

## **E. UNIVERSITY SET-UP OF THE POSTS OF SRA/JRA**

**712)** It is necessary to observe in this regard that as the University had filled more than double the number of posts of SRA (Agri.) and JRA (Agri.) which were advertised, the enquiry was necessitated into the set-up of the sanctioned posts of SRA/JRA in the University to find out whether in filling the posts of SRA (Agri.) and JRA (Agri.) as per the Selection lists, the vacancies in the other posts of SRA and JRA such as SRA (Agril.Engg.), SRA (Computer), SRA (Bio-technology/ Bio-chemistry), JRA (Computer), JRA (Agril.Engg.) etc. or at any rate the posts which were not truly speaking the posts of Agriculture were also utilized in addition to the posts in promotion quota of the said posts of SRA (Agri.), and JRA (Agri.).

### **i) Sanctioned posts of SRA/JRA as per the revised Akrutibandh**

**713)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 16 of his affidavit dated 15.11.2007 (Ex.598) that there was one booklet in the University called Akrutibandh in which the sanctioned strength of each post in each department of the University was given. He then stated that he would file the said booklet Akrutibandh in this enquiry. After filing the Xerox copy of the said Akrutibandh in this enquiry, Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 58 of his aforesaid affidavit that the G.R. No. BBE/0421/6/2003 dated 20.4.2006 included therewith was about the farm group posts and was not relevant in this enquiry. He then stated that in the said Xerox copy of the revised Akrutibandh, giving the sanctioned strength of each post in the University as per the Govt. decision incorporated in its G.R. No. कृषिवि-२००३/प्र.क्र.१६०/२०-ओ, dated 29.11.2003 the total number of sanctioned posts of SRA and JRA were 158 and 96 respectively.

**714)** As the Xerox copy of the said Akrutibandh filed by Shri D.P.Deshmukh, Section Assistant (Estt.), did not contain the relevant G.Rs. under which the said revised Akrutibandh was sanctioned by the State Government, the said Xerox copy of the said Akrutibandh, filed by him was not taken on record and given any exhibit number in this enquiry. However, in pursuance to the notice issued to him, Shri Vinayak J.Chawre, Section Officer (Estt.) in the University, filed during his interrogation and statement in this enquiry, on 8.4.2008, the said revised Akrutibandh with the relevant two G.Rs. dated 29.11.2003, one regarding the posts in the University sanctioned by the Govt. and another regarding the posts reduced by it. The said Akrutibandh and the aforesaid two G.Rs. dated 29.11.2003 were taken on record in this enquiry and were marked as Exs.724, 724-A and 724-B respectively. The Akrutibandh and the said two G.Rs. were also referred to by him in para 6 of his affidavit dated 9.4.2008 (Ex.725).

**715)** As regards the two G.Rs. dated 29.11.2003, the G.R. dated 29.11.2003 (Ex.724-A) was about the revised number of posts sanctioned in each Agricultural University in the State excluding the farm group posts and the G.R. dated 29.11.2003 (Ex.724-B) was about the reduction of posts made by the Government in the number of sanctioned posts in each University. The details given in the G.R. dated 29.11.2003 (Ex.724-A), would show that as per the revised Akrutibandh i.e. after taking into account the number of posts reduced, the total number of sanctioned posts under plan and non-plan schemes were 3167 in Dr.PDKV, Akola. The details given in the G.R. dated 29.11.2003 (Ex.724-B) would then show that by the said G.R. the total number of posts which were vacant and were reduced in Dr.PDKV, Akola were 70. The chart at page 1 of the said Akrutibandh (Ex.724) would show that the above referred total sanctioned posts 3167 included the posts in the University as well as the posts under ICAR Schemes in which the expenditure was borne by ICAR and the State Govt. in the ratio of 75:25. The chart about the total number of academic posts in the University at page 2 of the Akrutibandh (Ex.724) would show that excluding the farm group posts the sanctioned posts of SRA at serial no.11 were 154 after deducting 4 posts which were reduced as per the G.R. dated 11.9.2002 and the sanctioned posts of JRA at serial no.12 were 96. Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 58 of his affidavit dated 15.11.2007 (Ex.598) that the said revised Akrutibandh (Ex.724) had not given which posts out of the above sanctioned posts of SRA and JRA were of Agriculture, Agril.Engg., Computer and Bio-technology and therefore from the said Akrutibandh (Ex.724), he would not be able to tell which posts of SRA were of Agriculture, Agril.Engg., Computer and Bio-technology and which posts of JRA were of Agriculture and Computer, and their separate strength. According to him, he had not seen any other papers in the University in which the break-up of these posts was given. Further, according to him, the office notes he had written about them were as per consultation with the then Assistant Registrar Shri P.V.Behare, and the then Section officer E-Section in the Registrar's office.

**716)** The classification of the sanctioned posts was made from pages 20 to 31 of the said revised Akrutibandh (Ex.724) in the following groups :

- i) Administration
- ii) Extension education
- iii) Higher Education
- iv) Lower Education
- v) Research Group
- vi) Agricultural Prices group

Then from pages 32 to 78 therein the sanctioned posts in the office/ department/ college/school/scheme etc. under each of the above groups were given. At page 79 of the

said revised Akrutibandh (Ex.724), the sanctioned posts of teaching and non-teaching staff financed by ICAR and the State Govt. in the ratio of 75:25 were shown the posts of SRA and JRA shown therein were 29 and 3 respectively.

**ii) Distribution of the posts of SRA/JRA in various Depts. / Offices/ Schemes etc. in the University**

**717)** As the revised Akrutibandh (Ex.724) did not contain the distribution of the posts of SRA/JRA into various categories such as SRA (Agril.Engg.), SRA (Computer), SRA (Agri.), SRA (Bio-technology), JRA (Computer), JRA (Agri.), JRA (Agril.Engg.) etc. the University was issued notice and was directed to file the circular by which it had made the distribution of the said posts of SRA / JRA into their various categories and in various departments/offices/schemes etc. in the University. In response to the said notice, vide ordersheet dated 08.04.2008, Shri Vinayak J.Chawre, Section Officer (Estt.), filed the University Circular No. BNF/0193/97 dated 27.2.1997 during his interrogation and statement in this enquiry, on the lines of which he filed the affidavit dated 9.4.2008 (Ex. 725) referring to it therein. The said University circular dated 27.2.1997 shows the staff position in various departments/offices etc. in the University including ICAR schemes as on 1.1.1997 and is marked as Ex.723 in this enquiry. Shri G.G.Tonde, the Assistant Registrar (Estt.) in the University, also enclosed with his affidavit dated 21.4.2008 (Ex.727) as its annexure-1 the same University Circular dated 27.2.1997 marked as Ex.728 in this enquiry. The aforesaid University circulars dated 27.2.1997 (Ex.723) and (Ex.728) related to Akola Zone of the University. As the University Circular dated 27.2.1997 regarding the staff position of Nagpur Zone as on 1.1.1997 was not filed by them alongwith the aforesaid circular dated 27.2.1997 about Akola zone, the Registrar of the University Shri Gokul Khushal Bhusare, was directed to file it which he filed alongwith his affidavit dated 8.5.2008 (Ex.733), marked as Ex.734 in this enquiry. The said University circulars dated 27.2.1997 (Exs.723 and 734) about Akola and Nagpur Zones, however, showed staff position in the University prior to revised Akrutibandh (Ex.724) issued as per G.R. dated 29.11.2003 (Ex.724-A). The University was therefore, directed to place in this enquiry the staff position in the University including ICAR schemes as per the said revised Akrutibandh (Ex.724). In reply, the Registrar of the University, Shri Gokul K.Bhusare, stated in his affidavit dated 17.9.2008 (Ex.768) that the University had not prepared and circulated the officewise staff position after 27.2.1997.

**718)** As regards the information about the set-up of the posts in the University and in particular about SRA/JRA and their nomenclature as SRA (Agri.), SRA (Agril.Engg.), SRA (Computer), SRA (Bio-technology), JRA (Agri.), JRA (Agril.Engg.), and JRA (Computer) etc. Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University stated in para 4 of his additional affidavit dated 29.4.2008 (Ex.733) that since so much time elapsed, he did not remember how such set-up including the nomenclature of the posts was and he would not

be able to tell whether the circular of the Registrar dated 27.2.1997 (Ex.723) was issued in pursuance to any resolution of the Executive Council and/or by order and approval of the Vice-Chancellor.

**719)** Shri G.G.Tonde, Assistant Registrar (Estt.) in the University, stated in his affidavit dated 21.4.2008 (Ex.727) filed on behalf of the University that in the Akrutibandh filed in this enquiry (Ex.724), there was no nomenclature of the posts such as SRA (Agri.), SRA (Agril.Engg.), SRA (Computer), JRA (Agri.), JRA (Agril.Engg.), and JRA (Computer) and that the nomenclature of the said posts therein was general viz. SRA/JRA. However, according to him, in the University circular dated 27.2.1997 enclosed with his affidavit as Annexure-1 (Ex.728) 7 posts of SRA (Agril.Engg.), and one post of JRA (Agril.Engg.) were shown. It is, however, interesting to see that in his earlier affidavit dated 25.3.2008 (Ex.698) filed on behalf of the University in answer to the query made in the context of the University advertisements dated 12.8.97 (Ex.693) and 15.7.2006 (Ex.694), he stated that the posts of JRA (Agril.Engg.) did not exist in the University.

