

## **Part-II**

### **COLLECTION OF DATA – FACTUAL MATRIX**

#### **A. AFFIDAVITS FILED IN THIS ENQUIRY**

**62)** The data / material is collected in this enquiry through the affidavits filed by the Employees/ Officers of the University and others. The affidavits are filed in this enquiry by the persons/ officers concerned to present documents and to make statements in this enquiry. There are also affidavits filed in this enquiry by the persons / officers concerned on the lines of their interrogation and statement in this enquiry. For the sake of convenience, the classification of the affidavits filed in this enquiry is made as follows:

- i) Affidavit of the Deputy Secretary to His Excellency the Governor of Maharashtra
- ii) The University affidavits
- iii) Affidavits filed by the officers of the University on the lines of their interrogation and statement in this enquiry and in answer to the questionnaire sent to them
- iv) Affidavits filed by the Chairman and the Members of the Selection Committee on the lines of their interrogation and statement in this enquiry.
- v) Affidavit filed by the then Vice-Chancellor of the University.
- vi) Affidavits filed by the petitioners in Writ petitions Nos.4771/2006, 432/2006 and 905/ 2006
- vii) Affidavits filed by the non-selected candidates
- viii) Affidavits filed by the selected candidates.
- ix) Note filed by the Assistant Commissioner B.C.Cell, Nagpur
- x) Note regarding Estate Section and Senior Technical Assistant filed by Dr.S.N. Mendhe, Professor in Agronomy, and Estate Officer-II, College of Agriculture, Nagpur.

The chronological list of all the Exhibits including affidavits filed in this Enquiry is annexed to this Report as **Annexure-1** and the List of the affidavits and documents as per the above classification is also enclosed as **Annexure -1-A** of the Enquiry Report.

## **B. DECISION-MAKING PROCESS IN THE UNIVERSITY**

**63)** Before considering the affidavits i.e. data relating to the selection process followed in making selections to the posts of SRA (Agri.) and JRA (Agri.) in question, it is first necessary to understand how the decisions are taken in the University upon any academic or administrative matter. Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University stated in para 2 of his affidavit dated 14.1.2008 (Ex.658) sworn and filed on the lines of his interrogation and statement in this enquiry, that he had long tenure of service in the University before he became its Vice-Chancellor and therefore he had lot of experience of its administrative as well as academic side. He had also the experience of working upon several selection committees constituted for selection in the posts of academic as well as Ministerial staff. He is thus conversant with the provisions of the University Act, the Statutes and the Regulations framed thereunder as also the procedure ordinarily followed in the University in taking decisions upon any academic or administrative matter. He further stated that under Section 18 of the University Act, the Vice-Chancellor of the University is its principal executive and he exercises general control over its affairs. He is responsible for its proper administration which includes financial administration also.

**64)** As regards the decision making process in the University, Dr. S.A. Nimbalkar, stated in para 4 of his aforesaid affidavit dated 14.1.2008 (Ex.658) that any matter relating to the affairs of the University which was sent to him or was brought before him for his approval / sanction was always in writing and in the form of notesheet of the concerned officers of the office or the department to which it related. Such notesheets were contained in the file opened for that particular purpose/matter. Before such matter was placed before him for his approval/sanction, it was considered by the Head of the office or the department to which it related and the said file contained his opinion / recommendation about it. It was only thereafter that he granted his approval by signing such notesheet and in case he was not satisfied about any matter / proposal placed before him for his approval / sanction, he would call for the concerned officers and/or the relevant records and after getting necessary information, he would approve it only if he was satisfied about it. His approval to any proposal /matter was never oral but was always in writing.

**65)** Dr. S.A. Nimbalkar, then stated in para 5 of his aforesaid affidavit dated 14.1.2008 (Ex-658) that as regards any matter/ proposal which was first discussed with him by the Head of the office/department and / or other concerned officers if he would indicate his approval to such matter/ proposal in such discussion, the concerned officers/employees of the said office/department would prepare notesheet about it making their recommendation/s to him with brief reasons which notesheet would be forwarded to him for his approval / sanction after the head of such office / department had approved it in writing under his signature and the approval to such proposal/matter was then granted by him by tick marking the relevant portion wherever necessary and by drawing a vertical line over his

designation and signing it. He however, emphasized that no decision was taken in the University orally.

**66)** In para 6 of his aforesaid affidavit dated 14.1.2008 (Ex.658) Dr.S.A. Nimbalkar, stated that, in particular, so far as the administrative side of the University was concerned i.e. the Registrar's office, according to the procedure followed in the University in regard to the administrative matter/proposal upon which the decision was to be taken by him a note containing proposal of the office would be initiated in writing by the concerned clerk/Section Assistant/Officer which would be forwarded to the Vice-Chancellor for his approval through proper channel i.e. through the Assistant Registrar, Deputy Registrar and the Registrar, who would consider such proposal either by submitting their own notes i.e. giving their separate opinion/remarks or only signing it in token of their approval before placing it for final approval of the Vice-Chancellor.

### **C. SELECTION PROCESS AND SELECTION**

**67)** It is necessary to bear in mind that the selection process commences with the preparation and publication of the advertisement for the posts in question and ends with the preparation of the list of selected candidates and handing it over to the appointing authority in the light of the relevant rules in that regard. The following are broadly the relevant stages in the selection process for making selections of candidates in the posts of SRA (Agri.) and JRA (Agri.) in question.

- (i) Constitution of the selection committee
- (ii) Advertisement including its amendment collectively marked as Ex.2 in this enquiry.
- (iii) Receipt of the applications of the Candidates for the posts of SRA/JRA pursuant to the advertisement dated 14.8.2004 read with its addendum dated 6.9.2004 (Ex.2) and their categorywise distribution :
- (iv) Determination of criteria for shortlisting of candidates applying for these posts of SRA (Agri.) and JRA (Agri.)
- (v) Decision to hold combined / common interviews for both the posts of SRA (Agri.) and JRA (Agri.), preparation of combined alphabetical lists of the candidates to be called for interviews for the said posts, and programme of interviews for them.
- vi) Issue of notice of meeting of the selection committee for taking interviews of the candidates.
- vii) Determination of criteria for academic evaluation of SRA/JRA.
- viii) Assignment of the work of awarding marks as per the criteria.
- ix) Meeting of the Selection Committee

- x) Preparation of the Mark-sheet of all the Candidates
- xi) Procedure followed in preparation of the Selection Lists
- xii) Selecting in the posts of SRA (Agri.) and JRA (Agri.) favoured candidates as understood in this Enquiry Report.
- xiii) Non-Selection of YCMOU Graduates
- xiv) Preparation of waiting lists
- xv) Signing the Marksheet Ex.34(O)-A and the Selection Lists
- xvi) Discrepancies, Mistakes and Overwriting / applying white ink in the Marksheet Ex.34(O)-A and the Chart of verification by the Assistant Professors/Associate Professor Ex.38(O).
- xvii) Preparing the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005
- xviii) Handing over of the Selection Lists to the then Vice-Chancellor

**i) Constitution of the Selection Committee**

**68)** Section 58 (1) of the University Act, provides that no person shall be appointed by the University as a member of the academic staff except on the recommendation of the selection committee constituted for the purpose in accordance with the provisions of the Statute in this behalf save the posts of Professor and above for appointment in which the Selection Committee is provided under section 58(2) of the said Act itself. Statute-71 provides for classification of academic staff members and inter-alia includes therein SRA and JRA as academic staff members. Statute-76 of the Statutes provides for constitution of the Selection Committee for selection to the posts of academic staff members below the post of Assistant Professor i.e. for SRA/JRA etc. The composition of the said Selection Committee under statute-76 is already reproduced in para 52 of this report. It is necessary to notice that in view of the amendment made in section 19 (2) of the University Act by the Maharashtra Act No.14 of 2003, the Registrar of the University is the Member Secretary of the said Selection Committee for the academic staff members. The tenure of the said committee as provided in Statute 76 (2) is one year from the date of its constitution which can be extended by the Vice-Chancellor in exceptional circumstances for a further period not exceeding 6 months.

**69)** The Selection Committee which was concerned with the selection to the posts of SRA and JRA in question in this enquiry was constituted under statute 76 by the Vice-Chancellor as per the notification dated 24.5.2004, issued and signed by the then Registrar of the University. The said notification dated 24.5.2004, is filed in this enquiry by the

University with its affidavit dated 18.7.2007 (Ex.-1) and is marked as (Ex.-7). The said notification dated 24.5.2004 (Ex.7) is reproduced below:

### **NOTIFICATION**

No. BDC/0386 (II)

Dated the 24<sup>th</sup> May, 2004

In pursuance to the provisions under statute-76 of Maharashtra Agril. Universities (Krishi Vidyapeeths) Statute 1990 read with provisions under sub-section-1 of Section-58 of Maharashtra Agril. Universities Act, 1985, the Vice-Chancellor is pleased to constitute the Selection Committee as mentioned below for selecting the persons for appointment in the University as clarified in the Statute.

- |      |  |            |
|------|--|------------|
| i)   | The Director of Instructions Dr.P.D.K.V, Akola                                     | - Chairman |
| ii)  | Associate Dean (PGI) Dr.P.D.K.V, Akola   | - Member   |
| iii) | Head, Department of Horticulture Dr.PDKV, Akola                                    | - Member   |
| iv)  | Dr.B.N.Dhatonde, Professor of Agronomy<br>Cropping Res. System, Dr.P.D.K.V, Akola  | - Member   |
| v)   | Head, Department of Plant Pathology,MPKV,Rahuri                                    | - Member   |
| vi)  | Dr. N.D. Pawar, Prof. of Agri. Economics<br>Marathwada Krishi Vidyapeeth, Parbhani | - Member   |

The Registrar, Dr. P.D.K.V., Akola, shall be the Ex-Officio Member Secretary of the Committee.

The constitution of the above committee shall be valid for a period of one year from the date of issue of this Notification.

Sd/-

Registrar, Dr. P.D.K.V. Akola

Copy f.w.cs. for information and necessary action to :

- 1) Dr. V.D. Patil, Director of Inst., Dr.PDKV, Akola
- 2) Dr. E.R. Patil, Associate Dean (PGI), Dr. PDKV, Akola.
- 3) Dr. N. D. Jogdande, Head, Department of Horticulture, Dr.PDKV, Akola
- 4) Dr. B. N. Dahatonde, Professor of Agronomy, Cropping Res. System, Dr. PDKV, Akola.
- 5) Dr. D. M.Sawant, Head, Deptt. of Plant Pathology, Mahatma Phule Krishi Vidyapeeth, Rahuri.
- 6) Dr. N. D. Pawar, Professor of Agricultural Economics, Marathwada Krishi Vidyapeeth, Parbhani.

7) Registrar, Dr.PDKV, Akola

Copy for information to P.A. to Vice-Chancellor/Registrar, Dr. PDKV, Akola.

**70)** By further notification dated 23.5.2005 which is filed by the University with its aforesaid affidavit dated 18.7.2007 (Ex.1) marked as Ex. No.8 in this enquiry, the Registrar of the University, by order and with the approval of the Vice-Chancellor, extended the tenure of the said committee by further period of 6 months i.e. till 23.11.2005.

**71)** Dr. S.A. Nimbalkar, the then Vice-Chancellor of the said University, has referred in paras 17 to 20 of his affidavit dated 14.1.2008 (Ex.658) to the aspect of the constitution of the Selection Committee and nomination of 2 members therein by its Chairman from the category of professors, other than the Head of the Department, one of whom should be from the other Agricultural University in the State. In para 17, he stated that the Vice-Chancellor is the appointing Authority so far as the posts of SRA and JRA are concerned and that he had constituted the Selection Committee under Statute-76 as per the notification dated 24.5.2004 (Ex.7). However, according to him, before issuing the said notification dated 24.5.2004 (Ex.7) he had proposed for appointment as Chairman of the said Selection Committee, the name of Dr. V.D. Patil D.I./ Dean, and for appointment as members of the said Selection Committee, the name of Dr.E.R. Patil, Associate Dean (PGI) from the category of one Associate Dean, and from the category of two Heads of Departments one from Dr. PDKV, Akola, and another from the other Agricultural University in the State, the Head of the Department of Horticulture Dr.PDKV, Akola, and the Head of the Department, Plant Pathology, MPKV Rahuri. He then stated in para 17 that he had asked on phone Dr.V.D. Patil, to communicate to him the names of two professors, one from Dr.PDKV, Akola and the other from the other Agricultural University in the State for their appointment as members of the Selection Committee. According to him, Dr.V.D. Patil, communicated to him on phone, the names of Dr. B.N. Dahatonde, Professor of Agronomy, Dr.PDKV,Akola and Dr.N.D.Pawar, Professor of Agricultural Economics, MKV Parbhani, for their appointment as members of the said Selection Committee. Further, according to him, he thereafter, came personally to him but did not make his nominations in writing. He then stated that even he had not made his nominations in writing.

**72)** As regards the question of nominations to be made by him in the Selection Committee constituted under statute 76 (1) of the Statutes, the Chairman of the Selection Committee, Dr.V.D. Patil, stated in para 3 of his affidavit dated 25.12.2007 (Ex.645) that before issuing the aforesaid notification dated 24.5.2004 (Ex.7), the Vice-Chancellor had asked him for his suggestions on phone about the appointment of two Professors in the said Selection Committee other than Head of the Department one of whom was to be from the other Agricultural University in the State. Accordingly, he suggested the above names of Dr. B.N. Dahatonde, Professor of Agronomy, Dr.PDKV, Akola, and Dr. N.D. Pawar, Professor of Agril. Economics (and not Agril.Botany), MKV, Parbhani. He then admitted

that he had not made any nominations as such upon the Selection Committee, muchless in writing after he was appointed as Chairman as per the aforesaid notification dated 24.5.2004.

**73)** Turning to the affidavit of Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University dated 14.1.2008 (Ex.658), he stated in para 18 thereof that before the notification dated 24.5.2004 (Ex.7) about the constitution of the Selection Committee under Statute-76 read with Section 58(1) of the University Act was issued, a file was opened for that purpose which is submitted in this enquiry and marked as Ex.643(O). Perusal of the said file (Ex.643(O)) shows that since the tenure of the earlier selection committee under statute-76 had expired on 28.1.2004, the Assistant Registrar Shri P.V. Behare, wrote a note on 4.2.2004, contained at pages N/2 and 3/N of the said file (Ex.643 (O)), in which he pointed out the categories under statute 76(1) from which, the nominations were to be made by the Vice-Chancellor, for appointment as Chairman and the Members of the Selection Committee in reconstituting it. When the said office note dated 4.2.2004, was forwarded to the Deputy Registrar, the Deputy Registrar vide his note dated the same at page N/4 of the said file Ex.643(O), directed that the lists of Heads of the Departments and Professors of the other University should be enclosed. When the said file was received by the Section Officer, he, by his note dated 5.2.2004, directed Shri D.P. Deshmukh, Section Assistant to take steps to enclose the said lists in the file. Accordingly, as per his note dated 15.4.2004 Shri D.P. Deshmukh, Section Assistant (Estt.), collected the information and placed on record in the said file, lists of Heads of the Departments and Professors of the Agricultural Universities in the State. After the said note of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.4.2004 in the file (Ex.643 (O)) was forwarded to the Section Officer, he proposed by his note dated 23.4.2004, that the Hon'ble Vice-Chancellor be requested to nominate the Chairman and the Members of the Selection Committee from the lists included in the said file.

**74)** When the said file (Ex.643 (O)) was received by Shri P.V. Behare, the Assistant Registrar, he wrote a detailed office note dated 13.5.2004, contained at pages N/6 and 7/N of the said file Ex.643(O), for reconstitution of the Selection Committee in view of the ensuing selection process. In his aforesaid office note dated 13.5.2004 in the file (Ex.643(O)), he gave as follows the detailed information about the various categories of membership given in Statute-76. In para 1, under the head "Director or Dean", he gave names/designations of various Deans and Directors in the University from amongst whom the Vice-Chancellor, had to nominate the Chairman of the Selection Committee. In para 2, under the head "one Associate Dean" to be nominated by the Vice-Chancellor, he pointed out the names of the Associate Dean, Agricultural Engineering/Associate Dean (PGI)/ Associate Dean, College of Agriculture, Nagpur, by their designations. In para 3 relating to the nomination by the Vice-Chancellor of two Heads of Departments out of whom one was

to be from the other Agricultural University in the State, the Vice-Chancellor was requested to nominate so far as Dr. PDKV, Akola was concerned, one Head of the Department from amongst the Heads of its Departments of Agricultural Economics/ Agronomy / Agricultural Chemistry/ Horticulture. So far as one Head of the Department from the other Agricultural University in the state was concerned, the lists of such Heads of Departments were placed in the file Ex. 643(O) at pages C/9, MPKV, Rahuri, C/19 KKV, Dapoli, and C/27 MKV Parbhani, from which lists the Vice-Chancellor had to nominate one member in the category of one Head of the Department from the other Agricultural University in the State. In para 4, he requested the Vice-Chancellor to nominate two Professors, other than the Head of the Department, one of whom was to be from amongst the Professors working in Dr. PDKV, Akola, a list of which was made available at the bottom of the list upon page C/23 of the file (Ex.643(O)) and another Professor, from the other Agricultural University in the State, for which the list of Professors from MPKV, Rahuri, was included on pages C/11 to C/15 and the list of Professors from MKV, Parbhani on page C/27 of the said file (Ex.643(O)).

**75)** When the aforesaid file (Ex.643(O)) was forwarded to the then Registrar Dr.Vandan Mohod, he specifically pointed out by his note dated 14.5.2004 that the relevant lists of Heads of the Departments and Professors were included in the said file for nomination. It appears that after he wrote the aforesaid note on 14.5.2004, he realized that discussion would be required to be made in that regard and therefore near his signature, he wrote “मा. कुलगुरूशी चर्चा करून ठरवावे लागेल”. The file (Ex.643(O)) was then forwarded to the Vice-Chancellor for making, in the light of the information included in the said file Ex.643(O), the nomination of the Chairman and the Members to constitute the Selection Committee.

