

534) Dr.N.D. Pawar, outside member of the Selection Committee, stated in para 15 of his affidavit dated 1.11.2007 (Ex.590) that on the last day of interviews, they were not told as to how many candidates were to be selected for the posts of SRA/JRA and whether the waiting list in each category of the said posts should be prepared and if so how many candidates should be kept in such waiting lists.

535) Dr.G.N.Dake, outside member of the Selection Committee, stated in para 16 of his affidavit dated 23.11.2007 (Ex.600) that there were no waiting lists prepared while preparing the selection lists for the posts of SRA and JRA. According to him, the waiting list ought to have been prepared in each of the above posts to take care of the contingencies such as any selected candidate not joining the post and the necessity for appointment in any post falling vacant after the advertisement was issued. He then stated that in the instant case, when the Selection Committee, knew that there would be increase in the number of vacancies in the posts of SRA and JRA, but did not know its exact number when the interviews took place and the selection lists were to be prepared immediately after the interviews of all the candidates were over, the waiting lists ought to have been prepared in preparing the selection lists of these posts. According to him, he would not be able to tell why the waiting lists were not prepared in preparing selection lists for making appointment in the posts of SRA and JRA in question.

536) Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University stated in para 45 of his affidavit dated 14.1.2008 (Ex.658) that it was true that the waiting lists which could be operated in the case of unforeseen contingency such as candidate not joining his post or for some near future vacancies as mentioned in the advertisement dated 14.8.2004 (Ex.2) were not prepared while preparing the selection lists in question for the posts of SRA (Agri.) and JRA (Agri.). He then stated that the waiting list was given in almost every selection list prepared for any post by any Selection Committee. However, according to him, he did not know why the waiting lists were not prepared and not given in the selection lists prepared by the Selection Committee for these posts of SRA (Agri.) and JRA (Agri.) although from the advertisement dated 14.8.2004 (Ex.2) itself it was clear that the selection lists and the waiting lists for near future vacancies should be prepared by the Selection Committee.

xv) Signing the Marksheet Ex.34(O)-A and the Selection Lists

537) The question of signing the Marksheet Ex.34(O)-A and the selection lists at pages 66 to 76 in the file Ex.34(O) assumed importance in this enquiry because, as hereinbefore referred to, 4 members of the Selection Committee viz. Dr.N.D. Jogdande, Dr.B.N.Dahatonde, Dr.N.D. Pawar, and Dr.G.N.Dake, stated in their affidavits that the meeting of the Selection Committee on the last date of interviews i.e. 25.6.2005 was over after the interviews of the candidates fixed on that date were over and they had handed over to the Chairman or the Registrar/Member Secretary, the charts in the proforma Ex.434-A in

which they had given marks to the said candidates for their interviews. According to them, the Selection of the candidates for the posts of SRA (Agri.) and JRA (Agri.) was not finalized and the selection lists of the said posts were not prepared on that date. However, Dr.V.D. Patil, the Chairman of the Selection Committee, in para 48 of his affidavit dated 25.12.2007 (Ex.645), Dr.Vandan Mohod, the Registrar/Member Secretary, in para 31 of his affidavit dated 1.12.2007 (Ex.633), and Dr.E.R. Patil, Senior most member of the Selection Committee, in para 29 of his affidavit dated 16.11.2007 (Ex.599), stated that each page of the Marksheet Ex.34(O)-A was signed by the Chairman and the Members of the Selection Committee on 25.6.2005 but no date was put by them below their signatures upon the said Marksheet Ex.34(O)-A. As regards the selection lists at pages 66 to 76 of the file Ex.34(O), Dr.V.D. Patil, the Chairman of the Selection Committee, in paras 51, 53, and 70 of his affidavit dated 25.12.2007 (Ex.645), Dr.Vandan Mohod, the Registrar/Member Secretary, in para 29 of his affidavit dated 1.12.2007 (Ex.633), and Dr.E.R. Patil, the Senior most member of the Selection Committee, in para 31 of his affidavit dated 16.11.2007 (Ex.599) stated that after the said selection lists were prepared at night on 25.6.2005 each page of the said selection lists was signed by the Chairman and the Members of the Selection Committee but except the Chairman and the Member Secretary who had put the date 25/6 below their signatures, no other member of the Selection Committee had put any date below his signature upon the said Selection lists.

538) As regards other members of the Selection Committee, Dr.N.D. Jogdande, Local Member of the Selection Committee, after seeing his signatures on each page of the Marksheet Ex.34(O)-A, the selection lists at pages 66 to 76 of the file Ex.34(O) and below the statements regarding promotions from AA to JRA and JRA to SRA contained in the said file Ex.34(O) stated in para 11 of his affidavit dated 5.11.2007 (Ex.596) that they had made the said signatures on one day, 10 to 15 days after the last day of interviews i.e. 25.6.2005 when they were called on that day to put their signatures upon all the aforesaid documents. He admitted that they had not however, put any date below their signatures when they signed the aforesaid documents. After seeing the selection lists at pages 66 to 76 in the file Ex.34(O) and particularly the date 25.6.2005 put below their signatures by the Chairman of the Selection Committee and its Member Secretary i.e. the Registrar, he stated that according to him, on 25.6.2005 i.e. the last day of interviews, no selection list was prepared and could be prepared in the meeting of the Selection Committee which, as stated by him in para 7 of his aforesaid affidavit was over on that day after they had handed over to the Registrar their charts in which they had given marks to the candidates for their interviews on that day.

539) Dr.B.N.Dahatonde, stated in para 13 of his affidavit dated 10.12.2007 (Ex.636) that all the members of the Selection Committee including himself had put their signatures below the statements relating to promotion at pages 28 to 35 and 40 to 42 in the file

Ex.34(O) and on each page of the Marksheet of the candidates Ex.34(O)-A at pages 77/1 to 92, and the selection lists at pages 66 to 76 of the said file. However, according to him, he forgot to put the date below his signature upon the above documents. He then stated that 10 to 15 days after the last date of interviews i.e. 25.6.2005, he was called by the Chairman of the Selection Committee to see the Marksheet Ex.34(O)-A and the Selection lists at pages 66 to 76 in the file Ex.34(O) and then sign the same. He then stated that since it was not possible to scrutinize the whole Marksheet Ex.34(O)-A and the Selection lists at pages 66 to 76 in the file Ex.34(O), he had just a glance over the said documents and thereafter signed them. He admitted that he had not carefully seen the said Marksheet (Ex.34(O)-A) and as regards the selection lists, he stated that he had read only the names of the candidates who were selected but had not tried to see any deficiencies in their selection. He then stated that he did not make any enquiry as to which “annexure”, the said expression used in the column “Serial no. as per annexure” in the selection lists referred to and he therefore did not know that the serial numbers in the said column “serial no. as per annexure” in the selection lists were the serial numbers of the candidates in the Marksheet Ex.34(O)-A. He further stated that the total marks received by each candidate were not shown in the selection lists and he did not verify the same from the Marksheet Ex.34(O)-A nor made any enquiry about the same. He clearly admitted that since he had not examined the Marksheet critically, he did not know whether there were any deficiencies in the marks shown against the names of the candidates in the Marksheet Ex.34(O)-A and if so whether the selection lists also suffered from the same vice.

540) As regards two outside members of the Selection Committee, Dr.G.N.Dake, the Head of the Department (Pl.Pathology & Agri.Micro Biology) MPKV, Rahuri, stated in para 7 of his affidavit dated 23.11.2007 (Ex.600) that since the meeting of the Selection Committee was over without preparation of the Selection lists for the posts of SRA/JRA on the last day of interview i.e. 25.6.2005, he went back to Rahuri on the same day at about 10.00 PM at night. He then stated in para 8 thereof that no meeting of the Selection Committee was held after 25.6.2005 for finalizing the selection of the candidates and preparation of selection lists for the posts of SRA and JRA but after about two months, the Chairman of the Selection Committee Dr.V.D. Patil, and its Member Secretary/Registrar Dr.Vandan Mohod, came to MPKV Rahuri, met him and they told him that they had finalized the selection lists and he should sign the same. According to him, he protested and pointed out to them that the selection lists could not be finalized in such manner and that it was in the meeting of the Selection Committee properly convened that the selection of the candidates had to be finalized and the selection lists prepared in descending order of merit but they assured him that the selection of the candidates made by them was fair and he should therefore sign the selection lists. He then stated that he still went through the selection lists cursorily and pointed out to them that Dr.Dhole, one of the candidates for the posts of SRA and JRA was

having Ph.D. degree and was a meritorious candidate who had fared very well in his interview also. According to him, he therefore, asked them why his name was not included in the selection lists as he was a deserving candidate which was clear from the fact that he was thereafter selected for the post of Associate Scientist in BARC for which post he had thereafter applied. He then stated that because of their persuasion and since they were Chairman, and Member Secretary of the Selection Committee and as such very much responsible for selection of proper candidates in the University, he put his signatures reluctantly upon each page of the selection lists contained at pages 66 to 76 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee.

541) Dr.G.N.Dake, outside member of the Selection Committee, stated in para 9 of his affidavit dated 23.11.2007 (Ex.600) that the Chairman of the Selection Committee, Dr.V.D. Patil, and its Member Secretary / Registrar Dr.Vandan Mohod, had brought with them the Marksheet Ex.34(O)-A included in the file Ex.34(O) referred to above. According to him, they had also obtained his signatures on each page of the said Marksheet Ex.34(O)-A but there was no date put below their signatures by either the Chairman or the Members of the Selection Committee including himself while signing each page of the said Marksheet Ex.34(O)-A. Further, according to him, as regards the selection lists except Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/ Member Secretary, no other member of the Selection Committee had put any date below his signature upon the said selection lists. He then stated that although the Chairman Dr.V.D. Patil, and the Member Secretary of the Selection Committee, Dr.Vandan Mohod, had put the date “25.6.” below their signatures upon the selection lists, the said lists could not be and were not ready on 25.6.2005.

542) Dr.N.D. Pawar, the Associate Dean & Principal (Agril.Eco.), Agriculture College, Ambejogai, another outside member of the Selection Committee, stated in para 24 of his affidavit dated 1.11.2007 (Ex.590) that after seeing in this enquiry the categorywise selection lists of the posts of SRA and JRA at pages 66 to 76 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee, he found that there were signatures of the Chairman and the Members of the Selection Committee on each page of the said selection lists prepared categorywise i.e. S.C., S.T. etc. According to him, he also signed each page of the said categorywise selection lists but he had not put the date below his signatures upon the said lists. He then stated that he would not be able to tell on which date he signed each of the said selection lists. However, according to him, each member of the Selection Committee had put his signature upon the said selection lists on separate dates, or atleast when he signed each page of the aforesaid selection lists no other member of the Selection Committee was present. He then stated that he found that on each page of the Selection lists, Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/ Member Secretary, had put the date “25/6” below their signatures

but he would not be able to tell when they put their signatures and the date 25/6 on each page of the selection lists. According to him, the said date “25/6” put by them below their signatures was completely wrong because on that date the selection lists could not have been prepared by the Selection Committee, muchless categorywise. He reiterated in the said para 24 that the categorywise selection lists at pages 66 to 76 in the aforesaid file Ex.34(O), could not be prepared and were not ready on 25.6.2005 i.e. the last date of the meeting of the Selection Committee and therefore, they could not have been signed on that day by the Chairman and the Members of the Selection Committee.

543) After pointing out the duties and the work of the Selection Committee in selection of candidates and in preparation of the selection lists, Dr.N.D. Pawar, outside member of the Selection Committee, stated in para 25 of his affidavit dated 1.11.2007 (Ex.590) that except taking interviews and awarding marks to the candidates for their performance in their interviews, no other work was done by the Selection Committee in selection of the candidates for these posts of SRA and JRA although the Marksheet Ex.34(O)-A at pages 77/1 to 92 and the categorywise selection lists at pages 66 to 76 of the file Ex.34(O) were signed by its Chairman and the Members. He then stated in para 27 of his aforesaid affidavit that before signing each page of the Marksheet Ex.34(O)-A, he had verified it. He, however, now found that there were discrepancies and mistakes in the said Marksheet Ex.34(O)-A which were brought to his notice in this enquiry.

544) In view of the affidavit of Dr.G.N. Dake, dated 23.11.2007 (Ex.600), referred to above, in para 8, of which he had stated that after about two months from the last day of the meeting of the Selection Committee i.e. 25.6.2005, the Chairman of the Selection Committee Dr.V.D. Patil, and its Member Secretary / Registrar, Dr.Vandan Mohod, had come to MPKV, Rahuri, and obtained his signatures upon the Marksheet Ex.34(O)-A at pages 77/1 to 92, and the Selection lists at pages 66 to 76, of the file Ex.34(O) the notice was issued to the University on 17.1.2008 directing it to produce in this enquiry the log books of the vehicles used by Dr.V.D. Patil (D.I. & Dean (Agri.) and the Registrar Dr.Vandan Mohod, for the period from 1st June 2005 to 31st December 2005, pursuant to which the University filed in this enquiry the log book of the Ambassador bearing No. MH-30-H-222, used by Dean (Agri.), for the period from 2004-05 to 2005-06 marked as Ex.660 in this enquiry and also the log book of the Ambassador No. MTE-829 used by the then Registrar for the year 2005-06 marked as Ex.661 in this enquiry. However, after perusal of the log book of the Ambassador used by the Registrar it was found that it was not relevant in this enquiry but perusal of the log book of the Ambassador MH-30-H-222 used by Dr.V.D. Patil, who was then the Dean (Agri.) revealed that there were three tour entries in the said log book (Ex.660) which were relevant for the purpose of this enquiry.

545) The first entry relating to the dates 12.9.2005 to 15.9.2005 at page-60 of the said log book (Ex.660) was of tour of Dr.V.D.Patil, and Dr.Vandan Mohod, from Akola to Pune

with night halt at Aurangabad, Pune to Rahuri, Rahuri to Parbhani and from Parbhani back to Akola. The second entry of the dates 27.10.2005 and 28.10.2005 at page-67 of the said log book (Ex.660) was about tour of Dr.V.D. Patil, from Akola to Parbhani and back, and the third entry of the dates 12.12.2005 to 15.12.2005 at page-73 of the said log book (Ex.660) was about the tour of Dr.V.D. Patil, from Akola to Pune and back. The Registrar was directed to file tour diary of Dr.V.D. Patil, Dean (Agri.) for the period from 1st June 2005 to 31st December 2005 which accordingly was filed in this enquiry and marked as (Ex.662). Perusal of the above tour diary of Dr.V.D. Patil, Dean (Agri.), would also show that he had undertaken the aforesaid three tours shown in the log book (Ex.660). In order to prove the aforesaid tour entries, the driver of Ambassador Mh-30-H-222, Shri Arjun Pralhad Bute, and the Technical Officer, working in the office of Dean (Agri.), Shri Diwakar Pandharinath Wahile, were issued notices to appear in this enquiry for their interrogation, statement and affidavit

546) Pursuant to the notice issued to him, Arjun Pralhad Bute, the Driver of the Ambassador no. MH-30-H-222, appeared and on the lines of his interrogation and statement in this enquiry filed his affidavit on 31.8.2008 marked as Ex.664 in this enquiry. He stated in para 2 of his aforesaid affidavit dated 31.8.2008 (Ex.664) that he worked as Driver of the aforesaid vehicle used by Dr.V.D. Patil, who was D.I. & Dean (Agri.) Dr.PDKV, Akola, till he joined in ICAR, New Delhi. He stated in para 3 that he used to drive the said Ambassador MH-30-H-222 whenever Dr.V.D. Patil, used to go on tour. He stated in para 4 that according to rules of the University every vehicle of the University was provided with a separate log book. He then stated in the said para 4 that the entries in column 1 and columns 4 to 10 were in his handwriting and in column no.11 he put his signature. He also stated that in column no.12 the entry was taken about the purpose for which the car was used. According to him, he took entries in the said column for the local use of the Car. Further, according to him, in column 13 he made in his handwriting the entry about the name of the person who used the Car. He then stated that in column no.14 there would be signature of the person who used the car. He also stated that the detailed entries were taken in the log book about the places it visited and the Kms it had run

547) After seeing the entries about the dates 12.9.2005 to 15.9.2005 on page 60 of the said log book (Ex.660), Shri A.P.Bute, driver, stated in para 5 of his affidavit dated 31.1.2008 (Ex.664) that except the entries in columns 2,3, and 12 all other entries in columns 1 to 13 were in his handwriting and in column no.11 he had put his signature. He then stated that on the said dates i.e. 12.9.2005 to 15.9.2005, he had taken in the above referred Ambassador Car MH-30-H-222, Dr.V.D. Patil and Dr.Vandan Mohod, on tour from Akola to Aurangabad, Aurangabad to Pune, Pune to Rahuri, Rahuri to Parbhani and from Parbhani back to Akola. He also stated that while going from Akola to Pune they had a night halt at Aurangabad on 12.9.2005. According to him, in Pune, Dr.V.D. Patil, and

Dr.Vandan Mohod, had to attend one meeting but he did not know what it was about. He then stated that on the next day i.e. 14.9.2005 at about 7.00 AM in the morning they started from Pune for Rahuri, where they reached at about 11.00 AM in the morning. He clarified that the entry about the arrival time of the Car at Rahuri shown as 12.00 on 14.9.2005 was wrongly made which he corrected in his own handwriting as 11. According to him, at Rahuri, Dr.V.D. Patil and Dr.Vandan Mohod, had gone to the office of the Dean (Agri.) but he would not be able to tell whom they met there since he was in the vehicle outside the office. He then stated that at about 12.00 clock in the afternoon they left the office of the Dean (Agri.), Rahuri University for going to Parbhani where they reached at 8.00 PM at night. He also stated that at Parbhani they stayed in Parbhani's rest house and on the next morning i.e. on 15.9.2005 at about 7.00 AM, they left Parbhani for coming back to Akola where they reached at about 12.45 PM in the afternoon. He further stated that he would not be able to tell the purpose of going to Parbhani and also whom they met at Parbhani. According to him, in column no.12 of the log book (Ex.660) the purpose of visit was written by P.A. to Dr.V.D. Patil and in column no.14 Dr.V.D. Patil and Dr.Vandan Mohod, had put their signatures.

548) As regards the tour of Dr.V.D. Patil, from Akola to Parbhani on 27.10 and 28.10.2005, about which the entries were taken at page 67 of the said log book (Ex.660), Shri A.P.Bute, driver, stated in para 6 of his affidavit dated 31.1.2008 (Ex.664) that on 27.10.2005, at about 7.00 AM in the morning he had taken Dr.V.D. Patil, in the aforesaid Ambassador Car MH-30-H-222 to Parbhani where they reached at about 11.30 AM in the morning. According to him, after reaching Parbhani they went to Marathwada Krishi Vidyapith but he would not be able to tell for what purpose Dr.V.D. Patil, had gone there. After his work was over they stayed in the rest house of the Agricultural University in Parbhani and returned to Akola on the next day i.e. 28.10.2005 starting at about 8.00 AM in the morning and reaching Akola in the afternoon at about 12.30. He admitted that the entries in the column no.1, 4 to 11 and 13 were in his handwriting.

549) What is material to be noticed in the affidavit of Shri A.P.Bute, dated 31.1.2008 (Ex.664) is the information he had given in paras 7 to 11 thereof about the tour of Dr.V.D. Patil, from Akola to Pune and back. After seeing the entries of the tour from 12.12.2005 to 15.12.2005 at page 73 of the log book (Ex.660), he stated in para 7 that the entries in column no.1, and 4 to 11 were in his handwriting. He then stated that the entries in column no.2 about the petrol filled in the said Car No. MH-30-H-222 were in the handwriting of the technical officer Shri Wahile. Similarly, according to him, the entries in column no.16 about the details of the bills of petrol were also in his handwriting. He identified his signature in column no.15 about the said tour. He also identified the signature of Dr.V.D. Patil, in column no.14. He then stated that the officer using the vehicle would make signature in column no.14 after verifying the entries made by the driver in other columns in

the said log book. He further stated that Dr.V.D. Patil, had made his signature in column no.14 after verifying the entries made by him.

550) Shri Arjun Bute, driver of the Ambassador Car No. MH-30-H-222, stated in para 8 of his affidavit dated 31.1.2008 (Ex.664), that on 12.12.2005 at about 8.00 A.M, in the morning, he started from Akola with Dr.V.D. Patil, reaching Pune at about 8.00 P.M. at night. According to him, on the next day i.e. 13.12.2005, Dr.V.D. Patil, had to attend the meeting of the Maharashtra Council of Agricultural Education and Research (MCAER) at Pune. He then stated that on 13.12.2005 and 14.12.2005, he had made the entries about the local run of the vehicle in Pune showing 146 Kilometers and 148 Kilometers run respectively on the said dates. He, however, clearly admitted that the local journey of the vehicle was not of 294 Kms on the above two days. According to him, the above entries would show that they stayed in Pune for two days and started on 15.12.2005 from Pune in the morning and reached Akola at 8.00 PM at night.

551) Although it is shown in the entries at page 73 of the log book (Ex.660) about the said tour from 12.12.2005 to 15.12.2005 that Dr.V.D. Patil, returned directly to Akola from Pune on 15.12.2005, Shri Arjun Bute, stated in para 9 of his affidavit dated 31.1.2008 (Ex.664) that he had taken Dr.V.D. Patil, on 15.12.2005 from Pune to Parbhani and from Parbhani on the next day i.e. 16.12.2005, they started in the morning and returned to Akola. He then stated that while returning to Akola from Pune via Parbhani, Barshi town is before Parbhani and Hingoli after Parbhani. According to him at Barshi, on 15.12.2005 and at Hingoli on 16.12.2005, they had filled Petrol in the car. He further stated that had they directly returned from Pune to Akola by the same route by which they had gone from Akola to Pune, the above two towns would not fall on the said route. He then stated that in column no.16 the particulars of the bills of petrol pump where they had filled petrol in the car were given. He then specifically admitted that while going to Pune from Akola, on 12.12.2005 they had filled petrol at Balapur vide bill at s.no.1 in the said column, then at Mukindpur on the same day, vide bill no.2. He also stated that on 14.12.2005 they went from Pune to Jejuri where they filled petrol as per bill at s.no.3 shown therein and after returning back to Pune and staying there they filled the petrol at Pune vide bill at s.no.4. He then stated that while going to Parbhani from Pune, they had filled petrol in the Car at Barshi as per bill at serial no.5 and while returning to Akola from Parbhani at Petrol Pump at Hingoli as per bill at serial no.6.

552) Shri Arjun Bute, stated in para 10 of his affidavit dated 31.1.2008 (Ex.664) that he did not know the purpose of the visit to Parbhani from Pune on 15.12.2005 and he also did not know who had come to see or whom Dr.V.D. Patil, met at Parbhani. He then stated that for returning to Akola from Pune returning via Parbhani was not the direct and the nearest route. He also stated that Dr.V.D. Patil, had told him not to show in the log book journey from Pune to Parbhani and Parbhani to Akola and he had instead asked him to show in the

log book return journey directly from Pune to Akola and so far as difference between the two routes was concerned he asked him to show it as local journey of the car in Pune on 13.12.2005 and 14.12.2005. He categorically stated that the entries about the mileage about the local journey in Pune shown by him were as told to him by Dr.V.D. Patil. After seeing the road map of the Maharashtra State, he stated in para 11 of his aforesaid affidavit that while going to Pune from Akola they went by the route Akola – Chikhali- Jalna- Aurangabad- Pune as shown therein but while returning back from Pune they came to Akola by the route Pune- Indapur – Barshi- Ambejogai – Parbhani – Hingoli – Washim- Akola as shown in the said road map reaching Akola on 16.12.2005. He then stated in the said para 11 that for returning back to Akola, the Pune-Aurangabad-Akola route was open at that time.

553) In view of his signature in column no.15 of the said log book (Ex.660) Shri Diwakar Pandhari Wahile, Technical Officer, working in the office of Dean (Agri.) was issued notice of this enquiry pursuant to which he appeared and filed his affidavit on 31.1.2008 (Ex.663) on the lines of his interrogation and statement in this enquiry. He stated in para 1 of his aforesaid affidavit that he was appointed as Assistant Professor in the University and during the relevant period, he was working as Technical officer in the office of the Dean (Agri.). Describing in para 2 of his aforesaid affidavit his duties in the office of the Dean (Agri.), he stated that his duty was also to look after the maintenance and repairs of the Ambassador Car No. MH-30-H-222 allotted to Dean (Agri.) by the University. According to him, he used to make entries about the bills of petrol and oil in the concerned log book of the vehicle and about the maintenance bills in the history book. According to him, he also used to take entries of both the items of expenditure in the expenditure register whereafter the said bills were sent to the accounts clerk for passing.

554) Shri D.P.Wahile, Technical Officer, stated in para 3 of his affidavit dated 31.1.2008 (Ex.663) that when he joined the office of the Dean (Agri.), Dr.V.D. Patil, was working as Dean (Agri.). After seeing the relevant entries about the bills of petrol in column no.16 at pages 60,67, and 73 of the log book (Ex.660) of the aforesaid vehicle used by Dr.V.D. Patil, Dean (Agri.) he stated in paras 3, 4 and 5 of his aforesaid affidavit that the said entries were made by him. He then stated that after Dr.V.D. Patil, returned from tour, he signed the said bills which bore his stamp also. According to him, he then took them from him and mentioned their details in column no.16. He also stated that in column no.14, Dr.V.D. Patil, had put his signature for use of the aforesaid vehicle in his tour journey referred to in the said entries. He then stated that he had put his signature in column no.15 as Office Incharge of the said Vehicle. He further stated that the entries about the purpose of journey were made in column no.12 by the Personal Assistant of Dr.V.D. Patil. According to him, as stated in para 4 of his aforesaid affidavit, before making entries in column no.16 of the log book (Ex.660), he did not verify whether the said bills were correct

or not because Dr.V.D. Patil, had approved the tour entries made by the driver of his vehicle by making signature in column no.14.

