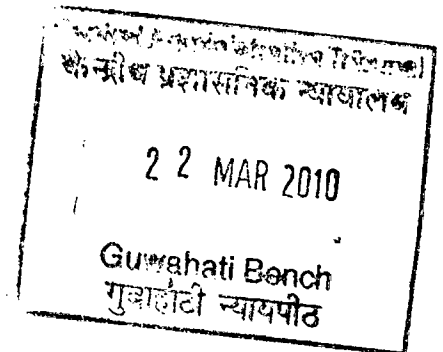
Ref No F.1-17/JNVG/2006-07/ 288

Dated 05/7/2007

EXPLANATORY NOTE

To,
Mr. Jitendra Mudugal,
TGT English.

Sir,



1. During the academic year 2006-07 you didn't submit any records to be submitted by a teacher.
2. In this academic year also till date you didn't submit annual plan, lesson plan teacher diary etc.,
3. As per the circular dated 30-6-2007 issued by me regarding the steps to be taken for the academic excellence I requested all the teachers to submit five copies of student note books every month. As per the schedule language teachers are supposed to submit on 02-7-2007. Till date you didn't submit the same.
4. There was a complaint from the parents that you are teaching English in Hindi. Even I too observed the same and you have accepted orally and promised me that you will teach in English only. But still you are teaching in Hindi which is against the samithi norms.
5. You didn't complete prescribed syllabus in time last year as you didn't have an academic plan. As per your statement dated 10-01-2007 you could only complete 60 percent of class VIII syllabus. The other thing which threw me in an embarrassing situation was that the parents' complaint on 04-03-2007 the day of class X Social Studies examination regarding the non-completion of English syllabus. Which you could only complete before the English board examination that too after my request. The net result is one girl failed in your subject in CBSE board examination.

You are directed to submit your compliance for above mentioned five points with return explanation latest by 12-7-2007.

Principal
JNV Golaghat
Jawahar Navodaya Vidyalaya
Golaghat

[Handwritten signature]
5/7/07

O/c

Certified to be
true copy.
M. Mohanta
Adv

- 11 - - 33 - ANNEXURE - 2

**ASSESSMENT REPORT ON PROBATIONARY TEACHING STAFF
(INCLUDING PRINCIPAL) OF NAVODAYA VIDYALAYA'S**

11 MONTHLY / 22 MONTHLY PROBATION / SPECIAL PERFORMANCE REPORT
INSTRUCTION READ CAREFULLY

Each officer's ability and fitness in his present occupation or for promotion may be appraised with a reasonable degree of accuracy and uniformity, through this report. The assessment requires the appraisal of an Officer in terms of his ACTUAL PERFORMANCE. It is essential therefore that snap judgment be replaced by careful analysis as you are building up administrative leaders of tomorrow.

Please follow these instructions carefully: -

1. Disregard your general impression of the officer and concentrate on one factor at a time.
2. Study carefully the implications of each factor.
3. When assessing an officer, call to mind instances that are typical of his work and way of acting. Do not be influenced by UNUSUAL CASES, which are not typical.
4. Make your assessment with the utmost care and thought. DO NOT ALLOW PERSONAL FEELINGS TO GOVERN YOUR ASSESSMENT.
5. After you have given your assessment for each factor, please sum up your general views about the officer indicating in it any additional factors particularly those related to his INTEGRITY and ABILITY to correct himself if his faults are pointed out to him.

**PART - I
PERSONAL DATA
(TO BE FILLED BY OFFICE)**

1. Name of Probationer
2. Date of Birth
3. Educational Qualification
4. Date of Appointment as Probationer
5. Date on which the probationary period will be / was completed
6. Details of extensions of probation, if any:
7. Vidyalaya (s) in which employed during the year
8. Period of absence from duty on leave, etc during the year
9. Details of In-service training course / Workshops attended during the period
10. Total experience prior to appointment on probation

Teetendra Kundgel
23-rd July 1975
MA (Eng) B.Ed.

5th July 2006

14th July 2008

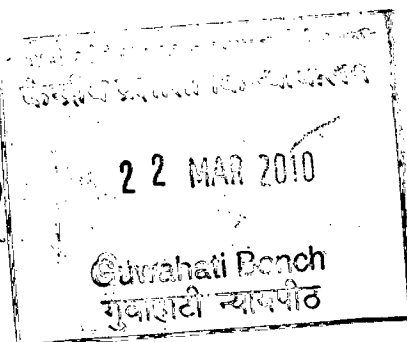
J.N.V. Golaghat

FOL - 21-2-07 to 05-3-07 = 13 days
and 30-5-07 to 01-6-07 = 3 days.
(on medical ground)

Workshop on Communicational Skill
at NLI GOA.

Induction Course, Computer Course

2 years.



entitled to be
true copy.
M. M. M. A. A.

(Teetendra Kundgel)
T.G.T. English

Contd. Page / 2

22 MAR 2010

PART - II

Guwahati Bench
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	Performance Factors	Performance Grade				
		Exceeds Requirements of this Job	Meets fully Requirements of this Job	Just Meet Requirements of this Job	Partially Meets Requirements of this Job	Does Not Meet Requirements of this Job
I.	<u>MENTAL CAPACITY</u>					
1.	Efforts made to acquire knowledge relevant to job			✓		
2.	Analytical Ability			✓		
3.	Power to Grasp			✓		
4.	Spirit of Enquiry			✓		
5.	Power of Expression a) Oral b) Written			✓ ✓		
6.	Sense of Responsibility				✓	
7.	Ability to participate in discussions and seminars				✓	
II.	<u>WORK HABITS AND ATTITUDES</u>					
1	Aptitude					✓
2	Interest in work				✓	
3	Promptness				✓	
4	Initiative				✓	
5	Originality				✓	
6	Self Reliance				✓	
7	Manner of performance (whether methodical & Orderly)				✓	
8	Thoroughness					✓
9	Punctuality					✓
10	Resourcefulness			✓		
III.	<u>STABILITY</u>					
1	Poise			✓		
2	Fairness			✓		
3	Dependability			✓		
IV.	<u>ABILITY TO GET ALONG</u>					
1	Tact			✓		
2	Dealings with: a) Subordinates b) Fellow-officials c) Superiors d) Public				✓ ✓ ✓ ✓	
3	Ability to inspire others					✓
V.	<u>ABILITY TO MANAGE</u>				✓	
1	Quality of Judgment				✓	
2	Decision-making				✓	
3	Ability to plan & Programme				✓	
4	Direction & Control				✓	
5	Ability to evaluate the work of individuals and projects or schemes					✓
VI.	<u>PHYSICAL FITNESS</u>					
	State of health, Sportsmanship etc			✓ ✓		

22 MAR 2010

Guwahati Bench
গুৱাহাটী ন্যায়ালয়

Page - 3

COMMENTS

General appraisal of the officer's good and bad qualities in narrative form particularly those related to his integrity and ability to correct himself if his faults are pointed out to him.

Decisions if any taken regarding fitness for drawing 1st / 2nd increments (Where applicable)

Mr. Jeevendra Prasad is not at all interested in his profession. He is neither punctual in his work nor sincere in maintaining records. He is very poor in correcting the class notebooks of students. Students and parents have complained against him regarding non-completion of syllabus. Hence, a 'memo' was issued to him.