**76)** As regards the nominations to be made by him, Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University stated in para 19 of his affidavit dated 14.1.2008 (Ex.658) that when the office note dated 13.5.2004 at page N/6 and 7/N of the file Ex.643(O) was put-up before him, he tick marked in green ink against the designation of the Director of Instructions in para 1 of the said note dated 13.5.2004 for his nomination as Chairman of the Selection Committee. In para 2 of the said note dated 13.5.2004, he tick marked in green ink against the designation of the “Associate Dean (PGI)” for his nomination as the member of the Selection Committee from that category. As regards the nomination of two Heads of the Departments as members, one from the Dr.PDKV, Akola and another from the other Agricultural University in the State, in para 3 of the said office note dated 13.5.2004, he had written in green ink the names of Dr.N.D. Jogdande, H.O.D. Horticulture (Addl.Charge) from Dr.PDKV, Akola and Dr. D.M.Sawant, H.O.D. Plant Pathology from MPKV Rahuri. According to him, in the list of the Heads of the Departments of MPKV, Rahuri, included at page C/9 of the said file (Ex.643(O)) also, he tick marked in Green ink

against the name of Dr.D.M. Sawant, H.O.D. Plant Pathology. About the nomination of two Professors as members of the Selection Committee, other than Head of the Department, one of whom from the Agricultural University in the State other than Dr. PDKV, Akola, in para 4 of the said note dated 13.5.2004, he had written in green ink the names of Dr.B.N. Dahatonde, Prof. of Agronomy, Dr. PDKV, Akola and Dr. N.D. Pawar, Prof of Agricultural Economics, MKV Parbhani. He then stated that he had also tick marked against the names of Dr. N.D. Pawar, Professor of Agril.Economics in the list at page C/27 and against the name of Dr.B.N. Dahatonde, Professor of Agronomy, Dr. PDKV, Akola in the list at page C/23 of the said file Ex.643(O) to show their nominations upon the Selection Committee. He further stated that he had made nomination of the above professors upon the Selection Committee in consultation with Dr. V.D. Patil, whom he had nominated as the Chairman of the Selection Committee. He then stated in para 20 of his affidavit dated 14.1.2008 (Ex.658) that he accordingly signed the notesheet dated 13.5.2004 contained in the file Ex.643(O) on 19.5.2004 and that except as stated above there were no nominations made in writing by him. He further stated that the Chairman of the Selection Committee also did not make any nomination in writing so far as two nominations from the category of professors under Statute 76 were concerned.

77) After Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University made nomination in the above manner as stated by him in para 19 of the affidavit dated 14.1.2008 (Ex.658), when the said file Ex.643(O) came back to the then Registrar Dr. Vandan Mohod on 20.5.2004, he forwarded it to the Assistant Registrar, for further action on 20.5.2004. After the Assistant Registrar, Shri P.V. Behare, received the said file (Ex.643(O)) on 20.5.2004 itself, he wrote a note on 22.5.2004 at page N/8 of the said file in which he stated that as per the instructions given by the Registrar, there was discussion with the Hon'ble Vice-Chancellor, in which he indicated as shown at pages N/6 and 7/N, the names of the Chairman and the Members of the Selection Committee and accordingly, he had prepared the draft of the order which was placed at page 29/C of the file Ex.643(O) for the signature of the Registrar. The said draft was then approved by the Registrar, Dr.Vandan Mohod, on 24.5.2004 on which date the aforesaid notification dated 24.5.2004 (Ex.-7) to constitute the Selection Committee was issued by him.

78) Dr. Vandan Mohod, who was then working as Registrar of the University admitted in para 4 of his affidavit dated 1.12.2007 (Ex.632) that he had issued the notification dated 24.5.2004 on the basis of the file which was received by him from the office of the Vice-Chancellor (i.e.file Ex.643(O)) but he did not remember whether nomination of any member of the Selection Committee was made by its Chairman Dr.V.D. Patil, D.I., Dr. PDKV, Akola. However, the aforesaid file Ex.643(O) about the constitution of the Selection Committee shows that during the time when the Selection Committee was being constituted he was the Registrar of the University and signed the office notes in that regard

in the aforesaid file Ex.643(O). In particular, in the office note in his hand-writing dated 14.5.2004, in the aforesaid file Ex. 643(O), he stated “the Lists of Dean / Director , A.D., H.O.D. and Professors of Dr. PDKV, Akola, Dr. Balasaheb Sawant Kokan Krishi Vidyapeeth, Dapoli, and Marathwada Agricultural University are placed at pages C/23, C/19, and C/27 respectively of the said file for nomination” and also made the remark “मा. कुलगुरुशी चर्चा करून ठरवावे लागेल”.

79) What is material to be noticed in the file Ex.643(O) is that in none of the office notes of the concerned officers of the Registrar’s office and in particular of the Assistant Registrar and the Registrar referred to above, it was pointed out that the nomination of two members in the Selection Committee in the category of Professors had to be made by its Chairman under Statute 76(1)(iv). On the other hand, they would show that all the nominations upon the Selection Committee were to be made by the Vice-Chancellor. There is also no remark of the Vice-Chancellor that the nomination in the category of Professors in the Selection Committee had to be made by its Chairman and therefore after the nominations were made by him, the said file should be forwarded to him for making nomination in the said category of the Professors. Further, the Vice-Chancellor and the Chairman of the Selection Committee did not mention in writing in the said file (Ex.643(O)) that they were making nominations in their respective categories of the Chairman and the Members of the Selection Committee under statute 76(1).

**ii) Advertisement with Addendum dated 6.9.2004 respectively (Ex.2)**

- a) Advertisement dated 14.8.2004 (Ex.2)
- b) Amendment to the advertisement dated 14.8.2004 (Ex.2) – Addendum dated 6.9.2004

**a) Advertisement dated 14.8.2004 (Ex.2)**

80) In para 8 of his affidavit dated 14.1.2008 (Ex.658) filed on the lines of his interrogation and statement in this enquiry. Dr. S.A. Nimbalkar, the then Vice-Chancellor of Dr.PDKV, Akola, stated that there was ban on recruitment imposed by the Government due to which many posts remained vacant in the University for quite a long time hampering its work. There was, therefore, demand of the various departments/ offices in the University for filling-up the said vacant posts. It was only after the said ban on recruitment was lifted by the Government and it permitted the University to fill-up the vacant posts, that the University decided to fill some of the vacant posts including the posts of SRA (Agri.) and JRA (Agri.) in question by issuing an advertisement dated 14.8.2004 (Ex.2). A copy of the said advertisement dated 14.8.2004 with its addendum no. BEJ/02/2004 dated 6.9.2004 marked collectively as (Ex.2) in this enquiry is annexed herewith to this report as **Annexure-2.**

**81)** Shri D.P. Deshmukh, who is working as Section Assistant-D-Unit in the establishment Section of the Registrar's office has filed affidavit dated 15.11.2007 (Ex.598) on the lines of his interrogation and statement in this enquiry. He stated in para 2 of his aforesaid affidavit that as Section Assistant (Estt.) D-Unit, he was entrusted with the work relating to the posts of SRA / JRA/ AA/ LSS which work is included in the said D-Unit of the said Establishment section. The said work according to him, inter alia included service matters such as appointment, selection, transfer, seniority, promotion etc. of SRA/JRA/AA/LSS and about giving information to the State Government and other concerned persons about the same. The said posts included in D-Unit were regular posts as well as temporary posts in various schemes. He further stated in the said para 2 that the work of creation of posts in the University is done through B-Unit of its establishment section which also maintains the record and papers relating to the categories (designations) of the posts created in the University, their number and the department/s to which they are allotted. He then stated in para 3 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that the information about how many posts of SRA/JRA are sanctioned posts, how many amongst them are filled and how many are vacant is with him as Section Assistant (Estt.) and that whenever necessary, he takes such information from B-Unit of the establishment section.

**82)** As regards the aforesaid advertisement dated 14.8.2004 (Ex-2) Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 3 of his aforesaid affidavit dated 15.11.2007 (Ex-598) that on 7.7.2004, the then Registrar of the University told all the Sections Officers and the Section Assistants in all its departments that as it wanted to fill-up the vacant posts, they should submit their proposals stating how many posts were vacant in their departments and how many were to be filled. Accordingly, as per his office note dated 15.7.2004 at pages N/1 to N/7 of the file relating to the advertisement for the posts of SRA/JRA/AA/LSS marked as Ex-40(O) in this enquiry, he put-up his proposal giving total number of posts of SRA/JRA in the University, the posts which were till then filled and the posts which were then vacant. The said file relating to the advertisement for the posts of SRA/JRA/AA/LSS marked as Ex.40(O) is submitted by the University in this enquiry with its affidavit dated 18.7.2007 (Ex.1).

**83)** Shri D.P. Deshmukh, Section Assistant (Estt.) also stated in the said para 3 of his affidavit dated 15.11.2007 (Ex.598) that it is binding upon the University to follow the reservation policy of the State Government and accordingly, it follows 100 point roster prescribed by the Government in filling-up the posts in the University. According to him, the appointment of the selected candidate is made the point in the 100 point roster which is shown therein for his category. He then stated that 100 point roster which is followed in the University for appointment by nomination is given in the G.R. dated 29.3.1997 (Ex.57-B) and the instructions regarding the same are given in the G.R. dated 18.10.1997 (Ex-57-A)

which G.Rs are filed by the University with its affidavit dated 2.8.2007 (Ex.57) . He further stated that the University also follows for the posts to be filled in by promotion another 100 point roster prescribed by the Government and included in its aforesaid G.R. dated 18.10.1997 (Ex.57-A). The difference in the 100 point roster for nomination and for promotion is that in the roster for promotion there are no points reserved for OBC Category as there is no reservation for it in the posts to be filled by promotion.

**84)** As regards his proposal about the posts of SRA, Shri D.P. Deshmukh, Section Assistant stated in his aforesaid office note dated 15.7.2004 contained in the file (Ex.40 (O)) that at the time of giving the said proposal, there were 159 total sanctioned posts of SRA excluding the Farm Group Posts and the posts reduced in Akrutiband. However, as stated by him in para 3 of his aforesaid affidavit dated 15.11.2007 (Ex.598), all these posts were not of SRA (Agri.) but included 4 posts of SRA (Computer) and 6 posts of SRA (Agri. Engg.). He further stated that these posts were to be filled by nomination and promotion in the ratio of 50:50. There were thus 79 posts of SRA in nomination and 80 posts in promotion quota. He then stated that out of 79 posts in nomination quota, 59 posts were already filled at that time and 20 posts were vacant. Perusal of the file relating to the advertisement (Ex.40(O)) would show that at page N/1, he has given the table regarding the posts to be filled by nomination showing the total number of posts as 79, presently filled in as 59, and vacancies as 20, with their categorywise break-up i.e. SC, ST etc. The said Table is as follows :

Total Posts-79	SC-10	ST-5	NTVJ-9	SBC-2	OBC-15	Open-38
Present filled in 59	SC-6	ST-4	NTVJ-2	SBC-2	OBC-11	Open-34
Vacancies-20	SC-4	ST-1	NTVJ-7	-	OBC-4	Open-4

Below the said table, he has given a note that besides the above 20 clear vacancies, there would be 15 additional vacancies available keeping in view the regularization of atleast 15 SRAs who were already working as Assistant professors on temporary basis against the promotion quota of the said posts under the emergency powers of the Vice-Chancellor. He also stated that the said 15 SRAs were mostly appointed by nomination. He then gave the following categorywise break-up of the said 15 posts of SRA on the basis as to in which category the incumbent therein was working :

SC-1, ST-1, OBC-3, Open-10 = 15.

Thus, as shown by him at Page N/1 of the file (Ex-40(O)), the resultant vacancy position in the posts of SRA worked out to 35 posts which could be advertised with their categorywise and designation-wise break-up as follows:

Name of post	SC	ST	VJ	NT-b	NT-c	NT-d	SBC	OBC	Open	Total
SRA (Computer)								1	2	3
SRA (Engg.)	-	-	-	1	-	-	-	-	2	3
SRA (Agril)	5	2	1	1	3	1	0	6	10	29
Total	5	2	1	2	3	1	0	7	14	35

**85)** Shri D.P. Deshmukh, Section Assistant (Estt.) stated in paras 4 and 5 of his affidavit dated 15.11.2007 (Ex.598) that in order to decide the designationwise and categorywise break-up of 35 vacant posts of SRA as shown above, he took into consideration the fact as to in which categories i.e. SC, ST etc. the SRAs were working at that time in the designated posts and in which categories they were not. He then stated that he had also kept in mind that the reservation can only be upto 50%. As regards the posts of SRA (Computer), he found that one S.C. candidate was already working in one of the said posts. He therefore allotted 1 post to OBC category and two posts to open category out of 3 posts of SRA (Computer) included in his proposal about the advertisement of 35 vacant posts of SRA . Similarly, as regards 3 posts of SRA (Agri.Engg.), since 1 candidate each was working in SC and ST categories, he allotted 1 post to NT (B) category and 2 posts to open category in making proposal about 3 posts of SRA (Agril. Engg.) included in the said 35 vacant posts of SRA. As regards the remaining 29 posts of SRA (Agri. ) he stated that in dividing the said posts in various categories i.e. SC, ST etc., he took into consideration the category of each of the 15 SRAs who were promoted to the posts of Assistant Professor as also the categories allotted by him to 3 posts each of SRA (Computer) and SRA (Agril. Engg.). He also stated that in making the proposal for categorywise and designation-wise break-up of the 35 vacant posts of SRA as shown above he had seen which post was available to the candidate in which category as per the reservation point shown in the 100 point roster.

**86)** Shri D.P. Deshmukh, Section Assistant (Estt.) further stated in para 5 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that in his office note dated 15.7.2004 in the file (Ex.40(O)) he had also shown the total number of posts of SRA in promotion quota, how many of them were filled, and how many were vacant. Perusal of his office note dated 15.7.2004 in the file (Ex.40(O)), would show that at page N/3 of the said file, he has given the following table showing the total posts in promotion quota as 80, presently filled in posts as 27, and vacancies 53 with their category-wise break-up.

Total posts=80	SC-10	ST-6	NTVJ-9	SBC-2	OBC-0	Open-53
Present filled in 27	SC-4	ST-0	NTVJ-1	SBC-1	OBC-0	Open-21
Vacancies-53	SC-6	ST-6	NTVJ-8	SBC-1	OBC-0	Open-32

Below the said table he has given the note that there were 53 posts available for promotion to SRA from the lower cadre of JRA. However, as per seniority no candidates were available for NTVJ and SBC Category. Thus, according to him, as per seniority near about 40 posts could be filled in by promotion on regular basis as follows:

SC-6, ST-2 and Open-32

He therefore, observed that the remaining 13 posts in promotion quota would remain vacant.

**87)** As regards the advertisement for the posts of JRA, Shri D. P. Deshmukh, Section Assistant (Estt.) has dealt with it in paras 6 and 7 of his affidavit dated 15.11.2007 (Ex. No. 598). Referring to his aforesaid office note dated 15.07.2004 in the file (Ex. No. 40(O)), he stated that at that time the total posts of JRA excluding the farm group posts and the posts otherwise reduced, were 103. As they were to be filled in the ratio of 50:50, the posts in nomination and promotion quota were 51 and 52 respectively. According to him, although the nomination quota of posts of JRA was 51, there were 53 posts of JRA filled by nomination i.e. 2 posts in excess of its quota.

**88)** Perusal of the aforesaid office note of Shri D. P. Deshmukh, Section Assistant (Estt.) dated 15.07.2004 in the file Ex. No. 40(O) would show that at page N/3 of the said file (Ex.40(O)), he has given the Table showing total number of posts of JRA in nomination quota as 51, the total number of posts filled in as 53 and the vacancy nil, with their categorywise breakup. The said table is as follows.

Total Posts-51	SC-6	ST-4	NTVJ-6	SBC-1	OBC-10	Open-24
Present filled in 53 i.e. + 2	SC-3	ST-2	NTVJ-2	-	OBC-8	Open-38
No clear vacancy	SC-0	ST-0	NTVJ-0	SBC-1	OBC-0	Open-0

Below the said table, he stated that although 2 posts in excess of nomination quota of the posts of JRA were filled in showing no vacancy in the said quota, taking into account the regularization of promotion of certain JRAs against the promotion quota of SRA, it was likely that there would be 40 vacancies available for appointment of JRA by nomination and if these 40 vacancies were considered for being advertised, their categorywise distribution would be as follow :

Name of post	SC	ST	NTVJ	SBC	OBC	Open	Total
JRA (Computer.)	-	-	-	-	1	2	3
JRA (Agriculture)	5	3	4	1	7	17	37
Grand Total	5	3	4	1	8	19	40

The above table would show that out of the 40 posts/vacancies, 3 posts/vacancies of JRA were allotted to JRA (Computer) and the remaining 37 to JRA (Agri.).

**89)** Shri D. P. Deshmukh, Section Assistant (Estt.) has then in his aforesaid office note dated 15.07.2004 in the file Ex. No. 40(O) given the vacancy position in 52 posts of JRA in its promotion quota. He stated that out of 52 posts, 36 were filled in and 16 were vacant. The table showing the total number of posts of JRA in promotion quota, the total number of posts filled in, and the total number of vacancies with their categorywise distribution was as follows:

Total posts=52	SC-7	ST-3	NTVJ-6	SBC-1	OBC-0	Open-35
Present filled in 36	SC-7	ST-1	NTVJ-1	SBC-0	OBC-0	Open-27
Vacancies-16	SC-0	ST-2	NTVJ-5	SBC-1	OBC-0	Open-8

The note below the said Table would show that all the 16 vacancies in the promotion quota could not be filled in by promotion for want of graduate candidates but 12 persons who were officiating in the post of JRA could be regularized in the said post against its available promotion quota.

**90)** As regards the category-wise break-up of the posts of SRA and JRA shown by him in his office note dated 15.7.2004 in the file (Ex-40(O)), he stated in para 8 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that on page C/1 of the said file Ex-40(O), he had given rough calculations in pencil to show categorywise vacancy position in the post of SRA. He had shown in the first chart on the said page C/1 the total number of posts available in nomination and promotion quota and in the second chart upon the said page C/1 he had shown the categorywise break-up of the said posts in nomination and promotion quota. He then stated in the said para 8 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that he had shown the said chart to the Assistant Registrar, Shri P.V. Behare, who had also made rough calculations in pencil about the category-wise break-up of the said posts of SRA on the said page C/1 and on the back side of the said page also. Perusal of the back-side of the said page C/1 would show that the Assistant Registrar, Shri P.V. Behare, had given the final position of the category-wise break-up of the said 35 posts of SRA which were advertised. The said final position of the 35 vacant posts of SRA shown by him is as follows :

Vacancy	No.of. post	S.C.	S.T.	VJ-A	NT-B	NT-C	NT-D	SBC	OBC	Open	Total
SRA (Engg.)	3 (Clear)				1					2	3
SRA (C.S.)	2 (Clear)								1	1	2
	1 (Impending)									1	1
SRA (Agri.)	14 (Clear)	4	1	1	2	2	1	-	1	2	14
	15 (Impending)	2	1						4	8	15

20 + 15 = 35

Regular Impending

SC 4 + 2 = 6

ST 1 + 1 = 2

NT/VJ 7 + 0 = 7

OBC 2 + 4 = 6

Open 6 + 8 = 14

-----  
20 + 15 = 35

91) As stated by him in para 8 of his aforesaid affidavit dated 15.11.2007 (Ex.598) Shri D.P. Deshmukh, Section Assistant (Estt.), has given similar rough calculations about the proposals of 40 vacant posts of JRA at page C/3 about which also the Assistant Registrar Shri P.V. Behare, on the same page and on its backside has given his calculations. He has given on the back-side of page C/3 the final position of categorywise break-up of 40 vacancies of JRA which were proposed to be filled. The said final position is as follows :-

SC	-	5
ST	-	3
NT/VJ	-	4
SBC	-	1
OBC	-	8
Open	-	19
		-----
		40

Computer Science	4	-	2 Open
			1 OBC
			-----
			3

92) The Assistant Registrar Shri P.V. Behare, has filed affidavit dated 6.11.2007 in this enquiry (Ex.597) in reply to the queries made to him. He admitted in answer to the question no.4 put to him that the calculations on pages C/1 to C/4 of the file Ex-40(O) are rough calculations made by him after discussion with Shri D.P. Deshmukh, and on consideration

of the information provided by him from the record specially in the matter of number of sanctioned posts, position of filled in posts, categorywise and the impending vacancies likely to be made available in near future. He further stated that while working out the availability of vacancies the following position was taken into consideration.