**720)** As regards the posts of SRA (Biotechnology) and SRA (Computer), the Assistant Registrar, Shri G.G.Tonde, annexed to his aforesaid affidavit dated 21.4.2008 (Ex.727), two orders issued by the University on the same date i.e. 25.6.2001 marked as Exs.729 and 730 in this enquiry. By the order dated 25<sup>th</sup> June 2001 (Ex.729) the University established an independent Bio-technology Centre under the Head, Department of Agricultural Botany, Dr.PDKV, Akola. Perusal of the aforesaid order dated 25.6.2001 (Ex.729) would show that there was already some staff including one SRA working in Bio-technology under the Head, Department of Agricultural Botany. However, for the independent functioning of Bio-technology Centre, as per the decision in the meeting of the MCAER, all the Vice-Chancellors of the Agril. Universities in the State and other concerned officers held at the Govt. level communicated to the University, vide Government letter dated 1.12.2000, the University deployed the additional staff in the said centre by withdrawing the surplus staff as shown in the table given in the said order dated 25.6.2001. The said table would inter-alia show that two posts of SRA were added to the Bio-technology Centre by withdrawing one post of SRA each from STRU, Akola and ARS, Sindewahi.

**721)** By another order of the same date i.e. 25.6.2001 (Ex.730) annexed to the aforesaid affidavit of the Asstt.Registrar (Estt.) dated 21.4.2008 (Ex.727), the University established an independent Computer centre under the control of Director of Research, Dr.PDKV, Akola, with the posts mentioned in the table given in the said order dated 25.6.2001 (Ex.730). Perusal of the said table would show that as per the aforesaid decision communicated to the University, vide Govt. letter dated 1.12.2000, the University created inter-alia four posts of SRA with the revised designation as Computer operator in the said independent computer centre by withdrawing 3 posts of SRA from A/D AC Nagpur and one post from Head, Department of Agricultural Chemistry. The University also created 4

posts of JRA in the said Computer Centre by withdrawing one post each from ARS, Sakoli, ARS, Navegaonbandh, ARS Katol and Chilli and Veg. RES. Unit, Akola. Referring to the aforesaid two orders dated 25.6.2001 (Exs.729 and 730), the Registrar Shri Gokul K.Bhusare, in his affidavit dated 8.5.2008 (Ex.733), stated that both the above orders were approved by the Resolution no. 51/2001 dated 17.9.2001 of the Executive Council of the University.

**iii) Establishment of Independent Centres / Units and deployment therein of surplus posts of SRA from Research Schemes/Stations/ Departments.**

**722)** Apart from the above two orders dated 25.6.2001(Exs. 729 and 730) relating to establishment of independent Centres of Bio-technology and Computer referred to above, as it was revealed that there were also other independent centres established by the University, it was directed to file all such orders issued by it. Accordingly, the University, through the affidavit of Shri Vinayak J. Chawre, the Assistant Registrar (Estt.), dated 4.11.2008 (Ex.776), filed such orders establishing independent centres and deploying therein surplus posts of SRA in its Research Schemes/Stations/ Departments. The said orders annexed to his aforesaid affidavit dated 4.11.2008 (Ex.776) are dated 25.6.2001 and are marked as Exs. 777 to 783 in this enquiry. There are also orders dated 26.6.2001 marked as Exs. 784 to 798 in this Enquiry enclosed with his aforesaid affidavit dated 4.11.2008 (Ex.776) which are about the transfer of SRAs from one department/ scheme to another and to some newly established independent centres. The above referred two orders relating to establishment of independent centres of Bio-technology and computer (Exs. 729 and 730) enclosed with the affidavit of Shri G.G.Tonde, Asstt. Registrar dated 21.4.2008 (Ex. 727) are also included in the affidavit of Shri Vinayak J. Chawre, the Assistant Registrar (Estt.), dated 4.11.2008 (Ex.776) but are given different Ex. nos. The order relating to independent centre of computer dated 25.6.2001 annexed to his affidavit dated 4.11.2008 (Ex.776) is marked as Ex.779 and the order relating to independent centre of Bio-technology dated 25.6.2001 is marked as Ex.781. It is made clear that the above orders relating to Bio-technology and Computer Centres are, however, referred to in this Enquiry as Exs. 781 and 779 instead of Exs. 729 and 730. As directed, Shri S.S.Suradkar, Deputy Registrar (Estt.) filed the affidavit dated 12.11.2008 (Ex.799), with which he submitted the resolution of the Executive Council dated 17.9.2001 with the note of the Registrar marked schedule No. 48 relating to deployment of surplus posts from the Research Scheme/ Station / Department in the University in order to strengthen various departments including new centres, schemes and faculties in the University as approved by the State Government and the MCAER. It also included the above referred orders (Exs. 777 to 783) placed for information before the Executive Council, which by its Resolution dated 17.09.2001 took note of the aforesaid schedule No. 48 and thus approved the aforesaid orders dated 25.6.2001 (Exs. 777 to 783) which were issued by the Registrar for deployment of surplus

posts from the Research Schemes/Stations/Departments in new centres/units and various educational institutions in the University as per decision taken in the meeting held on 14.02.2001 at Mantralaya, Mumbai under the Chairmanship of the Chief Secretary in which the Secretary, department of Agriculture, and other officers of the State Government, Vice Chancellors of all the Agricultural Universities in the State and Senior officers of M.C.A.E.R. were present. The said resolution of the Executive Council dated 17.9.2001 with all its aforesaid annexures is collectively marked as Ex. no.800 in this Enquiry.

**723)** As regards the specific orders establishing independent centres (Exs. 777 to 783), annexed to the aforesaid affidavit of the Assistant Registrar (Estt.), Shri Vinayak J. Chaware, dated 04.11.2008 (Ex. 776), perusal of the order dated 25.6.2001 (Ex. 777) would show that as per para A therein the Associate Dean (Instructions) was directed to look after the work of the office of the Associate Dean (Lower Agricultural Education) with immediate effect from 1.7.2001 for which as stated in para B, he was for all purposes designated as Associate Dean (LAE) and Dean (LAE) for performing the duties of the office of the LAE. 5 posts of SRA were interalia allotted on his establishment by withdrawing one post of SRA from college of Agri. Akola and 4 posts of SRA from College of Agriculture, Nagpur.

**724)** The next order dated 25.6.2001 (Ex. 778) would show that an independent Agricultural Technology and Information Centre (ATIC) was established under the control of the Director of Extension Education, Dr.PDKV, Akola, with allotment of the posts mentioned in the table given in the said order which shows that two posts of SRA, were withdrawn, one each from Agroecology Centre, Akola and AICRP on Cotton Akola and were allotted to this new Independent Centre, with the revised designation as SRA (Information Web Assistant) and SRA (Liaison officer).

**725)** The order dated 25.6.2001(Ex. 779) is about the establishment of Independent Computer Centre, the particulars of which are already referred to in para 721 of the Enquiry Report as the said order was annexed as Ex. 730 to the affidavit of the Assistant Registrar Shri G.G.Tonde dated 21.4.2008 (Ex.727). It is not therefore, necessary to refer to the same again except to state that 4 posts of SRA were allotted to this Computer Centre with the revised designation of "Computer Operator" and 4 posts of JRA, without any change in designation.

**726)** The next order dated 25.6.2001 (Ex.780) is about the creation of Independent Estate Unit in the University under the control of the University Engineer with the posts mentioned in the table given in the said order. The said table would show that two posts of SRA, one each from H.D. Agronomy, Akola, and Chilli Research Unit, Akola, were allotted to the said Independent Estate Unit with the revised designation as Sr. Technical Assistant.

**727)** The order dated 25.6.2001 (Ex. 781) annexed to the affidavit of the Assistant Registrar, Shri Vinay J. Chawre dated 4.11.2008 (Ex. 776) (Ex. 776) is about the creation

of an Independent Centre of Bio-technology under the Head, Department of Agricultural Botany Dr.PDKV,Akola, which order is already referred to in para 720 of the Enquiry Report as it is annexed as Ex. no. 729 to the affidavit of the Assistant Registrar Shri G.G.Tonde, dated 21.4.2008 (Ex.727). It is however, pertinent to see that there was already working some staff including one SRA in Bio-technology under the Head, Department of Agriculture Botany, Dr.PDKV, Akola, as shown in the said order dated 25.6.2001(Ex. 781). By allotment of two posts of SRA, there were thus 3 posts of SRA (Bio-technology) in this Independent Bio-Technology Centre.

**728)** The next order dated 25.6.2001 (Ex. 782) is about the creation of Independent Planning and Monitoring and Agricultural Business Centre in the University under the control of the Head, Department of Agricultural Economics Dr.PDKV, Akola with the posts shown in the table given in the said order. Perusal of the said table would show that one post of SRA withdrawn from ARS, Sindewahi was allotted to this Independent Centre.

**729)** The last order dated 25.6.2001 (Ex. 783) is about the creation of Independent Publication and Printing Unit in the University under the control of the Director of Extension Education, Dr.PDKV, Akola with allotment of the posts mentioned in the table given in the said order. Perusal of the said table shows that one post of SRA withdrawn from ARS Amravati was allotted to the said Unit.

**iv) Transfer of SRAs to the newly allotted posts of SRAs in Independent Centres/Units and duties and responsibilities in such posts.**

**730)** As regards the orders dated 26.6.2001 marked as Exs. 784 to 798 annexed to the affidavit of the Assistant Registrar (Estt.), Vinayk J. Chaware, dated 4.11.2008 (Ex.776) they are about transfer of SRAs to the newly allotted posts of SRA in the independent Centres/Unit created as per the orders dated 25.6.2001 (Exs. 777 to 783) referred to above. The three orders dated 26.6.2001(Exs. 784, 785, and 786) annexed to the affidavit of the Assistant Registrar (Estt.), Shri Vinayak J.Chawre, dated 4.11.2008 (Ex. 776) are about the transfer of 3 SRAs (AHD) working under Associate Dean, Agricultural College, Akola to the newly allotted posts of SRA on the establishment of Associate Dean (I), Dr.PDKV, Akola. Similarly, the 4<sup>th</sup> order dated 26.06.2001 (Ex. 787) is about the transfer of SRA (Agro.) working under him to the newly allotted post of SRA on the aforesaid establishment of the Associate Dean (I).