(Signature)

Designation: PrincipalDate: 19/01/08PART III

REMARKS OF THE DEPARTMENTAL PROMOTION COMMITTEE
(To be filled by the committee when case is referred to it)

RECOMMENDATION WHETHER THE PROBATIONER:

i. Is fit for ~~Retention~~ / Confirmation:

OR

ii. Should be watched for a further period (here list what improvements are required in the probationer and specify the period for which he is to be watched further):

OR

iii. Should be discharged from Government service (here give reasons for recommending this course of action)

Bharadwaj
24.1.08.
(Signature of the Chairman)
Departmental Promotion
Committee

**ASSESSMENT REPORT ON PROBATIONARY TEACHING STAFF
(INCLUDING PRINCIPAL) OF NAVODAYA VIDYALAYA'S**

**11 MONTHLY / 22 MONTHLY PROBATION / SPECIAL PERFORMANCE
REPORT**

INSTRUCTION READ CAREFULLY

Each officer's ability and fitness in his present occupation or for promotion may be appraised with a reasonable degree of accuracy and uniformity, through this report. The assessment requires the appraisal of an Officer in terms of his **ACTUAL PERFORMANCE**. It is essential therefore that snap judgment be replaced by careful analysis as you are building up administrative leaders of tomorrow.

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1. Disregard your general impression of the officer and concentrate on one factor at a time.
2. Study carefully the implications of each factor.
3. When assessing an officer, call to mind instances that are typical of his work and way of acting. Do not be influenced by UNUSUAL CASES, which are not typical.
4. Make your assessment with the utmost care and thought. **DO NOT ALLOW PERSONAL FEELINGS TO GOVERN YOUR ASSESSMENT.**
5. After you have given your assessment for each factor, please sum up your general views about the officer indicating in it any additional factors particularly those related to his INTEGRITY and ABILITY to correct himself if his faults are pointed out to him.

PART - I

**PERSONAL DATA
(TO BE FILLED BY OFFICE)**

1. Name of Probationer
2. Date of Birth
3. Educational Qualification
4. Date of Appointment as Probationer
5. Date on which the probationary period will be / was completed
6. Details of extensions of probation, if any:
7. Vidyalaya (s) in which employed during the year
8. Period of absence from duty on leave, etc during the year
9. Details of In-service training course / Workshops attended during the period
10. Total experience prior to appointment on probation

M. Teelendra Majumdar

: 23-07-1975

: M.A., B. Ed.

: 15-07-2006

: 15-07-2008

Probation extended for one more year
i.e. to 28-5-2008 (by mistake D.O.S. printed on
28-5-2006 in place of 15-7-2006) as per letter
2-66/2008/NVS (SHR) / PWS/5022 dated 28/2/08
→ JNV, Golaghat (Assam).

EL - 2/4/08 to 15/4/08

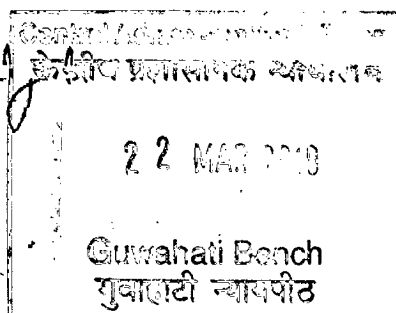
EO.L. - 16/4/08 to 25/4/08 = 10 days on M.

1. Project Shiksha (Computer Training), JNV, Sonitpur

2. "Induction Course" for 21 days of JNV, Tezpur

3. Workshop on Communication skill in English at
MLT, Guwahati.

→ Nil.



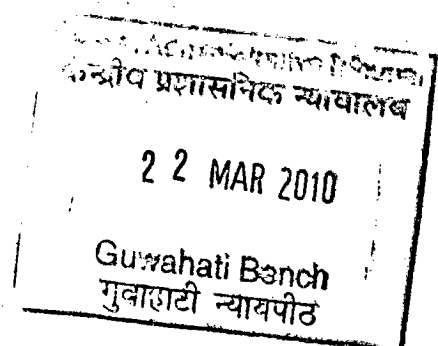
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true - copy.
M. Mahanta
Adm.

Page - 2
PART - II

	Performance Factors	Performance Grade				
		Exceeds Requirements of this Job	Meets fully Requirements of this Job	Just Meet Requirements of this Job	Partially Meets Requirements of this Job	Does Not Require of this
I.	MENTAL CAPACITY					
1.	Efforts made to acquire knowledge relevant to job				✓	
2.	Analytical Ability					✓
3.	Power to Grasp					✓
4.	Spirit of Enquiry					✓
5.	Power of Expression a) Oral b) Written				✓	
6.	Sense of Responsibility				✓	
7.	Ability to participate in discussions and seminars					✓
II.	WORK HABITS AND ATTITUDES					✓
1.	Aptitude				✓	
2.	Interest in work					✓
3.	Promptness					✓
4.	Initiative					✓
5.	Originality					✓
6.	Self Reliance					✓
7.	Manner of performance (whether methodical & Orderly)					✓
8.	Thoroughness					✓
9.	Punctuality					✓
10.	Resourcefulness					✓
III.	STABILITY					✓
1.	Fairness					✓
3.	Dependability					✓
IV.	ABILITY TO GET ALONG					✓
1.	Tact					✓
2.	Dealings with: a) Subordinates b) Fellow-officials c) Superiors d) Public				✓	✓ ✓ ✓ ✓
3.	Ability to inspire others					✓
V.	ABILITY TO MANAGE					✓
1.	Quality of Judgment					✓
2.	Decision-making					✓
3.	Ability to plan & Programme					✓
4.	Direction & Control					✓
5.	Ability to evaluate the work of individuals and projects or schemes					✓
VI.	PHYSICAL FITNESS					
	State of health, Sportsmanship etc					✓

Contd. Page / 3



Page - 3

COMMENTS

General appraisal of the officer's good and bad qualities in narrative form particularly those related to his integrity and ability to correct himself if his faults are pointed out to him.

Decisions if any taken regarding fitness for drawing 1st / 2nd increments (Where applicable)

He is very adamant and not having interest in his duty. For him counselling is a more wasting of time.

(Signature)

Designation: PRINCIPAL

Date: Gawahar Navodaya Vidyalaya
Bilaspur

PART III

REMARKS OF THE DEPARTMENTAL PROMOTION COMMITTEE
(To be filled by the committee when case is referred to it)

RECOMMENDATION WHETHER THE PROBATIONER:

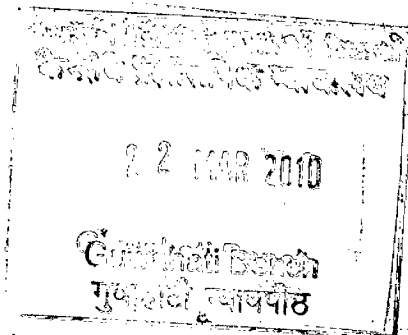
i. Is fit for Retention / Confirmation:

OR

ii. Should be watched for a further period (here list what improvements are required in the probationer and specify the period for which he is to be watched further):

OR

iii. Should be discharged from Government service (here give reasons for recommending this course of action)



(Signature)
24.01.10

(Signature of the Chairman)
Departmental Promotion
Committee

NAVODAYA VIDYALAYA SAMITI : REGIONAL OFFICE : SHILLONG

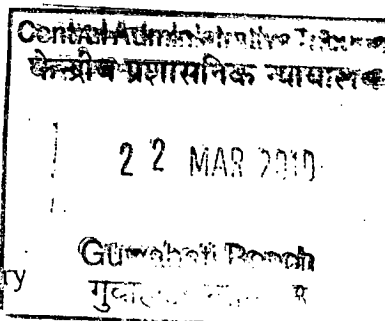
Dated : 24/01/2008.

