

**ARTICLE 81(B) OF THE EDUCATION CODE FOR
KENDRIYA VIDYALAYAS.**

(B) **Termination of services of an employee found guilty of immoral behaviour towards students :**

Where the Commissioner is satisfied after such a summary enquiry as he deems proper and practicable in the circumstances of the case that any member of the Kendriya Vidyalaya is prima-facie guilty of moral turpitude involving sexual offence or exhibition of immoral sexual behaviour towards any student, he can terminate the services of that employee by giving him one month's or three month's pay and allowances accordingly as the guilty employee is temporary or permanent in the service of the Sangathan. In such cases, procedure prescribed for holding enquiry for imposing major penalty in accordance with CCS (CCA) Rules, 1965 as applicable to the employees of the Kendriya Vidyalaya Sangathan, shall be dispensed with, provided that the Commissioner is of the opinion that it is not expedient to hold regular enquiry on account of embarrassment to student or his guardians or such other practical difficulties. The Commissioner shall record in writing the reasons under which it is not reasonably practicable to hold such enquiry and he shall keep the Chairman of the Sangathan informed of the circumstances leading to such termination of services.

Note: Wherever and as far as possible, a summary inquiry in the complaint of immoral behaviour by a teacher towards the students of Kendriya Vidyalayas may be got investigated by

the Complaints Redressal Committees constituted in the Regional offices.

(C) **Appeal :**

(i) **Appellate Authority** – An employee of the Sangathan who has ceased to be in Kendriya Vidyalaya Sangathan services by virtue of an order passed against him under Article 81 (b) of the Education Code, may prefer an appeal against the aforesaid order to the Vice-Chairman, KVS.

(ii) **Period of Limitation of Appeals** – No appeal preferred under this article shall be entertained unless it is preferred within a period of 45 days from the date on which a copy of the order appealed against is delivered to the appellant;

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if the authority is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(iii) **Form and Contents of Appeal** – Form and contents of the appeal shall be the same as prescribed under the CCS (CCA) Rules, 1965, and applicable under this article.

(iv) **Consideration of Appeal** – In the case of an appeal under this article, the Appellate Authority shall consider whether in the light of the provisions of Article 81 (b) of the Education Code and having regard to the circumstances of the case, the order of termination is justified or not and confirm or revoke the order accordingly.

The Appellate Authority shall consider the following and pass orders confirming or setting aside the order of termination passed under Article 81 (b) :-

(a) Whether the requirement laid down under Article 81 (b) has been complied with and, if not, whether such non-compliance has resulted in the violation of the provisions of Article 81 (b) or in the failure of justice, and

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- (b) Whether the order of the Commissioner is warranted by the material on the record
- (v) **Implementation of Orders in Appeal** – The Authority which made the order appealed against shall give effect to the order passed by the Appellate Authority.
- (vi) **Finality of Order Passed in Appeal** – The order of the Appellate Authority made under this Article shall be final and shall not be called into question by way of any further application / petition for revision, review, etc.

- Note: 1. The above orders for appeal are effective from 1st January, 1999 and shall apply to those cases only where the order of termination was issued on or after 1.1.1999. Appeal against the termination orders issued prior to 1.1.1999 will not be entertained, being not maintainable.
2. If such an employee terminated from the services of the Kendriya Vidyalaya Sangathan preferring an appeal to the Vice-Chairman, Kendriya Vidyalaya Sangathan and having been re-instated in service upon consideration of the facts and circumstances of the case, and has consequently been given a posting at a hard station, his request for change in the place of posting in both intra and inter-station transfers may not be considered before the completion of five years' stay in the Vidyalaya.