**731)** Ku. C. C. Renge, SRA (Home Science) was on her own request transferred as per the order dated 26.6.2001 (Ex.789) from the Training Organizer KVK Selsura to the newly allotted post of SRA in the establishment of Agricultural Technology and Information Centre (ATIC) under the Officer Incharge, Dr.PDKV, Akola in the department of Extension Education. It is difficult to see how Shri V.N. Nandanwar SRA (Entomology) was transferred as per the order dated 26.6.2001 (Ex.788) from Agriculture College Nagpur to Training Organizer KVK Selsura in the aforesaid vacant post of SRA (Home Science)

when Ku. C.C. Renge, who was working in the said post of SRA (Home Science) was transferred to ATIC as stated above Shri S.A. Wankhede, SRA (AH&D) was also transferred as per the order dated 26.06.2001 (Ex. 790) to another newly allotted post of SRA under the Officer Incharge ATIC, Dr.PDKV, Akola, in the department of Extension Education.

**732)** It may be seen that the posts of SRA with the revised designation of SRA (Information Web Assistant) and SRA (Liaison Officer) in ATIC are in the Department of Extension Education, which would show that ordinarily the SRA to be appointed in the said posts should have qualifications in the subject of Extension Education but Ku. C.C. Renge and Shri S. A. Wankhede, who had no post graduate qualification in the subject of Extension Education, but had post graduate qualification in Home Science and AHDS, respectively were transferred in the said posts of SRA in ATIC. As regards the functions in ATIC, and duties and responsibilities of the posts of SRA (Information Web Assistant) and SRA (Liaison Officer) in ATIC and the educational qualifications, required for said posts, the Assistant Registrar Shri Vinayak J. Chaware had annexed to his affidavit dated 30.11.2008 (Ex.803), the note of Dr. D. L. Sale, Director of Extension Education and also Dean (Agri.), Dr. PDKV, Akola (Ex.811) enclosed with his letter dated 29.11.2008 (Ex. 810) in which the functions of ATIC and the qualifications for the posts of SRA therein as given by him are as follows :-

**I. Functions of ATIC**

- i) Sale of University produced seeds
- ii) Sale of University Publications
- iii) Sale of Bio-fertilizers and Bio-Pesticides etc.
- iv) To attend to the queries of the farmers relating to Agriculture and allied branches of Agriculture
- v) To explain the University Technology, displayed at ATIC to the visitors

**II. Educational Qualifications**

As regards the educational qualification for the posts of SRA, (Information Web Assistant) and SRA (Liaison Officer) in ATIC, he quoted the following qualifications from Appendix-III read with Statute 73 of the Statutes.

Master degree in respective subject

or

Bachelor's degree in First Class with distinction. At least second class Bachelor's degree with 3 years experience as JRA or its equivalent.

**733)** Dr.Vijay Keolchand Mahorkar who became Director of Extension Education from 4.12.2008, filed affidavit dated 14.12.2008 (Ex.824) on the lines of his interrogation the statement made by him in this Enquiry. After seeing the aforesaid note of Dr.D.L. Sale, Dean (Agri.), he stated in para 3 of his aforesaid affidavit that there is a web site of the



University for its Technologies. He further stated that the University has prepared CDs of new technology discovered by it after making research regarding them, besides which, if there are also technologies beneficial to Agriculturists from outside the University they are taken from their web site and are disseminated amongst the Agriculturists. According to him, there is therefore, one post of SRA in the said Centre designated as “Information Web Assistant” whose duty is to collect the information from the Web site of the University about the technologies relating to Agriculture and pass them on to farmers. Further, according to him, in order to attend to the queries about agriculture and allied branches of agriculture made by the farmers, there is another post of SRA designated as “Liaison officer” whose duties are to solve problems and difficulties of the Agriculturists by discussing them with Scientists.

**734)** As regards the qualifications for appointment in the posts of Information Web Assistant and Liaison officer created in ATIC, Dr. Vijay K. Mahorkar, Director of Extension Education, stated in para 4 of his aforesaid affidavit dated 14.12.2008 (Ex.824) that no special qualification is fixed and that the qualification is general in the sense that graduate and post graduate in Agriculture or Agril. Engg. or even in allied subject can be appointed in the said post since the work in these posts is of transferring Agricultural Technologies in the University or from outside it to the Agriculturists which can be done by them because they possess knowledge of such technologies. After seeing the qualifications mentioned in the aforesaid note of Dr.D.L. Sale (Ex.811) extracted from Appendix-III read with Statute 73 of the Statutes, he stated that although the words used by him in giving qualifications are “respective subject”, according to him, it is not necessary that the person who is post graduate in “Extension education” should be appointed in the said posts although he admitted in para 5 thereof that the subject of “Extension Education” covers all activities and functions of ATIC enumerated in the said note of Dr. D. L. Sale (Ex.811), as is also clear from the curricula and syllabus of M.Sc. (Agri.) in the discipline of Agricultural Extension (Ex. 962 ).

**735)** Shri P.R. Patil, SRA (Economics) was transferred from his post under the Head, Department of Agronomy Dr.PDKV, Akola, to the newly allotted post of SRA in Independent Centre of Planning, Monitoring and Agricultural Business established under the Head, Department of Economics, Dr.P.D.K.V. Akola. As regards the posts of SRA allotted to the aforesaid Planning, Monitoring, and Agricultural Business Centre as per the order dated 25.6.2001 (Ex.782), Dr.S.A. Marawar who was Prof. in Agricultural Economics and the Head of the Department (Agril.Eco.) from July 2007 stated in his affidavit dated 4.12.2008 (Ex.819), that there was already a cell for Planning, Monitoring and Evaluation in the department of Agricultural Economics constituted by the University by its order dated 15.12.1995 (Ex.820) which was reconstituted as per its order dated 30.10.2000 / 1.11.2000, by which the said cell was strengthened by the deployment of

additional staff therein. It is, thereafter, that according to him, by the aforesaid order dated 25.6.2001 (Ex.782), an Independent Planning, Monitoring and Agricultural Business Centre was established under the Head, Department of Agricultural Economics Dr.PDKV, Akola by further strengthening the earlier cell by including the work relating to Agricultural Business and by giving it additional staff. He also enclosed with his aforesaid affidavit the office note dated 28.12.2001 (Ex.823) prepared by the Officer Incharge, Planning, Monitoring and Evaluation cell giving its set-up, broad functions, and the staff presently employed by it. Perusal of the said note would show that besides Shri P.R. Patil, Shri M.G. Kad, was also working as SRA in this Centre.

**736)** As regards the activities undertaken in the Independent Planning, Monitoring and Agricultural Business Centre, Dr.S.S. Marawar reproduced them in para 3 of his aforesaid affidavit dated 4.12.2008 (Ex. 819) as follows :-

- i) Preparation of overall perspective development of the University, academic plan, Building plan and financial plan.
- ii) Sponsor specific research studies in different problems areas like manpower, requirement, admission policy admission, internal efficiency, pulling of resources etc.
- iii) Build up sound knowledge base including database, statistical information on the various activities in the University which would help in the making proper projection for the future.
- iv) Coordination of Education, Research, Extension Education, Resource Utilization in this University.
- v) Interaction and Coordination with ICAE, ICAR, Institutes, Development Departments and NGOs.

In addition, in the present centre, activities relating to

- vi) Agricultural Business i.e. giving training to the farmers regarding the same such as Sericulture, Dairy, Mushroom Cultivation, etc.

**737)** As regards the academic qualification for the post of SRA in the said Centre, he stated that he should be a person who is post graduate in Agricultural Economics, and according to him, till date the University had posted a person in this post who was post graduate in Agricultural Economics.

**738)** Shri W.V. Belsare, SRA (Botany) was transferred by order dated 26.6.2001 (Ex.792) from his post under Seed Research Officer, STRU Dr. PDKV, Akola to the newly allotted post of SRA (Bio-technology) in Independent Centre of Bio-technology established under the Head, Department of Botany as per the order dated 25.6.2001 (Ex.781). It is already seen in para 720 of the Enquiry Report that two posts of SRA were allotted to Independent Centre of Bio-technology, and as there was already existing one post of SRA in Bio-technology, there were thus 3 posts of SRA (Bio-technology) in the said

Independent Centre after it was established as per the aforesaid order dated 25.6.2001 (Ex. 781).

**739)** It is, however, necessary to see that there were 5 posts of Bio-technology and Bio-chemistry advertised in the advertisement dated 14.8.2004 (Ex.2). It is clear that there were 3 posts of SRA (Bio Technology) included therein but as regards 2 remaining posts although they were of SRA (Bio Chemistry) they were not sanctioned or redeployed posts in the said subject of Bio Chemistry as stated by Dr. D. L. Sale, Dean (Agri.), in his affidavit dated 27.08.2008 (Ex. 764). For detailed discussion, see paras 835 to 836 of the Enquiry Report.

**740)** When the Independent Estate Unit was established under the control of the University Engineer as per the order dated 25.6.2001 (Ex.780) Shri P.A. Kahate, SRA (AH &D) working in G.T.C. (Gramsevak Training Centre) was transferred by order dated 26.6.2001 (Ex.793) on his own request to the said independent Estate Unit since the said GTC which was till then run by Dr. PDKV, Akola was taken over by the Government and was then run by the Zilla Parishad. In the Movement Register maintained by Shri A.B. Raut, the then Section Assistant (Ex. 881) from which the Movement Register Ex.644(O) maintained by Shri D.P. Deshmukh, Section Assistant (Estt.), which is most relevant in this enquiry, was prepared, at page 1, the “Establishment of Estate Unit under the University Engineer” was mentioned under the head “University Engineer” and two posts of SRA were shown therein although by the order dated 25.06.2001 (Ex. 780) by which the said independent Estate Unit was established the two posts created therein were of Senior Technical Assistant (STA) and not of SRA. The name of P.A. Kahate was shown therein in the establishment of the independent Estate Unit under the University Engineer and his designation as per the aforesaid order of transfer dated 26.06.2001 (Ex. 793) was mentioned as Senior Technical Assistant. Perusal of the entry about him shows that he was relieved on 17.8.2002 to join his duties as SRA, Sorghum as per the order dt. 12.7.2002. There was also another SRA Shri V.R. Vaidya shown as appointed in the said Estate Unit who was physically working in CDF Wanirambapur as per the order dated 28.3.2002. He was then shown as promoted in the post of Assistant Professor, H.D. Extension as per the order dated 19.7.2002. It is pertinent to see that the Movement Register (Ex.644(O)) maintained by Shri D.P. Deshmukh, Section Asst. (Estt.), did not show the names of the above SRAs in the independent Estate Unit under the University Engineer.