555) Shri D.P.Wahile, stated in para 6 of his affidavit dated 31.1.2008 (Ex.663) that after making the relevant entries as stated above, he sent the log book , history book and the expenditure register with all the bills to the Accounts Clerk in their department for his verification. According to him, the only verification done by him about the said bills was whether the bill was correct or not as per the rate of petrol at that time. He then stated that after his verification, he would make the entries about the said bills in the chart in the prescribed proforma and would go to the Dean (Agri.) with all the aforesaid three registers including the bills, for his sanction. He also stated that after the said bills were verified by the Dean (Agri.), he would sign the details of the said bills given in column no.16 of the log book. He further stated that the said bills were then sent to pre-audit section, after whose sanction the payment of the said bills was made.

556) In view of the above material about the tour of Dr.V.D. Patil, from Akola to Pune, Rahuri and Parbhani, notice was issued to Dr.G.N. Dake, Head of the Department (Pl.Pathology and Agricultural Micro-Biology), MPKV, Rahuri, to state on which date Dr.V.D. Patil, had visited Rahuri University and obtained his signature upon the Marksheet Ex.34(O)-A and the selection lists at pages 66 to 76 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee. In pursuance to the said notice, Dr.G.N.Dake, sent his affidavit dated 5.3.2008 marked as (Ex.685) in this enquiry. He stated therein that Dr.V.D. Patil and Dr.V.K. Mohod, the Chairman and Member Secretary of the Selection Committee respectively had taken his signatures on the selection / promotion lists to the posts of SRA/JRA in Dr.PDKV, Akola, during their visit to MPKV, Rahuri, on 14.9.2005.

557) As regards Dr.N.D.Pawar, Associate Dean, Principal in Agriculture College, Ambejogai, who was at Parbhani during the relevant time, he did not in his affidavit dated 1.11.2007 (Ex.590) state as to when and where his signature was obtained upon the Marksheet Ex.34(O)-A and the selection lists at pages 66 to 76 of the file Ex.34(O). Notice dated 6.12.2007 was therefore, issued to him pursuant to which he sent his affidavit dated 2.1.2008 marked as Ex.647 in this enquiry. He stated therein that after about 1½ -2 months from the last date of interview i.e. 25.6.2005, Dr.V.D. Patil, the Chairman of the Selection Committee, had come to Parbhani and at Parbhani, he obtained his signatures on each page of the Marksheet Ex.34(O)-A and each page of the selection lists stating that he had finalized the selection lists and he should sign the same. According to him, he protested and pointed out to him that the selection lists cannot be finalized without meeting of all the members of the Selection Committee but Dr.V.D. Patil, told him that the Selection of the candidates made by them was fair.

558) After the aforesaid log book (Ex.660) was received in this enquiry, Dr.N.D. Pawar, was again issued notice on 1.2.2008 enclosing therewith the extracts of the entries in the log book (Ex.660) showing the dates on which Dr.V.D. Patil, visited Parbhani during his tour from 12.9.2005 to 15.9.2005, 27.10.2005 to 28.10.2005 and also on 15.12.2005 during his tour of Akola to Pune and back from 12.12.2005 to 15.12.2005 as stated by Shri A.P.Bute, in para 9 of his affidavit dated 31.1.2008 (Ex.664) , the extract of which, also was enclosed with the said notice as no entry was taken in the said log book about the said visit of Dr.V.D. Patil, to Parbhani on 15.12.2005. In pursuance to the said notice, he filed the affidavit dated 20.2.2008 marked as Ex.668 in this enquiry. He stated in the said affidavit that although it was clear that Dr.V.D. Patil, visited Parbhani three times i.e. on 14.9.2005, 27.10.2005, and 15.12.2005, he was not sure as to on which date exactly out of the above three dates, Dr.V.D. Patil, D.I. & Dean, the Chairman of the Selection Committee, Dr.PDKV, Akola had taken his signature on the selection lists of SRA and JRA.

559) In view of the above material, and in particular, the above affidavits of Dr.G.N.Dake, and Dr.N.D. Pawar, who stated that their signatures upon the Marksheet Ex.34(O)-A and the selection lists at pages 66 to 76 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee were taken at Rahuri and Parbhani, respectively and also because of some other matters disclosed in this enquiry notices were issued to Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/ Member Secretary pursuant to which they filed affidavits dated 25.3.2008 (Ex.697) and 2.4.2008 (Ex.633) respectively on the lines of their interrogation and statement in this enquiry.

560) In Para 2 of his additional affidavit dated 25.3.2008 (Ex.697), Dr.V.D. Patil, admitted the aforesaid entries about his tour journey at pages 60, 67, and 73 of the log book (Ex.660) of his vehicle i.e. Ambassador MH-30-H-222. In para 3 thereof, he admitted the contents of the affidavit of his Technical officer Shri D.P.Wahile, dated 31.1.2008 (Ex.663). As regards the affidavit of his Car driver Shri A.P.Bute, dated 31.1.2008, (Ex.664) he admitted in the said para the contents thereof except for his explanation about the entry dated 15.12.2005 made at page-73 of the said log book (Ex.660) and also about the statement in his affidavit that he went directly to Parbhani from Pune and from Parbhani returned to Akola. As regards the entry in the log book (Ex.660) dated 15.12.2005, he stated in para 3 of his aforesaid affidavit that although the said entry would show that he returned directly from Pune to Akola on that date, the said entry appeared to have been made only because his official tour was from Akola to Pune and back. He then stated that on his return tour, he started from Pune on 14.12.2005 and went to Pandharpur via Jejuri and made a halt at Pandharpur on 14.12.2005. He then stated that he started from Pandharpur in the morning on 15.12.2005, and made a night halt at Parbhani. According to

him, on 16.12.2005, in the morning, he started from Parbhani and reached Akola on the same day. Further, according to him, the affidavit of his driver Shri A.P.Bute, dated 31.1.2008 (Ex.664), to the extent that he stated therein that he went directly to Parbhani from Pune and from Parbhani he returned to Akola, was not correct. He then stated in para 4 of his aforesaid affidavit that the aforesaid entries in the log book (Ex.660) bore his signature in column no.14 relating to the Signature of the officer using the vehicle”.

561) As regards the statements made by Dr.G.N.Dake and Dr.N.D. Pawar, that they signed the Marksheet Ex.34(O)-A and the Selection lists at pages 66 to 76 in the file Ex.34(O) at Rahuri and Parbhani respectively when he visited the said places as shown in the aforesaid entries in the log book (Ex.660), Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 4 of his aforesaid affidavit dated 25.3.2008 (Ex.697) that the said statements of Dr.G.N.Dake and Dr.N.D.Pawar were not correct and as already stated by him in his earlier affidavit dated 25.12.2007 (Ex.645) they had signed the said Marksheet and the said selection lists after they were ready during the night between 25th and 26th June 2005 or in the morning on 26.6.2005. He, however, admitted that they met him on the aforesaid dates when he visited Rahuri and Parbhani. As regards his relations with Dr.G.N.Dake and Dr.N.D. Pawar, he stated that they were cordial and in fact he had suggested to the Vice-Chancellor, the name of Dr.N.D. Pawar, for being nominated as member of the Selection Committee in the present case.

562) As regards the additional affidavit of Dr.Vandan Mohod, dated 2.4.2008 (Ex.713), he stated in para 1 thereof that he had seen the affidavit dated 5.3.2008 (Ex.685) filed by Dr.G.N. Dake, and the affidavit of Dr.N.D. Pawar, dated 20.2.2008 (Ex.668) in which they had stated that they had put their signatures upon the selection lists at Rahuri and Parbhani respectively when Dr.V.D. Patil, and he himself visited the said places. As regards, Dr.G.N.Dake, he found from his affidavit dated 5.3.2008 (Ex.685) that according to him his signature was taken on the selection lists when he himself and the Chairman of the Selection Committee, Dr.V.D. Patil, visited Rahuri on 14.9.2005 and as regards Dr.N.D. Pawar, he stated in his affidavit dated 20.2.2008 (Ex.668) that he was not sure on which date out of 3 dates i.e. 14.9.2005, 27.10.2005 and 15.12.2005 his signature was obtained on the selection lists when Dr.V.D. Patil, visited Parbhani on the said dates. He, however, stated that according to him, they had put their signatures on the selection lists at pages 66 to 76 in the file Ex.34(O) at Akola, after they were ready during the night between 25.6.2005 and 26.6.2005. He then stated that as regards his relations with them he did not know them because he had never come in contact with them.

xvi) Discrepancies, Mistakes and Overwriting / applying white ink in the categorywise Mark-sheet Ex.34(O)-A, consolidated Mark-sheet, Ex. 112(O) and the Chart Ex. 38(O) about marks awarded by the Assistant Professors/ Associate Professor.

563) After the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee containing at pages 77/1 to 92 the categorywise Marksheet of all the candidates who appeared for interviews for the posts of SRA (Agri.) and JRA (Agri.), marked as Ex. 34(O)-A was submitted in this enquiry, this office carefully verified in the said Marksheet Ex.34(O)-A the entries about the marks awarded to each candidate for his academic performance, interview and the total marks awarded to him. Accordingly, it prepared a chart about discrepancies, mistakes and overwriting in the marks awarded to some of the candidates in the posts of SRA (Agri.)/JRA (Agri.), a true copy of which is annexed to this report as **Annexure-21.**

563-A) After careful scrutiny and verification of the chart Ex.38(O) in which the Assistant Professors/Associate Professor had given to the candidates who appeared for interview marks regarding Ph.D. degree acquired by them or Ph.D. thesis submitted by them after the last date of application, research papers / popular articles published by them, whether before or after the last date of application, and significant contribution made by them, this office also prepared a chart regarding discrepancies and mistakes committed by them in awarding marks to some of the candidates after verification of their certificates/publications. For specific cases of discrepancies/mistakes vide paras 227 to 295 of the Enquiry Report in which the affidavits of the Assistant Professors/ Associate Professor are referred to in detail. A true copy of the said chart about discrepancies and mistakes in the chart Ex. 38(O) committed by the Assistant Professors/ Associate Professor in awarding marks for Ph.D. degree, Ph.D. thesis submission, research papers/popular articles and/or significant contribution is annexed as **Annexure-22** to this Report. Both the aforesaid charts annexed as Annexures-21 and 22 to this report were brought to the notice of the Chairman and the Members of the Selection Committee during their interrogation and statement in this enquiry. Separate charts about illegal additional benefits received by some candidates in the posts of SRA/JRA by filing more research papers/popular articles at the time of the interview are already annexed to this Enquiry Report as Annexures 13 and 14, vide para 295-A of this Report. As regards the illegal benefits received by some candidates by acquiring Ph.D. degree or submitting Ph.D. thesis after the last date of application, the chart of such candidates annexed as Annexure-42 in para 1238 in Part – III of the Enquiry Report relating to appreciation/assessment of material on record.

564) As regards the question of discrepancies and mistakes in the marks shown against the name of each candidate for the posts of SRA (Agri.) and JRA (Agri.) in the Mark-Sheet

Ex.34(O)-A on the basis of which the Selection lists of the said posts were prepared by the Selection Committee, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 98 of his affidavit dated 25.12.2007 (Ex.645) that he had seen in the said Marksheet Ex.34 (O)-A the name of Gadge Ramesh N. which appeared in open category at serial no.189 in the post of JRA and at serial no.123 in open category in the post of SRA. He then stated that in the above Marksheet relating to JRA (Open), at Sr. No. 189, the marks shown to him for academic performance were 9, for interview 59, and the total marks shown to him were 68 while for SRA (Open), at serial no.123, the marks shown to him for academic performance were 9, for interview 50, and the total marks shown to him were 59. He also stated that his name was included in the Selection list of JRA (Open) category. According to him, it appeared that in the post of SRA there were corrections made in the marks awarded to him for interview and therefore in the total marks awarded to him. Further, according to him, his interview marks appeared to be corrected to 50 and thus the total marks to 59 by using white ink. He then stated that he found that there was no such correction made in the marks shown to him at serial no.189 in the Marksheet prepared for JRA (Open) category. He further stated that, according to him, the correction in the said Marksheet was required to be made because through oversight he was wrongly shown to have received 59 marks in interview whereas he felt that he should have been given 50 marks in the interview. He, however, admitted that if the total of the marks allotted to him for his academic performance and interview was 68 as shown in the Marksheet of JRA (Open), he should have been selected for the post of SRA since common marks were awarded for interview of both these posts. He then stated that although, he did not remember now his interview must have been excellent since he was awarded 50 marks for interview.

565) As regards the candidate Shri Wankhade Rajendra S., Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 99 of his affidavit dated 25.12.2007 (Ex.645) that his name was at serial no.378 in the category of JRA (OBC), where the marks shown to him for his academic performance were 17 and for interview 23, the total marks awarded to him being 40. However, according to him, in the Marksheet of JRA (Open) Category where his serial number was 609, there was overwriting in his marks for interview which were shown as 37 and also in the total marks awarded to him which were shown as 54. He then stated that because of the said total marks 54, he was selected as a last candidate in the Selection list of JRA (Agri.) (Open). He admitted that if the total marks shown to him in the category of JRA (OBC) were correct and where there was no correction, he would not have been selected in the post of JRA in both the categories i.e. OBC and Open. He then stated that, according to him, there must have been some mistake in writing his marks for personal interview and although his marks were corrected in JRA (Open) category they remained to be corrected in JRA (OBC) category. He then stated that according to the procedure

followed by them if any candidate had applied for more than one category, he would be selected in open category first if he was eligible for selection in the said category. He thus stated that the aforesaid candidate Shri Wankhade Rajendra S. who received 54 marks as corrected, was therefore selected in JRA (Open) category as he was eligible for selection in the said category by reason of the marks awarded to him.

566) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 100 of his affidavit dated 25.12.2007 (Ex.645) that he had seen in the Marksheet Ex.34(O)-A the name of Dethe Amol M., who had applied for open category in SRA and JRA. According to him, his name was at serial no.144 in the post of JRA (Open) and at serial no.94 in the post of SRA (Open). He then stated that the total marks shown to have been received by him in both the above posts were 60.4 and that he was selected for the post of SRA (Open) on the basis of the said marks. He further stated that he, however, found that many candidates who got more marks than 60.4 were selected in the post of JRA (Open) instead of SRA (Open) which according to him, was a mistake because the candidates receiving higher marks were first placed in the post of SRA and the remaining candidates receiving lower marks were then placed in the post of JRA. He admitted that Shri Dethe Amol M, was wrongly placed in the post of SRA open in the Selection list and that in his place any other candidate in the Selection list of JRA (Open) receiving more marks than him should have been selected in SRA (Open) category.

567) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 101 of his affidavit dated 25.12.2007 (Ex.645) that Shri Bidwe Kishor U., whose name was at serial no.44 in the Marksheet of JRA (OBC), and at serial no. 42 and 31 in the Marksheet of SRA (Open) and (OBC) respectively was selected for the post of JRA (OBC). He then stated that he was shown to have received total marks 61 in the post of JRA (OBC) by not showing 10 marks for his Ph.D. degree by putting whitener upon 10 marks originally shown to him for the said Ph.D. degree but in SRA Open and OBC categories 10 marks for his Ph.D. degree were shown. He, however, stated that the total of his mark shown in JRA (OBC) was incorrect because even if 10 marks for his Ph.D. degree were excluded, his total would come to 61.2 and not 61 as shown but that would not have made any difference so far as his selection for JRA (OBC) category was concerned but if he got 10 marks for his Ph.D. degree, the total of his marks would be 71.2 in which case he would be eligible for selection in the post of SRA whether in Open or in OBC category. He also stated that he had seen the chart Ex.38(O) in which at serial no.134 he was granted 10 marks for his Ph.D. degree. According to him, in his case it appeared that the Selection Committee did not verify whether he was Ph.D. or not and whether he received 10 marks for his Ph.D. degree and without verifying it he was selected for the post of JRA (OBC) category.

568) Dr.V.D.Patil, the Chairman of the Selection Committee, stated in para 102 of his affidavit dated 25.12.2007 (Ex.645) that he had seen the case of Bhongale Santosh A., who

had applied for both the posts of SRA and JRA in OBC and Open Category. He then stated that he received 51.2 marks but he was not selected in the post of JRA in any category. He further stated that he found from the categorywise Selection list of the candidates selected by the Selection Committee for the post of JRA (Agri.) that at page-75 in the said list for OBC category, the last candidate selected at serial no. 27 Shri Gathe Ajay G. was awarded 51 marks which were less than 51.2 marks awarded to the aforesaid Candidate Bhongale Santosh A. He admitted that it was a mistake and in fact, he should have been selected in the post of JRA (OBC) category instead of Gathe Ajay G. who had received 51 marks.

569) He admitted in para 103 of his aforesaid affidavit dated 25.12.2007 (Ex.645) that in the case of candidates Dudhe Vivek H. at serial no.41 JRA (SC), Gedam Kiran R. at serial no.58, JRA (SC), Tade Pramod R. at serial no.26 JRA (SBC), Yelvikar Nagesh V. at serial no.31 JRA (SBC), Choudhari Anant E. at serial no.68 JRA (OBC), Jogi Manoj G. at serial no.175 (OBC), Nikam Satish S. at serial no.270 JRA (OBC), Patil Sandip P. at serial no.288 JRA (OBC), Karthikeyan Reena K. at serial no.292 JRA (Open), Kasurkar Priti B. at serial no.294 JRA (Open), Gawande Uddhav D. at serial no.12 SRA (NT-C), Bhagat Ganesh J. at serial no.19 SRA (OBC), Dhage Vijay S. at serial no.79 SRA (OBC), Brahmkankar Shrikant B. at serial no.45 SRA (Open) and Narwade Shankar G. at serial no.272 of SRA (Open) who were non-selected candidates, the marks awarded to them appeared to have been changed by applying the whitener on the total marks and marks for interviews and/or for academic performance.

570) Dr. V.D. Patil, the Chairman of the Selection Committee, stated in para 104 of his affidavit dated 25.12.2007 (Ex.645) that in the case of candidates Kadam Priti M. at serial no.176 JRA (OBC), Metange Kiran K. at serial no.247 JRA (OBC), Pawar Ravi V. at serial no.296 JRA (OBC), Wankhede Bhawana R. at serial no.137 SRA (SC) and Nage Sanjeev P. at serial no.28 SRA (NT-C) who were selected for the posts of SRA and JRA, their marks for interview appeared to be changed by applying whitener. He then stated in para 105 of his aforesaid affidavit that he found from the Marksheet Ex.34(O)-A and the chart shown to him prepared in this enquiry (Annexure 21 of the Enquiry Report) that there were cases of overwriting in interview marks of the candidates but according to him the corrections were made therein because there were mistakes in the earlier marks shown to them. He, however, stated that he would not be able to tell how many marks were earlier shown to them in which the corrections were made.

571) As regards the chart Ex.38(O) in which the marks were given by the Assistant Professors/Associate Professor to the candidates appearing for interview of the posts of SRA (Agri.) and JRA (Agri.) for acquiring Ph.D. degree or for submitting Ph.D. thesis after the last date of application, for research papers/ popular articles published before the last date of application as well as after the said date, and for significant contribution, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 106 of his affidavit dated

25.12.2007 (Ex.645) that he had perused the said chart Ex.38(O) and had seen the discrepancies/mistakes in the marks awarded by the Assistant Professors under the aforesaid heads after scrutiny of the certificates/publications shown to them by the candidates appearing for interviews. He then admitted that there were discrepancies in the said chart Ex.38(O) in awarding marks to some candidates under some of the above heads and also in regard to the calculation of the total of the marks awarded to them. According to him, there were mistakes committed by them such as giving 10 marks for thesis submission instead of 8 and giving 8 marks instead of 10 to those who had produced their provisional degree certificate before them regarding their Ph.D. He further stated that there were also mistakes committed by them in calculation of the marks for Research Papers / Popular Articles shown to them by the candidates. According to him, even the total of the marks awarded by them in some cases was not correct. He admitted that it was possible that because of the said discrepancies some candidates obtaining higher marks than some other candidates who were selected might not have been selected by them. He then again admitted that as already stated by him in para 67 of his aforesaid affidavit the marks given by the officer of the Registrar's office for degree and experience and by the Assistant Professors for the above matters as per the chart Ex.38(O) were not verified by them. For specific cases of discrepancies/mistakes vide paras 227 to 295 of the Enquiry Report in which the affidavits of the Assistant Professors/Associate Professor are referred to in detailed.

572) As regards the question of discrepancies, mistakes, overwriting and applying whitener to marks for academic performance, interview and / or the total marks in the Marksheet Ex.34(O)-A in respect of some of the candidates appearing for the interviews for the posts of SRA (Agri.) and JRA (Agri.) and also the discrepancies and mistakes in the chart Ex.38(O) prepared by the Assistant Professors/Associate Professor, Dr.Vandan Mohod, the Member Secretary of the Selection Committee, in paras 53 to 61 of his affidavit dated 1.12.2007 (Ex.633) and Shri E.R. Patil, the senior most Member of the Selection Committee, in paras 36 to 44 of his affidavit dated 16.11.2007 (Ex.599), made similar statements as in paras 98 to 106 of the aforesaid affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee.

573) After stating in para 25 of his affidavit dated 1.11.2007 (Ex.590) that in the Selection of candidates for the posts of SRA/JRA in question, except taking interviews and awarding marks to the candidates for the same, no other work was done by the Selection Committee although the Marksheet annexure-XX marked Ex.34(O)-A, at pages 77/1 to 92 and the categorywise Selection lists at pages 66 to 76 annexure-IX to XIX in the file Ex.34(O) were signed by them i.e. the Chairman and the Members of the Selection Committee, Dr.N.D. Pawar, stated in para 27 of his aforesaid affidavit that before signing each page of the Marksheet Ex.34(O)-A, he had verified the same. However, according to

him, he found that there were discrepancies and mistakes in the said Marksheet Ex.34(O)-A which were brought to his notice in this enquiry. He then referred in paras 28 to 34 of his aforesaid affidavit to the said discrepancies and mistakes shown in the chart prepared in this enquiry from the Marksheet Ex.34(O)-A enclosed as Annexure-21 to this report. He stated in para 35 that he would not be able to explain how the above discrepancies and mistakes occurred in preparation of the Marksheet Ex.34(O)-A for the posts of SRA/JRA. He, however, admitted that the said discrepancies and mistakes resulted in injustice to the candidates concerned. As regards Detha Amol M. who was selected for the post of SRA (Open) category, he stated that there was injustice caused by his selection in the post of SRA (Open) to some candidates who were selected in the post of JRA (Open) although they had received higher marks than him.

574) Dr.G.N.Dake, another outside member of the Selection Committee, stated in para 13 of his affidavit dated 23.11.2007 (Ex.600) that the only work he did in the Selection of candidates for the posts of SRA/JRA was of interviewing them and entering their marks for interview each day in the chart supplied to him for that purpose and handing over the said chart to the Member Secretary each day after the interviews were over. He then stated that he would not be able to tell anything about the veracity of the Marksheet Ex.34(O)-A and the Selection lists contained in the file Ex.34(O) since they were not prepared after consulting him or in the meeting of the Selection Committee properly convenient for that purpose as required by law and also as per the usual practice. He also stated that at the time the said Marksheet and the Selection lists were shown to him in Rahuri, there was no other way for him except to sign the same without their verification.

575) Dr.B.N.Dahatonde, local member of the Selection Committee, stated in para 11 of his affidavit dated 10.12.2007 (Ex.636) that he did not know how the Mark-Sheet and the Selection Lists were prepared after the interviews were over on the last days i.e. 25.06.2005 and who prepared them. He then stated in para 13 thereof that 10 to 15 days after the last date of interview i.e. 25.6.2005 he was called by the Chairman of the Selection Committee to see the Marksheet i.e. Ex.34(O)-A and the Selection lists in the file Ex.34(O) and then sign the same. He then stated that since it was not possible for him to scrutinize the whole Marksheet and the Selection lists referred to above, he just had a glance over the said documents and thereafter signed them. He admitted that he had not carefully examined the said Marksheet and as regards the Selection lists, he had read only the names of the candidates who were selected but had not tried to see any deficiencies in their selection. He then stated that he did not enquire as what the expression “Annexure” used in the Selection lists meant particularly when the total marks received by each candidate were not shown in the Selection lists. He further stated that he did not verify from the Marksheet the marks received by each candidate. He therefore stated that since he had not critically examined the Marksheet Ex.34(O)-A, he did not know as to whether there were any deficiencies in the

marks shown against the names of the candidates in the said Marksheet Ex.34(O)-A and if so, whether the Selection lists also suffered from the same vice.

576) After stating in para 8 of his affidavit dated 5.11.2007 (Ex.596) that he did not know anything as to how the selection of the candidates selected for the posts of SRA/JRA was made and the Selection lists prepared and by whom, Dr.N.D.Jogdande, another local member of the Selection Committee, stated in para 13 of his aforesaid affidavit that he did not know anything about the marks to be awarded to each candidate for his academic performance, since he was not told about it by anybody and particularly the Chairman of the Selection Committee and no decision about it was taken by the Selection Committee also. He then stated that he did not know how the marks were given for the same and by whom. He further stated that he also did not know anything about the Marksheet filed and marked in this enquiry as Ex.34(O)-A contained at pages 77/1 to 92 in the file Ex.34(O), in which the marks given to each candidate for his academic performance, interview and the total marks received by him were shown.

577) Shri D.P.Deshmukh, Section Assistant (Estt.) who had made entries about the marks for academic performance, interview and the total marks received by the candidates who were called for interview and had thus prepared the Marksheet Ex.34(O)-A, stated in para 87 of his affidavit dated 15.11.2007 (Ex.598) that in regard to the candidates Dudhe Vivek H., serial no.41 (S.C.), Gedam Kiran R. Serial no.58 (S.C.), Tade Pramod R. Serial no. 26 (SBC), Yelvikar Ganesh V. Serial no. 31 (SBC), Choudhari Anant E. serial no. 68 (OBC), Nikam Satish S. (JRA) serial no. 270 (OBC), Patil Sandip P. (JRA) Serial no.288 (OBC), Gawande Uddhav D. serial no. 12 (NT-C), Dhage Vijay S. (SRA) serial no. 79 (OBC) who were not selected in the posts of SRA (Agri.) and JRA (Agri.), he had used white ink in the column about the total marks awarded to them and in the column about the marks awarded to them for their academic performance because there was perhaps mistake in calculating their total marks and while noting their marks for their academic performance in the said Marksheet Ex.34(O)-A. He then stated in para 88 that in the case of Jogi Manoj G. (JRA) Serial no.175 (OBC), Kartikeyan Rina K. (JRA) Serial no. 292 (Open), and Kasurkar Priti B. (JRA), Serial no.294 (Open), who were not selected for the posts of SRA (Agri.) and JRA (Agri.), he had applied white ink in the column regarding marks for interview in the Marksheet Ex.34(O)-A because he perhaps committed mistake in writing their marks for interview as dictated to him by Dr.V.D. Patil, the Chairman of the Selection Committee.

578) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 89 of his affidavit dated 15.11.2007 (Ex.598) that in the case of the candidates Ku. Kadam Preeti M.(SRA) Serial no. 176(OBC), Pawar Ravi V. (JRA) Serial no.296 (OBC), Ku. Bhawana Wankhede R. (SRA) Serial no. 137 (S.C.), Nage Sanjiv P. (SRA), OBC serial no.28(NT-C), Bhagat Ganesh J. SRA, Serial no.19 (OBC), Brahmarkar Shrikant B. SRA, Serial no.45 (Open) who were selected, there were mistakes in writing their marks for interview in the

Marksheet Ex.34(O)-A for correcting which he had used white-ink. Similarly, as regards the candidate Metange Kiran K (JRA) Sr.no.247, (OBC), there was a mistake committed in calculating the total marks for academic performance for which white ink was used.

579) As regards the candidate Shri Narwade Shankar G. SRA (Open) Sr.no. 271, who was not selected, Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 90 of his affidavit dated 15.11.2007 (Ex.598) that he was given 24.4 marks for his academic performance and 16 marks for interview and therefore he should have been given total marks of 40.4 but instead, he was through mistake, given total marks 40 as shown in the Marksheet Ex.34(O)-A.

580) As regards Shri Bidwe Kishor U., JRA (OBC), Serial no. 44, in the Marksheet Ex.34(O)-A, a selected candidate Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 91 of his affidavit dated 15.11.2007 (Ex.598) that he was shown to have received 11.2 marks for academic performance and 50 marks for interview and thus his total should have been shown as 61.2 but instead his total was shown as 61 only in the said Marksheet Ex.34(O)-A. He also stated that in the Marksheet Ex.34(O)-A relating to the post of SRA (OBC) as well as (Open) category, he was shown to have received 10 marks for Ph.D. degree but while calculating the total of the marks received by him, the said marks were not taken into account. According to him, the said 10 marks were given to him for his Ph.D. by the Assistant Professors in their chart Ex.38(O). He then stated that he would not be able to tell how there was such difference in the Marksheet Ex.34(O)-A about him. He admitted that had the above 10 marks been taken into consideration, he would have been selected in the Selection list of SRA.

581) As regards Bhongale Santosh A, JRA (OBC), serial no.34, in the Marksheet Ex.34(O)-A, who had applied for both the posts of SRA and JRA in OBC and Open category and who was shown to have received total marks 51.2 in the said Marksheet Ex.34(O)-A, Shri D.P.Deshmukh, Section Assistant stated in para 92 of his affidavit dated 15.11.2007 (Ex.598) that the above marks which he had received were more than the marks received by the last candidate in the selection list of JRA (OBC) since the said last candidate had received only 51 marks but he was not selected which was a mistake committed while preparing the Selection list.

582) As regards Gadage Ramesh N. selected as JRA (Agri.) (Open), Serial no.189, in the list of JRA (Agri.) (Open) in the Marksheet Ex.34(O)-A, Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 93 of his affidavit dated 15.11.2007 (Ex.598) that he was awarded 59 marks for interview and the total marks 68 for the post of JRA (Agri.) (Open) but in the list of SRA (Agri.) (Open) in the Marksheet Ex. 34(O)-A he was awarded 50 marks for interview and total marks 59. He then stated that, white ink was applied in the said entries of 50 and 59 in the aforesaid list of SRA (Agri.) (Open) in the Marksheet

Ex.34(O)-A. The reason, according to him, was that in the said Marksheet Ex.34(O)-A the marks about the post of JRA were first entered and thereafter the marks about the post of SRA were entered. He then stated that the correction suggested by the Chairman of the Selection Committee in the marks for interview was made in the marks awarded to him in the Marksheet about SRA (Open) but the said correction remained to be made in the Marksheet about JRA (Open).

583) Shri D.P.Deshmukh, Section Assistant (Estt.), also stated in the said para 93 of his affidavit dated 15.11.2007 (Ex.598) that similar thing had happened in respect of the candidate Wankhade Rajendra S. JRA (Open) Serial no.609, in the Marksheet Ex.34(O)-A. According to him, in the list of JRA (OBC), he was shown to have received 17 marks for academic performance and 23 marks for interview, the total marks shown to him being 40, but in JRA (Open) category in which he was selected, he was shown to have received 17 marks for academic performance and 37 marks for interview, the total marks shown to him being 54 by applying white ink upon the marks for interview, and the total marks awarded to him.

584) As regards Dethe Amol M. SRA (Open) Serial no.94 in the Marksheet Ex.34(O)-A, Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 94 of his affidavit dated 15.11.2007 (Ex.598) that he received total marks 60.4 and was selected for the post of SRA but he admitted that there were candidates in the Selection list of JRA (Open) at page 75 of the file Ex.34(O) who had received more marks than him and therefore there was a mistake committed in not selecting any of them in the post of SRA (Open) instead of the said Dethe Amol A. which mistake must have been committed at the time of preparation of the Selection list.

a) Overwriting in interview and total marks of the candidates in the Mark-Sheet Ex.112(O)

585) Perusal of the consolidated alphabetical Mark-Sheet Ex.112(O) would show that there was overwriting in interview and total marks of certain candidates in the said Mark-Sheet. This office therefore, prepared the chart of such candidates. After seeing the said chart prepared by this office regarding overwriting in interview and total marks of the candidates in the Mark-Sheet Ex.112(O), Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 4 of his aforesaid affidavit dated 22.6.2009 (Ex.945) that the said chart contained the names of 32 such candidates from the said Mark-Sheet Ex.112(O). He admitted that the original entries and changed entries about the interview and total marks of the said 32 candidates were made by him in his own handwriting. After seeing each and every entry in the said chart with magnifying glass, he further admitted that the entries taken in the said chart regarding the changes made in interview and total marks were correct and wherever overwriting was not clear, it was so mentioned in the remarks column

in the said chart. The chart of such 32 candidates in whose interview and total marks changes were made is annexed to the Enquiry Report as **Annexure-23.**

585-A) Shri D. P. Deshmukh, Section Assistant (Estt.) then stated in the said para 4 of his aforesaid affidavit dated 22.06.2009 (Ex. 945) that Dr. V. D. Patil, the Chairman of Selection Committee had dictated to him the changes in marks for interview of the said candidates by telling him again about the same after he had earlier dictated the interview marks originally given to them. Further, according to him, since their interview marks had changed their total marks had also changed. He also stated that as the earlier entries about the earlier interview and total marks were made in pencil in the said Mark-Sheet Ex.112(O), the said earlier entries had to be erased by using rubber as the interview marks had changed. He then stated that he did not know why after Dr.V.D.Patil, the Chairman of the Selection Committee first dictated and he had taken down the interview marks in the said Mark-Sheet Ex.112(O), he had changed them in some cases. He further stated that he did not know whether the marks for interview dictated to him by Dr.V.D. Patil, the Chairman of the Selection Committee, reflect the average of the common marks for interview given by him and the members of the Selection Committee for both the posts.

585-B) As regards the chart regarding overwriting in interview and total marks of 32 candidates in the Mark-Sheet Ex.112(O) prepared by this office after seeing the said chart Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 4 of his aforesaid affidavit dated 24.6.2009 (Ex.946) that he had actually verified the said entries from the Mark-Sheet Ex.112(O). He then admitted that interview and total marks of the candidates in the said chart were changed as shown therein after erasing the earlier marks shown against their names. He also stated that he found that the interview marks of some candidates in the said chart appeared to have been increased whereas of some others reduced and consequently their total also. According to him, the reason for the said changes in interview and total marks of the candidates in the said chart was that the total of the interview marks given by him and the members of the Selection Committee was found wrong when it was checked again and therefore, the average of the interview marks received by the said candidates had to be changed. He, thus, stated that the changes had to be made in their interview and total marks in the Mark-Sheet Ex.112(O). He then stated that the Registrar was also associated and had participated with him in dictating the interview marks to Shri D.P. Deshmukh, Section Assistant (Estt.) for being recorded in the consolidated alphabetical Mark-Sheet Ex.112(O).

xvii) Preparing the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005

586) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 57 of his affidavit dated 25.12.2007 (Ex.645) that the proceedings of the meeting of the Selection

Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were not prepared by him. According to him, except the Selection lists which they had prepared on 25/26-6-2005 and which were with him as per the direction given by the Vice-Chancellor (See Paras 52 and 74 of his affidavit), all other documents / annexures in the file Ex.34(O) were in the Registrar's office. Further, according to him, he handed over the Selection lists to the Registrar 2-3 days after the last date of interview i.e. 25.6.2005. He then stated that the Registrar's office prepared the proceedings of the meeting of the Selection Committee, held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 as contained at pages 1 to 14 of the file relating to the proceedings of the meeting of the Selection Committee marked as Ex.34(O) in this enquiry. He also stated that he and the Member Secretary of the Selection Committee i.e. the Registrar, Dr.V.K.Mohod, had signed each page of the said proceedings but had not put any date below their signatures on the last page or any other page of the said proceedings. He then stated that he would not be able to tell why they had not put the date on which they had signed the said proceedings. He further stated that the office of the Registrar prepared the said file Ex.34(O) including therein inter-alia at pages 66 to 76 the original Selection lists as Annexure-IX to XIX of the proceedings/minutes of the meeting of the Selection Committee which were at pages 1 to 14 of the said file Ex.34(O). He also stated that the whole file Ex.34(O) was brought to him in cover packet by some members of the staff of the Registrar's office but he asked them to keep the same in the custody of the Registrar. He then stated that when the Vice-Chancellor demanded the Selection lists, he asked the Registrar's office to give the said file Ex.34(O) to him and it was the said file Ex.34(O) which included the Selection lists which was handed over by him to the Vice-Chancellor on 6.9.2005, as stated by him in earlier paras of his aforesaid affidavit.

587) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 61 of his affidavit dated 25.12.2007 (Ex.645) that he did not himself check the aforesaid proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 but the Registrar had briefed him about the contents thereof. According to him, as stated in the said proceedings / minutes, the Selection Committee as such by following formal procedure of "meeting" did not decide the criteria for evaluation of the candidates for the posts of SRA and JRA but he had informed the local Members of the said Committee on phone to come for meeting on 31.5.2005 at 3.30 PM to consider and decide the question of criteria to be applied in selection of candidates for the posts of SRA and JRA and accordingly the criteria was fixed by him, Dr.E.R. Patil, Seniormost Member and the then Registrar, who were present in the meeting on 31.5.2005 to determine the said criteria. He then stated that he had however briefed the Members of the Selection Committee, about the said criteria, at the outset on 13.6.2005 i.e. the first day of its meeting.

588) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 62 of his affidavit dated 25.12.2007 (Ex.645) that he had seen in this enquiry the aforesaid proceedings of the meeting of the Selection Committee contained in the file Ex.34(O). After seeing the heading of item No. IV therein i.e. “Interviews for the posts of SRA/JRA Agril./ Engineering” and also the phraseology used in the body of the introductory part of the said item-IV at page-8 i.e. “for appointments to the posts of SRA/JRA Agriculture/Engineering, he stated that the posts of SRA (Agri.) were only filled which was clear from the resolution of the Selection Committee which was at page-8 of the said proceedings. According to him, as regards the posts of JRA, the heading of the resolution at page –11 was “JRA (Agri.)/Engineering”. He explained that although the said heading and the wording of the resolution in respect of JRA (Agri.)/ (Agril.Engg.) (the word used in the Resolution is “Engineering” and not “Agril. Engineering”) create an impression that there were posts of JRA (Agril. Engg.) in the University, in fact, there were no such posts of JRA (Agril. Engg.) in the University and the posts which were filled by selection of Agricultural Engineering graduates were the posts of JRA (Agri.) only.

589) As regards the question of preparation of the proceedings / minutes of the meeting of the Selection Committee, held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005, Dr.Vandan Mohod, the Registrar/ Member Secretary, stated in para 36 of his affidavit dated 1.12.2007 (Ex.633) that the said proceedings/ minutes were prepared by the then Assistant Registrar (Estt.) Shri P.V. Behare, after about 4 days from the last day of interviews i.e. 25.6.2005. He then stated that for preparing the said proceedings, there was discussion between him, the Chairman of the Selection Committee and the Assistant Registrar Shri P.V. Behare. According to him, he explained to him about the discussion and the decision taken in the meeting of the Selection Committee and about the annexures to be annexed to the said proceedings. He then stated that Shri P.V. Behare, noted the points and gave dictation to the Stenographer for preparing the proceedings of the aforesaid meeting of the Selection Committee during which they were present.

590) Dr.Vandan Mohod, the Registrar/Member Secretary, stated in para 37 of his aforesaid affidavit dated 1.12.2007 (Ex.633) that he had seen in this enquiry the proceedings of the meeting of the Selection Committee contained in the file Ex/34(O). After seeing the description of the posts as SRA/JRA (Agriculture/Engineering) in the first para on page-8 of the said proceedings in the file Ex.34(O) relating to recommendations for appointment in the said posts i.e. the portion above the heading “SRA” of the Resolution No. AS4/2005, he stated that their recommendations were for appointment in the posts of SRA (Agri.) and JRA (Agri.) only but while selecting the candidates for the posts of JRA (Agri.), they had also selected 4 or 5 Engineering graduates for appointment in the said posts for which reason in the proceedings of the meeting of the Selection Committee the words used after the word JRA were Agri./Engineering. According to him, there were no

posts of JRA (Agril.Engg.) in the University but there was need for certain Agricultural Engineering Graduates in the post of JRA. He therefore stated that as there was no sanctioned strength for the said post of JRA (Agril.Engg.), the posts which they had filled by the appointment of Agricultural Engineering Graduates were the posts of JRA (Agri.). He then stated in para 38 of his aforesaid affidavit that as regards the posts of JRA (Agri.) the Agricultural Engineering Graduates could work in some such posts in the departments of Water Harvesting, Soil Conservation, Land Resource Management and Soil Physics and the five Agricultural Engineering graduates who were selected were given appointments in the said departments. He also stated that there were no other departments in which Agricultural Engineering Graduates could work and could be absorbed.

591) Dr.Vandan Mohod, the Registrar/Member Secretary, stated in para 39 of his affidavit dated 1.12.2007 (Ex.633) that after the aforesaid proceedings of the meeting of the Selection Committee were ready, he himself and the Chairman of the Selection Committee signed each page of the said proceedings/minutes but did not put the date below their signatures upon the said pages. He then stated that to the said proceedings of the meeting of the Selection Committee contained in the file Ex-34(O), were annexed the recommendations of the Selection Committee about promotions to be made, Selection lists, and the Marksheet Ex.34(O)-A referred to by him in the earlier paras of his aforesaid affidavit. He then admitted that no date was put by the Chairman and the Members of the Selection Committee including himself below their signatures on any of the documents contained in the file Ex.34(O) except that upon the Selection lists i.e. Annexure-IX to XIX at pages 66 to 76 of the said file Ex.34(O) the date 25.6 was put below his signature and the signature of Dr.V.D. Patil.

592) Dr.Vandan Mohod, the Registrar/ Member Secretary, stated in para 40 of his affidavit dated 1.12.2007 (Ex.633) that after the proceedings of the meeting of the Selection Committee, held on 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were prepared, they were not sent to the Members of the Selection Committee nor any meeting of the Selection Committee was held for placing the said proceedings before it for its confirmation. As regards the custody of the said file (Ex.34(O)) about the proceedings of the meeting of the Selection Committee, he stated in para 41 that the said file was with the Chairman of the Selection Committee, and it might have been sent to him by him sometime in the month of August 2005. He then stated in para 42 of his aforesaid affidavit that if the Selection lists or the said file about the proceedings of the meeting of the Selection Committee Ex.34(O) was handed over personally by Dr.V.D. Patil, to the Vice-Chancellor, there might not be any entry about it in the Inward Register maintained in the office of the Vice-Chancellor which information could be verified from its Inward Register. After perusal of the said Inward Register filed in this enquiry, it was found that there was no entry in the said Inward

Register about the receipt of Selection lists or the said file Ex.34(O) in the office of the Vice-Chancellor.

593) Referring at this stage to the additional affidavit of the Assistant Registrar (Estt.), Shri P.V.Behare, dated 9.1.2008 (Ex.648), he stated in para 2 thereof that the draft of the proceedings (i.e. text of covering pages) of the meeting of the Selection Committee, held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 was finalized by him as per the instructions and briefing received from the Registrar/ the Secretary of the Selection Committee who was an authority competent to prepare the proceedings under statute-37. However, according to him, he did not recollect the exact date when he did so but at that time, the dealing Assistant Shri Deshmukh, was present and he provided the relevant record i.e. Annexures etc. and assisted in the matter.

594) Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 43 of his affidavit dated 14.1.2008 (Ex.658) that the whole file marked as Ex.34(O) was as such not brought to him and was not seen by him at the time when Dr.V.D. Patil, and others had come to him for handing over the Selection lists of the posts of SRA (Agri.)/ JRA (Agri.). He then stated that he had not checked whether the Chairman of the Selection Committee had put the dates while signing the Selection lists and the Marksheet Ex.34(O)-A. He also stated that he did not remember whether the statements regarding recommendations of the Selection Committee about promotions contained in the file Ex.34(O) were shown to him. According to him, the proceedings of the Selection Committee contained in the said file were not shown to him and the file Ex.34(O) itself as such was not brought and shown to him at any time.

595) As regards the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee, after having seen the said file during his interrogation and statement in this enquiry, as stated by him in para 41 of his affidavit dated 14.1.2008 (Ex.658) Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 42 of his aforesaid affidavit that the Selection lists at pages 66 to 76 and the Marksheet Ex.34(O) at pages 77/1 to 92 of the said file Ex.34(O) were annexed with the office note dated 6.9.2005 contained in the file relating to the interviews Ex.35(O). He stated therein that the Selection lists annexures i.e. I to XI which were actually shown as annexed to the aforesaid office note dated 6.9.2005 in the said file Ex.35(O) were not annexed to the said office note dated 6.9.2005 at the time when he approved it but it was the Selection lists at pages 66 to 76 of the file Ex.34(O) which were annexed to it at that time.

596) Dr.E.R. Patil, the Seniormost Member of the Selection Committee, stated in para 30 of his affidavit dated 16.11.2007 (Ex.599) that as regards the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005, the said proceedings of the meeting of the Selection Committee were not recorded on each day

of interviews or at any time thereafter to show as to what transpired in the meeting of the Selection Committee on each day of interview. According to him, the said proceedings/minutes were not written on the last day of interview i.e. 25.6.2005. He then stated that after seeing the proceedings of the meeting of the Selection Committee, contained at pages 1 to 14 of the file Ex.34(O), he found that the said proceedings were signed by Dr.V.D. Patil, the Chairman and Dr.V.K. Mohod, the Member Secretary of the Selection Committee but they had not put any date below their signatures upon the said proceedings.

597) After seeing the proceedings of the meeting of the Selection Committee contained in the file Ex.34(O), Dr.E.R. Patil, Seniormost Member of the Selection Committee, stated in para 31 of his affidavit dated 16.11.2007 (Ex.599) that the said proceedings did not contain consolidated lists of all the candidates for the posts of SRA and JRA prepared by the Selection Committee in descending order of merit and also categorywise lists of SRA/JRA prepared by it in descending order of merit as referred to by him in the earlier paras of his aforesaid affidavit (Vide para 18). After seeing the Selection lists of the posts of SRA (Agri.) and JRA (Agri.) annexed as Annexure-IX to XIX at pages 66 to 76 of the aforesaid file Ex.34(O), he stated that it was the same lists which they had prepared on the last day of interview i.e. 25.6.2005 upon each page of which the Chairman and each member of the Selection Committee including himself had put their signatures but except the Chairman Dr.V.D. Patil, and the Member Secretary Dr.V.K. Mohod, who had put the date 25/6, below their signatures nobody else had put any date below his signature. He, however, stated that on seeing the said file Ex.34(O) he found that there were no dates put by anybody including the Chairman and the Members of the Selection Committee upon the other documents in the said file Ex.34(O) such as the lists of candidates recommended by the Selection Committee for promotions. As regards the Marksheet Ex.34(O)-A annexed at pages 71/1-92 of the said file Ex.34(O), he stated in earlier para 28 of his aforesaid affidavit that the said Marksheet Ex.34(O)-A was not prepared by them (i.e. the Selection Committee) but was prepared by the Registrar's office. He then stated in para 29 of his aforesaid affidavit that although there was no date on the said Marksheet Ex.34(O)-A below the signatures of the Chairman and the Members of the Selection Committee, they must have put their signatures upon the said Marksheet Ex.34(O)-A on 25.6.2005 i.e. the last date of interview. He also stated therein that he would not be able to tell why they had not put the date upon the said document Ex.34(O)-A.

598) Dr.E.R. Patil, Seniormost Member of the Selection Committee, stated in para 32 of his affidavit dated 16.11.2007 (Ex.599) that the minutes /proceedings of the meeting of any committee should be faithfully recorded so as to show as to what transpired in the said meeting and the decision taken therein. According to him, the consolidated merit lists of all the candidates and also categorywise Selection lists for the posts of SRA/JRA separately

prepared by the Selection Committee in descending order of merit on the last day of interview i.e. 25.6.2005 which were vital documents regarding the work of selection of candidates for the posts of SRA and JRA in question done by the Selection Committee should have therefore been annexed to the said proceedings of the Meeting of the Selection Committee contained in the file Ex.34(O). He then stated that he would not be able to tell why they were not annexed to the said proceedings of the meeting of the Selection Committee.

599) Dr.N.D. Jogdande, local Member of the Selection Committee, stated in para 10 of his affidavit dated 5.11.2007 (Ex.596) that he did not know as to when and who prepared the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained in the file Ex.34(O).

600) Dr.B.N.Dahatonde, also stated in para 13 of his affidavit dated 10.12.2007 (Ex.636) that he did not know when the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were prepared and by whom. He further stated in para 14 of his aforesaid affidavit that he did not read the proceedings of the above meeting of the Selection Committee which were at pages 1 to 14 of the file Ex.34(O).

601) Dr.G.N.Dake, stated in para 12 of his affidavit dated 23.11.2007 (Ex.600) that he had not seen the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 and that the said proceedings were never shown to him by the Chairman or the Member Secretary of the Selection Committee. He then stated that he did not know when the proceedings of the meeting of the Selection Committee, the Marksheet Ex.34(O)-A and the Selection lists contained in the file Ex.34(O) were prepared. He also stated that at the time when he put his signatures upon the aforesaid Marksheet Ex.34(O)-A and the Selection lists at Rahuri, the proceedings of the meeting of the Selection Committee were not brought and shown to him there.

602) After seeing the proceedings of the meeting of the Selection Committee, Dr.N.D. Pawar, another outside Member of the Selection Committee, stated in para 17 of his affidavit dated 1.11.2007 (Ex.590) that the said proceedings were not written on 25.6.2005 after the meeting of the Selection Committee was over on the said date i.e. the last day of its meeting and he had not seen the said proceedings of the Selection Committee at any time, nor they were sent to him also.

603) After seeing the resolution no. AS/1/2005 regarding promotion of JRA to the post of SRA which was at pages 3 to 5 of the said proceedings of the Selection Committee contained in the file Ex.34(O), Dr. N.D. Pawar, outside Member of the Selection Committee, stated in para 19 of his affidavit dated 1.11.2007 (Ex.590) that he found that the said resolution contained the names of 63 candidates only recommended in order of

merit for promotion from JRA to the post of SRA whereas in the annexure-III on pages 28 to 35 of the said file Ex.34(O), the Selection Committee had recommended 77 candidates for promotion from JRA to SRA. He then stated that he would not be able to tell why the names of 14 JRAs included in the said annexure-III and recommended by them for promotion to the post of SRA were dropped while writing the proceedings of the meeting of the Selection Committee since the aforesaid proceedings of the meeting of the Selection Committee were never shown to him. As regards the Resolution no.2 in the proceedings of the meeting of the Selection Committee at pages 5 and 6 of the file Ex.34(O) regarding promotions of AA to JRA, he stated in para 20 of his aforesaid affidavit that he would not be able to tell on which date, they considered the question of promotion of AA to the post of JRA. He, however, admitted that they had recommended under their signatures their names as per Annexure-IV at pages 40 to 42 in the file Ex.34(O).

604) Dr.N.D.Pawar, stated in para 22 of his affidavit dated 1.11.2007 (Ex.590) that the Selection Committee, had taken the interviews of the candidates for all the posts of SRA and JRA as mentioned in the advertisement dated 14.8.2004 (Ex.2) and given them common marks for all the said posts shown in the said advertisement because the members of the Selection Committee, were not told that the posts to be filled were of JRA (Agri.) and SRA (Agri.) only. According to him, after seeing the proceedings of the meeting of the Selection Committee, contained in the file Ex.34(O), he found that in Resolution No. IV at page no.7 of the said file Ex.34(O) it was stated that since during the passage of time after the said advertisement was issued there were number of additional vacancies in the posts of SRA (Agri.) and JRA (Agri.), it was proposed to consider the additional vacancies as mentioned in the chart given in the said Resolution No. IV (See page-8) which included the number of posts advertised in each category S.C, S.T. etc. and the revised number of posts shown in each of the said categories which were filled. He then stated that although the said Resolution No. IV speaks about the categories in the number of posts of SRA and JRA to be filled, they were not told that the posts of SRA (Agri.) and JRA (Agri.) were only to be filled and also exact number of the said posts of SRA and JRA which were to be filled.