F. 2-35/2007-NVS(SHR)/Pers./

**MINUTES OF THE DEPARTMENTAL PROMOTIONS COMMITTEE
MEETING HELD ON 24/01/2008.**

A Departmental Promotion Committee consisting of the following members met in the office of the Deputy Commissioner, NVS, RO, Shillong on 24/01/2008 for considering the clearance of probationary period of the following teaching staff/ non-teaching staff of JNVs of Shillong Region are hereby declared successfully completed with effect from the date mentioned against each :-

1. Sh. M.L. Sharma, Deputy Commissioner: Chairman.
2. Sh. K.C. Das, Assistant Commissioner : Member
3. Sh. V.V.Reddy, Assistant Commissioner : Member
4. Sh. A.B. Bhardwaj , Assistant Commissioner : Member Secretary
5. Smt. R.M. Shylla – Principal- JNV – E.Khasi Hills – Member



The DPC considered the total 62 cases of teaching and 22 cases of non-teaching staff. Out of the 84 cases of teaching and non-teaching staff, after careful consideration of SPRs of the below mentioned 66 employees the DPC recommended for clearance of probationary period of two years.

Sl.No.	Designation	No. of employees	Remarks
1	PGT(Phy.)	02	List enclosed
2.	PGT(Maths)	03	List enclosed
3.	PGT (Hist.)	03	List enclosed
4.	PGT(Hindi)	02	List enclosed
5.	PGT(Geo.)	03	List enclosed
6.	PGT(Eng.)	03	List enclosed
7.	PGT(Eco.)	02	List enclosed
8.	PGT(Chem.)	02	List enclosed
9.	PGT(Bio.)	03	List enclosed
10.	TGT(Sc.)	01	List enclosed
11.	TGT(S.St.)	02	List enclosed
12.	TGT(Maths)	04	List enclosed
13.	TGT(Eng.)	08	List enclosed
14.	TGT(Hindi)	01	List enclosed
15.	TGT (Librarian)	02	List enclosed
16.	TGT(PET)	02	List enclosed
17.	TGT(Art.)	02	List enclosed
18.	TGT(Music)	01	List enclosed
	TOTAL	46	

Non-teaching staff

Sl.No.	Designation	No. of employees	Remarks
19.	Office Superintendent	01	List enclosed
20.	Staff Nurse	04	List enclosed
21.	UDC	02	List enclosed
22.	LDC	12	List enclosed
23.	Store Keeper	01	List enclosed
	TOTAL	20	

Checked by
N. M. L. Roy

Further, the DPC after considering the gradings of SPRs of the following 13 employees has recommended to extend the probation period for one more year.

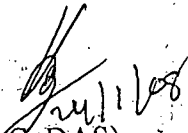
01.	B.P. Singh	PGT(Phy.)	JNV, Lakhimpur
02.	A.K. Roy	PGT(Phy.)	JNV, Morigaon
03.	A.K. Singh	PGT(Maths)	JNV-Lakhimpur
04.	B.K. Tripathi	PGT(Hindi)	JNV-Karbianglong
05.	Dayaram Yadav	PGT(Hist.)	JNV-Thoubal
06.	S.K. Pal	PGT(Hindi)	JNV-Lakhimpur
07.	A. Surjeet Sharma	PGT(Eng.)	JNV-Mao
08.	S. Basumatary	PGT(Chem.)	JNV-Chirang
09.	L.L. Meena	PGT(Bio)	JNV-Sivsagar
10.	M. Majumdar	PGT(Bio.)	JNV-Goalpara
11.	S.K. Tiwari	TGT(Maths)	JNV-Dhalai
12.	Neeta Huiram	TGT(Eng.)	JNV-Thoubal
13.	J. Mudugal	TGT(Eng.)	JNV-Golaghat

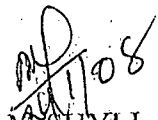
Further, the DPC after careful consideration of their gradings and performances as reported by their superiors, the DPC recommended for termination of services in respect of the below mentioned 04 nos. of employees.

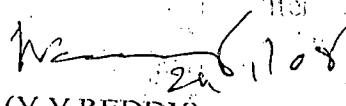
SNo.	Name of employee	Designation	JNV	Remarks
01	Shri Nitul Roy	Cat. Asstt.	Serchip	
02	Shri Hemraj	PGT(Hist.)	E. Garo Hills	
03	Shri Neeraj Kumar	PGT(Geo)	Dhemaji	
04	Ms. S. Sultana	TGT(Eng.)	S. Tripura	

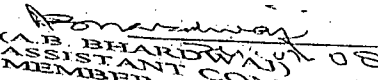
Further, the DPC on careful consideration of SPRs has recommended for the demotion of Shri J.C. Konwar, Office Superintendent JNV Kokrajhar to the post of UDC.

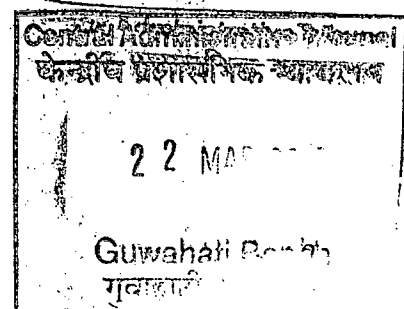
The meeting concluded with vote of thanks to the chair.


(K.C. DAS)
ASSISTANT COMMISSIONER
MEMBER


(R.M. SHYLLA)
PRINCIPAL
MEMBER


(V.V. REDDY)
ASSISTANT COMMISSIONER
MEMBER


(A.B. BHARDWAJ)
ASSISTANT COMMISSIONER
MEMBER SECRETARY



NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE, SHILLONG
TEMPLE ROAD, BARIK POINT,
LACHUMIERE, SHILLONG - 793001
(Ministry of Human Resource and
Development, Deptt. of Education,
Govt. of India)
Tel : 0364-2500331 Fax-2500335
E-mail nvsamit@nvschools.in
nvschools@nvschools.in
Website : www.nvsoshillong.gov.in

F.2-66/2008/NVS(SHR)/Pers/

Date: 28.02.2008

OFFICE ORDER

Consequent upon the recommendation of the Departmental Promotion Committee, held on 24/01/08, the probation period of the following teaching staff of JNVs of Shillong Region is hereby extended for one more year w.e.f. the date as mentioned against there names.

Sl.No	Name of the probationers	JNV where working	Designation	Date of joining in Samiti	Date of completion of
1	B.P.singh	Lakhimpur	PGT(Phy)	27/5/2006	27/5/2008
2	A.K.Roy	Morigaon	PGT(Phy)	25/6/2006	25/6/2008
3	A.K.Singh	Lakhimpur	PGT(Math)	25/5/2006	25/5/2008
4	B.K.Tripathi	Karbi Anglong	PGT(Hindi)	21/5/2006	21/5/2008
5	Dayaram Yadav	Thoubal	PGT(Hist)	3/6/2006	3/6/2008
6	S.K.Pal	Lakhimpur	PGT(Hindi)	27/5/2006	27/5/2008
7	A.Surjeet Sharma	Senapati	PGT(Eng)	29/5/2006	29/5/2008
8	S.Basumarary	Chirang	PGT(Chem)	25/7/2006	27/7/2008
9	L.L.Meena	Sivasagar	PGT(Bio)	29/6/2005	29/6/2007
10	M.Majumdar	Goalpara	PGT(Bio)	16/6/2006	16/6/2008
11	S.K.Tiwari	Dhalai	TGT(Math)	27/5/2006	27/5/2008
12	Necta Huiram	Thoubal	TGT(Eng)	23/6/2006	23/6/2008
13	J.Mudgual	Golaghat	TGT(Eng)	28/5/2006	28/5/2008

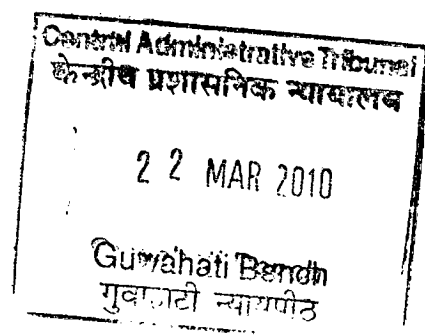
(M.L.SHARMA) 28/2/08
DEPUTY COMMISSIONER

Copy to:

1. The individual concerned.
2. All Principal concerned with request to record the entry in the Service-Book. In case the individual concerned have gone on Inter-Regional Transfer the copy of the order may be sent to the respective JNVs.
3. Personal File.

