

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

**REASONS FOR DECISIONS AND ORDERS**

*IN THE MATTER OF ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:*

**AND IN THE MATTER OF** discipline proceedings against Jagdish Bhadauria, also known as Jagdish Singh.

The Discipline Committee held a hearing on February 17, 18, 19 and 20, 2003 and March 5, 2003.

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**JAGDISH BHADAURIA,  
also known as JAGDISH SINGH  
CERTIFICATE #281371**

**PRESENT:**

Members of the Panel

Bernard J. Adam (Chair)  
James Black  
Pauline Demers

Christopher Wirth and Nancy Spies of Stockwoods LLP, Independent Counsel to the Committee

David Leonard of McCarthy Tétrault, Counsel for the Ontario College of Teachers, assisted by Trevor Evans, Senior Law Clerk

The Member, Jagdish Bhadauria, represented himself, assisted by his daughter, [REDACTED] on February 17, 18, 19 and 20, 2003 but did not attend on March 5, 2003.

A Notice of Hearing, dated August 16, 2002 was served on Jagdish Bhadauria, requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 23, 2002, and specifying the charges.

The Notice of Hearing states that Jagdish Bhadauria is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

It is alleged that Jagdish Bhadauria is guilty of professional misconduct and/or is incompetent as defined in subsections 30(2) and (3) of the Act, in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he signed and/or issued, in his professional capacity, a document or documents that he knew and knows or ought to know and have known contained a false, improper and/or misleading statements contrary to Ontario Regulation 437/97, subsection 1(12);
- (c) he failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario, 1990, Chapter E. 2 and particularly section 264(1)(c) thereof, and the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsection 1(14) and (15);
- (d) he contravened a law, the contravention of which was and is relevant to the member's suitability to hold a Certificate of Qualification and Registration contrary to Ontario Regulation 437/97, subsection 1(16);
- (e) he performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as being disgraceful,

dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18); and

- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (g) he displayed in his professional responsibilities a lack of knowledge, skill and/or judgment of a nature or extent that demonstrates that the Member is unfit to carry out his professional responsibilities or that the Certificate held by the Member be made subject to terms, conditions or limitations contrary to Ontario Regulation 437/97, Section 30(3) of the Act.

Particulars of these allegations are as follows:

1. Jagdish Bhadauria, also known as Jagdish Singh (the "Member"), is a member of the Ontario College of Teachers.
2. The Member was employed by the Board of Education for Toronto, now known as the Toronto District School Board, (the Board") from approximately 1971 to 1990.
3. In or around 1984, the Member filed a complaint against the Board with the Ontario Human Rights Commission claiming discrimination by the Board in its promotional policies, in that between 1981 and 1984, the Member had submitted approximately 39 applications for internal promotion, to the position of Vice-Principal in the Board, all of which were unsuccessful.
4. The hearing by the Ontario Human Rights Commission into the Member's complaint took place on several days between the latter part of 1989 and early 1990. In April 1990 the Board of Inquiry released its decision which found that although there were flaws in the hiring process, the Member's claim of systemic discrimination had not been made out.

5. On or about 17 October 1989, while the hearing by the Ontario Human Rights Commission was in progress, the Member wrote to the Director of Education of the Board. In that letter ("the October 1989 letter"), which he copied to Tony Silipo, Chairman, Board Trustees and unnamed "Concerned Political Leaders," the Member made several accusations and threats against the Director of Education and members of the Board including:
- (a) describing the Board as a "Reichstag of racial persecution";
  - (b) describing two members of the Board as a "Grand Dragon" and "Dragoness";
  - (c) stating that the Director of Education had:
    - (i) "presided over the death of human rights and equality in the Board";
    - (ii) "presided over a heap of hypocrisy that existed in the Board"; and
    - (iii) "presided over a gang of despots who ruled the corridors of power in the Board";
  - (d) making statements that, "A condemned Jewish person would have received more mercy from Hitler than I got from you. You know that Idi Amin or Pinochet never surrendered anyone personally, nor did Noriega sold drugs himself. The dirty work of these tyrants was done by their hatchet men. From the evidence that exists, I have every reason to believe that you never counselled the gang of rogues and rascals, including Hayes, Banks, Choma, Sissons, Snell and others, let alone reprimand them for their atrocities. Hail the camaraderie in persecution!"
  - (e) stating that,

"When the recent past group of superintendents was appointed, the two pre-requisites and mandatory criteria for their selection must have been:

    - (i) be a moron and imbecile;
    - (ii) be vindictive and unforgivable.

