GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION: VIGILANCE BRANCH
OLD SECRETARIAT, DELHI – 110054

No. DE.7/739/Vig(HQ)/TGT/C&ND/12/ Dated: -

ORDER

Whereas, Smt. Gayatri Sharma, TGT (N.Sc.) was charge sheeted u/r 14 of CCS (CCA) Rules vide Memorandum No. F.DE(51)/DDE/C&ND/Vig/07/1171 dated 27.06.2007 on the following articles of charge –

"ARTICLE-I

Smt. Gayatri Sharma, TGT (N.Sc.) while working in G.Co-ed Middle School, Firozshah Kotla, New Delhi was found indulged in gross irregularities by a team of Inspecting Officers on 23.05.2007 for preparation of bogus result.

ARTICLE-II

Smt. Gayatri Sharma, TGT (N.Sc.) while working in G.Co-ed Middle School, Firozshah Kotla, New Delhi, as class teacher of VI class has also not provided marks of all exam and result was prepared without following proper guidelines."

And whereas, the charge sheet was served upon Smt. Gayatri Sharma, TGT (N.Sc.) through Head of the School against which the CO filed her reply dated 06/07/2007 denying the charges leveled against her. Subsequently, Ms. Rani Devi, Vice Principal, GGSSS, Zeenat Mahal, Delhi and Sh. Anshu Kakar, UDC, GGSSS, Zeenat Mahal, Delhi were appointed as Inquiry Officer and Presenting Officer, respectively. The Inquiry Officer submitted her inquiry report dated 04/11/2008 concluding the charges as partially proved. As some discrepancies were observed, the inquiry report was remitted back vide order dated 29.03.2012 for conducting de-novo inquiry from the stage of general examination of the Charged Official under rule 14(18) of CCS (CCA) Rules, 1965. The Inquiry Officer resubmitted the inquiry report dated 11.06.2012 after removing the discrepancies, concluding that both the articles of charge are proved.
And whereas, the inquiry report was served upon the CO vide memorandum dated 06.11.2012. A representation dated 08.01.2013 on the inquiry report has been received from the CO. In her representation the CO has broadly mentioned that IO has not appreciated the evidences produced during the enquiry rather the findings are based on the inspection report, etc. She further stated that the previous inquiry was conducted in the year 2008 whereas de-novo order has been issued in 2012. She further pointed out that allegation was not proved in that inquiry hence de-novo enquiry has been ordered to prove somehow the charges against her. The copy of first inquiry report was not given to her. The CO also stated that Defence Assistant was not allowed to her and opportunity of cross examination to Prosecution Witnesses was also not given.

And whereas, with regard to the de-novo inquiry order, it is pertinent to recall that the Rule 15 of CCS (CCA) Rules provides that the Disciplinary Authority has to satisfy that the IO has held the inquiry by following prescribed procedure and in case it has not been done, the inquiry report is to be remitted back from the stage defect had crept into the inquiry. In the instant case it was observed that the general examination of the CO was not carried out, PO’s brief had not been supplied to CO and CO’s reply brief was not available on record and also the inquiry report was not prepared as per the provision of Rule 14 (23)(i) of CCS (CCA) Rules. Therefore, the inquiry report was remitted back vide order dated 29.03.2012 for conducting de-novo inquiry from the stage of general examination under rule 14(18) of CCS (CCA) Rules, 1965. Further, the inquiry report is served upon the CO only after the acceptance of inquiry report by the Disciplinary Authority. Therefore, there is no justification in CO’s contention that the copy of the first Inquiry Report was not provided to her.