DEPUTY COMMISSIONER
28.2.08

Copy to be
for copy.
M. M. S.
Adl





-20-

- 42 -

ANNEXURE-6

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE, SHILLONG
TEMPLE ROAD, BARIK POINT,
LACHUMIERE, SHILLONG -
793001

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

Tel : 0364-2500331/ 2500332/2500335

E-mail navsam@sancharnet.in

nvsroshillong@rediffmail.com

Website : www.nvsroshillong.gov.in

MINUTES OF DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 10.09.09

A duly constituted DPC consisting of the following members met in the office of the Deputy Commissioner, NVS, RO, Shillong on 10.09.09 at 11 a.m. for the consideration of declaration of probation period, long absentee cases and for the promotion of LDC/Storekeeper to the post of UDC.

1. Sh. D. Hazarika, Deputy Commissioner, NVS, RO, Shillong.
2. Sh. K.C. Das, Assistant Commissioner, NVS, RO, Shillong.
3. Sh. A.B. Bhardwaj, Assistant Commissioner, NVS, RO, Shillong.
4. Sh. V.V. Reddy, Assistant Commissioner, NVS, RO, Shillong.
5. Sh. G. Arumugam, Assistant Commissioner, NVS, RO, Shillong.
6. Ms W. Tariang, Ex Asst. Commissioner, NVS, RO, Shillong.
7. Prof. Mahapatra, NEHU, Shillong

Chairman
Member
Member
Member
Member
Member
Member

I. Declaration of Probation period in respect of Staff of JNV:

DPC considered 74 cases for the declaration of probation period on the basis of ACR/SPR grading for the last 3 consecutive years.

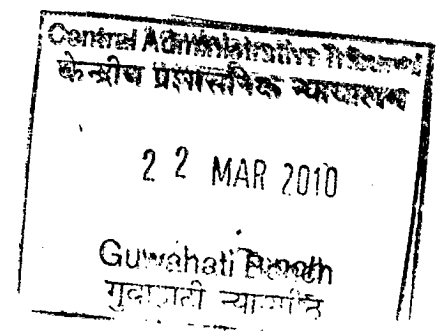
After careful verification and thorough examination of individual cases, DPC recommended to declare the probation period of 63 employees as per the details enclosed in Annexure - A. Recommendation of DPC is mentioned against the names of each employee.

Probation declaration in respect of Sh. Pravesh Kumar, PGT (Commerce), JNV Lohit was not considered, as he has already resigned from NVS.

By considering the gradings of ACRs/SPRs in respect of the following staff, the DPC recommended to extend the probation period for 6 months after which the cases will be reviewed by an expert committee. Recommendation of DPC is mentioned against the names of each employee in Annexure A.

Sl.No.	Name	Designation	JNV
1.	S. Basumatary	PGT (Chem)	Chirang
2.	Honthingla Khayi	PGT (Bio)	Kohima (Transferred to JNV, C.C. Pur)
3.	Pranab Pathak	PGT (Chem)	Sivasagar (Presently attached at JNV, W. Siang)
4.	Kuldeep Jindal	PGT (Hindi)	Tuensang
5.	A.K. Roy	PGT (Phy)	Morigaon
6.	S.K. Tiwari	TGT (Maths)	Dhalai

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from - copy.
M. Mahajan
Adm

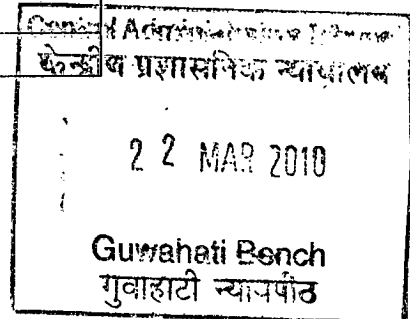


-21-

considering the grading of ACR/SPR in respect of Shri. G. Talukdar, PGT (Physics), NV, Jorhat, Assam, the DPC recommended to extend the probation period for one more year.

The Committee recommended the termination of the following employees because of their poor performances during the probation period.

Sl.No.	Name	Designation	JNV
1.	Anita Kumari	TGT (Music)	Lwangtlai
2.	J. Talapatra	PET	Tirap
3.	J. Mudgual	TGT (Eng)	Golaghat



II. Long absentee cases

The following cases have been considered for discussion

1. Mrs. Jayaprasanna E. , TGT (Social Science), JNV, Tinsukia
2. Sh. L. Jiten Singh, PGT (Biology), JNV, Phek

1. Mrs. Jayaprasanna, TGT (Social Science) did not report to JNV Tinsukia after summer vacation i.e. w.e.f. 29.05.07. Final notice was also issued to report for duty within 15 days time vide letter No. 2-7/PF/JPE/TGT(S.St)/2002/NVS(SHR)/2245 dated 10.07.09. Though the letter under reference was received by the individual, Mrs. Jayaprasanna E. , TGT (Social Science), JNV Tinsukia, did not report for duty. Hence, the Committee recommended to terminate the services of Mrs. Jayaprasanna E. with immediate effect.
2. Sh. L. Jiten Singh, PGT (Biology) had left the campus on 23.07.07 without permission and even after issuing final notice on 16.07.09 to join immediately Sh. L. Jiten Singh did not comply the order. Hence, DPC recommended to terminate the services of Sh. L. Jiten Singh with immediate effect.

III. Promotion of LDC/Storekeeper

As per NVS Recruitment Rules, 50% of the posts of UDC are reserved for promotion for which minimum service as LDC/Storekeeper required is 8 years. The total no. of vacancies of UDC to be filled through promotion is 03 (three). In total, 10 LDC/Storekeeper are eligible for promotion. The recommendations of DPC are enclosed in Annexure - C. In case, the first three eligible candidates do not accept the offer of promotion, next eligible candidate may be considered for promotion in his/her place.

IV. Probation declaration in respect of staff of Regional Office.

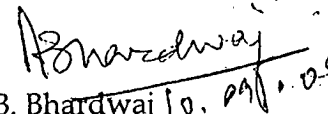
DPC considered the following cases for the clearance of probation period on the basis of ACR/SPR grading for the last 2 consecutive years.

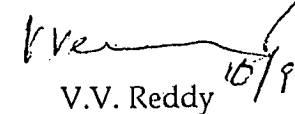
1. Sh. Kennedy Pdah, LDC
2. Smt. Buhphanglin N. Kharpuri, LDC
3. Sh. Pynshngainlang Lyngdoh Mawnai, Chowkidar

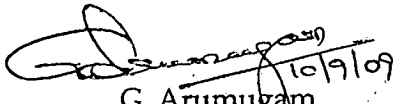
After careful verification and thorough examination of individual cases, DPC recommended to clear the probation of all the above employees as per the details enclosed in Annexure - B. Recommendation of DPC is mentioned against the names of each employee.