605) After seeing the proceedings of the Selection Committee, relating to the agenda of Selection of SRA/JRA at pages 7 to 14 in the file Ex.34(O) under the head “IV” about “Interview for the posts of SRA / JRA Agril./Engineering (13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005)”, Dr.N.D. Pawar, stated in para 23 of his affidavit dated 1.11.2007 (Ex.590) that he would not be able to vouchsafe for the correctness of the contents of the said proceedings because they were never shown to him. He further stated that he would not be able to tell why in para under the head “IV” at pages 7-8 it was stated “Senior Research Assistant Agri. / Engineering” whereas the Resolution no.4 at page-8 related to SRA (Agri.) only. Similarly, according to him, he would not be able to tell why in Resolution No.5 at page-11 of the proceedings in the file Ex.34(O), it was stated that the

Selection Committee unanimously selected the names of the candidates for the posts of JRA Agri./Engineering.

606) As regards the proceedings/minutes of the meeting of the Selection Committee Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 46 of his affidavit dated 15.11.2007 (Ex.598) that no Register was maintained in the University for writing the proceedings/minutes of the meeting of the Selection Committee. He then stated in the said para 46 that the agenda about promotion was considered by the Selection Committee at the outset in its meeting on 13.6.2005 after completion of which in two hours the interviews started. He, however, stated that although the statements about promotions recommended by the Selection Committee were signed by its Chairman and the Members none of them put the date below his signature upon the said statements. He also explained in detail in paras 47 to 51 of his aforesaid affidavit the statements about promotions annexed as annexures to the proceedings of the meeting of the Selection Committee held on 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained in the file (Ex.34(O)). He however, stated in para 54 that although the agenda relating to promotion was considered on 13.6.2005 the proceedings/minutes about the said agenda were not written on the same day. He then stated in para 55 of his aforesaid affidavit that he had not received on 6.9.2005 the file Ex.34(O) containing the proceedings/minutes of the meeting of the Selection Committee and the annexures annexed to it. According to him, on that date, he had received only the Selection lists annexed as Annexure-I to XI to his office note dated 6.9.2005 contained at pages 17/C to 19/C of the file Ex.35(O), on which there were no signatures of the Chairman and the Members of the Selection Committee. He further stated that he had not received the said proceedings of the meeting of the Selection Committee and the annexures annexed to it contained in the file Ex.34(O) even till the appointment orders were issued to SRA/JRA on 16.9.2005 and 17.9.2005 respectively. According to him, the said proceedings and the annexures annexed to it were received by him on or about 15.10.2005.

607) Shri D.P.Deshmukh, Section Assistant (Estt.), however, stated in para 1 of his additional affidavit dated 15.3.2008 (Ex.695) that he received the proceedings of the Meeting of the Selection Committee with the Selection lists and the Marksheet Ex.34(O)-A, signed by the Chairman and the Member Secretary of the Selection Committee in November/December 2005, when the concerned persons started demanding the Selection lists by making application under Right to Information Act. He then stated that at that time the said proceedings of the Meeting of the Selection Committee with the Selection lists and the Marksheet Ex.34(O)-A were handed over to him by the Registrar Dr.Vandan Mohod, who was the Member Secretary of the Selection Committee.

608) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 56 of his affidavit dated 15.11.2007 (Ex.598) that the proceedings / minutes of the meeting of the Selection

Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained in the file Ex.34(O) might have been prepared by Dr.V.D. Patil the Chairman of the Selection Committee, and its Member Secretary/Registrar Dr.Vandan Mohod, but he would not be able to tell when the said proceedings / minutes were prepared. He then stated in para 57 that below the signatures of Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.V.K. Mohod, the Member Secretary, upon the categorywise Selection lists annexed as Annexure-IX to XIX at pages 66 to 76 of the file relating to the meeting of the Selection Committee Ex.34(O), the date "25.6." appeared to be mentioned but, according to him, the Selection lists could not have been prepared on 25.6. He also stated that upon the proceedings/ minutes of the meeting of the Selection Committee and other annexures enclosed with it although there were signatures of the Chairman and the Members of the Selection Committee none of them had put any date below their signatures. He further stated that except the annexures relating to promotions which he himself had prepared, he did not know who had prepared other annexures annexed to the said proceedings / minutes and when. He then clarified that in the affidavit of the University dated 30.8.2007 (Ex.180) in regard to point no.4 there was reference to the "final marksheet" which, according to him, was reference to Marksheet Ex.34(O)-A at page 77/1 to 92 of the file Ex.34(O) upon which there were signatures of the Chairman and the Members of the Selection Committee. As regards the aforesaid Marksheet Ex.34(O)-A, the stand of the University as per its reply to Point no.IV in its affidavit dated 30.8.2007 (Ex.180) read with the sentence added to it in para about it at page-2 of its subsequent affidavit dated 4.9.2007 (Ex.196) is that Dr.Vandan Mohod, the then Registrar, received the final Marksheet i.e. the Marksheet Ex.34(O)-A as explained above, from the Chairman, Dr.V.D. Patil, on 6.9.2005 which was then submitted to the Hon'ble Vice-Chancellor on the same day.

xviii) Handing over of the Selection Lists to the then Vice-Chancellor

609) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 52 of his affidavit dated 25.12.2007 (Ex.645) that after the Selection lists for the posts of SRA (Agri.) and JRA (Agri.) were prepared and were ready on 25.6.2005, he himself and Dr.V.K.Mohod, the Member Secretary, informed the Vice-Chancellor by going to him personally either on 26th or 27th June 2005 that the Selection lists were ready and the procedure of selection was over. According to him, he told him to keep the confidential selection lists with him and hand over the same to him after he demanded them.

610) As regards the question of actual handing over of the Selection lists to the then Vice-Chancellor, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 54 of his affidavit dated 25.12.2007 (Ex.645) that before the then Vice-Chancellor went to China (i.e. on 8.9.2005) he had asked him to hand over the Selection lists to him on 6.9.2005. He then stated that he himself, the Registrar i.e. the Member Secretary and the Seniormost member of the Selection Committee, Dr.E.R. Patil, had gone to him and had

personally handed over the Selection lists to him on the said date. He further stated that on 6.9.2005 itself, Shri D.P.Deshmukh, Section Assistant, wrote an office note stating therein that the lists of the candidates selected categorywise were placed below the note and that it was proposed to issue orders of appointments to the candidates in the Selection lists subject to availability of vacancies categorywise and in order of merit. He also stated that the said note was signed by him and finally by the Hon'ble Vice-Chancellor also in token of its approval.

611) It may be stated that the aforesaid office note of Shri D.P.Deshmukh, dated 6.9.2005, is contained at pages 17/C to 19/C of the file relating to the interviews marked as Ex.35(O) in this enquiry. Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 55 of his affidavit dated 25.12.2007 (Ex.645) that he had seen the Selection lists which were enclosed as Annexures I to XI of the aforesaid office note dated 6.9.2005 in the aforesaid file Ex.35(O). After seeing the said Selection lists in the file Ex.35(O), he admitted that there were no signatures of the Chairman i.e. he himself, and the Members of the Selection Committee upon the said Selection lists enclosed as Annexure-I to XI of the said office note dated 6.9.2005. He, however, stated that when he himself, Dr.V.K. Mohod, the Registrar/ Member Secretary and Dr.E.R. Patil, Seniormost member of the Selection Committee, had gone to the Vice-Chancellor on the same day i.e. 6.9.2005, they had not handed over to him the said Selection lists enclosed as Annexure-I to XI of the aforesaid office note dated 6.9.2005 but had handed over to him the Selection lists which were at pages 66 to 76 of the file relating to the proceedings of the meeting of the Selection Committee marked as Ex-34(O) in this enquiry each page of which was signed by him and the members of the Selection Committee.

612) Dr.V.D. Patil, the Chairman of the Selection Committee, then stated in the said para 55 of his affidavit dated 25.12.2007 (Ex.645) that after the said Selection lists at pages 66 to 76 in the aforesaid file Ex.34(O) were handed over by him to the Vice-Chancellor, he, in turn, handed them over to the Registrar for further action in that regard. He also stated that according to him, apart from the Registrar who was present with him as the Member Secretary of the Selection Committee, the Deputy Registrar Shri S.S.Suradkar, and the Assistant Registrar Shri P.V.Behare, were also present at that time. He then stated that he would not be able to give any reason how the Selection lists which were enclosed as Annexure-I to XI of the office note of Shri D.P.Deshmukh, Section Assistant dated 6.9.2005, did not contain their signatures i.e. the signatures of the Chairman and the Members of the Selection Committee. A true copy of the office note dated 6.9.2005 with the true copies of the Selection lists of the posts of SRA (Agri.) and JRA (Agri.) enclosed with it as Annexure-I to Annexure-XI contained in the file Ex.35(O) is annexed to this report as **Annexure-24.**

613) 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.34(O)) were the Selection lists which 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.) and JRA (Agri.). He then stated in para 57 thereof that he had handed over the Selection lists to the Registrar, 2 or 3 days after the last date of interview i.e. 25.6.2005. He also stated that after the file Ex.34(O) which contained the proceedings /minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005, and 20.6.2005 to 25.6.2005 and the annexures annexed to it including the Selection lists of these posts at pages 66 to 76 therein was prepared by the Registrar's office, and the whole file Ex.34(O) was brought to him in cover packet by some members of the staff of the Registrar's office but he had asked them to keep the same in the custody of the Registrar. Further, according to him, when the Vice-Chancellor, demanded the selection lists, he had asked the Registrar's office to give the said file Ex.34(O) to him and it was the said file Ex.34(O) which included the aforesaid Selection lists which was handed over by him to the Vice-Chancellor on 6.9.2005 as stated above.

614) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 58 of his affidavit dated 25.12.2007 (Ex.645) that he had carefully compared the Selection lists annexed as Annexures-I to XI to the office note of Shri D.P.Deshmukh, Section Assistant dated 6.9.2005 contained in the file Ex.35(O) with the Selection lists which they had prepared and which were at pages 66 to 76 of the file relating to the proceedings of the meeting of the Selection Committee Ex.34(O) and after comparing them he felt that since the print in the Selection lists at pages 66 to 76 of the file Ex.34(O) referred to above was dark as compared to the print of the Selection lists annexed as Annexure-I to XI of the aforesaid file Ex.35(O) which was faint, the latter were not computer copies but were xerox copies which, according to him must have been prepared before they signed the Selection lists contained in the file Ex.34(O). According to him, the said lists in the file Ex.35(O) must have been prepared on xerox machine in the Registrar's office at the time the computer copies of their hand-written Selection lists were prepared in the said office. He repeated the aforesaid statement also in para 59 of his aforesaid affidavit. However, in para 60 of his aforesaid affidavit he stated that he did not know what happened to the xerox copy of the Selection lists and also how such copies of the Selection lists were annexed as Annexure-1 to XI of the aforesaid office note dated 6.9.2005 contained in the file Ex.35(O).

615) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 75 of his affidavit dated 25.12.2007(Ex.645),that the then Vice-Chancellor Dr.S.A. Nimbalkar, had approved the Selection lists on 6.9.2005 i.e. before he went to China, by signing the office

note of Shri D.P.Deshmukh, Section Assistant dated 6.9.2005 contained in the file Ex.35(O).

616) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 74 of his affidavit dated 25.12.2007 (Ex.645) that as regards the question of delay in making actual appointment of the candidates recommended by the Selection Committee to the posts of SRA (Agri.) and JRA (Agri.), the said delay could not be attributed to him because after the Selection lists were ready, he had gone to the Vice-Chancellor to hand them over to him but he had asked him to keep the said lists with him and hand them over to him when he would demand them and accordingly, it was only on 6.9.2005 that he handed over the said Selection lists to him when he asked him to do so. Thereafter, according to him, the appointment in the said posts as recommended by them were made immediately on 16.9.2005 and 17.9.2005. He stated that the Selection lists were prepared by them immediately after the interviews were over on 25.6.2005.

617) Dr.E.R. Patil, the Seniormost member of the Selection Committee, who according to Dr.V.D. Patil, the Chairman of the Selection Committee, accompanied him when he had gone to hand over the Selection lists to the then Vice-Chancellor of the University, Dr.S.A. Nimbalkar, stated in para 19 of his affidavit dated 16.11.2007 (Ex.599) that after the Selection lists were prepared, they were put in sealed cover and kept with the Chairman of the Selection Committee, and he did not know what happened to the said lists thereafter. But, according to him, they must have been sent to the Vice-Chancellor for approval as per the usual procedure but he did not know if and when they were sent to him for his approval.

618) As regards the question of handing over of the Selection lists to him, Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 39 of his affidavit dated 14.1.2008 (Ex.658) that the Chairman of the Selection Committee Dr.V.D. Patil, and the then Registrar Dr.V.K. Mohod, had come to him sometime in July for handing over to him the said Selection lists and for taking further steps in the matter i.e. for making appointment of the candidates in the Selection lists in the posts of SRA (Agri.) and JRA (Agri.). He then stated that he was very busy at that time with the work of Centenary Celebration of the College of Agriculture Nagpur to be held from 15.10.2005 to 17.10.2005 in which Shri Sharad Pawar, the Union Minister for Agriculture was to come as the Principal Guest. He further stated that he was also busy with the meeting of the Joint Agresco and the National Seminar on value addition and since the Kharip season had already commenced, with the inspection of crop condition particularly taking into consideration drought season. He also stated in the said para that he, therefore, asked the Chairman of the Selection Committee, Dr.V.D. Patil, to keep the Selection lists for the time being with him and told him that he would call him after some time for looking into the said Selection lists and for making appointment in the posts of SRA (Agri.) and JRA (Agri.). He then stated that they came to him thereafter sometime on or about 5th or 6th

Sept.2005 i.e. before he left for China on or about 8.9.2005 for a tour of about 15 days. According to him, the Registrar, Dr.V.D. Mohod, and the other staff of the Registrar's office had also come to him at that time.

619) Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 40 of his affidavit dated 14.1.2008 (Ex.658), that after seeing the office note dated 6.9.2005 at pages 17/C to 19/C in the file relating to interviews Ex.35(O), he remembered that the Chairman of the Selection Committee, Dr.V.D. Patil, the Registrar and other officers of the Registrar's office and Dr.E.R. Patil, had come to him on that day i.e. 6.9.2005 for handing over to him the Selection lists for the posts of SRA (Agri.) and JRA (Agri.). He then stated that he discussed with them how the Selection lists were prepared by them, and they explained to him in brief that they selected qualified candidates such as Ph.Ds., P.Gs., NET, candidates etc. while preparing the Selection lists of these posts. He further stated that he had also seen the Selection lists and the Marksheet which was also brought by them and shown to him. He then stated that he enquired from them about the candidates in respect of whom, there was overwriting and whitener put in the said Marksheet. He also stated that after considering the Selection lists and the Marksheet Ex.34(O)-A shown to him, he enquired from them about the number of candidates they had selected and the number of vacancies available in these posts. According to him, they told him that since there were appointments made in the posts of Assistant Professor from the cadre of SRA/JRA there were vacancies in these posts of SRA and JRA and therefore taking into consideration the said available vacancies they had prepared the categorywise Selection lists of 55 candidates for the posts of SRA (Agri.) and 76 candidates for the posts of JRA (Agri.). Further, according to him, after thus considering the said Selection lists, he had approved them by putting his signature upon the aforesaid office note dated 6.9.2005 which was brought to him. He then stated that he had however, taken care to see that the appointments were made subject to availability of vacancies according to the Selection lists categorywise and in descending order of merit.

620) After having seen the Selection lists which were annexed as Annexure-I to XI to the said office note dated 6.9.2005, contained in the file Ex.35(O) Dr.S.A. Nimbalkar, the then Vice-Chancellor stated in para 41 of his affidavit dated 14.1.2008 (Ex.658) that they were not the Selection lists which were shown to him and he did not know how the said Selection lists were annexed to the said office note dated 6.9.2005. However, after seeing the file relating to the proceedings of the meeting of the Selection Committee marked as Ex.34(O) at the time when his statement was being recorded in this enquiry, he stated that the Selection lists annexed as Annexure- IX to XIX at pages 66 to 76 of the said file Ex.34(O) which were signed by the Chairman, and the Members of the Selection Committee were the Selection lists which were shown to him. Similarly, according to him, the Mark-sheet Ex.34(O)-A at pages 77/1 to 92 of the said file Ex.34(O), was the

Marksheet which was shown to him and it was only after seeing the said Marksheet Ex.34(O)-A that he put some queries to the Chairman of the Selection Committee, about overwriting and putting whitener upon the marks of some of the candidates in the said Marksheet Ex.34(O)-A as stated by him earlier.

621) Dr.S.A.Nimbalkar, the then Vice-Chancellor, stated in para 42 of his affidavit dated 14.1.2008 (Ex.658) that the Selection lists at pages 66 to 76 and the Marksheet Ex.34(O)-A at pages 77/1 to 92 of the said file Ex.34(O) were annexed with the office note dated 6.9.2005, contained in the aforesaid file Ex.35(O) and not the Selection lists i.e. Annexure-I to XI, which were actually shown as annexed to his aforesaid office note dated 6.9.2005, in the said file Ex.35(O). As regards the Selection lists of these posts of SRA (Agri.) and JRA (Agri.) which were at pages 66 to 76 of the file Ex.34(O), he stated that they were first shown to him on 6.9.2005 and after he had approved them orally they were sent in the office of the Registrar and on the same day the said Selection lists with the office note of the Section Assistant dated 6.9.2005 at pages 17/C to 19/C of the file relating to the interviews Ex.35(O) were brought to him for his approval and thereafter he approved them by signing the said office note dated 6.9.2005 on the same day. He then stated in para 43 that the whole file marked as Ex.34(O) as such was not brought to him and was not seen by him at that time. The true copies of the Selection lists of the posts of SRA (Agri.) and JRA (Agri.) which are annexures-IX to XIX at pages 66 to 76 of the file Ex.34(O) relating to the meeting of the Selection Committee each page of which is signed by the Chairman and the Members of the Selection Committee, are annexed to this Report as **Annexure-25.**

622) As regards the question of handing over of the Selection lists to the Vice-Chancellor, Dr.Vandan Mohod, the Registrar/ Member Secretary, stated in para 30 of his affidavit dated 1.12.2007 (Ex.633) that the Selection lists were not sent immediately to the Vice-Chancellor, or the Registrar's office by the Chairman but remained with him for about one and half month and thereafter he sent the Selection lists to the Vice-Chancellor. According to him, on 6.9.2005, the Vice-Chancellor had sent to him the Selection lists for further action but the said Selection lists did not contain the signatures of the Chairman or any Member of the Selection Committee including himself and did not bear any date. He then stated that after perusing the Selection lists sent to him by the Vice-Chancellor, it appeared to him that they were the copies of the Selection lists, which they had signed.

623) Dr.Vandan Mohod, the Registrar/ Member Secretary, stated in para 2 of his additional affidavit dated 2.4.2008 (Ex.713) that the Selection lists which were sent to him by the Vice-Chancellor, for further action and which did not bear the signatures of the Chairman and the Members of the Selection Committee including himself were the same Selection lists which were annexed as Annexure-I to XI to the office note of Shri D.P.Deshmukh, dated 6.9.2005 contained in the file Ex.35(O) which note was finally approved by the Vice-Chancellor, on the same day i.e. 6.9.2005. He then stated that he had

not gone with Dr.V.D. Patil, the Chairman of the Selection Committee, to hand over the Selection lists to the Vice-Chancellor and it was possible that the then Assistant Registrar Shri P.V. Behare, might have gone with him at that time. He thus stated that he, therefore, would not be able to tell as to what discussion took place at that time between Dr.V.D. Patil, and the Vice-Chancellor but according to him, the aforesaid Selection lists annexed to the office note of Shri D.P.Deshmukh dated 6.9.2005 were the Selection lists which were handed over to the Vice-Chancellor by Dr.V.D. Patil, and which the Vice-Chancellor sent to him. According to him, they were computer lists i.e. the original lists and not the Xerox copies. After seeing the Selection lists at pages 66 to 76, of the file Ex.34(O) at the time when his additional statement was being recorded he stated that, according to him, they were also computer lists and not the Xerox copies of the original Selection lists.

624) Dr.Vandan Mohod, Registrar/ Member Secretary, stated in para 5 of his additional affidavit dated 2.4.2008 (Ex.713) that it was not true that they went to the Registrar's office to prepare the final selection lists but according to him, in the hall itself in which they were sitting they prepared on computer the final Selection lists in each category in descending order of merit for both the posts of SRA (Agri.) and JRA (Agri.) in the manner as stated by him in the said para 5. He also stated that they then took print out of the Selection lists prepared on computer upon which the Chairman and the Members of the Selection Committee including him put their signatures. He further stated that the said computer copy of the Selection lists was kept with him by Dr.V.D. Patil, the Chairman of the Selection Committee and no other print out of the computer copy of the selection lists was taken on that day. He then stated that he would not be able to tell why Dr.V.D. Patil, the Chairman of the Selection Committee handed over to the Vice-Chancellor on 6.9.2005 the Selection lists which were not signed by him and the Members of the Selection Committee when he had with him the Selection lists signed by them.

625) In the light of the material in this enquiry hereinbefore referred to, Dr.S.A. Nimbalkar, the then Vice-Chancellor, was issued notice for his additional interrogation and statement in this enquiry. In pursuance to the said notice, he filed the additional affidavit dated 29.4.2008 (Ex.731) on the lines of his interrogation and statement in this enquiry. After seeing the affidavits of Dr.G.N.Dake dated 5.3.2008 (Ex.685) and also of Dr.N.D.Pawar, dated 20.2.2008 (Ex.668) which would show that according to them, they had signed the Selection lists after 6.9.2005, when Dr.V.D. Patil, visited Rahuri and Parbhani respectively on dates which were after 6.9.2005 and after seeing the affidavit of Dr.V.K. Mohod, dated 2.4.2008 (Ex.713) in para 2 of which he stated that he had not gone with Dr.V.D. Patil, to hand over the Selection lists to the Vice-Chancellor, and the Selection lists which were handed over to the Vice-Chancellor by Dr.V.D. Patil, and which the Vice-Chancellor sent to him were the same lists which were annexed to the office note dated 6.9.2005 which did not contain the signatures of the Chairman and the Members of

the Selection Committee, Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 2 of his aforesaid affidavit that the above statements of Dr.G.N.Dake, and Dr.N.D. Pawar, and the then Registrar Dr.Vandan Mohod, were not correct. He then stated in para 3 thereof that Dr.V.D. Patil, the Chairman Dr.Vandan Mohod, the Member Secretary of the Selection Committee, and some other officers of the Registrar's office had come to him on 6.9.2005 to show him the Selection lists. He also stated that after Dr.V.D. Patil, showed to him the Selection lists and also the Marksheet Ex.34(O)-A, he checked and verified the same after putting some questions about them to Dr.V.D. Patil. He further stated that he also verified that the Selection lists and the Marksheet were signed by the Chairman and the Members of the Selection Committee. He therefore stated that he would thus stick to the statements made by him in this regard in his previous affidavit dated 14.1.2008 (Ex.658).

626) As regards the Selection lists annexed as Annexure- I to XI to the office note dated 6.9.2005, contained at pages 17/C to 19/C of the file relating to interviews Ex.35(O). Shri D.P. Deshmukh, Section Assistant (Estt.) who had written the said office note dated 6.9.2005, stated in para 36 of his affidavit dated 15.11.2007 (Ex.598) that the said Selection lists which were annexed to his office note dated 6.9.2005 as Annexures I to XI were the same lists which were handed over to him by the then Registrar in the morning on that date. He then stated that the said Selections lists which were handed over to him did not contain the signatures of the Chairman and the Members of the Selection Committee and that he would not be able to tell with whom were the selection lists which were signed by the Chairman and the Members of the Selection Committee. He further stated in para 37 that he had given in the said office note dated 6.9.2005, the information as to how many vacancies in various categories in the posts of SRA and JRA were advertised and how many vacancies therein were considered by the Selection Committee. He also stated that he had annexed to his aforesaid office note dated 6.9.2005, the categorywise Selection lists of the said posts received by him and marked them as Annexure-I to XI. He then categorically stated that Dr.V.D. Patil, the Chairman of the Selection Committee, did not give him any waiting lists.

627) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 38 of his affidavit dated 15.11.2007 (Ex.598) that on page 19/C of the office note dated 6.9.2005 contained in the file Ex.35(O) the words "Promotion JRA to SRA" written in ink were in the handwriting of the Assistant Registrar, Shri P.V.Behare, but he would not be able to tell why they were written. He then stated that he had put-up for approval the proposal in the said office note dated 6.9.2005, that the candidates in the Selection lists should be given appointment if there were vacancies available for them categorywise and in order of merit. According to him, when his aforesaid office note dated 6.9.2005, was forwarded to the Section Officer, Assistant Registrar, Dean (Agri.) Dr.V.D. Patil, and the Vice-Chancellor Dr.S.A.

Nimbalkar, they had put their signatures upon the said note. Further, according to him, when the office note was signed by the Vice-Chancellor, after drawing a line upon his designation it meant that the orders of appointment should be issued to the candidates in the Selection lists as proposed.

628) Shri D.P.Deshmukh, Section Assistant, reiterated in para 55 of his affidavit dated 15.11.2007 (Ex.598) that the lists annexed as Annexure-I to XI to his office note dated 6.9.2005 at pages 71/C to 90/C of the file Ex.35(O) and which were not signed by the Chairman and the Members of the Selection Committee, were the Selection lists which were received by him. He then stated in para 1 of his additional affidavit dated 15.03.2008 (Ex. 695) that the copies of the Selection Lists which were handed over to him by the Registrar were computer copies and not the Xerox copies. He specifically stated therein that the proceedings of the meeting of the Selection Committee and the annexures annexed to it contained in the file Ex.34(O) were not received by him at that time and even thereafter till the appointment orders of SRA (Agri.) and JRA (Agri.) were issued on 16.9.2005 and 17.9.2005. According to him, the said proceedings of the meeting of the Selection Committee and the annexures annexed to it were received by him on or about 15.10.2005.