At the same time, an expertise in the art of lying must have been an added asset. When I recall the characteristics of

such superintendents as Hayes, Choma, Banks, Sissons, Snell and others, I can readily add a few more heinous qualities that I cannot put in writing in a public document such as this letter.”

- (f) stating that,
    - (i) “If I were to compare sadist Sissons, Hayes, Chora, Snell, Banks and others to world-class oppressors, I would place their deeds above the atrocities of Idi Amin, Pinochet, and Marcos, and at a level comparable to that of Hitler and Stalin, both of whom exterminated the dissenters ruthlessly”.
    - (ii) “All these superintendents were the Jim Bakker of education with one major exception. Jim Bakker has been found guilty and faces a penalty of 120 years in jail and a \$5 million fine whereas Sissons, Hayes, Banks, Snell and other co-conspirators in my case have escaped all retribution”.
    - (iii) “What I did not know was the severity and duration of personal and institutional vendetta against me. This was a most unexpected feature of my struggle to get justice. I must have been the guinea pig of holistic racial discrimination. In 1833 an act of parliament emancipated the slaves of South Africa, yet the Hayes, Sissons, Banks and Company kept me in bondage until I liberated myself in 1988. I was up against Ku Klux Klans clad in three-piece striped suits.”
    - (iv) “Under your guidance and leadership, the board has built up a huge propaganda machinery that has been very effective in convincing the world that Toronto Board is a pioneer in race relations. Even Goebbels would not have been as successful in performing this feat.”
    - (v) “I offer a Trudeau salute to you and your crony superintendents.”
6. The Member enclosed, with the October 1989 letter, a newspaper article, which he stated “relates to human behaviour when the limit of tolerance is reached. It is entitled, ‘Disgruntled Employee Kills 7, Wounds 13’.” He then stated in the October 1989 letter that ,

“This and many more incidents of similar nature that are reported from time to time simply point out the fragility of human tolerance. Based on my extensive experience in human suffering, I can safely predict that such an incident

will happen at the board. But at that time it would be too late to rationalize the motives of the assailant.”

7. On or about 15 December 1989, approximately nine days after Marc Lépine shot and killed thirteen female students and a female school secretary at the École Polytechnique, an engineering school at the University of Montréal, Quebec, with a semi-automatic rifle, the Member wrote a further letter (“the December 1989 letter”) to the Director of Education which was headed, “The Montréal Massacre.”
8. In the December 1989 letter, the Member stated, *inter alia*, “the press, the media and the public at large are blaming the male students in Montréal for not showing courage, and thus not preventing the tragedy. Perhaps they feared for their own life. But in my case, none of the Board officials, including the trustees, was in danger of their life, and yet, no one did anything to challenge the conspiracy and the resulting injustice. Having overcome the grief, I became extremely disappointed that the massacre occurred in Montréal, but not at 155 College Street, the Canadian epicentre for racial bigotry and tokenism. I wish that Lépine should have lined up you and your crony superintendents, including Snell, Hayes, Sissons, Banks, Choma and other co-conspirators, against the wall and shot all of you. That would have been the most satisfying day of my life. I can assure you that I would not have shed a tear at the untimely and gruesome demise of all of you.”
9. The Member, in the December 1989 letter, went on to say:
  - (a) “I was one of the most competent, caring, and kind teachers until the scoundrel superintendents began their heinous atrocities against me. Eight years of continual persecution has transformed me into a blood-thirsty and revengeful devil. The persecution has totally destroyed my teaching ability, my memory and my gentleness.” For eight years, Count Dracula-Hayes and the draconian gang under your guidance sought my blood and turned me into an emotionless human stone for whom the massacre of all or some of the gang would be a just and acceptable revenge;”