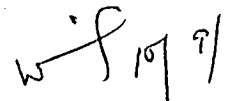
The meeting concluded with vote of thanks to the Chair.

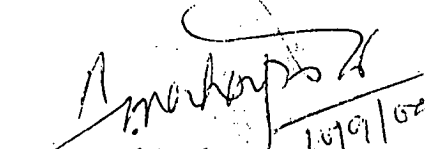

K.C. Das
Asst. Commissioner
Member


A.B. Bhardwaj
Asst. Commissioner
Member


V.V. Reddy
Asst. Commissioner
Member


G. Arumugam
Asst. Commissioner
Member


W. Tariang
Ex-Asst. Commissioner
Member


Prof. Mahapatra
NEHU, Shillong
Member


D. Hazarika
Deputy Commissioner
Chairman

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
22 MAR 2010
Guwahati Bench
गुवाहाटी न्यायालय

22 MAR 2010
Guwahati Bench
মুখ্য ন্যায়দীপ

ANNEXURE - A

NAVODAYA VIDYALAYA SAMITI : REGIONAL OFFICE : SHILLONG
Details of staff for the consideration of clearance of probation period

Sl. No.	Name of Employee	Designation	JNV	Date of joining	Probationary Extension	ACR			Vigilance Case Pending	Integrity	Remarks	Recommendation of DPC
						2006-07	2007-08	2008-09				
1	K.C. Baishya	PGT (Eng)	Cachar	29.06.06	28.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
2	Rakesh Uprit	TGT (Eng)	Cachar	05.06.06	04.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
3	R.R. Devi	TGT (Hin)	Cachar	23.06.06	22.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
4	Rabin Ch. Kumar	TGT (Maths)	Cachar	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
5	Sanjeev Tiwari	Librarian	Champai	31.07.06	30.07.09	Average	Average	Good	No	Beyond Doubt		Recommendation
6	Ch. Ranjan Borah	PGT (Maths)	Changlang	05.08.06	04.08.09	Good	Average	Good	No	Beyond Doubt		Recommendation
7	S. Basumatary	PGT (Chem)	Chirang	25.07.06	24.07.09	Average	Below Average	Average	No	Beyond Doubt		Recommendation
8	L.S. Meena	Art	E.Garo Hills	20.10.05	19.10.08	Good	Average	Average	No	Beyond Doubt	2005-06 - Satisfactory	Recommendation
9	R. Basant Singh	Music	E.Garo Hills	14.07.06	13.07.09	Average	Average	Good	No	Beyond Doubt		Recommendation
10	S. Nagamani	TGT (Sc.)	E. Kameng	01.12.06	30.11.09	Average	Average	Good	No	Beyond Doubt		Recommendation
11	J.M. Boruah	TGT (Hin)	E. Khasi Hills	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
12	Ajit Kumar Jha	TGT (Sc.)	E. Khasi Hills	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
13	Md. Chand Alam	TGT (Maths)	E. Siang	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
14	Uttam Dey	PGT (Com)	Hailakandi	24.08.06	23.08.09	Average	Average	Good	No	Beyond Doubt		Recommendation
15	Panchali Roy	PGT (Eco)	Hailakandi	21.07.06	20.07.09	Average	Average	Good	No	Beyond Doubt		Recommendation
16	Amal Ch. S. Das	TGT (Maths)	Hailakandi	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
17	B.P. Sharma	PGT (Eco)	Jaintia Hills	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
18	M. Boruah	PGT (Chem)	Jorhat	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
19	G. Talukdar	PGT (Phy)	Jorhat	27.05.06	26.05.09	Good	Average	Good	Yes	Beyond Doubt	Enquiry under Rule 14 is pending	Recommendation
20	Hem Chandra	TGT (Hin)	Jorhat	18.06.06	17.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
21	P. Singh	PET	Karbianglong	03.06.06	02.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
22	Harish Kalita	PGT (Eng)	Karimganj	27.07.06	26.07.09	Good	Average	Good	No	Beyond Doubt		Recommendation
23	Th. Aruna Devi	PGT (Chem)	Karimganj	31.07.06	30.07.09	Good	Average	Good	No	Beyond Doubt		Recommendation
24	R.K. Singh	TGT (Eng)	Karimganj	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation

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K.C.D.B.

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(W. Training)

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Sl. No.	Name of Employee	Designation	JNV	Date of joining	Probationary Extension	ACR			Vigilance Case Pending	Integrity	Remarks	Recommendation of DPC
						2006-07	2007-08	2008-09				
25	H.M. Gaukwad	TGT (Maths)	Karimganj	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt	22 MAR 2010	
26	Honthingla Khayi	PGT (Bio)	Kohima	27.05.06	26.05.09	Below Average	Below Average	Average	No	Beyond Doubt	Guwahati Bench	Recommendation
27	Anamika Shome	TGT (Hin)	L.D. Valley	15.07.06	14.07.09	Good	Average	Good	No	Beyond Doubt	गुवाहाटी न्यायपीठ	Recommendation
28	Dheerap Kr. Sharma	TGT (Maths)	L.D. Valley	30.06.06	29.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
29	R.K. Bhattacharjee	TGT (S.St)	L.D. Valley	29.05.06	28.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
30	M. Romesh Singh	TGT (Sc.)	L.D. Valley	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
31	Biswadip Nandi	Art	L.D. Valley	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
32	Depanjali Chetia	III Land	L.D. Valley	12.06.06	11.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
33	Pradeep Kr. Singh	PET	Lohit	19.07.06	18.07.09	Average	Average	Good	No	Beyond Doubt		Recommendation
34	Anita Kumari	Music	Lwangl'ai	05.06.06	04.06.09	Average	Average	Average	No	Beyond Doubt		Recommendation
35	Sanjay Kr. Choude	TGT (S.St)	Mon	22.06.06	21.06.09	Good	Average	V. Good	No	Beyond Doubt		Recommendation
36	R. Das	Art	Ri-Bhoi	15.07.06	14.07.09	Good	Average	Good	No	Beyond Doubt		Recommendation
37	S.N. Pazare	PGT (Chem)	S. Tripura	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
38	Juli Chakraborty	III Land	S. Tripura	14.06.06	13.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
39	S. Shanti Devi	TGT (Hin)	Senapati	01.11.06	31.10.09	Good	Average	Good	No	Beyond Doubt		Recommendation
40	Deepika Devi	TGT (Maths)	Senapati	26.06.06	25.06.09	Good	Average	Good	No	Beyond Doubt		Recommendation
41	Ch. Nonibala Devi	III Land	Senapati	12.06.06	11.06.09	V. Good	Average	Good	No	Beyond Doubt		Recommendation
42	Bidvut Goswami	PGT (Maths)	Sivasagar	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
43	Pranab Pathak	PGT (Chem)	Sivasagar	27.05.06	26.05.09	Good	Average	Average	Censured	Beyond Doubt		Recommendation
44	Ch. Ranibala Devi	PGT (Eng)	Tamenglong	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
45	B.L. Choudhary	PGT (Com)	Tinsukia	10.06.06	9.06.09	Average	Average	Good	No	Beyond Doubt		Recommendation
46	Kameshwar Prasad	TGT (Eng)	Tinsukia	31.07.06	30.07.09	Good	Average	Good	No	Beyond Doubt		Recommendation
47	Deepankar Sarkar	TGT (Sc.)	Tinsukia	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
48	S.K. Srivastava	PGT (Eng)	Tirap	29.03.06	28.03.09	Average	Average	Good	No	Beyond Doubt		Recommendation
49	Beri Prasad	PGT (Hindi)	Tirap	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
50	J. Talapatra	PET	Tirap	20.06.06	19.06.09	Average	Average	Average	No	Beyond Doubt		Recommendation
51	P.K. Mishra	TGT (S.St)	Tirap	27.05.06	26.05.09	Good	Average	Good	No	Beyond Doubt		Recommendation
52	Kuldeep Jindal	PGT (Hindi)	Tuensang	28.05.06	27.05.09	Good	Average	Average	No	Beyond Doubt		Recommendation
53	Raj Kumar Ram	TGT (S.St)	Tuensang	27.05.06	26.05.09	Average	Average	Good	No	Beyond Doubt		Recommendation
54	Kishore Kumar Das	Music	U. Subansiri	15.07.06	14.07.09	Average	Average	Good	No	Beyond Doubt		Recommendation