**741)** Perusal of the Movement Register Ex. 644(O) maintained by Shri D. P. Deshmukh, Section Assistant (Estt.) would show that at page 1 thereof, he had shown the head “University Engineer, Akola (Estate Unit)”. He had shown two posts of SRA therein although the two posts created in the said Estate Unit were of Senior Technical Assistant (STA). It contained the names of Ku. K.J. Morey, who was shown on paper only as transferred to the post of SRA under the University Engineer, as per the order dated

15.09.2005 because she continued to work physically i.e. actually in the College of Agriculture, Nagpur where she was working since 21.07.2002 (See page 7 of the said Movement Register Ex. 644(O)). It is clear that it was done to accommodate the selected candidate Shri Pravin Patil, in her post as is clear from the aforesaid page 7 of the Movement Register Ex. 644(O) where his name is shown at the same Sr. No. 3 at which her name was shown. It is interesting to see that a day before i.e. on 15.09.2005 her paper transfer as stated above was made. It is necessary to see that although at page 1 of the said Movement Register Ex. 644(O) her appointment in the post of SRA is shown as for 11 months upto 20.06.2006, it is clear from page 7 thereof that she was appointed in the said post on regular basis on 21.07.2005 i.e. prior to the said date. As regards another post of STA created in the said Estate Unit under the University Engineer, the selected candidate Bagde Ashish B. who was M.Sc. (Botany) was appointed by order dated 16.9.2005 which was camouflaged as his appointment was made in the post of SRA (Agri.) (Technical Assistant) under the University Engineer which post did not exist therein. By the same order, he was however, directed to work physically or actually under the Head, Department of Horticulture.

**742)** It is material to see that although the posts in the Independent Estate Unit referred to above are described as the posts of SRA in the aforesaid Movement Register (Ex. 644(O)) their designation is not of SRA but their designation is Senior Technical Assistant in the independent Estate Unit established under the control of the University Engineer as per the order dated 25.6.2001 (EX.780) after the surplus posts of SRA were deployed therein. As regards the question of evaluation of the post of Sr. Technical Assistant, thus created in the newly established Estate Unit under the control of the University Engineer by deployment of surplus posts of SRA, the said question is discussed hereafter in paras 842 to 855 of this Enquiry Report under the head "Sanctioned posts of Senior Technical Assistant in independent Estate Unit under the control of the University. Remaining orders of transfer dated 26.6.2001 (Exs.794 to 798) are not relevant in this Enquiry and not, therefore, referred to.

**743)** It is, however, necessary to see that although as per the University order dated 25.06.2001 (Ex. 783), an independent Publication and Printing Unit was established in the University under the control of the Director of Extension Education, Dr.PDKV, Akola and one post of SRA was created therein by withdrawing the surplus post of SRA from ARS, Amravati, no appointment was made by transfer of any SRA in the said post immediately. It is only by an order dated 16.7.2001 that an appointment of Shri M.A. Sagne, M.Sc. (Agricultural Extension) was made in the said post of SRA in the Publication and Printing Unit as shown at page 156 in the Staff Position Register (Ex.881) maintained by Shri A.B. Raut, Sr. Clerk in D-Unit of the establishment section. It, however, appears from the said page 156 of the Staff Position Register (Ex.881) that he was appointed in the higher post of

AP by the University by its order dated 24.10.2001 and had worked in the said post upto 31.10.2002. There is no other entry in the said Register (Ex.881) showing posting of SRA in his place. Thereafter Shri D.P. Deshmukh, Section Assistant (Estt.), who prepared his own Movement Register (Ex.644(O)) from the aforesaid Register (Ex.881) maintained by Shri A.B. Raut, Sr. Clerk, B-Unit, did not show at page 75 of his own Register Ex. 644(O) the appointment of Shri M. A. Sagne, SRA (Extension) in the Publication and Printing Unit under the Director of Extension Education perhaps because he had already become A.P. and was not SRA at that time. But he had shown in the said independent unit therein the appointment of Shri S.M. Jadhav, Ph.D. in Chemistry, who joined the said post on 04.10.2005 as per the appointment order dated 16.9.2005. His name was included in the Selection Lists of SRA (Agri.) which are under challenge in this enquiry. It was shown in pencil in the said entry that it was a new appointment.

**744)** As regards the duties, responsibilities and qualifications of the post of SRA in the independent Publication and Printing Unit established under the order dated 25.06.2001 (Ex. 783) Dr.D.L. Sale, Dean, Faculty of Agriculture holding also the charge of Director of Extension Education at that time described the functions of SRA in the said unit in his note enclosed with his letter dated 29.11.2008 (Ex.810) annexed to affidavit of Shri Vinayak J. Chaware, Assistant Registrar (Estt.), dated 30.11.2008 (Ex. 803). The functions of the Publication Unit given by him are:

- Bringing out monthly Krishi Patrika
- Publishing Krishi Sanvadini
- Publishing various University Publications
- Bringing out Dr. PDKV, News letter, KVK, News letter, etc.

The qualifications for the said post of SRA in Publication and Printing Unit given in his aforesaid note are as shown in Appendix-III read with Statute-73 of the Statutes. They are:

Master's Degree in respective subject

OR

Bachelor's Degree in first Class with Distinction. Atleast IInd Class Bachelor's degree with three years experience as Junior Research Assistant or its equivalent.

**745)** Shri Vijay Keolchand Mahorkar, Associate Dean and Professor of Horticulture in the College of Horticulture, Akola stated in para 1 of his affidavit dated 14.12.2008 (Ex. 824) that he joined the post of Director of Extension Education on 4.12.2008. He then stated in para 5 of his aforesaid affidavit and that the Independent Publication and Printing Unit established as per the University order dated 25.6.2001 (Ex.783) was under the Director of Extension Education Dr.PDKV, Akola. He further stated therein that although the qualification in Entomology as such was not necessary for the post of Assistant

Professor created in the said Centre, since the post of Assistant Professor of Entomology was withdrawn from NARP, Nagpur, and was allotted to the said unit, the same designation of the said post was maintained. However, according to him, at present Shri V.J. Rathod, the Assistant Professor in Agricultural Economics and not in Agricultural Entomology, was working in the said post. Further, according to him, Shri V.P. Parde who was post graduate in Plant Pathology, was working as SRA in the said independent unit in which the post of Section Assistant was vacant. He then stated that prior to 25.6.2001 the Publication and Printing was one and besides the technical staff, one SRA and one officer Incharge from the cadre of Assistant Professor pooled from the department of Extension Education were working in the Printing Unit. He also stated that the duty of the said SRA was of editing the material sent for Printing. He further stated that after the order dated 25.6.2001 was issued the additional staff was given to the said unit which functioned separately under the Publication Unit. According to him, the Associate Professor from NARP, Yavatmal was appointed as Editor of this Publication Unit but the said post of Editor was not a sanctioned post. Further, according to him, the SRA who was working in the Printing Unit also started working in the Publication Unit since the post of Editor was created in the Publication unit.

**746)** Dr. V. K. Mahorkar, Director of Extension Education, stated in para 7 of his aforesaid affidavit dated 14.12.2008 (Ex. 824) that SRA having degree in Agriculture or in any allied subjects can work as SRA in the Publication Unit. According to him, no master's degree in particular subject is required to work in the said post. He then gave the same functions of the Publication Unit as given by Dr.D.L. Sale, in his aforesaid note reproduced above. It is, however, material to see that as stated above, the staff which was working in the Printing Unit prior to issue of the independent order dated 25.6.2001 was from the Department of Extension Education. Moreover, the said independent unit was placed under the control of the Director of Extension Education.

**v) Comparative charts of Departmentwise Staff Position of the sanctioned posts of SRA/JRA as per the University circular dated 27.2.1997, the revised Akrutibandh, and the actual Departmentwise Staff position of the said posts.**

**747)** The Registrar of the University Shri Gokul Khushal Bhusare, in para 1 of his affidavit dated 8.5.2008 (Ex.733), referred to the aforesaid G.R. dated 29.11.2003 (Ex.724-A) by which the revised Akrutibandh (Ex.724) was issued giving details of the sanctioned posts of teaching and non-teaching staff in the University after taking into consideration the posts reduced by another G.R. dated the same i.e. 29.11.2003 (Ex.724-B). He stated in the said para 1 of his aforesaid affidavit that the sanctioned posts of SRA and JRA as shown at page 2 of the said Akrutibandh were 154 and 96 respectively. He then undertook to file the relevant charts in this enquiry regarding the distribution of the above sanctioned posts of

SRA/JRA in various departments/schemes/projects etc. in the University as per (i) Akrutibandh (ii) the University circular dated 27.2.1997 for the Akola Zone (Ex.723) and the Nagpur Zone (Ex.734) and (iii) actual distribution of the said posts in various departments/schemes/ projects etc. in the University which was in existence at the time of the advertisement dated 14.8.2004 (Ex.2), and the appointment of SRA (Agri.) and JRA (Agri.) as per the orders of appointment dated 16.9.2005 and 17.9.2005 respectively. As undertaken by him, with his subsequent affidavit dated 17.5.2008 (Ex.754) he filed the above mentioned charts in this enquiry viz. (i) Chart relating to sanctioned staff position circulated as per the University Circular/letter No. BNF/0193/97 dated 27.2.1997, issued for both Akola Zone and Nagpur Zone marked as Ex.755 (ii) Chart about the sanctioned staff position as per Akrutibandh (Ex.724) marked as Ex.756, and (iii) Charts about the sanctioned staff position of SRA/JRA as on 14.8.2004 i.e. the date of advertisement, and as on 16.9.2005 and 17.9.2005 i.e. on the dates of appointment of SRA and JRA respectively collectively marked as Ex.757.