- (b) “This is the Christmas Season, a season filled with joy, happiness and understanding. For me, I have suffered ten agony-filled Christmas seasons. Lépine should have changed all of this. Maybe somebody else will at some time in the future;” and
  - (c) “Now that you are leaving the board, I will make sure that you never forget what you and your gang did to me. It is not a threat, but a promise that as long as you live, I will haunt you and remind you at every Christmas that you were the funeral director of my career. For you there will be no escaping from this yearly reminder.”
- 10. On or about 25 January 1990, the Board approved the following recommendations:
  - (a) That the Member, a permanent teacher assigned to West Toronto Secondary School, be suspended with pay, effective 2 January 1990;
  - (b) The Board terminate the permanent contract of the Member effective 31 August 1990; and
  - (c) That the Member be advised, in writing, that his permanent contract is terminated for reasons of unprofessional conduct, poor judgment, and attitudes which indicate he is no longer capable of fulfilling his duties as a teacher under the *Education Act* and the *Regulations*.
- 11. On or about 25 August 1990, the Member wrote a letter (“the August 1990 letter”) to Joan Green, who was then the Director of Education of the Board, following the retirement of Dr. McKeown. In that letter, the Member acknowledged that he had been advised by his counsel to refrain from writing any letters to the Board’s administrators, but stated that he was unable to curb his natural urge of putting his thoughts on paper. He stated that, “after a long interval of nearly 18 months, he could not resist and control his impulse of using the power of the pen after reading a recent article entitled, “No Roadside Justice” even at the risk of being skinned alive.”
- 12. In the August 1990 letter, the Member also stated, *inter alia*,
  - (a) “One of the most important aspects of education is to inculcate respect for the rule of law, but in my case you applied the law of the jungle. I believe

that even in South Africa and Russia, such harsh and cruel punishment is not meted to teachers having totally dissenting and offensive opinions.”

- (b) “I find striking similarities between the punishment meted out by the late tyrant Ayatollah Khomeini to Salman Rushdie and by the Toronto Board to me for exactly similar behaviour. For me, a swift end of my professional career is far worse and painful punishment than a swift end of life.”
13. On or about 24 October 1990, the Member wrote another letter (“the October 1990 letter”) to Ms Green, the Director of Education of the Board. In that letter, the Member stated, “ I would like to make a formal contrition for causing concern to the board’s personnel, both retired and still employed, by my poor judgment. Although I have apologized to various people on other occasions many months ago, the apologies were neither direct nor forthright. Through this letter I want to leave no doubt as to the sincerity with which I am offering this penitence for writing the two letters exhibiting poor judgment.”
14. In the October 1990 letter, the Member went on to request compassion by imposing a less severe punishment, particularly in view of his often failing “to hear the board’s unspoken messages due to my inability to do so. The board’s latest revelation that I was dismissed not for writing the letters but for holding the beliefs expressed therein came as a total surprise to me. My understanding of the board’s position was just the reverse of the above. Such a lack of reading the board’s mind has often resulted in generating thought processes and beliefs in me which run counter to the board’s expectations.”
15. The Member went on to say in the October 1990 letter that, “notwithstanding the unacceptability of my actions, the penalty imposed is harsh and amounts to cruel and unusual punishment, especially in view of this being the first offence. In the arbitration hearing, it became clear to me that it was the Board’s objective to eradicate from its teachers all beliefs which run counter to its policies. Any penalty short of dismissal, the maximum and the most severe punishment which has been imposed upon me, will clearly achieve the above-stated objective.”

16. The aforementioned discharge of the Member by the Board was upheld by the Supreme Court of Canada.
17. The aforesaid activities and the publicity resulting from media coverage and communication within the general public has resulted in a reputation, image and lifestyle inconsistent with that expected of a Member to enable the Member to discharge the duty of the Member to the public, his employer and his students.

On February 17, 18, 19, and 20, 2003 and March 5, 2003, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Jagdish Bhadauria was guilty of professional misconduct.

Proof of service of the Notice of Hearing was presented and accepted by the panel.

## **EVIDENCE**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit 1, alleging that Jagdish Bhadauria is guilty of professional misconduct in that his acts were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, subsections 1(5), (12), (14), (15), (16), (18) and (19) and contrary to Section 30(3) of the Ontario College of Teachers Act.

