

**357)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 31 of his affidavit dated 15.11.2007 (Ex.598) that after the interviews were over, the Chairman of the Selection Committee or its member secretary (Registrar) or any other member did not hand over to him the list of the candidates selected by the Selection Committee on 25.6.2005. He then stated that since the number of candidates to be interviewed on the last day of meeting of the Selection Committee i.e. 25.6.2005 was large, the chart about the marks for educational qualification, experience etc. awarded to them was not before the meeting of the Selection Committee and therefore the Selection Lists of the candidates for these posts could not have been prepared on the said date. In fact, according to him, the chart relating to marks for educational qualification, experience etc. i.e. about the academic performance of all the candidates who appeared for interviews from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 was not placed before the meeting of the Selection Committee on the last day of interview i.e. 25.6.2005 and hence the selection lists of the candidates could not have been prepared on that date.

**x) Preparation of the Mark-sheet of all the Candidates**

**358)** Perusal of the affidavits of Dr.N.D.Jogdande, dated 5.11.2007 (Ex.596), Dr.B.N.Dahatonde, dated 1.11.2007 (Ex.636), both local members of the Selection Committee, and Dr.N.D. Pawar dated 1.11.2007 (Ex.590), and Dr.G.N.Dake dated 23.11.2007 (Ex.600) both outside members of the Selection Committee, discussed above, would show that on each day including the last day of the meeting of the Selection Committee i.e. 25.6.2005 after the interviews of the candidates fixed on that day were over and after they had handed over to the Chairman of the Selection Committee or its member secretary/Registrar their charts in the proforma Ex.434-A in which they had given marks to the candidates for their interviews on that date the meeting of the Selection Committee on that day was over except that according to Dr.N.D. Pawar, outside member of the Selection Committee, the envelopes given by all the members of the Selection Committee were opened on the last day of interview i.e. 25.6.2005 and the marks given by them on each day of interview were consolidated and written down in the additional chart in the proforma Ex.434-A which was with the Chairman. Further, according to them, the selection of the candidates was not finalized in their presence on that day in the said meeting and no meeting of the Selection Committee was also thereafter held to finalize the selection of the candidates or prepare the selection lists. Perusal of their aforesaid affidavits would also show that they do not know who prepared the Mark-Sheets and how. Vide paras 11, 13 and 13 of the aforesaid affidavits of Dr.B.N.Dahatonde, Dr.N.D. Jogdande, and Dr.G.N.Dake, the members of the Selection Committee. Although, Dr.N.D. Pawar, the member of the Selection Committee, stated in para 21 of his affidavit dated 1.11.2007 (Ex.590) that he would not be able to tell when the Mark-Sheets Ex.112(O) and 34(O)-A were prepared and who prepared them according to him, they were prepared in the Registrar's office.

**358-A)** As regards the preparation of the Mark-Sheet, vide para 331 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 40 of his affidavit dated 25.12.2007 (Ex.645) that there was with the Section Assistant, Shri D.P. Deshmukh, the consolidated data-sheet of all the candidates who were called for interview from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 prepared by him as stated in para 32 of his affidavit dated 15.11.2007 (Ex.598). Dr.V.D. Patil, the Chairman of the Selection Committee, stated in the said para 40 of his aforesaid affidavit that from the second day of interview i.e. 14.6.2005 after the marks given by the Assistant Professors/Associate Professor in the chart Ex.38(O) were received on each day of interview by the Registrar's office, Shri D.P. Deshmukh, Section Assistant (Estt.) entered on each day of interview in the said consolidated data-sheet the marks obtained by each candidate for his academic performance i.e. the marks obtained by him for his B.Sc., M.Sc. , Ph.D., Experience, thesis submission, publication of Research Papers/ Popular Articles and Significant contribution, He then stated in para 42 of his aforesaid affidavit that he then entered the average marks for interview received by each candidate in the said consolidated data-sheet as dictated by he himself or the Registrar/ Member Secretary from the column "rank of merit" in the additional chart in the proforma (Ex.434-A) with him. The said average of interview marks were as far as possible according to him, dictated on the same day or the next day to Shri D.P. Deshmukh, Section Assistant (Estt.) who entered the same in the said data-sheet on each day of interview.

**359)** As regards the work done on the last day of interview i.e. 25.6.2005, Dr.V.D. Patil stated in para 46 of his affidavit dated 25.12.2007 (Ex.645) that the work of the selection committee was not over after the average marks for interview were dictated by him or the Registrar to Shri D.P. Deshmukh, Section Assistant (Estt.) who entered the same on that day in the data-sheet with him. Describing the work done by the Selection Committee on the last day of interviews i.e. 25.6.2005 Dr.V.D. Patil, stated in the said para 46 of his aforesaid affidavit that on that day after the interviews of the candidates which were fixed on that day were over, the work of finding out the average of the marks given by him and the members of the Selection Committee to each candidate for his performance in his interview, and dictating the said average marks of each candidate to Shri D.P. Deshmukh, Section Assistant (Estt.), who accordingly entered them in his data-sheet was completed at about 11.00 PM. He then stated that in the said data-sheet, in which the marks for academic performance of each candidate and his average marks for interview were entered, the names of the candidates appeared in the same alphabetical order as in the alphabetical list of all the candidates applying for both or one of the posts of SRA/JRA contained in the file Ex.36(O) according to which, the interview calls were sent to the candidates for different dates of interviews. After seeing the consolidated Marksheet marked as Ex.112(O) in this enquiry, he stated that the data-sheet referred to above in which the average marks for interview

dictated by him or by the Registrar to Shri D.P.Deshmukh, Section Assistant (Estt.) were entered by him was similar to the consolidated Mark-sheet Ex.112(O) but, according to him, the marks written therein were in ink and not in pencil as in the said consolidated Marksheet Ex.112(O). He then stated that the average marks were dictated by him or the Registrar and were entered in the data-sheet by Shri D.P.Deshmukh, Section Assistant (Estt.) in the same room where the interviews were conducted but the work of the Selection Committee was not thereafter over on that day since they were told by the Registrar, that the entire process of selection needed to be completed on the last day. Hence, according to him, the meeting of the Selection Committee continued thereafter also on that day i.e. 25.6.2005 to complete the said process of selection i.e. to finalize the selections and prepare the selection lists of these posts.

**360)** After having seen the Mark-sheet marked as Ex.34(O)-A in this enquiry at pages 77/1 to 92 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee, Dr.V.D. Patil, the Chairman of the Selection Committee stated, in para 47 of his affidavit dated 25.12.2007 (Ex.645), that it was the final Marksheet prepared categorywise separate for the posts of SRA (Agri.) and JRA (Agri.) containing the marks of all the candidates for their academic performance and interviews. He further stated that each page of the said Marksheet Ex.34(O)-A was signed by him and the members of the Selection Committee. According to him, as he now remembered there were two data-sheets prepared by the Registrar's office; one was Marksheet Ex.34(O)-A which was categorywise and separate for the posts of SRA (Agri.) and JRA (Agri.) and another was consolidated Marksheet prepared at the same time by the Registrar's office marked as Ex.112(O) in this enquiry. He then stated that on each day of interview after the work of the Assistant Professors/Associate Professor was over, the marks for academic performance were first entered in pencil in the consolidated Marksheet Ex.112(O) and thereafter from it in the categorywise Marksheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.). He also stated that from the second day of interview i.e. 14.6.2005 after the interviews on that day were over the average marks for interview as dictated by him or the Registrar were also entered in the same manner i.e. first in consolidated Marksheet Ex.112(O) and thereafter in the categorywise and postwise Marksheet Ex.34(O)-A. According to him, if any such work remained to be done on any day of interviews, it was done on the next day and in this manner the consolidated Marksheet Ex.112(O) and the categorywise Marksheet separate for the posts of SRA (Agri.) and JRA(Agri.) i.e. Ex.34(O)-A were prepared.

**361)** Dr.V.D. Patil, the Chairman of the Selection Committee stated in para 48 of his affidavit dated 25.12.2007 (Ex.645) that after the final Mark-sheet Ex.34(O)-A was ready at night on 25.6.2005, he himself and each member of the Selection Committee signed each page of the said Mark-sheet on the same day at night but no date was put either by him or any member of the Selection Committee below his signature on any page of the said

Marksheet Ex.34(O)-A. He then stated that he would not be able to give any reason why no date was put by them below their signatures upon the said Marksheet Ex.34(O)-A. He also stated that even as regards the statements about promotion of candidates who were recommended by the Selection Committee for promotion from AA to JRA and JRA to SRA and also about their time-bound promotions, they had not put any date below their signatures upon the last pages of the said statements. He admitted that neither he nor any member of the Selection Committee had put his signature upon the consolidated Marksheet of SRA and JRA marked as Ex.112(O). The reason, according to him, was that he treated it as rough Mark-sheet, because simultaneously the final Marksheet Ex.34(O)-A was prepared and they had signed each page of the said Marksheet. According to him, the final Marksheet Ex.34(O)-A signed by them was ready at about 11.30 PM. He admitted in para 70 of his aforesaid affidavit that had the categorywise Marksheet, separate for the posts of SRA (Agri.) & JRA (Agri.) Ex.34(O)-A, in which the marks of each candidate for his academic performance and for his interview were entered been not ready on 25.6.2005, they would not have been able to prepare the selection lists for both the posts of SRA(Agri.) and JRA (Agri.) on that day and that the said selection lists could be prepared only after the said categorywise Marksheet Ex.34(O)-A was ready.

**362)** As regards the question of preparation of Marksheet of all the candidates, who were called for interviews of the posts of SRA (Agri.) and JRA (Agri.), Dr.Vandan Mohod, Registrar / Member Secretary, stated in para 23 of his affidavit dated 1.12.2007 (Ex.633) that on the last day of interviews i.e. 25.6.2005 after the Selection Committee completed the work of interviews on that date and after the average marks of each candidate for his interview on that date were entered by the Chairman of the Selection Committee in the additional chart with him, the work on that date was not over. According to him all members of the Selection Committee including the Chairman came out of the interview hall and sat in the adjacent hall where the officers of the Registrar's office were sitting. He, however, stated that all the members of the Selection Committee were not sitting continuously in the adjacent hall and its two outside members had gone to their rooms where they stayed and the others were going out for Tea and Pan etc. Therefore, according to him, the Selection lists were thus prepared by him and the Chairman.

**363)** Dr.Vandan Mohod, Registrar/ Member Secretary, stated in para 24 of his affidavit dated 1.12.2007 (Ex.633) that the Chairman of the Selection Committee then enquired from the officers of the Registrar's office whether they had filled the marks for interviews till 24.6.2005 and the marks for academic performance in a common chart. He also stated that when they told him that such a chart was ready upto 24.6.2005, he handed over to them the additional chart dated 25.6.2005 in which the average marks of each candidate for his interview on that date were entered and asked them to fill the said marks immediately then and there in the common chart which they had prepared. According to him, the said chart

was a consolidated chart for the posts of SRA/JRA but he would not be able to tell definitely whether it was in alphabetical order. He, however, stated that it was not the same chart as the chart Ex.112(O) filed in this enquiry.

**364)** As regards the preparation of the aforesaid consolidated chart for the posts of SRA and JRA in which the marks for academic performance, interview and their total were entered, Dr.Vandan Mohod, Registrar/Member Secretary, changed his version after seeing the column “Sr.no. as per annexure” in the selection lists and also the Marksheet Ex.34(O)-A in the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee. After seeing them, he stated in para 31 of his affidavit dated 1.12.2007 (Ex.633) that the consolidated chart of the candidates for the posts of SRA/JRA referred to by him earlier was not before them when they prepared the Selection lists of 55 SRA and 76 JRA as stated by him in earlier paras of his aforesaid affidavit but what was before them was the categorywise chart of all 1335 candidates + 7 YCMOU candidates, prepared by the Registrar’s office which was referred to as Marksheet marked as Ex.34(O)-A in this enquiry and was from pages 77/1 to 92 of the file Ex.34(O). It was only after seeing the said Marksheet Ex.34(O)-A that he stated that he now remembered that the serial numbers in the column “Sr. no. as per annexure” in the selection lists referred to serial numbers of the candidates in the said Marksheet Ex.34(O)-A. He admitted that the Selection Committee did not verify the marks given by the Registrar’s office in the said Marksheet Ex.34(O)-A. He then stated that although they had signed on each page of the said Marksheet none of them including the Chairman and he himself put the date below his signature upon the said Marksheet.

**365)** Dr.Vandan Mohod, Registrar/Member Secretary, further stated in para 31 of his aforesaid affidavit dated 1.12.2007 (Ex.633) that the marks shown to each candidate in the said Marksheet (Ex.34(O)-A) were in the hand writing of the then Section Assistant (Estt.) Shri D.P.Deshmukh, who was looking after the establishment work of SRA and JRA at that time. He then admitted that if the Marksheet Ex.34(O)-A was not ready and was not before them on 25.6.2005 , the selection lists could not have been prepared by them on 25.6.2005, because the selection lists were prepared only from the Marksheet marked as Ex.34(O)-A.

**366)** Dr.E.R. Patil, Senior most member of the Selection Committee, had initially given a different version about the preparation of Marksheet of all the candidates in his affidavit dated 16.11.2007 (Ex.599) which he changed after seeing the Marksheet Ex.34(O)-A filed in this enquiry. As hereinbefore referred to, Dr.E.R. Patil, stated in para 14 of his aforesaid affidavit that the Assistant Professors who were, according to him, allotted the work of giving marks to the candidates for their academic performance, had prepared on computer a chart in which apart from the columns for academic performance, there was a column for entering the average marks received by each candidate in his interview and also a column for the total of the marks awarded to him for his academic performance and the average

marks for his interview. He then stated in para 15 of his aforesaid affidavit that after the interviews were over on each day and the average marks received by each candidate for his interview, were calculated the said average marks of each candidate for his interview were entered by the Chairman of the Selection Committee and its member secretary on the same day in the chart in which the Assistant Professors had filled in the total marks for academic performance awarded by them to each candidate appearing for interview on that date. According to him, on each day of interview, they thereafter calculated in the meeting of the Selection Committee itself the total of the marks received by each candidate for academic performance and the performance in his interview and entered the same in the aforesaid chart about academic performance prepared by the Assistant Professors.

**367)** Dr.E.R. Patil, Senior most member of the Selection Committee, stated in the said para 15 of his affidavit dated 16.11.2007 (Ex.599) that they then prepared each day in the meeting of the Selection Committee itself in descending order of merit, consolidated list of candidates appearing for interviews on that date for both the posts of SRA/JRA. As regards the manner in which the consolidated list in descending order of merit was prepared, he stated in para 16 of his aforesaid affidavit that the member secretary i.e. the Registrar wrote the names of the candidates on plain paper while preparing, in descending order of merit the list of the candidates appearing for interviews on that date with the marks received by each of them out of 100. According to him, such list in descending order of merit was prepared by him on each day of interview. He then stated that such list prepared by him in his handwriting was signed on each day of interview by the Chairman and each member of the Selection Committee including himself.

**368)** Dr.E.R. Patil, Senior most member of the Selection Committee, further stated in para 16 of his affidavit dated 16.11.2007 (Ex.599) that all the charts referred to above prepared on each day of interviews i.e. separate (Additional) chart with the Chairman of the Selection Committee in the proforma Ex.434-A showing the marks for interviews given to each candidate by each member of the Selection Committee, the total of the marks given to him for his interview by all the members, and its average, chart prepared by the Assistant professors , showing the marks awarded by them to each candidate for his academic performance out of 40, the average of the marks received by him for his interview out of 60, and the total marks for academic performance and interview out of 100, and the list of candidates prepared in his hand-writing by the Registrar in descending order of merit showing the total marks received by each candidate and signed by the Chairman and the members of the Selection Committee were kept in sealed envelopes which envelopes were kept each day in almirah in the room in which the interviews were conducted.

**369)** Dr.E.R. Patil, Senior most member of the Selection Committee, stated in para 18 of his affidavit dated 16.11.2007 (Ex.599) that on the last date of interview i.e. 25.6.2005 after the interviews were over on that day and the charts/list as described above were prepared

by the Registrar about the candidates appearing for interviews on that day, all the envelopes kept in the almirah which contained the list of the candidates appearing for interview on each day prepared by him in descending order of merit were opened and from all the said hand-written lists, a fresh consolidated list in descending order of merit i.e. merit list of all the candidates who appeared for interviews on all days of interviews for both the posts of SRA and JRA, was prepared by feeding the said information in the computer. He then stated that after preparing the aforesaid consolidated lists of all the candidates for both the posts i.e. merit list in descending order of merit, another list was prepared by the Chairman and the Registrar in the meeting of the Selection Committee itself in which all the candidates in the aforesaid consolidated list were distributed in descending order of merit in different categories i.e. SC, ST etc. separately for the posts of SRA and JRA from which, according to him, two different selection lists categorywise, one for SRA and another for JRA, were prepared by the Selection Committee on the last day of its meeting i.e. 25.6.2005

**370)** Having seen the original Marksheet of SRA and JRA supplied to Nilesh Fokmare by the University marked as Ex.112(O) in this enquiry, Dr.E.R. Patil stated in para 28 of his affidavit dated 16.11.2007 (Ex.599) that the said Marksheet was not prepared by them but was prepared by the Registrar's office. According to him, the said consolidated Marksheet of SRA and JRA contained the names of the candidates for the posts of SRA and JRA in alphabetical order showing the marks received by them for their academic performance, performance in their interviews, and the total marks received by them. He then stated that the Marksheet Ex.112(O) was not in descending order of merit and it was possible that on the last date of interviews i.e. 25.6.2005, the Registrar might have dictated the consolidated merit list in descending order of merit from the said Marksheet Ex.112(O). According to him, he then saw the Marksheet marked as Ex.34(O)-A contained at pages 77/1 to 92 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee. He stated that the said Marksheet Ex.34(O)-A was prepared categorywise separately for the posts of SRA / JRA but was not in order of merit. He also stated that it was not prepared by them but was prepared by the Registrar's office but the merit list prepared by them categorywise in descending order of merit might have been prepared on the basis of the said Marksheet Ex.34(O)-A. He then stated in para 29 that he did not know exactly whether the said Marksheet was available on 25.6.2005 and whether they prepared the merit list in descending order of merit categorywise on the basis of the said Marksheet Ex.34(O)-A. He also stated that he did not know whether the categorywise merit list was prepared by the Registrar on computer and whether there were separate lists of SRA and JRA. As regards the question why there was no date put below their signatures on each page of the said Marksheet Ex.34(O)-A, he stated that although no date was put they must have put their

signatures on the said Marksheet on 25.6.2005 i.e. the last date of interviews although he would not be able to tell why they had not put the date upon it.

**371)** Dr.E.R. Patil, stated in para 31 of his affidavit dated 16.11.2007 (Ex.599) that the proceedings of the Selection Committee contained in the file Ex.34(O) did not contain the consolidated lists of all the candidates for the posts of SRA/JRA prepared by the Selection Committee in descending order of merit and also did not contain categorywise list of SRA / JRA prepared by it in descending order of merit referred to by him in para 18 of his aforesaid affidavit. As regards the proceedings of the meeting of any committee, he stated in para 32 of his aforesaid affidavit that they should be faithfully recorded so as to show as to what transpired in the said meeting and the decisions taken therein. Therefore, according to him, the above documents viz consolidated merit lists of all the candidates prepared by the Selection Committee in descending order of merit as well as the categorywise lists of SRA and JRA prepared by it in descending order of merit which were vital documents prepared by the Selection Committee for selection of candidates for the posts of SRA/JRA should have been annexed as Annexures to the proceedings of the meeting of the Selection Committee contained in the said file Ex.34(O).

**372)** After seeing the selection lists at pages 66 to 76 in the file Ex.34(O), Dr.E.R. Patil, Senior most member of the Selection Committee, stated in para 33 of his affidavit dated 16.11.2007 (Ex.599) that he found that the serial numbers of the candidates given in column "Sr.no. as per annexure" therein tally with serial numbers of the candidates in the Marksheet Ex.34(O)-A at pages 77/1 to 92 in the said file Ex.34(O) from which according to him, it appeared that the selection lists were prepared from the said Marksheet Ex.34(O)-A as he now recollected and not from the consolidated list of the candidates in descending order of merit or any categorywise list as referred to by him earlier (see para 18 of his aforesaid affidavit). In fact, according to him, he did not know that the consolidated list in descending order of merit and categorywise list separate for the posts of SRA and JRA in descending order of merit were prepared on the last day of interview i.e. 25.6.2005 in the meeting of the Selection Committee. He then stated that, according to him, in the Marksheet Ex.34(O)-A the marks obtained by each candidate for his performance in his interview were entered on each day of interviews and / or the last day of interviews and it was after entering in the Marksheet Ex.34(O)-A the said marks of the candidates appearing for interviews that the selection lists at pages 66 to 76 of the file Ex.34(O) were prepared on the last day of interviews i.e. 25.6.2005.

**373)** As regards the work assigned to the Registrar's office of awarding marks as per the criteria, Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 32 of his affidavit dated 15.11.2007 (Ex.598) that he had prepared the format of the Marksheet, which is marked as Ex.34-(O)-A in this enquiry and is at pages 77/1 to 92 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee. He then stated that



the said format of the Marksheet was prepared by him, 3 or 4 days before commencement of the interviews. The said format of the Marksheet reproduced by Shri D.P. Deshmukh in his aforesaid affidavit is as follows:-

Sr. No.	Name of the Candidate	BIFERCATION OF 100 MARKS									
		Graduate Degree (5)	P.G. Degree (5)	Ph.D. (10)	Works Exp. (5)	Res. Pub. (10)	Signi. Contri. (5)	Total Marks (40)	Member's Marks (60)	Grand Total (100)	Rank of Merit

He also stated in para 32 of his aforesaid affidavit dated 15-11-2007 (Ex. 598) that all the entries in the said Mark-sheet Ex. No. 34(O)-A are in his hand writing.

**374)** Shri D.P. Deshmukh, Section Assistant (Estt.), then stated in para 33 of his affidavit dated 15.11.2007 (Ex. 598) that 3 or 4 days before the commencement of the interviews, he had entered in the said Mark-sheet Ex.34(O)-A only the marks for B.Sc. (Agri.), M.Sc. (Agri.), and Ph.D., degrees and Experience, in the columns meant for them therein, after seeing the particulars of the candidates given in the chart, marked as Ex.45(O) in this enquiry. As regards the Ph.D. degree, he stated that before the interviews commenced, while making entries in the aforesaid Mark-sheet Ex. 34(O)-A, he had given 10 marks only to such candidates who had annexed the certificate of Ph.D. Degree to their applications for these posts. As regards the marks given by the Assistant Professors/Associate Professor in the Chart Ex. 38(O), he stated that he received the said Chart Ex. 38(O) in the evening on 25-6-2005, i.e. the last date of interviews, and thereafter from the next day he started entering in the Mark-sheet Ex. 34(O)-A the marks given by the Assistant Professors/Associate Professor in the Chart Ex. 38(O) for Ph.D. degree, thesis submission, research papers/popular articles and significant contribution. He also stated that he made the total of the marks received by each candidate for his educational qualification, experience, thesis submission, research papers/popular articles and significant contribution i.e. marks for his academic performance out of total marks 40 in the column meant for it in the Mark-sheet Ex. 34(O)-A. According to him, he took 3 or 4 days time to complete the said work.

**375)** Shri D.P. Deshmukh, Section Assistant (Estt.) further stated in para 34 of his affidavit dated 15.11.2007 (Ex. 598) that he sat with Dr. V.D. Patil, the Chairman of the Selection Committee 3 or 4 days after the interviews were over on 25-6-2005 and after he had entered in the Mark-sheet (Ex. 34(O)-A the marks given to the candidates by the Assistant Professors/Associate Professor in the chart Ex. No. 38(O). According to him, Dr. V. D. Patil had an additional chart similar to the chart marked as Ex. No. 434-A in this enquiry given to him and each member of the Selection Committee for giving to each candidate

marks for his interview, and in the said additional chart, the marks given by the Chairman and each member of the Selection Committee, the total of the aforesaid marks given by them, and its average were entered. He then stated that from the said additional chart similar to the chart Ex. No. 434-A, Dr. V. D. Patil dictated to him the marks (i.e. average marks) received by each candidate for his interview and, accordingly, he entered in the Mark-sheet Ex. No. 34(O)-A. the said marks received by each candidate for his interview. He also stated that he made the total of the marks received by each candidate out of 40 for his academic performance and the marks received by him out of 60 for his interview and then entered in the Mark-sheet Ex. 34(O)-A the said total of the marks received by each candidate out of total 100 marks for academic performance and interview. According to him, the above work which he did by sitting with Dr. V. D. Patil, the Chairman of the Selection Committee took about 3-4 days time for its completion. Further, according to him, to complete the Mark-sheet Ex. No. 34(O)-A i.e. to make all the entries therein about all the candidates, he took about 8-10 days time.

**376)** Shri D.P. Deshmukh, Section Assistant (Estt.) then stated in para 34 of his affidavit dated 15-11-2007 Ex. 598 that he did not verify the marks for interview of each candidate dictated to him by Dr. V. D. Patil, the Chairman of the Selection Committee while entering them in the Mark-sheet Ex. No. 34(O)-A. He also stated that he first entered the marks received by each candidate for his interview in the chart i.e. Mark-sheet (Ex. 34(O)-A relating to JRA (Agri.) as dictated by Dr. V. D. Patil who was sitting with him at that time. He, however, stated that from the marks for interview given to the candidates for the post of JRA (Agri.), which he had entered in the Mark-sheet Ex. No. 34(O)-A relating to them, as dictated by Dr. V.D. Patil, he himself prepared the Mark-sheet Ex. No. 34(O)-A relating to the candidates for the post of SRA (Agri.) at which time Dr. V. D. Patil was not sitting with him. According to him, he took 3-4 days time to enter the marks of the candidates for the post of SRA (Agri.) in the Mark-sheet Ex. No. 34(O)-A relating to them.