**748)** Perusal of the above referred chart (Ex.755) regarding staff position prepared on the basis of the University circular dated 27.2.1997, would show the distribution of the posts of SRA/JRA as on 1.1.1997 in each of the offices/departments/colleges/schools/schemes including ICAR Schemes, in Akola Zone and Nagpur Zone of the University giving separately the total number of posts of SRA and JRA as 149 and 90 respectively in Akola Zone and 38 and 25 respectively in Nagpur Zone, their grand total given being 187 and 115 respectively. The next chart (Ex.756) referred to above prepared from the revised Akrutibandh would show the distribution of the sanctioned posts of SRA/JRA in each of the offices/departments/colleges/schools/schemes etc. in the University including the schemes of ICAR in which the expenditure is shared by the ICAR and the State Government in the ratio of 75:25. As already noticed 158 posts of SRA were reduced by 4 in the revised Akrutibandh and thus the total number of posts of SRA sanctioned as per the revised Akrutibandh were 154. There was no reduction in the total number of the posts of JRA in the revised Akrutibandh which remained 96. However, there appears to be some mistake because in the above referred chart (Ex.756) the total number of posts of JRA shown are 94. Below the aforesaid chart in Ex.756, another chart is given in which the posts of SRA/JRA shown are the posts on which cent percent expenditure is borne by ICAR, such posts of SRA being 5 and of JRA being 15. The last chart in Ex.756 is about the farm group posts which are 26 of SRA and 25 of JRA.

**749)** Perusal of the other charts marked collectively as (Ex.757) would show that they are similar to the charts Exs.183, 184 and Ex.200 filed by the University with its earlier affidavits dated 30.8.2007 (Ex.180) and 4.9.2007 (Ex.196) showing the staff position about the sanctioned posts of SRA (Agri.) and JRA (Agri.) only except that in the chart (Ex.757) about the sanctioned posts of JRA as on 14.8.2004 filed alongwith the aforesaid affidavit of

the Registrar Gokul K. Bhusari, dated 17.5.2008 (Ex.754), 15 posts of JRA under K.V.K. Sakoli, Sindewahi, Yavatmal, Hiwara and Sonapur, are included although the chart Ex.184 annexed to the affidavit of the University dated 30.8.2007 (Ex.180) would show that they were allotted subsequently on 25.8.2004. The orders of the Registrar creating these posts in the above KVK Centres are however dated 11.3.2004 creating the said posts from 1.4.2004 except Sonapur whose order is dated 2.9.2004. See Annexures VI to IX marked collectively as Ex.no. 594 annexed to the affidavit of the Assistant Registrar dated 2.11.2007 (Ex.591). It is thus clear that the University did not disclose the existing staff position in all the categories of the posts of SRA/JRA such as SRA (Agri.Engg.), SRA (Computer), SRA (Bio-technology), JRA (Computer) and in all the departments/schemes / colleges/ schools etc. as on the date of advertisement and as on the dates of appointment but has disclosed the said existing staff position of SRA (Agri.) and JRA (Agri.) only in the charts collectively marked as Ex.757 as stated above.

**vi) Nomenclature of various posts of SRA/JRA**

**750)** As regards the question of nomenclature of the posts of SRA/JRA such as SRA (Agri.), SRA (Agri.Engg.), SRA (Computer), SRA (Bio-Technology / Bio-Chemistry) and JRA (Agri.), JRA (Agri.Engg.), JRA (Computer) etc. the Registrar of the University Shri Gokul Khushal Bhusari, stated in para 2 of his aforesaid affidavit dated 8.5.2008 (Ex.733) that there is no such nomenclature in Akrutibandh (Ex.724) and the nomenclature therein is only general i.e. SRA and JRA in making distribution of the said posts in various departments/schemes/projects etc. in the University. However, according to him, the University had given nomenclature to the posts of SRA/JRA which were sanctioned posts in Agricultural Engineering, Computer and Bio-Technology. He then stated in para 2 that without verifying from the University circular dated 27.2.1997 (Ex.723), it would not be possible for him to state whether there were any posts of SRA/JRA in the said circular which although belonging to the posts of Agricultural Engineering, Computer, Bio-Technology etc. were not given such designation in the said circular. According to him, there was no specific designation in the said circular or in the University itself such as SRA (Agri.) and JRA (Agri.) i.e. the posts of SRA/JRA which were under the faculty of Agriculture. Further, according to him, except the posts of SRA/JRA which were specifically designated such as the posts of Agricultural Engineering, Computer, Bio-Technology etc. all other posts were of SRA (Agri.) and JRA (Agri.) although not so designated.

**751)** As regards one post of SRA and one post of JRA shown in the department of Agricultural Engineering with the general designation of SRA/JRA in the University Circular dated 27.2.1997 (Ex.723), the Registrar, Shri Gokul Khushal Bhusare, in his aforesaid affidavit dated 8.5.2008 (Ex.733) stated that the said posts were the posts of Agriculture and not of Agricultural Engineering although the Dean, Faculty of Agriculture,



under whom the said department falls, had in his affidavit dated 11.4.2008 (Ex.726) shown the said posts in the Dept. of Agricultural Engineering as the posts of Agricultural Engineering. Similarly, the Dean, Faculty of Agricultural Engineering, in his letters dated 7.4.2008 (Ex.722) and 29.4.2008 (Ex.735) addressed to the Deputy Registrar (Estt.) Dr.PDKV, Akola, had shown the said posts in the department of Agricultural Engineering as the posts of Agricultural Engineering. Even the Assistant Registrar (Estt.), Shri G.G.Tonde, in his affidavit dated 21.4.2008 (EX.727) and the Section officer Shri V.J.Chawre, in his affidavit dated 9.4.2008 (Ex.725) had shown the said posts in the department of Agricultural Engineering as the posts of Agricultural Engineering. Although the Registrar, Shri Gokul Khushal Bhusare, stated that the said posts in the department of Agricultural Engineering were of Agriculture, he admitted in para 4 of his aforesaid affidavit that for the said posts of SRA/JRA in the department of Agricultural Engineering, the intensive knowledge of Agricultural Engineering is necessary for the persons to be appointed in the said posts and therefore, the said posts should have been the posts of Agricultural Engineering and a graduate possessing degree in Agricultural Engineering should have been appointed in the said posts.

**752)** As regards the posts of SRA (Agril.Engg.), Shri Gokul K. Bhusari, the Registrar, stated in para 5 of his aforesaid affidavit dated 8.5.2008 (Ex.733) that there were 7 posts of SRA (Agril.Engg.) sanctioned by the State Govt. / ICAR as per the orders dated 26.2.1982, 2.5.1981, 23.3.1987 and 27.7.2001 filed by him with his aforesaid affidavit dated 8.5.2008 (Ex.733) and marked as Exs. 736 to 739 in this enquiry. According to him, besides the above 7 posts of SRA which were specifically designated as the posts of Agricultural Engineering and shown as such in the Registrar's circular dated 27.2.1997 (Ex.723), he would not be able to state whether there were any other posts of SRA/JRA in the said circular dated 27.2.1997 (Ex.723) which were not designated as the posts of Agricultural Engineering but still by nature of their duties were the posts of Agricultural Engineering and were filled by the Agricultural Engineering graduates. As regards the orders dated 26.2.1982, 2.5.1981, 23.3.1987 and 27.7.2001 (Exs.736 to 739) relied upon by him to show that there were 7 posts of SRA (Agril.Engg.) sanctioned therein by the State Govt./ ICAR perusal of the aforesaid orders (Exs. 736 to 739) would show that they were not orders creating the posts of SRA (Agril.Engg.) as such but were the orders relating to continuance of financial grant to the said posts of SRA (Agril.Engg.) by the Central Govt., the State Govt. or the ICAR as the case may be. He then referred to two orders of the University dated 25.6.2001 (Exs. 729 and 730) creating sanctioned posts of SRA/JRA in Bio-technology and Computer Centre approved by resolution of the Executive Council no. 51/2001 dated 17.09.2001 (Ex. 800). As regards his statement that the same 7 posts of SRA of which he filed the aforesaid orders (Exs. 736 to 739) with his aforesaid affidavit were shown as posts of Agricultural Engineering in the University circular dated 27.2.1997

(Ex.723), the same does not appear to be correct because in the University circular dated 27.2.1997 (Ex.723), three designated posts in Project Engineering L.F.D. Wani, Rambhapur, were shown as posts of SRA (Agril.Engg.) whereas, as per the Registrar only 1 designated post of SRA (Agril.Engg.) was shown in LFD Wani Rambhapur.

**753)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 60 of his affidavit dated 15.11.2007 (Ex.598) that except the posts of SRA (Agril.Engg.), SRA (Computer) and JRA (Computer) which were shown with the said designation by him in his Movement Register (Ex.644(O)), all other posts of SRA/JRA therein although not so designated, were the posts of SRA (Agri.) and JRA (Agri.). Perusal of the said para 60 and also para 67 of his aforesaid affidavit would show that there were 7 posts of SRA (Agril.Engg.) shown in his Movement Register out of which one post according to him, was of farm group. He also stated in para 67 of his aforesaid affidavit that there was no post of JRA (Agril.Engg.) in the University.