The following Exhibits were presented during the hearing:

- Exhibit #1 Affidavit of Service of Lorraine Carrier of Notice of Hearing on Jagdish Bhadauria, dated October 9, 2002.
- Exhibit #2 Professional Profile of Joan M. Green.
- Exhibit #3 Letter dated October 17, 1989 to Dr. E.N. McKeown from J. Bhadauria.
- Exhibit #4 2 photographs identifying Mr. Bhadauria holding a sign with "TORONTO BOARD IS NAZI BOARD" written on it.
- Exhibit #5 Letter dated December 15, 1989 to Dr. E.N. McKeown from J. Bhadauria.
- Exhibit #6 Package of letters from Jag Bhadauria, the first one dated July 10, 2000 to Registrar, Ontario College of Teachers.
- Exhibit #7 Letter dated January 25, 1990 from Joan M. Green, Director of Education, Toronto Board of Education, to Jagdish Bhadauria.
- Exhibit #8 Supreme Court of Canada decision dated February 27, 1997 re: Toronto Board of Education v. OSSTF, District 15 (Toronto) et al.
- Exhibit #9 Letter dated January 2, 1990 to Jagdish Bhadauria from Joan M. Green.
- Exhibit #10 Letter dated January 10, 1990 to Jagdish Bhadauria from Joan Green.
- Exhibit #11 Letter dated January 11, 1990 to Jagdish Bhadauria from Joan Green.
- Exhibit #12 Letter dated January 18, 1990 to Jagdish Bhadauria from Joan Green.
- Exhibit #13 Partial C.V. of Edward N. McKeown dated February 13, 2003.
- Exhibit #14 Curriculum vitae of Michael Choma.
- Exhibit #15 Registered Member Information of Jagdish Bhadauria dated February 14, 2003.
- Exhibit #16 Education Act - Duties of a Teacher, Section 264 (1) to Section 265 g).
- Exhibit #17 C.V. of Suhasni Shah.
- Exhibit #18 C.V. of Jag D. Bhadauria.
- Exhibit #19 Unsigned Reinstatement Agreement between Board of Education for City of Toronto and OSSTF and Jagdish Bhadauria.

- Exhibit #20 Summary of letters to/from Jagdish Bhadauria and Toronto Board of Education.
- Exhibit #21 Psychiatric Assessment dated October 25, 1989 of Andrew I. Malcolm, M.D., Re: Jagdish Bhadauria.
- Exhibit #22 Psychological Assessment by Dr. Ruth M. Bray re: Bhadauria Jagdish dated 18.1.90.
- Exhibit #23 Clarke Institute of Psychiatry History of Bhadauria, Jagdish of G.A. da Costa, M.D. dated 16/03/90.

Counsel presented evidence that Jagdish Bhadauria is a member of the Ontario College of Teachers, (Exhibit 15). At all material times, Jagdish Bhadauria was employed by the Board of Education for Toronto, now known as the Toronto District School Board, from approximately 1971 to 1990 as a teacher.

Joan M. Green, former Director of Education for the Toronto Board of Education testified that the letters of October 17, 1989 and December 15, 1989 written by Jagdish Bhadauria to Dr. McKeown, came to her attention while she was acting as Director of Education. Upon reading the letter of December 15, 1989 she was shocked that it mentioned the Montréal massacre.

Mrs. Green confirmed that though police were consulted, no charges were laid.

However the Board did see fit to provide security for the Supervisory Officers and herself. She confirmed that she had no evidence to suggest Mr. Bhadauria had ever been a threat to students. She acknowledged that no complaints had been received from parents, teachers or supervisory personnel. She also stated that she was concerned with

the safety of the children. In reference to the letter dated December 15, 1989, she states “This letter causes us considerable concern re your suitability to teach” (Exhibit 9).

Dr. E.N. McKeown, who was Director of Education prior to Joan Green, said he received the letter of October 17, 1989 and treated it as a complaint and consulted with senior staff (Exhibit #3). The letter of December 15, 1989 came to his attention in mid January 1990 after he returned from vacation. Since he was no longer Director of Education at that time, he stated he had no responsibility to deal with the complaint.

