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

Order

Whereas, Sh. Nabo Nath Chaudhary, Asstt. Teacher (Primary), SBV, Jheel Khurenja, Delhi was charge sheeted under Rule 14 of CCS (CCA) Rules, 1965 vide Memorandum No. No.DE.47/DDE/E/Vig./2011/1504-05 dated 02/05/2011 for the following article of charge:

Article-1

That the said Sh. Nabo Nath Chaudhary while functioning as Assistant Teacher at SBV No. 1, Jheel Khurenja, Delhi during the period of his posting was reported vide complaint dated 19.02.2011 to have committed obscene act/act of sexual harassment against by Ambika Goyal, student of IV standard of the school.


And whereas, Smt. Shanti Gautam, Principal, RSKV, Kalyanvans, Delhi was appointed as Inquiry Officer and Smt. Sheela Rani Kanojia, Head Clerk, RSKV, Kalyanvans, Delhi was appointed as Presenting Officer vide orders dated 1.9.2011. Due to administrative reasons, the Presenting Officer was changed and Sh. Sarvan Kumar Pardesi, Head Clerk, RSBV No.2, Shakarpur, Delhi was appointed as PO vide order dated 19/06/2014.

And whereas, the Inquiry Officer has submitted her report dated 16.12.2015, thereby proving the article of charge framed against the Charged Official, which was accepted by the then disciplinary authority.
And whereas, a copy of the inquiry report was furnished to the Charged Officer for making his representation, if any, there upon, vide memorandum dated 27.01.2016.

And whereas, the Charged Officer has submitted a representation dated 06.02.2016 demanding following documents to enable him to submit the reply on inquiry report:

1. Attested copies of statements of all prosecution witnesses.
2. Attested copies of daily order sheet in which the listed documents were presented by the PO and allegedly taken by the IO on record.
3. Copy of findings of the disciplinary authority upon the inquiry report (if any).

And whereas, with reference to his above representation, the Charged Officer was informed vide letter dated 26.02.2016, that the documents demanded at S.N. 01 have already been provided to him during the course of inquiry and copies of documents demanded at S.N. 2 & 3 cannot be provided to him at this stage. The Charged Official has, thereafter, submitted his representation dated 27.02.2016 on the inquiry report.

And whereas, in his above representation the Charged Officer has submitted that he could not attend the proceedings when statements of prosecution witnesses were recorded as he has met with an accident and was not medically fit. In view of his injury, he has requested the Inquiry Officer to adjourn the proceedings vide letters dated 13.05.2015, 22.05.2015, 27.05.2015 and 10.06.2015 but the IO had not done the same, thus, not providing him the opportunity to cross examine the prosecution witnesses.

And whereas, the Charged Officer also submitted that the general examination of the CO under rule 14(18) of CCS(CCA) Rules, 1965 does require that question needs to be asked on such issues as have appeared against the Charged Officer during the evidence proceedings, which has not been done in the instant case. He has submitted that the inquiry report is a one sided document of the prosecution without eliciting anything from the Charged Officer.

And whereas, the Charged Officer has further submitted that the entire story of so called obscenity perpetrated by him against a child student is a concocted story got afloat with a view to malign him and to see him out of the job through such conspiracy as has been hatched through persons attempting to be in good books of the authority.
And whereas, the Charged Officer finally contended that the requirement for proof of article of charge as per natural law should be full proof where the penalty required to be imposed is very stringent in keeping with the principle of natural justice.

And whereas, the undersigned has carefully gone through the charge sheet memo, Inquiry Report and all other relevant record including the prosecution/defence documents adduced before me.

And whereas, from the daily order sheets it is evident that the copy of all listed documents were provided to Charged Official on 13.08.2014 and he has not raised any objection on them on 22.09.2014 (i.e. next date of hearing). On 30.09.2014, the Charged Officer demanded clear copy of some listed documents which were provided to him by Presenting Officer.

And whereas, perusal of the letters dated 13.05.2015, 22.05.2015, 27.05.2015 and 10.06.2015 written by Charged Official to Inquiry Officer regarding adjournment of inquiry proceedings, mentioning therein that he has met with an accident and the doctor has advised him not to move for at least one month with complete bed rest reveals that in the discharge summary of hospital, the medical practitioner has nowhere advised the bed rest to Charged Official. Instead, the doctor has clearly advised him for strict limb elevation with active finger movements which is not possible in bed rest. Also, the medical certificate dated 13.05.2015 submitted by Charged Official has some overwriting on the date of ending rest which creates a doubt on the recommendation of the doctor. Moreover, the CO has fractured his left forearm and it was not a loco molar injury. Thus, it is clear that the Charged Official did not attend the proceedings knowingly and intentionally avoided to cross examine the prosecution witnesses and as such, the Inquiry Officer cannot be blamed for it. Further, the request made by Charged Official for adjournment of proceedings was considered by the Inquiry Officer and was rejected and the CO was accordingly informed vide letter dated 22.5.2015 but he did not bother about attending the inquiry proceedings.

And whereas, general examination of Charged Official, as required under rule 14(18) of the CCS(CCA) Rules, 1965 was conducted by Inquiry Officer on 6.7.2015 and the Charged Official has never objected to its legitimacy during the inquiry proceedings, as such, the contention of the Charged Official in this regard is an after thought.
And whereas, the contention of Charged Official regarding starting of disciplinary proceedings against him due to some conspiracy are merely based on his conjecture and surmises as every disciplinary proceedings are initiated after examining all the facts and evidence. First and foremost, a number of written statements by the sufferers(students) are on record which confirm the reality of the sexual advances having been made by the Charged Official towards them. Then, there is the report of School Level Sexual Harassment Committee, consisting of both male and female members, who after investigation established the misconduct on part of the Charged Official. The misconduct on part of the Charged Official is further supported by the report of Zonal Level Sexual Harassment Committee, which talked to the students of the school, Ms. Ambika Goyal, the victim and the father of victim, in detail and concluded that there is ample truth in the complaint regarding committing obscene act/act of sexual harassment against Ambika Goyal, student of IV standard by the Charged Official.

And whereas, in this background, I completely agree with the findings of the Inquiry Officer. In my considered view, the matter entails serious implications as the teacher has shattered the faith the society deposes in this community. With this kind of perverted nature, the teacher cannot be entrusted with the responsibility of small children and as such, the case warrants the stringent punishment to be imposed upon the Charged Official.

Now, therefore, after taking into consideration all the facts and circumstances long with relevant record of the case, I, Saumya Gupta, Director of Education being the disciplinary Authority, in exercise of powers conferred upon me under rule 12 of CS(CCA) Rules,1965 hereby impose a penalty of ‘DISMISSAL FROM SERVICE’ upon Sh. Nabo Nath Chaudhary, Asstt. Teacher(Primary), GGSSS No.2, Sector-IV, Dr. Ambedkar Nagar, New Delhi with immediate effect, which shall be a disqualification for future employment under the Government.

I order accordingly.

(SAUMYA GUPTA)
DIRECTOR (EDUCATION)

Nabo Nath Chaudhary, Asstt. Teacher (Primary)
V No.1, Jheel Khurenja, New Delhi-110031

rough DDE (East)
Copy forwarded for information and necessary action to:

1. DDE (East), Dte. Of Education, Delhi.
2. ADE (E-IV), Dte. Of Education, Delhi.
3. HOS/DDO/IPAO concerned through DDE (East).
4. OS (IT), Dte. Of Education, Delhi.
5. Guard file.

(A.K. GUPTA)
DY. DIRECTOR OF EDN. (VIG.)

Dated: 24/03/16