- i. Total posts available in the cadre after deducting the posts likely to be reduced.
- ii. The ratio of nomination / promotion.
- iii. The required position about reservation of posts under various categories as per the determined percentage as prescribed by the State Government and as per provision under Statute-43.
- iv. The existing position of filled in posts category wise was taken into account to draw final category wise position of vacant posts available for advertisement.
- v. In the same way the posts of impending vacancies likely to be created in near future owing to regularization of emergency position / retirement etc. and its categories was also taken into account on the basis of the information provided from the record.

**93)** Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 9 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that he forwarded the file (Ex.40(O)) containing his aforesaid office note dated 15.7.2004 to the Section Officer, who after approving it by his separate note dated the same forwarded it to the then Assistant Registrar Shri P.V. Behare, who by his independent note dated 16.7.2004 approved the said note about the advertisement as proposed and further made some suggestion about shortlisting of candidates. The then Deputy Registrar (Estt.), to whom the aforesaid note of the Assistant Registrar Shri P.V. Behare, dated 16.7.2004 was forwarded approved it wholly and in turn forwarded it to the then Registrar who while approving it on 17.7.2004 enumerated two points for consideration of the Vice-Chancellor viz. (A) approval for advertisement of various categories of the posts of SRA/JRA/AA and (B) about suggestion of the Assistant Registrar for shortlisting of candidates. When the said file was received by the then Vice-Chancellor on the same day, he disagreed with the suggestion about the shortlisting of candidates. The said file Ex.40(O) was then returned back through the Registrar, Deputy Registrar and was received by the Assistant Registrar Shri P.V. Behare, on 20.7.2004.

**94)** As regards the question of approval to the draft advertisement, the said approval is not contained in the said file (Ex. 40(O)) since the posts of SRA/JRA/AA were to be advertised alongwith other posts of Physical Training Instructor, the Assistant Registrar/Assistant Comptroller etc. for dealing with which the unit in the establishment section was different. The said file relating to the posts of SRA/JRA/AA was therefore linked with the file of the said unit viz. BET/02/2004 marked as Ex.642(O) in this enquiry

as is clear from the office note of Shri D.P. Deshmukh, Section Assistant (Estt.), recorded in the said file Ex.642 (O) on 22.7.2004. The office notes in the said file Ex.642(O) and the office notes in this file Ex.40(O) were approved by the Vice-Chancellor on 14.8.2004 i.e. the date of advertisement (Ex.2) itself. It is pertinent to see that the office notes thus approved by the Vice-Chancellor did not include technical approval to the 5 posts of Bio-technology / Bio-chemistry which were advertised but were not included in the office notes in the file Ex.40(O) which were approved by the Vice-Chancellor as stated above. The files Ex.40(O) and Ex.642(O) do not show that the draft advertisement for all the posts including 5 posts of Bio-technology/Bio-chemistry was approved by the Vice-Chancellor in writing under his signature. However, in para 11 of his affidavit dated 14.1.2008 (Ex.658), Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated that in the file Ex.642(O) referred to above, he had granted approval for giving advertisement of all the posts included in the said advertisement dated 14.8.2004 (Ex.2).

**95)** As regards 5 posts of SRA (Bio-technology/Bio-chemistry) which were included in the advertisement dated 14.8.2004 (Ex.2) but were not originally included by the Section Assistant in his office note dated 15.7.2004 contained in the file Ex.40(O), Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 10 of his affidavit dated 14.1.2008 (Ex.658) that in order to boost the department of Bio-technology / Bio-chemistry it was decided that 5 posts of Bio-technology / Bio-chemistry should be advertised and since, according to him, there was no separate sanctioned strength for the posts of Bio-chemistry/Bio-technology, 5 posts out of 29 posts of SRA (Agri.) to be advertised were carved out for recruitment of the candidates who fulfilled the qualifications for the posts of Bio-technology/Bio-chemistry and accordingly the advertisement dated 14.8.2004 (Ex.2) whose draft was approved by him was published. As regards the aforesaid order dated 25.6.2001 (Ex.729) although initially he stated in para 4 of his additional affidavit dated 29.4.2008 (Ex.731) that he did not remember about the nomenclature of the set-up of the posts of SRA/JRA in the University such as SRA (Agri.), SRA (Agril.Engg.), SRA (Computer), SRA (Bio-technology), and JRA (Agri.), JRA (Agril.Engg.), and JRA (Computer) as so much time had elapsed, after seeing the aforesaid University order dated 25.6.2001 (Ex.729) and also the order about the computer section dated the same (Ex.730), he admitted in the said para 4 that the said orders were issued in pursuance to the decision of MCAER and the Vice-Chancellors of all the 4 Agricultural Universities and by the order and approval of the Vice-Chancellor of this University

**95-A)** As regards 5 posts of Bio-technology / Bio-chemistry, it may be seen that there was no proposal for advertisement of the said posts in any of the office notes contained in the file Ex.40(O). Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 11 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that at page C/7 there was a chart prepared by him showing the “Final position of the posts of SRA /JRA/AA (Graduate)” to be advertised

with their requisite educational qualifications. Perusal of the said chart at page C/7 of the file Ex.40(O), would show that the original chart did not make any reference to the posts of SRA (Bio-technology/Bio-chemistry) and also about the qualifications for the said posts. However, in the column in the said chart about the post of SRA (Agri.) the word thereafter written in ink after the word “SRA (Agri.)” was “Bio-tech” by showing oblique sign (/). There was also an asterisk near the total number of posts “29” shown in the said column to refer to the note below the said chart at page C/7 written in ink by the Assistant Registrar Shri P.V. Behare, which would show that 29 posts included 4 posts i.e. 2 each in Bio-technology and Bio-chemistry.

**95-B)** As regards his aforesaid note below the chart at page C/7 of the file Ex.40(O) showing the final position of the posts of SRA/JRA/AA (graduate), Shri P.V.Behare (Retired), the then Assistant Registrar stated in para 3 of his affidavit dated 9.1.2008 (Ex.648) that he did not himself decide that 29 posts of SRA (Agri.) included 4 (actually-5) posts of Bio-technology / Bio-chemistry. According to him, as far as he recollected, prior to issue of the advertisement, there were deliberations between the Hon’ble Vice-chancellor and the then Director of Instructions who expressed the need for the said posts. It was therefore decided to induct specialized and qualified persons in the subject of Bio-technology / Bio-chemistry in order to develop the new department which was part of the faculty of Agriculture by utilizing the posts out of the total posts of SRA (Agri.) which were advertised. He stated in this context that accordingly he had written the note “29 posts include 4 posts 2 each in Bio-chemistry and in Bio-technology” below the chart at page C/7 of the file Ex.40(O) showing the “Final position of SRA/JRA/AA” for advertisement. According to him, the advertisement containing 5 posts of SRA (Bio-technology and Bio-Chemistry) was approved by the Authorities.

**95-C)** When again questioned in this regard in the light of the order of the University dated 25.6.2001 (Ex.729), initially, in his affidavit dated 10.9.2008 (Ex.766), Shri P.V. Behare, the then Assistant Registrar, stated that the matter was old and since he had already retired, he would not be able to state anything in that regard but after he was sent the copy of the aforesaid University order dated 25.6.2001 (Ex.729) creating independent centre of Bio-technology under the Head, Department of Botany, he stated in para 3 of his subsequent affidavit dated 16.9.2008 (Ex.767) that the said order was not available to him at the time when he wrote his aforesaid note that 29 posts included 4 posts i.e. 2 each of Bio-technology and Bio-chemistry and therefore there was some ambiguity in his aforesaid note through inadvertence. He then stated in para 4 of his aforesaid affidavit that the posts shown in the order dated 25.6.2001 (Ex.729) were not additional posts but were provided by way of adjustment i.e. by deployment from the existing available posts except that so far as Bio-chemistry was concerned such type of formal order of deployment of posts did not appear to have been issued. He, therefore, stated in para 5 of his aforesaid affidavit that two

posts of Bio-technology appeared to have already been provided in the aforesaid order dated 25.6.2001 (Ex.729) and taking into account the said order he stated that his statement in his aforesaid note “29 posts included 2 posts of Bio-technology appeared to be doubtful, but so far as Bio-chemistry was concerned since no formal order was issued, the position remained unchanged. He further stated in para 6 of his aforesaid affidavit that the dealing Assistant who maintained the necessary record and the register of posts should have deleted the posts of SRA under STRU Akola and ARS Sindewahi and showed the said two posts for Bio-technology in lieu thereof as per the said order dated 25.6.2001 (Ex.729). Further, according to him, had such necessary changes been made showing availability of posts in Bio-technology, the position about bifurcation of the then 29 vacant posts of SRA, would have been 27 SRA (Agri.) and 2 SRA Bio-technology with the remark that the said 27 posts included 2 posts in Bio-Chemistry since the said posts were to be provided from the existing strength.

**96)** Perusal of the said advertisement dated 14.8.2004 (Ex.2) would show that the total number of posts of SRA which were advertised were 35, out of which 24 posts were of SRA (Agri), 3 Posts were of SRA (Agri. Engineering), 3 posts were of SRA (Computer Science ) and 5 Posts were of SRA ( Bio-Technology / Bio-chemistry). As regards the posts of JRA, 40 posts were advertised, out of which 37 posts were of JRA (Agriculture) and 3 posts were of JRA (Computer Science). The categorywise distribution of all these posts i.e. SC, ST etc. was also given in the said advertisement. The qualifications for various categories of the posts of SRA / JRA referred to above were also advertised at serial nos.3 and 4 under the head “Qualification” in the said advertisement dated 14.8.2004 (Ex.2).

**96-A)** Since this enquiry is primarily concerned with the Selection and appointment in the posts of SRA (Agri.) and JRA (Agri.) the particulars in the Advertisement dated 14.8.2004 (Ex.2) relating to said posts including pay-scale, age limit, qualifications besides the general terms and conditions given therein are only extracted in this para as under :

## ADVERTISEMENT

NO. BEJ/02/2004

Dated the 14<sup>th</sup> Aug.2004

Applications in the prescribed format given below for following regular/ temporary existing vacancies and also for wait list for near future vacancies are invited on or before 15<sup>th</sup> Sept.2004.

Sr.No.	Name of the post	Total Post/s	Position of vacancies						
			SC	ST	VJ/NT	SBC	OBC	OPEN	
3.	SENIOR RESEARCH ASSISTANT 1. S.R.A. (Agri.)	24	4	1	6	-	6	7	VJ (A)-1 NT(B)-1 NT(C)-3 NT(D)-1
4.	JUNIOR RESEARCH ASSISTANT 1. JRA (Agri.)	37	5	3	4	1	7	17	

**Note :** 3) Abbreviations : SC-Schedule Caste, ST- Scheduled Tribe, VJ/NT-Vimukta Jati & Nomadic Tribes, OBC – Other Backward Class, SBC – Special Backward Class. (4) Candidate from reserved categories should belong to the reserved categories notified by the Govt. of Maharashtra from time to time.

**Pay Scale :** For the post at Sr.No.3 Rs.6500-10500 (Rs.7450-11500/- For P.G. Degree Holders with five years experience), For the post at Sr.No.(4) Rs. 5000-8000/-.

**Age Limit :** For the post at Sr. No.3 onwards, the age limit is 33 years, relaxable by 5 years for those under backward categories. Maximum age limit is not applicable to those who are already in the service of this University.

### Qualifications :

.....  
.....

(3) **SENIOR RESEARCH ASSISTANT** : S.R.A. (Agri.)/(Agril.Engg.)- Master's degree OR Bachelor's degree in Ist Class with distinction in respective faculty. At-least IInd Class Bachelor's degree in faculty concerned with three years experience as Junior Research Assistant or its equivalent.

(4) **JUNIOR RESEARCH ASSISTANT (AGRI.)** : Bachelor's degree in the Agri. Faculty.....

.....  
.....

**For all the above post in general due weightage will be given to the candidate having experience in related field.**

**How to apply :** 9) Caste/community to which belongs (S.C./ S.T./VJNT /OBC/SBC/OPEN ; 10) Category to which applied ; 13) Particulars of examination passed commencing with SSC or equivalent – a) Sr.No., b) Examination passed, c) Class/Division, d) Percentage of Marks / CGPA, e) Year of passing, f) Subject specialization and g) Name of University / Board, 14) **Particulars of Research Publications (Enclose separate list of published paper only ; along with xerox copies of re-print for the post of Univ. Librarian, SRA and JRA only).** 15) Experience including ..... (d) Total experience as on last date in Year-Months-Days and attach testimonials. 20) Certificate : I hereby declare that all the statements made above are true, complete and correct to the best of my knowledge and belief. In the event of any information found false or incorrect at any time before or after interview, my appointment is liable to be terminated without any notice, 21) Signature of the candidate with date.

2) Attested copies of certificates regarding qualification, date of birth, caste, experience, caste validity certificate from competent authority in government etc. 3) Candidates under the categories VJ/NT and OBC will have to submit non-creamy layer certificate. 4) **Xerox copies of published research publications only (for the post of University Librarian, SRA and JRA only).**

**Other conditions :** : I) The candidates if appointed will have to acquire requisite knowledge of computer application and produce the certificate as required under Govt. Resolution dated 19<sup>th</sup> March, 2003. (II) The number of posts and reservation thereof is subject to change; it may increase or decrease. (III) The prescribed educational qualifications are minimum and mere possession of the same does not entitle candidates to be called for interview. Where number of applications received is large, the University reserves its right to shortlist the candidates to be called for interview by adopting appropriate method. (IV) Reservation of female candidates, physically handicapped as per the Govt. Policy will be observed subject to availability of suitable candidates.

Post the application so as to reach on or before 15<sup>th</sup> September, 2004, to the Registrar, Dr. Panjabrao Deshmukh Krishi Vidyapeeth, P.O. Krishinagar, Akola-444 104 (Maharashtra) by registered post A/D. **The applications received with incomplete information and documents and received after last date will not be considered under**

**any situation and circumstances.** The University takes no responsibility for postal/ career delay or for loss in transit. **Canvassing in any form will disqualify the candidate.**

Akola

Dated 14<sup>th</sup> August, 2004.

Sd/-

(R.B. Bali)

Registrar

**b) Amendment to the advertisement dated 14.8.2004 (Ex.2) – Addendum dated 6.9.2004**

**97)** After the advertisement dated 14.8.2004 (Ex-2) was issued, the Agricultural Engineering Graduates made a representation dated 16.8.2004 to the Registrar of the University vide Page 1/C of the file Ex.40(O), that although their Graduate qualification of Agricultural Engineering was equivalent to the qualification of Graduate in Agriculture and therefore they were eligible for the posts of JRA/AA, their qualification was excluded from the qualification laid down in the advertisement dated 14.8.2004 (Ex-2) for recruitment in the aforesaid posts of JRA/AA. They pointed out in their aforesaid representation dated 16.8.2004 that they were held eligible for various posts in the Agriculture Department of the State Government. In support, they annexed to their representation three G.R.'s date 5<sup>th</sup> January, 1990, issued by the State Government in the exercise of its power under the proviso to Article 309 of the Constitution of India to amend the Recruitment Rules, 1983, of its department of Agriculture for introducing the qualification of Agricultural Engineering in recruitment to the posts of Agricultural Supervisor and Agricultural Assistant (Class-III) in the land and Water Management Group, Extension Group and Development Group of the said Department. The said G.R.'s dated 5<sup>th</sup> January, 1990 are at pages 3/C and 4/C of the original file relating to the Advertisement for the posts of SRA/JRA/AA/LSS marked as Ex-40 (O) in this enquiry. They, therefore, requested the University in their aforesaid representation dated 16.8.2004 to give them opportunity to apply for the posts of JRA (Agri.) /AA which were advertised.

**97-A)** By further representation dated 30.8.2004 addressed to the then Hon'ble Vice Chancellor of the University, which is at page C/11 of the file (Ex.40(O)) they threatened the University that unless their grievance was redressed within 24 hours from the date of the aforesaid representation dated 30.8.2004, they would go on hunger strike unto death. They also stated therein that the Vice-Chancellor had given to them assurance that a corrigendum would be issued to the advertisement dated 14.8.2004 (Ex.2) about the inclusion of their qualification therein for the posts of JRA/AA but the said assurance was not fulfilled till date i.e. 30.8.2004. A true copy of the said representation of the Agricultural Engineering Graduates dated 30.8.2004 is annexed as **Annexure-3** to this Enquiry Report.

**98)** In view of the gravity of the situation created because of the agitation of the Agricultural Engineering Graduates, Shri D.P.Deshmukh, Section Assistant (Estt), referring to the above demand of the Agricultural Engineering Graduates in their representation dated 16.8.2004 at page 1/C of the file Ex.40(O), stated in his affidavit dated 15.11.2007 (Ex.598) that he submitted an office note dated 27.8.2004 in that regard contained at pages N/11 and 12 of the file Ex.40(O) pointing out therein the stand of the agitating Agricultural Engineering Graduates in their aforesaid representation dated 16.8.2004 as shown above, as also the qualification laid down in Statute 73 read with Appendix-III of MAU(KV) Statutes, 1990 for the post of JRA which is bachelor's degree in the respective faculty. He then stated therein that according to the stand of the University about the work of JRA, they worked on Agricultural farms for the Agricultural purposes and therefore the qualification mentioned in the advertisement dated 14.8.2004 (Ex.2) was supposed to be in the interest of Agril.Farm Management. He also pointed out therein that the University had advertised the vacancies facultywise (Agri./Agril.Engg./Computer Science) and that they were in various schemes including farms/agriculture school/agriculture colleges etc. He further pointed out therein that the vacancies belonging to Agricultural Engineering Faculty were advertised separately and that there were no sanctioned posts of JRA/Agricultural Assistant in the faculty of Agricultural Engineering and the schemes concerning it. He also stated that since the University had advertised the posts of JRA (Agri.) it has given the qualification of Bachelor's degree in the Agriculture Faculty in the said advertisement dated 14.8.2004 (Ex.2).