[ ] testified on behalf of Jagdish Bhadauria. She indicated that her father was a good, caring father, a good provider and non-violent. When asked if she had any knowledge on how the media picked up on these letters, she answered that she had no idea.

Mr. Bhadauria’s son, [ ], who was 8 years old at the time his father wrote the letters, testified that his father was loving, jovial and after a while he became sad, reserved and quiet, spending lots of time reading and writing. He also indicated that he had never seen his father be violent to anyone.

[ ] testified that Mr. Bhadauria was involved in many community activities.

Jagdish Bhadauria testified that he had been a teacher since 1961 and that no complaints were ever lodged against him and his competence was never questioned. He also testified that he was not a violent person. Mr. Bhadauria talked at length about his

experience as an administrator as a Summer School Principal and as head of his department.

He taught at other schools in 1997 with the Peel District School Board and Durham District School Board using his birth name, Jagdish Singh. Again, he strongly stated that there was never a question of his competence as a teacher.

He admitted to writing the aforesaid letters and that they had been written in anger and at the lowest moments of his life. He stated that he never meant to carry out the wishes contained in his letter of December 15, 1989. He indicated that the wording used in the letter was especially out of character and that he had momentarily snapped.

#### **FINDINGS OF FACT:**

Based on the evidence the Committee finds the following facts:

1. Jagdish Bhadauria is a member of the Ontario College of Teachers (Exhibit 15).
2. At all material times, the member was employed by the Toronto Board of Education, now known as the Toronto District School Board from approximately 1971 to 1990.
3. The member did write two letters – October 17, 1989 and December 15, 1989 in which the member made several accusations, threats and disgraceful comments against the Director of Education and other members of the Board (Exhibits 3 & 5).
4. The member was suspended with pay from January 2, 1990 to August 31, 1990 (Exhibit 7).

5. There were never any allegations from the Board as to Jagdish Bhadauria being incompetent as a teacher.
6. Mr. Bhadauria never made any physical or violent acts towards anyone at anytime.

**DECISIONS AND ORDERS:**

After careful consideration of the evidence and submissions of counsel, the Committee finds Jagdish Bhadauria guilty of professional misconduct as defined in subsection 30(2) of the Ontario College of Teachers Act in that we find that he committed the following acts as set out in the Notice of Hearing in that:

- (a) he signed and/or issued, in his professional capacity, a document or documents that he knew and knows or ought to know and have known contained a false, improper and/or misleading statements contrary to Ontario Regulation 437/97, subsection 1(12);
- (b) he failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario, 1990, Chapter E. 2 and particularly section 264(1)(c) thereof, and the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsection 1(14) and (15);
- (c) he performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as being disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18); and
- (d) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Committee further finds that Jagdish Bhadauria did not commit the acts as set out in the Notice of Hearing, in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he displayed in his professional responsibilities a lack of knowledge, skill and/or judgment of a nature or extent that demonstrates that the Member is unfit to carry out his professional responsibilities or that the Certificate held by the Member be made subject to terms, conditions or limitations contrary to Ontario Regulation 437/97, Section 30(3) of the Act.

After careful consideration of all the facts and evidence, the Discipline Committee directs the Registrar and Chief Executive Officer to suspend Jagdish Bhadauria's Certificate of Qualification and Registration for a period of 18 months from the date this Decision and Order is signed, such penalty to include the 8 months suspension by the Toronto Board of Education already served by the Member. The remaining 10 months of the suspension shall become effective as of the date this Decision and Order is signed, but the balance of this suspension will be suspended if the following condition is met:

1. Mr. Bhadauria must present himself on Monday, March 31, 2003 at 8:45 a.m. to the Discipline Committee to receive a reprimand. Should Mr. Bhadauria not present himself at the stated date and time, then the balance of the suspension will continue.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the names of the member, be published in the official publication of the Ontario College of Teachers, "Professionally Speaking/Pour parler profession".

**DATED AT TORONTO, THIS 5<sup>th</sup> DAY OF MARCH, 2003  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Bernard J. Adam, **Chair**

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James Black

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Pauline Demers