And whereas, as far as the CO’s contention that she was not allowed to have a Defence Assistant is concerned, it is evident from the Daily Order Sheet dated 21.04.2012 that the CO was asked whether she required Defence Assistant. She replied negative. Also after examination-in-chief of all prosecution witnesses, the opportunity of cross examination was given to the CO, which she declined. These Daily Order Sheets bear the signature of the CO. Therefore, it is not proper on the part of CO to point out that she has not been given opportunity of having a Defence Assistant and cross examination of witnesses. Further, the CO has also confirmed her faith on IO & PO during the inquiry proceedings.
And whereas, there are, however, some more important angles to this case which merit equally serious consideration. There is no dispute on that fact that the result of class VIth was prepared by Smt. Gayatri Sharma, although she was not the class teacher of that class. This was deposed by her on 28.04.2012 before the IO during the inquiry proceedings and also vide her various representations. Further, it is found that the correct procedure of preparing the result was to post the marks from award lists (after conversion, if any) in the green sheet and then to the mark sheet/result. The result is also duly checked and verified by the checker/any member of the examination committee and the HoS.

And whereas, from the perusal of inspection report dated 23.05.2007, it is observed that the award list of some other school was present in the record. It was noted by the inspection team that “examination in charge, Sh. M. L. Arora reported that no unit test record, no award list, comprehensive examination is available. As per report of exam in-charge he has not collected all exam record from class teacher concerned and at present, after two months of result, no exam record is available with exam in-charge.” The contention of the Exam In-charge does not appear to be convincing because, as per practice, entire record is submitted by all the teachers with the Exam in-charge after the result is prepared and before it is declared.

And whereas, the inspection report is the only prosecution document and the five members of the inspection team are the prosecution witnesses by which/through whom the articles of charge are proposed to be sustained. But, it is found that the very contents of the inspection report dated 29.05.2007 do not support the charges leveled against the CO. A perusal of the statements given by the Prosecution Witness as reveals that according to their observation, Sh. M. L. Arora Examination in-charge of the Examination did not provide the award lists to the inspecting team. So the result had to be tallied with the answer scripts. Further, the answer sheets for the subject Drawing were not found for all classes i.e. VI to VIII during inspection. No guidelines were found on record and also were not issued to the staff members. The findings of the inspection team were based on the record provided to them during the inspection by the Exam in-charge. Therefore, the depositions of none of the prosecution witnesses substantiate the charges against the CO. It is also noted that the inspection was carried out on 23.05.2007 whereas the result had been declared in March, 2007. The onus of non-availability of award lists or any other record during the inspection/inquiry proceedings cannot said to be attributed on the part of the CO as she was not the custodian of the award list or any other record not placed before the inspection
team at time of inspection or before the IO during the inquiry. It is pertinent to recall that in the same matter, Sh. M. L. Arora, TGT (S.Sc.), Examination in-charge was chargesheeted under rule 14 of CCS (CCA) Rules vide memorandum dated 27.06.2007 for ignoring the departmental norms regarding preparation of result, tempering and manipulating of transfer and conversion of marks from answer sheet to green sheet. After inquiry, he was exonerated by the then Disciplinary Authority vide order dated 16.07.2010.

Now, therefore, in view of the foregoing paras, it is apparent that the contents of listed document i.e. inspection report dated 29.05.2007 and the depositions of the prosecution witnesses do not substantiate charges leveled against Smt. Gayatri Sharma, TGT (N. Sc.), I Amit Singla, Director of Education being the Disciplinary Authority drop the charges leveled vide memorandum No. F.DE(51)/DDE/C&ND/Vig/07/1171 dated 27.06.2007 against Smt. Gayatri Sharma, TGT (N. Sc.).

(Signed)

(AMIT SINGLA)
DIRECTOR (EDUCATION)

Smt. Gayatri Sharma, TGT (N. Sc.)
Through DDE (C & ND)

No. DE.7/739/Vig(HQ)/TGT/C&ND/12/5461

Dated: 03.04.13.

Copy for information and necessary action to:-

1. DDE (C & ND), Directorate of Education.
2. ADE (E-III), Directorate of Education
3. HOS/DDO Concern.
5. OS (IT) with the request to upload the same on the website.

(Signed)

(Devender)
Asstt. Director of Education (Vig.)