

KENDRIYA VIDYALAYA SANGATHAN AND ANR.

v.

SATBIR SINGH MAHLA

(Civil Appeal No. 1666 of 2008)

FEBRUARY 29, 2008

[H.K. SEMA AND MARKANDEY KATJU, JJ.]

*Service Law:*

*Misconduct – Removal – Of Respondent-school teacher for physically assaulting the Principal in his office room and causing serious injury on his eye – Justification – Held: Justified – Respondent not fit to be a teacher.*

**Respondent-school teacher physically assaulted the Principal of the school in his office room causing serious injury on his eye. The next day Respondent submitted a written apology. However, he was charge-sheeted, pursuant to which the Enquiry Officer found him guilty and he was removed from service. The Tribunal held that the Respondent committed the act of misconduct under mental tension for which he had submitted his written apology and also since he had a family to maintain, the punishment of removal from service was disproportionate. Accordingly the Tribunal quashed the removal order and reduced the punishment to withholding of three increments for five years with cumulative effect. High Court upheld the order of Tribunal. Hence the present appeal.**

**Allowing the appeal, the Court**

**HELD: A teacher has to be a role model in the society. He is a 'guru' who sets an example for the students. A person who physically assaults the Principal of the Institution is not fit to be a teacher. He is more like a goonda. Therefore, there was no good ground for the**

A **Tribunal to interfere with the punishment of removal awarded to the Respondent. Accordingly the order of removal passed against the Respondent is restored. [Para 8] [633-D, E, F]**

B **CIVILAPPELLATE JURISDICTION : Civil Appeal No. 1666 of 2008.**

From the Judgment and final Order dated 31.1.2006 of the High Court of Judicature for Rajasthan, Jaipur Bench, Jaipur in D.B. C.W.P. No. 3812/2002.

C S. Rajappa for the Appellants.

Dr. Sushil Balwada for the Respondent.

The Judgment of the Court was delivered by

D **MARKANDEY KATJU, J.** 1. Leave granted.

2. This appeal has been filed against the impugned judgment of the Rajasthan High Court, Jaipur Bench dated 31.1.2006 in D.B. Civil Writ Petition No. 3812 of 2002.

E 3. Heard learned counsel for the parties and perused the record.

F 4. The facts of the case are that the respondent in this appeal was working as a Trained Graduate Teacher (hereinafter in short 'TGT Teacher') (Maths) in the service of the appellant which is the Kendriya Vidyalaya. On 23.2.1999 while functioning as a TGT teacher (Maths) in the Kendriya Vidyalaya No. 1, Air Force Suratgarh, he physically assaulted the Principal of the school in his office room which caused serious injury on the right eye of the Principal, Shri R.D. Shah. The next day he submitted a written apology. However, he was charge-sheeted and an inquiry was held against him and the Inquiry Officer submitted his report on 24.2.2000, a copy of which is at Annexure P-4 to this appeal.

G 5. The Inquiry Officer found the respondent guilty and H accordingly an order of removal from service dated 1.5.2000

was passed against him by the disciplinary authority. The respondent filed an appeal before the appellate authority which rejected the appeal. A

6. The respondent then filed an O.A. before the Central Administrative Tribunal, Jaipur. The Tribunal was of the view that the respondent committed the act of misconduct under mental tension and he had submitted his written apology and that he has a family to maintain. Hence, the Tribunal was of the view that the punishment of removal from service was disproportionate and, instead, the Tribunal reduced the punishment to withholding three increments for a period of five years with cumulative effect. Accordingly, the Tribunal quashed the removal order. B C

7. The appellant filed a writ petition before the High Court which upheld the view of the Tribunal and dismissed the writ petition. Hence this appeal by way of Special Leave. D

8. We regret our inability to uphold the judgment of the Tribunal as well as of the High Court. A teacher has to be a role model in the society. He is a 'guru' who sets an example for the students. A person who physically assaults the Principal of the Institution is, in our opinion, not fit to be a teacher. He is more like a goonda. In our opinion, therefore, there was no good ground for the Tribunal to interfere with the punishment of removal awarded to the respondent. For the reasons given above, we set aside the impugned judgment of the High Court as well as the Tribunal and restore the order of removal passed against the respondent. The appeal stands allowed. No costs. E F

B.B.B.

Appeal allowed.