



RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
D.B. Civil Writ Petition No. 3804/2025



-----Petitioner

Versus

1. The Special Secretary Cum Vice-Chairperson(Kvs), 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016

2. The Commissioner Kendriya Vidyalaya Sangthan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.

3. The Principal Kendriya Vidyalaya No. 03, Gandhinagar Cantt., (Guj.)

-----Respondents

For Petitioner(s)

:

Mr. Rajendra Prasad Bhadoria

For Respondent(s)

:

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE RAVI CHIRANIA

REPORTABLE :
Judgment

1.	Date of conclusion of arguments	25.11.2025
2.	Date on which the judgment was reserved	25.11.2025
3.	Whether the full judgment or only operative part is pronounced	Full judgment
4.	Date of pronouncement	27.11.2025

BY THE COURT: (Per Hon'ble Mr. Justice Vinit Kumar Mathur)

1. The present writ petition has been preferred by the petitioner against the order dated 28.8.2024 passed by the learned Central Administrative Tribunal, Jaipur (hereinafter referred to as the learned tribunal) whereby the learned tribunal has rejected the original application filed by the petitioner against the order dated 16.10.2015 passed by the disciplinary authority whereby the petitioner has been terminated from the services.



2. The facts in nut shell are that initially the petitioner came to be appointed as Primary Teacher in the respondent – Kendriya Vidyalaya Sangathan, Jaipur Region vide appointment order dated 15.1.1990. On 6.2.2015, a complaint was lodged against the petitioner regarding immoral sexual harassment and misbehavior with a child 'A'. Consequently, vide order dated 7.2.2015, a committee was constituted to inquire into the allegations against the petitioner. The committee submitted its report on 11.02.2015 confirming the allegations levelled in the complaint. Thereafter, the petitioner was suspended on 12.02.2015. After considering the preliminary inquiry report, the Deputy Commissioner, KVS, Regional Office, Ahmedabad constituted a summary inquiry committee vide order dated 24.2.2015, which gave its report on 18.3.2015 holding that *prima facie*, the petitioner was found to be involved in immoral behaviour with the child. Thereafter, the petitioner was served with the show cause notice dated 4.5.2015 alongwith copy of charges, facts in support of the charges together with the statements recorded in the preliminary inquiry, copy of the report of the preliminary inquiry and the petitioner was afforded an opportunity to submit his explanation within a period of 15 days, failing which it was communicated that if he has nothing to say then the orders will be passed against him *ex-parte* under the provisions of Article 81(B) of the Education Code. Thereafter, vide order dated 16.10.2015, the disciplinary authority finding that the petitioner is guilty of exhibition of immoral sexual behaviour towards the child, terminated the services of the petitioner with immediate effect. The petitioner then challenged the termination order dated 16.10.2015 by way of filing the



original application before the learned tribunal. However, the learned tribunal finding that both the preliminary inquiry as well as the summary inquiry were conducted in detail and concluded after following the complete procedure, dismissed the original application vide order dated 28.8.2024. Hence, the present writ petition has been preferred by the petitioner.

3. Heard learned counsel for the petitioner.

4. Learned counsel for the petitioner vehemently argued that the petitioner has been falsely implicated in the present case as no incident as alleged in the complaint had ever been happened and there is no involvement of the petitioner. Learned counsel submits that the entire story is false and concocted for the reason that the petitioner objected to the private tuition being undertaken by one school teacher viz. Smt. Sadhana. Therefore, this complaint has been managed and filed by the parents of the student studying in the school at the behest of Ms. Sadhana. Learned counsel submits that the statements of child 'A' has been recorded two times and in both the statements, there is stark contradictions, which cannot be relied upon by any prudent man. Even the statements of the other students have been recorded by the inquiry committee while exerting pressure upon them. Learned counsel further submits that the services of the petitioner has been dispensed with by adopting a short-circuit method without giving reasonable opportunity of hearing. Learned counsel submits that though the petitioner submitted written statements/explanation to the show cause notice served by the respondents, but the same have not been taken into consideration objectively while passing the order impugned dated 16.10.2015.