**754)** As regards the designation of the posts of SRA/JRA in his Movement Register (Ex.644(O)) Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 3 of his additional affidavit dated 17.5.2008 (Ex.753) that he had given the designations of the posts in his Movement Register (Ex.644(O)) by seeing the previous Movement Register. He also stated therein that all the posts of SRA and JRA shown in his Movement Register whose designations were not given by him in the said Register were the posts of SRA (Agri.) and JRA (Agri.). He further, stated that he did not know on what basis the designations were given to the posts of SRA and JRA in the previous Movement Register. Elaborating his statement about the preparation of his Movement Register (Ex.644(O)), from the previous Movement Register, he stated in para 1 of his affidavit dated 3.11.2008 (Ex.773) that although in the said previous Movement Register the index to the said Register consisted of departments/schemes etc. only but did not contain the total number of posts and their categories such as SRA (Agril.Engg.), SRA (Computer), etc., in the index prepared by him to his Movement Register Ex.644(O) he had shown therein the actual number of posts of SRA (Agril.Engg.), SRA (Computer) and JRA (Computer) in each department / scheme etc. According to him, he prepared the index to his Movement Register (Ex.644(O)) by showing therein the total number of posts of SRA/JRA/AA/LSS in each department/scheme etc. from the body of the previous Movement Register. As regards the posts of SRA/JRA he stated that apart from showing the total number of such posts in each department/scheme, he had also shown in the index to his Register the total number of posts of SRA (Agril.Engg.), SRA (Computer) and JRA (Computer), in each department/scheme in the University. He then stated that he had not shown the designation SRA (Agri.)/ JRA (Agri.) in his Movement Register (Ex.644(O) and had not shown therein how many such posts were there in each department / scheme etc. but according to him, all the remaining posts of

SRA / JRA in his Movement Register (Ex.644(O)) which were not specifically designated were the posts of SRA (Agri.) and JRA (Agri.).

**755)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 2 of his aforesaid affidavit dated 3.11.2008 (Ex.773) that the previous Movement Register was prepared by and was in the handwriting of Shri A.B.Raut. He then stated that while preparing his Movement Register (Ex.644(O)) and also after it was prepared he had not made any enquiry as to how many departments/schemes etc. actually existed in the University and also about the number of posts of SRA/JRA existing therein. He admitted that he did not know as to who gave various posts in various departments/ schemes in the University and their number. He then stated that he did not know about the University circular dated 27.2.1997 (Ex.723) issued by the University and also about the various posts shown in various departments/schemes therein. He further stated that although the said University circular dated 27.2.1997 (Ex.723) was issued by the office of the Registrar, he did not find the copy of the said circular in his office. He also stated that his Movement Register (Ex.644(O)) is not verified/scrutinized by the superior officers in the University. According to him, all service matters such as appointment, transfer, promotion etc. in the posts of SRA/JRA/ AA/LSS including the position of vacancies in the above posts are determined according to the data contained in the aforesaid Movement Register (Ex.644(O)) because he gives information about the same to the superior officers from the said Register.

**756)** Shri D.P.Deshmukh, Section Assistant (Estt.), admitted in para 3 of his aforesaid affidavit dated 3.11.2008 (Ex.773) that he had not shown the department of Soil and Water Conservation Engineering and the Department of Irrigation Water Management and Drainage Engineering in his Movement Register Ex.644(O). He also admitted that he did not make any enquiry whether the above departments were there in the University or not. According to him, the said departments were not shown in the previous Movement Register and therefore presuming that the posts of SRA/ JRA did not exist in the said departments, he did not make any enquiry about them. He, however, admitted therein that the said departments were in the Faculty of Agricultural Engineering. He then stated that he had seen the revised Akrutibandh sanctioned by the State Govt. in 2003 but since he did not receive any instructions from the University about the posts shown in each department in the said revised Akrutibandh, he did not make any changes in the Movement Register (Ex.644(O)).

**757)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 4 of his aforesaid affidavit dated 3.11.2008 (Ex.773) that he had shown two posts of SRA in the office of the University Engineer in his Movement Register (Ex.644(O)). He then stated that it appeared from the previous Movement Register that the post of Senior Technical Assistant was in existence in the office of the University Engineer, even before the revised Akrutibandh-2003 in which it was shown was made applicable to the University but according to him,

through oversight, it was not noticed by him. He then stated that although in the University circular dated 27.2.1997 (Ex.723) no posts of SRA or Senior Technical Assistant were shown in the office of the University Engineer, two posts of Senior Technical Assistant, were created thereafter in the Estate Unit which was newly established by the University order dated 25.6.2001 under the control of the University Engineer by withdrawing one post of SRA each from the Head, Department of Agronomy and Chilly Research Centre, Akola. He enclosed with its aforesaid affidavit the said order dated 25.6.2001 issued by the University marked as (Ex.774) in this enquiry and also the order of Shri P.A. Kahate, AHDS, working in GTC Buldhana who was transferred to one of the two newly created posts of Senior Technical Assistant in the Estate Unit in the office of University Engineer marked as (Ex. 775) in this enquiry.

**758)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 5 of his aforesaid affidavit dated 3.11.2008 (Ex.773) that the information about the various departments/schemes shown by the University in its affidavit filed in this enquiry was taken from his Movement Register (Ex.644(O)). He then stated that the total number of posts of SRA shown in the revised Akrutibandh (Ex.724) and also the University circular dated 27.2.1997 (Ex.723) excluding farm group posts was 159 and although the department of Soil and Water Conservation Engineering and the department of Irrigation and Water Management and Drainage Engineering were not shown in his Movement Register (Ex.644(O)), still the number of posts of SRA shown therein excluding the farm group posts was 159. He also stated that in the University circular dated 27.2.1997 (Ex.723) three posts of SRA were shown in the department of Soil and Water Conservation Engineering and one post of SRA was shown in the department of Irrigation, Water Management and Drainage Engineering. He admitted that if the above departments were not included in his Movement Register (Ex.644(O)) the total number of posts of SRA i.e. 159 should have been reduced by 4 posts shown in the above departments. He however, stated that he would file a separate affidavit to show as to why it was not so reduced. According to him, since he had taken the information in his Movement Register (Ex.644(O)) from the previous Movement Register, he would not be able to tell anything without making enquiry about it. He then admitted that he had also not taken any entry about the independent Centre of Bio-technology and the posts of Bio-technology created therein in his Movement Register since there was no entry about it in the Previous Movement Register. He further admitted that he did not make any enquiry about it and did not come across any orders about it. According to him, nobody also told him about it. Another reason he put-forth for not knowing about it was that the aforesaid order creating independent centre and posts therein must have been in the file in B-Unit since the work of creation of posts in the University was entrusted to it.

**759)** Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 6 of his aforesaid affidavit dated 3.11.2008 (Ex.773) that in the University by issuing specific orders the

number of sanctioned posts of SRA (Agril.Engg.), SRA (Computer), SRA (Agri.) JRA (Agri.) , JRA (Agril.Engg.), and JRA (Computer) were not determined. He then stated that there were 7 posts of SRA (Agril.Engg.) which he had shown in his Movement Register (Ex.644(O)) on the basis of the information received from B-Unit. According to him, the said B-Unit had told him as to in which department/s the said post/s of SRA (Agril.Engg.) was/were allotted. He thus stated that accordingly, he had taken the entries about the said posts in his Movement Register (Ex.644(O)). The above reason given by him appears to be an afterthought because he clearly stated in para 1 of his aforesaid affidavit dated 3.11.2008 (Ex.773) that he had prepared his Movement Register (Ex.644(O)) and had shown the posts in each department / scheme etc. from the previous Movement Register. After seeing the chart (Annexure-32 of the Enquiry Report) about the posts of SRA (Agril.Engg.) prepared by this office showing the distribution of the posts of SRA (Agril.Engg.) in various departments/ schemes as per the University Circular dated 27.2.1997 (Ex.723), the letters of the Dean, Agricultural Engineering dated 7.4.2008 and 29.4.2008 (Exs. 722 and 735), the affidavit of the Registrar dated 8.5.2008 (Ex.733) his Movement Register (Ex.644(O)) and the revised Akrutibandh (Ex.724), he stated that he would not be able to tell why the posts of SRA (Agril.Engg.) shown therein did not tally in regard to the total number of the said posts in the University as well as the department/s in which they existed.

**760)** As regards the set-up of the posts of SRA (Agril.Engg.) and JRA (Agril.Engg.), Dr.P.M. Nimkar, Dean, faculty of Agricultural Engineering, explained it in his affidavit dated 18.10.2008 (Ex.772). He stated in para 2 thereof that the faculty of Agricultural Engineering was established in the year 1982 and since then all six departments shown in Statute 99 (4) were functioning under the said faculty. As regards the set-up of the posts in all the departments in the faculty of Agricultural Engineering, he stated in para 3 of his aforesaid affidavit that all the posts therein including the posts of SRA/JRA were manned by the persons who had degree in Agricultural Engineering and not by persons having degree in other disciplines including Agriculture. He then stated in para 5 of his aforesaid affidavit that from the time the faculty of Agricultural Engineering was established, there were posts of SRA (Agril.Engg.) in all its departments, except the department of farm power and machinery and the department of electrical and other energy source. He also stated that there were also posts of SRA (Agril.Engg.) in the four schemes referred to by him in earlier para 4 of his aforesaid affidavit i.e. AICRP for newable energy sources, AICRP Post Harvest Technology, AICRP Farm Implements and Machinery which were under the Faculty of Agricultural Engineering and Project Engineer, LFD Wanirambhapur and AICRP Dry Land which were under the Director of Research

**761)** As regards the posts of JRA (Agril.Engg.) Dr.P.M.Nimkar, Dean, Agricultural Engineering, stated in the said para 5 of his aforesaid affidavit that there was only one post of JRA (Agril.Engg.) in the department of Agricultural Engineering under the faculty of

Agriculture. However, according to him, there was no record in his office to show that there were fixed number of posts of SRA (Agril.Engg.) sanctioned for various departments under him except the University circular dated 27.2.1997 (Ex.723) in which the posts were shown in various departments, under the faculty of Agricultural Engineering and the schemes related to it. Further, according to him, the posts of SRA shown therein were all the posts of SRA (Agril.Engg.) whether specifically designated or not and accordingly the recruitment was made in the said posts. He further stated that he had not received any other circular from the University thereafter till date relating to staff position in the University.