**99)** Shri D.P. Deshmukh, Section Assistant (Estt.), proposed in his aforesaid office note dated 27.8.2004 that an emergency meeting should be convened under the Chairmanship of Director of Instructions to take decision about the demand of the Agricultural Engineering Graduates to which meeting the Director of Research and Dean Engineering should be invited. After processing the said office note dated 27.8.2004 through the Section Officer, Assistant Registrar, Deputy Registrar, and Registrar, it was ultimately approved on 31.8.2004 by Dr.V.D. Patil, Director of Instructions. Accordingly, the committee consisting of Dr.V.D. Patil, the then Director of Instructions as Chairman, and Dr. J.S. Jadhav, DEE, Dr. S.D.Deshmukh, Deputy Director (Res.), Dr. S.D. Dalvi, Professor (SWCE), Shri R.B. Bali, Registrar, and Shri S.S. Suradkar Dy. Registrar ( Estt.) as its members urgently met on 31.8.2004 to take the decision upon the above demand of the agricultural engineering graduates. The said committee took the decision in the said meeting that the Agricultural Engineering Graduates should be held eligible for some posts of JRA/AA. They however, decided to discuss the said matter with the Hon'ble Vice Chancellor for further directives. The report of the said committee headed by Dr. V.D. Patil, Director of Instructions is at pages 21/C to 23/C of the file Ex.40(O). It is signed by Dr. V.D. Patil (D.I.) and R.B. Bali,

Registrar, Dr. PDKV, Akola on 31.8.2004. A true copy of the said decision of the said committee dated 31.8.2004 is annexed to this Enquiry Report as **Annexure-4.**

**100)** Perusal of the file (Ex.40(O)) would show that there is a note of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 31.8.2004 at page N/13 of the file Ex.40 (O) pointing out that he had placed the decision of the said committee dated 31.8.2004 at page C/21 of the said file. When the said file Ex-40(O) was forwarded to the Deputy Registrar (Estt.), he wrote in his note that the said decision dated 31.8.2004 was placed for perusal and approval and forwarded it further to the Registrar on the same day. It appears from page N/13 of the said file Ex-40(O) that the Registrar and the Chairman of the said committee had signed the said office note dated 31.8.2004 on the same day in token of its approval but there is no signature below it of the Vice-Chancellor in token of his approval of the said decision of the committee dated 31.8.2004 although his designation “Hon.Vice-Chancellor” appears on the said page N/13 of the file Ex.40(O). Shri D.P.Deshmukh, Section Assistant (Estt.), stated in this regard in para 14 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that although the said office note dated 31.8.2004 recorded in the file (Ex.40(O)) was to be submitted to the Vice-Chancellor, he did not do so.

**101)** It then appears from page N/14 (back side of page N/13) in the file Ex.40(O) that the note is resubmitted by Shri D.P. Deshmukh, Section Assistant (Estt.) on 4.9.2004 in which it is stated by him that according to the discussion on phone between the Director of Instructions and Dean (Agri. Engg.), the qualification of Agricultural Engineering should be added for the posts of JRA/AA by including it in the advertisement dated 14.8.2004 (Ex.2). He then stated therein that accordingly he had prepared the draft addendum dated 3.9.2004 included at page C/25 of the file Ex.40(O) which he had put up for approval. After his approval, when the Section officer forwarded the said office note dated 4.9.2004 to the Deputy Registrar (Estt.), he wrote a detailed note at page N/15 of the said file Ex.40 (O) in which he stated that it was communicated by P.A. to the Vice-Chancellor on 3.9.2004 that an addendum should be issued to give effect to the aforesaid decision of the committee dated 31.8.2004 under the Chairmanship of the Director of Instructions. He also stated therein that he had discussed the matter with the Dean (Agri.) and D.I., and the Dean (Agril. Engg.) who also told him to issue the addendum. He therefore stated therein that he had accordingly put-up the aforesaid draft addendum for approval. When the said file Ex.40(O) containing the aforesaid office note dated 4.9.2004 was forwarded to the Registrar for his approval, he stated that it should also be brought to the notice of the Vice-Chancellor. The Deputy Registrar (Estt.), then wrote the following note on 6.9.2004 on page N/15 of the said file Ex.40(O). The exact words of his note are “Addendum at page 25/C is submitted for approval to the Hon’ble Vice Chancellor after issue”. His aforesaid note was approved by the Registrar on the same day i.e. 6.9.2004 and by the Hon’ble Vice Chancellor on 9.9.2004 on which day he also approved and put his signature upon the draft

addendum dated 3.9.2004 at page 25/C of the file Ex.40(O) which contains the remark “after issued”. It appears that the Vice-Chancellor approved the said draft addendum dated 3.9.2004 after it was sent for publication to the Press on 6.9.2004 vide pages C/29 – C/31 of the file Ex.40(O).

**102)** Shri D.P. Deshmukh, Section Assistant (Estt.) has narrated all the above facts about his office notes dated 27.8.2004, 31.8.2004 and 4.9.2004 in paras 12 to 14 of his affidavit dated 15.11.2007 (Ex.598). He then stated in para 15 of his aforesaid affidavit that on 6.9.2004 the addendum dated 6.9.2004 which is at page C/35 of the file Ex.40 (O) was sent for publication to the Press. All the departments in the University were also informed about it by letter dated 8.9.2004 which is at page C/37 of the file (Ex.40(O)). As per the addendum No. BEJ/02/2004 dated 6.9.2004 the last date for submission of the application forms given to the Agricultural Engineering Graduates was 30.9.2004. He further stated that since the Agricultural Engineering Graduates, by their letter dated 31.8.2004 threatened the University that they would under-take hunger strike unto death, the decision was taken urgently upon the demand made by them in their letter dated 16.8.2004.

**103)** Dr.V.D. Patil, the Director of Instructions, who was the Chairman and Shri R.B. Bali, the then Registrar, and Shri S.S. Suradkar, the then Deputy Registrar (Estt.), who were the members of the aforesaid committee which had taken the decision on 31.8.2004 upon the aforesaid demand of the Agricultural Engineering Graduates, filed affidavits on the lines of their interrogation and statement in this enquiry containing inter-alia their factual and legal submissions upon the question of inclusion of the qualification of the Agril. Engineering Graduates for the post of JRA (Agri.) in the advertisement dated 14.8.2004 (Ex.2). Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University also filed affidavit on the lines of his interrogation and statement in this enquiry containing inter-alia his factual and legal submissions upon the above question relating to the Agril. Engineering Graduates.

**104)** Dr. V.D. Patil, dealt with the aforesaid question in paras 5 to 12 of his affidavit dated 25.12.2007 (Ex.645). He stated in para 5 thereof that in view of the threat given by the Agricultural Engineering Graduates that unless their demand about the inclusion of their qualification in the advertisement dated 14.8.2004 (Ex.2) for the posts of JRA (Agri.) and AA was considered within 24 hours, they would go on hunger strike unto death, a committee to consider their aforesaid demand was constituted urgently under his Chairmanship as per the office note dated 27.4.2004 referred to hereinbefore. The said committee immediately met on 31.8.2004 and submitted its report on the same day which is at page 21/C of the said file Ex-40(O). In para 6 of his affidavit dated 25.12.2007 (Ex.645) he stated that after going through the report of the aforesaid committee dated 31.8.2004, he found that the whole trend of the report was that the Agricultural Engineering Graduates were not eligible for the posts of JRA (Agri.) and that there was only one sentence in the

said report i.e. “However, it was also decided to make them eligible for some posts” by which they were held eligible for some posts in the University. He also stated in the said para 6 that although no such posts of JRA (Agri.) in which they could be held eligible were indicated in the said report, there was discussion in the meeting of the aforesaid committee on the question as to in which posts of JRA (Agri.), they could suitably be absorbed and accordingly it was decided in the said meeting that there were 4-5 posts of JRA (Agri.) in which they could be given appointment. He indicated in the said para 6 that such posts were the posts in the department of Soil and Water Conservation, Watershed Management, Land Resource Management, Land Levelling, Rain Water Harvesting, Agricultural Machinery etc. He then stated in the said para 6 that as per the decision taken in the said meeting, he held discussion with the Vice-Chancellor on the same day as the matter was urgent and the Hon.Vice Chancellor accepted the aforesaid report of the committee that the Agricultural Engineering Graduates could be considered for some suitable posts in JRA (Agril.) in which they could work.

**105)** Dr. V.D. Patil, stated in para 7 of his affidavit dated 25.12.2007 (Ex.645) that the aforesaid report of the committee dated 31.8.2004 was signed by him and the then Registrar Shri R.B. Bali, on that date itself and was then immediately submitted in the office of the Registrar on the said date, as was clear from the office note dated 31.8.2004 at page N/13 of the file Ex.40(O). He also admitted his signature below the said note dated 31.8.2004 at page N/13 of the file (Ex.40(O) and also the fact that the words “the Hon. Vice Chancellor” were written by him for forwarding the said note to him. However, he stated that there was no signature of the Vice-Chancellor upon the said note but when the said note was re-submitted by the Registrar’s office in the light of the decision of the aforesaid committee and the instructions issued by the personal Assistant to the Vice-Chancellor to issue addendum to the advertisement dated 14.8.2004 (Ex.2) to include therein the qualification of the Agricultural Engineering graduates for the posts of JRA (Agri.) and AA, he stated in para 8 of his affidavit dated 25.12.2007 (Ex.645) that when the draft Addendum dated 3.9.2004 prepared by the Registrar’s office which was at page C/25 of the file Ex.40(O) was put-up for ultimate approval of the Vice-Chancellor, the said note dated 4.9.2004 at page N/15 and the said draft addendum dated 3.9.2004 at page C/25 were both approved and signed by the Vice-Chancellor on 9.9.2004.

**106)** After seeing the relevant provisions of Statute-73 read with Appendix-III in which the qualification for the post of JRA is laid down as “Bachelor’s degree in respective faculty”, the provisions of Section 35 of the University Act showing “Agriculture” and “Agricultural Engineering” as separate and independent faculties, as also the provisions of para A and Para D of Statute 5(2) in which the subjects prescribed in the faculties of “Agriculture” and “Agricultural Engineering” are given separately, Dr. V.D. Patil, in para 9 of his affidavit dated 25.12.2007 (Ex.645), admitted that the Agricultural Engineering

Graduates were not eligible for appointment in the posts of JRA (Agri.). He then stated therein that so far as the need for limited knowledge of Agricultural Engineering for the post of JRA (Agri.) was concerned, the Agricultural Engineering was one of the subjects prescribed in the faculty of Agriculture. He further admitted in para 10 of his affidavit dated 25.12.2007 (Ex.645) that the provisions of the University Act and the Statutes framed thereunder being statutory in nature were binding upon all and if the Agricultural Engineering Graduates were to be considered for the posts of JRA (Agri.), it would be necessary to amend Appendix-III of the Statutes to include therein the qualification of Bachelor's degree in Agricultural Engineering for the post of JRA (Agri.). According to him, there was no post of JRA (Agril.Engg.) in the University in which post the Agricultural Engineering Graduate could be appointed on the basis of the existing qualification for the post of JRA laid down in Appendix-III. He therefore, agreed that the appointment of Agricultural Engineering Graduates in the posts of JRA (Agri.) would not be legal when the provisions of the University Act and the Statute-73 read with Appendix-III did not permit such appointment.

**107)** Dr. V.D. Patil, in para 11 of his affidavit dated 25.12.2007 (Ex.645), admitted that there was no amendment made at that time in Appendix-III of the Statute to include therein the qualification of Agricultural Engineering Graduates so as to make them eligible for the post of JRA (Agri.). However, according to him, there was discussion in the meeting of the aforesaid committee as well as with the Vice-Chancellor that necessary amendment would be required to be made in this regard in Appendix-III before making Agricultural Engineering Graduates eligible for the post of JRA (Agri.) as was done by the Government which amended its recruitment rules for the posts of Agriculture Supervisor and Agriculture Assistant (Class-III) by issuing the 3 G.Rs. dated 5.1.1990 vide pages 3/C and 4/C of the file (Ex.40(O)) to include the qualification of Agricultural Engineering for recruitment in the said posts in its Agriculture department. But then, he stated that there was so much pressure of the agitating Agricultural Engineering Graduates that they had to accept their demand without proposing any amendment to the Statutes as stated above.

**108)** After seeing the provisions of Statute-77 (1) (i), Dr. V.D. Patil stated in para 12 of his affidavit dated 25.12.2007 (Ex.645) that it is true that the Vice-Chancellor is required to advertise the posts with such qualifications as have been prescribed by the Executive Council on the recommendations, if any, of the academic council and that he is also aware that the Executive Council has power to frame or amend any Statute under section-38 (2) of the University Act. He then admitted in the said para 12 that if the Agricultural Engineering graduates were to be made eligible for the posts of JRA (Agri.) it needed consideration and appropriate amendment of Appendix-III of the Statute by the Executive Council for including their qualification therein to make them eligible for the posts of JRA (Agri.). However, according to him, in view of the pressure of the agitation of the Agricultural

Engineering graduates at that time the said question was not placed for consideration before the Executive Council and the decision was taken by their committee on 31.8.2004 urgently to make them eligible to apply for the posts of JRA (Agri.) by suitably amending the University advertisement dated 14.8.2004 (Ex.2). He also admitted that the question of placing the matter before the Executive Council was also not discussed by him with the Vice-Chancellor when he discussed with him, the report of the committee dated 31.8.2004 in this regard.

**109)** Shri R.B. Bali, the then Registrar of the University who was a member of the aforesaid Committee, which had taken the decision on 31.8.2004 upon the demand of the Agricultural Engineering Graduates to include their qualification for the posts of JRA (Agri.) and AA and who had also signed the report of the said Committee on 31.8.2004 narrated in paras 4 to 6 of his affidavit dated 11.10.2007 (Ex.585) the facts contained in the office notes dated 27.8.2004, 31.8.2004 and 4.9.2004 which are in the file Ex.40(O). He admitted in para 5 that the Agricultural Engineering Graduates were not eligible and could not apply for the posts of JRA (Agri.) and AA since the qualification prescribed under MAU (KV) Statutes 1990 for the said posts was bachelor's degree in the respective faculty which meant that for the post of JRA (Agri.) the qualification of Bachelor's degree in Agriculture was necessary. As regards the decision of the committee to hold the Agricultural Engineering Graduates eligible for "some posts" he stated in para 5 that he would not be able to tell which were such posts of JRA (Agri.) in which the Agricultural Engineering Graduate could work.

**110)** As regards the addendum dated 3.9.2004 at page C/31 of the file Ex.40(O), Shri R.B. Bali, stated in para 6 of his affidavit dated 11.10.2007 (Ex.585) that he approved and signed it on 3.9.2004. He then admitted in para 6 that the Vice-Chancellor had approved the said draft addendum dated 3.9.2004 on 9.9.2004, i.e. after it was issued on 6.9.2004, on which date he signed the office note dated 4.9.2004 and also the draft addendum dated 3.9.2004 itself. He also stated in para 7 that the University Act and the Statutes framed thereunder are binding upon all including the Vice-Chancellor and others and that the work of the University has to be carried according to them, unless the University Act or the Statutes were amended. He admitted that Appendix-III referred to in Statute-73 was not amended to make Agricultural Engineering Graduates eligible for the posts of JRA (Agri.).

**111)** Shri S.S. Suradkar, Deputy Registrar (Estt.) in the University has referred to in paras 3 to 8 of his affidavit dated 1.12.2007 (Ex.634) to the grievance of the Agricultural Engineering Graduates in their representation to the University and the decision taken thereon by the University. He stated in para 3 that he was aware of the representation made by the Agricultural Engineering Graduates to include their qualification in the advertisement dated 14.8.2004 so as to make them eligible for the posts of JRA (Agri.) and AA and that in support of their claim, they relied upon three G.Rs. of the Government dated

2.7.93 at pages 17/C to 19/C of the file (Ex.40(O)) by which, according to them, they were made eligible for various posts in the Department of Agriculture of the State Government. He then stated in para 4 that they had made a representation to the Vice-Chancellor dated 30.8.2004 which is at page C/11 of the file (Ex.40(O)) but he did not know whether the Vice-Chancellor had given any assurance to them about inclusion of their qualification in the advertisement dated 14.8.2004 (Ex.2) by issuing addendum to it. He also stated therein that he was aware that the Agricultural Engineering Graduates had given a threat to the University in the said representation dated 30.8.2004 that if their grievance was not redressed within 24 hours, they would go on indefinite hunger strike.

**112)** After seeing the qualification for the posts of JRA laid down in Statute-73 read with Appendix-III and other relevant provisions of Section 35 of the University Act about “Agriculture” and “Agricultural Engineering” being independent faculties and also the provisions of paras A and D of Statute 5(2) prescribing different subjects in the said faculties, Shri S.S. Suradkar, Deputy Registrar (Estt.), stated in para 5 of his affidavit dated 1.12.2007 (Ex.634) that the Agricultural Engineering Graduates would not be eligible for the post of JRA (Agri.). As regards the posts of SRA/JRA in the University, he stated therein that there are different categories in the said posts such as SRA (Agri.), SRA (Agril.Engg.), SRA (Computer) and SRA (Bio-technology & Bio-chemistry) in the posts of SRA and JRA (Agri.) and JRA (Computer) in the post of JRA. According to him, the sanctioned strength for each category is different. He also stated therein that there is no post of JRA (Agri. Engg.) as there was no sanctioned strength for the said post in the University. He however, could not state whether there was substantial work for Agricultural Engineering Graduates in the post of JRA looking to the nature of duties and responsibilities of the said posts since it was a technical matter. According to him, had there been sanctioned strength for the post of JRA (Agri. Engg.) and had such posts been created in the University, the Agricultural Engineering Graduates, would have been eligible for such posts in the University.

**113)** Shri S.S. Suradkar, Deputy Registrar, (Estt.) stated in para 6 of his affidavit dated 1/12/2007 (Ex.634) that as the Deputy Registrar (Estt.) he was concerned with the grievance of the Agricultural Engineering Graduates about the inclusion of their qualification in the advertisement dated 14.8.2004 (Ex.2) for the posts of JRA (Agri.) and AA. He was therefore, called for the meeting of the committee headed by Dr. V.D. Patil, Director of Instructions to consider their aforesaid grievance. He then stated in para 6 that the meeting of the said committee was held on 31.8.2004 and that after going through the Minutes of the said Meeting dated 31.8.2004 carefully it was clear that the trend of the whole report of the committee was against the Agricultural Engineering Graduates except one sentence viz. “however, it is also decided to hold them eligible for some posts”. He stated in this regard that he would not be able to tell on what basis such a decision was

taken by the Committee and which were such posts of JRA (Agri.) in which the Agricultural Engineering graduates were eligible for being considered, since it was a technical matter. But, he admitted that since the qualification for the post of JRA was laid down under the statutory provisions of Appendix-III read with Statute-73 framed under the University Act unless the statute was amended, the Agricultural Engineering graduates would not be eligible for the posts of JRA (Agri.).

