

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
MUKUNDCHA BHATT : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-180

At its meeting of May 12, 2011, the State Board of Examiners (Board) reviewed information received from the Barnegat Township Police Department indicating that on February 22, 2010, Mukundcha Bhatt pled guilty to one count of Offensive Language/Disorderly Conduct after originally being charged with harassment (Offensive Touching). Bhatt was sentenced to evaluation and counseling and ordered to have no contact with the victim or the victim's family. He was also fined. Bhatt currently holds a Substitute Credential which expires in July 2015. Upon review of the above information, at its June 16, 2011 meeting, the Board voted to issue Bhatt an Order to Show Cause.

The Board sent Bhatt the Order to Show Cause by regular and certified mail on June 20, 2011. The certified mail receipt was signed and returned and the regular mail copy was not returned. The Order provided that Bhatt must file an Answer within 30 days. Bhatt did not file an Answer. Thereafter, on August 3, 2011, the Board sent Bhatt another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was signed and returned. The regular mail copy was not returned. Bhatt did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on September 1, 2011, the Board sent Bhatt a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Bhatt was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder as well as arguments with regard to the appropriate

sanction in the event that the Board determined to take action against his credential. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Bhatt's offenses warranted action against his credential. Thereupon, the Board would also determine the appropriate sanction, if any. Bhatt was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. In a letter dated October 10, 2011, Bhatt returned his original substitute credential. He stated that he was "nearly 69 years old, in poor health for the last 8 months, in constant care by a Physician and have ended my working career part or full time." (Hearing Response, p. 1).

The threshold issue before the Board in this matter is whether Bhatt's conviction for Offensive Language constitutes conduct unbecoming a certificate holder. At its meeting of December 16, 2011, the Board considered the allegations in the Order to Show Cause and Bhatt's Hearing Response. The Board determined that no material facts related to Bhatt's offense were in dispute since he never denied that the allegations in the Order to Show Cause regarding his conviction and sentence were accurate. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Bhatt's conviction, as set forth in the Order to Show Cause, provides just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9-17.5*. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint

and controlled behavior rarely requisite to other types of employment.” *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. Moreover, the Commissioner has long held that teachers serve as role models for their students. Bhatt’s conviction for Offensive Language demonstrates behavior that falls far short of the role model status expected of teachers. Clearly, Bhatt cannot lay claim to that status. The Board believes that revocation is the appropriate sanction in this case.

Accordingly, on December 16, 2011, the Board voted to revoke Bhatt’s Substitute Credential. On this 19th day of January 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Mukundcha Bhatt’s credential be effective immediately.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th