**377)** Shri D. P. Deshmukh, Section Assistant (Estt.) stated in para 35 of his affidavit dated 15.11.2007 (Ex. 598) that after he completed the work of entering the marks of all the candidates for the posts of JRA (Agri.) and SRA (Agri.) in the Mark-sheet Ex. 34(O)-A in 8-10 days time, he handed over the said Mark-sheet Ex. 34(O)-A to Dr. V. D. Patil. However, according to him, he had neither put the date upon the said Mark-sheet Ex. 34(O)-A nor did he sign it. Further, according to him, the signatures upon the said Marksheet Ex. No. 34(O)-A are the signatures of the Chairman of the Selection Committee and its members who had also not made their said signatures in his presence. He stated that even Dr. V. D. Patil did not sign the said Mark-sheet Ex. 34(O)-A in his presence. He also stated that he would not be able to tell as to when they made their signatures upon the said Mark-sheet Ex.34(O)-A. He further stated that there was no meeting of the Selection Committee held after 25.06.2005 for consideration of the said Mark-sheet Ex. 34(O)-A, for

selection of the candidate or for any other related reason. According to him, the selection lists for the posts of SRA (Agri.) and JRA (Agri.) could be prepared only after the Marksheet Ex. 34(O)-A was ready i.e. after all the marks of all the candidates under various heads thereunder were entered therein. Further, according to him, infact the selection lists were prepared only after the said Mark-sheet Ex. 34(O)-A was ready. He then stated that the selection lists were prepared thereafter by Dr. V. D. Patil, the Chairman of the Selection Committee, himself but he would not be able to tell when he prepared them. The true copy of the said categorywise Mark-sheet Ex.34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) on the basis of which the Selection Lists in these posts were prepared is annexed to this Enquiry Report as **Annexure-15-A.**

**377-A)** Perusal of the aforesaid affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.11.2007 (Ex.598) does not show any reference to the alphabetical consolidated Mark-Sheet Ex.112(O) although, as referred to above, he stated how he prepared the Mark-Sheet Ex.34(O)-A separately for the posts of JRA (Agri.) and SRA (Agri.). When questioned in this regard, he stated in para 12 of his affidavit dated 15.3.2008 (Ex.695) that the alphabetical consolidated Mark-Sheet (Ex.112(O) which was supplied to Shri Nilesh T. Fokmare under the right to information Act was not ready at the time when interviews of the candidates for the posts of SRA (Agri.) / JRA (Agri.) were taken. He however, stated in para 2 of his subsequent affidavit dated 22.6.2009 (Ex.945) that he had prepared the said alphabetical consolidated Mark-Sheet Ex.112(O) after the said interviews were over by taking down the average of the common marks for interview for both the posts in the said Mark-Sheet (Ex.112(O) as dictated to him by Dr.V.D. Patil, the Chairman of the Selection Committee as it was easier for him to do so since the additional charts in the proforma Ex.434-A which were with Dr.V.D. Patil, the Chairman of the Selection Committee, and from which he dictated the average marks for interview were in the consolidated alphabetical order as the consolidated alphabetical Mark-Sheet (Ex.112(O). According to him, 3 or 4 days before the interviews commenced, he had made entries in the said Mark-Sheet (Ex.112(O)) in pencil about the Marks of each candidate regarding his degree and experience and after the interviews were over before sitting with Dr.V.D. Patil, the Chairman of the Selection Committee to enter therein common marks for common interview of both these posts of SRA (Agri.) and JRA (Agri.), he had in 3 or 4 days time entered the marks for academic performance therein given by the Assistant Professors/Associate Professor in their chart (Ex.38(O)). He then stated that after recording in the alphabetical consolidated Mark-Sheet Ex.112 (O) the average marks for interview as dictated by Shri V.D. Patil, the Chairman of the Selection Committee, he had made the total of the marks for academic performance out of 40 and the marks for interview out of 60 received by each candidate and entered the said total of the marks out of 100 in the said Mark-Sheet (Ex.112(O)). According to him, after thus preparing the consolidated Mark-

Sheet Ex.112(O), he prepared from it the final categorywise Mark-Sheet Ex.34(O)-A, first for the post of SRA (Agri.) and then for the post of JRA (Agri.). He further stated in para 3 of his aforesaid affidavit dated 22.6.2009 (Ex.945) that he, then, handed over both Mark-Sheets i.e. Ex. 112 (O) and Ex.34(O)-A to Dr.V.D. Patil, the Chairman of the Selection Committee, who, 8 or 10 days thereafter returned back to him the Mark-Sheet Ex.112(O). Vide subsequent para 664 of the Enquiry Report the consolidated Mark-sheet (Ex. 112(O)) is annexed to this Enquiry Report as its **Annexure -29.**

**xi) Procedure followed in preparation of the Selection Lists**

**a) Determination of the number of posts to be filled**

**378)** As per the advertisement dated 14.8.2004 (Ex.2), the posts of SRA (Agri.) which were advertised were 24 and the posts of JRA (Agri.), 37. As per the condition no.2 laid down under the said advertisement, it was made clear that the number of posts and reservation thereof was subject to change i.e. it might increase or decrease, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 49 of his affidavit dated 25.12.2007 (Ex.645) that since he was associated as member of the Selection Committee for selection of the candidates to the posts of Assistant Professor/Associate Professor whose selection lists were ready, a few months prior to the dates of interview for these posts of SRA (Agri.) and JRA (Agri.), he knew that due to selection of some SRA (Agri.) for the posts of Assistant Professor either by nomination or promotion, there would be more vacancies available in the posts of SRA (Agri.) and similarly in the posts of JRA (Agri.) also because some JRA (Agri.) were also selected by nomination in the posts of Assistant Professor. He then stated that he thought that more posts of SRA (Agri.) and JRA (Agri.) could be filled and therefore he discussed the said matter with the Vice-Chancellor about increase in the vacancies in the posts of SRA (Agri.) and JRA (Agri.) which could be filled. According to him, the said discussion took place just before the interviews for the posts of SRA (Agri.) and JRA (Agri.) commenced or during the period of the said interviews. Further, according to him, the Vice-Chancellor, only told them that the number of posts could be increased but he did not tell them the exact number of posts of SRA (Agri.) and JRA (Agri.) to be filled.

**379)** Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 50 of his affidavit dated 25.12.2007 (Ex.645) that on 13.6.2005, at the time of explaining the members of the Selection Committee the criteria for evaluation of the candidates, he also discussed with them the question of number of posts of SRA (Agri.) and JRA (Agri.) to be filled. According to him, he told them that the vacancies in the said posts were now more than the vacancies which were advertised and therefore they might be required to fill more posts than those which were advertised. However, as regards the exact number of posts of SRA (Agri.) and JRA (Agri.) to be filled, he stated that the decision in that regard was

taken by him and the Registrar / member Secretary on the last day of interview i.e. 25.6.2005. He then stated that he and the Registrar/member secretary had themselves decided on that day to prepare the categorywise selection lists of 55 candidates for the posts of SRA (Agri.) and 76 candidates for the posts of JRA (Agri.). He, however, stated that the said decision was not in writing and was not communicated by them to the Vice-Chancellor and the Registrar's office. He admitted that the decision to fill increased number of posts had to be taken by the Vice-Chancellor, who was the appointing authority and, ordinarily, he would take such decision by following routine procedure viz. by getting the proposal through proper channel for his approval from the Registrar's office. He then admitted that no such routine procedure was followed either before or during the period of interview to determine the exact number of posts of SRA (Agri.) and JRA (Agri.) to be filled.

**380)** In para 73 of his affidavit dated 25.12.2007 (Ex.645), Dr.V.D. Patil, the Chairman of the Selection Committee, stated that during his discussion with the Vice-Chancellor, although he had agreed that some more posts of SRA (Agri.) and JRA (Agri.) could be filled since there were vacancies arising in the said posts due to appointment of some SRA and JRA in the posts of Assistant Professor, the actual or the exact number of vacancies in each of the posts of SRA (Agri.) and JRA (Agri.) which could be increased and filled was not indicated by him in the said discussion with him. According to him, he and the Registrar had decided on the last date of interviews i.e. 25.6.2005 that they would fill 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.). Further, according to him, the categorywise break-up of the said posts of SRA (Agri.)/ JRA (Agri.) was also decided by them at that time. He admitted that the decision to fill-up the exact number of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) and their break-up in various categories such as SC, ST etc. which was taken by him and the Registrar on the last day of interviews could have been taken earlier by following the official routine viz. Section Assistant putting up a note to be forwarded through proper channel i.e. the Assistant Registrar, Deputy Registrar, Registrar and finally to the Vice-Chancellor for his approval. He also admitted that had the aforesaid procedure been followed the exact number of vacancies which could be filled and their break-up in various categories would have been properly and officially determined. He further admitted that there was no emergency for not following the above official procedure so as to get official sanction in this matter instead of taking such decision orally by themselves.

**381)** As regards the question about increase in the number of posts of SRA and JRA to be filled, Dr.Vandan Mohod, stated in para 26 of his affidavit dated 1.12.2007 (Ex.633) that on the last day of interview i.e. 25.6.2005, after the interviews were over, while sitting in the hall where the officers of the Registrar's office were sitting, there was discussion between him and the Chairman about the number of vacancies to be filled in the posts of SRA/JRA since as per the advertisement, the number of vacancies in the said posts could increase or

decrease. He then stated that he himself and the Chairman were both associated with the selection of the candidates for the posts of Assistant Professors and therefore due to selection of some SRA and JRA in the said posts of Assistant Professors, they knew that more vacancies in the posts of SRA and JRA than the vacancies which were advertised would be available for being filled. He, however, admitted that there was no office note before them forwarded through proper channel and approved by the Vice-Chancellor conveying them that there was increase in the number of vacancies to be filled in these posts, muchless the exact number of vacancies to be filled. But, according to him, on the basis of the selections of some SRA and JRA made to the posts of Assistant Professor referred to above they themselves approximately calculated that there would be more than 50 vacancies available for appointment in the posts of SRA and more than 70 vacancies available for appointment in the post of JRA. He thus stated that they therefore, decided to actually recommend the names of 55 candidates for the posts of SRA and the names of 76 candidates for the posts of JRA. He admitted that they had not taken approval of the Vice-Chancellor for filling the increased number of vacancies.

**382)** Dr.E.R. Patil, Senior member of the Selection Committee, stated in para 18 of his affidavit dated 16.11.2007 (Ex.599) that the Registrar had told them in the meeting of the Selection Committee on the last day of interview i.e. 25.6.2005 that more than 50 posts of SRA and more than 70 posts of JRA of all categories i.e. SRA (Agri.), SRA (Agril.Engg.), SRA (Computer), and SRA (Bio-Technology/Bio-chemistry) and JRA (Agri.) and JRA (Computer) were to be filled. However, according to him, he did not tell the exact number of posts of SRA/JRA which were to be filled for which they had to prepare the selection lists in descending order of merit.

**383)** Dr.N.D. Jogdande, local member of the Selection Committee, stated in para 9 of his affidavit dated 5.11.2007 (Ex.596) that the members of the Selection Committee were not informed as to how many candidates were to be selected for the posts of SRA and JRA. Dr.B.N.Dahatonde, another local member of the Selection Committee, stated in that regard in para 14 of his affidavit dated 10.12.2007 (Ex.636) that on 13.6.2005, Dr.V.D. Patil, the Chairman of the Selection Committee, had told them that they were to fill-up the vacancies in the posts of SRA (Agri.) and JRA (Agri.) as advertised and also the posts becoming vacant thereafter due to promotion of the employees working in the said posts. However, according to him, during the period of interviews, the members of the Selection Committee were never told the exact number of vacancies in the posts of SRA and JRA which were to be filled.

**384)** Dr.N.D.Pawar, outside member of the Selection Committee, stated in para 15 of his affidavit dated 1.11.2007 (Ex.590) that even on the last day of interviews i.e. the last day of the meeting of the Selection Committee they were not told as to how many candidates were to be selected for the posts of SRA and JRA. After seeing the proceedings of the meeting of

the Selection Committee, he stated in para 22 of his aforesaid affidavit that they were not told that the posts of SRA (Agri.) and JRA (Agri.) were only to be filled and also the exact number of the said posts to be filled. Dr.G.N.Dake, another outside member of the Selection Committee, stated in para 15 of his affidavit dated 23.11.2007 (Ex.600) that although there was talk in the meeting of the Selection Committee that in view of the appointments made in the posts of Asst. Professor, there would be more vacancies in the posts of SRA and JRA, they were never told the exact number of posts of SRA/JRA to be filled for which the candidates were to be selected and the selection lists prepared.

**385)** As regards the question about the exact number of posts of SRA (Agri.) and JRA (Agri.) to be filled, Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University stated in para 33 of his affidavit dated 14.1.2008 (Ex.658) that there was no decision taken by him in that regard, muchless by following the official procedure i.e. the Registrar's office forwarding a note to him through proper channel i.e. through the Asst. Registrar, Deputy Registrar, and the Registrar for his approval either before or during the period of interviews or just before the selection lists were prepared. However, according to him, although there was no decision taken that if there were more vacancies available in the above posts than advertised they should be filled, there was discussion about the need of the staff in the posts of SRA (Agri.) and JRA (Agri.) in the meetings of the bodies or committees of the University such as the meeting of its administrative branch, budgetary meeting, meeting of the research co-ordination committee, and the meeting of the Directors of Education, Research and Extension etc. He, however, admitted that he did not direct the Selection Committee that it should select the candidates for any exact number of posts of SRA (Agri.) and JRA (Agri.) for being filled.

**386)** Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 28 of his affidavit dated 15.11.2007 (Ex.598) that before interviews or during the interviews for the posts of SRA (Agri.) and JRA (Agri.) held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005, the Chairman of the Selection Committee was not informed in any manner that recommendations should be made for 55 posts of SRA (Agri.) instead of 24, and 76 posts of JRA (Agri.) instead of 37. He then stated that before conveying the Selection Committee about making any recommendations for filling-up the increased number of posts, according to the system prevalent in the University, the officer concerned has to submit an office note, which has to be forwarded through proper channel i.e. the Assistant Registrar, Deputy Registrar, and the Registrar to the Vice-Chancellor for their consideration and it is only as per the order of the Vice-Chancellor that the vacancies to be filled could be increased but according to him, while filling the 55 posts of SRA (Agri.) instead 24, and 76 posts of JRA (Agri.) instead of 37, the above system/ procedure was not followed. He again stated in para 35 of his aforesaid affidavit that before preparation of these Selection lists, the office of the Registrar had not informed Dr.V.D. Patil, that instead of 24, selection list of 55

candidates for the posts of SRA (Agri.) and instead of 37, selection list of 76 candidates for the posts of JRA (Agri.) should be prepared. The University also stated in para 2 of its affidavit dated 4.9.2007 (Ex.196) that there was no communication made to the Selection Committee conveying to it regarding the increase in the number of posts of SRA/JRA to be filled clarifying the information sought from it in this enquiry as per the Point no.5 on page-3 of its affidavit dated 20.8.2007 (Ex.100).

**387)** As regards the question of the exact number of vacancies in the posts of SRA (Agri.) and JRA (Agri.) to be filled, Shri S.S.Suradkar, the Deputy Registrar (Estt.) stated in para 19 his affidavit dated 1.12.2007 (Ex.634) that no decision was taken about it by following the procedure in official routine i.e. of submission of note by the Registrar's office through proper channel for approval of the Vice-Chancellor either at the time of interview or at the time of making appointment. He then stated that although there was office note dated 15.9.2005 of the Section Assistant Shri D.P.Deshmukh, giving information about the vacancy position in the said posts at the time of appointment, the said note did not show that the exact number of posts of SRA (Agri.) which could be filled by nomination was 55 and of JRA (Agri.),76. He also stated that he would not be able to tell who had taken the decision to fill 55 posts of SRA (Agri.) instead of 24 as advertised and 76 posts of JRA (Agri.) instead of 37 as advertised either before preparation of Selection lists or before making appointment in the said posts.

**388)** Shri S.S.Suradkar, the Deputy Registrar (Estt.), stated in para 26 of his affidavit dated 1.12.2007 (Ex.634) that ordinarily, as per official routine, notesheet was prepared by the Section Assistant regarding the exact number of vacant posts in the University which could actually be filled whether more or less than the number of posts advertised in the advertisement which note-sheet would then be forwarded through proper channel i.e. through the Assistant Registrar, Deputy Registrar, Registrar to the Vice-Chancellor for his approval and it was thereafter that the decision was taken to increase or decrease the number of vacant posts to be filled in the University. He then stated that there was no such notesheet prepared and sent for approval of the Vice-Chancellor about the exact number of posts to be filled in the University. According to him, the aforesaid routine procedure was not thus followed in regard to these appointments made in the University. He then stated that he did not know why such procedure was not followed in taking decision to increase the number of posts of SRA (Agri.) from 24 to 55 and of JRA (Agri.) from 37 to 76 posts.

**b) Categorywise Distribution of the posts of SRA (Agri.) and JRA (Agri.)**

**389)** Dr.V.D. Patil, the Chairman of the Selection Committee stated in para 51 of his affidavit dated 25.12.2007 (Ex.645) that in preparation of selection lists for 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.), he and the Registrar first considered the question of categorywise break-up i.e. distribution of the said posts in various categories such as



S.C., S.T. etc. He then stated that the Registrar who was the Member Secretary calculated as to how many posts would fall in each category i.e. S.C., S.T. etc. out of the total 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) to be filled. According to him, for such calculation they took assistance from the categorywise break-up of 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) given in the advertisement dated 14.8.2004 (Ex.2) but para 73 of his aforesaid affidavit would show that the Registrar had asked the Assistant Registrar Shri P.V.Behare, to give him the categorywise break-up of the said posts which he had given to him. He, however, stated in the said para 73 that the Assistant Registrar had not given the said categorywise break-up by following the official routine i.e. by writing a note giving a chart of break-up of these posts in various categories which, as per official routine, would go through proper channel for approval of the Vice-Chancellor. He then stated therein that he had given to him the break-up of these posts on a piece of paper according to which they had prepared the selection lists on the last day of interviews i.e. 25.6.2005. But, as referred to hereinbefore also, he admitted that the decision to fill-up the exact number of posts of SRA (Agri.) and JRA (Agri.) to be filled and their categorywise break-up taken by him and the Registrar on the last day of interviews could have been taken earlier properly and officially by following the official routine viz. Section Assistant putting-up a note to be forwarded through proper channel i.e. the Assistant Registrar, Deputy Registrar, Registrar, and finally to the Vice-Chancellor for his approval. He also admitted that there was no emergency for not following the above official procedure so as to get the official sanction in this matter.

**390)** Since Dr.V.D. Patil, had stated in para 73 of his aforesaid affidavit that the Registrar had taken the help of the Assistant Registrar Shri P.V.Behare, for categorywise break-up of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) the notice was issued to Shri P.V.Behare, the then Assistant Registrar, to answer, on affidavit, the question about it included in the questionnaire sent to him Shri P.V.Behare, the then Assistant Registrar, stated in his affidavit dated 6.11.2007 (Ex.597) in answer to question no.15, and in particular in his additional affidavit dated 9.1.2008 (Ex.648) in answer to additional question no.1 that he was not assigned the said work and was in fact on medical leave from 30.5.2005 to 26.6.2005 and was out of station during which period the process of interview and selection was completed. However, according to him, the office note dated 6.9.2005 in the file Ex.35(O) which was routed through him contained the categorywise distribution of the said 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.).

**391)** Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 53 of his affidavit dated 15.11.2007 (Ex.598) that he would not be able to tell who made the categorywise distribution of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) included in the Selection lists and how it was determined by him. He would also not be able to tell who informed the Chairman of the Selection Committee about it. Similarly, Shri S.S.Suradkar,

Deputy Registrar (Estt.), also stated in para 19 of his affidavit dated 1.12.2007 (Ex.634) that he did not know who made the categorywise distribution of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) for being filled. He then stated that it was not done by his office by following the proper channel in this regard. According to him, he would not be able to tell how the categorywise Selection lists were prepared and by whom.

**392)** Dr.Vandan Mohod, stated in para 27 of his affidavit dated 1.12.2007 (Ex.633) that after determining the number of these posts to be filled, they prepared on computer the chart showing categorywise break-up of the above vacancies in these posts i.e. SC, ST etc. According to him, the office had given them the relevant G.Rs. about reservation of the posts for backward classes and on the basis of the percentage given for each reserved category in the said G.Rs. they had calculated the number of posts reserved for each category i.e. SC, ST etc. He then stated that after preparing the categorywise chart they filled in the said chart in descending order of merit the names of the candidates in various categories SC, ST, OBC, Open etc.

**393)** As regards the categorywise break-up of 55 vacancies in the post of SRA (Agri.) and 76 vacancies in the post of JRA (Agri.) Dr.V.D. Patil, stated in para 8 of his additional affidavit dated 25.3.2008 (Ex.697) that the said categorywise break-up was prepared by Dr.Vandan Mohod, the Registrar/Member Secretary and he only told him to prepare cautiously the proper chart showing the categorywise break-up so that there should not be any grievance made by anybody. He then stated that he had not verified the said chart to see whether it was proper or not. He admitted that they had not seen 100 point roster and did not calculate the categorywise break-up of the posts on the basis of the points in the said 100 point roster taking into consideration the number of posts already filled at that time. After referring to their decision to prepare the selection lists of 55 candidates for the posts of SRA(Agri.) and 76 candidates for the posts of JRA (Agri.), Dr.Vandan Mohod, stated in para 5 of his additional affidavit dated 2.4.2008 (Ex.713) that they prepared the chart showing the categorywise break-up of the above vacancies i.e. SC, ST, OBC etc. on computer on the basis of the percentage prescribed for each reserved category in the relevant G.Rs.

**c) Actual preparation of the Selection lists**

**394)** Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 56 of his affidavit dated 25.12.2007 (Ex.645) that the selection lists which they had signed and which were included at pages 66 to 76 in the file relating to the proceedings of the meeting of the Selection Committee Ex.No.34(O) were prepared on computer by Shri D.P.Deshmukh, Section Assistant, after they had finalized the selection in each category of these posts of SRA (Agri.) / JRA (Agri.). In particular, he stated in para 59 that they had prepared the selection lists in descending order of merit in each category of the posts of SRA (Agri.) and

JRA (Agri.) by dictating the names of the selected candidates in each category to Shri D.P.Deshmukh, Section Assistant (Estt.), who wrote the said names in each category in his own hand-writing. He then stated that after such handwritten lists in each category of the posts of SRA (Agri.) and JRA (Agri.) were thus prepared, the said selection lists in each category were taken by Shri D.P.Deshmukh, Section Assistant (Estt.), to the Registrar's office for preparing computerized copies of the said lists. He also stated that although he did not remember which responsible officer/s of the Registrar's office accompanied him for preparing the computerized copies of the said handwritten selection lists, he, thought that it was the Registrar himself who accompanied him for the said purpose. He then stated that Shri D.P.Deshmukh, Section Assistant (Estt.) must have prepared at that time the xerox copies of the Selection lists which were annexed as Annexures-I to XI to his office note dated 06.09.2005 contained in the file Ex. 35(O). He further stated that after the computerized copies and xerox copies of the selection lists were prepared by Shri D.P.Deshmukh, Section Assistant (Estt.), he had brought to him the computerized copies of the selection lists which, he himself, and Dr.Vandan Mohod, the Member Secretary of the Selection Committee, had signed but before signing the said selection lists both of them and also Dr.E.R. Patil, the senior most member of the Selection Committee had verified the said lists. He then stated in para 60 of his aforesaid affidavit that he did not know as to what happened to the xerox copies of the selection lists and also how such copies of the selection lists were annexed as Annexure-I to XI of the office note dated 6.9.2005 contained in the file Ex.35(O).

**395)** When Shri D.P.Deshmukh, Section Assistant (Estt.) was questioned regarding the contents of the above para, he stated in para 1 of his additional affidavit dated 15.3.2008 (Ex.695) that he was not present when the selection lists were prepared in the committee room as stated by Dr.V.D. Patil, the Chairman of the Selection Committee. He then stated that the Chairman and the Member Secretary of the Selection Committee had not dictated to him orally the names in the selection lists and had not asked him to take them down in writing. He further stated that after the selection lists were prepared, they were not handed over to him for making computer copies or xerox copies of the same. He specifically denied that he had made such copies.

**396)** Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 63 of his affidavit dated 25.12.2007 (Ex.645) that after seeing the column "Sr.no. as per annexure" in the selection lists at pages 66 to 76 of the file Ex.34(O), he found that the serial number of the candidate given in the said column was his serial number in the Marksheet Ex.34(O)-A and therefore, the expression "annexure" in the said column meant the said Marksheet Ex.34(O)-A which was at pages 77/1 to 92 of the file Ex.34(O). According to him, the reason why such serial numbers of the above Marksheet Ex.34(O)-A were given in the said column, was that all the relevant particulars about the marks received by the selected

candidates for their academic performance as well as marks for their interviews were shown in the said Marksheet Ex.34(O)-A, from which according to him, in descending order of merit, the said selection lists were prepared.

