

Govt. of India
National Commission for Minorities
Lok Nayak Bhawan, Khan Market, New Delhi-3

Petitioner: Ms. Farhana Khatoon
Respondent: Shri B.K. Tripathi, Principal Secretary, Department of HRD,
Government of Jharkhand, Ranchi.
File No. M/JH/20/0015/10

The Bench of the NCM consisted of:

- i. Shri Wajahat Habibullah, Chairman
 - ii. Dr. H.T. Sangliana, Vice Chairman
 - iii. Ms. Syeda Imam, Member
 - iv. Shri Keki N. Daruwalla, Member
2. Joint Secretary and Legal Officer assisted the bench.

Brief record of hearing held in the National Commission for Minorities on 22.11.2011 at 12.00 Noon

3. Present:

- I. Through video conference at DC Office, Ranchi, Jharkhand: Ms. Farhana Khatoon C/o Amar Warsi, A1 Rehman Apartment, D/2, New Parastole, Doranda, Ranchi, Jharkhand
- II. At NCM chambers New Delhi: Shri B.K. Tripathi, Principal Secretary, Department of Education, Govt. of Jharkhand.

4. Complainant Ms. Farhana Khatoon, Class-II officer in Education Department submitted that she had been subjected to humiliation and mental harassment by the Dy. Commissioner, Godda. She also submitted that on 31.03.2010 while she had discharged her duties on the last day of the financial year by withdrawing required funds from the treasury and was congratulated by the higher officer, she was transferred to the Secretariat on that very day. She further submitted that while she was on duty for filing an affidavit at Jharkhand High Court on the direction of Dy. Commissioner, the Dy. Commissioner Shri Virendra Mishra issued a direction to all concerned banks prohibiting them from entertaining cheques under her signature. It was also submitted that even though she is posted at District Superintendent of Education at Lohardaga, charge of District Programme Officer has not been given to her, which is the established practice.

5. Shri B.K. Tripathi, Principal Secretary, HRD, Govt. of Jharkhand said he had joined the present post in Sept. 2011. However, while agreeing that the correspondence from NCM on Ms Farhana Khatoon's complaint had been received by the Chief Secretary's office, these were not received in the

Department of Education. Moreover, the transfer of the petitioner was administrative and not punitive as alleged. But Tripathi was not in position to state when her transfer was affected. He further submitted that there were complaints against the petitioner of financial irregularities in the purchase of fire extinguishers at a very high price, which are under enquiry, but admitted that no decision has been taken on the matter thus far. He also submitted that the petitioner had been assigned a post at Lohardaga as District Superintendent of Education.

6. The petitioner in her rebuttal submitted that the transfer order dated 31.03.2010 nowhere mentions allegations of financial irregularities as stated. She further submitted that the Govt. of Jharkhand had purchased fire extinguishers on the same price at which the petitioner ordered for purchase of the same. The enquiry initiated against the petitioner was based on wrong quotation sent by the company. The company on enquiry by the petitioner clarified that the quotation of fire extinguisher was of 0.5 Kg. instead of 5 Kg, which was the capacity of the goods ordered. But, despite this clarification, the enquiry has not been closed and the same is continuing to pend. She also submitted that the District Superintendent is Ex-officio holder of the post of District Programme Officer but in her case the same has been denied. She also alleged that her photograph was exhibited on a TV channel at the instance of Deputy Commissioner, where it was alleged that she was involved in financial irregularities.

7. Principal Secretary, Education submitted that if allegations with regard to display of her photograph on a T.V. Channel, if correct, would be contrary to rules. However, enquiry was under way and the T.V. Channel has been asked to provide footage of the same. He will be in a position to comment on the issue only after examination of this.

Discussion:

8. The Commission took exception to the non-response of the Govt. of Jharkhand to the Commission's letters despite several reminders. It is curious that Principal Secretary should admit that correspondence received by the office of Chief Secretary, which heads the State Secretariat was mislaid en route to its intended destination. This raises questions regarding the very functioning of the State Civil Secretariat. The reply dated 18.11.2011 now sent by the Govt. of

Jharkhand is not satisfactory inasmuch as it states that complainant's transfer was a result of allegations of financial irregularities. The Commission asked Principal Secretary whether the allegation of financial irregularities mentioned in Para 1 of the reply was communicated to the petitioner before the transfer order was passed on 31.3.2010. The Principal Secretary informed in the negative. He submitted that the enquiry officer has now given the report which is under the consideration of the Government. The Commission also asked the Principal Secretary how much time it will take to submit a report with regard to the newspaper clippings and the report submitted by the enquiry officer.

9. On the query of the Commission, Principal Secretary submitted with regard to Ex-Officio posting of District Programme Officer he had recently been apprised that she was not holding the additional post of District Programme Officer as is normally the case with DSEs. He said a view on this will be taken in consultation with Education Minister. The Principal Secretary also readily offered to meet the petitioner in case she has any further grievances.

Decision notice:

7. The Commission recommends that the enquiry initiated with regard to the exhibition of photographs of the petitioner on T.V. Channel be completed and a copy of the same submitted within 3 months from the date of hearing, to this Commission. The respondent was also advised to treat the petitioner at par with other similarly placed officers and recommends that she be given charge of the DPOs post forthwith as per norms in practice in the State.

Sd/-
(Wajahat Habibullah)
Chairman

Sd/-
(H.T. Sangliana)
Vice Chairman

Sd/-
(Syeda Imam)
Member

Sd/-
(Keki N. Daruwalla)
Member

Authenticated true copy. Additional copies of order shall be supplied on application.

Ms. Esther Kar
(Jt. Secretary)
22.11.2011