D. APPOINTMENT OF SELECTED CANDIDATES IN THE POSTS OF SRA (Agri.) AND JRA (Agri.)

i) Appointment of Acting Vice-Chancellor

629) Statute 2 (c) of the Statutes defines appointing authority to mean “Vice Chancellor” in relation to the recruitment to any post in the University services. Statute 74(1) provides that the appointment of members of the academic staff shall be made by the Vice-Chancellor strictly on merit as per the recommendations of the Selection Committee constituted for the said posts. As regards the posts of SRA/JRA which are posts of academic staff members as shown in Statute-71, the Selection Committee is constituted under Statute 76 and Statute-77 (1) (iv) provides that the Vice-Chancellor shall make appointment of the candidate/s strictly in the order of merit as arranged by the Selection Committee and if he wishes to depart from it, he should record reasons therefor and obtain the approval of the Executive Council before making the appointment.

630) Dr.V.D.Patil, the Chairman of the Selection Committee, stated in para 75 of his affidavit dated 25.12.2007 (Ex.645) that he was Acting Vice-Chancellor, during the period when Dr.S.A.Nimbalkar, the then Vice-Chancellor, had gone on visit to China, for about 15 to 20 days after he had approved the Selection lists on 6.9.2005 vide note of the Section Assistant Shri D.P.Deshmukh, dated 6.9.2005 in the file relating to the interviews Ex.35(O) signed by him. He then stated that the Vice-Chancellor had at that time orally told him that he was going to visit China and that he should issue the appointment orders according to the Selection lists.

631) During the interrogation and statement of Dr.S.A.Nimbalkar, the then Vice-Chancellor, the University was directed to produce the order dated 6.9.2005 (Ex.657) by which Dr.V.D. Patil, was appointed by him as the Acting Vice-Chancellor. After seeing the said order dated 6.9.2005 filed in this enquiry Dr.S.A. Nimbalkar, the then Vice-Chancellor, admitted in para 55 of his affidavit dated 14.1.2008 (Ex.658) that he had issued the said order directing Dr.V.D. Patil, D.I., Dr.PDKV, Akola, to look after the day-to-day work of the office of the Vice-Chancellor during the period of his absence from 8.9.2005 to 24.9.2005. According to him, he was also directed to attend to the important and emergency works / meeting if any called. In appointing Dr.V.D. Patil as Acting Vice-Chancellor during the period of his temporary absence from the Head-Quarters, Dr.S.A. Nimbalkar, the then Vice-Chancellor, exercised the power conferred upon him, by the proviso to sub-section 9 of Section 17 of the University Act.

632) An objection was raised to the appointment of Dr.V.D. Patil, D.I., Dr.PDKV, Akola, in the affidavit of Dr.B.S. Fadnaik, and Dr.B.S. Chimurkar, dated 24.9.2007 (Ex.529) on the ground that the normal convention was to hand over the charge to the Seniormost Director out of the Director of Instructions, Director of Research and Director of Extension

Education, and that Dr.S.V. Sarode, Director of Research, was the Seniormost Director as he took charge of the post of Director of Research on 13.5.2002 as compared to the assumption of charge of the post of Director of Instructions by Dr.V.D. Patil, which was much later See para 2.2 at page 2 of the additional statement filed by them with their aforesaid affidavit dated 24.9.2007 (Ex.529).

633) As regards the above objection raised to the appointment of Dr.V.D. Patil, D.I., as the Acting Vice-Chancellor, Dr.S.A. Nimbalkar, the then Vice-Chancellor, stated in para 1 of his additional affidavit dated 29.4.2008 (Ex.731) that as regards the question as to whom he should have handed over the charge to look after day-to-day work of the office of the Vice-Chancellor during his absence from the Head-Quarters i.e. when he visited China from 8.9.2005 to 24.9.2005, he stated that in the first place, sub-section-9 of Section 17 of the University Act, did not provide that the Vice-Chancellor, should hand over the charge to Seniormost Director or Dean during his temporary absence from the Head-Quarters and secondly, so far as seniority was concerned Dr.V.D. Patil, had worked as Dean since 2001 in Marathwada Krishi Vidyapith, Parbhani and taking into consideration his aforesaid service, he would be senior to Dr.Sarode. Moreover, according to him, the appointment of Dr.S.V.Sarode, Director of Research in Dr.PDKV, Akola was subjudice at that time. He then stated that it was the practice in four Agricultural Universities in the State to protect the pay and seniority of the officers/employees who were previously working in other Universities in the State. Even otherwise, according to him, there was no question of seniority since the post of Dean or Director are single post. The additional reason given by him in his aforesaid affidavit dated 29.4.2008 (Ex.731) was that he had given the charge to the Director of Instructions who being also Dean Agriculture exercised direct control over the colleges and the students.

ii) Note-sheets of the Registrar's office showing vacancy position for making appointments in the posts of SRA (Agri.)/JRA (Agri.)

634) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 39 of his affidavit dated 15.11.2007 (Ex.598) that Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/ Member Secretary, had selected 55 candidates for the posts of SRA (Agri.) instead of 24 as advertised and 76 candidates for the posts of JRA (Agri.) instead of 37 as advertised as they already knew that there would be additional vacancies in the said posts since some incumbents of the posts of SRA (Agri.) would be appointed by either nomination or promotion in the higher post of Assistant Professor since they were members of its Selection Committee. Similarly, according to him, they also knew that many posts in the promotion quota of the posts of JRA (Agri.) would also remain vacant since the graduate candidates were not available in the next below post of Agriculture Assistant. He, however, stated that no such decision to prepare Selection lists of

55 candidates for the post of SRA (Agri.) instead of 24 and 76 candidates for the posts of JRA (Agri.) instead of 37 was taken by submitting the office note in that regard for approval of the Vice-Chancellor and after his approval of the said office note communicating it to them through the official letter. He thus stated in the said para 39 of his aforesaid affidavit that since he was asked information about the availability of the vacant posts of SRA (Agri.) and JRA (Agri.), he submitted office note in that regard on 15.9.2005

635) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 40 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that one day before the date on which the orders of appointment were issued, he submitted the office note dated 15.9.2005, taking review of the vacancy position in the posts of SRA (Agri.) and JRA (Agri.) since the number of the said posts which were to be filled was more than those which were advertised. The said office note dated 15.9.2005 is contained in the file about the “Position of filling the posts of SRA (Agri.) and JRA (Agri.)” marked as Ex.42(O) in this enquiry. According to him, the said office note was at pages N/1 to N/5 of the said file Ex.42(O). He explained in his aforesaid office note dated 15.9.2005 that the total posts of SRA (Agri.) were 172 and after excluding 29 posts of Farm Group and 4 of Akrutiband, the total posts available were 143, which included 4 posts of Forestry. He then stated that according to 50 : 50 quota of nomination, and promotion, posts in nomination quota were shown as 72 i.e. one post more through mistake and oversight, because according to the practice followed in the University when there was odd number of total posts, one post less was kept in the nomination quota which he ought to have done.

636) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 40 of his affidavit dated 15.11.2007 (Ex.598) that in Table-I in his office note dated 15.9.2005, he had shown the position of the said 72 posts in nomination quota i.e. those which were filled and those which were vacant at that time. He then stated that perusal of the said Table-I would show that in the nomination quota, 29 posts were filled and 43 vacant. Actually, according to him, since he had shown one post more in nomination quota, the number of vacant posts would be 42. He then stated that the distribution of the posts in various categories such as S.C., S.T. etc. which he had made in table-I was in the same manner which he had adopted in his office note dated 15.7.2004 submitted by him at the time of the advertisement of these posts contained in the file Ex.40(O). He further stated that he had actually shown in table-II the break-up in various categories such as S.C., S.T. etc. of 24 posts of SRA (Agri.) which were advertised. He then stated that in the note below the said Table-II he pointed out that as against 24 posts of SRA (Agri.) advertised there were 43 vacant posts as shown in table-I and taking into consideration the past experience and leaving atleast 10% vacancies required to be maintained for adjustment in the event of closure of ICAR Scheme, there would be 40 posts out of 43 which could be filled. He also stated that the

categorywise break-up of the said 40 posts was shown by him in table-III in the said office note dated 15.9.2005.

637) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 40 of his affidavit dated 15.11.2007 (Ex.598) that the Table-IV in his office note dated 15.9.2005 related to promotion quota of 72 posts. He then stated that as shown in the said Table-IV, the posts which were filled till then were 12 and the posts which were vacant till then were 60. He also stated that the number of candidates available for promotion to the said vacant posts was 50 and therefore he had shown 10 posts vacant in promotion quota. According to him, he had also made the break-up of the above posts in various categories such as S.C., S.T. etc. in the same manner which he had adopted in his office note dated 15.7.2004 submitted by him at the time of the advertisement of these posts contained in the file Ex.40(O). According to him, below the said table-IV, he had given a note in which he had stated that the above 10 vacant posts in promotion quota could be filled gradually by promotion within 1 or 2 years.

638) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 41 of his affidavit dated 15.11.2007 (Ex.598) that he had then shown in the said office note dated 15.9.2005 in the file Ex.42(O) the vacancy position about the posts of JRA. He stated therein that the total number of posts of JRA (Agri.) were 124 from which excluding 25 Farm Group posts, there were 99 posts available in JRA (Agri.). He then stated that applying the ratio of 50 : 50, the posts of JRA (Agri.) available in nomination quota were 50 and in promotion quota 49. He also stated that although when the total number of posts was odd, one post was shown less in the nomination quota, they had deliberately shown one post more in nomination quota of the posts of JRA (Agri.). He further stated that all 50 JRAs who were appointed in nomination quota were at that time working on temporary basis in the post of SRA (Agri.) and they were going to be promoted to the said posts of SRA (Agri.) as shown in the Table-IV of the said office note dated 15.9.2005 referred to above. He, therefore, stated that in Table-V of the said office note dated 15.9.2005, he had shown available vacancies 50, as all the 50 incumbents of the posts of JRA (Agri.) in nomination quota were going to be promoted as SRA (Agri.) as shown in Table-IV. According to him, he had also shown in the said Table-V the break-up of the said 50 available vacancies in various categories such as S.C, S.T. etc. He then stated that in Table-VI, he had given in various categories such as S.C., S.T. etc. the break-up of 37 posts of JRA (Agri.) which were advertised. He further stated that in the note below the said table-VI, he had mentioned that as against 37 posts of JRA (Agri.) which were advertised, 50 posts were available for being filled by nomination quota.

639) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 42 of his affidavit dated 15.11.2007 (Ex.598) that he had given table-VII in his office note dated 15.9.2005 contained in the file Ex.42(O) to show the vacant position in 49 posts of promotion quota in

JRA (Agri.). According to him, at that time the posts which were filled were 11 and the available vacant posts were 38. Further according to him, he had shown their break-up in various categories such as S.C., S.T. etc. in the said table-VII. He then stated that below the said table-VII he had given a note that although 38 Agriculture Assistants could be promoted as JRA (Agri.), they were having only 25 graduate candidates in the cadre of Agriculture Assistant who were available for promotion and hence the remaining posts i.e. $38 - 25 = 13$ of JRA (Agri.) would remain vacant till the Agriculture Assistants with graduate qualification were available for promotion. He further stated in the said para 42 that after his aforesaid office note dated 15.9.2005 was approved by the Section Officer on 16.9.2005 it was forwarded by him to the Assistant Registrar.

640) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 43 of his affidavit dated 15.11.2007 (Ex.598) that by his office note dated 16.9.2005, the Assistant Registrar, pointed out that if all the posts in nomination quota were decided to be filled, there would be no vacant post of SRA and JRA available for nomination i.e. direct recruitment in next 2 years and thus, according to him, the decision on the question as to how many posts should be filled pursuant to the advertisement in question needed to be taken by the higher officers after taking into consideration the above factor. Shri D.P.Deshmukh, Section Assistant (Estt.) then stated in the said para 43 of his aforesaid affidavit that when the above office note of the Assistant Registrar dated 16.9.2005, was forwarded to the Deputy Registrar (Estt.), Shri S.S.Suradkar, he, by his office note dated the same i.e. 16.9.2005 expressed the view that some posts in promotion quota should be utilized for giving appointments to all the candidates selected in the posts of SRA (Agri.) and JRA (Agri.) instead of keeping the said posts vacant for want of eligible candidates, as according to him, the excess strength in nomination quota could be adjusted gradually within a period of 3 years when the new appointees would become eligible for further promotion. He further stated in para 44 that Dr.Vandan Mohod, the then Registrar, by his separate note written on the same day i.e. 16.9.2005 agreed with the view of the Deputy Registrar about utilization of the posts in promotion quota, which according to him, also would not cause any injustice to the existing employees. He then stated therein that when the above office note of the then Registrar, Dr.Vandan Mohod, dated 16.9.2005, was forwarded to the then Acting Vice-Chancellor, Dr.V.D. Patil, he approved it on the same date i.e. 16.9.2005 as proposed. The true copies of the above office notes at pages N/1 to N/9 in the file Ex. 42(O) relating to "Position of filling the posts of SRA (Agri.) and JRA (Agri.)" are collectively annexed as **Annexure-26** to this Report.

641) Shri P.V. Behare, the then Asst. Registrar, Shri S.S. Suradkar, Deputy Registrar (Estt.), Dr.Vandan Mohod, the then Registrar, and the Acting Vice-Chancellor Dr.V.D. Patil, by their affidavits have affirmed their office notes dated 16.9.2005 in the aforesaid file Ex.42(O). Shri P.V.Behare, the then Assistant Registrar, in his affidavit dated

6.11.2007 (Ex.597) stated in answer to the question no.11 that he had written the note on 16.9.2005 at pages 6/N to 7/N contained in the file Ex.42(O) regarding the availability of vacancies of SRA/ JRA in nomination quota and soliciting orders as to how many posts should be filled with reference to the present advertisement out of the vacancies available in nomination quota.

642) Shri S.S. Suradkar, the Deputy Registrar (Estt.), stated in para 15 of his affidavit dated 1.12.2007 (Ex.634) that he did not know whether the decision was taken by the authoritative person i.e. the Vice-Chancellor, on the question of the exact number of vacancies in the posts of SRA (Agri.) and JRA (Agri.) in which the appointments should be made as per the Selection lists. He then stated that he had seen the office note dated 15.9.2005 submitted by Shri D.P.Deshmukh, Section Assistant (Estt.) contained in the file Ex.42(O), to show the vacancy position in the posts of SRA / JRA for the purpose of making appointments as per the Selection lists. He further referred in the said para 15 to the vacancy position, in nomination as well as promotion quota worked out and shown in the office note of Shri D.P.Deshmukh, Section Assistant, dated 15.9.2005 in both the posts of SRA (Agri.) and JRA (Agri.). He then stated in para 16 of his aforesaid affidavit that when the aforesaid office note of the Section Assistant (Estt.) Shri D.P.Deshmukh, was forwarded to the Assistant Registrar Shri P.V. Behare, he pointed out in his office note dated 16.9.2005 that if all the posts in nomination quota of SRA (Agri.) and JRA (Agri.) were filled there would be no post available for nomination in next 2 years. He further stated that when the said office note of Shri P.V.Behare, dated 16.9.2005 was forwarded to him, he stated in his office note dated the same i.e. 16.9.2005 that he had discussed at length with the Assistant Registrar (Estt.), Registrar and the Hon'ble Vice-Chancellor the issue of vacancies for appointment of the candidates as per merit lists prepared by the Selection Committee. He then stated that the Section Assistant (Estt.), Shri D.P. Deshmukh, was also present in the aforesaid meeting although his office note dated 16.9.2005 did not show his presence therein.

643) As regards his office note dated 16.9.2005 Shri S.S.Suradkar, Deputy Registrar (Estt.), stated in para 16 of his affidavit dated 1.12.2007 (Ex.634) that in order to give effect to the merit list prepared by the Selection Committee in the cadre of SRA (Agri.) and JRA (Agri.), it was absolutely necessary to operate the promotion quota for the time being since the posts in the lower cadre of SRA/JRA were lying vacant due to non-availability of qualified candidates. He further stated therein that the excess strength in the nomination quota as against the promotion quota could be easily adjusted within 3 years duration since the channel of promotion from SRA to Assistant Professor and JRA to SRA for the new recruits would come into cycle after 3 years which was the minimum period of experience necessary for promotion to the said posts. According to him, his view as expressed in his office note dated 16.9.2005, was that even if certain posts in the promotion quota were used

for appointment of candidates in the merit list no injustice would be caused to the existing employees since there were no candidates available for promotion to the said posts. Further, according to him, his view in his note dated 16.9.2005, was based on data supplied by Shri D.P.Deshmukh, in his aforesaid note dated 15.9.2005 and as regards the question of eligibility of the existing employees for promotion in the higher post on the basis of the information orally supplied by him. He then stated that at the time of discussion in this regard referred to above, Dr.V.D. Patil, participated in the said discussion as Acting Vice-Chancellor. He further stated that his office note was approved by the Registrar, by his own office note dated the same i.e. 16.9.2005 and also by the Acting Vice-Chancellor Dr.V.D. Patil, on the same day.

644) As regards the question of utilization of promotion quota for making appointment by nomination, Shri S.S.Suradkar, Deputy Registrar (Estt.) stated in para 17 of his affidavit dated 1.12.2007 (Ex.634) that there was no rule framed by the University as per his knowledge that the promotion quota could not be utilized for appointment by nomination. However, according to him, the appointment by direct recruitment could not be made in the post in the promotion quota if, as per the channel of promotion, the candidate was available in lower cadre for promotion to the higher post. He then stated that if an appointment by nomination was made in the post in promotion quota even though a candidate eligible for promotion was available in lower cadre in the channel of promotion such appointment by direct recruitment would be improper because it would result in injustice to person in the next below cadre who was eligible for promotion to the post in the next higher cadre.

645) Dr.Vandan Mohod, the Registrar/ Member Secretary, who had written the office note dated 16.9.2005, contained in the file Ex.42(O) recommending utilization of the posts in the promotion quota for issuing orders of appointment to selected candidates in the posts of SRA (Agri.) and JRA (Agri.) stated in para 45 of his affidavit dated 1.12.2007 (Ex.633) that he had perused the office note of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 15.9.2005 regarding the appointment of SRA/JRA contained in the file Ex.42(O) showing the vacancy position in the posts of SRA/JRA available for making appointment in the said posts as per the Selection lists. He had also perused the statements about promotion of JRA to SRA and AA to JRA which they had recommended and which were also contained as annexures-III and IV in the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee. He then stated that it did not appear from the said office note dated 15.9.2005 in the file Ex.42(O), that there were 55 vacancies of SRA and 76 vacancies of JRA available and if their recommendations about promotion referred to above contained in the file Ex.34(O) were taken into consideration then lesser vacancies would be available for making appointment of the candidates as per the Selection lists. He, however, stated that they had given appointment and posting orders to the Selected Candidates after seeing the

Movement Register Ex.644 (O) maintained in regard to appointment, posting, transfer, retirement, death etc. of the incumbents of the posts of SRA/JRA.

646) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 80 of his affidavit dated 25.12.2007 (Ex.645) that he was Acting Vice-Chancellor, at the time when the above office notes of the Deputy Registrar (Estt.), Shri S.S.Suradkar, and the then Registrar Dr.Vandan Mohod dated 16.9.2005 were approved by him as proposed. After having seen in this enquiry the aforesaid office notes of the officers of the Registrar's office, and elaborately referring to their contents in the said para 80 of his aforesaid affidavit, he stated that, according to him, apart from the fact that no qualified candidate was available for promotion at that time, there was necessity to fill these posts since they were lying vacant for a long time because of which they would have lapsed. He, however, admitted that he had not given the said reason while approving on the same day the aforesaid office note of the Registrar, dated 16.9.2005. What is material to note is that he stated in para 81 of his aforesaid affidavit that as regards the posts of JRA (Agri.) apart from, the vacancies shown in the office note of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 15.9.2005 there were additional 15 vacancies available as 15 new posts were created in Krishi Vighyan Kendra.

a) Issue of appointment orders to the Selected Candidates

647) Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 45 of his affidavit dated 15.11.2007 (Ex.598) that after the aforesaid office note of the Registrar dated 16.9.2005 was approved by the Acting Vice-Chancellor the candidates selected by the Selection Committee, in the posts of SRA (Agri.). He then, on the same day i.e. 16.9.2005, the orders of appointments were issued to stated that the orders of appointments issued to the candidates selected in the posts of SRA (Agri.) were at pages C/3 to C/217 and C/521 to C/527 of the said file Ex.42(O). According to him, the orders of appointment were issued to the candidates selected in the posts of JRA (Agri.) on the next day i.e. 17.9.2005 and the said orders were at pages C/218 to C/519 of the said file Ex.42(O). He further stated that the terms and conditions applicable to the appointment in the posts of SRA (Agri.) were given at pages C/529 to C/533 and those applicable to the appointment in the posts of JRA (Agri.) were at page C/535 to C/537 of the said file Ex.42(O). Perusal of the said appointment orders would show that the orders of appointment in the post of SRA (Agri.) at pages C/3 to C/111 are the original orders approved and signed by the Vice-Chancellor and the Registrar and the rest of them in the file Ex. 42(O) are the copies of the said orders communicated by the Registrar to the concerned candidates appointed in the posts of SRA (Agri.). Similarly, as regards the orders of appointment issued to the candidates appointed in the post of the JRA (Agri.) the orders at pages C/367 to C/517 are original orders of appointment in the post of JRA (Agri.) signed by the Vice-Chancellor and the then Registrar and the rest of them in the said file Ex.42(O) are the copies of the said orders

communicated by the Deputy Registrar (Estt.) to the candidates appointed in the post of JRA (Agri.). It may be seen that the said appointment orders in the post of SRA (Agri.) are given serial nos. of BDE/NOM/0197 (1) to (55) and the said appointment orders in the post of JRA (Agri.) are given serial nos. BDE/0197(1) to (76). A true specimen copy of the original order of appointment signed by the Vice-Chancellor and the Registrar of the University at page C/3 of the said file Ex.42(O) issued to Ku.Kadam Preeti M. in the post of SRA (Agri.) and similarly a true specimen copy of the original order of appointment signed by the Vice-Chancellor and the then Registrar at page C/367 of the file Ex.42(O) issued to Shri Nemade Prashant W. in the post of JRA (Agri.) are annexed to this Report as **Annexure-27-A and 27-B** respectively.

iii) Procedure followed in making appointment

648) After approving as Acting Vice-Chancellor of the University, the office notes of the Deputy Registrar (Estt.) and the Registrar dated 16.9.2005, about the utilization of the vacancies in the promotion quota for making appointment of the selected candidates in the posts of SRA (Agri.) and JRA (Agri.) as stated by him in para 80 of his affidavit dated 25.12.2007 (Ex.645) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 81 thereof that as regards the question of making actual appointment as per the Selection lists, there was no routine procedure followed before making such appointment that the Registrar's office should give a note showing the department/s. and the vacancy/cies therein available for making appointment as per the Selection lists, and indicating also which candidate was suitable for which post therein. He then stated that the Registrar's office had only given them the information about the total number of vacancies available for making appointment and accordingly in the instant case, the Registrar had made appointment of the selected candidates in these posts of SRA/JRA. In this regard, he also stated that the format of appointment order for making appointment in these posts was ready and the only information to be filled therein was to mention the name of the candidate, his address, the officer under whom posted to work, category i.e. S.C, S.T. etc., and the remarks about the vacant posts. He further stated that the appointment orders signed by him and the Registrar were issued to 55 candidates selected in the posts of SRA (Agri.) on 16.9.2005 itself and as regards 76 candidates selected in the posts of JRA (Agri.), their appointment orders were issued on 17.9.2005 i.e. on the next day.

649) As regards the procedure followed in the University in making appointment, Dr.V.K. Mohod, the Registrar/Member Secretary, stated in para 44 of his affidavit dated 1.12.2007 (Ex.633) that there was no such procedure in the University that the Registrar's office should put up a note showing where the vacancies were, and in which department/s, appointment/s could be made and of whom and also the number of vacancies available for making appointment. According to him, when the appointments were to be made as per the Selection list, the Section Assistant who maintained the Movement Register (Ex.644(O)),

would bring it to the Registrar to apprise him of the departments / establishment where the vacancies were available, and then after deciding where the postings of the selected candidates could suitably be made the appointment orders were issued to them. He then stated in para 45 of his aforesaid affidavit that the Movement Registrar (Ex.644(O)) was maintained in regard to appointment, posting, transfer, retirement, death etc. of the appointees in the posts of SRA/JRA and that they had issued appointment orders to 55 candidates selected in the posts of SRA on 16.9.2005 after seeing the Movement Register, the department and the vacant posts therein and taking into consideration which particular candidate was suitable for which post. He then stated that following similar procedure they had issued appointment orders to 76 candidates selected in the posts of JRA on the next day i.e. 17.9.2005. He also stated that at the time of appointments, no additional posts of SRA/JRA were created and they had issued appointment orders only after finding out the suitable vacant posts from the Movement Register.

650) Shri D.P.Deshmukh, Section Assistant (Estt.), whose duty it was to maintain such Movement Register, stated in para 60 of his affidavit dated 15.11.2007 (Ex.598) that he used to maintain the said Movement Register in regard to appointment, posting, promotion, transfer, retirement etc. of SRA/JRA/AA, which Movement Register marked as Ex.644(O) he had produced in this enquiry. He then stated that all the entries in the said Register were in his handwriting. He also stated that from pages A to G in the said Movement Register, he had shown how many sanctioned posts of SRA/JRA/AA were there in each department and scheme. He further stated that he had filed the Xerox copies of the said pages A to G of the said Register in this enquiry.(The said Xerox copies were returned to him since the original Movement Register Ex.644(O) was retained in this enquiry). According to him, if the sanctioned posts were of SRA (Agril.Engg.) and SRA (Computer), he had specifically mentioned the said designations of the said posts in the said Register Ex.644(O). Further, according to him, if the sanctioned post was of JRA (Computer) he had similarly mentioned in the said Register (Ex.644(O)) the designation of the said post as JRA (Computer). What is important to be seen is that he stated therein that all the remaining sanctioned posts were of SRA (Agri.) and JRA (Agri.) although they were not specifically so designated. He then stated that after counting the said posts shown in the said Register (Ex.644(O)), and excluding the Farm Group post, it appeared to him that there were 148 posts of SRA (Agri.), 7 of SRA (Agril.Engg.) and 4 of SRA (Computer), their total being 159. Similarly, according to him, after excluding the Farm Group posts, there were 99 posts of JRA (Agri.) and 4 posts of JRA (Computer) their total being 103 as shown in the said Register. He then stated that in his office note dated 15.07.2004 in the file Ex. 40(O) he had given the position of the vacant posts at the time of issuing the advertisement dated 14.08.2004 (Ex. 2) as per the said Register (Ex. 644(O)). He also stated that he had shown in his office note dated 15.7.2004, in the said file Ex. 40(O) 159 posts of SRA and 103 posts of JRA. He

further stated that he had then shown how many of these posts were filled and how many were vacant at that time and also given the chart showing their break-up in various categories such as S.C., S.T. etc.

