

**PUBLIC GRIEVANCES COMMISSION  
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI  
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110  
Tel Nos. 011-23379900-01 Fax No.011-23370903**

**Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97**

Date of hearing: 04.9.2019

Complainant : Sh. Manoj Kumar Aggarwal – Present.

Respondent : The Director,  
Directorate of Education,  
Govt. of NCT of Delhi,  
Through Sh. Sat Pal Singh,  
Dy. Director of Education, ( North-East )

Sh. Pavananjay Garg, Manager,  
Gyandeep Vidya Bhawan SS School.  
Smt. Beena Bhardwaj, Principal,  
Gyandeep Vidya Bhawan SS School – Present.

Grievance No. : PGC/2018/A.II/Edn./29

**1. Brief facts of the complaint**

1.1 Shri Manoj Kumar Aggarwal has filed a grievance petition before Public Grievances Commission, aggrieved by physical assault on his daughter on 11.7.2017 by the Class Teacher of Gyan Deep Vidya Bhawan Sr.Sec.School, Yamuna Vihar, and non action against the school by the Dte.of Education, GNCT of Delhi. He has requested for Commission's intervention for direction to the Education Department to take appropriate action in the matter.

**2. Relevant facts emerging during the hearing**

2.1 Shri Sat Pal Singh, Dy. Director of Education(North East) of the Respondent Department is present. He filed a report and the same has been taken on record. It states that the School Authorities called eleven parents in the Office of Head of School and recorded statement of the present parents who stated that they do not have any problem with the School and have not heard of any corporal punishment given to any student by the school staff. It further states that vide letter dated 19.8.2019, the School Management is taking action against the Principal.

2.2 Smt. Beena Bhardwaj, Principal of the School is present. She admitted that there was contradiction in her statement given earlier before the Commission with regard to period of stay of the accused teacher, Ms.Disha, after the date of incident, wherein she stated that the accused teacher resigned and left the school on 13.7.2017, two days after the incident i.e. 11.7.2017. The Principal of the School corrected herself by clarifying now that the accused teacher stayed for three (3) months after the incident on 11.7.2017 She resigned on 13.10.2017 after giving her explanation, two days after the second enquiry conducted by Dte.of Education on 10.10.2017. Smt. Bhardwaj, Principal, was not coherent in her statement and found trying to mislead the Commission. She also tried to defend and justify the act of the accused teacher by terming the incident as simple case of nose-bleeding, and not of corporal punishment, which she said was taken care of by the teacher. The statement of Principal is not acceptable being unsatisfactory and also in view of the report of the Inquiry Officers, as conveyed by Dr. Neeraj, the then Dy.Director of Education(NE) in her report dated 19.2.2019 wherein the Inquiry Officers had concluded based on the facts and all documentary evidences including the statement of Km. Anshita Aggarwal's classmates, that Ms. Disha slapped Km. Anshita Aggarwal, resulting in bleeding from her nose, which was a clear violation of the guidelines and directions of DOE about blanket ban on corporal punishment. Moreover, the School Management failed to prove that it has taken any action against the said teacher and the Principal for violating the guidelines. Further, Dr. Neeraj, the then Dy.Director of Education(NE) during the proceeding on 20.2.2019 also accepted that there were glaring contradictions in the statement of the Principal and slapping of a girl student indeed took place on 11.7.2017 and the conduct of the accused teacher and the Principal of the School in not taking action is highly objectionable.

2.3 Smt. Beena Bhardwaj, Principal of the School tendered an unconditional apology for making a wrong statement before the Commission. She also assured the Commission that School will take every precaution in running the affairs of the School strictly as per rules/guidelines. Stern action would be taken for any misconduct on the part of teachers.

2.4 The Dy.Director of Education(North-East) present also admitted that there has been certain lapses on the part of the Principal and the School Administration which lead to such unfortunate incident. The School Authorities have been found lacking in following guidelines of DSEAR 1973/RTE Act.

2.5 The Commission is not impressed by the submissions of Smt. Beena Bhardwaj, Principal of the School, who acted in a manner of unbecoming of Principal of the School. Moreover, the Principal of the School has failed to abide by the guidelines under DSEAR, 1973 and failed to discharge her duties with regard to proper supervision and monitoring of the activities in School. It is also not sure how many such incidents may have happened in the School and gone unreported where parents may have not been heard. Had she been more vigilant, this unfortunate incident would not have happened in the School. Further, she failed to take *suo moto* action into the incident on the same day itself and instead tried to hush up the matter. She has even gone to the extent of defending the accused teacher, whose conduct was atrocious in nature and gross misconduct and allowed her to continue in the School for three months. Thus, she has set a bad precedent due to her actions.