**114)** As regards the decision of the committee to hold discussion with the Vice-Chancellor regarding its aforesaid report dated 31.8.2004, Shri S.S. Suradkar, the then Deputy Registrar (Estt.) stated in para 7 of his affidavit dated 1.12.2007 (Ex.634) that he was not aware of any such discussion with the Vice-Chancellor because if any meeting in this regard with the Vice-Chancellor was held, he was not present in the said meeting. However, he felt that the decision to include the qualification of Agricultural Engineering graduates in the advertisement dated 14.8.2004 (Ex.2) for the posts of JRA (Agri.) was taken under pressure because in their representation dated 30.8.2004 addressed to the Vice-Chancellor, a threat was given by them that if their grievance was not redressed they would go on hunger strike unto death. Contradicting his statement in the aforesaid para 7, he observed in para 8 that it appeared to him that there must have been discussion of the Chairman of the Committee Dr. V.D. Patil with the then Hon. Vice chancellor about the aforesaid matter because of which, an office note was submitted on 4.9.2004 by the Section Assistant Shri D.P. Deshmukh, that as per the direction of the Director of Instructions, the qualification of Agricultural Engineering graduates should be included for the posts of JRA (Agri.) and AA in the advertisement dated 14.8.2004 (Ex.2) and accordingly, he prepared and put up the draft Addendum dated 3.9.2004 for approval. He then stated in the said para 8 that when the said office note of the Section Assistant Shri D.P. Deshmukh, dated 4.9.2004 was forwarded to him, he stated in his own note dated the same that the P.A. to the Vice Chancellor had also informed him to issue addendum to that effect and therefore the draft addendum which is at page 25/C of the file Ex.40(O) was prepared and put-up for approval. He further stated in the said para 8 that the said office note dated 4.9.2004 and the draft addendum dated 3.9.2004 were both approved by the Vice-Chancellor on 9.9.2004.

**115)** Lastly, Dr. S.A. Nimbalkar, the then Vice-Chancellor, of the University has referred in paras 21 to 26 of his affidavit dated 14.1.2008 (Ex.658) to the demand of the Agricultural Engineering graduates to include in the advertisement dated 14.8.2004 (Ex.2) their qualification for the posts of JRA (Agri.) and AA and the decision taken thereon by the University. As regards the demand of the Agricultural Engineering graduates for inclusion of their qualification in the advertisement dated 14.8.2004 (Ex.2) for the posts of JRA (Agri.) and AA, he stated in para 21 that the said Agricultural Engineering graduates had made such representation to the University in support of which they had also relied upon three G.Rs. dated 2.7.1993 issued by the Government which are at pages 17/C to 19/C

in the file Ex.40(O). He also stated therein that they had made representation dated 30.8.2004 to him, vide page C/11 of the file Ex.40(O) in which they had threatened the University that if their grievance was not redressed within 24 hours from the date of their aforesaid representation dated 30.8.2004, they would undertake hunger strike unto death. As regards their statement in the said representation dated 30.8.2004 that he assured them that corrigendum would be issued to the advertisement dated 14.8.2004 (Ex.2) to include their qualification in the advertisement dated 14.8.2004 (Ex.2) for the posts of JRA (Agri.) and AA, he stated that he did not give any such assurance to them. According to him, what he told them was that the University was trying to get sanction from the Government for creation of some posts of JRA (Agril.Engg.) as there was work for Agricultural Engineering graduates in the said posts of JRA and as such it was necessary to create such posts in the University.

**116)** In para 22 of his affidavit dated 14.1.2008 (Ex.658), Dr. S.A. Nimbalkar, referred to the Constitution of the Committee under the Chairmanship of Dr.V.D. Patil, Director of Instructions, to consider the aforesaid grievance of the Agricultural Engineering graduates and also to its meeting and report. He stated therein that the said committee consisting of Dr. V.D. Patil, Director of Instructions as Chairman, and Dr. J.S. Jadhao, Director of Extension Education, Dr. S.B. Deshmukh, Deputy Director of Research, Dr. V.B. Dalvi, Professor (SWCE), Shri R.B. Bali, Registrar and Shri S.S. Suradkar, Deputy Registrar (Estt.) as members was constituted pursuant to the office note of the Section Assistant Shri D.P. Deshmukh, dated 27.8.2004. The said committee held its meeting urgently on 31.8.2004 and submitted its report on the same date which is at page 21/C to 23/C of the aforesaid file (Ex.40 (O)). In para 23, he stated that the Chairman / Director of Instructions, Dr. V.D. Patil, had discussed with him the question about the inclusion of qualification of the Agricultural Engineering graduates in the advertisement dated 14.8.2004 (Ex.2) for the posts of JRA (Agri.) and AA and the decision taken by the aforesaid committee in that regard in its meeting held on 31.8.2004. He then stated that he had orally accepted the decision of the said committee. As regards the office note dated 31.8.2004 at page N/13 of the file (Ex.40(O)) by which the report of the aforesaid committee dated 31.8.2004 contained at pages 21/C to 23/C was forwarded to him for his approval, he was not able to tell why his signature was not there below the said office note dated 31.8.2004 in token of approval of the aforesaid report dated 31.8.2004. He however, admitted that he had approved and signed on 9.9.2004 the office note dated 4.9.2004 and the draft addendum dated 3.9.2004 itself which are at page N/14 – N/15 and at page C/25 respectively.

**117)** Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University stated in para 24 of his aforesaid affidavit dated 14.1.2008 (Ex.658) that he knew that the faculties of Agriculture and Agricultural Engineering were separate faculties constituted under section 35 of the University Act and there were different subjects prescribed for the courses in the

said faculties in Statute 5(2) of the Statutes, although Agricultural Engineering was one of the subjects in the faculty of Agriculture. He also stated therein that he had seen Statute-73 and Appendix-III framed thereunder prescribing the qualifications for the posts of academic staff members. He further stated that for the posts of JRA, the qualification prescribed in the said Appendix-III is Bachelor's degree in respective faculty. He, therefore, admitted that for the posts of JRA (Agri.), the qualification prescribed thereunder would be B.Sc. (Agri.) i.e. the graduation in Agriculture and not the graduation in Agricultural Engineering. He also admitted that unless the said statute was amended by including the qualification of Agricultural Engineering graduates i.e. B.Tech. (Agril.Engg.) for the posts of JRA (Agri.), the graduates in Agriculture Engineering would not be eligible for the said posts.

**118)** After seeing Statute-77 (1) (i) of the Statutes in which the obligation is cast upon the Vice-Chancellor that he should have the posts advertised with such qualifications as have been prescribed by the Executive Council on the recommendations, if any, of the Academic Council, Dr. S.A. Nimbalkar, the then Vice-Chancellor, stated in para 24 of his affidavit date 14.1.2008 (Ex.658) that the said statute 77 (1) (i) would show that the qualifications for any posts have to be prescribed by the Executive Council. He then stated that in the instant case the qualifications for the academic staff members were laid down in the Statute as shown above. He therefore, agreed that it was for the Executive Council or for the State Government to consider the question of amendment of the qualification for the posts of JRA (Agri.) laid down in Appendix-III of the Statute for including therein the qualification of the Agricultural Engineering graduates to make them eligible for the post of JRA (Agri.) because the power to amend statute vested in the Executive Council under section 38 (2) and in the Govt. under section 38 (6) of the University Act. He admitted that he did not exercise in this regard the emergency power vested in him under section 18 (16) of the University Act.

**119)** Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University, however, made it clear in para 25 of his affidavit dated 14.1.2008 (Ex.658) that they had included the qualification of the Agricultural Engineering graduates in the advertisement dated 14.8.2004 (Ex.2), so as to make them eligible for the posts of JRA (Agri.) and AA because there was great pressure upon them of the agitation started by the Agricultural Engineering graduates and also because there was necessity of Agricultural Engineering graduates in the posts of JRA (Agri.). He then stated in para 25 that it was true that the whole trend of the report of the committee headed by Dr. V.D. Patil, Director of Instructions dated 31.8.2004 was that the Agril. Engineering graduates were ineligible for the posts of JRA (Agri.) and still without giving any reason and indicating any post of JRA (Agri.) in which they could be held eligible for appointment, the said committee observed in one single sentence as follows :

“However, it was also decided to hold them eligible for some posts”.

**120)** As regards the question which are such posts of JRA (Agri.) in which the Agricultural Engineering graduates could work, Dr.S.A. Nimbalkar, stated in para 26 of his affidavit dated 14.1.2008 (Ex.658) that, according to him, the Agricultural Engineering graduates could work in the posts of JRA (Agri.) in the following departments :

Agro Metrology, Watershed Management, Drought Resistance Variety Research, Soil Water Conservation, Drainage and Agro-ecology.

He then stated that there were 4 or 5 posts of JRA (Agri.) in the above departments which could be filled by the appointment of Agricultural Engineering graduates. According to him, the knowledge gained by the Agriculture graduates by studying the subject of Agricultural Engineering in the course for B.Sc. (Agri.) prescribed for them was not adequate to discharge the duties of the above posts of JRA (Agri.) as was clear from the fact that in the course for B.Sc. (Agri.) the number of grades for Agricultural Engineering were low when in modern day technology in every field meant for JRA (Agri.) intensive study and knowledge of Agricultural Engineering is necessary which Agricultural Engineering graduates alone possess. He however, agreed that the Agricultural graduates had basic knowledge or foundation knowledge of most of the branches of Agricultural Engineering.

**120-A)** Dr.Vandan Mohod, who became the Registrar of the University after Shri R.B.Bali, had acted as Member Secretary of the Selection Committee. As regards the question whether the Agricultural Engineering graduates were eligible for the posts of JRA (Agri.) he stated in para 8 of his affidavit dated 1.12.2007 (Ex.633) that he had seen Statute 73 read with Appendix-III in which in item no.4 the minimum qualification prescribed for the post of JRA is “Bachelor’s degree in respective faculty”. He then stated that from section 35 of the University Act, he found that the faculty of Agriculture and the faculty of Agricultural Engineering were different and independent faculties and Statute 5(2) had prescribed different subjects for the faculty of Agriculture and for the Faculty of Agricultural Engineering in its paras A and D respectively. He, therefore, stated that according to him, the Agricultural Engineering graduates would not be eligible for the posts of JRA (Agri.) under statute-73 read with Appendix-III, which would require that a candidate for the post of JRA (Agri.) should have graduate degree in the faculty of Agriculture and not in the faculty of Agricultural Engineering. He also stated that the provisions of the University Act and the Statutes framed thereunder were binding upon all and no decision could be taken which was contrary to them unless and until they were amended. According to him, there was no amendment in the University Act and Statute 73 read with Appendix-III making Agricultural Engineering graduates eligible for the post of JRA (Agri.).

**120-B)** Dr.Vandan Mohod, the Registrar/Member Secretary , stated in para 9 of his affidavit dated 1.12.2007 (Ex.633) that he had seen the report of the aforesaid Committee constituted for taking decision upon the question whether the Agricultural Engineering graduates were eligible for the posts of JRA (Agri.)/AA, contained in the file relating to the advertisement Ex.40(O). According to him, after perusal of the said report dated 31.8.2004, he found that the whole trend of the said report was that the Agricultural Engineering graduates were not eligible for the posts of JRA (Agri.) but there was only a single sentence in the said report to the effect that it would hold them eligible for some posts, without indicating which such posts were. He then stated that he found from the G.Rs. annexed to the representation of the Agricultural Engineering graduates and included at pages 17/C to 19/C of the said file Ex.40(O) that for making Agricultural Engineering graduates eligible for the posts of Agricultural Supervisor and Agricultural Assistant in the Agriculture Department of the Government, there was amendment made in the Recruitment Rules for the said posts by the Government by its G.R. dated 5.1.1990 at pages 3/C and 4/C of the said file Ex.40(O) to include therein their qualification of degree in Agricultural Engineering. According to him, the Agricultural Engineering graduates should not have been considered, muchless appointed in the posts of JRA (Agri.)

**120-C)** However, when questioned in the context of the words “Agriculture/ Engineering” after the word “Junior Research Assistant” in the recommendations of the Selection Committee about the selections made by it in the said posts occurring in the proceedings of its meeting contained in the file Ex.34(O), Dr.Vandan Mohod, the Registrar and the Member Secretary of the Selection Committee, stated in para 37 of his affidavit dated 1.12.2007 (Ex.633) that there were no sanctioned posts of JRA (Agril.Engg.) in the University although, according to him, there was need for Agricultural Engineering graduates in certain posts of JRA. He, therefore, stated that the posts they had filled by appointment of Agricultural Engineering graduates were the posts of JRA (Agri.). He then stated in para 38 of his aforesaid affidavit that as regards the posts of JRA (Agri.), the Agricultural Engineering graduates could work in some such posts in the departments of Water Harvesting, Soil Conservation, Land Resource Management, Soil Physics. According to him, 5 Agricultural Engineering graduates who were selected in the posts of JRA (Agri.) were given appointment in the above departments. Further, according to him, there were no other departments in which the Agricultural Engineering graduates could work and could be absorbed in the posts of JRA (Agri.) therein.

**iii) Receipt of the applications of the Candidates pursuant to the advertisement dated 14.8.2004 (Ex.2) read with its addendum dated 6.9.2004 collectively marked as Annexure-2 in this enquiry and their categorywise distribution**

**121)** Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 17 of his affidavit dated 15.11.2007 (Ex.598), that the applications of all the candidates for the posts of SRA/ JRA/ AA / LSS submitted in the Registrar's office till the last date of the application i.e. 15.9.2004 for all and 30.9.2004 for Agricultural Engineering graduates pursuant to the aforesaid advertisement dated 14.8.2004 read with its addendum dated 6.9.2004 (Annexure-2 collectively), were marked to him as all the work relating to the aforesaid posts was dealt with in his D-Unit as stated by him in para 2 of his aforesaid affidavit dated 15.11.2007 (Ex.598). He then stated in the aforesaid para 17 of his affidavit dated 15.11.2007 (Ex.598) that he alone sorted out the said applications and separated them into different categories such as SC, ST etc. He further stated that he then alone scrutinized them including the signatures of the applicants thereon and the documents annexed to them to find out whether they satisfied the requirements of the posts of SRA, JRA, AA and LSS as laid down in the advertisement dated 14.8.2004 (Ex.2) and separated applications in which there were deficiencies. He also stated that after discussion with the then Assistant Registrar, Shri P.V. Behare, he placed as per rules all the applications in which there were deficiencies before the Registrar who rejected them.

**122)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 18 of his affidavit dated 15.11.2007 (Ex.598) that the work of sorting out the applications and separating them in different categories and the work of scrutiny of the applications of the candidates for the above posts took about 3-4 months time, i.e. till the end of December 2004. He further stated in para 18 that he prepared the categorywise chart showing the details of the applications of the candidates both qualified and non-qualified for the posts of AA/ JRA (Agri.)/ Computer/ SRA (Agri.)/Engg./ Comp./Bio-tech./Bio-chemistry/ LSS which is at page C/11 of the file relating to interviews marked as Ex.35(O) in this enquiry. A true copy of the said Chart relating to the posts of JRA (Agri.) and SRA (Agri.) is annexed as **Annexure-5** to this Report. He also stated that probably near about the end of December 2004, he had placed the applications of the qualified and non-qualified candidates as per the aforesaid chart/ statement at page C/11 of the file Ex.35(O) before the then Registrar, who granted his approval to the said chart about the qualified and the non-qualified candidates. However, according to him, he did not pass any order in writing in this regard.

**123)** As regards the question of rejection of applications of the candidates who were ineligible for the posts as per the advertisement or whose applications were deficient as per the requirements of the advertisement, it is necessary to notice Statute 77(1) (ii) which

shows that the Registrar shall cause to put-up all the applications received by him before the Chairman of the Selection Committee for his consideration Dr. V.D. Patil, (D.I.) who was the Chairman of the Selection Committee, stated in this regard in para 13 of his affidavit dated 25.12.2007 (Ex.645) that 3 or 4 days after the last date of submission of the applications for the posts of SRA/JRA i.e. 15.9.2004, he went to the office of the Registrar, who told him that all the applications were properly arranged. Dr.V.D. Patil, the Chairman of the Selection Committee then stated that looking to the large number of applications, he asked him to prepare a categorywise chart relating to different posts of SRA/JRA which chart was accordingly prepared and was at page C/11 of the file Ex.35(O) (Cited supra) . He further stated that he saw the said chart 5 or 6 days after it was prepared. However, as regards the candidates who were not qualified as per the qualifications laid down in the advertisement dated 14.8.2004 (Ex.2), he stated that he did not pass any order rejecting their applications but the same might have been passed by the Registrar.