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 G. Dhanraj
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 (K.C.D.B.)
 W. F. 10/9/19
 (W. Tanang)
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NAVODAYA VIDSYALAYA SAMITI : REGIONAL OFFICE : SHILLONG
Details of teachers who are long absentees

Sl. No.	Name of Teacher	Designation	JNV	DOJ in NVS	Date of absent	Details of Notice(s) issued	Present Status	Remarks	Recommendation of DPC
1	Sh. L. Jiten Singh	PGT (Bio)	Phek	10.07.07	23.07.07	Letter No.2-44/2001/NVS(SHR)/Pers/3315 dated 11.10.07 Letter No.2-7/JPE/PGT(Bio)/PF/NVS(SHR)/Pers/2338 dated 16.07.09	Not joined till date as per email received from JNV, Phek		Termination recommendation
2	Mrs. Jayaprasanna E.	TGT (S. Science)	Tinsukia	01.11.02	29.05.07	Letter No.2-7/PF/JPE/TGT(S.St)/2002/NVS(SHR)/4032 dated 19.12.07 Letter No.1-26/PF/JNVTSK/2008/1037 dated 25.08.08 Letter No. 2-7/PF/JPE/TGT(S.St)/2002/NVS(SHR)/2245 dated 10.07.09	Not joined till date as per email received from JNV, Tinsukia	Transfer order is received from NVS, HQ vide Letter No.2-1/2009-NVS(Estt.)/793 dated 07.08.09 to JNV, U. Kannada, Karnataka	Termination recommendation due to misconduct & loss to students due to continuing inactivity in class.

V. K. 10/9

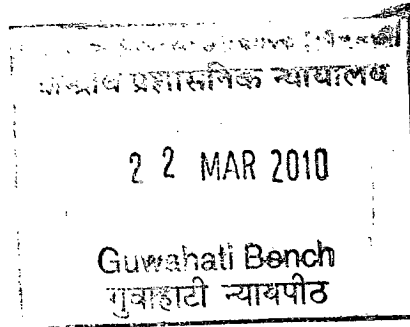
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NAVODAYA VIDYALAYA SAMITI : REGIONAL OFFICE : SHILLONG
DETAILS OF QUALIFIED LDC / STOREKEEPER FOR PROMOTION AS UDC

SL. No.	Name of employee	Designation	Category (Gen/SC/ST/OBC)	JNV Name	Date of joining in NVS	Education qualification	ACR Grading					Vigilance Case Pending or Not	Integrity	Recommendation of DPC
							2004-05	2005-06	2006-07	2007-08	2008-09			
1	D. Chakravorty	LDC	Gen	Cachar	12-Aug-96	B.Sc	Good	Good	Good	Good	Good	No	Beyond Doubt	Recommended for Promotion
2	M. Borah	LDC	OBC	Chirang	16-Aug-96	BA	Good	Average	Below Average	Average	Good	Awarded penalty	Beyond Doubt	Not fit
3	Debabrata Roy	LDC	Gen	Nalbari	19-Aug-96	B.Com	Very Good	Good	Good	Good	Good	No	Beyond Doubt	Recommended for Promotion
4	A. Ashikho	LDC	ST	Senapati	09-Jun-97	BA	Good	Good	Good	Very Good	Good	No	Beyond Doubt	Recommended for Promotion
5	Th. Preila Monsang	LDC	ST	Chandel	10-Mar-99	BA	Good	Good	Good	Good	Good	No	Beyond Doubt	Recommended for Promotion
6	B. Kalita	LDC	Gen	Goalpara	27-Sep-99	BA	Very Good	Good	Good	Good	Good	No	Beyond Doubt	Recommended for Promotion
7	Ch. Dijen Singh	LDC	OBC	Imphal West	09-Feb-01	PU Sc.	Good	Good	Good	Good	Good	No	Beyond Doubt	Recommended for Promotion
8	H. Dori Monsang	Store-Keeper	ST	Chandel	15-Feb-01	BA	Very Good	Good	Good	Good	Very Good	No	Beyond Doubt	
9	Kashung Rinchuila	LDC	ST	Jaintia Hills	21-Feb-01	BA	Good	Very Good	Very Good	Good	Good	No	Beyond Doubt	
10	W. Ingolomba S.	Store-Keeper	OBC	Imphal West	10-Jun-01	B.Sc.	Very Good	Good	Good	Good	Good	No	Beyond Doubt	

Shillong
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Bench

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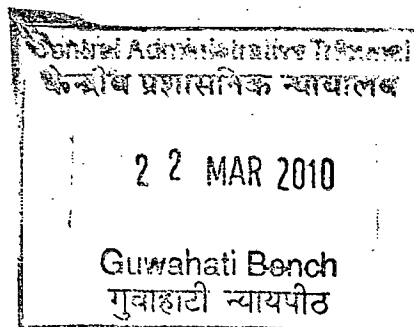
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ANNEXURE- B.

NAVODAYA VIDYALAYA SAMITI :: REGIONAL OFFICE :: SHILLONG.

Declaration of Probation Period.

Sl. No	Name of Employee	Designation	D.O.J	Date of completion of probation	ACRs		SPRs		Vigilance Case Pending	Integrity	Remarks	Recommendations of the DPC
					2007-08	2008-09	11 mts	22 mts				
1.	Sh. Kennedy Pdah	LDC	06.03.07	05.03.09	Very Good	Very Good	Very Good	Very Good	Nil	No doubt	Yes	Recommend
2	Smt. Bulphangli n Kharpuri	LDC	09.03.07	08.03.09	Very Good	Very Good	Very Good	Very Good	Nil	No doubt	Yes	Recommend
3	Sh. Denshngain lang Lyngdoh Mawnai	Chowkidar	31.05.07	30.05.09			Very Good	Very Good	Nil	No doubt	Yes	Recommend



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(W. Tarig)

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ASSESSMENT REPORT ON PROBATIONARY TEACHING STAFF
(INCLUDING PRINCIPAL) OF NAVODAYA VIDYALAYA'S

33 MONTHLY / 22 MONTHLY PROBATION / SPECIAL PERFORMANCE
REPORT

INSTRUCTION READ CAREFULLY

Each officer's ability and fitness in his present occupation or for promotion may be appraised with a reasonable degree of accuracy and uniformity, through this report. The assessment requires the appraisal of an Officer in terms of his ACTUAL PERFORMANCE. It is essential therefore that snap judgment be replaced by careful analysis as you are building up administrative leaders of tomorrow.

Please follow these instructions carefully: -

1. Disregard your general impression of the officer and concentrate on one factor at a time.
2. Study carefully the implications of each factor.
3. When assessing an officer, call to mind instances that are typical of his work and way of acting. Do not be influenced by UNUSUAL CASES, which are not typical.
4. Make your assessment with the utmost care and thought. DO NOT ALLOW PERSONAL FEELINGS TO GOVERN YOUR ASSESSMENT.
5. After you have given your assessment for each factor, please sum up your general views about the officer indicating in it any additional factors particularly those related to his INTEGRITY and ABILITY to correct himself if his faults are pointed out to him.