He submits that even the mandatory conditions enumerated in Article 81(B) of the Education Code of Kendriya Vidhayala have not been adhered to before passing the order impugned and the learned tribunal has not correctly appreciated the entire facts and circumstances of the case and has dismissed the original application without considering the submissions made before it. Learned counsel thus submitted that the learned tribunal has committed an error while rejecting the O.A. filed by the petitioner. He, therefore, prayed that the writ petition may be allowed and the order of the learned Tribunal as well as the termination order dated 16.10.2015 passed by the respondents may be quashed and set aside.

5. We have considered the submissions made at the Bar and gone through the relevant record of the case including the orders impugned dated 16.10.2015 and 28.08.2024.

यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः
यत्रैतास्तु न पूज्यन्ते सर्वास्तत्राफलाः क्रियाः ॥

जहाँ स्त्रियों की पूजा होती है वहाँ देवता निवास करते हैं और जहाँ स्त्रियों की पूजा नहीं होती है उनका सम्मान नहीं होता है वहाँ किये गये समस्त अच्छे कर्म निष्फल हो जाते हैं।

6. In Indian culture and society, women are respected and honoured for the well-being of the community, and any misconduct towards them invites serious consequences of downfall in the Society. In the present case, a female child studying in Class VI has become the victim of a person who was responsible for shaping the future of young students. The petitioner, who is a teacher in Kendriya Vidyalaya, has not only committed a shameful act but has also engaged in immoral conduct. Therefore, at the very outset, no sympathy can be extended to such a person. The



allegations in the present case are very serious in nature in which he was involved in an immoral act towards a young girl of VI standard. The victim student of Class VI has stated in her statement before the Committee about the immoral act committed upon her by the petitioner. The same has been reproduced in paragraph No.13 of the order of learned Tribunal, which is reproduced as under :-

"As per Kum. ***** Srivastava (Class VI C) statement given on 07/02/2015 she told:

- Nagori Sir sent Vivek Dhaka of my (Kum. ***** Srivastava) class to call me in the VVN store room on 02/02/2015 in sixth period.
- Then Nagori Sir showed the FA-3 retest answer copies to us (Kum. ***** Srivastava and Ma. Vivek Dhaka) and asked Vivek Dhaka to go back to the class.
- Then He (Mr. Y.K. Nagori) asked me (Kum. ***** Srivastava) to stay back.

Then Nagori sir said to me (Kum. ***** Srivastava) "Please मैं आज गुदगुदी कर लूँ मैंने कहा नहीं तो भी sir ने मुझे touch किया।".

- On 07/02/2015 Kum. ***** Srivastava told to the inquiry committee that, "मैंने बहुत मना किया तो भी सर नहीं माने ।" (This was regarding the incident on 02/02/2015).
- On 07/12/2015 she (Kum. ***** Srivastava) further told that Nagori sir (On 02/02/2015) asked me (Kum. ***** Srivastava) to bring a pen and paper and write down the name of the students who have not submitted the Project file of my (***** Srivastava) class (VI-C) kept in the VVN store room.