**397)** As regards the actual work of preparation of categorywise selection lists from the Marksheet Ex.34(O)-A, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 68 of his affidavit dated 25.12.2007 (Ex.645) that he had formed two groups to do the said work in none of which he was personally involved. According to him, he only supervised the work done by them. He then stated that except him, Dr.Vandan Mohod, the Member Secretary and Dr.E.R. Patil, no other member of the Selection Committee was present in the committee room throughout the night but the other members kept coming in and going out of the room. However, according to him, atleast one or two of them would be available to do the aforesaid work of preparation of selection lists. He then stated in para 69 of his aforesaid affidavit that the Registrar and one member of the Selection Committee who would be available had formed one group and Dr.E.R. Patil, the Senior most member, and one other member of the Selection Committee who would be available had formed another group.

**398)** As regards the manner in which the work of preparation of selection lists was done, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 69 of his aforesaid affidavit dated 25.12.2007 (Ex.645) that he distributed the categorywise lists of the candidates from the Marksheet Ex.34(O)-A between the two groups referred to above. He then stated that he had entrusted the work of preparation of the selection lists of major categories, in the sense where the number of candidates was large, i.e. Open and OBC categories to the Registrar and the Member of the Selection Committee who would help him in the said work. He further stated that after scrutinizing the list of open category candidates in the Marksheet Ex.34(O)-A and finding out from it the candidates, who had secured highest number of marks, the Registrar would write down in his own handwriting the names of the candidates in open category in descending order of merit to the extent of the number of candidates to be selected in that category. He then stated that after finishing the work of preparation of selection list of open category, he undertook and completed the work of preparation of selection list of OBC category by writing their names in his own handwriting in descending order of merit from the list of OBC category in the Marksheet Ex.34(O)-A. As regards the question of preparation of selection lists of other categories such as SC, ST etc. from the lists of other categories in the Marksheet Ex.34(O)-A, he stated that since the number of candidates in the said categories was small, he entrusted the said work to other group of Dr.E.R. Patil, and one other member of the Selection Committee who was available at that time. Thus, according to him, Dr.E.R. Patil, with the help of another member of the Selection Committee, prepared the selection lists of other categories in his own handwriting in descending order of merit. He further stated in para 51

of his aforesaid affidavit that in this manner the Selection lists for the posts of SRA (Agri.) were first prepared in descending order of merit from the categorywise Marksheet Ex.34(O)-A and thereafter such categorywise selection lists for the posts of JRA (Agri.) were similarly prepared.

**399)** Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 69 of his aforesaid affidavit dated 25.12.2007 (Ex.645) that after the Registrar and Dr.E.R. Patil, had prepared the categorywise selection lists in their own handwriting as stated above, they dictated to Shri D.P.Deshmukh, Section Assistant (Estt.), the names in the selection lists prepared by them. According to him, the work of preparation of the categorywise selection lists for the posts of SRA (Agri.) first and thereafter the categorywise selection lists for the posts of JRA (Agri.) took about 3 to 4 hours time. He also stated that after these handwritten categorywise selection lists of both the posts were prepared, he handed them over to the Registrar and Shri D.P.Deshmukh, Section Assistant (Estt.) who took them in the car to the Registrar's office one kilometer away and brought computerized copies of the said lists which process took about one hour's time. He then stated that all the aforesaid handwritten selection lists were destroyed after their computerized copies were prepared.

**400)** As regards the preparation of selection lists, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 71 of his affidavit dated 25.12.2007 (Ex.645) that there was no rule that the selection list must be prepared immediately after the interviews of all the candidates were over. After seeing Statute-53 of the Statutes, he stated that it was applicable in the case of the candidates applying for the posts of Professors and above. According to him, it was stated in the said statute 53, that the selection of candidates should be finalized as soon as the interviews of the candidates for the particular post were over and the decision of the Selection Committee should be recorded and signed by the members present and the Chairman of the Selection Committee and it should be communicated to the respective Agricultural Universities by the Secretary of the Committee. He then stated in para 72 of his aforesaid affidavit that the aforesaid Statute-53 did not in terms apply to the candidates applying for the posts of SRA and JRA. He also stated that the preparation of the selection list immediately after the interviews for the particular post were over, could not be made mandatory because in certain contingencies or exigencies such as where the number of candidates appearing for interview was large and where even the number of posts to be filled was large, it would not be possible to prepare the selection lists immediately after the interviews were over because much time would be consumed in taking interviews and much time would be necessary for preparing the selection lists also.

**401)** Dr.V.D.Patil, then stated in para 72 of his affidavit dated 25.12.2007, (Ex.645) that according to him, the selection lists had to be prepared carefully so that no injustice was caused to any candidate. Therefore according to him, the meeting of the Selection Committee could be called as early as possible for preparation of selection lists i.e. on the

next day or any other date suitable to the members of the Selection Committee. He then stated that the Selection lists would not be prepared carefully by the Selection Committee if they were prepared in haste immediately after the interviews were over, when the number of candidates appearing for interview and the number of posts to be filled was very large. He admitted that they prepared the selection lists for these posts of SRA (Agri.) and JRA (Agri.) in haste immediately after the interviews were over on the last day i.e. 25.6.2005. The reason, according to him, was that he himself, the Registrar/ Member Secretary, Dr.E.R. Patil, the Senior most member and one or two other members (not outside members) thought that they should immediately prepare the selection lists and therefore they prepared them immediately after the interviews were over on 25.6.2005 i.e. the last day of interviews.

**402)** As regards the actual preparation of selection lists, Dr.Vandan Mohod, Registrar/ Member Secretary, stated in para 23 of his affidavit dated 1.12.2007 (Ex.633) that the Selection Lists were prepared by the Chairman and he, himself,. He then stated in para 28 thereof that in filling the categorywise charts of 55 posts of SRA and 76 posts of JRA, they had first filled the categorywise charts for the post of SRA in descending order of merit. According to him, in doing so they found out from the aforesaid consolidated chart i.e. the Marksheet Ex.34(O)-A (see para 25 of his aforesaid affidavit in this regard) the names of the candidates in each category, who had secured highest number of marks in that category and then arranged them in descending order of merit in each category. He then stated that since the candidates had applied in more than one category in the said post of SRA, they took-up first open category and included the names of the candidates in the said category in descending order of merit even though they had applied in more than one category and if any candidate had not applied in open category, then they did not include his name in that category. He then stated that they then took up the category of OBC and likewise entered the names of the candidates in descending order of merit in the said category. He also stated that after thus preparing the list of OBC category, they prepared the lists of other categories i.e. S.C, S.T etc. He further stated that after completing the categorywise charts relating to 55 vacancies in the post of SRA, they filled in the same manner, categorywise charts of the post of JRA by making categorywise distribution of 76 candidates in various categories i.e. Open, OBC, SC, ST etc. in descending order of merit from the remaining candidates in the consolidated chart i.e. Marksheet Ex.34(O)-A referred to above, in other words, from the candidates excluding those 55 candidates who were selected in the post of SRA.

**403)** Dr. Vandan Mohod, the Registrar/ Member Secretary, stated in para 5 of his additional affidavit dated 2.4.2008 (Ex.713) that it was not true that they had gone to the Registrar's office to prepare final selection list but according to him they prepared on computer in the same hall in which they were sitting final selection list in each category in descending order of merit after tick marking in the Marksheet Ex.34(O)-A, the names of

candidates in each category who had received highest number of marks in the said category. He further stated that they started with open category in SRA (Agri.) and then followed it with OBC, SC, ST etc. in the said post and prepared the categorywise selection lists in descending order of merit of various categories in the post of SRA (Agri.). He also stated that they then proceeded in the same manner and prepared categorywise selection lists in descending order of merit for the posts of JRA (Agri.). According to him, they then took the print out of the selection lists prepared on computer upon which the Chairman and Members of the Selection Committee including himself put their signatures. Further, according to him, the said computer copy of the selection lists was kept by Dr.V.D. Patil, the Chairman of the Selection Committee, with him and no other print out of the computer copy of the selection lists was taken out on that day. He then stated that the said computer in which the selection lists were fed was from the Registrar's office perhaps the Assistant Registrar (legal and establishment section) which might have been sent back to the said section after taking print out of the selection lists as stated above.

**404)** Dr.Vandan Mohod, stated in para 9 of his additional affidavit dated 2.4.2008, (Ex.793) that as stated by him in para 27 of his affidavit dated 1.12.2007 (Ex.633) (See also para 5 of his aforesaid additional affidavit), after preparing the categorywise chart as per the prescribed percentage for each category in the relevant G.R. they allocated candidates in each category to the extent of the number of posts available for them, according to the prescribed percentage for each category. After seeing the categorywise chart prepared by this office (Ex.712) in accordance with his statement i.e. on the basis of the percentage of reservation prescribed for each category by the relevant G.Rs. and after having seen the number of posts in the said chart which could be allocated to each category according to the percentage prescribed for it, he admitted that the number of posts of SRA (Agri.) and JRA (Agri.) which they had actually filled were not according to the prescribed percentage therefor. He also admitted that in some categories the posts filled were in excess of the prescribed percentage of that category and in some other categories they were less than the percentage prescribed for them. He also agreed that the number of candidates which they had selected in each category in both the posts of SRA (Agri.) and JRA (Agri.) were as shown in the office note of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 6.9.2005 contained in the file Ex.35(O). A true copy of the said chart prepared by this office showing reservation in each category of the posts of SRA (Agri.) and JRA (Agri.) as per its prescribed percentage and the number of posts actually filled therein is annexed to this report as **Annexure-16.**

**405)** Dr.Vandan Mohod, the Registrar/ Member Secretary, stated in para 29 of his affidavit dated 1.12.2007 (Ex.633) that they thus prepared the selection lists of the posts of SRA and JRA which were included as Annexures IX to XIX at pages 66 to 76 in the file of the proceedings of the meeting of the Selection Committee marked as Ex.34(O) in this

enquiry. He then stated that each page of the said selection lists was signed by the Chairman and the members of the Selection Committee including himself, but, he and the Chairman alone had put the date “25.6.” below their signatures but no other member of the Selection Committee had put any date below his signature upon the said selection lists. He also stated that the consolidated chart of all the candidates who had applied for the posts of SRA and JRA prepared in the Registrar’s office and the Selection lists referred to above were then handed over by him to the Chairman of the Selection Committee, Dr.V.D. Patil. However, as regards the statement made by him about the consolidated chart of the candidates for the posts of SRA and JRA (See para 24 of his aforesaid affidavit dated 1.12.2007 (Ex.633)) on the basis of which he stated above that the selection lists were prepared, he corrected himself after seeing the Marksheet Ex.34(O)-A and stated in para 31 of his aforesaid affidavit that the said consolidated chart was not before them when they prepared the list of 55 SRA and 76 JRA as stated by him in para 28 of his affidavit referred to above. According to him, what was before them was categorywise chart of all 1335 candidates + 7 YCMOU candidates prepared by the Registrar’s office which was at pages 77/1 to 92 of the file Ex.34(O) referred to as Marksheet Ex.34(O)-A on the basis of which the aforesaid selection lists were prepared. He then stated that he now remembered that the serial numbers in the column “Sr. no. as per annexure” in the selection lists referred to the serial numbers of the candidates in the said Marksheet Ex.34(O)-A.

**406)** Dr.Vandan Mohod, stated in para 32 of his affidavit dated 1.12.2007 (Ex.633) that on 25.6.2005, their work of taking interviews of the candidates did not take much time and was completed at about 5.00 PM whereafter the concerned officer of the Registrar’s office filled in the consolidated chart the marks for interview of the candidates who appeared on that date for interview which work was completed at about 8.00 PM. He further stated that they then started the work of preparation of selection lists and had completed the said work at about 1 to 1.30 PM. According to him such a long time was taken for preparation of selection lists, because there were 1335 candidates besides 7 candidates of YCMOU in the consolidated chart i.e. the Marksheet Ex.34(O)-A prepared by the Registrar’s office and they had to verify the names of the candidates in the said consolidated chart who had highest number of marks for preparing categorywise selection lists of both these posts in descending order of merit.

**407)** As regards Dr.E.R. Patil, Senior most member of the Selection Committee, he changed his version about preparation of the selection lists during the course of his statement in this enquiry on the lines of which he filed the affidavit dated 16.11.2007 (Ex.599). Initially, in para 18 of his aforesaid affidavit, he stated that on the last date of interviews i.e. 25.6.2005 the hand-written lists of the candidates prepared by the Registrar on each day of interviews in descending order of merit and signed by the Chairman and all the members of the Selection Committee were consolidated and a fresh consolidated list of



all the candidates in descending order of merit was prepared. He then stated that after preparing the aforesaid consolidated list of all the candidates for both the posts i.e. merit list in descending order of merit, another list was prepared by the Chairman and the Registrar in the meeting of the Selection Committee itself in which all the candidates in the aforesaid consolidated list were distributed in descending order of merit in different categories i.e. SC, ST etc. separately for the posts of SRA/JRA. According to him, this was the selection list which the Selection Committee had prepared on the last date of its meeting i.e. 25.6.2005. Further, according to him, they prepared in this manner two different selection lists categorywise one for SRA and another for JRA. He then stated that they first prepared the selection list of SRA in descending order of merit including all such candidates who had received highest number of marks and thereafter they prepared the list of JRA in descending order of merit of all the candidates. He also stated that if a candidate had applied for more than one category and for both the posts, his name was included in the selection list of each category and in each post. According to him, all the aforesaid lists including the selection lists were prepared by them by feeding the requisite information in the computer

**408)** After seeing the consolidated mark-sheet in alphabetical order supplied to Shri Nilesh Fokmare, by the University marked as Ex.112(O) in this enquiry, Dr.E.R.Patil, Senior most member of the Selection Committee, stated in para 28 of his aforesaid affidavit dated 16.11.2007, that the said Marksheet was not prepared by them but was prepared by the Registrar's office and was not in descending order of merit and possibly on the last date of interview i.e. 25.6.2005, the Registrar might have prepared the consolidated merit list in descending order of merit from the Marksheet Ex.112 (O). After then seeing the Marksheet at pages 77/1 to 92, in the file Ex.34(O) marked as Ex.34(O)-A in this enquiry, he stated that the said Marksheet Ex.34(O)-A prepared categorywise separately for the posts of SRA and JRA was not in descending order of merit and was not prepared by them but was prepared by the Registrar's office and the merit list prepared by them categorywise in descending order of merit might have been prepared by them on the basis of the said Marksheet Ex.34(O)-A. He however, stated in para 29 of his aforesaid affidavit that he did not know exactly whether the said Marksheet Ex.34(O)-A was available on 25.6.2005 and whether they prepared the merit list in descending order of merit categorywise on the basis of the said Marksheet Ex.34(O)-A. He also stated that he did not know whether the categorywise merit lists were prepared by the Registrar on computer and whether there were separate lists for SRA and JRA.

**409)** Dr.E.R. Patil, Senior most member of the Selection Committee, changed his version in para 33 of his affidavit dated 16.11.2007 (Ex.599) in which he stated that after finding out that the serial numbers of the candidates given in the column "Sr.no. as per annexure" in the selection lists at pages 66 to 76 in the file Ex.34(O) tallied with the serial numbers of

the candidates in the Marksheet Ex.34(O)-A at pages 77/1 to 92 of the said file Ex.34(O), it appeared to him that the selection lists were prepared from the Marksheet Ex.34(O)-A as he now recollected and not from the consolidated list of the candidates in descending order of merit or any categorywise list as referred to by him earlier (See para 18). According to him, in fact, he did not know that the consolidated list in descending order of merit and the categorywise lists separately for the posts of SRA and JRA in descending order of merit were prepared in the meeting of the Selection Committee on the last day of interview i.e. 25.6.2005 in the meeting of the Selection Committee. He then stated that he now thought that in the Marksheet Ex.34(O)-A, the marks obtained by each candidate for his performance in the interview were entered on each day of interviews and / or the last day of interviews and after entering the said marks of the candidates appearing for interviews, the selection lists at pages 66 to 76 of the file Ex.34(O) were prepared on the last day of interviews i.e. 25.6.2005.

**410)** As regards the remaining members of the Selection Committee, it is clear from their affidavits that they do not know how and when the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared and who prepared them. Dr.B.N. Dahatonde, local member of the Selection Committee stated in para 11 of his affidavit dated 10.12.2007 (Ex. 636) that on each day of interview and even on the last day of interview i.e. 25.6.2005, after the interviews of all the candidates fixed on that day were over, he handed over the chart in the proforma Ex. 434-A, in which he had given marks for interview to the candidates alongwith the chart of the particulars of the candidates Ex. 45(O) to the Chairman of the Selection Committee and the meeting was then over and he returned home. He also stated that after 25.6.2005, there was no meeting of the Selection Committee held for selection of the candidates for the posts of SRA/JRA and he did not know how the Mark-Sheet and the Selection Lists were prepared thereafter and who prepared them. Dr.N.D. Jogdande, another local member of the Selection Committee, stated in para 7 of his affidavit dated 5.11.2007 (Ex. 596) that on each day of interview, after the interviews fixed on that day were over, they handed over to the Registrar the charts in which they had given marks to the candidates for their interviews and he did not know what the Registrar did after collecting all such charts from them. Further, according to him on the last day of interviews, i.e. 25.6.2005, after the interviews of the candidates were over and they had given marks to the candidates appearing for interview on that day, the meeting was over and nothing else was done in their presence in the said meeting on that day i.e. 25.6.2005. He then stated in para 8 of his aforesaid affidavit that neither the Selection Committee had decided nor its Chairman had told them as to how the candidates should be selected for the posts of SRA/JRA on the basis of their marks for interview and that he did not know anything as to how the candidates were selected for the posts of SRA/JRA and the Selection Lists prepared and by whom.

**411)** Although Dr.N.D. Pawar, outside member of the Selection Committee, stated in para 21 of his affidavit dated 1.11.2007 (Ex. 590) that the Mark-Sheet Ex. 112 (O) which shows the marks in pencil was prepared first and after preparation of the said Mark-Sheet categorywise Mark-Sheet Ex. 34(O)-A was prepared, he would not be able to tell when the said Mark-Sheets Ex. 112 (O) and Ex. 34(O)-A were prepared and who prepared them except that the said Mark-Sheets were prepared in the Registrar's office. As regards the question of preparation of the Selection Lists for the posts of SRA/JRA, he categorically stated in para 24 of his aforesaid affidavit that the categorywise Selection Lists at pages 66 to 76 of the file Ex. 34(O) could not have been prepared and were not ready on 25.6.2005 i.e. the last date of the meeting of the Selection Committee and they could not have been signed by any member of the Selection Committee including its Chairman and Member Secretary on that day. Hence, according to him, the date "25/6" put by the Chairman and the Member Secretary of the Selection Committee below their signatures upon the said Selection Lists was completely wrong. Earlier, in para 15 of his aforesaid affidavit he stated that there was no meeting of the Selection Committee called for considering the marks given to each candidate for his academic performance, for calculating the average of the marks given to him by him and each member of the Selection Committee and for preparation of Selection Lists.

**412)** Dr.G.N. Dake, another outside member of the Selection Committee, stated in para 6 of his affidavit dated 23.11.2007 (Ex.600) that the meeting of the Selection Committee on each day was over after they handed over to the Member Secretary of the Selection Committee i.e. the Registrar the chart in which they had given marks to the candidates appearing for interview on each day and he did not know what further action was taken by him in regard to the aforesaid chart given by them to him on each day of interview. He then stated in para 7 of his aforesaid affidavit that on the last day of interview i.e. 25.6.2005 after they handed over to the Member Secretary of the Selection Committee the aforesaid chart in which they had given marks to the candidates appearing for interview on that day, they were told by the Chairman of the Selection Committee that for finalizing the Selection of the candidates, there would be another meeting of the Selection Committee held for which due notice would be given to them and that the meeting on 25.6.2005 was thus over without preparation of the Selection Lists for the posts of SRA/JRA on that day i.e. the last day of interview. He, therefore, went back to Rahuri on the same day at about 10.00 PM at night. He further stated in para 8 of his aforesaid affidavit, that no meeting of the Selection Committee was held after 25.6.2005.

**413)** As regards the question of signatures of the members of the Selection Committee upon categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists, the said question is considered hereinafter under the separate topic.

**xii) Selecting in the posts of SRA (Agri.) and JRA (Agri.) favoured candidates as understood in this Enquiry Report**

**a) List of Selected candidates related to the University officers/employees, present or retired.**

**414)** An objection is raised by the writ petitioners viz. Dr.B.G. Bathkal and others in writ petition no. 4771/2006, Ku. Archana Bipte and another, in writ petition no. 905/2006, and Himmatrao Sukhdeorao Bache, in writ petition no. 342/2006, who have filed their affidavits in this enquiry, that the selection process is vitiated because in selection in these posts of SRA (Agri.) and JRA (Agri.) favouritism was shown to the candidates related to the officers/ employees of the University, present or retired. This office has prepared the list of such selected candidates on the basis of the list submitted by the University marked as Ex.11-A and also on the basis of the information supplied by Shri D.P. Deshmukh, Section Assistant (Estt.), in his affidavit dated 31.5.2008 (Ex.759). The list of such selected candidates is annexed to this Enquiry Report as **Annexure-17**. Notices were issued to all such selected candidates with a note therein that if no affidavit in reply is filed, it will be presumed that they were related to the University Officers/Employees as shown in their notices. As regards their selection and appointment in these posts of SRA (Agri.) and JRA (Agri.) majority of the selected candidates who had filed affidavits in this enquiry, stated therein that their selection was made purely on merit and not on the basis of any recommendation by any VIP or because they were related to the University officers/employees, present or retired.

**415)** Perusal of the said list (Annexure-17 of the Enquiry Report) would show that at serial no.18 thereof, there is name of Ku. Harsha S. Kolte, whose affidavit dated 6.6.2008 (Ex.760), would show that she was not related to Dr.S.N. Mendhe, Associate Professor (Agronomy), in the College of Agriculture, Nagpur, on the date of her appointment in the post of JRA (Agri.) as per the order dated 17.9.2005 but became his daughter-in-law about 5 months thereafter. Similarly, there is name of Ku. Shubhangi G. Parshuramkar, at serial no. 20 of the said list, who filed the affidavit dated 11.6.2008 (Ex.763), which would show that she became daughter-in-law of Dr.D.M. Lanjewar, Associate Professor of Extension Education, College of Agriculture, Nagpur two years after her appointment as JRA (Agri.) as per the order dated 17.9.2005. It therefore, appears that they were not related to the University officers/ employees on or prior to the dates of their selection and appointment. The other candidates in the aforesaid List (**Annexure-17**. of the Enquiry Report), admitted their relationship as shown therein.

**416)** As regards Shri P.V. Patil and Ku. Shilpa B. Dahatonde, who were respectively selected in the posts of SRA (Agri.) and JRA (Agri.), their cases are on a different footing since the father of Shri P.V. Patil viz. Dr.V.D. Patil, who was Dean / D.I. in Dr.PDKV, Akola, was the Chairman of the Selection Committee and the father of Ku. Shilpa B. Dahatonde, viz. Dr.B.N. Dahatonde, who was Professor (Agronomy) therein was its member. Shri P.V. Patil in para-4 of his affidavit dated 21.9.2007 (Ex.482), stated that he was awarded Ph.D. in Plant Breeding in December 2005 by Indira Gandhi Agriculture University, Raipur and in para 5 thereof, he admitted that his father was the Chairman of the Selection Committee but according to him, when he was interviewed on 22.6.2005 by the Selection Committee, for the post of SRA (Agri.) and JRA (Agri.), he was on leave and did not attend its meeting on that day. He filed the additional affidavit dated 25.9.2007 (Ex.528) in para 2 of which he stated that he knew the clerks Shri S.N. Thakre, S.O., Shri P.P. Tembhekar, ASO, who verified his documents as they were employees of Dr.PDKV, Akola. He also knew Shri N.R. Kosti, the Assistant Professor, Extension Education, who was one of the members of the team which awarded to the candidates appearing for interview the marks for Ph.D. degree or Ph.D. thesis acquired / submitted by them after the last date of applications, research papers/ popular articles published by them, and significant contribution made by them, if any. He further stated that he was prosecuting his studies for Ph.D. degree at Raipur when he submitted his application forms for the posts of SRA / JRA pursuant to the advertisement dated 14.8.2004 (Ex.2) but he did not tell about it to his father Dr.V.D. Patil. Ku. Shilpa B. Dahatonde, stated in her additional affidavit dated 22.11.2007 (Ex.626) that Dr.B.N. Dahatonde, the member of the Selection Committee was her father. She further stated that her selection in the post of JRA (Agri.) was purely on merit and her father was not concerned with her selection.

**417)** Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 82 of his affidavit dated 25.12.2007 (Ex.645) that he was absent and was on leave on 22.6.2005 because his son Pravin who had applied for the posts of SRA/JRA was to appear for interview on that day. He then stated in para 83 thereof that when his son Pravin made an application for these posts of SRA/JRA, he did not know that he was applying for these posts as he was in Raipur at that time and did not inform him about it. In fact, according to him, he had already told him not to apply for the said posts. Further, according to him, he had not given his Akola address but given address of his native place in his application and therefore he came to know about it when the interview cards were issued to the candidates for interview.

**418)** Dr.V.D. Patil, stated in para 84 that he had then thought of giving resignation as Chairman of the Selection Committee but he did not do so because when he discussed the matter with the Vice-Chancellor of the University, he told him that he need not resign and it would suffice if he remained absent at the time of interview of his son. He further stated

therein that had he resigned there was other Director/ Dean available in the University for being nominated as Chairman of the Selection Committee.

