

**In the Court of Commissioner for Persons with Disabilities**  
**25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2**  
**Phone-23216002-4 ; Telefax: 23216005**  
**[Vested with power of Civil Court under the Persons with Disability (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]**

Case No. 4/718/2014-WeL./CD/ **1643-44**

Dated: **22.9.15**

In the matter of :

**Mr. Ram Prakash Choudhary**  
D-14/173, Sector-3  
Rohini Delhi-110085

..... **Petitioner**

**Versus**

**Ms. Padmini Singla**  
**Director**  
Directorate of Education  
GNCT of Delhi, Old Secretariat  
New Delhi

..... **Respondent**

**ORDER**

1. In the representation received from Sh. Ram Prakash Choudhary it has been stated that he is being discriminated against since he is disabled person and also that he belongs to the category of Scheduled Caste. The Principal of the School harasses him and also passes unconstitutional remarks saying that disability is a liability for the Nation and also asks the petitioner to quit the school as he is fit only to teach in schools in the area of Mangolpuri and Sultanpuri which are dominated by dalits.
2. Hearings were held. During the course of the hearing the petitioner reiterated the grounds stated by him in his petition. The Director of Education was directed to get an inquiry conducted by senior officers and accordingly the inquiry conducted by the Regional Director of Education North alongwith Deputy Director North West B and Education Officer Zone-XI was filed in the Court in which it has been stated that **Quote** "In order to be unbiased and to collect the first hand information of the whole issue the enquiry team called Mr. Ram Prakash Choudhary PGT Maths and Mr. Sushil Kumar Principal separately to G.S.Co-ed-V Sector-8, Rohini Delhi on 16.3.15. The enquiry team also interacted with all the teachers of the school to enquire about the behaviour and the language used by Mr. Sushil Kumar Principal generally with all staff members and particularly with Mr. Ram Prakash Choudhary making caste based remarks or differently abled status of complainant.

But all the teachers denied any use of unparliamentary language, caste based remarks or any unconstitutional remarks about disability by Mr.Sushil Kumar Principal with any staff member including Sh.Ram Prakash PGT Maths. Sh.Sushil Kumar Principal refuted all the allegations levelled against him. The enquiry team also called two teachers namely Sh.R.P.S Sagar (retired teacher) and Sh.Vishnu Swaroop the then Vice Principal in the office of the Regional Director (North) Pitampura on 25.3.15 as their names were mentioned by Mr.Ram Prakash Choudhary. After hearing both of them separately the enquiry team also called Vice Principal (presently working) and some teachers of G.S.Co-ed Vidhyalya Sector-8, Rohini out of them some teachers belongs to reserved category. During discussion with them the then Vice Principal and retired teacher told that Sh.Sushil Kumar Principal used to be very strict while discharging his duties and submitted that there is no personal malice for Sh.Sushil Kumar Principal but his behaviour sometimes hurt Sh.R.P.S.Sagar (retired teacher) and Sh.Vishnu Swaroop the then Vice Principal requested that Sh.Sushil Kumar Principal should change his behaviour. They gave a joint statement regarding attitude/behaviour of Sh.Sushil Kumar Principal before the enquiry committee mentioning that they do not want any departmental action against Sh.Sushil Kumar Principal. On the other hand Sh.Sushil Kumar Principal denied the same and submitted he is never strict but only for maintaining the discipline and proper functioning of the school he used to direct the staff to be punctual and regular in discharging their duties promptly and properly. However he apologized that while discharging his duties if anyone is hurt he felt sorry for the same and assured to be careful in future. It was also assured by Sh.Sushil Kumar Principal that if somebody's feeling were hurt with my behaviour inadvertently I promise not to repeat the same in future. Allegation levelled of misusing the amount of Indira Award by Sh.Sushil Kumar Principal it was found during inquiry that an amount of Rs.70880/- has been utilized for various articles /works in the interest of the school the bills have been approved by VKS & PTA and duly signed by Chairman of VKS. Entries were made in the stock register. Further balance amount of Indira Award i.e Rs.29120 is still lying in the PTA account of the school. The reply of RTI in r/o fully utilization of amount of Indira Award was just a typing error as unspent amount was never withdrawn from the said account. The ACR's for the period of 2012-13 and 2013-14 of Sh.Ram Prakash Choudhary were graded as Good and as per guidelines in CSS Rules Good is not an adverse remark for an employee. The apprehension of Mr.Ram Prakash Choudhary that he would be transferred in some school located in Mangolpuri and Sultanpuri no enquiry/comment could be made on this



