

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA No. Of 2018

Yoginder Kumar Sharma and others Applicants

Versus

Navodaya Vidyalaya Samiti and others Respondents

Submission of SYNOPSIS in the above cited Original Application.

RESPECTFULLY SHOWETH:

1. That all the above applicants are teachers working in various Jawahar Navodaya Vidyalayas (JNV) at present total no. of JNVs in the country is more than 600 generally at least one JNV in each District of the country.
2. That the Jawahar Navodaya Vidyalayas are residential co educational institutions run by the Navodaya Vidyalaya Samiti, an autonomous body of the Govt. of India, fully funded by Govt. of India and under the direct administrative control of the Union Education Ministry.
3. That these institutions were started first on experimental basis in the year 1986 as per new education policy at that time. To start with two JNVs at that time known as Model Schools, one at Jhajjar in Haryana and the second at Amaravati in Maharashtra. Finding them successful other schools were opened in a phased manner and now totaling above 600.
4. That the OA is filed jointly because the cause of action and the relief sought is the same.
5. That the main grievance of the applicants is that a large no. of circulars are issued by the NVS as well as the Central Board of Secondary Education New Delhi, to which the JNVs are affiliated. The NVS issues circulars and sometimes the guide lines for the students to look after both the aspects of working i.e. academics and also the hostel part to be looked after by the same teachers and work as parents for the students. The CBSE, New Delhi issues very exhaustive circulars on the academic side only. In addition to it some orders are passed by the concerned Regional Offices of the NVS and in addition to it some more orders issued by the concerned Principal. The main stress of all these circulars and orders is to cover everything under the sky and put all the responsibility on the teachers for any lapse on the part of any one may be hqr. Or Regional Office or the principal. To illustrate i.e. if the performance of the teacher is not up to the mark in academics, then the teacher is evaluated as if his only job is to teach and he is not doing any other job, may be hostel side as house master, or security of the child. And if some lapse is noted in his duties as house master etc. he is held liable as if he is doing only job of house master and is not doing any

academic work, some times even going slightly late in the mess results in issue of charge sheet under Rule 14 of CCS.

6. That as a result of all the orders / circulars as described above in para 5, and also in the body of the OA, the teacher remains busy for all the 24 hours in the form of active duty. When the child is sick he has to remain in hospital for the whole night, although the staff nurse is present in the school, but for practical purposes she gives only first aid and in the hospital only the teachers accompany the sick child, the justification given by the Principal is that there are more than 500 other students in the school the nurse has to look after them also and the house master is to accompany.

That it very is important to mention here that for this type of situation only the teachers are not victims but the worst affected are the parents and their children also, when the teachers are so busy in teaching or house keeping duties or on tour as escorts of students , the safety of the students is compromised and in the overall tension many students commit suicide , the no. students committing suicides in JNVs is so alarming that even recently the point was raised in the Rajya Sabha as unstarred question No. 521 , which was answered on 07.02.2024. The worst part is in case of any unfortunate happening of this type the punishment is mainly given to the teachers. Some times even Principals are punished but only those who do not compromise with the higher officers and work honestly. The situation is such that if the student runs away during night due to any reason , the responsibility is not fixed on the chowkidar but the concerned teacher (House master) where as actual position is that the teacher is sleeping at his residence. Principal can call teachers any time even at odd hours thus resulting in physical and mental harassment of the teachers. In all good schools which are residential in character , management provides for a separate house warden , who is responsible for the upkeep of the house and the safety of the students and takes responsibility of the students discipline while taking meals in the mess.

That the main relief prayed by the applicants is that their working hours should be well defined because otherwise when working hours are not well defined their fundamental rights under Article 21 and article 14 of the constitution are violated by being on duty for 24 hours.

- That Article 21 (Right to Life and Personal Liberty): The Supreme Court of India has repeatedly held that the "Right to Life" includes the right to health, leisure, and dignity. Forcing a professional to work without adequate rest or a "Right to Disconnect" constitutes mental cruelty and physical exhaustion, directly infringing upon my client's fundamental right to a dignified life.
- Article 14 (Right to Equality): By imposing 24-hour liability, the NVS treats teachers differently than any other civil servant under the Government of India, creating an environment of "forced labor" which is discriminatory and lacks rational nexus with the objective of education.

It causes Breach of Principles of Natural Justice

The imposition of such a grueling work regime is done without due consultation with the stakeholders (the teaching faculty) and ignores the basic biological and psychological needs of an individual. A teacher who is sleep-deprived and mentally exhausted cannot fulfill the "duty of care" toward students, thereby defeating the very purpose of the NVS.

It also Conflict with Labor Norms and Service Rules.

Further this case is identical and covered by the decision of the Kerala Administrative Tribunal at Thiruvananthapuram dated 30th. May 2004 in OA-204/2023. In which it is decided that the number of duty hours of Ayas are made limited to 8 hours in a day and 48 hours in a week.

In the light of above facts and circumstances and the relief sought it is very humbly prayed that in the present case also similar directions fixing the duty hours limited to 8 hours may kindly be issued to the respondents. The present OA may kindly be allowed.

( Yoginder Kumar Sharma )

Applicant

Through

(Bajrang Vats and Geeta Ujjwal)

Counsel for applicants