**419)** When questioned about the duties and responsibilities of the Selection Committee and its Chairman in order to appreciate whether there would not be any reasonable likelihood of his bias if he remained absent only at the time of interview of his son, Dr.V.D. Patil, stated in para 83 of his affidavit dated 25.12.2007 (Ex.645), that it is the duty and responsibility of the Selection Committee to conduct the whole selection process which starts after the receipt of the applications and ends with the handing over of the Selection list to the appointing authority i.e. the Vice-Chancellor. He admitted therein that under Statute-77 (1) (iii) a duty is cast upon the Chairman of the Selection Committee to scrutinize all the applications received and prepare a list of eligible candidates to be called for interview in which, according to him, it is implicit that he has to lay down the criteria for shortlisting of the candidates when their number is large as compared to the number of posts to be filled. He then stated that under Statute 77(1) (iv) the duty is cast upon the Selection Committee to prepare the Selection List of the candidates recommended by it in descending order of merit. He admitted therein that it was necessary for the Selection Committee in this case to either itself give marks for academic performance of a candidate and if the said work was done by the Registrar's office/Associate Professor/ Assistant Professors, it was its duty and responsibility to verify the said work done by them in its properly constituted meeting for which each member of the Selection Committee should have been supplied with the chart or the statement prepared by the office in that regard and it was after considering the marks for academic performance and marks for interview that the Selection Lists had to be prepared categorywise in descending order of merit before handing them over to the Vice-Chancellor for making appointments according to them. He then stated in para 86 of his aforesaid affidavit that he had in mind the above duties and responsibilities of the Selection Committee when he told the Vice-Chancellor that he wanted to resign as Chairman of the Selection Committee but the Vice-Chancellor insisted upon and persuaded him to continue as Chairman of the Selection Committee by asking him not to work as Chairman on the date his son would appear for interview. He, therefore, submitted an application for leave on 20.6.2005 and also addressed a letter dated 20.6.2005 to the Vice-Chancellor giving reason about the interview of his son for his absence on 22.6.2005 which are at page nos. 575 – 576 to the written statement of the University in writ petition No. 905/2006 (Mrs. Archana Bipte and another –Vs- State of Maharashtra and Ors.). They are annexed collectively as **Annexure-18**. On the above referred application for leave, the Vice-Chancellor passed the order that the next senior-most member of the Selection Committee should act as Chairperson during his absence on 22.6.2005 and accordingly Dr.E.R. Patil, Associate Dean, acted as Chairman of the Selection Committee on that day.

**420)** In this regard Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 47 of his affidavit dated 14.1.2008 (Ex.658) that he had seen the aforesaid application of Dr.V.D. Patil, dated 20.6.2005 (Ex.17) seeking leave of absence on 22.6.2005 and requesting that the Associate Dean (PGI), should be appointed as Chairman in his absence on that day. He then stated that after speaking with him, he had passed the order that the next senior member should work as Chairman of the Selection Committee on 22.6.2005. He, however, admitted in para 48 of his aforesaid affidavit that before passing the said order, he had not seen whether there was any rule on the question as to what should be done when the Chairman of the Selection Committee was absent on a particular day in its meeting for interviews. After seeing Statute-27 of the Statutes, he stated that he had not seen the said Statute before in which it was laid down that in the absence of the Chairman in the meeting of the Authority or the Committee, another Chairman should be elected in its meeting from amongst its members who were present. He, therefore, admitted that he had no power to nominate the Acting Chairman of the Selection Committee during the absence of its regular Chairman and that the said power is of the Selection Committee itself. According to him, the said provision was not brought to his notice and since the matter was urgent, he nominated senior most member of the Selection Committee as its Chairman as suggested in his aforesaid application dated 20.6.2005 (Ex.17) by Dr.V.D. Patil.

**421)** Dr.S.A. Nimbalkar, the then Vice-Chancellor, then stated in para 49 of his aforesaid affidavit dated 14.1.2008 (Ex.658) that Dr.V.D. Patil, the Chairman of the Selection Committee, had not told him that he wanted to resign as the Chairman of the Selection Committee since his son was to appear for interview for the posts of SRA/JRA and that he had not advised him that it was not necessary for him to resign and that he could remain absent on the day when his son was to appear for interview before the Selection Committee. He also stated in the said para 49 that he also did not know whether the daughter of Dr.B.N. Dahatonde, Member of the Selection Committee was also appearing for interview for the posts of SRA (Agri.) and JRA (Agri.) as he never told him about it. According to him, had they resigned, he would have appointed another Dean / Director as Chairman of the Selection Committee and another Professor as its Member.

**422)** As regards Ku. Shilpa B. Dahatonde, who had also applied for the posts of SRA (Agri.) and JRA (Agri.) in question, Dr.B.N.Dahatonde, Member of the Selection Committee, stated in para 12 of his affidavit dated 10.12.2007 (Ex.636) that he was aware that his daughter had applied for the said post although, he had advised her not to do so. According to him, he came to know about it only when he was supplied with the particulars of the Candidates appearing for interview as per the Chart Ex.45(O) on the date of her interview i.e. 14.6.2005 and also the chart in the Proforma Ex. 434-A for giving marks for interview to the candidates appearing for interview on that day. He further stated in the said para 12 that he then enquired from the Registrar and the Chairman of the Selection

Committee as to what he should do in the matter and in particular whether he should resign as Member of the Selection Committee and they told him that he could continue as member of the Selection Committee but when her turn for interview would come he should not remain present in the meeting of the Selection Committee. He then stated that accordingly he stayed outside when her interview was taken by the Selection Committee. He, however, stated that there was nothing in writing to show that he was absent in the meeting of the Selection Committee when the interview of his daughter took place except the chart in the proforma Ex.434-A given to him on that date which would show that he did not give any marks to his daughter. He further stated that he did not know what happened to the said charts which were handed over by him to the Chairman of the Selection Committee after the interviews were over on each day. He also stated that nobody advised him that he should resign as Member of the Selection Committee since his daughter was a candidate for the posts in question.

**423)** Perusal of page 131 of the Attendance Register Ex.46(O), would show that Dr.V.D. Patil, the Chairman, was absent in the meeting of the Selection Committee on 22.6.2005 but Dr.B.N.Dahatonde, was present in its meeting on 14.6.2005 on which date his daughter appeared for interview. But as already stated, according to Dr.B.N. Dahatonde, although he was present on that date, he was absent in the meeting of the Selection Committee at the time of interview of his daughter. He is corroborated in this regard by Dr.V.D. Patil, the Chairman of the Selection Committee who stated in para 87 of his aforesaid affidavit that his daughter had appeared for interview on 18.6.2005 (correct date is 14.6.2005) and although Dr.B.N.Dahatonde was present in the meeting of the Selection Committee on that date as it appeared from his signature upon the Attendance Register (Ex.46(O), he had asked him to go outside the interview room when his daughter actually appeared for interview and as such according to him, Dr.B.N.Dahatonde, was not present in the interview room at the time of interview of his daughter. He, however, stated that he did not ask him to give resignation as Member of the Selection Committee.

**424)** When questioned about some candidates in the Selection Lists whose surname was "Mohod", Dr.Vandan Mohod stated in para 51 of his affidavit dated 1.12.2007 (Ex.633) that they were not his relatives. He admitted therein that there were relations of the employees of the University present or retired, who had applied for these posts of SRA/JRA. According to him, Dr.B.N. Dahatonde was present in the meeting of the Selection Committee when his daughter appeared for interview on 18.6.2005 (the correct date should be 14.6.2005). He then stated therein that he had not advised the Chairman of the Selection Committee, Dr.V.D. Patil, and its Member Dr.B.N.Dahatonde, that they should not participate in the selection process and resign from the Selection Committee as Chairman and Member respectively since their near relations were the candidates for the posts of SRA / JRA.



**b) The List of Selected Candidates whose names were recommended by the VIPs.**

**425)** The University has in its affidavit dated 20.8.2007 (Ex. 100), submitted in this enquiry the file in answer to Point no.4 in the notice dated 4.8.2007 containing the letters of recommendations of the VIPs regarding the candidates who applied for these posts of SRA (Agri.) and JRA (Agri.). The said file is marked as Ex.110 (O) in this enquiry. After going through the said file, this office has prepared the List of the candidates who were selected in these posts of SRA (Agri.) and JRA (Agri.) and whose names were recommended by the VIPs as shown therein. The said List is filed as **Annexure-19** with this Enquiry Report. Perusal of the said List, would show that as shown therein there are some candidates who are also related to the University officers/ employees prominent amongst whom is Pravin Patil son of Dr.V.D. Patil, the Chairman of the Selection Committee, whose name is recommended by Balasaheb Thorat, the Minister for Agriculture, who is also the Pro-Vice Chancellor of the University.

**c) Selection of candidates, whether influenced by the relationship with University officers/ employees or by the recommendations of VIPs.**

**426))** As regards the selection of the candidates who were relations of the employees of the University, present or retired as shown in the list Ex.11-A filed by the University, Dr.V.D. Patil, the Chairman of the Selection Committee stated in para 88 of his affidavit dated 25.12.2007 (Ex.645) that he had seen the said list. He further stated that he had also seen the letters of the V.I.Ps. including Minister for Agriculture and other Ministers which were in the file Ex.110(O) submitted by the University in this enquiry. He then stated that some of such letters were also marked to him. He also stated that some of the employees of the University, present or retired, whose relations were selected had seen him personally canvassing for appointment of their wards. Apart from the letters, according to him, there were phone calls from the VIPs including Dr.B.G. Bathkal, former Vice-Chancellor of the University, recommending their candidates for appointment in these posts of SRA/JRA. He then stated that he had himself received some of such calls at the time when the interviews of the candidates were going on but he did not pay any heed to the canvassing made by the University employees present or retired or to the recommendation of the VIPs including the Minister for Agriculture. He then stated that the Selection Committee made its recommendations for appointment in these posts only on the basis of merit of each candidate.

**427)** As regards the relations of the employees of the University present as well as retired, who had applied for the posts of SRA/JRA, Dr.Vandan Mohod, the then Registrar and Member Secretary of the Selection Committee, stated in para 51 of his affidavit dated 1.12.2007 (Ex.633) that none of such employees present or retired, telephoned him or approached him for selection of their relations. He stated in para 52 of his aforesaid

affidavit that it was true that there were letters received by the University from the Ministers and other VIPs such as MLA, MPs. etc. He further stated that at the time of interviews although there were phone calls from the VIPs after receiving one or two phone calls they did not attend to them deliberately. According to him, all the candidates were selected by them on the basis of their merit and not on the basis that they were relations of the Chairman and the Member of the Selection Committee or of the employees of the University present, or retired, or that they were recommended by the VIPs.

**428)** Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 50 of his affidavit dated 14.1.2008 (Ex.658) that he had seen the chart filed by the University in this enquiry Ex.11-A giving the names of the candidates selected in the posts of SRA (Agri.) and JRA (Agri.) who were relations of the University employees, present or retired. He stated in this regard that since the present or retired employees of the University had taken education in Agriculture, ordinarily, their sons and daughters would also take education in Agriculture and therefore, it was not new that the sons or daughters of the University employees, present or retired, applied for the posts of SRA/JRA particularly when most of them were working on farms in the villages where agriculture was the principal occupation. He, however, stated that none of the University employees, present or retired, had approached him canvassing for appointment of their sons/ daughters/wards in the University service.

**429)** Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 51 of his affidavit dated 14.1.2008 (Ex.658) that he had also seen the file (Ex.110(O)) containing letters of the Ministers including Minister for Agriculture and other VIPs. recommending their candidates for appointment in the posts of SRA/JRA. He then stated that as per normal practice he sent such letters addressed to him to the Registrar for being filed. He also stated that he also received many telephone calls from VIPs. recommending their candidates for appointment in these posts but no such candidate was recommended by him to the Selection Committee for being selected in these posts of SRA (Agri.) and JRA (Agri.). According to him, such letters were only filed in the Registrar's office and no action was taken in regard to them. Further, according to him, the appointments of the candidates in the posts of SRA (Agri.) / JRA (Agri.) were made in the instant case only on the basis of merit and not because of any recommendations of the VIPs or being related to employees of the University, present or retired.

**d) Whether favouritism was shown to Dr. Ku. Swati G. Bharad, daughter of former Vice-Chancellor of the University, Dr. G. M. Bharad**

**430)** Ku. Swati G. Bharad, admitted in her affidavit dated 23.11.2007 (Ex.631) that she was daughter of Dr.G.M. Bharad, who was former Vice-Chancellor of Dr.P.D.K.V.Akola during the period from 1996 to 1999. According to her, he retired from service of the

University in the year 1999. She was a candidate for the post of SRA (Agri.) in question. As per her interview card, she was asked to remain present for interview at 8.00 A.M. in the University Guest House, Dr.PDKV, Akola. Before the last date i.e. 15.9.2004 fixed for submission of the application forms as per the advertisement dated 14.8.2004 (Ex.2), she had not acquired Ph.D. degree. She however, stated in para 2 of her affidavit dated 13.9.2007 (Ex.240) that before her interview she had submitted in the University thesis for Ph.D. Although she had annexed to the said affidavit dated 13.9.2007 (Ex.240) her Result notification dated 13.6.2005 (Ex.241-b), she did not state anything about it in her aforesaid affidavit. She filed another affidavit dated 14.9.2007 (Ex.269) in para 2 of which she stated that she had submitted her thesis for Ph.D. on 1.11.2004 but did not specifically state when she was awarded Ph.D. degree although she again annexed the copy of her Ph.D. notification dated 13.6.2005 which, according to her, was available. She then stated that the said Ph.D. notification was produced before the verifying Officers of the University and was verified by them.

**431)** As there was doubt about how she could receive the copy of the Result notification dated 13.6.2005 on 13.6.2005 itself on which date her interview was fixed for which she had to appear from 8.00 A.M. onwards on that day as per her interview call letter, the detailed enquiry was made regarding the same by issuing notices to the concerned officers/clerks in the Examination Section who were also directed to produce the relevant documents regarding the declaration of the Result of her Ph.D. degree.

**432)** Ku. Swati G. Bharad was also issued notice to appear in this Enquiry. Accordingly, she appeared and filed her affidavit on 9.3.2009 (Ex.865) on the lines of her interrogation and statement in this Enquiry. She stated in para 2 of her aforesaid affidavit dated 9.3.2009 (Ex.865) that she had made an application for the post of SRA (Agri.) in question as per the advertisement dated 14.8.2004 (Ex.2) for which she was to remain present for interview from 8.00 A.M. onwards on 13.6.2005. According to her, when she attended the interview on 13.6.2005, she had taken with her the originals of her B.Sc., M.Sc. degree certificates, and nine research paper publications. After seeing the chart relating to particulars of the applications (Ex.45(O)), she stated that she had put her signature against her name in the said Chart Ex. 45(O) showing that her aforesaid original documents were verified by the clerks in the Registrar's office in her presence and that she was present for the interview. She then stated that the above work of verification was done by the clerks of the Registrar's office between 11.30A.M. to 12.15 P.M. and that her interview by the Selection Committee had taken place after about 4.00 Clock in the afternoon.

**433)** Ku. Swati G. Bharad stated in para 3 of her aforesaid affidavit dated 9.3.2009 (Ex.865) that before verification of her aforesaid documents she had gone to the Registrar's office to enquire whether the Result notification about her Ph.D. degree was issued or not. She further stated that in the Registrar's office she went to the Enquiry counter for making

enquiry about the Result notification of her Ph.D. degree where the man at the counter told her to go to the table where she would get the aforesaid information. She also stated that when she went to the said table and told the person concerned at the said table that her interview was due on that day and therefore, she needed the Result notification about her Ph.D. degree, she was told to wait at the Enquiry counter. She further stated that after sometime, he came back and handed over to her the copy of the Result notification about her Ph.D. degree. She then stated that she went back to the place of her interview where after the scrutiny of her documents as stated above was made, she was directed to go to another table for verification of her thesis, research papers and the Result notification. Accordingly, after she had shown the above documents including the Result notification to the verifying officers, they entered the marks about the same in the chart Ex.38(O). After seeing the said chart Ex. 38(O) in this Enquiry, she stated that she was awarded therein 10 marks for Ph.D. degree, and 10 marks for research papers.

**434)** As regards the procedure for declaration of the Result, Ku. Swati G. Bharad, stated in para 3 (two paras, numbered as para 3) of the aforesaid affidavit dated 9.3.2009 (Ex.865) that as per the practice in the University after the Result notification was issued, it was put-up for the benefit of the students upon the notice board near the aforesaid Enquiry counter in the Registrar's office. According to her, when she went to the Enquiry counter to enquire whether her Result notification was issued or not, the said notification was not put-up upon the notice board for the benefit of the students but she was told that it would be put-up upon the notice board. She then stated that she did not apply on the same date i.e. 13.6.2005 for getting Provisional Degree Certificate (PDC) as the Result Notification for declaration of her Result was issued on that day but she applied 2 or 3 days thereafter for getting PDC which was supplied to her on 20.6.2005, vide Counter Foil no. 84 of the Counter Foil Book (Ex.887) She then stated in para 4 of her aforesaid affidavit that she would give the names of the person with whom she made the necessary enquiry about her Result notification and the person who gave it to her by filing additional affidavit after making necessary enquiry about them. She also undertook to file on the next date the Result notification which was handed over to her by the said person.

**435)** Thereafter on 9.3.2009 to which recording of her statement was postponed, Ku. Swati G. Bharad only filed in this Enquiry the copy of the Result notification which, according to her, was handed over to her by some person at the Enquiry counter. The copy of the said Result Notification for declaration of Result is separately marked as Ex. 864 in this enquiry. She, however, stated in para 9 of her aforesaid affidavit dated 9.3.2009 (Ex.865) that she did not get any information about the person from whom she received the said Result notification and that the only information she received was that the Enquiry counter was of the Examination Section. After seeing the Assistant Registrar (Examination Section), Shri A.S. Katre, in this Enquiry on that date, she stated that she did not receive the

copy of the said Result notification from him. She also stated that she would not be able to tell whether the person who handed over the copy of the Result notification to her was the clerk or any officer in the Examination section.

**436)** Pursuant to the notices issued to the concerned officers/ employees in the Examination section of the Registrar's office in the University, Shri D.K. Bagde, the then Section Assistant (Exam. Section), Shri P.T. Mule, Assistant Section Officer (Exam. Section), Shri A.S. Katre, Assistant Registrar (Exam. Section) and Dr.Vandan Mohod, the then Deputy Registrar (Academic) / Registrar have inter-alia filed the affidavits in this Enquiry describing the procedure of finalization of the results of the examinations of the post-graduate and Ph.D. candidates in the University. It is, therefore, necessary to refer to their affidavits in detail.

**437)** It may be seen that at present in place of Shri D.K. Bagde, Shri S.D. Londe, is working as Section Assistant (Examination section). He produced with his affidavit dated 21.3.2009 (Ex.882) the following documents/ files/ Registers in this enquiry.

- i) File relating to orders of appointment of Chairman and the Members of the Result Committee (Ex.883).
- ii) Result Committee Attendance Register (Ex.884)
- iii) Ph.D. Register no.3 1997-98 to 2000-2001 i.e. the Ph.D. Register of marks (Ex.885).
- iv) Ph.D. Register no.4 2001-02 to 2002-2004 i.e. Ph.D. Register of marks (Ex.886)
- v) PDC Counter Foil book for Ph.D. (Ex.887).
- vi) Attested xerox copy of the page of PDC Register, Sr. nos. 655 to 667 verified from the Original (Ex.888).
- vii) File No. Exam/B/Hort/ADW relating to Ph.D. student Shri A.D. Warade (Ex.889) and also File No. Exam/B/Hort/SGB relating to Ph.D. student Ku. Swati G. Bharad (Ex.890)

**438)** Shri D.K. Bagde, at present working as Senior Clerk in the college of Agriculture, Nagpur, filed his affidavit dated 13.4.2009 (Ex.910) in this Enquiry. He stated in para 1 thereof that since 1990-91 he was working in the Examination section of the Registrar's office as Junior Clerk i.e. Section Assistant where he was entrusted with the work of maintaining the following files and Registers.

- i) File about the appointment of the Chairman and the Members of the Result Committee (Ex.883).
- ii) Result Committee Attendance Register (Ex.884).

- (iii) The Register of marks awarded to the candidates for the post graduate degrees i.e. M.Sc., M.Tech. and Ph.D. in their semesters and final examinations.

**439)** Shri D.K.Bagde, Section Assistant (Exam. Section) stated in para 2 of his aforesaid affidavit dated 13.4.2009 (Ex.910) that he had seen the Ph.D. Register no.3 for the years 1997 to 2001 (Ex.885) and the Ph.D. Register no.4 for the years 2001 to 2004 (Ex.886) produced in this enquiry by his successor Shri S.D. Londe, Section Assistant (Exam. Section). He then stated that the entries in the said Registers 3 & 4 ( Exs. 885 and 886) were in his handwriting and that he maintained them according to the admission years of the candidates. He further stated that the entries therein were regarding the marks received by the Ph.D. students in semesters and final examination of their Ph.D. degree course. He also stated that a separate page was allotted to each candidate in the said Registers (Exs. 885 & 886) and that in the proforma given on each page of the said Registers (Exs.885 and 886), he had filled in his own handwriting the relevant information about the subjects of each candidate and the marks received by him.

**440)** Shri D.K.Bagde, Section Assistant (Exam. Section), stated in para 3 of his aforesaid affidavit dated 13.4.2009 (Ex.910) that there is Result Committee in the University which is appointed by the Vice-Chancellor for a period of 1 year. He then stated that he maintained the file (Ex.883) relating to the appointments of the Chairman and the members of the Result Committee for the year 2005 (U.G. and P.G.). As regards the Result Committee for the examinations of post graduate and Ph.D. courses (P.G. Committee), the said Committee was constituted by the Vice-Chancellor for the year 2005 as per his order dated 31.12.2004 (Ex.883-B) on the basis of the names recommended by Dr.V.D. Patil, Dean, (PGI), Dr.PDKV, Akola in his letter dated 10.12.2004 (Ex.883-A) (vide pages 11/C and 21/C of the said file Ex.883). When he was shown the names of the Members of the above Result Committee recommended by Dr.V.D.Patil, in his letter dated 10.12.2004 (Ex.883-A) in which after deleting the name of Dr.B.M. Panchabhai, A.P. in Horticulture, the name of Dr.S.G. Bharad, A.P. Horticulture, brother of Ku. Swati G. Bharad, was included, he stated that he would not be able to tell why it was done.

**441)** Shri D.K. Bagde, Section Assistant (Exam. Section) stated in para 4 of his aforesaid affidavit dated 13.4.2009 (Ex.910) that he did not know whether there is any rule prescribing the number of members of the Result Committee including the Chairman who should be called for verification of the marks of the Ph.D. candidates recorded in the Registers for the same (Exs. 885 and 886) referred to above. He however, stated that he had called on 3.6.2005, the Chairman and Four Members of the said Result Committee (Ex.883-B) for verification of the marks received by the Ph.D. students Ku. Swati G. Bharad, and Shri A.D. Warade. He then stated that he made the above statement from the Attendance Register of the Result Committee (Ex.884) in which except Dr.S.G. Bharad, who was on leave, the Chairman and 3 other members of the Result Committee (Ex.883-B)

had put their signatures on 3.6.2005 which would show that they had come for verification work on that date.

**442)** As regards the marks received by Ku. Swati G. Bharad, in her semesters and final examination, Shri D.K. Bagde, Section Assistant, (Exam.Section) stated in para 5 of his affidavit dated 13.4.2009 (Ex.910) that her marks were recorded by him at page 103/C of the Register no.3 of Ph.D. candidates (Ex.885) and the marks received by Shri A.D. Warade, in his semesters and final examination, at page 10 of the Register no.4 of Ph.D. candidates (Ex.886). He then stated that after recording the marks of the aforesaid candidates as stated above, he called for the files relating to the report of the external examiner about the approval of their thesis and the report of Viva-voce Committee about their Viva-Voce Examination from the concerned Senior Clerk, (Examination Section) i.e. Shri W.I. Ingle marked as Exs. 889 and 890 in this Enquiry. He also stated that the Viva-Voce Examination reports of the above candidates were sent by the office of the PGI to the Examination section in the Registrar's office directly where they were marked to him as he was entrusted with the work of verification of marks of the candidates for finalization of their Results. According to him, he kept the said reports about their Viva-Voce examination in their respective files (Exs. 889 and 890) received from the Senior Clerk Shri W.I. Ingle. Further, according to him, it is thereafter, that he sent the notices to the Chairman and Members of the Result Committee requesting them to come for the work of verification of the marks of the above candidates recorded by him in the Register (Exs. 885 and 886) as also the reports about the approval of external examiner to their thesis and the reports about their Viva-Voce examination.

**443)** As regards the work about verification of the files relating to thesis and Viva Voce examination of the above candidates (Exs. 889 and 890) Shri D.K. Bagde, Section Assistant, (Exam. Section) stated in para 6 of his aforesaid affidavit dated 13.4.2009 (Ex.910) that he did not remember which member of the aforesaid Result Committee verified the reports of the external examiners about the thesis of the above candidates and the reports about their Viva-voce examination when they verified their marks in the aforesaid Registers of marks (Exs. 885 and 886).