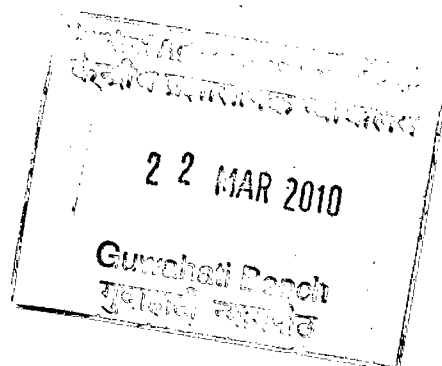
PART - I

PERSONAL DATA

(TO BE FILLED BY OFFICE)

1. Name of Probationer : Mr. Jeetendra Mudgal, TGT (UG)
2. Date of Birth : 23-07-1975
3. Educational Qualification : M.A., B.Ed.
4. Date of Appointment as Probationer : 15-07-2006
5. Date on which the probationary period will be / was completed : 15-07-2009
6. Details of extensions of probation, if any: Probation Extended for one year w.e.f. 28-5-2008 as per letter No. 2-66/2008/NVS (SHR)/Pers/5022 dt (By mistake D.O. printed 28-5-06 in place of 28-5-08) 28/2/08
7. Vidyalaya (s) in which employed during the year : J.N.V., Golaghat (Assam)
8. Period of absence from duty on leave, etc during the year : 28-5-09 (EL)
9. Details of In-service training course / Workshops attended during the period : 1. "Project Shiksha" (Computer Training), JNV, Sonitpur
2. "Induction Course" for 21 days at JNV, Jaintia Hill
3. Workshop on communication skill in English at HLI Goal.
10. Total experience prior to appointment on probation : Nil.

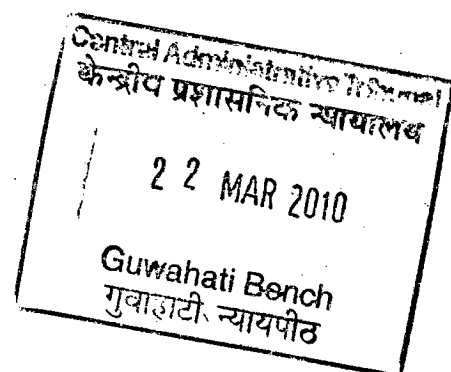
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Confidential to be
true copy.
M. Mahanta.
Adm.

	Performance Factors	Performance Grade				
		Exceeds Requirements of this Job	Meets fully Requirements of this Job	Just Meet Requirements of this Job	Partially Meets Requirements of this Job	Does not Meet Requirements of this Job
I.	MENTAL CAPACITY					
1.	Efforts made to acquire knowledge relevant to job				✓	
2.	Analytical Ability				✓	
3.	Power to Grasp				✓	
4.	Spirit of Enquiry				✓	
5.	Power of Expression a) Oral b) Written			✓ ✓		
6.	Sense of Responsibility					✓
7.	Ability to participate in discussions and seminars					✓
II.	WORK HABITS AND ATTITUDES					
1	Aptitude					✓
2	Interest in work					✓
3	Promptness					✓
4	Initiative					✓
5	Originality					✓
6	Self Reliance					✓
7	Manner of performance (whether methodical & Orderly)					✓
8	Thoroughness					✓
9	Punctuality					✓
10	Resourcefulness					✓
III	STABILITY					
1	Poise				✓	
2	Fairness				✓	
3	Dependability					✓
IV	ABILITY TO GET ALONG					
1	Tact					✓
2	Dealings with: a) Subordinates b) Fellow-officials c) Superiors d) Public				✓ ✓	✓ ✓ ✓ ✓
3	Ability to inspire others					✓
V	ABILITY TO MANAGE					
1	Quality of Judgment				✓	
2	Decision-making				✓	
3	Ability to plan & Programme				✓	
4	Direction & Control				✓	
5	Ability to evaluate the work of individuals and projects or schemes				✓	
VI	PHYSICAL FITNESS					
	State of health, Sportsmanship etc				✓	

Contd. Page / 3



COMMENTS

General appraisal of the officer's had qualities in narrative form particularly those related to his integrity and ability to correct himself if his faults are pointed out to him.

Decisions if any taken regarding fitness for drawing 1st / 2nd increments (Where applicable)

He is very adamant and not having interest in his duty. For him counselling is a more wasting of time.

(Signature)

Designation: _____

Date: _____

PART III

REMARKS OF THE DEPARTMENTAL PROMOTION COMMITTEE

(To be filled by the committee when case is referred to it)

RECOMMENDATION WHETHER THE PROBATIONER:

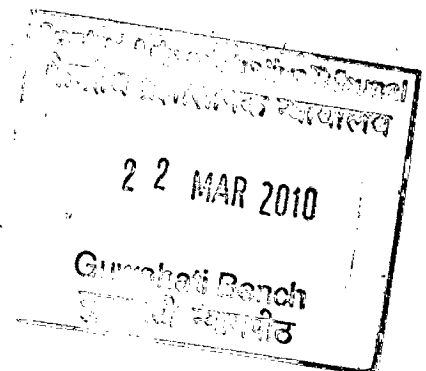
i. Is fit for Retention / Confirmation:

OR

ii. Should be watched for a further period (here list what improvements are required in the probationer and specify the period for which he is to be watched further):

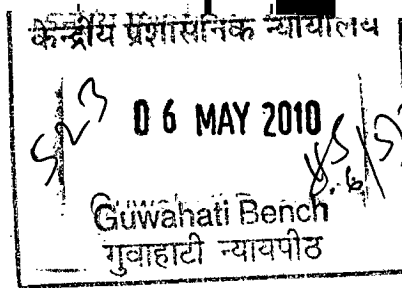
OR

iii. Should be discharged from Government service (here give reasons for recommending this course of action)



(Signature of the Chairman)
Departmental Promotion
Committee

-55-



Filed by
Jitendra Mudgal
through
Kumar Manoj Kumar
Advocate
15/5/2010

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

In the matter of :

Original Application No.238/2009

Jitendra Mudgal

..... Applicant.

-Vs-

The Union of India and Ors.

..... Respondents.

-And-

In the matter of :

A Rejoinder filed by the applicant.

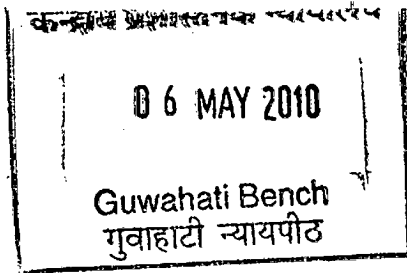
Received Copy
Madhurya Mahanta
Advocate
06/05/2010.

REJOINDER

I, Sri Jitendra Mudgal, aged about 35 years, son of Late Rajendra Prasad Mudgal, resident of 16 Biswa Sakha Colony, Khargone (West Nimar), Madhya Pradesh do hereby state as follows :

1. That I am the applicant in the instant original application and as such I am well acquainted with the facts and circumstances of the case.
2. That I have gone through the written statement filed by the respondent No.2, 3, 4 and 5 understood the contents thereof.
3. That save and except what has been specifically admitted herein, all other averments and submissions made in the written statement shall be deemed to have been denied by the applicant and the applicant does not admit anything which is contrary to and inconsistent with the record of the case.