- To which, I (Kum. ***** Srivastava) asked Mr. Y.K. Nagori if I ((Kum. ***** Srivastava)) can call my class monitor (of VI-C) and friend Abhilasha to which Nagori sir said yes. Still Mr. Y.K. Nagori sir continued touching me (Kum.***** Srivastava) and then I (Kum. ***** Srivastava) went to my class (VI-C).
- When I (Kum. ***** Srivastava) reached my class room (VI-C) crying, my friend Kaveri asked me why I (Kum. ***** Srivastava) was crying. I (Kum. ***** Srivastava) narrated the incident to Kaveri.
- On the same day I.e. 02/02/2015 in the sixth period as per the instructions of Nagori sir I (Kum. ***** Srivastava) went back to the VVN store room along with Abhilasha and completed the work given by Nagori Sir of writing the name of the students who have not submitted the Project file of my (Kum. ***** Srivastava's) class (VI-C) kept in the VVN store room.
- Next day (03/02/2015) I (Kum. ***** Srivastava) reported the incident to Miss Sadhna Dwivedi (TGT Math Contractual).
- Sadhna maam advised me (Kum. ***** Srivastava) to bring this matter to the notice of my (Kum. ***** Srivastava) parents.
- I (Kum. ***** Srivastava) brought this to the notice of my parents on 03/02/2015 after returning from the school.
- Nagori Sir had started harassing me from the day he took retest of FA-3 Hindi i.e. 12-01-2015. Nogori Sir had started saying to me (Kum. ***** Srivastava) "तुम बहुत सुन् दर हो। मैं मैं (मेरी) कक्षा में बस तू ही सबसे सुन्दर है। and sir





again and again touch me and says "मैं तुझे chest (breast) "में सहलाऊँगा तो तुम्हारे chest (breast) बड़े होंगे, और भी सुन्दर लगेगी ।" to which I (Kum. ***** Srivastava) said "Sir, I don't like this thing please sir you (do) not touch me."

7. There is no reason for this Court to disbelieve the statement of child "A" as there was no enmity or reason either for the child "A" or her family member to falsely implicate the petitioner in this case. So far as the argument of learned counsel that the petitioner that he has been falsely implicated in the present case at the behest of Ms. Sadhana is concerned, the same is nothing but an afterthought. It is hard to believe that Ms. Sadhana will take the services of a small child to settle her personal scores with the petitioner. Not only this, eight other students have deposed before the Committee constituted by the respondents stating the truth and the incident which happened with child "A". Therefore, we are not impressed by the argument of the learned counsel for the petitioner that the entire story is a cooked up to falsely implicate the petitioner.

8. We further note that a reasonable opportunity to defend the case was granted to the petitioner and his representation was duly considered by the competent authority. The respondents have duly complied with the mandate of Article 81(B) of the Education Code as a show cause notice was served upon the petitioner to which a detailed reply was filed by him and the same was duly considered by the competent authority of the respondents before passing the order dated 16.10.2015.

9. We also note that the allegations levelled against the petitioner are of very serious in nature and since the respondents



have found the allegations to be proved against him, therefore, the order of termination in the present case is justified and is commensurate with the offense alleged in the present case.

10. We further note that the order dated 16.10.2015 is elaborate and speaking one.

11. In the considered opinion of this Court, the principles of natural justice have duly been complied. As far as the contradictions in the two statements of child "A" are concerned, we are of the view that a student of Class VI has narrated the true and correct picture of the incident and a bare perusal of the same goes to show that the act of the petitioner was immoral, deplorable and least expected of a School Teacher.

12. Learned Tribunal has examined the matter in detail and has rightly come to the conclusion that the order passed by the respondent is in conformity with the provisions of law.

13. In our considered opinion, even the statement of victim child "A" is sufficient to bring home the allegations levelled against the petitioner. However, the respondents have conducted a thorough enquiry before passing the order dated 16.10.2015.

14. In view of the discussions made above, there is no merit in the present writ petition filed by the petitioner and no interference is warranted in the orders dated 16.10.2015 and 28.08.2024.

15. Accordingly, the writ petition is dismissed.

16. The stay application and other pending applications, if any, also stand disposed of.

17. Before parting with the judgement, this Court notes that in the impugned order, the learned Presiding Officer has mentioned the name of the victim. As per the guidelines issued by the





Hon'ble Court, it is observed that all Presiding Officers must refrain from mentioning the names of minor children in such matters while passing orders or judgments.



(RAVI CHIRANIA),J

(VINIT KUMAR MATHUR),J

9-/SanjayS/CP Goyal