**444)** As regards the work of verification of the marks of the above candidates recorded in their respective Registers (Exs.885 and 886), the reports of the External Examiners about their thesis and also the reports of their Viva-Voce Examination, Shri D. K. Bagde, Section Assistant (Examination Section) stated in para 7 of his affidavit dated 13.04.2009 (Ex. 910) that the Chairman and all the three members of the Result Committee had done the saidwork of verification. However, according to him, the Chairman, and only two members of the Result Committee i.e. Dr. T.H. Rathod, and Dr.P.B. Kale had put their signatures upon the respective pages of the Registers of marks relating to them i.e. page 103/C of Register no.3 (Ex.885) and page 10 of Register no.4 (Ex.886). He admitted that he had also

put his signature upon the said pages as recorder of marks. He then stated that since the proforma in the Register provided for signatures of only two members of the Result Committee alongwith its Chairman, only two members have put their signatures upon the aforesaid pages although all the three members alongwith the Chairman of the Result Committee had done the work of verification of their marks. However, according to him, there was no date put either by him or by the Chairman and the Members of the Result Committee below their signatures upon the said pages of the Registers of marks (Exs. 885 and 886) relating to the above candidates showing on which date the work of verification of their marks and also the reports about approval of their thesis and clearing Viva-voce examination was done by them.

**445)** Shri D.K. Bagde, Section Assistant (Exam. Section) stated in para 8 of his affidavit dated 13.4.2009 (Ex.910) that the said verification work was done on 3.6.2005 because the attendance Register (Ex.884) showed that the Chairman and the Members of the Result Committee who verified the marks of the above candidates were present on 3.6.2005 for doing verification work. He was however, not sure about it only because he did not find the office copies of the letters in the general file for the year 2005-06 sent to the Chairman and Members of the Result Committee requesting them to come on 3.6.2005 to do the work of verification of marks for finalization of the Results of the above candidates and also because there was no date below their signatures and also his signature upon the pages 103//C and 10 of the aforesaid Registers of marks (Ex. 885 & 886) showing that the said verification work was done by them on 3.6.2005. But as one member of the Result Committee Dr.T.H. Rathod, although he did not put the date below his signature upon the said pages in the Registers of marks (Exs. 885 and 886) relating to the above candidates had put the date 3/6/2005 below his signature in the manuscript of the Result notification dated 13.6.2005 (Ex.904-A) at page 67/C of the file about the Result notification of Ph.D. (Regular) (Ex.904) he stated that the said verification work must have been done on 3.6.2005. It is, however, clear from the affidavit of Dr.T.H. Rathod, one of the members of the Result Committee dated 5.3.2009 (Ex.868) that he received the letter requesting him to come on 3.6.2005 for doing the said verification work vide letter dated 2.6.2005 (Ex.869) annexed to his aforesaid affidavit. It is, therefore, clear that the aforesaid verification work was done on 3.6.2005 by the Chairman and the Members of the Result Committee as stated by him.

**446)** As regards the signatures of different members of the Result Committee upon pages 103/C and 10 of the Registers of marks (Ex. 885 & 886) in token of verification of the marks of the above candidates and upon the Manuscript of the Result notification (Ex.904-A) in the file Ex.904 i.e. the signature of Dr.P.B. Kale upon the said pages in the Registers of marks, and of Shri S.K. Aherkar, upon the Manuscript of the Result notification (Ex.904-A), Shri D.K. Bagde, Section Assistant (Exam. Section) stated in



para 9 of his affidavit dated 13/9/ 2009 (Ex. 910) that, according to him, it is not necessary that the same members who signed in the Register of marks of the candidates in token of their verification should alone sign the Manuscript of the Result notification.

**447)** Shri D.K. Bagde, Section Assistant (Exam. Section) stated in para 10 of his aforesaid affidavit dated 13.4.2009 (Ex.910) that the proforma of the Result notification is prepared in accordance with the provisions of para 33 read with para 30 (B) (vii) of the Regulation No. AC/8 (Ex.32) and is fed in his computer. He then stated that the proforma provides for the signatures thereon of the Chairman and two members of the Result Committee, besides the signatures of the Assistant Registrar (Examination), Deputy Registrar (Academic), Registrar, Dean (PGS) and the Vice-Chancellor. According to him, he prepared the Manuscript of the Result notification of the Ph.D. candidates whose result was to be finalized by feeding in the said proforma in his computer necessary information about the subject of their thesis and the grades obtained by them in their course work. Further, according to him, he kept the Manuscript of the Result notification ready at the time of work of verification of the marks of the candidates and the Chairman and the Members of the Result Committee put their signatures upon the said Manuscript of the Result notification at the same time when they put their signatures upon the Register of marks in token of their verification. He then stated that thereafter he sent the Manuscript of the Result notification signed by the Chairman and two members of the Result Committee to the A.S.O., (Exam. Section) but he did not send with it the aforesaid Registers of marks of Ph.D. candidates in which their marks were recorded.

**448)** Shri D.K. Bagde, Section Assistant (Exam. Section) stated in para 11 of his aforesaid affidavit dated 13.4.2009 (Ex. 910) that he had prepared the Manuscript of the Result notification (Ex.904-A) of the above candidates Ku. Swati G. Bharad, and Shri A.D. Warade. He then stated that he had kept it ready at the time of work of verification of their marks by the Chairman and the Members of the Result Committee and after the Chairman and two members of the said Committee had put their signatures upon it, he had sent to Shri P.T. Muley, A.S.O. (Exam.Section) the said Manuscript (Ex. 904-A) of the Result notification of the above candidates which is at page 67/C of the file (Ex.904). He also stated that after he received the copy of the Result notification of the above candidates prepared for declaration of their Result (Ex.904-B) signed by the Registrar which is on the next page C/69 in the said file (Ex.904), he put the date of the said Result Notification (Ex.904-B) i.e. 13.6.2005 on pages 103/C and 10 relating to the above candidates Ku. Swati G. Bharad and Shri A.D. Warade in their respective Register of marks (Ex.885 and 886). As regards overwriting in figure “6” relating to month in the said date 13.6.2005 on page 10 of the aforesaid Register no.4 (Ex.886) relating to Shri A.D. Warade, he stated that he would not be able to tell why there was such overwriting in figure “6” relating to the said

date because of which the Assistant Registrar (Examination) encircled it and put the date 13.6.2005 in his own handwriting.

**449)** Shri D.K. Bagde, Section Assistant (Exam. Section) stated in para 10 and again emphasized in para 13 of his aforesaid affidavit dated 13.4.2009 (Ex.910) that the Result Notification for declaration of the Result was prepared by Shri P.T. Muley, ASO (Exam.Section), and not by him, after the Manuscript of the Result Notification was approved and signed by the Vice-Chancellor. He then stated in the said para 13 that Shri P.T. Muley, A.S.O. (Exam. Section) prepared it by deleting the names / designations of all the officers including the Vice-Chancellor contained in the Manuscript of the said Result notification prepared by him on his computer and feeding therein only the designation of the Registrar Dr.PDKV, Akola, who alone signed the said Result notification prepared for declaration of Result. According to him, it is Shri P.T. Muley, ASO (Exam. Section) who puts up an office note requesting the Registrar to sign the said Result notification for issuing it. Shri D.K. Bagde, Section Assistant (Exam. Section) further stated that, accordingly, Shri P.T. Muley, A.S.O. (Exam Section) had written the office note on the back side of page N/37 of the said file (Ex.904) for signature of the Registrar for issuing the Result Notification (Ex.904-B) for declaration of the Result of the above two candidates which is at page 69/C of the said file (Ex.904) and that the Registrar had signed the said office note on 14.6.2005 as seen from the aforesaid file (Ex. 904).

**450)** Shri D.K. Bagde, Section Assistant, (Exam. Section), stated in para 10 of his affidavit dated 13.4.2009 (Ex.910) that after the Result notification for declaration of Result is signed by the Registrar, when it is forwarded for information to the Officers/ Departments/Sections as mentioned on its back side, 6 copies of the same are given to him. According to him, a copy of the said Result notification for declaration of Result is also given on each concerned table in the Examination section. It is at that time according to him that after receiving the said Result notification for declaration of Result under the signature of the Registrar, he would put the date of the said Result notification upon the pages allotted to the concerned candidates in the aforesaid Registers of marks of Ph.D. candidates (Exs. 885 & 886). He then stated in para 12 of his aforesaid affidavit that after receipt of 6 copies of the said Result notification of the candidate signed by the Registrar, he entered in the grade card which according to him, is in the same proforma as the aforesaid Register of marks, his marks recorded in the Register of marks and then sent the said grade card of the candidate with 5 copies of the Result notification to PGI. He also stated that accordingly, he had filled the grade cards of Ku. Swati G. Bharad, and Shri A.D. Warade, and sent them with five copies of their Result notification (Ex.904-B) to PGI. He further stated that he had kept the copy of the Result notification (Ex.904-B) in the file on his table relating to the Result notifications of the Ph.D. candidates. He then stated that he did not know how the Result of the candidates was declared. What is important to be

noticed in this para is that according to him, he had not given the copy of the aforesaid Result notification (Ex.904B) to Ku. Swati G. Bharad.

**451)** Turning to the important affidavit of Shri P.T. Muley, ASO (Exam. Section) dated 20.4.2009 (Ex.914), he stated in para 1 therein that the work of preparation of the Results of all the examinations declared by the University was inter-alia allotted to him as ASO in its Examination section. He produced in this Enquiry on 4.3.2009 the file relating to the Result Notifications of Ph.D. candidates (Regular ) maintained by him which was taken on record and was marked as Ex.904 as per the ordersheet dated 23.3.2009. The Manuscript of the Result Notification of the Ph.D. candidates Ku. Swati G. Bharad, and Shri A.D. Warade and the Result Notification for declaration of their Result signed by the Registrar are at pages 67/C and 69/C of the file (Ex.904) and are marked as Exs. 904-A and 904-B respectively as per the aforesaid ordersheet dated 23.3.2009.

**452)** Shri P.T. Muley, ASO (Exam. Section ) stated in para 2 of his aforesaid affidavit dated 20.4.2009 (Ex. 914) that Shri D.K. Bagde, Section Assistant (Exam.Section), prepared the Manuscript of the Result Notification of the Ph.D. candidates and after obtaining the signatures of the Chairman and two members of the Result Committee upon the same, he sent it to him as ASO (Exam. Section) to take further steps for obtaining to it the approval of the Vice-Chancellor. Shri P.T. Muley, ASO, (Exam. Section), then stated in para 5 of his aforesaid affidavit that accordingly he received the Manuscript of the Result Notification of Ku. Swati G. Bharad and Shri Atul D. Warade (Ex.904-A) which is at page 67/C of the file relating to Result Notifications of Ph.D candidates (Regular) (Ex.904) maintained by him. He also stated that after receipt of the said Manuscript of the Result Notification (Ex.904-A) of the above Ph.D. candidates, he recorded the office note dated 6.6.2005 which is at page N/37 of the said file (Ex.904). Perusal of his aforesaid office note dated 6.6.2005, would show that as per the provisions of para 30 read with para 33 of the Regulation no. AC/8 (Ex.32) the Vice-Chancellor was the Competent Authority to approve the P.G. Result Notification on recommendation of the Dean, PGS, and thereupon the Registrar could declare the Result and issue Provisional Degree Certificate etc. It would further show that he had requested the higher authorities to peruse the Manuscript of the Result Notification (Ex.904-A) of the above Ph.D. candidates included at page 67/C of the said file (Ex.904) and take necessary action in the matter.

**453)** As per the procedure followed in the University as described by him in para 2 of his affidavit dated 20.4.2009 (Ex.914), Shri P.T. Muley, ASO (Exam. Section) stated in para 5 thereof that he forwarded through the Assistant Registrar (Exam.), Deputy Registrar (Academic), Registrar and Dean (PGS) the aforesaid file relating to the Result Notifications of the Ph.D. candidates (Regular) (Ex.904), which included his aforesaid office note dated 6.6.2005 at page N/37 and also the Manuscript of the Result Notification of the above candidates (Ex.904A) at page 67/C, to the Vice-Chancellor for approval. He also stated

that his aforesaid office note was approved by the Registrar on 7.6.2005 by his signature upon the same and when the said file (Ex.904) was thereafter forwarded to the Dean (PGS), he recommended the names of the above candidates for Ph.D. degree as per the Manuscript of their Result Notification (Ex.904A) thus approving his office note dated 6.6.2005. The Vice-Chancellor also finally approved his aforesaid office note dated 6.6.2005 but neither the Dean (PGS) nor the Vice-Chancellor had put any date below their signatures upon the said office note dated 6.6.2005. He further stated that all the above officers of the University including the Vice-Chancellor had also put their signatures upon the Manuscript of the Result Notification (Ex.904-A) but none of them had put any date below their signatures upon the said Result Notification (Ex.904-A). According to him, after the approval of the Vice-Chancellor the said file (Ex.904) containing the aforesaid Manuscript of the Result Notification (Ex.904-A) was returned to him through the Deputy Registrar (Academic).

**454)** Shri P.T.Muley, ASO (Exam. Section) stated in para 6 of his aforesaid affidavit dated 20.4.2009 (Ex.914) that after the approval of the Manuscript of the Result notification (Ex.904-A) by the Vice-Chancellor when the file (Ex.904) containing it was returned to him through the Deputy Registrar (academic), he asked Shri D.K. Bagde, Section Assistant (Exam. Section) to give him for declaration of the Result the computerized copy of the Result notification, proforma of which was fed in his computer, after deleting the names/designations of all the officers upon the same giving only the designation of the Registrar Dr.PDKV, Akola. He then stated that after the receipt of such Result notification (Ex.904-B) prepared for declaration of Result, he wrote an office note on the back side of page N/37 in the said file (Ex.904) requesting the Registrar to sign the said Result notification for issuing it. He however, stated that he did not put any date below his signature upon the said note nor the Assistant Registrar (Exam.) did it when he signed it and forwarded it to the Deputy Registrar/ Registrar Dr.Vandan Mohod (Exam.), who, after signing it as Registrar, put the date 14.6.2005 below his signature.

**455)** As regards the date upon the Manuscript of the Result Notification approved by the Vice-Chancellor, Shri P.T. Muley, ASO (Exam. Section), stated in para 4 of his affidavit dated 20.4.2009 (Ex.914) that after the file relating to the Result notification came back to him, he put in his handwriting the same date upon the Manuscript of the Result Notification, on which the Vice-Chancellor had signed it. He then stated in the said para 4 that as regards the Result Notification signed by the Deputy Registrar/ Registrar for declaration of Result, xerox copies of which were forwarded to the Departments/Officers concerned as mentioned on its back side the date put upon it was the same which was put upon the Manuscript of the Result Notification approved by the Vice-Chancellor. According to him, sometimes the date upon the aforesaid Result Notification signed by the Deputy Registrar / Registrar for declaration of Result was put by him and sometimes by the

Assistant Registrar. Further according to him, he however, found that at times the Registrar/ Deputy Registrar had put below his signature upon the Result Notification made for declaration of Result, the same date on which he had signed the office note written by him which was put-up before him for his signature upon the aforesaid Result Notification for declaration of Result so that it could be issued.

**456)** Shri P.T. Muley, ASO (Exam.Section) stated in para 7 of his aforesaid affidavit dated 20.4.2009 (Ex.914) that he had written the date 13.6.2005 in his own handwriting upon the Manuscript of the Result Notification (Ex.904-A) approved and signed by the Vice-Chancellor. He then stated that before writing the said date upon it, he had made enquiries about the date on which the Vice-Chancellor had signed the said Manuscript of the Result Notification (Ex.904-A) in token of its approval and then wrote the said date 13.6.2005 upon it (Ex.904-A) in his handwriting. According to him, either he or the Assistant Registrar or Deputy Registrar (Academic ) must have taken the aforesaid file (Ex.904) on 13.6.2005 to the Vice-Chancellor for his approval and on the same date his signature must have been obtained upon the said office note dated 6.6.2005 and the said Manuscript of the Result notification (Ex.904-A). According to him, he therefore knew and put the above date 13.6.2005 in his own handwriting upon the said Manuscript of the Result notification (Ex.904-A) of the above candidates.

**457)** As regards the date upon the Result notification of the above candidates prepared for declaration of Result (Ex.904-B) signed only by the then Registrar Dr.Vandan Mohod, he stated in para 8 of his aforesaid affidavit dated 20.4.2009 (Ex.914) that it appeared to him that there was different computerized date upon the said Result notification (Ex.904-B) but the same appeared to have been corrected as 13.6.2005. According to him, the said correction in the date was made by the then Assistant Registrar (Exam. Section) Shri A.S. Katre who had also put his initials below the signature of the Registrar. He then stated that the original copy of the said Result notification prepared for declaration of Result (Ex.904-B) signed by the Registrar did not contain on its backside the names of the departments/ officers etc. to whom it was to be forwarded but it was the computerized second copy of the Result notification (Ex.904-B) signed by the Registrar which contained on its backside the names of the departments/ officers etc. to whom it was to be forwarded. He also stated that after the xerox copies of the said Result notification (Ex.904B) were prepared, he sent them to the departments/officers concerned as mentioned on its backside. He further stated that according to the usual procedure, he sent 5 copies of the aforesaid Result notification (Ex.904-B) signed by the Registrar to PGI through the despatcher of the Examination section. He also stated that besides the PGI, the copies thereof were also sent to the College or department concerned, which procedure according to him took at least 5 or 6 days.

**458)** It is pertinent to see that Shri P.T.Muley, stated in para 9 of his aforesaid affidavit dated 20.4.2009 (Ex.914) that he did not give the copy of the Result notification (Ex.904-B)

to Ku. Swati G. Bharad in the morning on 13.6.2005. In fact, according to him, he did not personally give the copy of the Result notification to any student concerned whose result was declared as per the said Result notification. He then stated that as per the procedure followed in the University, the copy of the Result notification referred to above was not given to any student but he could get either provisional degree certificate (PDC) and / or transcript of Mark-Sheet or he could get final Ph.D degree certificate either by remaining present in the convocation or in absentia.

**459)** Shri P.T. Muley, ASO (Exam.Section), stated in para 10 of his affidavit dated 20.4.2009 (Ex.914) that he would not be able to tell definitely whether the file (Ex.904) was taken to the Dean (PGS) personally by him or the Assistant Registrar or the Deputy Registrar or whether it was sent through the despatcher, and similarly he would not be able to tell on which date, the Dean (PGS) wrote his own office note contained in the file (Ex.904) as there was no date below his signature upon his aforesaid office note. He further stated that he would not be able to tell whether the aforesaid file Ex.904 was sent to the Vice-Chancellor by the office of the Dean (PGS) or by his office. He also stated that since he had put the date 13.6.2005 in his own handwriting upon the Manuscript of the Result Notification (Ex.904-A) the Vice-Chancellor must have signed the said office note on that date.

**460)** Shri P.T. Muley, ASO (Exam.Section), stated in para 11 of his aforesaid affidavit dated 20.4.2009 (Ex.914) that as regards the computerized date upon the Result notification prepared for declaration of Result (Ex.904-B) which was corrected as 13.6.2005 he pointed out that Dr.Vandan Mohod, the then Deputy Registrar/Registrar had signed the said Result notification (Ex.904-B) on 14.6.2005, because according to him, after the Manuscript of the Result notification (Ex.904-A) was signed by the Vice-Chancellor on 13.6.2005, the file (Ex.904) containing it came back to him at about 4.00 PM on the said date. Thereafter, on the next day, he wrote in the said file (Ex.904), vide backside of page N/37, the office note requesting the Registrar to sign the Result notification for declaration of Result (Ex.904-B) for being issued. The then Deputy Registrar/ Registrar Dr.Vandan Mohod, signed the aforesaid office note in the file (Ex.904) on 14.6.2005 as was clear from the date put by him below his signature upon the aforesaid office note. He therefore, stated that the said Result notification (Ex.904-B) bearing corrected dated 13.6.2005 must have been signed by him on 14.6.2005. According to him, the said file (Ex.904) was on the table of the Deputy Registrar (academic) and he called him at about 4 "O" Clock in the afternoon and handed over the said file to him. Further, according to him, he himself obtained his signature upon his aforesaid office note on the backside of page N/37 of the said file (Ex.904) and then brought back the said file (Ex.904) to his table. He then stated that thereafter he prepared about 15 to 20 xerox copies of the said Result notification (Ex.904-B) and handed them

over to the despatcher on 15.6.2005 for being forwarded to the offices/ officers as shown on their backside.

**461)** Shri P.T. Muley, ASO (Exam. Section) stated in para 12 of his affidavit dated 20.4.2009 (Ex.914) that the entry no.440 below the date 15.6.2005 in the Inward/Outward Register of the Examination section (Ex.903) contained the names of the officers/ departments to which the copies of the said Result notification (Ex.904-B) were sent. Perusal of the said despatch Register (Ex.903) would however, show that the letter no. ECR/10 / (B) / 2005 bore the date 16.6.2005 from which, according to him, it appeared that the aforesaid copies of the Result notification (Ex.904-B) must have been despatched on 16.6.2005.

**462)** Shri P.T. Muley, ASO (Exam. Section), stated in para 13 of his affidavit dated 20.4.2009 (Ex.914) that besides the despatch of the copies of the above Result notification (Ex.904-B) to the officers/ departments as stated above, its copies were handed over on each concerned table in the Examination section on 16.6.2005 including the table of the despatcher in the said section. According to him, a copy was also handed over to the Clerk maintaining Inward / Outward Register (Ex.903) in his section and also to the Clerk who issued PDC of the candidate since the same was required by him for preparation of PDC. He then stated that a copy of the Result notification (Ex.904-B) signed by the then Registrar Dr.Vandan Mohod, was never put-up upon the notice board in the Examination section.

**463)** Para 14 of the affidavit of Shri P.T. Muley, ASO (Exam.Section) dated 20.4.2009 (Ex.914) is important. He stated therein that the candidates whose results were to be declared would not know their result unless the Result notification prepared for declaration of Result was signed by the Deputy Registrar (Academic )/ Registrar and the copies of the same were forwarded to the offices/ officers etc. as stated above. Therefore, according to him, the Ph.D. candidates Ku. Swati G. Bharad, and Shri A.D. Warade, could not have known their Result on 13.6.2005 although on that date the Vice-Chancellor had approved and signed the Manuscript of the Result Notification (Ex904-A) which was at page 67/C of the file (Ex.904) because the Result Notification for declaration of their Result (Ex.904B) was actually prepared and was signed by Dr.Vandan Mohod, on 14.6.2005 although, according to the practice in the University, the said Result notification for declaration of Result (Ex.904-B) bore the same date which was put upon the Manuscript of the Result Notification (Ex.904-A) i.e. the date on which the Vice-Chancellor had approved and signed the said Manuscript of the Result notification (Ex. 904-A). He then stated that it was thereafter that the copies of the said Result Notification prepared for declaration of Result signed by the Registrar (Ex.904-B) were circulated to the officers / offices mentioned on the backside of the said copies and also to the concerned tables in the Examination section. He, also stated that the above candidates, could therefore, know their Result only when the

copies of the Result Notification (Ex.904-B) were circulated as stated above on 15<sup>th</sup> or 16<sup>th</sup> June 2005.

**464)** Shri P.T. Muley, ASO (Exam. Section ) stated in para 15 of his affidavit dated 20.4.2009 (Ex.914) that he now recollected that Dr.Vandan Mohod, the then Deputy Registrar (Academic) / Registrar had called him in his office of the Deputy Registrar (academic ) in the afternoon on 14.6.2005 and had handed over to him the said file (Ex.904) relating to the Result Notification of the Ph.D. candidates (Regular). He told him that the Vice-Chancellor had signed the Manuscript of the Result Notification (Ex904-A) on 13.6.2005. At that time according to him, the Assistant Registrar Shri A.S. Katre, who was sitting there in his office, asked Shri D.K. Bagde, Section Assistant (Exam.Section), to prepare the Result Notification for declaration of Result (Ex.904-B) in the proforma fed in his computer to be signed only by the Deputy Registrar (Academic) / Registrar for being issued to various officers/ offices mentioned on the back side of the xerox copy of the said Result Notification (Ex.904-B). He then stated that Shri D.K. Bagde, Section Assistant (Exam. Section), accordingly brought in the office of the Deputy Registrar (Academic ) computerized copy of the said Result Notification prepared by him for declaration of Result (Ex.904B). He also stated that in the said office itself he wrote on backside of page N/37 in the aforesaid file (Ex.904) the office note “notification may kindly be signed for issuing”. However, according to him, since he had hurriedly written the said note, he did not put the date below his signature and so also the Assistant Registrar who signed it then and there but the Deputy Registrar/ Registrar Dr.Vandan Mohod, who signed the said office note mentioned the date 14.6.2005 below his signature. Further, according to him, the Deputy Registrar/ Registrar, simultaneously signed the Result Notification (Ex.904-B) which was put-up for his signature as per his aforesaid note. He then stated that although on 14.6.2005 there were interviews of SRA/JRA in which Dr.Vandan Mohod, was present as the Registrar and the Member Secretary of the Selection Committee, he had come to his office of Deputy Registrar (Academic) in the Examination Section on that date in the afternoon between 4.30 p.m. to 6.00 p.m. He thus stated in the said para 15 of his aforesaid affidavit that a copy of the Result Notification signed by the Deputy Registrar (academic)/ Registrar (Ex.904-B) about the declaration of the Result of the above candidates Ku. Swati G. Bharad and Shri A.D. Warade was not ready before 14.6.2005 much less on 13.6.2005.