**124)** As this enquiry is concerned with the question of selection to the posts of SRA (Agri.) and JRA (Agri.) only, the University, as directed in this enquiry, has, with its affidavit dated 18.7.2007 (Ex. No. 1), filed the revised chart showing the total number of categorywise applications received for the posts of SRA (Agri.) as Ex-3 and also such chart for the posts of JRA (Agri) marked as Ex-4. The true copies of the said charts relating to the posts of SRA (Agri.) and JRA (Agri.) (Exs. 3 and 4) are commonly annexed as **Annexure-6.** The revised chart (Ex-3) shows that as regards the posts of SRA (Agri.), the total applications received were 1115 out of whom 1018 were qualified as they satisfied the requirements of the Advertisement dated 14.8.2004 (Ex-2). The revised chart regarding the posts of JRA (Agri.) (Ex-4), shows that the total applications received for the said posts were 2099 out of whom 2051 were qualified as per the advertisement dated 14.8.2004 (Ex-2). Thus, the total number of the applications received for both the posts of SRA (Agri.) and JRA (Agri.) was 3214, out of which the total number of applications of the qualified candidates for these posts of SRA (Agri.)/ JRA (Agri.) was 3069 as corrected and stated in the reply to point No.5 of the affidavit of the University dated 2.8.2007 (Ex.No.56). However, there appears to be discrepancy between the above charts (Ex-3 and 4) and the chart showing the details of the applications for all the posts which is at page No.C/11 of the file relating to interviews marked as Ex-35 in this enquiry, because in the said chart about the details of the applications, the total number of applications received for the posts of SRA (Agri.) and JRA (Agri.) was shown as 1119 (SRA (Agri.) + 2104 ( JRA (Agri.)) i.e. 3223 and those of qualified candidates for the said posts was shown as 1017 (SRA (Agri.)) + 2030 (JRA (Agri.)) i.e. 3047.

iv) **Determination of Criteria for Shortlisting of Candidates :**

a) **Criteria for shortlisting of candidates determined by Dr.V.D. Patil, the Chairman of the Selection Committee.**

**125)** Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 18 of his affidavit dated 15.11.2007 (Ex.598) that 3 or 4 months after his work of scrutiny of the applications of the candidates was over, the then Registrar gave oral instructions to him that the interviews of the candidates were to be held. Therefore, as stated by him in para 19, he submitted in this regard office note dated 25.4.2005 which is at page 1/N to 7/N of the file relating to the interviews marked as Ex.35(O) in this enquiry. He further stated in the said para 19 that in the aforesaid office note dated 25.4.2005 in the file Ex.35(O) he had taken the review of the posts of SRA, JRA and AA which were advertised in the advertisement dated 14.8.2004 (Ex.2) and also review of such posts which would become vacant in future if their incumbents were given promotion to the higher posts. He then stated therein that he had shown in the chart in the said office note dated 25.4.2005, the categorywise distribution of the expected vacancies which would occur in future. According to him, such a chart was included at page C/15 of the said file Ex.35(O). He further stated in the said para 19 that according to the said chart at page C/15, the total number of posts of SRA which would become vacant in future was 62 and those of JRA was 48 and since 35 posts of SRA and 40 posts of JRA were already advertised, the expected increase in the said posts would be 27 and 8 respectively. However, as regards the said chart/statement at page C/15 of the file Ex.35(O), he admitted in para 61 of his aforesaid affidavit that the said chart/statement can not be said to be showing the true position since while considering the vacancy position therein, he did not take into consideration separately how many posts are filled and how many are vacant in the nomination and promotion quota of the said posts of SRA/JRA. Lastly, he stated in the said para 19 that in his aforesaid office note dated 25.4.2005 he had referred to his preliminary scrutiny of all the applications and also the number of candidates who were accordingly eligible for interview, about which, he had included a chart at page C/11 of the said file Ex.35(O).

**126)** Perusal of his office note dated 25.4.2005 in the file Ex.35(O), would show that at page 5/N of the said note dated 25.4.2005, he had mentioned that he had received 4660 applications for all these posts and that as regards the applications for the posts of SRA and JRA the power to scrutinize the said applications, vested in the Chairman of the Selection Committee i.e. Director of Instructions, Dr.PDKV, Akola. He further stated therein that after preliminary scrutiny of all these applications for the posts of SRA and JRA, he found that there were 4242 candidates eligible for being called for interview vide chart at page C/11 of the file Ex.35(O).

**127)** Shri D.P. Deshmukh, Section Assistant (Estt.) then stated in portion marked-A (अ) at page 5/N of his office note dated 25.4.2005 in the file Ex.35(O) that looking to the large number of candidates eligible for interview, there was need for short listing of candidates which was specifically allowed under the terms and conditions laid down for all the posts advertised in the advertisement dated 14.8.2004 (Ex.2). He, therefore stated therein that it was necessary to take in this regard the guidance of the chairman of the Selection Committee (D.I.). He further stated that the letter of the Acting Deputy Secretary of the MPSC dated 22.3.2005 on the question of shortlisting of candidates was also placed on record at page C/13.

**128)** Turning to the affidavit of Dr. V.D. Patil (D.I.) the chairman of the Selection Committee, dated 25.12.2007 (Ex.645) he stated in this regard in para 14 of his aforesaid affidavit that after seeing large number of applications for the posts of SRA/JRA, he discussed the matter with the officers of the Registrar's office and asked them to collect information regarding the criteria for shortlisting of candidates and accordingly the Registrar's office got information from MPSC as per its letter dated 22.3.2005 referred to above. He then stated that he asked the office of the Registrar to submit its proposal for shortlisting of candidates applying for the posts of SRA/JRA pursuant to which the office note dated 25.4.2005 referred to above was put-up by the Section Assistant (Estt.) which was at page N/1 to N/7 of the file Ex.35(O). He then referred in the said para 14 of his aforesaid affidavit to the facts stated in the portion marked-A at page 5/N of the aforesaid office note of the Section Assistant (Estt.) dated 25.4.2005 which are already mentioned in the previous para of this Report.

**129)** When the aforesaid office note dated 25.4.2005 of Shri D.P. Deshmukh, Section Assistant (Estt.) was placed on the same day for consideration before the Assistant Registrar and the Deputy Registrar, they approved the said note pointing out that under Statute 77 (1) (iii) the decision on the question of shortlisting of candidates needed to be taken by the Chairman of the Selection Committee, who was empowered thereunder to prepare the list of eligible candidates to be called for interview and it was therefore necessary to place the said file for decision before him (D.I.). The above referred office note of the Assistant Registrar dated 25.4.2005 contained in the file relating to the interviews (Ex.35(O)) shows that the list of eligible candidates for the posts of JRA was already submitted to the Chairman of the Selection Committee (D.I.) while the lists of eligible candidates for the posts of SRA and AA were being submitted to him with the said file Ex.35(O). After approval of the said office note dated 25.4.2005 by the Registrar on the same day when the said file Ex.35(O) was placed before Dr.V.D. Patil (D.I.), he initially directed by his note dated 27.4.2005 that the meeting of the selection committee should be called on 29.4.2005 for the said purpose, but when it was pointed out to him by the Assistant Registrar by his note dated 29.4.2005 contained in the said file Ex.35(O) that as

regards the question of shortlisting of candidates, it was for him alone to take the decision and lay down the criteria for it as Chairman of the Selection Committee because as per Statute 77 (1) (iii), he was required to prepare the list of candidates to be called for interview, he himself considered the said question on 29.4.2005 itself and laid down the criteria for shortlisting of candidates.

**130)** It appears from the note of Dr.V.D. Patil, (D.I.), the Chairman of the Selection Committee, dated 29.4.05 at page N/9 to N/11 of the aforesaid file relating to interviews Ex-35 (O) that he laid down therein the criteria for shortlisting of candidates for the posts of JRA (Agri.) and SRA (Agri.) and not for other categories of posts of JRA / SRA, such as SRA (Agril.Engg.), SRA (Computer), SRA (Bio-technology/Bio-Chemistry), and JRA (Computer) which were also advertised in the advertisement dated 14.8.2004 (Ex.2). Dr.V.D. Patil (D.I.), the Chairman of the Selection Committee stated in para 23 of his affidavit dated 25.12.2007 (Ex.645) that he held discussion with the officers of the Registrar's office in that regard and it was decided that they should first take interviews of the candidates for the posts of SRA (Agri.) and JRA (Agri.) as their number was very large and then consider the question of taking interviews for the other posts of SRA/JRA as advertised. According to him, he had communicated the said decision to the Vice-Chancellor. He further stated that he had fixed the criteria for shortlisting of candidates only for the posts of SRA (Agri.) and JRA (Agri.). He however, made it clear that there was no decision taken that the interviews for the other categories of the posts of SRA and JRA would not be taken at all.

**131)** In his aforesaid note dated 29.4.2005, regarding the posts of JRA (Agri.), he laid down the criteria that the candidate possessing minimum qualification of B.Sc. in First Division and above should be called for interview of these posts, considering the fact that whereas there were only 37 vacancies available in the posts of JRA (Agri) for being filled, the number of qualified candidates who were eligible for the same was 2030. He stated in his aforesaid note dated 29.4.2005 that if the above criteria was applied to the candidates for shortlisting them for the posts of JRA (Agri.), the number of candidates qualified to be called for interviews would be about 900 and since many candidates had applied for the posts of SRA (Agri.) also and in more than one category, the number of candidates to be interviewed independently for the posts of JRA (Agri.) would be around 300. As regards the posts of SRA (Agri.) the criteria for shortlisting of candidates that he laid down was that the candidates should possess minimum post graduate qualification and above, taking into consideration the fact that the vacancies available in the posts of SRA (Agri.) for being filled were only 24 whereas the number of applicants eligible for the said posts was 1017. According to him, the number of candidates who had post graduate qualification was 700 out of whom about 250 had applied in two categories i.e. Open and OBC which would mean that the actual number of candidates to be called for interview would be about 450.

As per the above calculation, he stated in his aforesaid note dated 29.4.2005 that the total number of candidates for both the posts of JRA (Agri.) and SRA (Agri.) to be actually called for interview would be about 900, whose interviews could be completed within a period of 10 days. A true copy of his office note dated 29.4.2005 fixing the criteria for shortlisting of candidates contained at Pages N/9 to N/11 of the file relating to interviews Ex-35(O) is annexed as **Annexure -7** to this Enquiry Report.

**132)** When the aforesaid file Ex.35(O) containing the note of Dr.V.D. Patil, (D.I.), the Chairman of the Selection Committee dated 29.4.2005, proposing the criteria for shortlisting of candidates came back to the Registrar's office for further action in that regard, the Registrar, directed on the same day that further action should be taken in that regard. When the said file Ex.35(O) came back to the Assistant Registrar Shri P.V. Behare, for further action, he wrote a detailed note on 4.5.2005 which is at pages N/11 to N/13 of the said file Ex.35(O). He stated therein that as per the criteria for shortlisting of candidates laid down on 29.4.2005 by the Chairman of the Selection Committee, about 1300 to 1350 candidates for the posts of JRA and SRA would be required to be called for interview. According to his calculation, the total number of posts of JRA (Agri.) and SRA (Agri.) were  $37 + 24 = 61$  and taking into consideration the expected increase of about 35 in the said posts their total would be about 96. Thus, there would be 1300 candidates for these 96 posts and their ratio would be 13-14 candidates for one post. According to him, the said ratio was proper. A copy of the above office note of the Assistant Registrar dated 4.5.2005 is annexed as **Annexure-8** to this Enquiry Report. Dr.V.D. Patil (D.I.), the Chairman of the Selection Committee has narrated all the above facts relating to his aforesaid office note dated 29.4.2005 contained in the file Ex.35(O) in paras 14 to 18 of his affidavit dated 25.12.2007 (Ex.645).

**b) Magnitude of the problem of short-listing of candidates**

**133)** In order to understand the importance of proper shortlisting of the candidates, it is necessary to understand the magnitude of the problem created by large number of applications being filed for these posts since as per the advertisement dated 14.8.2004 (Ex.2) a candidate had to make separate application for each post and for each category. Many candidates had therefore, made more than one application, some even four applications, for both these posts and in more than one category. Thus, the number of applications made by the candidates for these posts of SRA (Agri.) and JRA (Agri.) was very large.

**134)** The University has produced in this enquiry with its affidavit dated 18.7.2007 (Ex-1) two bundles of the original applications of all the candidates for these posts of SRA (Agri.) and JRA (Agri.); one bundle of the applications of the candidates selected for these posts marked as Ex No.-1A, and another bundle of the candidates who were not selected for

these posts although, called for interview, marked as Ex.No.1B in this enquiry. Statements showing categorywise break-up of the total applications received for these posts of JRA (Agri.) / SRA (Agri.), total qualified and not qualified candidates as per the advertisement dated 14.8.2004 (Ex-2), and also as per the criteria fixed for shortlisting of candidates are filed in this enquiry. The said statements include the particulars of the applications of the candidates categorywise separately about the qualified and not qualified candidates as per the advertisement dated 14.8.2004, as also about the qualified and not qualified candidates as per the criteria laid down for shortlisting them. The categories NTB, NTC, NTD, OBC, OPEN, SBC, SC, ST and VJ(A) are marked as categories A to I in the said Statements. The names of the applicants in each category appear serially in it. In fact, the serial number of the candidate in each category in which he/she had applied was shown by the University in the interview call letter issued to him/her as could be seen from the interview call letter issued to Mankar Sushma M, a copy of which is filed with the Enquiry Report as **Annexure-9**. The said statements relating to the position of the applications received for the posts of JRA (Agri.) and SRA (Agri.) are marked as Ex-22 and Ex-23 respectively in this enquiry with the particulars of the applications in various categories included therewith being marked as Ex-22-A to L and Ex-23-A to H respectively. The statement relating to JRA (Agri.) (Ex-22) includes the categorywise break-up of the total number of qualified candidates holding degree of Yashwantrao Chavan Maharashtra Open University (YCMOU) and also the particulars of their applications in their respective categories i.e. OBC, OPEN, SC and ST.

**135)** Perusal of the statement showing the position of the applications received for the posts of JRA (Agri.) (Ex.22) would show that the total number of the applications received in various categories such as NT (B), NT (C), and NT (D) etc. was 2099 from whom as per the advertisement in question dated 14.8.2004 (Ex.2), the number of applications of the candidates was 2051 and of not qualified candidates 48. After applying the criteria for shortlisting of the candidates, the number of the applications of the qualified candidates was 1311 and of not qualified candidates 740, besides, 7 applications of the qualified candidates of YCMOU graduates applying for the posts of JRA (Agri.) only. As regards the posts of SRA (Agri.) the total number of applications received in all categories such as NT (B), NT(C) and NT (D) etc. was 1115, out of which the total number of the applications of the qualified candidates was 1018 and of not qualified candidates 97 as per the aforesaid advertisement. After applying the criteria for shortlisting of the candidates, the total number of the applications of the qualified candidates was 1001 and of not qualified candidates 17. Thus, the total number of the applications of the qualified candidates after shortlisting them for both the posts of SRA (Agri.) and JRA (Agri.) was 2312 and before shortlisting 3069. However, as per the note given below the said statements Ex.22 and 23, the said total number 2312 of the applications of the qualified candidates in both the above posts after

applying the criteria for shortlisting was reduced to 1335 candidates for taking common interviews for both the aforesaid posts and for all categories i.e. by counting of candidate as one even if he had made separate applications for both the posts and in more than one category.

**136)** As already referred to, the alphabetical list of the candidates who had applied for both these posts by way of separate application for each post and for each category contained in the file (Ex.36(O)) based on the criteria given by Dr.V.D. Patil, the Chairman of the Selection Committee for shortlisting of the candidates is of 1335 candidates, besides 7 candidates of YCMOU, who were called for interview for the post of JRA (Agri.) only. In order to know as to how many candidates were in fact shortlisted as per the criteria laid down by Dr.V.D. Patil, the Chairman of the Selection Committee, the University was directed to submit the alphabetical list of the candidates for both these posts prior to their shortlisting on the basis of the aforesaid criteria i.e. of those who were qualified according to the advertisement to apply for these posts. The said alphabetical list is filed by the University with the affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 5.1.2009 and is marked as Ex.832 in this enquiry. It consists of 2021 candidates in alphabetical order besides 7 candidates of YCMOU who were called for interview for the posts of JRA (Agri.) only. Thus, as per the criteria for shortlisting of the candidates laid down by Dr.V.D. Patil, the Chairman of the Selection Committee, 686 ( $2021-1335 = 686$ ) candidates who had applied for the posts of SRA (Agri.) and JRA (Agri.) were shortlisted.

**c) Critical appreciation of the criteria for short-listing of candidates determined by Dr. V. D. Patil, the Chairman of the Selection Committee.**

**137)** As regards the criteria for short-listing of candidates fixed by Dr. V. D. Patil, the Chairman of the Selection Committee, even the ratio of the candidates to be interviewed per post i.e. 13-14 candidates per post after taking into consideration the expected increase of 35 posts (i.e.  $61+35 = 96$ ) as calculated by the Assistant Registrar, Shri P. V. Behare (vide para 132 of the Enquiry Report) appeared to be on higher side. Turning to para 19 of the affidavit of Dr.V.D. Patil (D.I.) dated 25.12.2007 (Ex.645) he stated therein that before fixing the criteria for shortlisting of candidates, he had seen the letter of MPSC dated 23.3.2005 which is at page C/13 of the file Ex.35(O) in which the criteria for shortlisting of candidates laid down inter-alia was that if the number of candidates was above 11, the number of candidates to be called for interview was 3 times the number of posts to be filled by nomination i.e. in the ratio of 1:3. He stated in the said para 19 that his personal opinion was that the above criteria given by the MPSC for shortlisting of candidates ought to have been followed. But as per the discussion of the said matter with the Vice-Chancellor, perhaps on the same day, and in view of the guidelines given by him, he prepared the aforesaid note dated 29.4.2005 giving the criteria of higher qualification for shortlisting of candidates.

**138)** Dr.V.D. Patil, (D.I.) the Chairman of the Selection Committee, stated in para 20 of his affidavit dated 25.12.2007 (Ex.645) that before he framed the criteria for shortlisting of candidates as per his note dated 29.4.05 contained in the file Ex.35(O), he had seen the note dated 16.7.2004 in this regard written by the Assistant Registrar Shri P.V. Behare, contained at pages N/7 to N/10 of the file relating to the advertisement Ex.40 (O). Perusal of the aforesaid office note of the Assistant Registrar, Shri P.V. Behare, dated 16.7.2004 would show that according to him, while considering the vacancy position for giving advertisement, and in view of the past experience, looking to the large number of applications i.e. more than 3000 which would be received for the posts which were advertised, it would be very difficult and time consuming to conduct interviews and make selection. He therefore, proposed in the portion marked-B at page N/9 of the aforesaid office note dated 16.7.2004 that shortlisting of candidates would be required to be resorted to by taking their written examination , as in Rahuri University, and that if it was to be taken specific mention about it would have to be made in the advertisement. The said portion marked-B of his office note dated 16.7.2004, was approved by the Deputy Registrar and the Registrar but when the said file (Ex.40 (O)) was put-up before the Vice-Chancellor for his approval of the said office note dated 16.7.2004, he directed by his order dated 17.7.2004 passed thereon that the old system prevailing should be followed for shortlisting of candidates.

**139)** After perusal of the aforesaid office note of the Assistant Registrar, Shri P.V. Behare dated 16.7.2004, in the file Ex.40(O), Dr.V.D. Patil, (D.I.), the Chairman of the Selection committee stated in the aforesaid para 20 of his affidavit dated 25.12.2007 (Ex.645) that he was also of the view that written test was a proper test for shortlisting of candidates for interviews as proposed by Shri P.V. Behare, the Assistant Registrar in his aforesaid note dated 16.7.2004 but since the Vice-Chancellor had over-ruled him by his order dated 17.7.2004 in which he directed that the old system which was prevailing should be followed, he did not lay down the said test in his aforesaid office note dated 29.4.2005 contained in the file Ex.35(O). According to him, the written test was a proper test not only for shortlisting of candidates but also for testing their knowledge.