651) Shri D.P.Deshmukh, Section Assistant, stated in para 95 of his affidavit dated 15.11.2007 (Ex.598) that as per the oral orders of the then Registrar he was present on 16.9.2005 in the meeting of the then Acting Vice-Chancellor Dr.V.D. Patil, the then Registrar Dr.Vandan Mohod, and the Deputy Registrar (Estt.) Shri S.S.Suradkar, to assist them in showing from his Register (Ex. 644(O)) the department/s and the vacant posts of SRA (Agri.) therein for making appointment and posting of the candidates selected in the post of SRA (Agri.). He then stated that the said work started in the morning at 11.30 AM. He also stated that for giving appointment and posting, he had with him the Movement Register Ex.644(O) in which there was up to date position about the departmentwise sanctioned posts and the SRAs working therein and also the posts which were vacant at that time. According to him, he would show to the Registrar, Dr.Vandan Mohod, the sanctioned posts in the department/s concerned, the names of SRAs who were working in the said department/s and the number of posts vacant therein. He further stated that, taking into consideration the subject in which the selected candidate was graduate (it should be post graduate), the then Registrar Dr.Vandan Mohod, would in consultation with the Hon'ble Acting Vice-Chancellor, Dr.V.D. Patil, give him appointment and posting as far as possible in the same department i.e. the department relating to his subject, and instruct him accordingly. He then stated that he would take entries in the Movement Register (Ex.644(O)) about the appointment and posting of the candidates as per their instructions. He also stated that at the outset he had prepared a proforma of the order of appointment to be issued to the selected candidate by giving necessary instructions to the computer operator. According to him, he told him the name of the selected candidate his address, category, and also the department in which he was posted about which he took entries in the said proforma, whereafter by giving the copy paste command to the computer, they copied the earlier order and pasted the same order by deleting the name of the earlier candidate and filled the information of the next selected candidate in the said proforma. Further, according to him, he thus prepared the orders of appointment of 55 candidates selected in the posts of SRA (Agri.) and issued to them the said orders. He then stated that the said work consumed about 2 to 3 hours. He also stated that the said orders of appointment of the selected candidates in the post of SRA (Agri.) were approved by the then Acting Vice-Chancellor, and the then Registrar. He further stated that since the terms and conditions for all the appointees were the same, he had taken computerized copies of the said terms and conditions upon which the then Registrar Dr.Vandan Mohod, had put his signature. According to him, he then took out the Xerox copies of the said orders. As

regards the candidates selected in the posts of JRA (Agri.), he stated that on the next day i.e. 17.09.2005 in similar manner, their appointment orders were prepared and issued.

652) As regards the question of procedure followed in the University for making actual appointment, Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 44 of his affidavit dated 14.1.2008 (Ex.658) that as per normal practice in the University before making actual appointment an office note was prepared to show the vacancy position at that time such as the office note dated 15.9.2005 prepared in this case contained in the file Ex.42(O). He then stated that even as regards the question of making actual appointment of each candidate the department/s concerned would place its / their requirement/s. in the Registrar's office and accordingly taking into consideration such requirement/s, a note was prepared as per normal practice in the Registrar's office showing which candidate could be appointed in which post and / or where his posting could be made. According to him, such office notes showing the vacancy position and containing the above information for making actual appointments in various departments in the University were forwarded to the Vice-Chancellor for his approval whereafter the orders of appointment were prepared and signed by him and the Registrar.

653) Shri S.S.Suradkar, the Deputy Registrar (Estt.), stated in para 18 of his affidavit dated 1.12.2007 (Ex.634), that according to the official routine, after the decision to fill-up the post was taken an office note was submitted by the concerned Section Assistant in writing mentioning therein designation/ description of each vacancy in the establishment/department which was available for appointment and also showing which candidate should be appointed in which post. He then stated that along with such note were enclosed the proceedings of the meeting of Selection Committee, containing the Selection lists of the candidates. He also stated that the said note was then sent through proper channel i.e. the Assistant Registrar, Deputy Registrar, the Registrar, to the Hon'ble Vice-Chancellor for his approval and it was after his approval that the appointment and posting orders were issued according to the vacancies in the establishment/departments in the University or its various schemes.

654) Shri S.S.Suradkar, the Deputy Registrar (Estt.) stated in para 20 of his affidavit dated 1.12.2007 (Ex.634) that on 16.9.2005 the Assistant Registrar, the Deputy Registrar and the Registrar, had written their notes and the (Acting) Vice-Chancellor had finally approved the note of the Registrar on the same day. He then stated that before he wrote his note on 16.9.2005, there was discussion at length with the Assistant Registrar, the Registrar and the Hon'ble Vice-Chancellor on the question of filling-up the posts of SRA/JRA by the candidates from the Selection lists prepared by the Selection Committee. He also stated that thereafter on the same day i.e. 16.9.2005, although the routine procedure of submission of the note by the Competent Officer of the Registrar's office to show the vacant post/s in the department/s and also to show which candidate from the Selection lists could be appointed

in which vacant post considering his suitability for the said post was not followed, there must have been meeting of the Registrar, the Vice-Chancellor and the Section Assistant Shri D.P.Deshmukh, who must have brought his Movement Register (Ex.644(O)) from which after finding out suitable department and the vacant post therein for each candidate in the selection lists of SRA (Agri.), the appointment orders to 55 candidates in the Selection lists for the posts of SRA (Agri.) must have been prepared and signed by the Vice-Chancellor and the Registrar on the same day i.e. 16.9.2005 and they then must have been issued to the concerned candidates on the same day. According to him, similar procedure must have been followed in the case of 76 candidates selected for the posts of JRA (Agri.) when on the next day i.e. 17.9.2005 appointment and posting orders were issued to them.

655) Shri S.S.Suradkar, the Deputy Registrar (Estt.), stated in para 21 of his affidavit dated 1.12.2007 (Ex.634) that according to him, the whole work described by him in para 20 was done on the same day because the copies of the appointment orders whose draft was prepared on computer were ready on 16.9.2005 and the only information to be filled therein was the name of each candidate, his address, officer under whom he was posted to work, his category, and the remarks. He then stated that the Registrar and the Vice-Chancellor, signed the orders on the same day. However, according to him, all the aforesaid work that he had stated about the preparation of appointment orders of the candidates after deciding their postings etc. and issuing to them the appointment orders on the same day i.e. on 16.9.2005 to 55 candidates selected in the post of SRA (Agri.) and on 17.9.2005 to 76 candidates selected in the post of JRA (Agri.) was not done in his presence. Further, according to him, what he stated above, i.e. in paras 20 and 21 of his aforesaid affidavit, was what must have happened in preparing and issuing the appointment orders on the same day.

656) Shri S.S.Suradkar, the Deputy Registrar (Estt.), stated in para 24 of his affidavit dated 1.12.2007 (Ex.634) that he could produce the notesheets about the procedure followed in the University in making actual appointment to the posts in the University as described by him in his aforesaid affidavit. Accordingly, two notesheets are produced in this enquiry with the affidavit of the Assistant Registrar (Estt.) Shri G.G.Tonde, dated 8.12.2007 marked as Ex.637. One office note dated 13.8.2003 produced in this enquiry is marked as Ex.638 and the annexures with it are collectively marked as Ex.639. The said office note dated 13.8.2003 is at pages 3 to 27 of the aforesaid affidavit of the University dated 8.12.2007 (Ex.637). The other office note dated 29.8.2007 marked as Ex.640 is annexed at pages 28 to 48 of the aforesaid affidavit of the University dated 8.12.2007 (Ex.637) and the annexures to the said office note dated 2.8.2007 are collectively marked as Ex.641.

657) Perusal of the aforesaid office note dated 13.8.2003 (Ex.638) annexed at page-3 to the affidavit of the Assistant Registrar dated 8.12.2007 (Ex.637), would show that the office routine was followed in making appointment of the selected candidates for one post of SRA (Agril.Engg.) and two posts of SRA (Agri.). The vacancy position in the posts of SRA (Agril.Engg.) and in the posts of SRA (Agri.) was also annexed to the said note. The Assistant Registrar, Shri P.V.Behare, who had written the office note dated 13.8.2003 (Ex.638) had given in his office note dated 13.08.2003 the Bio-data of the candidates and his proposals for their appointment and posting. The said office note was then forwarded to the Deputy Registrar, Registrar and finally to the Vice-Chancellor, and after discussion fresh proposals were submitted in the light of the discussion and thus after consideration by all the officers concerned, the draft of the appointment orders was approved by the Registrar and the Hon'ble Vice-Chancellor. The office note dated 29.8.2007 (Ex.640) annexed at page-28 of the affidavit of the Assistant Registrar dated 8.12.2003 (Ex.637) related to the question of appointment of one candidate in the post of Associate Professor of Horticulture and another candidate as Assistant Professor of Extension Education. In appointment of the said candidates also normal official routine was followed. A detailed note was put-up by the Assistant Section Officer, showing the vacancy position in the posts of Associate Professor (Horticulture) and Assistant Professor, (Extension Education) which was forwarded through proper channel i.e. S.O (B), A.R. (Estt.), Deputy Registrar (Estt.) who had given his own note for approval and thereafter the Registrar and the Hon'ble Vice-Chancellor had approved the said note on 29.8.2007.

iv) Appointment orders issued as per which Selection lists

658) The file (Ex.34(O)) included at pages 66 to 76 thereof the Selection lists signed by the Chairman and the members of the Selection Committee annexed as annexures-IX to XIX to the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005. Similarly, the Marksheet of all the candidates for the posts of SRA (Agri.) and JRA (Agri.) prepared by the Registrar's office and signed by the Chairman and the Members of the Selection Committee was included at pages 77/1-92 of the said file Ex.34 (O) as annexure-XX and marked as Ex.34(O)-A in this enquiry. However, in para 11.3 of the written statement of Dr.B.G.Bathkal, and others enclosed with the affidavit of Dr.B.S.Padnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84) there are three lists of the Selected candidates referred to and annexed to the said written statement as annexures-8, 9, and 10 which lists were supplied by the University to Dr.B.G.Bathkal, on 1.7.2006, 24.7.2006, and 30.8.2006 respectively pursuant to his applications under the Right to Information Act, 2005. The said lists of the Selected candidates supplied on 1.7.2006, 24.7.2006 and 30.8.2006 (annexures 8, 9 and 10) are marked in this enquiry as Exs.93, 94 and 95 and are annexed to this Report as **Annexure Nos. -28-A, 28-B and 28-C.**

659) The file about the information supplied by the University under the Right to Information Act, 2005, is filed by the University in this enquiry and is marked as Ex.666. It contains the applications of Dr.B.G.Bathkal dated 9.6.2006 and 12.6.2006 at pages C/435 and C/441 of the said file to which the University had given a common reply on 1.7.2006 a copy of which is at page C/445 of the said file, annexing to it the list of the Selected candidates in the posts of SRA (Agri.) and JRA (Agri.) a copy of which is annexed by Dr.B.S.Fadnaik and Dr.B.S.Chimurkar as Annexure- 8 to their aforesaid affidavit dated 13.8.2007 (Ex.84) and marked as Ex.93 in this enquiry. Although the Selection Committee selected 55 candidates in the posts of SRA (Agri.), the list of SRA (Agri.) in Ex.93 contains 54 names since one selected candidate did not join his post pursuant to the appointment order issued to him.

660) Perusal of the above list of the Selected candidates in the posts of SRA (Agri.) and JRA (Agri.) (Ex.93) enclosed with the affidavit of Dr.B.S.Fadnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84) would show that pursuant to the applications of Dr.B.G.Bathkal, dated 9.6.2006 and 12.6.2006 the University had supplied Bio-data marks i.e. marks for academic performance of the candidates Selected for the posts of SRA (Agri.) and JRA (Agri.). The said list Ex.93 contains the following columns :

STATEMENT

Sr. No.	Name of Selected Candidate	Category	Marks for U.G. Degree	Marks for P.G. Degree	Marks for Ph. D. Degree	Research Paper	Significant Contribution	Marks for experience	Total marks for Bio-data
	Senior Research Assistant								
1 to 54									
	Junior Research Assistant								
1 to 76									

The list of the Selected candidates in the posts of SRA (Agri.) in Ex.93, would show that it starts with the name of Ku.Kadam Preeti M. at Sr. No.1, and ends with the name of Bagde Ashish B. at Sr.No. 54 and as regards the list of JRA (Agri.) in the said Ex.93 it starts with the name of Nemade Prashant W. at serial no.1 and ends with the name of Wankhade Rajendra S. at serial no.76. The said list Ex.93 is neither a categorywise list nor a list in alphabetical order nor in descending order of merit. It is not in the same format as the Selection lists at pages 66 to 76 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee nor in the same format of the Marksheet Ex.34(O)-A included therein at pages 77/1 to 92 of the said file Ex.34(O).

661) As regards the list of the selected candidates showing the total marks awarded to each candidate annexed as Annexure-9 to the affidavit of Dr.B.S. Fadnaik and Dr.B.S. Chimurkar dated 13.8.2007 (Ex.84) marked as Ex.94 in this enquiry, the University in its

letter dated 24.7.2006 addressed to Dr.B.G. Bathkal, stated that on the basis of the discussion on 21.7.2006 with the Registrar, who was appellate authority under the Right to Information Act, 2005, regarding the information demanded by him as per his letters dated 9.6.2006 and 12.6.2006, the total marks received by each candidate were supplied to him in the format of the said list annexed to its aforesaid letter dated 24.7.2006. The format of the said list (Annexure-9) marked as Ex.94 in this enquiry is the same as in the list (annexure-8) marked as Ex.93 in this enquiry i.e. in the list of SRA starting with the name of Ku. Kadam Preeti M., and ending with Shri Bagde Ashish B and in the list of JRA starting with the name of Shri Nemade Prashant W. and ending with the name of Wankhade Rajendra S.

662) Dr.B.G.Bathkal, and others stated in para 11.3 of their written statement annexed to the affidavit of Dr.B.S.Fadnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84) that after knowing the marks of the candidates they realized that the lists supplied to them were not merit lists and therefore they demanded merit list from the University as per the letter of Dr.B.G. Bathkal, dated 26.7.2006. According to them, the University reorganised the earlier lists and prepared the categorywise list of the candidates selected in the posts of SRA/JRA.

663) Perusal of the file (Ex.666) relating to the information supplied under the Right to Information Act, would show that by its letter dated 30.8.2006, at page C/563 of the said file, the University supplied to Dr.B.G.Bathkal, the said categorywise list annexed as annexure-10 to the aforesaid affidavit of Dr.B.S.Fadnaik and Dr.B.S.Chimurkar dated 13.8.2007 (Ex.84) marked as Ex.95 in this enquiry. The said categorywise list of the candidates selected by the Selection Committee for the posts of SRA and JRA, would show that it is neither in the same format as Selection lists at pages 66 to 76 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee nor in the same format as the Marksheet Ex.34(O)-A at pages 77/1 to 92 of the said file Ex.34(O). The format of the said categorywise list is as follows :-

Format of Annexure-28 (C) (Ex.95)

Categorywise list of the candidates Selected by the Selection Committee for the post of Senior Research Assistant, their qualifications and marks received for bio-data and for personal interview

Sr. No.	Name of Selected candidate	Qualifications	Category	Sex	Out of 40	Out of 60	Total
	SRA						
	1 to 55						

Categorywise list of the candidates Selected by the Selection Committee for the post of Junior Research Assistant, their qualification and marks received for bio-data and for personal interview

Sr. No.	Name of Selected candidate	Qualifications	Category	Sex	Out of 40	Out of 60	Total
1	2	3	4	5	6	7	8
	JRA						
	1 to 76						

664) It is stated in para 11.2 of the written statement of Dr.B.G.Bathkal, and others filed alongwith the affidavit of Dr.B.S.Fadnaik, and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84) that in response to constant request of Shri N.T.Fokmare, under the Right to Information Act, 2005, the University supplied to him the information about the break-up of 100 marks into academic, interview and the total marks of all the 1342 candidates out of which, according to them, 1035 candidates actually appeared for interview. It may be seen that the consolidated alphabetical Mark list containing the information about all the candidates called for interview of both these posts was supplied to Shri N.T.Fokmare, by the University with its letter dated 14.8.2006 pursuant to his application dated 23.1.2006 submitted by him under the Right to Information Act seeking, information about the Bio-data marks, interview marks given by each member to each candidate and their average. A copy of the said consolidated list was annexed as Annexure-IV to the affidavit of Dr.B.S. Fadnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84). A notice was, therefore, issued to the University on 16.8.2007 to file in this enquiry, the original consolidated list of all the candidates interviewed for the posts of SRA/JRA, showing their marks, a copy of which was supplied to Shri N.T.Fokmare. In pursuance to the said notice, the University filed the consolidated list of all the candidates in alphabetical order for both the posts of SRA (Agri.) and JRA (Agri.) and of all the categories marked as Ex.112(O) in this enquiry with its covering letter dated 14.8.2006 addressed to Shri N.T.Fokmare. Perusal of the said consolidated list Ex.112(O) would show that the entries made therein are all in pencil. A true copy of the said consolidated list Ex.112(O) is annexed to this Report as **Annexure-29.**

665) Although the names of the Selected candidates in the lists Ex.93,94, and 95 were the same as in the Selection lists at pages 66 to 76 of the file Ex.34(O) relating to the proceedings of the meeting of the Selection Committee, the format of the said lists i.e. lists Ex.93, 94 and 95 on one hand and the Selection lists at pages 66 to 76 of the file Ex.34(O) on the other was different. The format of the said lists of Selected candidates Ex.93, 94, and 95 was different even from the format of the Marksheet Ex.34(O)-A. Further, so far as the

Consolidated Mark list of all the candidates called for interview supplied to Shri N.T.Fokmare (Ex.112(O) was concerned, its format was totally different from the categorywise Marksheet Ex.34(O)-A. The format of the Marksheet Ex.34(O)-A was categorywise alphabetical Marksheet i.e. S.C., S.T. etc. of all the candidates called for interview separate for the posts of JRA (Agri.) and SRA (Agri.) whereas the format of the Mark list of all the candidates called for interview supplied to Shri N.T.Fokmare, was of consolidated list Ex.112(O) of all the candidates in alphabetical order for both the posts of SRA (Agri.) and JRA (Agri.) together and in all the categories such as S.C, S.T. etc. The University stated in answer to point no.I at page-2 of its affidavit dated 30.8.2007 (Ex.180) that the final selection list was first prepared by the Selection Committee and the copy which was supplied to Shri N.T.Fokmare, was prepared on the basis of the final Selection list given by the Selection Committee to its office.

666) Since the lists of Selected candidates as also the Marksheets of all the candidates called for interview were in different format as shown above, notice was issued to Shri D.P.Deshmukh, Section Assistant (Estt.) for his additional interrogation and statement in this enquiry, as he was in possession of all the information relating to the service matters of SRA/JRA/AA and maintained also the record of the Selection Committee relating to Selection of candidates in the posts of SRA (Agri.) and JRA (Agri.) which record remained in his custody only as stated by the University in answer to point no.III in its affidavit dated 30.8.2007 (Ex.180). In pursuance to the said notice, Shri D.P.Deshmukh, Section Assistant (Estt.) filed additional affidavit dated 15.3.2008 on the lines of his interrogation and statement in this enquiry marked as Ex.695.

667) After seeing the list of the selected candidates in the posts of SRA (Agri.) and JRA (Agri.), annexed by Dr.B.S. Fadnaik and Dr.B.S. Chimurkar as Annexure-8 to their affidavit dated 13.8.2007 (Ex.84) marked as Ex.No.93 in this enquiry, Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 3 of his additional affidavit dated 15.3.2008 (Ex.695) that the University had supplied to Dr.B.G.Bathkal, the said list of the Selected candidates in the posts of SRA (Agri.) and JRA (Agri.) (Ex.93) in which their bio-data marks were shown. According to him, the said list (Ex.93) containing Bio-data marks of the Selected candidates was supplied by the University to Dr.B.G. Bathkal, with its letter dated 1.7.2006 as per the demand made by him in his application under the Right to Information Act. Further, according to him, the said letter of the University dated 1.7.2006 with which the aforesaid list Ex.93 was sent was at page C/445 of the file Ex.666 about the information supplied by the University under the Right to Information Act. He then stated that the information supplied therein about the selected candidates was not in accordance with the Selection lists given by the Selection Committee. He also stated that the Selection Committee did not prepare continuous List serially of all the candidates. He further stated that the said list was also not according to the categorywise Selection lists such as S.C.,

S.T. etc. prepared by the Selection Committee. He then stated that the said list Ex.93 was prepared by him, as per the serial numbers of the appointment orders issued to the candidates selected as per the Selection lists. As regards the question why the list Ex.93 contained names of 54 candidates only when 55 candidates were selected in the posts of SRA (Agri.), he stated that one selected candidate Kolage Avinash did not join his duties as per the appointment order issued to him. According to him, the serial number of his appointment order was 37. He also stated that the categorywise Selection lists were with him at that time but he did not prepare the list Ex.93 according to the said selection lists because he had with him, the appointment orders and he felt that it was easy to give information about the bio-data marks i.e. educational qualifications, experience, research papers etc. asked by Dr.B.G.Bathkal, according to the serial numbers of the candidates in the orders of appointment issued to them. He then stated that he gave them the said information from the Marksheet marked as Ex.34(O)-A in this enquiry.

668) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 4 of his additional affidavit dated 15.3.2008 (Ex.695) that the list according to which the appointment orders were issued to the Selected candidates in the posts of SRA and JRA was not with him till the date on which the appointment orders were issued i.e. 16.9.2005 and even thereafter also the said list was not handed over to him. According to him, the said list was with the Chairman and the Member Secretary of the Selection Committee. He then stated that at the time of preparing the appointment orders, they told him the names of the Selected candidates serially as per the said list and for giving them postings, he noted their names in his Movement Register Ex.644(O). He also stated that the appointment and posting was given to the candidates serially in the order in which the names of the departments of the University were written in the said Movement Register (Ex.644(O)). He further stated that the appointment orders were issued in the posts of SRA (Agri.) and JRA (Agri.) to the candidates whose names were written in the Movement Register (Ex.644(O)) as per the said list for giving them appointment. He then stated that he had prepared the list of the candidates who were appointed in the posts of SRA/JRA as per the entries made by him in the Movement Register (Ex.644(O)), the format of which was follows :-

Sr. No.	Name	Category	Date of joining	Place

He also stated that the said list was enclosed by him with his aforesaid additional affidavit dated 15.3.2008 (Ex.695). According to him, the contents of the said list were as per the entries made in the Movement Register Ex.644(O). The said list prepared by him is marked as Ex.696 in this enquiry. A true copy of the said list Ex.696 is filed with this Report as **Annexure-30.**

669) After seeing the Movement Register (Ex.644(O)) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 5 of his affidavit dated 15.3.2008 (Ex.695) that although the serial numbers of the candidates Shri Wandhare, M.R., Shri Jadhav S.M. and Shri Bagde A.B. were 52, 53 and 54 in the list Ex.93, their serial nos. were 53, 54 and 55 in the list with the Chairman and the Member Secretary of the Selection Committee. He then stated that the above candidates selected in the post of SRA (Agri.) did not get appointment and posting in the department in the Movement Register (Ex.644(O)) according to their serial numbers but they were given appointment and posting in Cotton Research Centre, Akola, Printing Press, Akola, and the Department of the University Engineer, Akola as told to him by the Chairman and the Member Secretary of the Selection Committee. The reason, according to him, was that after the candidate at serial no.52 Bhuyar Sanjay was given appointment and posting in the department of Nagarjun Medicinal Plant, there were no posts of SRA (Agri.) thereafter in the Movement Register. He, however, stated that there were some vacant posts of SRA(Agri.) earlier thereto in the said Movement Registrar Ex.644(O), and therefore appointment and posting was given to the candidate at serial no.53 in the Selection list with the Chairman of the Selection Committee, Wandhare Madan R. in one of the two posts in Cotton Research Centre, which was vacant since he was post-graduate in Botany. According to him, Shri Jadhav was given appointment and posting in the vacant post in Printing Press, Akola and as regards the candidate at serial no.55 in the Selection list with Dr.V.D. Patil, Shri A.B.Bagde, since there was no other department in the University in which there was vacant post of SRA (Agri.), as per his Movement Register (Ex.644(O)), he was given appointment and posting in the post of SRA (Agri.) in the department of University Engineer, which was kept vacant. He then stated that in the department of University Engineer, the work was about assets of the University, construction of roads, and building etc. and since Shri A.B.Bagde, was a post graduate in Botany and had thus no work for him in the said department of the University Engineer according to his qualifications he was given actual work in the department of Horticulture in the University by making his physical posting in the said department in which he joined on 23.9.2005.

670) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 6 of his additional affidavit dated 15.3.2008 (Ex.695) that even in the Selection list of JRA (Agri.) which was with Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Member Secretary of the Selection Committee and was similar to the list Ex.93, some candidates were not given appointment and posting in the department in which according to their serial numbers in the aforesaid list they should have been given appointment and posting. According to him, Shri Deogirkar Amit A. who was at Serial no.31 in the list of the selected candidates with Dr.V.D. Patil, was Agricultural Engineering Graduate and since there was no work for him in the department of Horticulture, in which he would have been posted according to his

serial no. he was given appointment and posting in the vacant post in the department of Agricultural Chemistry, which was shown earlier to the aforesaid department of Horticulture in the Movement Register Ex.644(O). Similarly, according to him, Shri Mohammad Sajid Abdul Hamid, at Serial no. 48 in the aforesaid list of selected candidates with the Chairman Dr.V.D. Patil, was not given appointment and posting in the department of Agriculture Prices Scheme in which he would have been appointed and posted according to his aforesaid serial no. in the list but instead he was given appointment and posting as JRA (Agri.) in Krishi Vidhnyan Kendra, Hiwara, since the said post was appropriate for him as he was post graduate in Agricultural Chemistry as compared to the post in the Agricultural Prices Scheme in which he would have been posted according to its serial no. in the Movement Register (Ex.644(O)).

671) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 7 of his additional affidavit dated 15.3.2008 (Ex.695) that in the Selection list of JRA (Agri.) with the Chairman, Dr.V.D. Patil, there were names of Choudhary Balu N., Meshram Nammidevi B. , and Shri Munnarwar Satish T. at serial nos. 69, 70 and 71. According to him, they were not given appointment in the departments of K.V.K. Yeotmal and Hiwara which were serially the departments in the Movement Register (Ex.644(O)) in which they should have been given appointment and posting but they were given appointment in 3 posts of JRA (Agri.) in Krushi Vidhnyan Kendra, Sonapur, which was mentioned in the Movement Register Ex.644(O) after the department of K.V.K. Yeotmal, and Hiwara. According to him, the reason was that the Selected candidates for the posts of JRA (Agri.) viz. Choudhari Balu N. Meshram Ku.Nammidevi B., and Shri Munnarwar Satish T. were post graduates in Entomology, Horticulture, and Animal Husbandry and Dairying respectively and their services were required in the said KVK, Sonapur.

672) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 8 of his additional affidavit dated 15.3.2008 (Ex.695) that at serial no.72 and 73 of the list of the selected candidates with the Chairman Dr.V.D. Patil, were the names of Shri Rathod N.G., and Shri Dangore S.T. who were given appointment and posting in KVK, Hiwra according to its serial number in the Movement Register Ex.644(O). He then stated that since all the departments in the aforesaid Movement Register Ex.644(O) were at that time exhausted, Ku. Ughade Jaishree D., and Wankhade Rajendra S., at Serial nos.74 and 76 respectively in the said list of the Selected candidates with Dr.V.D. Patil, were given appointment and posting in KVK, Yavatmal, and the candidate at serial no. 75 in the said list, Shri Gathe A.G. was given appointment and posting in the department of Associate Dean, Horticulture, Akola.

673) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 9 of his additional affidavit dated 15.3.2008 (Ex.695), that the name of Ku. Supe Mittal S. was at serial no. 62 in the list of the Selected candidates for the post of JRA (Agri.) which was with the

Chairman, Dr.V.D. Patil, and she was given appointment in Oil Seed Research Centre, Kardi, according to its serial no. in the said Movement Register (Ex.644(O) as per the aforesaid mode of giving appointment and posting. He then stated that he knew that she was Agricultural Engineering Graduate, and that there was no work for the said graduate as per the duties of the said post in which she was given appointment. He also stated that just as Shri Deogirikar Amit, at Sr.no.21 in the said list was given appointment in the post suitable for him according to his educational qualifications, Ku.Supe was not given such appointment. The reason, according to him, was that there was no other suitable post available for a candidate who was graduate in Agricultural Engineering. He then stated that he would not be able to tell why Ku. Supe Mittal, was selected when there was no other post available for Agricultural Engineering Graduate in the University.

674) Shri D.P.Deshmukh, Section Assistant (Esstt.), stated in para 10 of his additional affidavit dated 15.3.2008 (Ex.695) that in appointment orders dated 17.9.2005, Shri Patil Vinod N., Shri Shinde Sachin V., Shri Munnarwar Satish R., all of them JRA (Agri.), were shown as posted in the University Department of Horticulture, Agriculture School, Hiwara, and Krishi Vidhnyan Kendra, Hiwara, respectively. However, according to him, they were actually posted in the department of Associate Dean, Horticulture, Akola, Agriculture School, Mulmaroda, and Krishi Vidhnyan Kendra, Sonapur respectively as shown in the Movement Register Ex.644(O). In this regard, he stated that there was a corrigendum issued by the University and they were given appointment and posting orders as shown in the Movement Register Ex.644(O). He then stated that he would produce the said corrigenda in this enquiry. Accordingly, he produced the said corrigenda in this enquiry which are marked as Ex.Nos. 695-A, 695-B, and 695C. Perusal of the appointment order originally issued to Shri Patil Vinod N., dated 17.9.2005 i.e. before it was corrected, would show that he was appointed and posted under the Head, University Department of Agricultural Chemistry and Soil Science Dr.PDKV, Akola and not in the University Department of Horticulture as stated by him in the aforesaid para 10 of his additional affidavit dated 15.3.2008 (Ex.695).

675) Shri D.P.Deshmukh, Section Assistant (Esstt.), stated in para 11 of his additional affidavit dated 15.3.2008 (Ex.695) that the Selection list (Ex.94) of the posts of SRA (Agri.)/ JRA (Agri.) which Dr.B.S.Padnaik and Dr.B.S.Chimurkar, annexed as annexure-9 to their affidavit dated 13.8.2007 (Ex.84) was the same list which the University had given to Dr.B.G.Bathkal, with its letter dated 24.7.2006 as per the information sought by him from the University. He, however, stated that while supplying him the said information, the University did not supply him the marks given by each member of the Selection Committee for interview of each candidate on the ground that the said marks could not be supplied to him. But, according to him, the University had supplied him in the said list (Ex.94) the total marks received by each candidate. He then stated that Dr.B.G. Bathkal, had also demanded

from the University the categorywise merit list of the selected candidates for the posts of SRA (Agri.) and JRA (Agri.) which the University had supplied to him with its letter dated 30.8.2006 (Ex.95). According to him, the said list is annexed by Dr.B.S.Fadnaik and Dr.B.S.Chimurkar, to their affidavit dated 13.8.2007 (Ex.84) as Annexure-10 marked as Ex.95 in this enquiry. He further stated that although in the said list (Ex.95) the marks given by each member of the Selection Committee to each candidate for his interview were not shown, the marks received by him for his interview were shown. He then stated that the above categorywise merit-list, which he had supplied to Dr.B.G.Bathkal, was not received by him from Dr.V.D. Patil or Dr.Vandan Mohod. The said list Ex.95 according to him, was also not similar to the categorywise Selection list signed by the Chairman and the Member Secretary of the Selection Committee.

676) Shri D.P.Deshmukh, Section Assistant (Estt.), further stated in para 11 of his additional affidavit dated 15.3.2008 (Ex.695) that in the Selection list at pages 76 to 96 (it should be 66 to 76) of the file Ex.34(O) signed by the Chairman and the Members of the Selection Committee, the order of various categories was S.C, S.T., VJ(A), NT (B), NT (C), NT(D), OBC, SBC and Open but in the categorywise list (Ex.95) which was sent to Dr.B.G.Bathkal, the order of various categories was NT (B), NT(C), NT(D), OBC, Open, S.C, SBC, S.T., and VJ(A). The reason according to him, was that while preparing the categorywise list (Ex.95) referred to above for being sent to Dr.B.G.Bathkal, they fed in the computer the aforesaid selection list which was with Dr.V.D. Patil, the Chairman of the Selection Committee, and they had given command to the computer to make categorywise list from the said list. He then stated that as per their command the computer prepared the categorywise list according to the English alphabetical order in which they entered the marks received by each candidate for his academic performance, interview etc. from the categorywise Marksheet Ex.34(O)-A. Although he further stated in the said affidavit that the said list was annexed as annexure-8 (Ex.93) to the affidavit of Dr.B.S.Fadnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84) and since the category of each candidate was given in the said list, it was a categorywise list he realized that the above statement was made by him through mistake. He, therefore, corrected himself in his subsequent affidavit dated 29.8.2008 (Ex.765) stating therein that the said list was annexed as annexure-10 (Ex.95) to the affidavit of Dr.B.S.Fadnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84). As regards the categorywise list annexure-10 (Ex.95) annexed to the affidavit of Dr.B.S. Fadnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84), he stated that in the column relating to the educational qualifications therein they mentioned the educational qualifications of each candidate and in the column about sex, mentioned whether male or female, after seeing his/her application. He further stated that they did not supply the Selection list at pages 76 to 96 (it should be 66 to 76) of the file Ex.34(O) signed by the Chairman and the Members of the Selection Committee because they were told that the said

Selection list signed by the Chairman and the Members of the Selection Committee, should not be supplied to the applicants demanding it. For this reason, he stated that they did not supply the aforesaid categorywise Selection list according to the categorywise Selection list signed by the Chairman and the Members of the Selection Committee while giving the information about it.

677) As regards the Selection list signed by the Chairman and the Members of the Selection Committee, Shri D.P.Deshmukh, Section Assistant (Estt.) further stated in the aforesaid para 11 of his additional affidavit dated 15.3.2008 (Ex.695) that the total marks received by each candidate were not shown in the said Selection list and instead what was shown therein was his serial no. in the categorywise Marksheet Ex.34(O)-A. He then stated that in order to avoid any mistake, they had prepared the list of the Selected candidates according to the list (Ex.93) annexed as annexure-8 to the aforesaid affidavit of Dr.B.S.Fadnaik and Dr.B.S.Chimurkar dated 13.8.2007 (Ex.84) and in that list they had entered the marks as shown in the Marksheet Ex.34(O)-A.

678) In view of the aforesaid additional affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 15.3.2008 (Ex.695) in which he stated that the appointment and posting was given by him serially in the departments in the University shown by him in his Movement Register Ex.644(O) to the candidates in accordance with their serial nos. in the Selection list which was with Dr.V.D. Patil, the Chairman of the Selection Committee similar to the list Ex.93 enclosed as annexure-8 in the affidavit of Dr.B.S.Fadnaik and Dr.B.S.Chimurkar dated 13.8.2007 (Ex.84), the notice was issued to Dr.V.D. Patil, the Chairman of the Selection Committee, in pursuance to which he filed the additional affidavit dated 25.3.2008 marked as Ex.697 sworn on the lines of his interrogation and statement in this enquiry. He stated in para 5 of his aforesaid additional affidavit that he had seen the lists of the selected candidates in the posts of SRA (Agri.) and JRA (Agri.) marked as Ex.93 in the affidavit of Dr.B.S. Fadnaik and Dr.B.S. Chimurkar, dated 13.8.2007 (Ex.84). He admitted that the said lists were not similar to the categorywise Selection lists prepared by them regarding the posts of SRA (Agri.) and JRA (Agri.) which Selection lists were at pages 66 to 76 in the file Ex.34(O). He also admitted that they were also not in alphabetical order nor in descending order of merit. After seeing in this enquiry, the file Ex.666, about the information supplied under the Right to Information Act and after perusing the same, he stated that the relevant information about the Selected candidates was supplied by the University to Dr.B.G.Bathkal and others also as per the said lists (i.e. Ex.93 to 95) annexed to the aforesaid affidavit of Dr.B.S. Fadnaik and Dr.B.S.Chimurkar dated 13.8.2007 (Ex.84).

679) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 6 of his additional affidavit dated 25.3.2008 (Ex.697) that he had read para 4 of the additional affidavit of Shri D.P.Deshmukh, dated 15.3.2008 (Ex.695) in which he stated that the

aforesaid list (Ex.93) was with the Chairman and the Member Secretary of the Selection Committee and that they told him the names of the selected candidates serially from the said list Ex.93 and accordingly he gave placement to them serially in the departments in the order in which they were written in the Movement Register Ex.644(O) except for few candidates who could not be given placement in the department in the Movement Register in which their placement had to be given as per their serial no. in the said lists (Ex.93).

680) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 7 of his additional affidavit dated 25.3.2008 (Ex.697) that he did not prepare the aforesaid lists (Ex.93) of SRA (Agri.) and JRA (Agri.) which were supplied by the University to Dr.B.G.Bathkal, and others when they asked for information about the same, under the Right to Information Act. He then stated that it was not true that he dictated the names of the candidates to Shri D.P.Deshmukh, as per the serial numbers in the said lists (Ex.93) for making their placement in the Movement Register (Ex.644(O)) with a view to give them appointment and posting in the said posts. He then stated that it was not true that the placement was given to the selected candidates as per the aforesaid lists (Ex.93) except for few selected candidates whose names and placements were referred to by Shri D.P.Deshmukh, in his affidavit dated 15.3.2008 (Ex.695). He reiterated in the said para 7 of his aforesaid additional affidavit that he did not prepare the aforesaid lists (Ex.93) according to which, the placements were given to the Selected candidates in the Movement Register with a view to make their appointment in the posts of SRA (Agri.) and JRA (Agri.). He however, admitted that he had dictated the names of the Selected candidates, to Shri D.P.Deshmukh, for giving them placement in appropriate posts in the Movement Register (Ex.644(O) according to their qualifications and fitness. But, according to him, he did not recollect from which list he had dictated to him the names of the candidates for preparing their appointment orders. He then stated that, he must have done so from the categorywise selection lists at pages 66 to 76 in the file Ex.34(O). He also stated that perhaps he must have dictated the names of the selected candidates for the posts of SRA (Agri.) open category first and thereafter followed it by OBC, S.C., S.T. , VJ(A), NT(B), NT(C), and NT(D) and further in the same order he must have dictated the names of the selected candidates for the posts of JRA (Agri.).

681) Dr.Vandan Mohod, the Registrar/ Member Secretary, stated in para 3 of his additional affidavit dated 2.4.2008 (Ex.633) that he had seen the lists in the affidavit of Dr.B.S.Fadnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84) marked as Ex.93 in this enquiry. He then stated that he had seen that the information demanded under the Right to Information Act was supplied by the University as per the names in the said lists (Ex.93). He further stated that the said lists (Ex.93) were neither in alphabetical order nor categorywise nor in descending order of merit. He also stated that he had seen the affidavit of Shri D.P.Deshmukh dated 15.3.2008 (Ex.695) in para 4 of which he stated that it was

from the said lists (Ex.93) that the Chairman of the Selection Committee and its Member Secretary dictated to him the names of the selected candidates serially to whom he had given placement in the departments and posts in serial order in which they were shown in the Movement Register Ex.644(O) except for few candidates who did not have suitable posts in the departments in which according to their serial numbers, they were to be given their placements. According to him, Shri D.P.Deshmukh, then stated in para 4 of his aforesaid affidavit that such candidates were given placements in other suitable departments. He denied that they had at any time prepared the said lists (Ex.93) as the Selection lists and that they dictated the names of the selected candidates from the said lists Ex.93 to Shri D.P.Deshmukh, to give them placements in the Movement Register serially as per their names in the said lists (Ex.93). He also stated that he would not be able to tell who prepared the said lists Ex.93 and when. According to him, after getting necessary information from Shri D.P.Deshmukh, about the departments in which there were vacant posts and the nature of the said posts they had first filled 55 posts of SRA (Agri.). Further, according to him, in filling the posts of SRA (Agri.), they started with SRA (Agri.) open category from the categorywise selection lists contained in the file Ex.34(O) and after giving placement to the Selected candidates in the said list, they took-up the Selection lists of SRA (Agri.), OBC, SC, ST, VJ(A), NT(B), NT(C), NT(D) and SBC in that order and gave suitable placement in the Movement Register Ex.644(O) to the Selected candidates in the said lists. He then stated that they thereafter proceeded in similar manner in giving placement in Movement Register to the Selected candidates in the categorywise Selection lists of the post of JRA (Agri.).

682) As Shri D.P.Deshmukh, Section Assistant (Estt.), had stated in para 4 of his additional affidavit dated 15.3.2008 (Ex.695) that there was Selection list with the Chairman and the Member Secretary of the Selection Committee similar to the list (Ex.93) annexed as annexure-VIII to the affidavit of Dr.B.S. Fadnaik and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84) from which they dictated the names of the Selected candidates serially for giving them placement in the Movement Register (Ex.644(O)), with a view to giving them appointment and posting orders which list was not handed over to him by them, a notice were issued on 26.3.2008 to the Personal Assistants of the Dean, Agriculture and the Registrar of the University to produce in this enquiry original list of the Selected candidates in the posts of SRA (Agri.) and JRA (Agri.) which was supplied to those who sought information about the Selected candidates under the Right to Information Act. They were also directed to submit in this enquiry the said list or any such type of list, whether rough or fair, from the personal record of the office of the Dean, Agriculture / Registrar. Accordingly, Shri A.V.Nand, P.A. to Registrar and Shri Abdul Sattar, P.A. to Dean (Agriculture), filed their affidavits dated 28.3.2008 in this enquiry marked as Exs.699 and

700. Both of them stated in their affidavits that the Selection list or any rough list from which fair Selection list were prepared were not with them or in their offices.

v) Vacancy position at the time of advertisement, interview, and appointment of the Selected Candidates

683) Perusal of the office notes in the file relating to the advertisement Ex.40 (O) and the file relating to the position of vacant posts at the time of appointment of the Selected candidates Ex.42(O) raised the question whether there were 55 vacant posts of SRA (Agri.) and 76 posts of JRA (Agri.) to accommodate the candidates selected by the Selection Committee in the said posts. Even after consideration of the decision of the University to utilize the vacant posts in promotion quota to give appointment to the candidates selected in the posts of SRA (Agri.) and JRA (Agri.) which was taken on the basis of the office notes of the Deputy Registrar (Estt.) and the Registrar dated 16.9.2005 contained in the file Ex.42(O) approved by the then Acting Vice-Chancellor on the same day it was doubtful whether there were enough vacancies to accommodate the candidates selected in the said posts.

683-A) When questioned in this regard, Dr.Vandan Mohod, stated in para 44 of his affidavit dated 1.12.2007 (Ex.633) that after perusing the notesheet of Shri D.P.Deshmukh, Section Assistant (Estt.), dated 15.9.2005 contained in the file Ex.42(O) regarding vacancies available for making appointment of SRA and JRA as per the Selection lists it did not appear to him that there were 55 vacancies of SRA and 76 vacancies of JRA available for making appointment as per the Selection lists. He then stated that after perusal of the statements about promotion of JRA to SRA and AA to JRA which they had recommended and which were included as annexures-3 and 4 in the file relating to the proceedings of the meeting of the Selection Committee Ex.34(O), it did not appear to him that the aforesaid number of vacancies in the said posts were available for making appointment as per the Selection lists. On the contrary, according to him, if the said promotions were taken into consideration, then lesser number of vacancies would be available for making appointment of the candidates as per the Selection lists. He, however, stated in his aforesaid affidavit that they had given appointment and posting orders to all the selected candidates in the said posts after finding out vacant and suitable posts for them in the Movement Register Ex.644(O) maintained by the Section Assistant in regard to appointment, posting, transfer, retirement and death etc. of the appointees in the posts of SRA and JRA. The University was, therefore, directed to file affidavit showing the vacancy position on the date of advertisement, interview and the date of appointment of the selected candidates in these posts.

684) In regard to the above information sought from it, the University filed four affidavits viz. affidavits dated 17.7.2007 (Ex.48), 20.8.2007 (Ex.100), 30.8.2007 (Ex.180),

and 4.9.2007 (Ex.196). In its affidavit dated 17.7.2007 (Ex.48), on point A (vii) about filling more than double the vacancies advertised, and on point no.B (2) about vacancy position on the date of advertisement, interview and appointment, the University reproduced three identical tables A,B and C showing the vacancy position notified on the date of advertisement dated 14.8.2004, on 13.6.2005 i.e. the date of the meeting of the Selection Committee, on 16.9.2005 and 17.9.2005 i.e. the dates of issue of appointment orders to the Selected candidates wrongly mentioned as the dates of the meeting of the Selection Committee. In reply to point no.A (vii) it is stated in the said affidavit dated 17.7.2007 (Ex.48) that during the passage of time, the position of the number of vacant posts i.e. 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) shown in Table-A relating to the vacancy position on the date of advertisement i.e. 14.8.2004 changed due to promotions of the staff to higher posts, their retirement, death etc. Perusal of tables B and C would show that on the date of the meeting of the Selection Committee, i.e. on 13.6.2005, the total number of vacant posts of SRA (Agri.) increased from 24 to 55 and of JRA (Agri.) from 37 to 76, as shown in Table-B, which position remained the same on the dates of appointment in the said posts i.e. on 16.9.2005 and 17.9.2005 as shown in Table-C.

685) Perusal of the aforesaid charts regarding the vacancy position filed with the aforesaid affidavit dated 17.7.2007 (Ex.48) did not convey proper and necessary information about the vacancy position demanded from the University. By the order dated 31.7.2007 contained in the order-sheets the University was directed to file fresh charts showing at a glance the vacancy position with respect to the dates of advertisement, interview, and appointment showing the nature of the post and the department in which SRA/JRA were appointed with particular reference to Agricultural Engineering Graduates and the case was fixed for the affidavit of the University on 3.8.2007. On 3.8.2007, the University filed the affidavit dated 2.8.2007, to which were annexed the charts as Annexures II and III marked as Ex.57-C showing the departmentwise vacancy position as on 15.9.2005 in respect of the posts of SRA/JRA. As the said charts (Ex.57-C) did not depict properly the vacancy position which was required to be submitted by the University in this enquiry, by the order dated 3.8.2007 contained in the order-sheets the University was directed to submit fresh charts showing departmentwise vacancy position, in respect of the posts of SRA/JRA containing all the relevant information demanded from University as explained to its representative, and the Section Officer of its legal branch and as stated in the order dated 31.7.2007 contained in the ordersheets in this enquiry.

686) In pursuance to the above order dated 3.8.2007, the University filed the affidavit dated 20.8.2007 in this enquiry on 22.8.2007 (Ex.100) enclosing therewith the charts Annexures-RI and R-II showing the vacancy position in the posts of SRA and JRA as on 31.7.2004 i.e. prior to issue of advertisement dated 14.8.2004 (Ex.2) and 12.6.2005 i.e. prior to the meeting of the Selection Committee marked as Exs.101 and 102 respectively.

The University also included in Annexures-R-III and R-IV of its aforesaid affidavit dated 20.8.2007 (Ex.100) the charts showing the vacancy position in respect of SRA and JRA respectively as on 15.9.2005 and on 16.9.2005 i.e. just prior to issue of appointment orders to the candidates selected in the said posts marked as Exs.103 and 104 respectively.

687) The format of the charts enclosed as Annexures-R-I and R-II (Exs.101 and 102) in the aforesaid affidavit of the University dated 20.8.2007 (Ex.100) which is common is as follows:

Department wise vacant position of Senior Research Assistant/JRA

Sr. No.	Name of Deptt.	Sanctioned	Filled-in	Vacancy as on 31.7.04	Sr. No.	Name of Employee	Date of Joining	Remark	Vacancy as on 12.6.05
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Similarly, the format of the charts in Annexures-R-III and R-IV (Exs.103 and 104) in the aforesaid affidavit which is also common is as follows.

Department wise vacant position of S.R.A./ J.R.A. as on 15.09.2005/16.9.2005

Sr. No.	Name of Deptt.	Sanctioned	Filled-in	Vacant	Sr.No.	Name of Employees
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At the end of the chart relating to SRA in Annexure-RI (Ex.101), the position of the total number of vacant posts shown is 68 as on 31.7.2004 and 12.6.2005 and as regards the position of vacant posts of JRA in the chart enclosed as Annexure-R-II (Ex.102) the total number of posts vacant as on 31.7.2004 are shown as 101 and as on 12.6.2005, 102. As regards the vacancy position of SRA as on 15.9.2005 in Annexure-R-III (Ex.103), the total sanctioned posts shown are 185, the total posts which are shown as filled at that time are 94, and the total posts vacant are 91, and as regards the vacancy position of JRA as on 16.9.2005, in Annexure-R-IV (Ex.104), the total sanctioned posts shown are 142, the total posts filled are 38, and the total posts vacant are 104.

688) As regards the affidavit of the University dated 20.8.2007 (Ex.100), filed on 22.8.2007, the charts regarding departmentwise vacancy position of SRA/JRA enclosed therewith as annexures R-I to IV marked as Ex.101 to Ex.104 respectively in this enquiry, did not again contain all the necessary information demanded from the University and therefore after explaining the deficiencies in the said charts to the learned Advocate of the University Shri A.R. Patil, the Assistant Registrar Shri G.G.Tonde, and its representative Shri D.P.Deshmukh, Section Assistant (Estt.) who were present in this enquiry on 22.8.2007, the University was directed as per the order dated 22.8.2007 contained in the order-sheets in this enquiry to file fresh charts regarding the vacancy position. It was clarified that it should file separate charts regarding the posts of SRA (Agri.) and JRA (Agri.) available in nomination and promotion quota which charts should also show the posts of SRA (Agri.) and JRA (Agri.) which were filled by the University as per the advertisement dated 14.8.2004 (Ex.2). It was further directed to state whether the posts in

promotion quota were utilized for filling 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) and if so, how many. Accordingly, the case was fixed for affidavit of the University in this regard on 31.8.2007 on which date, the University filed the affidavit dated 30.8.2007 marked as Ex.180 in this enquiry. It was clarified by the University in its next affidavit dated 4.9.2007 (Ex.196) that although the charts showing the departmentwise vacant position of JRA did not mention the word “Agriculture” the said chart was in respect of JRA (Agri.)

689) With its affidavit dated 30.8.2007 (Ex.180), the University enclosed two charts Annexures-R-I and R-II marked as Exs.181 and 182 in this enquiry. The chart in Annexure-R-I (Ex.181) relates to department-wise vacancy position of SRA (Agri.) at the time of the advertisement dated 14.8.2004 (Ex.2) i.e. sanctioned, filled-in, and vacant posts in each department as on 31.7.2004, and the chart in annexure-RII (Ex.182) shows similar departmentwise vacancy position at the time of interview i.e. as on 12.6.2005. At the end of the said two charts (Exs.181 and 182) of SRA (Agri.) similar total vacancy position is shown at the time of advertisement and at the time of interview i.e. total sanctioned posts 148, filled in 112, and vacant posts 36 including 5 posts of Bio-technology but as the said posts were separately advertised in the advertisement dated on 14.8.2004 (Ex.2), the total sanctioned posts shown were 143, filled in 112, and vacant 31.