**465)** Shri P.T. Muley, ASO (Exam. Section) stated in para 16 of his aforesaid affidavit dated 20.4.2009 (Ex.914) that no account was kept of the number of xerox copies of the Result Notification (Ex.904-B) prepared for being despatched to the concerned officers/ offices and their distribution upon the concerned tables in the Examination section. He however, admitted that he had kept two spare copies of the said Result Notification (Ex.904-B) in his aforesaid file Ex.904 one for the said file itself (Ex.904) and another for Chancellor for the purpose of convocation. As regards the preparation of the xerox copies



of the said Result Notification (Ex.904B) for their communication to various officers/offices etc. according to him, they must have been prepared on 14<sup>th</sup> or 15<sup>th</sup> June 2005 after the said Result Notification (Ex.904-B) was signed by the Registrar on 14.6.2005.

**466)** Shri P.T. Muley, ASO (Exam.Section) stated in para 18 of his affidavit dated 20.4.2009 (Ex.914) that he was on leave on 9.6.2005 and 10.6.2005 sanctioned by the Deputy Registrar (General Admn.) as per his leave application dated 9.6.2005 (Exs.911 to 913). He also stated that 11<sup>th</sup> and 12<sup>th</sup> June 2005 being 2<sup>nd</sup> Saturday and Sunday were holidays and therefore after his leave, he joined his duties on 13.6.2005 at 10.00 A.M.

**467)** After going through his affidavit dated 20.4.2009 (Ex.914) but before swearing it, he surprisingly stated in the last para 19 of his aforesaid affidavit that as regards his statement in para 11 as well as in para 15 of his aforesaid affidavit about being called in the office of the Deputy Registrar at about 4 “O” Clock in the afternoon on 14.6.2005, preparing his office note there in the concerned file (Ex.904) which as stated by him therein was on the table of the Deputy Registrar (academic ), getting prepared the Result Notification for declaration of Result then and there, and getting the signatures of the Deputy Registrar/ Registrar Dr.Vandan Mohod, upon them at that time, he stated that he was now confused about the same.

**468)** Shri A.S. Katre, was the Assistant Registrar (Exam.Sec.) during the relevant time. He filed the affidavit dated 7.4.2009 (Ex.907) in para 1 of which as regards the procedure of verification of marks of Ph.D. candidates, he corroborated the procedure followed about it as described by Shri D.K. Bagde, Section Assistant (Exam.Section) in his affidavit dated 13.4.2009 (Ex.910). Similarly, as regards the procedure followed by ASO (Exam. Section) after the receipt of the Manuscript of the Result Notification from the Section Assistant (Exam. Section) till its approval by the Vice-Chancellor and thereafter till the Result Notification prepared for declaration of Result is issued by the Registrar, he corroborated in para 2 of his aforesaid affidavit, the said procedure as described by Shri P.T. Muley, ASO (Exam. Section) in paras 2 and 3 of his affidavit dated 20.4.2009 (Ex.914).

**469)** After seeing the office note of Shri P.T. Muley, ASO (Exam.Section) dated 6.6.2005 at page N/37 of the file (Ex.904) relating to the Manuscript of the Result Notification of the Ph.D. candidates Ku. Swati G. Bharad and Shri A.D. Warade (Ex.904-A) seeking approval and signature of the Vice-Chancellor upon the said Manuscript of the Result Notification (Ex.904-A). Shri A.S. Katre, the Assistant Registrar (Exam.) stated in para 3 of his affidavit dated 7.4.2009 (Ex.907) that Shri P.T. Muley, ASO (Exam.Section ) forwarded his aforesaid office note dated 6.6.2005 through him, Deputy Registrar (academic), Registrar, and Dean (PGS), to the Vice-Chancellor. He then stated that the said office note dated 6.6.2005 was approved by the Registrar on 7.6.2005 and although the Dean (PGS) and the Vice-Chancellor had thereafter approved and signed it they did not put

any date below their signatures. He further stated that he would not be able to tell on which date they signed it in token of its approval by them.

**470)** Shri A.S.Katre, stated in para 4 of his affidavit dated 7.4.2009 (Ex.907) that the said file (Ex.904) containing the office note of Shri P.T. Muley, ASO (Exam. Section) dated 6.6.2005 at page N/37 and the Manuscript of the Result Notification of the above Ph.D. candidates (Ex.904-A) at page 67/C was returned back to Shri P.T. Muley, ASO (Exam. Section) through the same channel by which it was sent to the Vice-Chancellor but he would not be able to tell when it was returned to him as there was no date upon his office note regarding it. Perusal of para 4 of his aforesaid affidavit would show that as regards the question of preparation of the Result Notification for declaration of Result, he corroborated the version of Shri P.T. Muley, ASO (Exam. Section) that he asked Shri D.K. Bagde, Section Assistant (Exam.Section) to prepare it and give him its computerized copy with only the designation of the Registrar and that he had accordingly handed over to him such computerized copy of the Result Notification (Ex.904-B) for declaration of Result of the above candidates. Shri D.K. Bagde, Section Assistant (Exam. Section) however, stated in this regard in para 13 of his affidavit dated 13.4.2009 (Ex.910) that the said Result Notification for declaration of Result of the above candidates (Ex.904B) signed only by the Registrar was prepared by Shri P.T. Muley, ASO (Exam. Section) himself by using his computer in which the proforma of its Manuscript was fed.

**471)** Shri A.S. Katre, Assistant Registrar (Exam.) further stated in the aforesaid-4 of his affidavit dated 7.4.2009 (Ex.907) that after receipt of the computerized copy of the Result Notification with only the designation of the Registrar (Ex.904-B) for declaration of Result, Shri P.T. Muley, ASO (Exam.Section ) wrote on the backside of page C/37 in the file (Ex.904) an office note which read “Notification may kindly be signed for issuing” but he did not put any date below his signature upon the said office note. According to him, when his aforesaid office note was forwarded to through him for the signature of the Registrar upon the Result Notification for declaration of Result (Ex.904B) referred to above, he also put his signature upon the said office note but did not mention the date below it. However, when it was forwarded to the then Deputy Registrar/ Registrar, Dr. Vandan Mohod, he not only approved and signed it but also put the date 14.6.2005 below his signature. According to him, he then signed the Result Notification for declaration of Result (Ex.904B) also.

**472)** Shri A.S.Katre, Assistant Registrar (Exam. Section) stated in para 5 of his aforesaid affidavit dated 7.4.2009 (Ex.907) that the date 13.6.2005 written upon the Manuscript of the Result Notification of the above Ph.D. candidates (Ex.904-A) at page 67/C of the file (Ex.904) was in the handwriting of the concerned ASO, (Exam. Section) Shri P.T. Muley. After seeing the Result Notification for declaration of Result of the above Ph.D. candidates (Ex.904-B) on page 69/C of the aforesaid file (Ex.904) he stated that it was signed by the then Registrar, Dr.Vandan Mohod, on 14.6.2005 as already stated by him. He further stated

that on each Result Notification prepared for declaration of Result, either he or the concerned ASO (Exam.Section) Shri P.T. Muley, would put his initials because unless they did so the Registrar would not sign the said Result Notification. He thus stated that accordingly, therefore, he put his initials upon the aforesaid Result Notification for declaration of Result (Ex-904-B).

**473)** Shri A.S. Katre, Assistant Registrar (Exam.) further stated in the said para 5 of his affidavit dated 7.4.2009 (Ex.907) that there was computerized date upon the Result Notification for declaration of Result of the above Ph.D. candidates (Ex.904-B). It is pertinent to see that he admitted thereafter that he had made correction in the said computerized date upon the aforesaid Result Notification (Ex-904-B) prepared for declaration of Result of the above Ph.D. candidates by writing in ink the date “13” thereon (Ex.904-B) since the approval of the Vice-Chancellor as shown in the Manuscript of the said Result Notification (Ex.904-A) was on 13.6.2005. He however, stated after seeing the computerized date upon the said Result Notification for declaration of Result (Ex.904-B) that he would not be able to tell what the said computerized date upon the Result Notification (Ex.904B) was. But, according to him, the computerized date upon the said Result Notification prepared for declaration of Result (Ex.904-B) would not be prior to 13.6.2005 on which date the Vice-Chancellor had signed the Manuscript of the Result Notification (Ex.904-A) in token of his approval but it would be after the said date. Further, that according to him, it would bear the date 14 or 15-6-2005 particularly when the then Registrar Dr.V.K. Mohod, signed it on 14.6.2005. He admitted in para 6 of his aforesaid affidavit that the correction made in the spelling of the word “Genetics” by adding the letter “e” therein in the column “Subject of Specialization” in the said Result Notification prepared for declaration of Result (Ex.904-B) was made by him in his own handwriting. He then stated that he made the same corrections in the second copy of the Result Notification (Ex.904B) prepared for making its xerox copies for being sent to the offices/persons mentioned on its backside.

**474)** As regards the manner of declaration of Result, Shri A.S. Katre, the Assistant Registrar (Exam.) stated in para 7 of his affidavit dated 7.4.2009 (Ex.907) that the copies of the Result Notification (Ex.904-B) signed by the Registrar for declaration of Result were forwarded to the concerned officers/ offices as mentioned on its backside. Further, according to him, there was notice board in the Examination section upon which also the copy of the Result Notification (Ex.904-B) for declaration of Result was put-up for the benefit of the students but he did not know whether the copy of the Result Notification about the declaration of Result of the candidates Ku. Swati G. Bharad and Shri A.D. Warade (Ex.904-B) was put-up upon the notice board in the Examination section or upon the notice board of the college or the office of the PGI. He however, made it clear that the copy of the Result Notification for declaration of Result is not given to the candidate and he

has to apply for getting Provisional Degree Certificate (PDC) if he needs his Result urgently. He further stated that as per the practice in the University they mentioned upon the Result Notification prepared for declaration of Result by the Registrar, the same date on which the Vice-Chancellor had signed the Manuscript of the Result Notification indicating his approval to the same.

**475)** After Shri A.S. Katre, the Assistant Registrar (Exam.) had seen the xerox copy of the Result Notification dated 13.6.2005 (Ex.864) annexed to the affidavit of Ku. Swati G. Bharad, dated 9.6.2009 (Ex.865) in this Enquiry and read her aforesaid affidavit also, he stated in para 8 of his affidavit dated 7.4.2009 (Ex.907) that the copy of the Result Notification in the first place was not given to any candidate and therefore it could not have been given to her as stated by her in her aforesaid affidavit and secondly, according to him, when the Vice-Chancellor had signed the Manuscript of the Result Notification (Ex.904A) on 13.6.2005 itself, the Result Notification prepared thereafter for declaration of the Result (Ex.904-B) could not have been ready in the Morning on 13.6.2005 itself and she could not have been therefore, given the copy of the said Result Notification in the Morning on 13.6.2005 as stated by her in her aforesaid affidavit. He however, stated that he would not be able to tell how she received the copy of the Result Notification (Ex.864) which she had produced in this Enquiry. Further, according to him, they did not know till date that she received the xerox copy of the Result Notification dated 13.6.2005 (Ex.864) about the declaration of her Result as stated by her in her aforesaid affidavit. He specifically stated in the said para 8 that he did not give on the date of her interview i.e. 13.6.2005 or any day thereafter the copy of the Result Notification annexed by her to her aforesaid affidavit (Ex.865) and marked as Ex.864 in this Enquiry. As regards the question as to how she received the copy of the Result Notification (Ex. 864) annexed by her to her aforesaid affidavit (Ex.865) and who handed over to her the said copy, according to him, the University would have to make enquiry particularly when the copy of the Result Notification was not given to any candidate by the University.

**476)** Shri A.S. Katre, Assistant Registrar (Exam.) then stated in the said para 8 of his affidavit dated 7.4.2009 (Ex.907) that although the correction in the date i.e. "13" upon the said copy of the Result Notification (Ex.864) was in his handwriting and his initials also appeared below the signature of the Registrar upon the same, there was no correction made in the spelling of the word "Genetics" by adding the letter "e" to it in the column relating to "Subject of Specialization" therein although he made such correction in the xerox copies of the Result Notification dated 13.6.2005 (Ex.904-B) to be forwarded to the various offices/officers whose names appeared on its backside.

**477)** In his earlier affidavit dated 24.2.2009 (Ex.851), Shri A.S. Katre, the Assistant Registrar, admitted that in the Register of marks (Ex.886) of Ph.D. students (Ex.886), on page-10 relating to the Ph.D. student Shri A.D. Warade, as the date, month and year of

verification of his marks entered by the concerned clerk was not clear and legible, he corrected the same by encircling the original entry under his signature.

**478)** Dr. Vandan Mohod, the then Registrar/ Member Secretary of the Selection Committee, was also issued notice to appear in this Enquiry for his interrogation and statement in this regard. During his interrogation and statement it was revealed that besides the file relating to the Result Notification (Ex.904), there were two other files relating to the Result Notifications which were also sent to the Vice-Chancellor in the said closed cover and that according to him, the Vice-Chancellor had put his signatures upon the Manuscript of the Result Notification in each of the said files on 9.6.2005 and not on 13.6.2005. Hence his interrogation and statement and filing of his affidavit on the lines of the same was postponed for making enquiry in this matter. Accordingly, as per the notice issued to him, again Shri P.T. Muley, ASO, (Exam. Section) filed in this Enquiry on 21.4.2009 two more files relating to the Result Notifications which were taken on record, one file about the Result Notification of M.Tech. (Agril.Engg.) candidate marked as Ex.931, and another, about the Result Notification of M.Sc. (Agri.) candidates marked as Ex.932 in this Enquiry.

**479)** As regards the aforesaid three files (Exs. 904, 931, and 932) relating to the Result Notifications of the Ph.D. candidates, the M.Tech. (Agril.Engg.) candidates and M.Sc. (Agri.) candidates respectively, they were sent by Shri P.T. Muley, ASO (Exam. Section) on 7.6.2005 to the Registrar for his approval of the Manuscript of the Result Notification in each of the said files (Exs. 904, 931 and 932) as shown in entry at S.no. 382 of the Outward Register of the Examination Section (Ex.915) Xerox copy of the relevant page of which is filed by him with his affidavit dated 20.4.2009 (Ex.914). On 7.6.2005 after his signature, the Registrar's office sent the said closed cover containing the above three files (Exs. 904, 931 and 932) to the office of the Dean (PGS) which received them on the same date i.e. 7.6.2005 as shown in entry at S.no. 272 in the Outward Register of the Registrar's office meant for offices other than the office of the Vice-Chancellor (Ex.921), the xerox copy of the relevant page of which is enclosed with the affidavit of Shri AV. Nand, P.A. to the Registrar, dated 23.4.2009 (Ex.934). After receipt of the said files in the office of the Dean (PGS) on 7.6.2005, and after his signatures therein, they were sent back to the Registrar's office on the same day as per entry no.436 in the file Movement Register of the said office (Ex.923), the xerox copy of the relevant page of which is annexed to the affidavit of Shri A.H. Joshi, Section Assistant in the office of the Dean (Agri.), dated 23.4.2009 (Ex.935). The Registrar then sent them to the office of the Vice-Chancellor in the said closed cover which was received by his office on 7.6.2005 itself as shown in the entry no.517 of the outward Register of the Registrar's office maintained specially for the office of the Vice-Chancellor (Ex.922), the xerox copy of the relevant page of which is annexed to the aforesaid affidavit of Shri A.V. Nand, PA to the Registrar. The Movement Register maintained in the office of the Vice-Chancellor (Ex.926) the xerox copy of the relevant

page of which is annexed to the affidavit of Shri V.A. Khande, ASO, in the office of the Vice-Chancellor dated 23.4.2009 (Ex.937) shows that as per the entry no. 1358 therein the closed cover containing the said three files was received by the Vice-Chancellor's office on 7.6.2005 and was sent to the office of the Dean on 9.6.2005 and was received by it on the same day i.e. 9.6.2005 as shown in the xerox copy of the Dak-book (Ex.927) annexed to the aforesaid affidavit of Shri V.A. Khande, ASO dated 23.4.2009 (Ex.937).

**480)** Perusal of the affidavit of Shri V.S. Deshmukh, P.A. to the then Vice-Chancellor, Dr.PDKV, Akola dated 23.4.2009 (Ex.936) would show that the closed confidential cover bearing no. Reg/517/05 was sent as per the usual practice to the residence office of the Vice-Chancellor on 8.6.2005 in the evening after office hours for his signature after its receipt in the Vice-Chancellor's office on 7.6.2005 from the office of the Registrar. It also shows that he did not know the subject and the number of files contained in the closed cover referred to above. According to him, the Vice-Chancellor put his signatures on the files contained therein on 8.6.2005 in the evening office hours i.e. from 6.30 P.M. to 10.00 P.M. as he was in the Head quarters during that period. Perusal of tour diary of the Vice-Chancellor (Ex.920) filed by him with his aforesaid affidavit would show that on 7.6.2005 on which the aforesaid closed cover containing three files was received in his office, the Vice-Chancellor was in Nagpur and it was on 8.6.2005 at 2.30 P.M. that he left Nagpur and reached Akola at 6.30 P.M. on the same day. It would further show that he started from Akola at 10.00 P.M. on the same day i.e. 8.6.2005 and reached Parbhani at 2.00 a.m. at Night on 9.6.2005 and it is on 12.6.2005, that he left Parbhani at 3.00 P.M. in the afternoon and reached Akola at 7.30 P.M. on the same day i.e. 12.6.2005. It appears from his tour diary that he was continuously on tour thereafter also as shown therein.

**481)** Shri V.S. Deshmukh, PA to the Vice-Chancellor, stated in his aforesaid affidavit dated 23.4.2009 (Ex.936) that after the signatures of the Vice-Chancellor in the evening hours from 6.30 P.M. to 10.00 P.M. on 8.6.2005 upon the said files, they were sent to the office of the Dean (PGS) on 9.6.2005 as per entry no. 1358 of the Movement Register of his office (Ex.926) referred to above. What is important to be noticed in his affidavit is that he did not remember whether any enquiry was made by the Registrar / Deputy Registrar (academic), the Assistant Registrar or any other staff member whether the Vice-Chancellor had put his signatures upon the office note and the Manuscript of the Result Notification contained in each of the files in the said close cover.

**482)** It appears from the file Movement Register of the office of the Dean (PGS) (Ex.924) the xerox copy of the relevant page of which is enclosed with his affidavit dated 23.4.2009 (Ex.935) by Shri A.H. Joshi, Section Assistant in the office of the Dean (Agri.) that as per the entry no.455 relating to the closed cover no. VC/1358/05 dated 9.6.2005 received by the Dean's office on the same day i.e. 9.6.2005, the said closed cover containing three files relating to the Result Notification was received personally by Shri

B.N. Kulkarni, Peon in the Office of the Deputy Registrar (academic) on 14.6.2005 in Dean's office as is clear from his signature upon the said Movement Register of the Dean's office (Ex.924) and the date put by him below his signature. The said Shri B.N. Kulkarni, Peon in the office of the Deputy Registrar (Exam.) filed his affidavit dated 23.4.2009 (Ex.938) in this Enquiry in which he stated that he was Attendant in the office of the Deputy Registrar (academic) and that he received the closed cover containing three files relating to the Result Notification bearing no. 455 on 14.6.2005 in the office of the Dean (PGS) and that he signed the Movement Register of the said office (Ex.924) but through mistake had put the date 13.6.2005 below his signature which he corrected as 14.6.2005 in the said Movement Register (Ex.924). He then stated that after receiving the said closed cover, he handed over the same to the then despatcher of his office for further action.

**483)** As the affidavit of Shri B.N. Kulkarni, Peon, in the office of the Deputy Registrar (academic) dated 23.4.2009 (Ex.938) was not clear on the question whether the said closed cover was sent by the Dean's office to the office of the Deputy Registrar (academic) and was received there by him or whether he had gone to the Dean's office and received it there, he filed additional affidavit dated 14.5.2009 (Ex.940) as directed. He stated in para 1 thereof that the Movement Register of the office of the Dean (PGS) remains in his office. He then stated in para 2 thereof that the Assistant Registrar (Exam.Section) sent him to the Dean's office to bring the said closed cover containing three files about the Result notifications and therefore his signature was taken upon the file Movement Register of the said office in token of receipt of the said closed cover. According to him, if any dak is urgent, he is sent by the Deputy Registrar or Assistant Registrar of his section to bring such dak from the office concerned in which case his signature is obtained upon the file Movement Register of the said office. Lastly, he stated that he first handed over the said closed cover to the despatcher and then to the Assistant Registrar (Exam.Section) as directed by him.

**484)** Turning to the additional affidavit of Shri P.T. Muley, ASO (Exam.Section) dated 30.4.2009 (Ex.939), he stated in para 1 thereof that the said three files about the Result Notifications of the Ph.D., M.Tech. (Agril.Engg.) and M.Sc. (Agri.) students which were brought from the office of the Dean (PGS) by the Peon, Shri Kulkarni of the office of Deputy Registrar (academic) were handed over to him as ASO concerned in the Examination Section who was allotted the work of preparation of results of all the Examinations declared by the University. He then stated that he had already produced one such file relating to the Result Notification of the Ph.D. candidates (Ex.904) in this Enquiry and as regards the remaining two files, he had produced them in this enquiry on 21.4.2009 marked as Exs. 931 and 932. According to him, one file (Ex.931) was about the Result Notifications of M.Tech. (Agril.Engg.) candidates and another (Ex.932) was about the Result Notifications of M.Sc. (Agri.) candidates.

**485)** Perusal of the file (Ex.931) relating to the Result Notifications of M.Tech. (Agril. Engg.) candidates would show that Shri P.T. Muley, ASO (Exam.Section), had written for approval of the Manuscript of the Result Notification of M.Tech. (Agril.Engg.) candidate Shri V.V. Khambalkar, by the Vice-Chancellor the office note on 6.6.2005 i.e. the date on which he had written the office note for approval of the Manuscript of the Result Notification of the aforesaid Ph.D. candidates in the file (Ex.904). The said office note dated 6.6.2005 is at page 21/N and the Manuscript of the Result Notification of the above M.Tech. (Agril.Engg.) candidate marked as Ex. 916 in this Enquiry is at page 29/C of the said file (Ex.931). As regards the other file (Ex.932) which is in respect of M.Sc. (Agri.) candidates, Shri P.T.Muley, ASO (Exam.Section) had written the office note in respect of approval of the Vice-Chancellor to the Manuscript of the Result Notification of three M.Sc. (Agri.) candidates also on the same day i.e. 6.6.2005. The said office note dated 6.6.2005 is at page 29/N and the Manuscript of the Result Notification of M.Sc. (Agri.) candidates marked as Ex.918 in this Enquiry is at page 89/C of the said file (Ex.932).

**486)** As regards the approval and signature of the Registrar upon the Result Notification prepared for declaration of Result regarding the above M.Tech. (Agril. Engg.) candidate, the office note is written by Shri P.T. Muley, ASO (Exam.Section) on the back side of page 21/N of the file (Ex.931) and the said Result Notification prepared for declaration of Result marked as Ex.917 in this enquiry is included at page 31/C of the said file (Ex.931). Similarly, the office note for approval and signature of the Registrar upon the Result Notification prepared for declaration of Result of M.Sc.(Agri.) candidates is on the backside of page 29/N of their file (Ex.932) and the Result Notification prepared for declaration of their Result marked as Ex.919 in this Enquiry is included at page 91/C of the said file (Ex.932).

**487)** Shri P.T. Muley, ASO (Exam.Section) stated in para 1 of his aforesaid affidavit dated 30.4.2009 (Ex.939) that after he wrote the aforesaid office notes dated 6.6.2005 for approval of the Vice-Chancellor to the Manuscripts of the Result Notifications of the candidates (Exs.916 and 918) included in their files (Exs. 931 and 932) respectively, the said files were forwarded to the Vice-Chancellor through the Assistant Registrar, Deputy Registrar (academic), Registrar and Dean (PGS) and they were returned to him on 14.6.2005 after the signatures of the Vice-Chancellor upon his office notes dated 6.6.2005 contained in the said files (Exs. 931 and 932). Perusal of the said files (Exs. 931 and 932) would however, show that no date is put below his signatures by the Vice-Chancellor upon the said office notes dated 6.6.2005 in the said files (Exs.931 and 932). As regards the Result Notifications for declaration of Result of the candidates concerned in the said two files (Exs. 931 and 932), he stated that the then Registrar Dr.Vandan Mohod, signed his office notes about them in the said files (Ex.931 and 932) as well as their Result Notifications for declaration of their result on 14.6.2005.



**488)** Shri P.T. Muley, stated in para 2 of his affidavit dated 30.4.2009 (Ex.939) that as regards the date upon the Manuscript of the Result Notification of M.Tech. (Agril.Engg.) candidate (Ex.916), he had initially put the date 14.6.2005 but then corrected it to 13.6.2005 as per the instructions of the Assistant Registrar (Exam.) Shri A.S. Katre. According to him, he did not make any enquiry as to when the Vice-Chancellor had signed the said Manuscript of the Result Notification of M.Tech. (Agril.Engg.) candidate (Ex.916) and it was only as per the instructions given by the Assistant Registrar (Exam.) Shri A.S.Katre, that he had put the date 13.6.2005 upon the said Manuscript of the Result Notification of M.Tech. (Agril.Engg.) candidate (Ex.916). As regards the Result Notification for declaration of Result of the M.Tech. (Agril.Engg.) candidate (Ex.917) included in the file (Ex.931), he stated that the original date upon it was 14.6.2005 which was corrected to 13.6.2005 by the Assistant Registrar (Exam.), Shri A.S. Katre, in his own handwriting. He had also put his initials below the signature of the Registrar upon it. He then stated that the xerox copies of the Result Notification for declaration of Result (Ex.917) were thereafter forwarded on 15<sup>th</sup> or 16<sup>th</sup> June 2005 to the offices/ officers concerned as mentioned on their backside. He also stated that he did not give any copy of the said Result Notification prepared for declaration of Result (Ex.917) to the student concerned whose Result was declared as per the said Result Notification (Ex.917) viz. Vivek Kumar Prakash Khambalkar at any time much less on 13.6.2005 or 14.6.2005.