2.6 Before parting with the case, the Commission would like to observe that every child is a potential human resource and asset to the country, and it is the duty of the educational institutions to provide the right ambience and climate to develop and enrich their latent talents.

2.7 Furthermore, Schools should comply with the rules and regulations under the Education Ordinance and Education Regulations as well as the other related ordinances; Schools should measure and report on their own performance through self-evaluation processes. Effort should be made to ensure that the student and his/ her parents understand what wrong he / she has committed and its related moral values. A monitoring system should be set up to ensure that punishment is not used by school personnel. Teachers should directly inform parents of the misconduct of students and/ or disciplinary measures to be taken and students should be supervised and given counseling, in such circumstances. Schools should convey to all staff their expectations regarding teacher conduct and performance on a regular basis through a variety of channels, such as staff meetings and the teachers' handbook as staff members who are in breach of the law may threaten the interests of students and bring disrepute to the school. Heads of Institutions should bring these facts to the attention of all the teachers in their school and ensure that no child is subjected to any corporal punishment at any point of time in the schooling process. The Heads of institutions should

organize meetings of the staff and convey to them the suggestions and instructions to them in this regard.

2.8 The Commission further observes that certain allegations have been levelled by the complainant against the School Management. As a result, there have been counter allegations from other side also. Such allegations can not be entertained in the Commission as disposing of the main issue of prohibiting the Corporal Punishment in Schools, due to which this unfortunate incident has happened, gets diverted. Further, the complainant has time and again through his representations tried to seek certain clarification on the submissions made by the School Authorities. The Commission is of the opinion that such issues raised by the complainant, except corporal punishment, can be resolved amicably between the parties with the intervention of the Education Department. Hence, the complainant was advised to focus on the main issue and, if he so desires, can approach any other legal forum for redressal of his other grievances, except corporal punishment.

Further, the main issue of prohibiting the corporal punishment in Schools due to which this unfortunate incident happened has been dealt appropriately and thoroughly and appropriate directions have been passed to the School Authorities to follow guidelines of DSEAR 1973 for proper functioning of the School. It also transpired that file has been put up to Director(Education), GNCTD, containing inquiry report with regard to incident of 11.7.2017 for appropriate decision/action of the Competent Authority.

2.9 Furthermore, the management part is satisfactory and they have complied with all directions of the Commission along with documentary evidence. The Commission believes and directs that in future also, they will maintain the same spirit.

### **3. Directions of the PGC**

3.1 The Director(Education), GNCTD, is requested to look into the matter personally, being of serious nature, and initiate necessary action against the Principal/Management of the School, as per findings of the inquiries conducted by the Dte.of Education, as per rules.

3.2 To ensure that guidelines as regards corporal punishment are widely publicized and implemented in letter and spirit and directions be issued to all educational institutions under its jurisdiction to function as per DSEAR 1973.

3.3 All Dy. Director of Education, Districts & Zones be directed to monitor the functioning of the schools under their jurisdiction, conduct review meetings/surprise visits to schools periodically to ensure whether rules/guidelines are being followed by the School Authorities in true spirit or not and take necessary action in case of any deviation.

3.4 Chairman/Manager, Gyandeeep Vidya Bhawan Sr. Sec. School is directed to strictly follow rules/guidelines of DSEAR, 1973 in running the affairs of the School, failing which stern action shall be initiated, as per rules.

3.5 Shri Sat Pal Singh, Dy. Director of Education, Distt. North-East shall personally ensure that the above directions of the Commission are scrupulously complied by the Management of the School and other Schools also. He shall follow up the instant case with the Director of Education, GNCTD and convey the decision of the Competent Authority to the Commission within 15 days time.

3.6 With the above observations, the case stands disposed of in the Commission.

( MRS. MADHU SHARAN)  
MEMBER

No. . PGC/2018/A.II/Edn./29

Dated:

Copy to :-

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
2. Addl. Director of Education/Nodal Officer, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054, to look into the Matter and ensure presence of the concerned officers on the next date of hearing in PGC.
3. Sh. Sat Pal Singh, Dy. Director of Education, Distt. North East, GNCT of Delhi, B- Block, Yamuna Vihar, Delhi-110053.
4. Chairman/Manager, Gyandeeep Vidya Bhawan Sr. Secondary School, Block C-10, Yamuna Vihar, Delhi-110053.
5. Shri Manoj Kumar Aggarwal.