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4. That the statements made in paragraphs 3(i) and 3(ii) of the written statement deal with the appointment of the applicant and as such he has no comment in this regard. The applicant stoutly denies the averment made in paragraph 3(iii) of the written statement where it is stated that since his appointment his service was not satisfactory and he was not performing his duties sincerely. In fact the applicant had been discharging his duties sincerely since his date of joining till 21-10-2009 on which date he was relieved from his service. The sincerity of the applicant was also appreciated by the school authority. He was the class teacher and house master. He performed escorting duties. He was also a member of the staff welfare committee. No objection whatsoever, was raised by the school authority at any point of time.

5. That as regard the statement made in paragraph 3(iv) of the written statement the applicant begs to state that he was never informed by the respondents that the meeting of the Departmental Promotion Committee held that his probation period was extended for one more year only to give him a chance to improve his performance. In fact, his probation period was simply extended for one more year which is clear from Annexure-4 of their written statement. As such, the contention raised by the respondents in paragraph 3(iv) of their written statement is not based on any record.

6. That as regards the statement made in paragraph 6 of the written statement the applicant reiterates his stand made in paragraph 6.5 of his original application.

7. That the statement made in paragraph 7 of the written statement is stoutly denied by the applicant and in this respect he reiterates the contention taken by him in paragraph 6.6 of his original application. Apart from it the applicant begs to state that the respondent Samiti has imposed some preconditions upon the persons appointed in respondent's school as probationer which is bad in law as there is no scope for negotiation for the probationer on the issue of their termination.

06 MAY 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

J. S. Indgale

8. That with respect to the statement made in paragraph 8 of the written statement the applicant begs to state that he had been discharging his duty with utmost sincerity since his date of joining. Even then the then Principal of the Jawahar Navodaya Vidyalaya, Golaghat issued an Explanatory Note to him with a purely vindictive manner, in response whereof he submitted his reply.

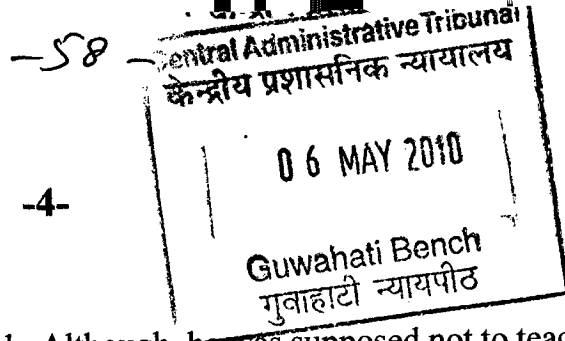
9. That the applicant stoutly denies the statement made in paragraph 8(1) of the written statement. In this regard the applicant begs to state that in the academic session 2006-2007, no teacher of Jawahar Navodaya Vidyalaya, Golaghat was maintaining the lesson plan and as a result, no one could submit the same in that academic year. It is to be mentioned here that along with his other colleagues, the applicant also maintained a daily diary. He submitted his daily diary before the Principal regularly which was countersigned by the Principal. Normally, the teachers keep the diary in their own custody. The applicant also kept this diary in his custody, but, unfortunately, the same has been destroyed by termite in his quarter within the school premises during the summer vacation in the month of April-May, 2009. It is known to all including the Principal of the School and the senior most teacher.

10. That with regard to the statement made in paragraph 8(2) of the written statement the applicant begs to state that he submitted annual plan, lesson plan, teacher's diary etc. in the academic session 2007-2008 after 05-07-2007.

11. That with respect to the statement made in paragraph 8(3) of the written statement the applicant begs to state that he submitted the students note book as asked by the Principal a bit late i.e. after 05-07-2007.

12. That the applicant denies the averments made in paragraph 8(4) of the written statement. He taught English always in English. It is pertinent to mention here that some time he explained in Hindi only for convenience of the students as some of the students coming from vernacular medium could not

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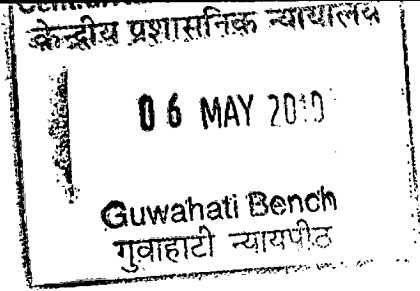
follow something properly in English. Although, he was supposed not to teach other than in English, but, he did it in greater interest of students.

13. That the applicant denies the averments made in paragraph 8(5) of the written statement . Academic session of Jawahar Navodaya Vidyalaya starts from the month of April/May. But the applicant joined in service on 15-07-2006. As a result, he could not complete the whole syllabus for 2006-2007 in due time. But he completed the same much prior to the Board Examination. The respondents have brought a concocted allegation that due to non-completion of applicant's syllabus in scheduled time in the year 2006-2007 one girl student failed in applicant's subject in CBSE Board Examination. This allegation is not based on any logic. Because, apart from her every student performed well in his subject. This fortifies his efficiency.

The applicant denies the statement made by the respondents about his performance reflected in the 11th and 22nd monthly assessment report. These reports were made after elapse of a long period from the scheduled time. Hence, it is clear that all these reports are nothing but after thought of the respondents so as to convict the applicant for no fault on his part. The applicant humbly begs to state that neither in the minutes of the DPC nor in the office order dated 28-02-2008 it is mentioned that applicant's probation period has been extended for one more year only to give him a chance to improve his performance. Hence, the falsity of the statement made in last part of paragraph 8 of the written statement is fortified by these two documents.

14. That with respect to the statement made in paragraph 10 and 11 of the written statement the applicant begs to state that the monthly assessment reports are not prepared by the authority after proper verification of performance. It can be assumed from the reports that these are stereo type reports only. All these are the result of biasness only to convict the applicant. All these are the result of respondents' vindictive motive. This vindictive

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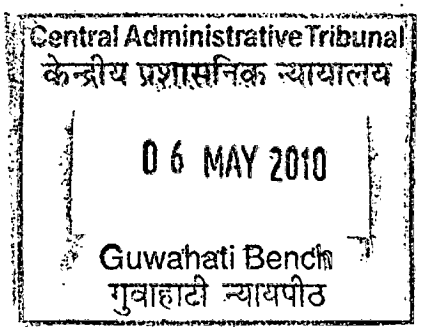


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motive is clearly reflected in the Annexure-A annexed with Annexure-6 of the written statement. Here applicant's performance is shown as good in 2006-2007, Average in 2007-2008 and Bellow Average in 2008-2009. Normally, performance of a teacher gradually improves. But, in SPR/ACR applicant's performance has been shown as gradually declining. This fact has established the motive of the respondents to punish the applicant. Apart from it, the respondents have not followed the provisions of Central Civil Service (Temporary Service) Rules, 1965 while terminating the applicant.

15. That with respect to the submission made in paragraph 12 of the written statement the applicant begs to state that the respondents have misconceived the fact as well as legal provisions relating to termination of an employee.

16. That with respect to submission made in paragraph 14 and 16 of the written statement the applicant begs to submit that he is entitled to the relief sought for in the present original application.



VERIFICATION

I, Sri Jitendra Mudgal, son of Late Rajendra Prasad Mudgal, aged about 35 years, resident of 16 Bishwa Sakha Colony, Khargone (West Nimar), Madhya Pradesh do hereby state that I am the applicant of this case and am well acquainted with the facts and circumstances of this case. The statements made in paragraphs 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 and 14 are true to my knowledge and belief and those made in paragraphs 7 and 13 are true to my information derived from records which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 6th day of MAY, 2010 at Guwahati.

Jitendra Mudgal