**489)** As regards the third file (Ex.932) Shri P.T. Muley, A.S.O. (Exam.Section) stated in para 3 of his aforesaid additional affidavit dated 30.4.2009 (Ex.939) that it was about the Result Notification of the candidates for M.Sc. (Agri.) degree Examination (Ex.919) and there were three candidates concerned viz. Ku. Seema Kukde, Ku. Rakhi Ishwarlalji Somkuwar, and Ritesh Babanrao Date, whose Result about their M.Sc. (Agri.) degree Examination was to be declared. He then stated that after the Manuscript of their Result Notification (Ex.918) was signed by the Vice-Chancellor, he put the date 9.6.2005 upon it. He however, stated that he was on leave on 9.6.2005 but he had actually put the said date on 14.6.2005 as told to him by the Assistant Registrar (Exam.). He further stated that originally the computerized date upon the Result Notification for declaration of Result signed by the then Registrar Dr.Vandan Mohod, (Ex.919) was 14.6.2005 which was corrected as 13.6.2005 by Shri A.S. Katre, the Assistant Registrar (Exam.) in his own handwriting. According to him, he had also put his initials below the signature of the then Registrar Dr.Vandan Mohod, upon it. Further, according to him, he did not hand over the copies of the said Result Notification to the above candidates at any time.

**490)** Shri P.T. Muley, ASO (Exam. Section) stated in para 4 of his affidavit dated 13.4.2009 (Ex.939) that as regards the date 13.6.2005 put upon the Manuscript of the Result Notification of the Ph.D. candidates in question i.e. Ku. Swati G. Bharad and Shri A.D. Warade (Ex.904-A), the said date was put by him in his own handwriting as told to

him by Shri A.S. Katre, the Assistant Registrar (Examination) and that he did not make any enquiry about it. He however, stated that he put the said date 13.6.2005 upon the said Manuscript of the Result Notification (Ex.904-A) actually on 14.6.2005 since he had received the file relating to the Result Notifications of the Ph.D. candidates (Regular) (Ex.904) on that day i.e. 14.6.2005 on which date itself it was received in the office of the Deputy Registrar (Academic) as was clear from the signature of Shri Kulkarni, Peon of the said office upon the file Movement Register of the office of the Dean (Ex-924). He then made it clear in para 5 of his aforesaid affidavit that he did not take personally the closed cover containing the aforesaid three files (Exs. 904, 931 and 932) relating to the Result Notifications of the concerned candidates therein to Dean (PGS) on 7.6.2005 and the said files were not returned to him personally on the said date by the office of the Dean (PGS). According to him, had the said files been handed over to him after the signature of the Dean thereon they would have taken his signature upon the Dak Register and / or file Movement Register of the said office.

**491)** In pursuance to the notice issued to him, Dr.Vandan Mohod, who held during the relevant time, additional charge of the post of Deputy Registrar (academic), and also additional charge of the post of Registrar during the relevant period from 11.6.2005 to 28.11.2005 filed the additional affidavit dated 11.6.2009 (Ex.943) on the lines of his interrogation and statement in this Enquiry in regard to the procedure followed in the University for declaration of Result of Ph.D. candidates and in particular declaration of Result of Ph.D. candidates Ku. Swati G. Bharad and Shri A. D. Warade. He described in paras 2 and 3 of his aforesaid affidavit the procedure for preparation of the Manuscript of the Result Notification to be approved by the Vice-Chancellor after verification of the marks of the candidates by the Result Committee and thereafter i.e. after the approval of the Manuscript of the Result Notification by the Vice-Chancellor, the procedure followed in the University for declaration of Result by the Registrar as provided in para 30 (B) (vii) read with para 33 of the Regulation AC/8 (Ex.32). Perusal of the said paras 2 and 3 of his aforesaid affidavit would show that according to him also, the procedure followed in the University about the declaration of Result is similar to the procedure described in their affidavits by Shri D.K. Bagde, Section Assistant and Shri P.T. Muley, ASO in the Examination Section except for what he stated in para 4 thereof. He stated therein that many times the Vice-Chancellor was on tour and it took sometime for the file to move back to the ASO concerned after his approval to the Manuscript of the Result Notification. He then stated that many candidates including Ph.D. candidates who were eager to know their Results rushed to the Examination Section to know them and in such contingencies if the Results of the PG and /or Ph. D. candidates were ready for being declared in the sense that it was learnt from the Vice-Chancellor or his office that he had approved the Manuscript of the Result Notification by signing it then without waiting for the file to come back to ASO

concerned in the Examination Section and without waiting for his office note and the Result Notification prepared by him for declaration of Result to be forwarded to him, the results of the candidates which were approved by the Vice-Chancellor by signing the Manuscript of their Result Notification were immediately declared by him by signing and issuing the Result Notification prepared for declaration of Result. He however, made it clear that no Results were declared unless the Vice-Chancellor had approved the Manuscript of the Result Notification by signing it.

**492)** As regards the declaration of Result of the candidates, Dr.Vandan Mohod, Deputy Registrar/ Registrar, stated in para 5 of his additional affidavit dated 11.6.2009 (Ex.947) that before he took the additional charge of the post of Deputy Registrar (academic), there was no practice in the University to affix the copy of the Result Notification of the candidates upon the notice board in the Examination Section. But according to him, after he took the additional charge of the said post of the Deputy Registrar (academic), he installed the notice board in the Examination section and the Results of the candidates were thereafter notified upon the said notice board in the Examination Section after they were declared. He further stated that since many students came in the Examination Section to make enquiry about their Results, the Enquiry counter was installed by him in the Examination Section so that there was no pressure of the students upon the other staff in the Examination Section. He then stated in para 6 of his aforesaid affidavit that after declaration of the Result, if any student needed degree certificate, he could apply for getting PDC Transcript etc. upon payment of fees for the same. Otherwise, according to him, in normal course he would get Ph.D. degree at the time of convocation or in absentia. What is important to note in the said para 6 is that he also stated that a copy of the Result Notification was not given to any candidate.

**493)** As regards the declaration of Result of the Ph.D. Candidates Ku. Swati G. Bharad and Shri Atul D. Warade, Dr. Vandan Mohod, the Deputy Registrar/ Registrar stated in para 7 of his additional affidavit dated 11.6.2009 (Ex.943) that he had seen the file relating to declaration of Result of Ph.D. candidates (Regular) (Ex.904) and in particular the office note therein of the ASO Shri P.T.Muley, dated 6.6.2005 at page N/37 thereof, according to which, the Result of the above two candidates who had successfully completed their Ph.D. course was to be approved by the Vice-Chancellor and declared as per the provisions of para 30B (vii) read with para 33 of the Regulation no. AC/8 (Ex.32). He then stated that he had put his signature as Deputy Registrar (Academic) and the then Registrar upon the said office note dated 6.6.2005 on 7.6.2005 whereafter the said file (Ex.904) was forwarded to the Dean (PGS) and thereafter to the Vice-Chancellor who had also put their signatures in token of their approval of the said office note but no date was put by them below their signatures. He further stated that after the said file (Ex.904) came back to the ASO Shri P.T. Muley, he had written a note “Notification may kindly be signed for issuing” upon the

backside of page N/37 of the said file (Ex.904) and although he himself and the Assistant Registrar did not put any date below their signatures upon the said office note, when it was placed before him as the then Registrar he put his signature and also the date 14.6.2005 below it.

**494)** Dr.Vandan Mohod, Deputy Registrar/ Registrar stated in para 8 of his aforesaid additional affidavit dated 11.7.2009 (Ex.943) that he had seen the Manuscript of the Result Notification (Ex.904-A) at page 67/C of the aforesaid file (Ex.904) and in particular he had seen the date upon the said Manuscript (Ex.904-A), which is in ink. He then stated that it was true that the date upon the Manuscript of the Result Notification was ordinarily written in ink because it was only after the Manuscript of the Result Notification came back to ASO with the signature of the Vice-Chancellor that he would know the date on which he had signed it in token of his approval. He also stated that the Manuscript of the Result Notification always bears the date on which the Vice-Chancellor had signed the same in token of its approval and therefore, the said date is put in ink by the concerned ASO. According to him, the date 13.6.2005 written in ink upon the aforesaid Manuscript of the Result Notification (Ex.904-A) of the above candidates was correct.

(At this stage recording of his interrogation and statement was postponed since Dr.Vandan Mohod, Deputy Registrar/ Registrar, wanted to verify the relevant records. His further statement was then recorded on 28.4.2009).

**495)** Dr. Vandan Mohod, the Deputy Registrar/ Registrar, thereafter stated in para 9 of his aforesaid affidavit dated 11.6.2009 (Ex.943) that there was no rule, regulation or any statute by which it was prescribed that the Manuscript of the Result Notification should bear the same date on which the Vice-Chancellor had signed it in token of his approval and similarly, there was also no rule, regulation or statute by which it was prescribed that the Result Notification prepared for declaration of Result must also bear the same date which was on its Manuscript i.e. the date on which the Vice-Chancellor had signed the said Manuscript. However, as per the convention, according to him, the Manuscript of the Result Notification would always bear the date on which the Vice-Chancellor had signed the same but as regards the Result Notification prepared for declaration of Result it would bear the date on which it was issued by the Registrar. He thus contradicted the statement made by the ASO, (Exam. Section), Shri P.T. Muley, and the Assistant Registrar (Exam.Section) Shri A.S.Katre, in paras 4 and 5 of their affidavits dated 20.4.2009 (Ex.914) and 7.4.2009 (Ex.907) respectively.

**496)** Dr.Vandan Mohod, the Deputy Registrar/Registrar stated in para 10 of his affidavit dated 11.6.2009 (Ex.943) that it was true that his office i.e. the office of the Deputy Registrar (academic) received on 14.6.2005 the closed cover from the office of the Dean (PGS) containing three files regarding the Result Notifications of the candidates as was

clear from the file Movement Register (Ex.924) of the office of the Dean (PGS) upon which there was signature and the date 14.6.2005 put below it by Shri Kulkarni, the Peon in his office. After pursuing the said files, he stated that he had already seen the file (Ex.904) relating to the Result Notifications of Ph.D. Candidates (Regular) as it was already filed in this enquiry. As regards the file (Ex.931) he stated that it was about the Result Notifications of M.Tech. (Agril.Engg.) candidates and as regards the other file (Ex.932) it was about the Result Notifications of M.Sc. (Agri.) candidates. He then stated that the Manuscripts of all the three Result Notifications (Exs. 904-A, 916 and 918) contained at pages 61/C, 29/C and 89/C in their respective files (Exs.904, 931 and 932) were signed by the Vice-Chancellor on 8.6.2005. However, according to him, perusal of the said Manuscripts of the Result Notifications (Exs. 904-A, 916 and 918) showed that the Manuscripts of the Result Notifications of Ph.D. candidates (Ex.904-A) and M.Tech. candidate (Ex.916) bore the date 13.6.2005 but the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) bore the date 9.6.2005.

**497)** Dr.Vandan Mohod, the Deputy Registrar (academic) / Registrar stated in para 11 of his aforesaid additional affidavit dated 11.6.2009 (Ex.943) that as the Deputy Registrar (academic) he was authorized to issue the Result Notification about the declaration of Result and since the students concerned would keep on asking him about their Results, he would keep on enquiring from the Vice-Chancellor or his PA whether the Vice-Chancellor had approved and signed the Manuscript of their Result Notification so that their Result could be declared. He then stated that accordingly he might have enquired from the Vice-Chancellor either in the evening on 8<sup>th</sup> or in Morning on 9.6.2005 whether he had approved and signed the Manuscripts of the Result Notifications i.e. (Exs.904-A, 916 and 918) of the candidates whose aforesaid files (Exs.904, 913 and 932) were sent to him. According to him, because of the said enquiry, he came to know that the Vice-Chancellor had signed the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) in the evening on 8.6.2005 which were included in the aforesaid three files (Exs. 904, 931 and 932) respectively. He also learnt that the said three files were despatched by the office of the Vice-Chancellor to the office of the Dean (PGS) on 9.6.2005. He further stated that after receipt of the said information, he did not declare the Result of the above candidates on 9<sup>th</sup> or 10<sup>th</sup> June,2006. However, according to him, after receipt of the said information about the Vice-Chancellor signing the aforesaid Manuscripts of the Result Notifications (Exs. 904-A, 916 and 918), he must have called the officers concerned in his section and must have told them to prepare the Result Notifications for declaration of Result of the above candidates. He also stated that the students concerned must have come to him pressing for declaration of their Results but it appeared to him that either he might have been otherwise busy or the officers concerned might not have been available and therefore the Result

Notifications for declaration of Result of the above candidates were not issued on 9<sup>th</sup> or 10<sup>th</sup> June, 2005.

**498)** At this stage, it would be relevant to refer to para 16 of his aforesaid affidavit dated 11.6.2009 (Ex.943) which is on the lines of his interrogation and statement recorded on 11.6.2009. After seeing the log book no.7 for the year 2005-06 relating to the Ambassador no. MH-30-8777 marked as (Ex. 942) in this Enquiry, he stated in para 16 of his aforesaid affidavit that as shown on page-6 of the said log book, Shri R.B. Bali, the then Registrar of the University and he himself had started for Aurangabad at about 5.00 P.M. on 7.6.2005 and in the morning on the next day they went to Pune from where on 9.6.2005, they went to Solapur and came back to Akola on 10.6.2005 at about 2.00 Clock at night i.e. on 11.6.2005. He then stated that although he was not actually in Akola in the evening on 8.6.2005 or in the Morning on 9.6.2005, he had on his Mobile enquired from the Vice-Chancellor whether he had approved and signed the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) of the candidates whose aforesaid files were sent to him. He however, admitted that no useful purpose would have been served and the Result Notifications for declaration of Result of the above candidates could not have been issued during the aforesaid period when both he himself and the Registrar were out of station. In fact, according to him, since 11.6.2005 and 12.6.2005 were 2<sup>nd</sup> Saturday and Sunday and were holidays, the aforesaid Result Notifications for declaration of Result of the above candidates could not have been issued before 13.6.2005.

**499)** Turning now to para 12 of his aforesaid affidavit dated 11.6.2009 (Ex.943), Dr.Vandan Mohod, the Deputy Registrar/ Registrar stated therein that on 13.6.2005 he went to his office at about 9.30 or 9.45 A.M. in the morning after attending the function of the Pro-Chancellor of the University on that date. He then stated that on that day after he went to his office, no students had come to him to enquire about the declaration of their Result. He, however, learnt from the telephone call made by the Technical Secretary of the Vice-Chancellor at about 9.30 or 9.45 a.m. in the morning on that day i.e. 13.6.2005 that he had to act as Registrar and therefore as Member Secretary of the Selection Committee and had to go urgently in its meeting which was to commence from that day for interview of the candidates for the posts of SRA/JRA. He then stated that no officers or clerks of his office had come to see him at that time but there were files on his table presumably about the Result Notifications of the above candidates. According to him, as stated by him in para 16 of his aforesaid affidavit alongwith the Result Notifications of the above candidates, there were also other files on his table on that day. He also stated in the said para 16 that he knew that the Result Notifications for declaration of Result which were to be issued and which were put-up on his table for his signatures were the Result Notifications of the above candidates. Turning to para 12 of his aforesaid affidavit again, he stated therein that he put his signatures in the said files hurriedly and left for the meeting of the Selection Committee.

**500)** Dr. Vandan Mohod, the Deputy Registrar (academic)/ the Registrar, categorically stated in the aforesaid para 12 of his affidavit date 11.6.2009 (Ex.943) that he did not give the copy of the Result Notification to any of the candidates whose Results were declared by him on that date. In particular, according to him, Ku. Swati G. Bharad, had not come to him for enquire about her Result and that he had not handed over to her the copy of the Result Notification on that date. He then stated that he did not know what happened in his office as regards the above Result Notifications prepared for declaration of Result after he had signed them i.e. he did not know whether the copies of the said Result Notifications prepared for declaration of Result were taken out or not whether the copy of the same was put-up upon the notice board or not or whether their copies were sent to the concerned officers or offices or not. Referring to Regulation No. AC/8, he again stated that a copy of the Result Notification is not given to any student.

**501)** After seeing in this enquiry again the Result Notification of Ph.D. candidates Ku. Swati G. Bharad and Shri Atul D. Warade (Ex.904-B) i.e. the Result Notification for declaration of their Result, he admitted that there was correction in the date of the said Result Notification (Ex.904-B). He then stated that he found that there was some other date upon the said Result Notification (Ex.904B) which was corrected to 13.6.2005. He further admitted that if the said Result Notification for declaration of Result was prepared and signed by him on 13.6.2005, there was no reason to put-up a wrong date upon the said Result Notification. He, however, stated that it appeared to him that the said Result Notification (Ex.904-B) might have been prepared earlier presumably on 9.6.2005 and the date put-up upon the said Result Notification (Ex.904-B) might have been 9.6.2005 but as it was signed and issued by him on 13.6.2005, the said date was corrected as 13.6.2005.

**502)** Dr.Vandan Mohod, Deputy Registrar/ Registrar, stated in para 14 of his aforesaid affidavit dated 11.6.2009 (Ex.943) that he had then seen the file (Ex.931) relating to the Result Notification of M.Tech. candidate. In particular, according to him, he had seen the Manuscript of the Result Notification of Vivek Khambalkar (Ex.916) at page 29/C therein. He then stated that there was correction in the date put upon the said Manuscript of the Result Notification (Ex.916) because, earlier, there was some other date which was corrected to 13.6.2005. According to him, the said earlier date must have been 2<sup>nd</sup> June, 2006 because according to the practice followed in the Examination section before the date on which the members of the Result Committee would commence their work of verification of marks of the concerned candidates, the Manuscript of the Result Notification was kept ready as it had to be put before them for verification (in fact for their signatures) and therefore, the concerned clerk who had prepared the Manuscript of the Result Notification (Ex.916) must have put the date 2<sup>nd</sup> June, 2005, because the Members of the Result Committee were to come for verification of the marks on 3.6.2005 as was clear from the date put by one of the members of the said Result Committee upon it (Ex.916). He then

stated that he had also seen the Result Notification at page 31/C in the said file (Ex.931) prepared for declaration of Result and signed by him (Ex.917). According to him, there was also correction in the date of the said Result Notification for declaration of Result (Ex.917) as there was some other printed date upon it (Ex.917) which was corrected to 13.6.2005. He then stated that it was not possible for him to tell which date was put earlier upon the said Result Notification (Ex.917) which was corrected to 13.6.2005.

**503)** Dr.Vandan Mohod, stated in para 15 of his aforesaid affidavit dated 11.6.2009 (Ex.943) that he had also seen the file relating to the Result Notification of M.Sc. (Agri.) candidates (Ex.932) and in particular the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) contained therein. He then stated that the date upon the said Manuscript of the Result Notification (Ex.918) was 9.6.2005 although the said file (Ex.932) containing it (Ex.918) also came in his office on 14.6.2005 alongwith two files (Ex. 904 and 931) referred to earlier in his aforesaid affidavit. According to him, the reason why the date 9.6.2005 appeared on the said Manuscript of the Result Notification (Ex.918) was perhaps that their office might have learnt that the Vice-Chancellor had signed it on 8.6.2005 in the evening. He further stated that he had then seen the Result Notification prepared for declaration of Result of the above referred M.Sc. (Agri.) candidates (Ex.919) signed by him. According to him, he found that there was correction in the date of the said Result Notification (Ex.919), the date earlier put upon it being corrected to 13.6.2005. He further stated that after having carefully seen it, it was not possible for him to tell what earlier date was printed upon the said Result Notification (Ex.919).

**504)** As regards three files referred to above viz. Exs. 904, 931 and 932 relating to the Result Notifications of the candidates who appeared for Ph.D., M.Tech. (Agril.Engg.), and M.Sc. (Agri.) degree examinations respectively, Shri A.S. Katre, the Assistant Registrar (Exam.Section), was issued notice and accordingly he filed the additional affidavit dated 12.6.2009 (Ex.944) on the lines of his interrogation and statement in this Enquiry. In para 1 of his aforesaid affidavit, he has described the journey of the said three files (Exs. 904, 931 and 932) in a closed cover from the office of the Deputy Registrar (academic) to the office of the Vice-Chancellor and back which is already described in the earlier paras of the Enquiry Report. He ultimately stated therein that the said three files (Exs. 904, 931 and 932) were received back on 14.06.2005 in his office under the closed cover No. VC/1358/05 from the office of the Vice Chancellor after his approval and signatures upon the Manuscripts of the Result Notifications Exs. 904 A, 916 and 918 respectively contained therein.

**505)** Shri A. S. Katre, Assistant Registrar, (Examination) stated in para 2 of his additional affidavit dated 12.06.2009 (Ex. 944) that there was no rule, regulation or any statute prescribing that the Manuscript of the Result Notification and the Result Notification prepared for declaration of Result should bear the same date i.e. the date on



which the Vice-Chancellor signed the Manuscript of the Result Notification in token of its approval. However, according to him, as per the practice in the University, the Manuscript of the Result Notification and the Result Notification prepared for declaration of Result bear the same date on which the Vice-Chancellor signed its Manuscript. What is important to be noticed in the said para 2 is that according to him, since the aforesaid three files viz. (Exs. 904, 931 and 932) were received in their office on 14.6.2005 the dates which the Manuscript of the Result Notifications therein viz (Ex.904-A, 916 and 918) bear were actually written upon them on 14.6.2005. Similarly, according to him, the date which the Result Notifications prepared for declaration of Results of the candidates therein (Exs. 904-B, 917 and 919) bear were also put upon them on 14.6.2005.

**506)** Shri A.S. Katre, Assistant Registrar (Examination Section), stated in para 3 of his aforesaid affidavit dated 12.6.2009 (Ex.944) that, according to him, generally the concerned clerk in the Examination section makes enquiry about the date on which the Vice-Chancellor signed the Manuscript of the Result Notification because it is he who has to put upon it the said date when the file is returned back to their office with the approval and signature of the Vice-Chancellor upon it. He then stated that he did not make any enquiry about the date on which the Vice-Chancellor signed the Manuscripts of the aforesaid Result Notifications viz. ( Exs. 904-A, 916 and 918) and it is Shri P.T. Muley, dealing clerk (ASO) who must have made the enquiry about the same. Further, according to him, since Shri P.T. Muley, had put the date 13.6.2005 upon the Manuscript of the Result Notification of the Ph.D. candidates (Ex.904-A), he took it as the date on which the Vice-Chancellor signed the said Manuscript of the Result Notification (Ex.904-A) and therefore he corrected the printed date 14.6.2005 put upon the Result Notification prepared for declaration of Result of the Ph.D. candidates (Ex.904-B) by writing digit “3” in place of “4” in the said date so that it read as 13.6.2005 as it had to bear the same date on which the Vice-Chancellor signed its Manuscript (Ex.904-A).

**507)** Shri A.S. Katre, Assistant Registrar (Examination Section), stated in para 4 of his aforesaid affidavit dated 12.6.2009 (Ex.944) that he had carefully seen the date put upon the Manuscript of the Result Notification (Ex.916) in respect of M.Tech. (Agril.Engg.) candidate contained in the file (Ex.931). According to him, the date upon the said Manuscript of the Result Notification (Ex.916) was put by the dealing Clerk Shri P.T. Muley in his own handwriting and originally also the date put by him upon the said Manuscript of the Result Notification (Ex.916) was 13.6.2005 but it appeared to him that there was overwriting by the dealing Clerk Shri P.T. Muley, in writing digit “3” in the date 13 therein. Further, according to him, it did not appear to him that the said date was “2” particularly when there were no letters “nd” therein. He then stated that the said date was not corrected by him. However, as regards the Result Notification prepared for declaration of Result of the above candidates (Ex.917), he stated that the date printed upon it was

14.6.2005 which was corrected by him to 13.6.2005 since the Manuscript of the said Result Notification (Ex.916) bore the said date signifying that the Vice-Chancellor had approved and signed it on that date.

**508)** Shri A.S. Katre, Assistant Registrar (Examination Section), stated in para 5 of his aforesaid additional affidavit dated 12.6.2009(Ex.944) that he had seen the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) in the file (Ex.932). He then admitted that the said Manuscript of the Result Notification (Ex.918) bears the date 9.6.2005. According to him, the said date is put by Shri P.T. Muley, dealing Clerk in ink in his own handwriting. He also admitted that the Manuscript of the other two Result Notifications referred to above (Ex.904-A) and (Ex.916) which were also received on the same day, alongwith the aforesaid Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) bore the date 13.6.2005. He then stated that it was not possible for him to tell why the different date 9.6.2005 was put upon the Manuscript of the said Result Notification of M.Sc. (Agri.) candidates (Ex.918). He also stated that he had not enquired on what date the Vice-Chancellor had signed the Manuscript of the said Result Notification of M.Sc. (Agri.) candidates (Ex.918). He denied that he instructed the dealing Clerk Shri P.T. Muley, to put the said date 09.06.2005 upon the aforesaid Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918). He further stated that Dr. Vandan Mohod, Deputy Registrar (academic), did not tell him that the Vice-Chancellor had signed the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) on 9.6.2005, and therefore, he instructed Shri P.T. Muley, dealing Clerk to write the said date upon the said Manuscript (Ex.918).