690) The next two charts included as annexures R-III and R-IV in the aforesaid affidavit of the University dated 30.8.2007 (Ex.180) marked as Exs.183 and 184 in this enquiry relate to the Departmentwise vacancy position of JRA (Agri.), as on 31.7.2004, i.e. at the time of the advertisement dated 14.8.2004 (Ex.2) and as on 12.6.2005 i.e. before the date of interview. In the chart Annexure R-III (Ex.183) about JRA (Agri.) apart from showing the total number of sanctioned posts, filled in posts, and the vacant posts in each department, the total sanctioned posts, filled in posts, and the vacant posts in all the departments of the University shown as on 31.7.2004 at the end of the said Chart Ex.183 were 99, 39, and 60 respectively. In the chart in Annexure-IV (Ex.184) relating to the vacancy position of JRA (Agri.) as on 12.6.2005 the total sanctioned posts, filled in posts and the vacant posts shown in all the departments of the University were 114, 38 and 76 respectively. Below the said chart (Ex.184) there is note given which shows that 15 posts of JRA (Agri.) were sanctioned for Krishi Vidhnyan Kendra, Sindewahi, Yavatmal, Sonapur, Hiwara, and Sakoli on 25.8.2004.

691) The University has then enclosed with its aforesaid affidavit dated 30.8.2007 (Ex.180) two charts as Annexures-V and VI marked as Ex.185 and Ex.186 in this enquiry. The said charts (Exs. 185 and 186) contain the names of SRA (Agri.) appointed by promotion or by direct recruitment as on 31.7.2004. Similar charts annexed as annexures VII and VIII to the aforesaid affidavit dated 30.8.2007 (Ex.180) marked as Ex.187 and Ex.188 in this enquiry relate to the appointment of SRA (Agri.) by promotion and by direct

recruitment respectively as on 12.6.2005 i.e. just before the date of interview. Perusal of the above charts Annexures-V and VI (Exs. 185 and 186) would show that as on 31.7.2004, 81 SRA (Agri.) were appointed by the University by promotion and 28 by direct recruitment and the position of the appointees in the said post as on 12.6.2005 was the same i.e. 81 appointed by promotion and 28 by direct recruitment.

692) As regards the posts of JRA (Agri.) there were again 4 charts i.e. annexures-IX to XII annexed to the affidavit of the University dated 30.8.2007 (Ex.180) marked as Exs.189 to 192 respectively in this enquiry, the first two charts Annexures-IX and X (Exs. 189 & 190) showing the position of the posts of JRA (Agri.) filled by promotion and by direct recruitment as on 31.7.2004 i.e. at the time of the advertisement and the next two charts Ex.191 and Ex.192 showing the said position of the posts of JRA (Agri.) as on 12.6.2005 i.e. just before the interview. Perusal of the said charts Annexures-IX to XII (Exs.189 to 192) would show that the position of the posts of JRA (Agri.) filled by promotion and by direct recruitment was the same as on 31.7.2004 and as on 12.6.2005 i.e. 28 by promotion and 7 by direct recruitment.

693) As the aforesaid affidavit of the University dated 30.8.2007 (Ex.180) did not include the charts showing the vacancy position as on 15.9.2005 i.e. just before the date of appointment, an additional affidavit dated 4.9.2007 was filed by the University on 5.9.2007 marked as Ex.196 in this enquiry containing the relevant information in the charts annexures R-I to R-VI marked as Ex.197 to 202 containing vacancy position at the time of appointment i.e. on 15.9.2005. Perusal of the chart included as annexure-RI to the said affidavit dated 4.9.2007 (Ex.196) marked as Ex.197 in this enquiry shows the sanctioned posts, filled in posts, and vacant posts of SRA (Agri.) in each department as on 15.9.2005 and at the bottom of the said chart, the total sanctioned posts , filled in posts and vacant posts shown are 148, 91 and 57 respectively inclusive of 5 posts of Bio-Technology but after excluding them, as they were separately advertised in the advertisement dated 14.8.2004 (Ex.2) their total number would be 143, 91 and 52 respectively. The next chart included as annexure-R-II in the said affidavit dated 4.9.2007 (Ex.196) marked as Ex.198, contains the departmentwise list of SRA's (Agri.) as on 15.9.2005 appointed by promotion, the total number of promotees being 70. The chart included as annexure-R-III (Ex.199) in the aforesaid affidavit of the University dated 4.9.2007 (Ex.196) filed in this enquiry contains the departmentwise list of 21 SRAs (Agri.) as on 15.9.2005 appointed by direct recruitment.

694) Next three charts i.e. annexures IV to VI annexed to the affidavit of the University dated 4.9.2007 (Ex.196) marked as Exs.200 to 202 are similar charts about the posts of JRA (Agri.). The chart annexure-IV (Ex.200) shows the sanctioned posts, filled in posts, and vacant posts in each department as on 15.9.2005 i.e. just before the date of appointment, their total number being 114, 33 and 81 respectively. The note below the said chart

(Ex.200) shows that 15 posts of JRA (Agri.) created in Krishi Vidnyan Kendra, Sakoli, Sindewahi, Yavatmal, Sonapur, and Hiwara were included in the total posts i.e. $99 + 15 = 114$. Perusal of the next chart annexure-V Ex.201 contains the list of 29 appointees by promotion in the posts of JRA (Agri.), as on 15.9.2005 i.e. just before the date of appointment. The last chart Ex.202 gives departmentwise list of JRA (Agri.) appointed by direct recruitment as on 15.9.2005, their number being 4.

695) The office note of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 15.7.2004 written by him at the time of issuing the advertisement dated 14.8.2004 (Ex.2) contained in the file Ex.40(O) and also the office note dated 25.4.2005 written by him, before the interviews were to commence contained in the file Ex.35(O) did not show that there were 55 vacant posts of SRA (Agri.) and 76 vacant posts of JRA (Agri.) available for selection and appointment in the said posts. Even his office note dated 15.9.2005 contained in the file Ex.42(O) written at the time of appointment did not show that there were enough vacancies for accommodating 55 SRA (Agri.) and 76 JRA(Agri.) selected in the said posts. Shri D.P.Deshmukh, Section Assistant (Estt.) was therefore questioned in this regard also during his interrogation and statement in this enquiry on the basis of which he filed the affidavit dated 15.11.2007 (Ex.598).

696) As regards the Tables A,B and C reproduced by the University under Point no.2 in its affidavit dated 17.7.2007 (Ex.48) showing the vacancy position at the time of the advertisement, interview, and appointment, Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 59 of his affidavit dated 15.11.2007 (Ex.598) that it appeared to him that the University had shown similar vacancy position of the posts of SRA (Agri.) and JRA (Agri.) in Tables B and C of its aforesaid affidavit dated 17.7.2007 (Ex.48) i.e. at the time of interview and at the time of appointment basing it upon the categorywise Selection list prepared by the Selection Committee. He then stated in the said para 59 of his aforesaid affidavit that in the office notes submitted at the time of advertisement, interview and appointment contained in the file Ex.40(O), Ex.35(O) and Ex.42-(O), respectively, there is no clear reference to the increase in the number of vacancies in the posts of SRA (Agri.) and JRA (Agri.) to 55 and 76 respectively.

697) Shri D.P.Deshmukh, Section Assistant (Estt.) referred in para 60 of his affidavit dated 15.11.2007 (Ex.598) to the Movement Register Ex.644(O) maintained by him which is already referred to hereinbefore in this Report. Suffice it to say that, according to him the total number of posts of SRA shown in the said Movement Register Ex.644(O) was 159, excluding Farm Group Posts and including 148 posts of SRA (Agri.), 7 of Agricultural Engineering and 4 of computer. Similarly, according to him, excluding the farm group posts, there were 99 posts of JRA (Agri.) and 4 posts of JRA (Computer) shown in the aforesaid Movement Register Ex.644(O), their total being 103. He then stated that in his office note dated 15.7.2004 about the vacancy position at the time of advertisement

contained in the file Ex.40(O), he had accordingly shown the total number of posts of SRA as 159 and of JRA as 103 and had given therein the charts showing the filled in and vacant posts and their break-up into various categories such as S.C., S.T. etc. He further stated in para 61 of his aforesaid affidavit that in the file Ex.35(O) at page C/15 of the said file, he had given the vacancy position on the basis of 159 posts of SRA and 103 posts of JRA but, according to him, since he had not considered the vacancy position separately in nomination and promotion quota, it would not be proper to say that the vacancy position shown by him in the said chart at page C/15 of the file Ex.35(O) was real.

698) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 62 of his affidavit dated 15.11.2007 (Ex.598) that he had in the file Ex.42 (O) shown the vacancy position at the time of appointment in the posts of SRA (Agri.) and JRA (Agri.). He then stated that at page N/1 of the said file Ex.42(O) he had shown the total number of posts of SRA (Agri.) as 172 including 25 farm group posts and 4 posts of Akruti Band, but excluding 7 posts of Agril. Engineering, 4 posts of computer, and 5 posts of Bio-technology / Bio-chemistry. He also stated that after excluding 25 farm group posts and 4 of Akrutiband from total posts 173 of SRA (Agri.), the posts of SRA (Agri.) which were available as shown at page N/1 of the said file Ex.42(O) were 143. He then stated that the said 143 posts of SRA (Agri.) included 4 posts of Forestry which were included by him in the total number of 172 posts of SRA (Agri.). As regards the posts of JRA (Agri.), he stated that after excluding farm group posts, he had shown the total number of posts of JRA (Agri.) as 99 at page N/3 of the file Ex.42(O). However, according to him, through mistake, he did not include therein 15 new posts of K.V. K created on 25.8.2005 (it should be 2004). He also stated that he had given in the file Ex.42(O) separate charts showing how many posts in nomination and promotion quota out of 143 posts of SRA (Agri.) and 99 posts of JRA (Agri.) were already filled and how many were vacant at that time and also about the posts which would become vacant and would be available for being filled. He then stated that he had already referred to about it in detail in the earlier paras of his aforesaid affidavit (see paras 40, 41, and 42 of his affidavit).

699) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 63 of his affidavit dated 15.11.2007 (Ex.598) that the details of the posts of SRA (Agri.) vacant in each department as on 15.9.2005 shown in the chart (Ex.197) annexed to the affidavit of the University dated 4.9.2007 (Ex.196), would show that excluding 5 posts of Bio-technology / Bio-chemistry there were 143 posts of SRA (Agri.). According to him since 5 posts of Bio-technology/Bio-chemistry were utilized in making appointment of the candidates in the posts of SRA (Agri.), the vacant posts of SRA (Agri.) shown in the said chart (Ex.197) were 57 instead of 52. He then stated in para 64 that while showing the vacancy position at the time of appointment in the file Ex.42(O), he had not taken into consideration the fact that 5 posts of Bio-technology would be utilized for making appointment in the posts of

SRA (Agri.) and therefore assuming that the total number of posts of SRA (Agri.) were 143 he had submitted his office note dated 15.9.2005 contained in the file Ex.42(O).

700) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 65 of his affidavit dated 15.11.2007 (Ex.598) that according to the affidavit of the University dated 14.9.2007 (Ex.432) there were 47 candidates working in the posts of SRA, JRA who were appointed by nomination in the post of Assistant Professor. He then stated that all the said 47 SRA / JRA were not appointed on regular basis in the said posts of SRA/JRA but some of them were working in the said posts on temporary basis as per the orders issued under the powers of the Vice-Chancellor. He further stated that such SRAs/JRAs who were working in the said posts on temporary basis had also made applications for the post of Assistant Professor, to be filled by nomination. Their names were as follows :

- 1) G.D.Mate, Senior Research Assistant, Temporary
- 2) S.S.Tayade, Senior Research Assistant, Temporary
- 3) S.N.Potkile, Junior Research Assistant, Temporary
- 4) M.W. Marawar, Senior Research Assistant, Temporary
- 5) G.S.Lahariya, Senior Research Assistant, Temporary

701) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 66 of his affidavit dated 15.11.2007 (Ex.598) that in his office note dated 15.7.2004 at pages N/1 to N/7 of the file Ex.40(O) the vacant position at the time of advertisement shown by him was of all the posts of SRA/JRA i.e. SRA(Agri.), SRA (Computer), SRA (Agril. Engineering), JRA (Agri.) and JRA (Computer) but the posts which were actually filled were the posts of SRA (Agri.) and JRA (Agri.) only. He also stated that according to him review of all the above categories of posts of SRA/JRA in the file Ex.40(O) i.e. at the time of the advertisement, taken by him, the actual posts of SRA (Agri.) and JRA (Agri.) included therein were as worked out by him in the subsequent paras of his aforesaid affidavit. He, then, stated in para 67 of his aforesaid affidavit that as per his office note dated 15.7.2004 in the file Ex.40(O), out of 159 total posts of SRA, the posts shown by him in nomination quota were 79 and in promotion quota, 80. He further stated that in the nomination quota, he had shown 59 posts filled, and 20 posts vacant. He also stated that in the posts of SRA, there were 4 posts of SRA (Computer) and 7 posts of Agricultural Engineering in which one post was in farm group. He then stated that all 6 posts of SRA (Agril.Engg.) were to be filled by nomination because in the next below cadre of JRA, there was no post of JRA (Agril.Engg.) from which promotion could be made to the above post of SRA (Agril.Engg.). He also stated that out of 6 posts of SRA (Agril.Engg.), 3 were filled at that time and 3 were vacant. So far as 4 posts of SRA (Computer) were concerned, according to him, 2 out of them were in nomination quota and 2 in promotion quota. Further, according to him, out of the two posts

in nomination quota one was filled and one was vacant but in promotion quota both the two posts were vacant. He thus stated the total number of posts of SRA (Computer) which were vacant were 3.

702) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 68 of his affidavit dated 15.11.2007 (Ex.598) that according to the bifurcation of 79 posts of SRA in nomination quota as shown in para 67 thereof, 60 (it should be 59) posts which were filled at that time included one post of SRA (Computer) and 3 posts of SRA (Agril.Engg.). According to him, excluding the said posts, the filled in posts of SRA (Agri.) in nomination quota were 55. He then stated that as regards 20 posts of SRA which were vacant at that time in nomination quota one post was of SRA (Computer) and 3 posts of SRA (Agril.Engg.). He, therefore, stated that there were 16 posts of SRA (Agri.) which were then vacant in nomination quota. According to him, in the promotion quota, there were 80 posts of SRA out of which, as per the aforesaid office note dated 15.7.2004 in the file Ex.40(O) i.e. at the time of the advertisement dated 14.8.2004 (Ex.2) 27 posts were filled and 53 vacant. Further, according to him, all these filled in posts and vacant posts were of SRA (Agri.) because all the posts of SRA (Agril.Engg.) were in nomination quota and one post of SRA (Computer) which was filled was also in nomination quota. (Note – It needs to be noticed that since two vacant posts of SRA (Computer) are included in 53 vacant posts in promotion quota, vacant posts of SRA (Agri.) in promotion quota would be 51 and not 53)

703) Shri D.P.Deshmukh, Section Assistant stated in para 69 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that in his note dated 15.7.2004, contained in the file Ex.40(O), he had shown at the time of advertisement 103 total posts of JRA excluding farm group posts out of which, 51 posts were in nomination quota and 52 in promotion quota. He then stated that although the total posts of JRA in nomination quota were 51 actually 53 posts were filled in the said quota. He further stated that in 51 posts of JRA in nomination quota, there were 4 posts of JRA (Computer) and excluding the said posts, the posts of JRA (Agri.) in nomination quota were 47. He also stated that no posts of JRA (Computer) was filled which would mean that all the 53 posts which were filled were of JRA (Agri.). According to him, there would thus be 6 posts of JRA (Agri.) which were filled in excess of its nomination quota showing that they included 4 posts of JRA (Computer) which were utilized for filling the said posts of JRA (Agri.) at that time. As regards the promotion quota of JRA, he stated that out of 52 posts which were filled in the said quota, one post was of JRA (Computer). He then stated that it was a mistake because there was no post of JRA (Computer) in promotion quota which could be filled. However, according to him since one post in the said quota was actually filled by JRA (Computer), there would be 35 filled in and 16 vacant posts of JRA (Agri.) in the said quota. He then stated in para 70 that at the time of interview the vacancy position of the posts of SRA/JRA i.e. the filled in and the vacant posts was the same as shown at the time of advertisement.

704) As regards the vacancy position at the time of appointment of candidates in the posts of SRA (Agri.), Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 71 of his affidavit dated 15.11.2007 (Ex.598) that in his note dated 15.9.2005 contained in the file Ex.42(O), he had shown 143 total posts of SRA (Agri.) excluding farm group posts and posts reduced in Akrutiband. According to him, out of the said 143 posts of SRA (Agri.) 71 posts were in nomination quota and 72 posts in promotion quota. He, however, stated that he had actually shown 72 posts of SRA (Agri.) in nomination quota in Table-1 of his note dated 15.9.2005 contained in the file Ex.42(O) which was a mistake. He, therefore, stated that number of posts which would be vacant in nomination quota would not be 43 but 42 since 29 posts in the said quota were filled.

705) Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 72 of his affidavit dated 15.11.2007 (Ex.598) that out of 143 total posts of SRA (Agri.) shown in the file Ex.42(O), 72 posts were in promotion quota. He then stated that in his office note dated 15.11.2005, out of these 72 posts in promotion quota, he had shown filled in posts 12 and 60 posts vacant. However, according to him, while showing the said filled in and vacant posts, he had not taken into consideration the number of the candidates in the posts of JRA (Agri.) who were promoted on temporary basis to the post of SRA (Agri.) while showing filled in posts only 12 at that time. He further stated that at pages 28 to 35 of the file Ex.34(O), he had shown that 77 candidates in the posts of JRA (Agri.) were already promoted on temporary basis to the posts of SRA (Agri.) and were therefore at that time occupying the said posts. He then stated that if these posts were taken into consideration, the filled in posts of SRA (Agri.) at that time were 89. He, however, stated that prior to 15.9.2005, 10 SRAs (Agri.) were promoted on temporary basis in the posts of Assistant Professor, 3 had retired, and one had died. According to him, there were thus 14 vacancies in the posts of SRA (Agri.) and taking into consideration the said vacancies the filled in posts of SRA (Agri.) would be 75 and not 89 thus exceeding promotion quota by 3. Further, according to him, 3 posts of SRA (Agri.) in nomination quota were utilized in promotion of candidates in excess of promotion quota.

706) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 73 of his affidavit dated 15.11.2007 (Ex.598) that taking into consideration the above vacancy position of SRA (Agri.) at the time of appointment as shown in the file Ex.42(O) there were 42 posts of SRA (Agri.) vacant in nomination quota but in promotion quota 3 posts in excess of that quota were filled and therefore, according to him, actually there were 39 posts vacant out of total 143 posts of SRA (Agri.). He, however, stated that since in his office note dated 15.9.2005 contained in the file Ex.42(O), he had shown 43 posts of SRA (Agri.) vacant in nomination quota and 60 posts vacant in promotion quota, the orders of appointment were issued to 55 candidates selected in the post of SRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex.2). But, according to him, as per the above calculation there were only

39 total posts of SRA (Agri.) which were vacant and available for making appointment but taking into consideration 5 vacant posts of Bio-technology which were utilized for giving appointment to the candidates in the post of SRA (Agri.), the total vacant posts were 44 at the time of appointment. He then stated that he would not be able to tell which other 11 vacant posts were utilized for making appointment of 55 candidates selected in the posts of SRA (Agri.).

707) As regards the posts of JRA (Agri.), Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 74 of his affidavit dated 15.11.2007 (Ex.598) that as stated by him in his note dated 15.9.2005 at the time of appointment 50 posts in nomination quota were vacant for making appointment of the candidates selected in the posts of JRA (Agri.), and as regards the promotion quota although 38 posts were vacant and available in the said promotion quota 25 candidates in the cadre of Agriculture Assistant (Graduate) were available for promotion to the post of JRA (Agri.) and therefore actually 13 posts were vacant in the said promotion quota of JRA (Agri.). Thus, according to him, the vacant posts which were available for appointment of candidates selected in the post of JRA (Agri.) were 63. However, according to him, 15 posts were created on 25.8.2004 by ICAR in Krishi Vidynyan Kendra, Sindewahi, Yavatmal, Sakoli, Sonapur, Hiwara, and therefore, the total number of posts which were available for appointment of candidates selected in the posts of JRA (Agri.) was 78 and as such 76 candidates selected as per the selection list of JRA (Agri.), could be appointed in these posts.

708) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 75 of his affidavit dated 15.11.2007 (Ex.598) that the University had shown in its various affidavits filed in this enquiry the bifurcation of the posts of SRA (Agri.) and JRA (Agri.) into nomination and promotion quota and the vacant posts therein at the time of advertisement, interview and appointment. He then stated that the vacancy position shown by the University in its affidavit dated 17.7.2007 (Ex.48) was not borne out by its subsequent affidavits. According to him, the vacancy position in the said affidavit did not appear to have been shown after due consideration because the Tables in the said affidavit merely show the same number of posts which were advertised and those which were actually filled. He, further, stated in para 76 of his aforesaid affidavit that in the chart marked as Ex.101 annexed to its affidavit dated 20.8.2007 (Ex.100) the vacant posts of SRA shown as on 31.7.2004 and 12.6.2005 i.e. at the time of advertisement and interview were 68. He also stated that as regards the chart about the vacant posts of JRA marked as (Ex.102) annexed to the said affidavit dated 20.8.2007 (Ex.100), the vacant posts of JRA shown as on 31.7.2004 i.e. at the time of advertisement were 101 and on 12.6.2005 i.e. at the time of interview were 102 because according to him, since R.M. Talokar, J.R.A. retired on 31.8.2004, one more vacancy occurred before the date of interview.

709) As regards the affidavit of the University dated 30.8.2007 (Ex.180) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 77 of his affidavit dated 15.11.2007 (Ex.598) that in the chart (Ex.181) annexed to the said affidavit dated 30.8.2007 (Ex.180), the University had shown total sanctioned posts in all the departments as 148, filled in posts 112 and vacant posts 36 and below it a note is given that in the total posts 148, 5 posts of Bio-technology which were separately shown in the advertisement dated 14.8.2004 (Ex.2) were included and if the said posts are excluded the total number of posts would be 143, filled in posts 112, and vacant posts 31. According to him, the same position existed in the chart (Ex.182) relating to vacancy position as on 12.6.2005 i.e. before interview. He further stated in para 78 of his aforesaid affidavit that in the chart marked as Ex.184 in this enquiry annexed to the affidavit of the University dated 30.8.2007 (Ex.180), the University had shown 15 additional posts created by ICAR on 25.8.2004 and given to the University and taking into consideration the said additional sanctioned post of JRA (Agri.) in K.V.K. Sindhewari, Yeotmal, Sakoli, Sonapur, and Hiwara, the University had shown on 12.6.2005 i.e. just before the interviews the sanctioned post of JRA 114, filled in posts 38, and the vacant posts 76.

710) Referring to the affidavit of the University dated 4.9.2007 (Ex.196) relating to vacancy position at the time of appointment i.e. on 15.9.2005, Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 79 of his affidavit dated 15.11.2007 (Ex.598) that the total number of sanctioned posts of SRA (Agri.) were 148, the filled in posts 91, and the vacant posts 57. According to him, the said vacant posts 57, included 5 posts of Bio-Technology which were advertised but were not filled by the candidates for the said posts and as stated by him earlier these posts were utilized while making appointment of the candidates selected in the posts of SRA (Agri.). As regards the posts in promotion quota, he stated that on 15.9.2005 as per the chart (Ex.198) there were 70 SRAs (Agri.) whose names were given therein were working in the said posts and as per the chart (Ex.199) in nomination quota 21 SRAs (Agri.) whose names were given therein were working. As regards the vacancy position in the posts of JRA (Agri.), the chart Ex.200 annexed to the said affidavit dated 4.9.2007 (Ex.196) showed that taking into account, 15 posts of JRA (Agri.) sanctioned on 25.8.2004 in KVK, Sindewahi, Yeotmal, Sakoli, Sonapur and Hiwara, the total number of sanctioned posts were 114, filled in posts 33, and the vacant posts 81. He then stated that on 15.9.2005, i.e. at the time of appointment in promotion quota 29 JRA (Agri.) were working as shown in the chart (Ex.201) and 4 JRA (Agri.) were working in nomination quota as shown in the chart Ex.202 annexed to the said affidavit dated 4.9.2007 (Ex.196).

711) Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 81 of his affidavit dated 15.11.2007 (Ex.598) that there appeared to be difference in the vacancy position shown in his office notes contained in the file Ex.40(O) and the file Ex.42 (O) i.e. at the time of the

advertisement and the appointment on one hand and the affidavits filed by the University Exs.180 to 193 and Exs.196 to 203 on the other because the position he had shown in the files Exs.40(O) and 42(O) was based on his approximate estimate of the sanctioned posts, which were filled and the posts which were vacant at that time. However, according to him, in the aforesaid affidavits of the University, the vacancy position is accurately shown by it. He then stated in para 82 of his aforesaid affidavit that as per the affidavit of the University dated 4.9.2007 (Ex.196) while making appointment of 55 candidates selected in the posts of SRA (Agri.) as per the Selection list since there were only 53 posts vacant in its nomination quota 2 posts in promotion quota were utilized for making appointment of the aforesaid candidates. Similarly, according to him, as per the aforesaid affidavit of the University dated 4.9.2007 (Ex.196) while making appointment of 76 candidates selected in the posts of JRA (Agri.) as per its Selection list since there were only 53 posts vacant in its nomination quota at the time of appointment, 23 posts of JRA (Agri.) in its promotion quota were utilized for making the said appointments. The chart prepared by this office showing the vacancy position at a glance at the time of the advertisement, interview and the appointment of the Selected candidates as per the office notes in the files (Ex. 40(O)) and (Ex.42(O)) and the affidavits of the University in this regard is annexed as **Annexure-31** to this Report.