**762)** Dr.P.M. Nimkar, Dean, Faculty of Agricultural Engineering, stated in para 8 of his aforesaid affidavit dated 18.10.2008 (Ex.772) that he had seen the set-up of the posts of SRA/JRA in the departments under the faculty of Agricultural Engineering and the department of Agricultural Engineering which was under the faculty of Agriculture given by him in his letters dated 7.4.2008 and 29.4.2008 (Exs.722 and 735). As regards the department of Agricultural Engineering, he stated that although the said department was under the Dean, faculty of Agriculture, he had additional charge of the said department. As regards the posts of SRA/JRA in the said department of Agricultural Engineering, he stated that the nature or type of work of SRA/JRA was the same in the said department which he had described in his letter dated 29.4.2008 (Ex.735). According to him, the SRA/JRA working in the departments under the faculty of Agricultural Engineering and also the aforesaid department of Agricultural Engineering should have intensive knowledge of Agricultural Engineering to work in their departments and the SRA/JRA of other disciplines including Agriculture cannot work in the said departments and the schemes thereunder. Further, according to him, the posts of SRA/JRA therein as also the schemes related to it as shown in his aforesaid letters dated 7.4.2008 and 29.4.2008 (Exs.722 and 735) were the posts of SRA (Agril.Engg.) and JRA (Agril.Engg.). It is pertinent to see that even Dr.D.L. Sale, Dean (Agri.) has shown in his affidavit dated 11.04.2008 (Ex. 726) one post of SRA (Agril.Engg.) and one post of JRA (Agril.Engg.) as the posts of Agricultural Engineering in the department of Agricultural Engineering under him.

**763)** As regards 3 posts of SRA (Agril.Engg.), shown by him in the department of Soil and Water Conservation Engineering in his aforesaid letters dated 7.4.2008 and 29.4.2008 (Exs. 722 and 735), Dr.P.M. Nimkar, stated in para 10 of his affidavit dated 18.10.2008 (Ex.772) that although in the University Circular dated 27.2.1997 (Ex.723) out of 3 posts of SRA shown in the said department only one post was shown designated as SRA (Agril.Engg.) and the remaining two posts were shown with the general nomenclature of SRA, according to him, all 3 posts of SRA shown in the said dept. in the University Circular dated 27.2.1997 (Ex.723) were the posts of SRA (Agril.Engg.). Further, according to him, possibly the reason for showing the said posts of SRA in the said manner was that when the above circular dated 27.2.1997 (Ex.723) was prepared only one post might have

been filled by SRA (Agril.Engg.) and two remaining posts of SRA in the said department might have been vacant and hence in the said circular dated 27.2.1997 (Ex.723) the University might not have mentioned the designation of the said two posts of SRA in the said department as SRA (Agril.Engg.). He then stated that another reason might have been that when the departments in the faculty of Agricultural Engineering started functioning there was dearth of man power qualified in Agricultural Engineering available to man the posts of SRA/JRA in the departments under it and therefore the posts might have been given the general designation of SRA/JRA at that time which continued even thereafter although the man power qualified in Agricultural Engineering was available to man the said posts. He stated in para 12 of his aforesaid affidavit that the department of Soil and Water Conservation Energy and Department of Irrigation, Water Management and Drainage Engineering which had the posts of SRA (Agril.Engg.) existed for a long time in the University and they therefore should have been included in the Movement Register (Ex.644(O) as the departments in the faculty of Agricultural Engineering particularly when there were posts of SRA (Agril.Engg.) in the said departments as shown even in the University Circular dated 27.2.1997 (Ex.723).

**764)** Perusal of the affidavit of the then Registrar Shri Gokul K. Bhusare, dated 8.5.2008 (Ex.733), would show that he was not firm in his statement whether there were only 7 posts of SRA (Agril.Engg.) only which were designated as such in the orders referred to by him in para 5 thereof and marked as Exs. 736 to 739 in this enquiry because he also stated therein that he would not be able to state whether there were any other posts of SRA/JRA in the University Circular dated 27.2.1997 (Ex.723), which although not designated as the posts of Agricultural Engineering, were the posts of Agricultural Engineering by the nature of their duties. In fact, he stated in earlier para 2 thereof that without verification of the University Circular dated 27.2.1997 he would not be able to state whether there were any posts of SRA/JRA which although were of Agricultural Engineering, Computer, Bio-technology etc. were not given such designation in the said University circular dated 27.2.1997 (Ex.723). It is also clear from para 5 of the affidavit of Dr.P.M. Nimkar, Dean (Agril.Engg.) dated 18.10.2008 (Ex.772) referred to above that the posts of SRA shown in various departments under the faculty of Agricultural Engineering in the University Circular dated 27.2.1997 (Ex.723) and the schemes related to it were the posts of SRA (Agril.Engg.) whether specifically designated or not and accordingly the recruitment was made in the said posts. He also stated in para 8 of his aforesaid affidavit that one post of SRA and one post of JRA in the department of Agricultural Engineering as shown in his letters dated 7.4.2008 and 29.4.2008 (Exs. 722 and 735) were the posts of Agricultural Engineering in the said department as per the nature of duties in the said department. In fact, Dr.D.L.Sale, Dean (Agri.) has also shown the said posts as the posts of Agricultural

Engineering in his affidavit dated 11.4.2008 although not so designated in the University Circular dated 27.2.1997 (Ex.723).

**765)** Similarly, although Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 6 of his affidavit dated 15.11.2007 that he had shown 7 posts of Agricultural Engineering in his Movement Register (Ex.644(O)), he admitted in para 2 of his affidavit dated 3.11.2008 (Ex.773) that while preparing his Movement Register (Ex.644(O)), and even thereafter he had not made any enquiry as to how many departments/schemes were actually there in the University and also about the posts of SRA/JRA therein. He also did not know about the various departments/schemes shown in the University circular dated 27.2.1997 (Ex.723) and also about the posts shown therein. As stated by him in para 3 of his aforesaid affidavit he had not shown the department of Soil and Water Conservation Engineering and the department of Irrigation and Water Management and Drainage Engineering although the posts of SRA existed therein as shown in the University Circular dated 27.2.1997 (Ex.723). He also admitted that he had not taken any entry about the independent centre of Bio-technology and the posts of SRA (Bio-technology) created therein in his Movement Register. However, as stated by him in para 2 of his aforesaid affidavit dated 3.11.2008 (Ex.773) the service matters relating to the posts of SRA/JRA/AA/LSS including the vacancies therein were dealt with in the University on the basis of the information supplied by him from his aforesaid Movement Register (Ex.644(O)) which as shown above did not show the true position about the said posts of SRA/JRA.

**766)** It is, thus, clear that unless the number of posts of SRA (Agril.Engg.) and JRA (Agril.Engg.) and also the posts of other categories such as SRA (Bio-technology), SRA (Computer), JRA (Agril.Engg.) JRA (Computer) etc. are properly and firmly determined the remaining posts cannot be treated as the posts of SRA (Agri.) and JRA (Agri.). Even otherwise, the posts of SRA/JRA can be treated as posts of SRA (Agri.) and JRA (Agri.) if the nature of the duties to be performed by the incumbents of the said posts require intensive study and knowledge of Agriculture which a graduate in Agriculture above possesses.

**vii) Whether there are any sanctioned posts of JRA (Agri.Engg.)**

**767)** In considering the representation of the Agricultural Engineering graduates for allowing them to apply for the posts of JRA (Agri.) which were advertised by the University as per its advertisement in question dated 14.8.2004 (Ex.2), Shri D.P. Deshmukh, stated in his office note dated 27.8.2004 contained in the file Ex.40(O) that there were no sanctioned posts of JRA / A.A in the faculty of Agricultural Engineering and the schemes concerning it. He also stated in para 67 of his affidavit dated 15.11.2007 (Ex.598) that there were no posts of JRA (Agril.Engg.) in the cadre of JRA. Dr.V.D. Patil, the Chairman of the Selection Committee, in paras 10 and 62 of his affidavit dated



25.12.2007 (Ex.645) and Dr. Vandan Mohod, in para 37 of his affidavit dated 1.12.2007 (Ex.633), stated that there were no posts of JRA (Agril.Engg.) in the University. Similarly, Shri S.S. Suradkar, Deputy Registrar of the University, stated in para 5 of his affidavit dated 1.12.2007 (Ex.634) that there was no post of JRA (Agril.Engg.) as there was no sanctioned strength for the said posts in the University.

**768)** However, during his oral submission in this enquiry, the learned Counsel for the Agricultural Engineering graduates, Shri Hemant D.Deshmukh, stated that there were posts of JRA (Agril.Engg.) in the University. Since the said question was not raised in any of the affidavits filed by the Agricultural Engineering graduates in this enquiry, their learned counsel, as directed, filed the additional affidavit of the Agricultural Engineering graduate Shri Hitendra Kumar Khobragade dated 14.3.2008 (Ex.692) in this enquiry raising the said question about the sanctioned posts of JRA (Agril.Engg.). In support, he filed two advertisements of the University dated 12.8.1997 and 15.7.2006 annexed to the aforesaid affidavit and marked as Exs.693 and 694 respectively. Perusal of Item-5 of the aforesaid advertisement dated 12.8.97 (Ex.693), would show that one post of JRA (Agril.Engg.) was advertised therein in open category prescribing the qualification of bachelor's degree in Agricultural Engineering. In the second advertisement dated 15.7.2006 (Ex.694), annexed to the aforesaid affidavit in item-6, 15 posts of JRA faculty (Agriculture/Agril.Engg.) were advertised. There is thus some controversy on the question as to whether there were any sanctioned posts of JRA (Agril.Engg.) in the University or not. Notice was therefore, issued to the University in view of the above advertisements dated 12.8.97 (Ex.693) and 15.7.2006 (Ex.694) issued by it advertising the posts of JRA (Agril.Engg.).