**509)** Shri A.S. Katre, stated in para 6 of his aforesaid affidavit dated 12.6.2009 (Ex.944) that he had also seen the Result Notification prepared for declaration of Result of the above M.Sc. (Agri.) candidates (Ex.919). According to him, the original printed date upon the said Result Notification for declaration of Result (Ex.919) was 14.6.2005 and he corrected it as 13.6.2005. Further, according to him, it was true that he had not put upon the said Result Notification prepared for declaration of Result (Ex.919), the same date i.e. 9.6.2005 which was put upon its Manuscript (Ex.918) by the concerned clerk Shri P.T. Muley because it appeared to him that through oversight, he did not see the said Manuscript (Ex.918) and in the Manuscripts of the other Result Notifications referred to above viz. (Exs.904-A and 916) since the date put was 13.6.2005, he put the same date upon the said Result Notification prepared for declaration of Result (Ex.919). He stated that he put the said date 13.6.2005 upon the Result Notification prepared for declaration of Result of the above referred M.Sc. (Agri.) candidates (Ex.919) by correcting the printed date 14.6.2005 upon it as stated above.

**510)** Shri A.S. Katre, Assistant Registrar (Examination Section), stated in para 7 of his aforesaid affidavit dated 12.6.2009 (Ex.944) that he had seen the note-sheet regarding the

Result Notification prepared for declaration of Result of M.Tech. (Agril.Engg.) candidate (Ex.917) in the file (Ex.931). He then stated that the said note-sheet was on the backside of page 21/N of the said file (Ex.931) and after the said file (Ex.931) was received back from the office of the Vice-Chancellor on 14.6.2005, it was put-up by the dealing clerk Shri P.T. Muley, through him for signature of the Deputy Registrar (Academic)/ Registrar upon the Result Notification for declaration of Result of the above M.Tech. (Agril.Engg.) candidate (Ex.917) so that it could be issued. He further stated that he had carefully seen with magnifying glass the correction made by him in ink in his own handwriting in the date below his signature upon the said note-sheet. According to him, after careful scrutiny of the said date, the original date put by him below his signature was 9.6.2005 which was corrected by him to 14.6.2005 and not vice versa. He further stated that he did not remember now on what basis he corrected the original date 9.6.2005. In fact, according to him, he did not remember how he put the date 9.6.2005 upon the said note-sheet below his signature in his own handwriting. According to him, nobody including the Deputy Registrar (academic) Dr.Vandan Mohod, told him that the Vice-Chancellor had signed the Manuscript of the Result Notification (Ex.916) on 9.6.2005. He therefore, stated that it was not correct to say that he put the said date 9.6.2005 originally below his signature upon the said note-sheet because the Vice-Chancellor had signed its Manuscript on 9.6.2005 and that when he realized that the said file (Ex.931) came to their office on 14.6.2005, he corrected it to 14.6.2005. He again stated that he did not personally make any enquiry from the office of the Vice-Chancellor regarding the dates on which the Vice-Chancellor signed the Manuscripts of the Result Notifications (Exs. 904-A, 916 and 918).

**511)** Shri A.S. Katre, Assistant Registrar, stated in para 8 of his aforesaid affidavit dated 12.6.2009 (Ex.944) that, according to him, the Result Notification prepared for declaration of Result is actually prepared after the file concerning it is received by them from the office of the Vice-Chancellor with his signature upon the Manuscript of such Result Notification in token of its approval although, as stated by him above, it bears the same date on which the Vice-Chancellor had signed its Manuscript i.e. the date which is put upon its Manuscript. Further, according to him, where there is urgency for declaration of the Result of some candidates, the concerned Clerk himself takes the file to the concerned authorities and finally to the Vice-Chancellor and after he brings back the file with the signature of the Vice-Chancellor upon the Manuscript of the Result Notification, the Result Notification for declaration of Result of such candidates is prepared and issued with the signature of the Deputy Registrar (academic)/ Registrar upon it to declare their Result. But what is important to be noticed therein is that he categorically stated thereafter that, in no case, according to him, the Results of the candidates are declared unless the file with the signature of the Vice-Chancellor upon the Manuscript of their Result Notification is

received back in their office, although it may bear the earlier date i.e. the date on which the Vice-Chancellor had approved and signed the Manuscript of such Result Notification.

**512)** Shri A.S. Katre, Assistant Registrar (Examination Section), stated in para 9 of his aforesaid affidavit dated 12.06.2009 (Ex.944) that it was not true that the Result Notification for declaration of the Result of the Ph.D. candidates Ku. Swati G. Bharad and Shri Atul D. Warade, (Ex.904-B) was actually prepared on 13.6.2005. According to him, as already stated by him, although it bears the corrected date 13.6.2005 it was actually prepared on 14.6.2005 when the said file (Ex.904) was received back in their office. According to him, had the said Result Notification prepared for declaration of Result (Ex. 904-B) been actually prepared and issued on 13.6.2005, there was no necessity to correct the date therein. Further, according to him, the date upon the said Result Notification (Ex.904B) before its correction was 14.6.2005 which, according to him, would show that it was actually prepared on 14.6.2005. When questioned again, he stated that he would not be able to tell how Ku. Swati G. Bharad received the copy of the Result Notification (Ex.904-B) on 13.6.2005 on the basis of which, according to her, she received 10 marks for Ph.D. degree.

**513)** As regards the above three files (Exs. 904, 931 and 932) about the Result Notifications of the Ph.D., M.Tech. (Agri. Engg.) and M.Sc. (Agri.) candidates, after the signatures of the Vice-Chancellor in the evening hours on 8.6.2005 upon the office notes dated 6.6.2005 and the Manuscripts of the Result Notifications (Exs. 904-A, 916 and 918) included in the said files (Exs. 904, 931 and 932), they were sent to the office of the Dean (PGS) on the next day i.e. 9.6.2005, vide entry no. 1358 dated 9.6.2005 in the Movement Register of the office of the Vice-Chancellor (Ex.926). However, the said files (Exs. 904, 931 and 932) remained pending in his office for four days and were collected by Shri B.N. Kulkarni, Peon in the office of the Deputy Registrar (academic) on 14.6.2005, vide his signature upon the file Movement Register of the office of the Dean (PGS) (Ex.924). Dr.V.D. Patil, the Dean (PGS) was therefore issued notice and was questioned in this regard. He stated in para 1 of his affidavit dated 24.6.2009 (Ex.946) that he was on tour to Parbhani from 8.6.2005 to 12.6.2005 which fact stands verified from the log book of his vehicle bearing no. MH-30-H-222 (Ex.660). He then stated that as regards the question as to when he put his signature below the office notes dated 6.6.2005 in the said files (Exs. 904, 931 and 932) on their return journey to the office of the Deputy Registrar (academic), he stated that since there was no date below his signatures in the said files (Exs. 904, 931 and 932) it was not possible for him to tell whether he put his signatures on 13.6.2005 or 14.6.2005. He also stated that he did not remember whether he had asked on 13.6.2005 the Registrar/ Deputy Registrar (academic) to issue the Result Notification of the candidates concerned and in particular Ku. Swati G. Bharad, Ph.D. candidate on the same day itself. He, however, stated that it appeared to him from the file Movement Register of his office

(Ex.924) that the said three files were received by the office of the Deputy Registrar (academic) on 14.6.2005.

e) **Whether Favouritism was shown to some candidates in selection list of SRA (Agri.)**

**514)** Dr.V.D. Patil, Chairman of the Selection Committee, had stated in para 46 read with para 47 of his affidavit dated 25.12.2007 (Ex.645) that the entries in pencil in the consolidated alphabetical Mark-Sheet Ex.112(O) which was treated by him as rough Mark-Sheet were in the handwriting of Shri D.P. Deshmukh, Section Assistant (Estt.), as dictated to him by him and / or the Registrar/the Member Secretary of the Selection Committee. Shri D.P. Deshmukh, Section Assistant (Estt.), also admitted in para 2 of his recent affidavit dated 22.6.2009 (Ex.945) that the entries in pencil in the alphabetical consolidated Mark-Sheet Ex.112(O) were in his handwriting. It appeared on close examination of the said Mark-Sheet Ex.112(O) that certain entries in pencil about the interview and total marks of some candidates, were not in the hand-writing of Shri D.P. Deshmukh, Section Assistant (Estt.). This office therefore, prepared the list of such candidates whose total number is 45 and whose names are contained in the final Selection List of the post of SRA (Agri.).

**515)** As the interview and total marks of the candidates in the aforesaid List prepared from the consolidated Mark-Sheet Ex. 112 (O) did not appear to be in the hand-writing of Shri D.P. Deshmukh, Section Assistant (Estt.), notice was issued to him for his interrogation, statement and affidavit in that regard. Accordingly, he filed the affidavit dated 22.6.2009 (Ex.945) referred to above. As regards the entries in pencil in the consolidated Mark-Sheet (Ex.112(O)) of the candidates in the List referred to above, although, initially, he stated in para 2 of his aforesaid affidavit that all the entries in the said Mark-Sheet Ex. 112 (O) were in his hand-writing after scrutinizing each and every entry in the aforesaid List if necessary with the Magnifying glass, he admitted in para 5 of his aforesaid affidavit that the said entries about the interview and total marks of the candidates in the said list were not in his hand-writing. He further, stated that they were not in the hand-writing of Dr.V.D. Patil, nor the Registrar Dr.Vandan Mohod, and he did not know in whose hand-writing the said entries were. He, however, stated in the said para 5 of his aforesaid affidavit dated 22.6.2009 (Ex. 945) that it appeared to him that a List of Selected candidates in the post of SRA in all the categories such as S.C., S.T. etc. consisting of 45 candidates who had secured high marks in their academic performance, interview and total was made ready.

**516)** Dr.V.D. Patil, the Chairman of the Selection Committee, was then issued notice for his interrogation, statement and affidavit in this regard. After he was shown the said list of 45 candidates prepared by this office and after he verified the hand-writing in interview and total marks of the candidates in the said list from the Mark-Sheet Ex. 112 (O), he admitted

in para 3 of his recent affidavit dated 24.6.2009 (Ex.946) that the said entries were in his hand-writing. He stated that he particularly, found that the horizontal stroke in digit “7” in the said entries was in the style of his writing the said digit. According to him, the said list was of the selected candidates.

f) **Whether favouritism was shown to some candidates in regard to whom there were discrepancies, mistakes, overwriting/applying white ink in the categorywise Mark-Sheet Ex. No. 34(O)-A, consolidated Mark-Sheet Ex. No. 112(O), and the chart Ex. No. 38(O) about the marks awarded by the Assistant Professors/Associate Professor**

517) The topic relating to discrepancies, mistakes and overwriting is discussed in detail later in paras 563 to 585-B in this Enquiry Report in which the question considered is whether the discrepancies and mistakes and particularly overwriting is deliberate to favour some candidates by giving more marks to them as they were to be selected and by reducing the marks of some candidates who were not to be selected to enable selection of favoured candidates.

xiii) **Non-Selection of YCMOU Graduates**

518) As regards the question of eligibility of YCMOU graduates to apply for any of the suitable posts in the Agricultural University in the State, there was a controversy whether graduate degree of YCMOU was equivalent to the graduate degree of the Agricultural Universities in the State. According to YCMOU graduates, who had applied for the posts of JRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex.2), their graduate degree was equivalent to the graduate degree of the Agricultural Universities in the State as recognized by the Government in its G.R. no. AGU-2199 પ્ર.ઠ.૧૬૭/૧૮—ૐ/ dated 24.9.2003. The affidavits filed by YCMOU graduates are referred to in paras 170 to 178 of this report under the topic “Objections to Selection and Selection process”. A true copy of the aforesaid G.R. no. AGU/2199/ પ્ર.ઠ./ 167/18-A, dated 24.9.2003 which is included at page C/51 to C/53 of the file Ex.37(O) relating to YCMOU graduates is annexed as **Annexure-20** to this Report.

519) Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University, stated in para 52 of his affidavit dated 14.1.2008 (Ex.658) that the YCMOU graduates had represented to the University that they were eligible for the posts of JRA (Agri.) / AA. He then stated that he had at that time discussed the said question with Dr.V.D. Patil, Director of Instructions, Dr.PDKV, Akola, and had orally told him to consider the G.Rs. and other documents filed by them in that regard and follow the proper procedure. According to him, he had also directed him to take legal opinion but no directives in writing were given by him in this regard. He further stated that no decision was taken by the University or by him that

YCMOU candidates were not to be considered as eligible for the posts of JRA (Agri.) and hence they should not be considered for appointment in the said posts although they might have been given marks for academic performance and interview according to the criteria laid down for the said purpose. He also stated that the question of equivalence of graduate degree of YCMOU with the graduate degree of Agricultural Universities in the State was pending for consideration before the MCAER whose final decision was awaited.

**520)** Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 53 of his affidavit dated 14.1.2008 (Ex.658) that if there were no cut-off marks given in the criteria for evaluation of the candidates for the posts of SRA (Agri.)/ JRA (Agri.) and therefore, if the names of YCMOU graduates were in the Selection lists, they should have been given appointment in the post of JRA (Agri.), subject to decision of MCAER with regard to the question of equivalence of their degree with the graduate degree of the Agricultural Universities in the State. After seeing the Marksheet Ex.34(O)-A in the file Ex.34(O), he stated that in the said Marksheet the name of S.T. candidate Shri Solanke Dilip Kumar, who was YCMOU graduate, was shown at page-9 of the said list relating to JRA (Agri.) S.T. Candidates. He then stated that the number of posts in JRA (Agri.) S.T. category to be filled had to be more than 2 posts for which the Selection was made in the Selection list for JRA (Agri.) S.T. category since in 37 posts of JRA (Agri.) advertised, 3 posts were allotted to S.T. category and therefore in 76 posts of JRA (Agri.) which were filled more than 3 posts should have allotted in JRA (Agri.) S.T. Category. According to him, as stated by him above, subject to decision of MCAER with regard to the question of equivalence of the graduate degree of YCMOU with the graduate degree of the Agricultural Universities in the State, he should have been selected unless he was otherwise ineligible.

**521)** Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University, further stated in the said para 53 of his affidavit dated 14.1.2008 (Ex.658) that as there was no decision taken by MCAER on the question of equivalence of YCMOU graduate degree with the graduate degree of the Agricultural Universities in the State, the names of YCMOU graduates who fulfilled the criteria for promotion from AA to JRA (Agri.) should have been included in the Seniority list of Agriculture Assistants for promotion to the posts of JRA (Agri.). According to him, recently on 13.6.2007, the Vice-Chancellor's Coordination Committee of which he was the Chairman had recommended to MCAER that the existing employees of the Agricultural University who were YCMOU graduates should be considered for promotion to the higher post according to rules. He also stated that he would file the copy of the said decision taken by the Vice-Chancellor's Coordination Committee. Accordingly, Shri D.P.Deshmukh, Section Assistant (Estt.), had filed with his additional affidavit dated 15.3.2008 (Ex.695) the extract of the said decision of the Vice-Chancellor's Coordination Committee incorporated in its Resolution no. 143/15 with the covering letter of the Member Secretary of the said Committee dated 28.6.2007 marked as (Ex.669) in this enquiry.

Perusal of the Resolution no. 143/15, would show that the said Committee had recommended to MCAER that there should not be any objection to give promotion in service to YCMOU graduate but the said graduate should not be held eligible for post graduation because, according to it, they had not undergone the basic course/ studies required for post graduate studies.

**522)** Dr.V.D.Patil, the Chairman of the Selection Committee, stated in para 77 of his affidavit dated 25.12.2007 (Ex.645) that he had seen the file relating to YCMOU graduates marked as Ex.37(O) in this enquiry. He then stated that during the discussion with the Vice-Chancellor and as per the oral direction given by him that proper procedure and particularly G.Rs. issued by the Government should be followed, he gave the opinion on 4.6.2005 that the YCMOU graduate should be considered for being called for interview and promotion as per rules / G.Rs. According to him, his aforesaid opinion was at page 1/C of the file Ex.37(O). He also stated that his aforesaid opinion given on 4.6.2005 was considered by the Legal Adviser of the University Advocate Rajan S.Deshpande who approved it as per his letter dated 16.5.2005 ( it should be 16.6.2005) vide page 43/C of the aforesaid file Ex.37(O).

**523)** Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 78 of his affidavit dated 25.12.2007 (Ex.645) that after the opinion of the legal adviser was received, by his note dated 17.6.2005 at page 2/N of the said file Ex.37(O), he directed that the YCMOU graduates should be called for interview for the post of JRA (Agri.) on 24.6.2005 in the evening observing that the matter was still under consideration by MCAER for final approval/modification of the G.R. about the equivalence of YCMOU graduate degree with the graduate degree of the Agricultural Universities in the State. He then stated that accordingly, all the candidates from YCMOU who had applied for the post of JRA (Agri.) were interviewed on 24.6.2005 and their names were included in the Marksheet Ex.34(O)-A from which the Selection lists were prepared. He further stated that there were 7 graduate candidates of YCMOU who were called for interview out of whom one was in the list of JRA (Agri.) S.T.Category at page-9 of the aforesaid Marksheet Ex.34(O)-A. He, however, stated that none of the YCMOU graduates were selected for the posts of JRA (Agri.) because they had low marks.

**524)** Turning at this stage to para 76 of his affidavit dated 25.12.2007 (Ex.645), Dr.V.D. Patil, the Chairman of the Selection Committee, stated therein that when there were 37 posts of JRA (Agri.) advertised, 3 posts were allocated out of them to JRA (Agri.) S.T. category and therefore when 76 posts of JRA (Agri.) were filled, the number of posts to be reserved for JRA S.T. Category should have been more than 3. However, according to him, in their Selection list of the said category of JRA (Agri.), they had recommended 2 S.T. candidates only, the reason being that there were 7 S.T candidates who had applied for the posts of JRA (Agri.) out of whom at the time of interview 3 were absent and out of the



remaining 4 S.T. candidates, 2 candidates were selected for the post of SRA (Agri.) and therefore, the remaining 2 S.T. candidates only were selected in the post of JRA (Agri.). As regards Shri Dilip Solanke, S.T. candidate who was YCMOU graduate, he stated that his name appeared in JRA (Agri.) S.T. Category in the Marksheet Ex.34(O)-A and he was thus available for appointment in the post of JRA (Agri.) in S.T. Category but was not selected because he got only 30 marks out of the total 100 marks. He, however, admitted that after again seeing the criteria laid down in the meeting dated 31.5.2005, he found that no minimum marks for being considered for selection and appointment in the post in question in descending order of merit were fixed by them so that if any candidate did not get the said minimum number of marks out of 100, he would not be considered for appointment in the post of SRA (Agri.)/ JRA (Agri.). He further, stated that even after the interviews were over neither the University nor any of its committee had taken any decision that the candidates who had obtained the graduate degree from YCMOU should not be appointed in these posts of SRA (Agri.)/ JRA (Agri.).

**525)** Dr.V.D.Patil, the Chairman of the Selection Committee, therefore, stated in the aforesaid para 78 of his affidavit dated 25.12.2007 (Ex.645) since no cut-off marks were prescribed by them below which a candidate would not be considered for appointment in the post of SRA even though the post was available for him after considering him in descending order of merit and since more than 3 posts could be reserved for JRA (Agri.) in S.T. Category as the number of posts had increased from 37 to 76, the name of the aforesaid candidate Shri Dilip Solanke, YCMOU graduate, should have recommended for the post of JRA (Agri.) in S.T. Category as a third candidate in the absence of cut-off marks being laid down by them for selection of any candidate.

**526)** Dr.V.D.Patil, stated in para 79 of his affidavit dated 25.12.2007 (Ex.645) that he had seen the Marksheet Ex.34(O)-A, and particularly the marks given to YCMOU candidates and found that amongst them, those who had work experience and were therefore given 5 marks for it, had received 20 marks for interview but the candidate Shri Shinde, J.G., at serial no.4 at page 92 (list of YCMOU JRA (Agri.) (Open) had received 25 marks for interview although he had no work experience. According to him, he was given 25 marks for interview because his interview must have been better as compared to the interview of the other YCMOU graduates.

**527)** Dr.Vandan Mohod, the then Registrar / Member Secretary of the Selection Committee, stated in para47 of his affidavit dated 1.12.2007 (Ex.633) that as regards the question of eligibility of the graduates from YCMOU there was Report of Deans' Committee of all the Agricultural Universities in the State on the question of equivalence of the graduate degree of YCMOU with the graduate degree of the Agricultural Universities in the State. According to him, it was found by the said Committee that considering the nature of instructions and the courses in the YCMOU University for its degree course, the

graduate degree of YCMOU could not be made equivalent to the graduate degree of Agricultural Universities in the State. He then stated that he would file the copy of the said Report in this enquiry ( no such Report is filed till date in this enquiry). He also stated that the said matter was pending with MCAER and no final decision was taken by it in this regard. According to him, apart from the above question of equivalence, he found from the performance of YCMOU graduates in their interviews for the post of JRA that their overall performance was poor.

**528)** Dr.Vandan Mohod, the Member Secretary / Registrar of the University, stated in para 48 of his affidavit dated 1.12.2007 (Ex.633) that the decision to call YCMOU graduates for interview was taken by Dr.V.D. Patil, Director of Instructions and the Chairman of the Selection Committee on 17.6.2005 i.e. after the interviews had started and they were called for interview on 24.6.2005. He also stated that according to the decision taken by him on 17.6.2005, they were also to be considered for promotion as per Rules and G.Rs. but according to him none of them were selected for the post of JRA for which they had applied and they were also not considered for promotion as their names were not included in the Seniority list for promotion to the post of JRA because according to the Registrar's office they were not eligible for promotion to the said post of JRA.

**529)** Dr.Vandan Mohod, stated in para 6 of his additional affidavit dated 2.4.2008 (Ex.713) that the decision of the Government regarding equivalence of YCMOU graduate degree in agriculture with the graduate degree in the Agricultural Universities in the State incorporated in its G.R. dated 24.9.2003, a copy of which was annexed to the affidavit of Shri Dilip Solanke, dated 23.8.2007 (Ex.140) was binding upon all the Agricultural Universities in the State. He admitted that by the aforesaid G.R. dated 24.9.2003, the Government had recognized the graduate degree of YCMOU as equivalent to the graduate degree in the Agricultural Universities in the State.

**530)** Dr.Vandan Mohod, stated in para 7 of his additional affidavit dated 2.4.2008 (Ex.713) that although he stated in para 47 of his affidavit dated 1.12.2007 (Ex.633) that over all performance of YCMOU graduates who were interviewed for the post of JRA (Agri.) was poor, there were no cut-off marks laid down in the criteria for evaluation of the candidates who had applied for the posts of SRA (Agri.) and JRA (Agri.). He then stated that his inference about the poor performance of YCMOU graduates was based upon the answers given by them to the questions asked to them in their interviews. He, however, admitted that since no cut-off marks were fixed in the criteria for evaluation of SRA (Agri.) and JRA (Agri.), the candidates who had received low marks could also be selected if the posts were available for them according to descending order of merit.

**xiv) Preparation of waiting lists**

**531)** It was clear from the advertisement dated 14.8.2004 (Ex.2) that the applications were invited from the candidates for filling the regular/temporary existing vacancies as also for wait lists for near future vacancies. Even otherwise, in preparation of the selection lists, the waiting lists of the candidates are ordinarily prepared. However, no waiting lists were prepared by the Selection Committee in preparation of the selection lists for the posts of SRA (Agri.) and JRA (Agri.) in question. Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 52 of his affidavit dated 25.12.2007 (Ex.645) that even though, during the discussion with the Vice-Chancellor and the Registrar's office, the exact number of posts to be filled was not decided, they had not still given waiting lists while preparing the selection lists of these posts. He admitted that normally the waiting list was given so that in case any candidate did not join his post as per the order of appointment issued to him, and in case any vacancy occurred in near future as envisaged in the aforesaid advertisement dated 14.8.2004 (Ex.2), the candidate in the waiting list could be given appointment in such post. According to him, they did not give waiting lists in these posts because it was for the Vice-Chancellor to fill-up the posts as per the vacancies available in these posts in the University. He then stated that it was true that it was the normal procedure to give waiting list to meet the aforesaid exigencies.

**532)** In this regard, Dr.Vandan Mohod, the Registrar/ Member Secretary, stated in para 33 of his affidavit dated 1.12.2007 (Ex.633) that they had not given any thought at the time of preparation of selection lists to the question of preparing suitable waiting list in the selection list for each of the posts of SRA / JRA to provide for exigency such as any of the appointees not joining his post or for any post becoming vacant after the advertisement in question was issued. He admitted that they did not know the exact position of the vacancies at the time of preparation of selection lists for these posts of SRA and JRA and they therefore, should have thought of giving waiting list in the selection list of each of the posts of SRA and JRA instead of giving selection lists of the exact number of candidates for 55 vacancies in the posts of SRA and 76 vacancies in the posts of JRA.

**533)** While referring to the obligations cast upon the Selection Committee, Dr.E.R. Patil, Senior most member of the Selection Committee, stated in para-34 of his affidavit dated 16.11.2007 (Ex. 599) that normally the selection list would be prepared to the extent of the number of vacancies advertised giving then the waiting list to provide for exigency such as the selected candidate not joining the post or the additional post being required. Although, he stated in para-19 of his aforesaid affidavit that the Selection Committee gave waiting lists in all the categories but did not remember how many candidates were selected in selection lists and how many were placed in the waiting lists, he admitted in para-35 of his aforesaid affidavit that the Selection Committee committed mistake in not giving waiting lists of the candidates in preparation of the selection lists for the posts of SRA and JRA.