**140)** As regards the criteria of written test for shortlisting of candidates, Dr. S.A. Nimbalkar stated in para 12 of his affidavit dated 14.1.2008 (Ex.658) that he had seen the aforesaid note of the Assistant Registrar dated 16.7.2004 contained in the file Ex.40(O) proposing criteria of written test for shortlisting of candidates but he did not approve of it, although the said proposed test was approved by the Deputy Registrar and the Registrar also. Instead, by his order dated 17.7.2004, contained in the said file Ex.40(O), he directed that shortlisting should be done as per the old system prevailing in the University. He stated that as per the old system prevailing in the University for shortlisting of candidates where their number was large, the test prescribed was of higher qualification for calling them for

interviews. Ordinarily, according to him, the ratio followed was that for one post, about 10 to 15 candidates were called for interview. The reason given by him, in the said para 12 of his affidavit dated 14.1.2008 (Ex.658) for not adopting the test of written examination for shortlisting of candidates, was that the said test was adopted by the Rahuri University only and not by any other Agricultural University. Further, when he discussed the said question with the Registrar and other concerned officers of the University, he found that it was not feasible to introduce the said written test in the University atleast in that year, for the following amongst others reasons :

- i) The University did not have adequate infrastructure for introducing written test for the first time in the University.
- ii) There was paucity of staff and not enough time to hold it during that year ; and
- iii) It would have been difficult to maintain secrecy about the question paper and the result of such test.

Although he had thus over-ruled at that time the written test for shortlisting of candidates, now according to him, the written test was being introduced in the University for shortlisting of candidates where their number was large and also for testing their knowledge.

**141)** As regards the ratio to be laid down for shortlisting of candidates, Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University stated in para 14 of his affidavit dated 14.1.2008 (Ex.658) that when the said file Ex.35 (O) containing the criteria laid down by the Chairman of the Selection Committee for shortlisting of candidates was forwarded to him for approval on 4.5.2005, he called the Chairman of the Selection Committee and its Member Secretary i.e. the Registrar and had discussion with them about the criteria to be applied for shortlisting of candidates. He had at that time seen the letter of the MPSC dated 22.3.2005 in which when the number of candidates was above 11, the criteria for shortlisting of candidates laid down was that for one post three candidates should be called for interview. He then stated that during the discussion with the above officers of the University, they told him that the criteria of taking interviews in the ratio of 13 to 14 candidates for one post was proper and could be managed. He did not feel that the above ratio was unwieldy i.e. on the higher side. He also stated that it was brought to his notice that even on earlier occasions, the ratio of 13 to 14 candidates for one post was followed in shortlisting of candidates for calling them for interviews. He then stated that he therefore agreed with them upon the criteria to be applied for shortlisting of candidates. He, however, denied that he gave any guidelines to the Chairman of the Selection Committee about shortlisting of candidates.

**142)** Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 15 of his affidavit dated 14.1.2008 (Ex.658), that he now felt that the written test was the best

way for shortlisting of candidates and also to judge their knowledge but according to him, it should be done by framing appropriate common rules applicable to all the four Agricultural Universities in the State. He then stated that after the constitution of MCAER, which is an Authority for effective co-ordination of the activities and functions of all the Agricultural Universities in the State, common rules applicable to them are sought to be introduced by it. He therefore stated that such common rules prescribing written test for shortlisting of candidates and also to test their knowledge needed to be framed for being introduced in all the Agricultural Universities in the State.

**143)** Dr.N.D. Pawar, the Member of the Selection Committee, who had the experience of working as Member of the Selection Committee, constituted by Rahuri University for recruitment in the posts of SRA/JRA as stated by him in para 12 of his affidavit dated 1.11.2007 (Ex.590) observed in para 13 thereof that where large number of candidates were to apply for one post, prescribing the written test was also the best way of shortlisting of candidates for personal interview. He further observed therein that in Rahuri University, even from amongst the candidates passing in the written test, the candidates called for the interview were in the ratio of 1:10 i.e. for one post, the candidates to be called for interview would be 10. Further, according to him, in Rahuri University, the Selection Committee of which he was member had interviewed about 100 candidates each day. However, as shown hereinafter, the above statement in para 13 of the aforesaid affidavit of Dr.N.D. Pawar, that in the Rahuri University, the ratio of the candidates to be called for interview from amongst those passing the written test was 1 : 10 was wrong because from its affidavit dated 26.10.2007 (Ex.587) read with its additional affidavit dated 28.1.2008 (Ex.665), it is clear that in Rahuri University, the ratio for shortlisting of the candidates who passed the written test was 1:5 based upon the G.R. dated 2.5.1995 (Ex.588) issued by the Government.

**144)** As the Assistant Registrar, Shri P.V. Behare, in his office note dated 16.7.2004, contained in the file Ex.40(O) had proposed the test of written examination of the candidates where their number was very large as was done in MPKV Rahuri, District Ahmadnagar, a notice of this enquiry was issued to the Registrar of the said University on 16.10.2007 directing him to file an affidavit in this enquiry on the question of procedure followed in his University for shortlisting of candidates where their number was large and also about the criteria for evaluation of the candidates applying for the posts of SRA/JRA. Pursuant to the said notice, an affidavit dated 26.10.2007 (Ex.587) is filed on behalf of the said University in which, the procedure for recruitment in the posts of SRA, JRA followed in the said University is described.

**145)** It is stated in para 9 of the said affidavit of the Rahuri University dated 26.10.2007 (Ex.587) that as regards the posts of JRA, as per the orders contained in the Government Resolution dated 9.6.2004, which is enclosed with the said affidavit dated 26.10.2007

(Ex.587) and marked as Ex.589 in this enquiry, since the cadre of JRA belongs to Group-C as per its pay-scale, the procedure followed for shortlisting of candidates where their number is large is by holding the written test for which 75 marks are fixed as per the aforesaid G.R. dated 9.6.2004. It is further stated in the said para 9 that according to the marks obtained by the candidates in the written test, they are called for personal interview in the ratio of 1:5 as per merit rank and that the marks allotted for personal interview are 25 as per the aforesaid G.R. dated 9.6.2004 (Ex.589).

**146)** The said University has enclosed with its affidavit dated 26.10.2007, the copy of the G.R. dated 2.5.1995 marked as Ex-588 in this enquiry. It is necessary to notice that in par-3 of the said G.R. dated 2.5.1995 (Ex.588), it is stated that as it had come to the notice of the Government that different standards are observed by the State Government, Zilla Parishad, Municipal Corporation, Municipal Council, State Government Undertaking, and Autonomous and all other institutions in calling the candidates for interview for making recruitment in the permanent posts, the question of bringing uniformity in the number of candidates to be called for interview and to lay down standards for the same was under its consideration. Therefore, after superseding all previous orders in this regard and for making recruitment in the permanent posts in the State Government, Zilla Parishad, Municipal Corporation, Municipal Council, State Government Undertaking, Autonomous and all other institutions, the Govt. has directed in the said para 3 of the G.R. dated 2.5.1995 (Ex.588) that the number of candidates to be called for interview should be as follows :

No. of Vacant posts    Number of candidates to be called for interview

(A)    Upto 5 posts                      5 Times                      Limit fixed upto 15 candidates

(B)    6 and above                      3 Times

Perusal of the said para 3 of the G.R. dated 2.5.1995 would show that it is applicable to the University which is an autonomous institution within the meaning of the said para 3 of the G.R. dated 2.5.1995 and was therefore made applicable to it and was followed by Rahuri University.

**147)** Since the aforesaid affidavit of Rahuri University dated 26.10.2007 (Ex.587), was not clear on the question of criteria adopted for shortlisting of candidates particularly with reference to the post of SRA, another notice dated 7.1.2008 was issued to it in which it was directed to answer the following specific questions on affidavit :

Q.1. Whether for the post of SRA written test is adopted for shortlisting of the candidates? If not, what was the test adopted for shortlisting of candidates applying for the post of SRA? What was the ratio about the candidates to be called for interview with each post to be filled?

- Q.2. Whether you introduced the written test for shortlisting of candidates applying for the post of JRA on the basis of the GR of the Government in that regard? If so, file the original GR regarding the same, since you have filed only GR dated 09.06.2004 by which 90% marks for written test and 10% marks for personal interview earlier fixed were changed to 75% marks for written test and 25% marks for personal interview.
- Q.3. Was the Officer from Social Welfare Department associated with the Selection Committee appointed for selection of the candidates applying for the post of JRA since as per pay scale the said post is in group "C" cadre ?

**148)** In answer to the above queries, an additional affidavit dated 28.1.2008 (Ex.665) is filed on behalf of Rahuri University. It is stated in para 1 of its affidavit dated 28.1.2008 (Ex.665) that in case the number of applications received in response to the advertisement for the posts of SRA is very large, the written test is conducted for shortlisting of candidates. It is then stated that after conducting the written test, the candidates are called for personal interview in the ratio of 1:5 as per the guidelines indicated in the Government Resolution dated 2.5.1995 (Cited supra). As regards the vacant posts in the cadre of JRA, as already stated, the written test is conducted as per the G.R. dated 9.6.2004 referred to above for shortlisting of candidates. What is material to be noticed in the above affidavits filed on behalf of Rahuri University is that it follows the ratio prescribed by the Govt. in its G.R. dated 2.5.1995 in shortlisting of candidates after conducting their written examination.

**149)** Since Rahuri University, in its affidavit dated 26.10.2007 (Ex.587) and also its subsequent affidavit dated 28.1.2008 (Ex.665) stated that it holds the written test for shortlisting of candidates as laid down in G.R. dated 9.6.2004 (Ex.589) in the cadre of JRA which belongs to Group-C as per its pay-scale and also follows the direction of the Government regarding the number of candidates to be called for interview as laid down in para 3 of G.R. dated 2.5.1995 (Ex.588) in recruitment to both the posts of SRA and JRA, the Registrar, Dr. PDKV, Akola, was issued notice to file the affidavit on behalf of the University on the question of applicability of the said G.R. dated 9.6.2004 (Ex.589) and the G.R. dated 2.5.1995 (Ex.588), to the said University. Pursuant to it, an affidavit dated 28.5.2008 (Ex.758), was filed on its behalf in this enquiry stating therein that the aforesaid G.Rs. relating to the written examination and the ratio for shortlisting of candidates to be called for interview are applicable to Dr.PDKV, Akola.

v) **Decision to hold combined / common interviews for both the posts of SRA (Agri.) and JRA (Agri.), preparation of combined alphabetical lists of the candidates to be called for interviews for the said posts, and programme of interviews for them.**

**150)** Dr. V.D. Patil (D.I.), the Chairman of the Selection Committee, stated in his office note dated 29.4.2005 at pages N/11 and N/12 of the file relating to Interviews (Ex. 35(O)) that the aggregate number of candidates of both the posts of JRA (Agri.) and SRA(Agri.) to be called for interview after shortlisting them would be about 900 whose interviews could be completed within 10 days. Shri P.V. Behare, Assistant Registrar, then stated in his office note dated 4.5.2005 contained at pages N/11 to N/13 in the aforesaid file (Ex.35(O)) that the aggregate number of candidates for both the posts of JRA(Agri.) and SRA(Agri.) who would be required to be called for interviews in the light of the criteria for shortlisting laid down by Dr. V.D. Patil (D.I.), the Chairman of the Selection Committee as per his aforesaid office note dated 29.4.2005 would be about 1300 to 1350 and considering the expected increase in the vacancies in the said posts the ratio in which they would have to be called for interview would work out to 13-14 candidates per post. Dr. V.D. Patil (D.I.), the Chairman of the Selection Committee had also referred to these facts in para 18 of his affidavit dated 25.12.2007 (Ex. 645). These facts would show that it was intended to hold combined /common interviews of the candidates who had applied for both these posts and in more than one category i.e. S.C., S.T. etc.

**151)** Dr.V.D. Patil, (D.I.), the Chairman of the Selection Committee, has stated in his office note dated 29.4.2005, contained in the file Ex.35(O), that in the light of the criteria fixed by him, programme of interviews could be completed from 15.5.2005 to 29.5.2005. The above programme given by him would also indicate that the programme of interviews was meant for combined/common interviews for both these posts of SRA (Agri.) and JRA (Agri.). After Shri P.V.Behare, the Assistant Registrar, pointed out in his office note dated 4.5.2005 contained in the file Ex.35(O), that it would be impossible to start the programme of interviews from 15.5.2005, Dr.V.D. Patil, (D.I.), the Chairman of the Selection Committee gave a fresh programme for interviews as per his office note dated 10.5.2005 contained at page N/14 of the file Ex.35(O), according to which, the programme of interviews was to be carried out in two stages i.e. from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 by conducting interviews of 100 – 110 candidates on each day which programme also indicated that it was intended to hold combined/common interviews for both these posts.

**152)** Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 25 of his affidavit dated 15.11.2007 (Ex.598) that although the office notes of Dr.V.D. Patil (D.I.), the Chairman of the Selection Committee, particularly his office note dated 29.4.2005 was not explicit in

stating that combined / common interviews of the candidates would be held for both the posts of SRA (Agri.) and JRA (Agri.), the Assistant Registrar Shri P.V.Behare, after Dr.V.D. Patil, the Chairman of the Selection Committee, gave the programme of interviews in his aforesaid office note dated 10.5.2005, told him that the combined/common interviews would be held for both the aforesaid posts and accordingly action should be taken. He therefore, stated that as per his instructions, he prepared the combined alphabetical list of the candidates (See file Ex.36(O)) who were eligible to be called for interviews for both these posts in the light of the criteria laid down for shortlisting them. He then prepared the programme for combined/common interviews for both these posts on the basis of the aforesaid combined alphabetical list. Dr.V.D. Patil, the Chairman of the Selection Committee, also admitted in para 22 of his affidavit dated 25.12.2007 (Ex.645) that as per the criteria given by him, shortlisting of candidates was done by the Registrar's office which prepared the alphabetical list of the candidates to be called for interview for both the posts of SRA (Agri.) and JRA (Agri.) and that on the basis of the said list which was placed in the file marked as (Ex.36(O)) in this enquiry the programme of interviews was prepared by Shri D.P. Deshmukh, Section Assistant (Estt.) by fixing in the alphabetical order, the interviews of 119 to 123 candidates on each day from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005.

**153)** As regards the question of preparing the programme for interviews, Shri D.P. Deshmukh, Section Assistant (Estt.) had submitted the office note dated 24.5.2005 contained at page N/15 of the file Ex.35(O). He stated therein that keeping in view the criteria laid down by Dr.V.D. Patil (D.I.), the Chairman of the Selection Committee for shortlisting of the candidates as per his office note dated 29.4.2005, the total number of the candidates to be called for combined interviews for both the posts of SRA (Agri.) and JRA (Agri.) in all categories would come to about 1335 as per the list enclosed. However, the file about interviews (Ex.35(O)) does not contain any such list, perhaps because it is independently maintained in the file (Ex-36(O)). He then gave schedule of the candidates to be called for interview on each day from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 as shown therein. The candidates were distributed serially i.e. according to their S.Nos. in the aforesaid combined alphabetical list of SRA (Agri.) and JRA (Agri.) in all categories contained in the file Ex.36(O). To illustrate, the interviews of the candidates at Sr Nos.1 to 122 in the aforesaid alphabetical list (Ex.36(O)) were fixed on 13.6.2005, of Sr. Nos.123 to 243 on 14.6.2005 and so on as shown in the said schedule of interviews. The said Schedule also shows that the number of candidates who were called for interviews on each day ranged between 119-123. A copy of the said interview programme filed by the University with its affidavit dated 18.7.2007 (Ex.1) and marked as Ex.12 in this enquiry is annexed to this Report as **Annexure-10**. The said office note dated 24.5.2005 further shows that the interview call letter was also submitted for approval along with the said office note

dated 24.5.2005. However, as admitted by Shri D.P.Deshmukh, Section Assistant (Estt.) in para 22 of his aforesaid affidavit dated 15.11.2007 (Ex.598), the said call letter was neither annexed to the said office note dated 24.5.2005 nor was placed in the said file Ex.35(O). He, however, stated in para 23 of his aforesaid affidavit that the specimen copy of the interview call letter was similar to the interview call letter dated 24.5.2005 issued to one Mankar Sushma M. at Sr.No.786 in the alphabetical list in the file Ex.36(O), a copy of which is filed by the University with its affidavit dated 18.7.2007 (Ex.1) and is marked as Ex.10 in this enquiry. A copy of the said interview call letter dated 24.5.2005 is already annexed to this Report as Annexure-9.

**154)** The aforesaid office note of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 24.5.2005 in which the aforesaid interview programme was drawn by him was forwarded to the Assistant Registrar, Deputy Registrar, and the Registrar and was approved by them on the same date i.e. 24.5.2005. It was then forwarded to Dr.V.D. Patil (D.I.), and the Vice-Chancellor of the University, who approved it on 25.5.2005.

**155)** Perusal of the interview call letter issued to Mankar Sushma M. (Ex.10) shows that the word used therein is “Interview” and not “Common Interview” although in the title “Subject” therein it is mentioned that the “Interview for the posts of SRA (Agri.) and JRA (Agri.)”. Further, in the body of the letter, the Sr.Nos. 16,76 and 38 about the particulars of the applications, she made in the category of SRA (Agri.) ( Open), JRA (Agri.) (OBC) and JRA (Agri.) (Open) respectively are mentioned which are from the statements contained in Ex-23E, Ex-22D and Ex-22E filed by the University and included with the charts showing statement about the position of the applications received for the posts of SRA (Agri.) and JRA (Agri.) marked as Ex.23 and Ex.22 in this enquiry. (The said statements Ex-22 & 23 are explained in the paras hereinafter appearing). Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 23 of his affidavit dated 15.11.2007 (Ex.598) that although the file Ex.35(O) containing his aforesaid office note dated 24.5.2005, was received back by him on 27.5.2005 after approval was given to the programme of interviews and the specimen interview call letter by Dr.V.D. Patil (D.I.), and the Vice-Chancellor on 25.5.2005, the interview call letters were issued to the candidates on 24.5.2005 itself on which date the Deputy Registrar and the Registrar had approved the aforesaid office note dated 24.5.2005.

**156)** As regards the decision to hold common interviews, it is important to notice the affidavit of Shri R.B. Bali, the then Registrar of the University, and the Ex-officio Member-Secretary of the Selection Committee. He stated in para 17 of his affidavit dated 11.10.2007 (Ex.585) that in the discussion between Dr.V.D. Patil, himself and the other concerned officers about the procedure to be adopted for shortlisting of candidates, it was decided that the candidates should face separate interviews if they had applied for both the posts of SRA/JRA as per the normal practice in the University. Suffice it to say at this stage that the version he has given about the modality of taking interviews of the candidates who had

applied for both the posts of SRA (Agri.) and JRA (Agri.) is different from the version of Dr.V.D. Patil, the Chairman of the Selection Committee.