apprehension as no such action has been proposed, processed or being contemplated till date. The deputation of Sh.Sushil Kumar Principal as OSD in District (NW-B) is an administrative matter. Being one of the senior Principals of the District he was deputed over there but due to his family circumstances he submitted a representation regarding cancellation of this order. Taking into consideration his request the orders were cancelled and he was transferred to G. Co-ed SV Sector 2 Rohini, Delhi. Sh.Sushil Kumar Principal submitted that the work of Principals carry a lot of responsibilities of administrative and supervisory in nature so whenever he got time he teaches moral education in junior classes to inculcate moral values among the students which is the foundation of being a good human. It is pertinent to mention that a series of complaints made by Sh.Ram Prakash Choudhary PGT (Maths) before the Hon'ble National Commission for Scheduled Caste and Commission or Persons with Disabilities carry no substance. All the allegations seems to be a resentment against the very show cause notice issued by the HOS in compliance to the directions of DDE Inspection Cell (HQ) to submit Action Taken Report. Prior to this (since his stay in the same school under the same Principal from September 2012) no such question or complaint of passing caste based remarks or physical disability remarks were ever made by Sh.Ram Prakash Choudhary or any other employee of these categories. After considering all the facts and evidences the enquiry committee is of the view that no cogent proofs or evidences is found to prove that Mr.Sushil Kumar Principal has used any unconstitutional remarks about disability/caste against Sh.Ram Prakash Choudhary PGT (Maths). Further the allegations levelled by the complainant are found prima facie baseless and irrelevant by the enquiry committee as no supporting evidences were provided by the complainant and teachers of the school. However to have a cordial, fair and just working environment in the school and to avoid any reoccurrence of such mistrust and malice among the school fraternity it is advisable that an Advisory/Warning note should be issued to Mr.Sushil Kumar Principal by the District authorities for better handling of administrative issues ” **Unquote.**

3. The petitioner filed his rejoinder on the finding of the inquiry report stating that **Quote** “It has been strongly laid in the report that all teachers in the same voice have denied the use of any un-parliamentary language by Mr.Principal (Sushil Kumar). To my aghast it has already been referred earlier that Mr.Sushil Kumar has warned all the teachers to face consequences of getting adverse remark in his/her ACR as for the academic session 2014-15 he will put the remark in ACR. It is firmly put forth here that all teachers bear almost the same remark as it was dictated by a senior most PGT under pressure and threatening



environment to write so. Even the content bears the same language of words. The expenses under various heads of Rs.70880/- and its utilization are shrouded with doubts. First under the reply of RTI ID N o.717 and 834 it has been laid fully utilized then partially utilized and now it is termed typing error. An intensive inquiry of the vouchers/bills should be made to bring truth into light. It is reiterated that passing anti-dalit physically handicapped remark severally was not before teachers. It was a common practice to call in the office where nobody else was allowed to be present. How can evidence be presented. The statement recorded of Mr.R.P.S.Sagar and Former Vice Principal Vishnu Swaroop as referred is purely self styled interpretation and then to make them sign on a plain paper under mounting pressure with repeated request to save a Principal. All measures were staged to bag their statement in favour.” **Unquote.**

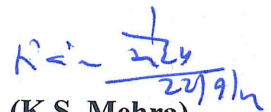
4. I have carefully perused the representation, the replies, report of the Director Education and rejoinder filed by the petitioner. It is a matter of concern that such a situation was allowed to develop in the school leading to unpleasant behaviour from either side. The Principal seems to have prompted many teachers to write in his favour for which there was no need in case he had not done anything wrong. A Show Cause notice was issued to the petitioner on 19.7.14 which states **Quote** “Whereas a panel inspection of the school was conducted on 15.4.2014 by Central Team headed by E.O.Zone-XIII. And whereas vide Inspection Report No.F(52)DDE/IC/HQ/2014-1086 dated 11.7.2014 received on 17.7.2014 it has been highlighted that on the day of inspection the students Response was poor in respect of Sh.Ram Prakash Choudhary (PGT Maths). And apart from this about 28 students of class XI C have submitted a written complaint on 8.7.2014 to the u/s against Mr.Ram Prakash Choudhary (PGT Maths) that they are not able to understand his language as well as his way of teaching. Moreover it has been noticed by the u/s that his class control is very poor as he never bothers to see whether students are attentive or not or how many of them are not present in the class. Sometimes he isolates the student and takes him to the corner of the class room for discussion. In the meantime the remaining class creates nuisance. Now through this Communication Mr.Ram Prakash Choudhary (PGT Maths) is directed to submit his written explanation within 3 days as to why the matter should not be reported to the higher authorities for further necessary action.” **Unquote.** Apparently the matter should have been followed to its logical end and appropriate action taken to help him (the petitioner) to overcome the deficiencies in the pedagogy; communication skill etc for which the services of the State Council for Educational Research and Training (SCERT) could have been utilised by sending such

teachers on training etc. There is also no mention anywhere whether the higher authorities were informed and appropriate action taken as the students should not have been allowed to suffer the perceived deficiencies of the teacher. In any case the matter needs to be looked into by the Director of Education personally. The conclusion of the Committee of Officers however that in the absence of supporting evidence the allegations levelled by the petitioner are prima facie baseless does not appear tenable as there cannot be any evidence for comments made orally in the confines of the office chamber etc. The very fact that the Principal has taken the support of his subordinates in writing in his favour goes to prove that he had a guilty conscience and it is in the right spirit that the Committee of Officers who conducted the inquiry recommended that; with a view to having a cordial, fair and just environment in the school and to avoid any recurrence of such mistrust and malice among the school fraternity; an advisory/warning note should be issued to Sh.Sushil Kumar the Principal of the School for better handling of administrative issues. It is only hoped that wise counsel would prevail and the teaching fraternity would concentrate on imparting value education to the students who come to the school for learning the fundamentals of various subjects as well as human values so much necessary for the well being of the Society.

5. Ordered accordingly.

Given under my hand and the seal of the Court this 22<sup>nd</sup> day of September, 2015.



  
(K.S. Mehra)  
Commissioner

**Court of Commissioner (Disabilities)**  
**National Capital Territory of Delhi**  
**Room No. - 1**  
**25-D, Mata Sundari road, New Delhi-02**