**vi) Issue of notice of meeting of the Selection Committee for taking interviews of the Candidates**

**157)** The notice of the meeting of the Selection Committee constituted under Statute 76 (1) of the Statutes for selection in the posts of SRA (Agri.) and JRA (Agri.) was issued to the Chairman and all the members of the Selection Committee by the Registrar, Dr.PDKV, Akola on 26.5.2005. The said meeting was scheduled to be held from 13<sup>th</sup> June 2005 to 17<sup>th</sup> June 2005 and 20<sup>th</sup> June 2005 to 25<sup>th</sup> June 2005 from 9.00 AM in the University Guest House near College of Agriculture Dr.PDKV, Akola, to transact the business as per the agenda given in the said notice. Apart from the fact that the copy of the said notice dated 26.5.2005 is contained at page-C/19 of the file Ex-35(O) its copy is also filed in this enquiry by the University along with its affidavit dated 18.7.2007 (Ex-1) and is marked as Ex-27. Perusal of the said notice of the meeting of the Selection Committee would show that the main agenda before it was about the interviews for the posts of SRA (Agri.) and JRA (Agri.), the other agenda being about the proposals of promotion of AA to the post of JRA (Agri.) and of JRA (Agri.) to the post of SRA (Agri.) and also about their time bound promotions. A true copy of the said notice of the meeting of the Selection Committee dated 26.5.2005 (Ex-27) is annexed as **Annexure-11** to this Enquiry Report.

**vii) Determination of Criteria for academic evaluation of SRA/JRA**

**158)** The above narration of facts would show that the criteria for academic evaluation of SRA (Agri.) and JRA (Agri.) was not fixed even though the programme for interviews of the candidates for the said posts was drawn as per the office note of Shri D.P.Deshmukh, Section Assistant dated 24.5.2005 with the approval of Dr.V.D. Patil (D.I.), the Chairman of the Selection Committee and the Vice-Chancellor of the University and even though pursuant to the said programme of interviews, the interview calls were sent to the candidates on 24.5.2005 itself and the notices of the meeting of the Selection Committee to be held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 for taking interviews of the candidates were issued to the Chairman and the members of the Selection Committee on 26.5.2006. The criteria for academic evaluation of SRA/ JRA was determined only thereafter by Dr. V.D. Patil, Chairman and the D.I., Dr.E.R. Patil, Associate Dean, and Shri R.B. Bali, Registrar, Dr.PDKV, Akola, in their meeting held on 31.5.2005. The said criteria is included at Page-C / 35 in the file relating to interview (Ex-35(O)) and its copy is filed by the University in this enquiry with its affidavit dated 18.7.2007 (Ex-1) and is marked as Ex-9. A copy of the said criteria for academic evaluation of SRA and JRA is annexed as **Annexure-12** to this Enquiry Report.

**159)** As regards the question of evaluation of candidates for selection to the posts of SRA (Agri.) and JRA (Agri.), it is relevant to see that Statute-76 (6) (a) confers power upon the University to make rules consistent with the provisions of the Act and the Statutes providing for giving of notice of the meeting of the Selection committee to its members, business to be considered at its meeting, for keeping of record of the proceedings of the meeting, and for assessment of candidates (Underling is mine). The University, however, has framed no rules under Statute 76 (6) (a) of the Statutes as admitted by it in Para C of its affidavit dated 17.7.2007 (Ex-48). What is stated by it in answer to the point no.1 in the said Para C is that it followed Statute-31 for issuing notice of meeting to the members of the Selection Committee, business to be transacted by it in its meeting, keeping of the record of the proceedings of its meeting, and assessment of candidates. Further, in answer to point no.2 it has stated in Para C that there was no resolution of the Executive Council or any other competent body except the Selection Committee for evaluation and assessment of the candidates applying for the posts of the members of the academic staff other than the posts of the professor and above to whom statute-52 was applicable.

**160)** However, after filing the said affidavit dated 17.7.2007 (Ex-48), the University realized that the information given on point no.2 therein about the evaluation and assessment of the candidates applying for the posts of SRA and JRA needed change and clarification and therefore by its subsequent affidavit dated 2.8.2007 ( Ex-56) it substituted in place of earlier information given on Point No.2 in para C of the aforesaid affidavit dated 17.7.2007 (Ex-48) the fresh information given by it on Point no.(ii) in its affidavit dated 2.8.2007 (Ex-56). As regards the point no.(ii), it is stated therein that there was no specific guideline provided in the Statute for allotment of marks for selection to the posts of SRA and JRA. However, since in the absence of such provisions some criteria for evaluation of candidates was necessary to be fixed and therefore keeping in view the provisions of Statute-52 of the Statutes, the basis of the said Statute-52 which was applicable to the posts of professor and above viz. 60 : 40 i.e. 60 for Personal Interview and 40 for Academic performance was applied for Selection to the posts of SRA and JRA. It is further stated in the said affidavit dated 2.8.2007 (Ex-56) that in the absence of specific provisions, keeping in view Statute-52 as statutory base, the criteria was drafted/ decided by Dr.V.D. Patil, Chairman and Director (Instructions), Dr.E.R. Patil, Associate Dean, PGI, and Shri R.B. Bali, Registrar, who were also the members of the Selection Committee. It is also stated therein that before interviewing the candidates, the criteria drafted/decided was submitted to the Selection Committee, which finally decided the same on the analogy of the provision under Statute-52 as was noted in the proceedings of the meeting of the selection committee held from 13<sup>th</sup> June 2005 to 25<sup>th</sup> June 2005 contained at pages 1 to 14 of the file relating to the said proceedings filed and marked as Ex-34(O) in this Enquiry.

**161)** The relevant affidavits on the question of determination of criteria for academic evaluation of SRA and JRA inter-alia are of Dr.V.D. Patil, (D.I.), the Chairman of the Selection Committee dated 25.12.2007 (Ex.645), Dr.E.R. Patil, the Associate Dean, dated 16.11.2007 (Ex.599) and Shri R.B. Bali, the then Registrar of the University, who were members of the Selection Committee and who along with the Chairman, Dr.V.D. Patil (D.I.) laid down the criteria for academic evaluation of SRA and JRA, apart from the affidavits of the other members of the Selection Committee. Besides the aforesaid affidavits, the other relevant affidavits are of Dr.S.A. Nimbalkar, the then Vice-Chancellor, dated 14.1.2008 (Ex.658) and Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.11.2007 (Ex.598), who looked after the work of D-Unit relating to appointment, selection, transfer, maintenance of Seniority list of SRA, JRA, AA and LSS. The said affidavits are considered under the following heads:

a) **Power to lay down the criteria for academic evaluation / assessment of SRA/JRA**

**162)** Considering first the affidavit of Dr.V.D. Patil (D.I.), the Chairman of the Selection Committee, dated 25.12.2007 (Ex.645), he stated in para 65 of the said affidavit that he had not seen the provisions of Statute-76 (6) (a) and therefore did not know when he was appointed as the Chairman of the Selection Committee and at any time thereafter also till the selections in question were made that the University had to frame the rules thereunder for assessment of the candidates. Even at the time when he discussed with the Registrar the question about the criteria to be applied for the selection of SRA and JRA, he did not bring to his notice the provisions of Statute 76 (6) (a) in this regard. Earlier, when there was advertisement for recruitment in the posts of SRA and when he was at that time also the Chairman of the Selection Committee, he was not made aware of the provisions of Statute 76 (6) (a) and had at that time also followed for determination of the criteria for academic evaluation of SRA the same procedure which was followed for making selections of SRA and JRA in this case.

**163)** However, after seeing the provisions of Statute 76 (6) (a), in this enquiry, Dr.V.D.Patil, (D.I.), the Chairman of the Selection Committee, admitted in para 25 of his aforesaid affidavit dated 25.12.2007 (Ex.645) that the University had to frame the rules for assessment of the candidates applying for all the posts of academic staff members below the post of Assistant Professor such as the posts of SRA and JRA but there were no rules framed by it in that regard. He also admitted that in the absence of the rules being framed by the University under Statute 76 (6) (a) about the assessment of the candidates, it was necessary for the Executive Council to lay down the criteria by its decision and in the absence of its decision, the Hon'ble Vice-Chancellor could determine the criteria in his emergency power under section 18 (16) of the University Act. According to him, being an appointing authority also, the Vice-Chancellor could determine such criteria if the rules

were not framed under statute 76 (6) (a). Further, according to him, in the absence of the rules or any criteria being laid down by the Executive Council or the Vice-Chancellor, the Selection Committee, upon which an obligation was cast to select the candidates for the posts of SRA (Agri.) and JRA (Agri.) could adopt suitable criteria for academic evaluation of the candidates to select the best amongst them through its selection process. He then admitted that the Chairman of the Selection Committee, on his own, had no power to determine the criteria for evaluation of the candidates applying for the posts of SRA and JRA.

**164)** As regards the question of power to lay down the criteria for assessment of the candidates applying for the posts of SRA and JRA, the Vice-Chancellor, in para 27 of his affidavit dated 14.1.2008 (Ex.658), stated that the power to frame rules for assessment of candidates applying for the posts of SRA / JRA vests in the University under statute 76 (6) (a) and that there were no rules framed in this regard by the University thereunder. According to him, the Executive Council which exercises the power of the University not conferred upon any other body or authority, neither framed any rules as required by Statute 76 (6) (a) nor passed any resolution to lay down the criteria for assessment of the candidates applying for the posts of SRA and JRA. Further, according to him, the Vice-Chancellor, had also not exercised his emergency power to lay down any such criteria. He then stated that he would not be able to tell whether the Vice-Chancellor as the appointing authority could lay down such criteria. However, according to him, in the absence of the criteria for assessment of the candidates applying for the posts of SRA and JRA being laid down by the Executive Council or the Vice-Chancellor, since the Selection Committee had to make selection and prepare the selection list as per Statute 77 (1) (iv), the power to lay down criteria for selection of the candidates could be exercised by it for the purpose of making selection of proper and/or suitable candidates from amongst those applying for the said posts.

**165)** Dr.Vandan Mohod, the then Registrar of the University, who worked as Member Secretary of the Selection Committee from the stage when the interviews started on 13.6.2005, in para 10 of his affidavit dated 1.12.2007 (Ex.633), and Dr.E.R. Patil, Associate Dean, who was the Member of the Selection Committee and also was associated with Dr.V.D. Patil (D.I.), the Chairman of the Selection Committee in laying down the criteria for academic evaluation of SRA and JRA, in para 3 of his affidavit dated 16.11.2007 (Ex.599), admitted that there were no rules framed by the University under Statute-76 (6) (a) to lay down the criteria for assessment of the candidates applying for the posts of SRA and JRA. However, Shri R.B. Bali, who was at the time when the criteria for academic evaluation of SRA/ JRA was determined on 31.5.2005, the Registrar of the University and therefore being then the Ex-Officio Member Secretary of the Selection Committee, was associated with Dr.V.D. Patil (D.I.), the Chairman of the Selection Committee in laying

down on 31.5.2005, the criteria for academic evaluation of SRA / JRA, stated in para 8 of his affidavit dated 11.10.2007 (Ex.585) that he did not remember whether the University had framed any rules under Statute 76 (6) (a) or laid down any criteria for assessment of candidates applying for the posts of SRA/JRA.

**b) Whether the Selection Committee laid down the Criteria for academic evaluation of SRA and JRA**

**166)** In this regard, Dr.V.D. Patil, (D.I.), the Chairman of the Selection Committee, stated in para 26 of his affidavit dated 25.12.2007 (Ex.645) that in the absence of the rules and since neither the Executive Council nor the Vice-Chancellor had determined the criteria for academic evaluation of the candidates applying for the posts of SRA and JRA, the criteria for academic evaluation of SRA and JRA was determined by him as the Chairman of the Selection Committee in consultation with the senior most Member Dr.E.R. Patil, and the Registrar, who was the Member Secretary of the Selection Committee by holding the meeting on 31.5.2005 in which they were present. He then stated that the criteria laid down by them, was at page C/35 of the file relating to interviews Ex.35(O) which was signed by them i.e. he himself as Chairman and D.I. , Dr.E.R. Patil, the Associate Dean (PGI), and Shri R.B. Bali, as Registrar of Dr. PDKV, Akola. After seeing the proceeding of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained at pages 1 to 14 of the file Ex.34(O), he stated in para 61 of his aforesaid affidavit that, as stated on page 2 therein, the Selection Committee as such by following the formal procedure of the meeting did not decide the criteria for academic evaluation of the candidates for the posts of SRA and JRA but he had informed the local members of the said committee on phone to come for meeting on 31.5.2005 at 3.30 PM to consider and decide the question of criteria to be applied for the selection of candidates in the posts of SRA/JRA. Accordingly, the criteria was fixed by him, the senior most Member Dr.E.R. Patil, and the Registrar who were present on 31.5.2005 to determine the criteria. Further, as stated by him in the said para 61, he had, at the outset, on 13.6.2005 briefed the members of the Selection Committee about the said criteria.

**167)** In Para 64 of his affidavit dated 25.12.2007 (Ex. No. 645), Dr. V. D. Patil (D.I.), the Chairman of the Selection Committee stated that he had seen the Attendance Register marked as Ex.46(O) in this enquiry and that according to the practice followed in the University, the signatures of the Chairman and the Members of the Selection Committee are taken in the said Register to show their presence in its meeting. He then stated therein that at page 131 of the said Register Ex. 46 (O), the signatures of the Chairman and the Members of the Selection Committee who were present in its meeting held from 13.06.2005 to 17.06.205 and 20.06.2005 to 25.06.2005 were taken. According to him, he had signed the said Register on each date of the aforesaid meeting of the Selection Committee except 22.06.2005 on which date he was absent in the said meeting. Perusal of

the said Register does not show that any meeting of the Selection Committee was held on 31.05.2005 containing the signatures of Dr. V. D. Patil, Dr. E. R. Patil and Shri R. B. Bali who were alleged to be present in the said meeting on 31.05.2005.

**168)** Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, stated in para 34 of his affidavit dated 1.12.2007 (Ex.633) that it did not appear that the meeting of the Selection Committee was called for assessment of the candidates for the posts of SRA/JRA i.e. for determination of criteria for their academic evaluation. According to him, the said criteria was evolved by Dr.V.D. Patil, the Chairman, E.R. Patil, Associate Dean (PGI), and the then Registrar Shri R.B. Bali, in their meeting held on 31.5.2005 (See Page 35 of the file Ex.35(O)). As regards the question whether the said criteria was approved in the meeting of the Selection Committee on the first day of interview i.e. on 13.6.2005, he stated that on that day, at the outset, Dr.V.D. Patil, had only explained to the members of the Selection Committee the criteria framed by the above committee on 31.5.2005 but no decision was taken by the Selection Committee on 13.6.2005 to affirm or approve the said criteria. According to him, the information given by Dr.V.D. Patil, was only about how they should proceed in the matter and what criteria they should apply in the selection of the candidates in their meeting.

**169)** Dr. E.R. Patil, the Associate Dean (PGI), who was associated by Dr.V.D. Patil, the Chairman of the Selection Committee in determination of criteria for academic evaluation of SRA and JRA, stated in para 4 of his affidavit dated 16.11.2007 (Ex.599) that Dr.V.D. Patil, the Chairman and Dean Dr.PDKV, Akola, told him on telephone that the meeting of the Selection Committee was being held at 3.00 PM on 31.5.2005 for determination of the criteria for academic evaluation of the candidates who had applied for the posts of SRA and JRA. He then stated that he was told about it the day before the date of the said meeting. He admitted that he had not received in writing notice of the meeting of the Selection Committee held on 31.5.2005. According to him, he did not know whether the other members of the Selection Committee were informed about the said meeting or not although possibly, according to him, they might have been informed about it on phone by the Chairman of the Selection Committee. He admitted that the notice of the said meeting held on 31.5.2005, as provided under statute-31 or at any rate some reasonable notice about it, should have been given to all the members of the Selection Committee in the absence of any rules being framed as required by Statute 76 (6) (a) of the Statutes.

**170)** As regards the proceedings of the said meeting dated 31.5.2005, Dr.E.R. Patil, the Associate Dean (PGI), stated in para 6 of his affidavit dated 16.11.2007 (Ex.599) that although the said meeting was called at 3.00 PM since there was no requisite quorum of four at the time of commencement of the said meeting at 3.00 PM as laid down under statute 76 (6) (b), the meeting started actually at 3.30 PM after waiting for half an hour. However, after seeing the minutes of the said meeting contained at page C/35 of the file

Ex.35(O), he admitted that Dr.V.D. Patil, the Chairman of the Selection Committee , who dictated the minutes of the said meeting of the Selection Committee dated 31.5.2005 did not mention in it that the said meeting called at 3.00 PM actually commenced at 3.30 PM after waiting for half an hour and that the said meeting was an adjourned meeting. He then admitted in para 7 that the Attendance Register is maintained in the University to show the presence of the Chairman and the Members of the Selection Committee in its meeting by taking their signatures in the said Register. After seeing the Attendance Register (Ex.46 (O)), filed in this enquiry, he stated that he did not find in the said Register, that the meeting of the said Selection Committee to lay down the criteria for academic evaluation of SRA and JRA was held on 31.5.2005 and that there were signatures in it of the Chairman and the Members of the Selection Committee who were present in the said meeting viz. Dr.V.D. Patil, he himself and the then Registrar (Member Secretary), Shri R.B. Bali. He further admitted that in the said Attendance Register there were signatures at page 31 of the Chairman and the Members of the Selection Committee who were present in the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005, for selection of academic staff members under Statute 76 i.e. SRA and JRA under all categories. He also admitted that such Attendance Register is required to be maintained under Statute 31 (it should be Statute 36).

**171)** Shri R.B.Bali, who was also associated with the meeting on 31.5.2005 to lay down the criteria for SRA and JRA, stated in para 8 of his affidavit dated 11.10.2007 (Ex.585) that there was no notesheet showing how and who constituted the said committee to frame the criteria for academic evaluation of SRA and JRA. However, according to him, it appeared that Dr.V.D. Patil, the Chairman of the Selection Committee, might have called the aforesaid meeting to frame the criteria for academic evaluation of SRA and JRA. He then stated that he did not remember whether any meeting of the Selection Committee was called to approve the said criteria or whether it was put-up before it for approval.

**172)** Shri B.N.Dahatonde, stated in para 5 of his affidavit dated 10.12.2007 (Ex.636) that 8 or 10 days prior to the date of interviews there was telephone message received in his office from the office of the Chairman of the Selection Committee. Dr. V.D. Patil, that there was meeting of the Selection Committee in the afternoon on the same day. He then stated that since he was out of Station on that day, he could not attend the said meeting and he also did not know for what purpose the meeting was called. He admitted that he did not receive any notice of any ordinary or special meeting of the Selection Committee, as provided in Statute 31. He also admitted that after he returned to Akola, he did not make any enquiry from the office of the Chairman of the Selection Committee about the purpose of the said meeting or as to what had happened actually in the said meeting. As stated by him in para 6, he did not know whether on 31.5.2005, any meeting was at all held and who was present in the said meeting. He thus did not know whether any criteria for academic