**769)** In pursuance to the said notice issued to the University, Shri G.G.Tonde, Assistant Registrar (Estt.), filed the affidavit dated 25.3.2008 (Ex.698) on behalf of the University stating that the posts of JRA (Agri.Engg.) did not exist in the University and that although it issued the above referred advertisements dated 12.8.97 (Ex.693) and 15.7.2006 (Ex.694) it did not fill the said posts of JRA (Agri.Engg.) as per the said advertisements. As the above affidavit of the University dated 25.3.2008 (Ex.698) was not satisfactory, it was directed to file fresh affidavit in that regard. Shri G.G.Tonde, the Assistant Registrar, therefore filed the affidavit dated 5.4.2008 (Ex.714) in para 4 of which he stated that as regards the question of one post of JRA (Agril.Engg.) advertised in the advertisement dated 12.8.97 (Ex.693), the decision was taken by the University through the office note dated 8.8.1997 written in that regard by the concerned officer of the Registrar's office approved by the then Vice-Chancellor on 11.8.97 that 3 posts of SRA (Agri.) should be converted into two posts of SRA (Agril.Engg.), and one post of JRA (Agril.Engg.). He, however, stated that there was no sanction of the Government or the Executive Council of the University to the above conversion of posts. But, as stated by him in his earlier affidavit dated 25.3.2008 the said post of JRA (Agril.Engg.) was not filled pursuant to the said advertisement dated

12.8.1997 (Ex.693). The aforesaid office note of the Registrar's office dated 8.8.1997 approved by the then Vice-Chancellor on 11.8.1997 is annexed to his aforesaid affidavit dated 5.4.2008 (Ex.714) and marked as Ex.715 in this enquiry.

**770)** As regards the subsequent advertisement dated 15.7.2006 (Ex.694), Shri Vinayak J.Chawre, submitted the file about the said advertisement dated 15.7.2006 (Ex.694) which was taken on record as per the order-sheet dated 8.4.2008 and was marked as Ex.720 in this enquiry. Shri Vinayak J.Chawre, Section officer (Estt.) filed the affidavit dated 9.4.2008 marked as Ex.725 in this enquiry. He annexed to his aforesaid affidavit the relevant office notes including the office note dated 8.7.2006 written by him regarding inclusion in the advertisement the posts of SRA/JRA in promotion quota for being filled by direct recruitment. He stated in para 2 of his aforesaid affidavit that his office note dated 8.7.2006 did not show that any posts of JRA (Agril.Engg.) should be advertised. He then stated that the aforesaid file (Ex.720) relating to the advertisement dated 15.7.2006, was the file of B-Unit of the Registrar's office which dealt with the question of advertisement of the posts of Associate Professors, Assistant Professors, University Librarian etc. and not of SRA /JRA. He further stated that since the posts of SRA/JRA were to be included in the advertisement about the aforesaid posts of the Associate Professors, Assistant Professors etc., he had written the note dated 8.7.2006 in the said file (Ex.720) which alone was in his handwriting in the said file. He also stated that he did not prepare the revised draft of the advertisement incorporating the posts of SRA/JRA therein and he did not know who had done it and who had prepared the final draft of the advertisement included at pages 49/C to 57/C in the said file (Ex.720). According to him, it was in accordance with the said draft that the final advertisement dated 15.7.2006 was sent to the Press for publication. Further, according to him, the said final advertisement was at pages 95/C to 99/C of the said file (Ex.720).

**771)** After seeing the aforesaid advertisement dated 15/7/2006 (Ex.694), Shri Vinayak J.Chawre, Section Officer (Estt.), stated in the said para 2 of his affidavit dated 9.4.2008 (Ex.725) that while advertising 15 posts of JRA in column-E therein, the post of JRA in the faculty of Agricultural Engineering was also advertised although his aforesaid office note dated 8.7.2006 was for the posts of SRA (Agri.) and JRA (Agri.) only. According to him, he did not know who added the posts of JRA (Agril.Engg.) in the said advertisement dated 15.7.2006 (Ex.694) and also did not know who determined the exact number of posts of SRA and JRA to be advertised. He then admitted that the approval of the Vice-Chancellor was taken only upon the revised draft of the advertisement at pages 33/C to 43/C of the said file (Ex.720) which contains the posts initially decided to be advertised i.e. excluding the posts of SRA /JRA but the final draft of the advertisement at page 49/C to 57/C as also the final draft of the advertisement sent to the Press contained at pages 95/C to 99/C of the said file (Ex.720) did not show that the approval of the Vice-Chancellor was taken to the same

as the said final draft of the advertisement dated 15.7.2006 (Ex.694) sent to the Press did not contain the signature of the Vice-Chancellor in token of his approval of the same.

**772)** When Shri Vinayak J.Chawre, Section Officer (Estt.), was questioned about the nature of 15 posts of JRA which were actually advertised in item-6 of the advertisement dated 15.7.2006 (Ex.694) which read “JRA Faculty (Agri./Agril.Engg.)”, he stated in para 3 of his affidavit dated 9.4.2008 (Ex.725) that according to him, a candidate who possessed the graduate degree in the faculty of Agriculture would be eligible for the post of JRA which was in the faculty of Agriculture and the candidate who possessed the graduate degree in Agril.Engg. would be eligible for the post of JRA which was in the faculty of Agril.Engg. He, however, stated that while issuing the aforesaid advertisement dated 15.7.2006 (Ex.694) there was no discussion on the question as to how many posts of JRA in the faculty of Agriculture and how many posts of JRA in the faculty of Agril.Engg. were to be filled. He then stated that, according to him, the posts of JRA existed in the faculty of Agril.Engg. also. He further stated that he would not be able to tell from the Movement Register (Ex.644) in which department/s of the University, there were posts of JRA (Agri.) for which the working knowledge of Agril.Engg. was only necessary which the graduates in the faculty of Agriculture possessed and in which department/s of the University, there were post/s of JRA (Agri.Engg.) which required intensive knowledge of Agricultural Engineering which only the Agricultural Engineering graduates possessed. He, however, stated that he would file the relevant documents in this regard with the approval of the Vice-Chancellor. He then stated that no further action was taken pursuant to the advertisement dated 15.7.2006 (Ex.694) and he would not be able to tell whether in future any action in this regard would be taken by the University or not pursuant to the said advertisement dated 15.7.2006 (Ex.694).

**773)** As stated by him in para 3 of his aforesaid affidavit dated 9.4.2008 (Ex.725), Shri Vinayak J.Chaware, filed in this enquiry with his aforesaid affidavit the letter of the Dean, faculty of Agricultural Engineering dated 7.4.2008 addressed to the Deputy Registrar, Dr.PDKV, Akola, marked as Ex.722, showing the staff position available for the posts of SRA/JRA in the faculty of Agricultural Engineering as per the University Circular dated 27.2.1997 (Ex.723). He stated in para 4 of his aforesaid affidavit that the said staff position, given by the Dean, faculty of Agricultural Engineering in the aforesaid letter dated 7.4.2008, showed that there was one post of JRA (Agril.Engg.) in the faculty of Agricultural Engineering allotted to the department of Agricultural Engineering. He also stated that in the aforesaid letter dated 7.4.2008 (Ex.722), the department of Agricultural Engineering was shown by its Dean as one of the departments included under the faculty of Agricultural Engineering. He further stated that, according to him, the said department of Agricultural Engineering in fact fell, within the purview of the faculty of Agriculture i.e. under its Dean, and not under the faculty of Agricultural Engineering. He however,

admitted that the staff position of one SRA (Agril.Engg.) and one JRA (Agril.Engg.) shown in the department of Agricultural Engineering in the said letter dated 7.4.2008 (Ex.722) was correct. He therefore, stated that except the above post of JRA (Agril.Engg.) shown in the department of Agricultural Engineering there was no other post of JRA (Agril.Engg.), in the departments included under the faculty of Agriculture. He thus stated that, according to him, in 15 posts of JRA Faculty (Agri./Agril.Engg.) which were advertised in the advertisement dated 15.7.2006 (Ex.694), there was one post of JRA (Agril.Engg.), and the other 14 posts were of JRA (Agri.). Hence, according to him, the qualification for the aforesaid 14 posts of JRA (Agri.) would be B.Sc. (Agri.) and for one post of JRA (Agril.Engg.) the qualification would be B.Tech. (Agril.Engg.).

**viii) Whether the Department of Agricultural Engineering is under the control of the Dean, Faculty of Agriculture or the Dean, Faculty of Agricultural Engineering and what about the posts of SRA/JRA therein**

**774)** Shri Vinayak J. Chaware, stated in para 4 of his affidavit dated 9.4.2008 (Ex.725) that the Department of Agricultural Engineering fell within the purview of the faculty of Agriculture although the letter of the Dean, Faculty of Agricultural Engineering dated 7.4.2008 (Ex.722) included it in the Departments under the faculty of Agricultural Engineering. After seeing the letter of the Deputy Registrar (Estt.), Dr.PDKV, Akola, dated 29.10.2005 (Ex.557) addressed to the Dean, faculty of Agricultural Engineering, informing him to ask Shri A.K.Kamble, JRA borne on the establishment of the Head of the department of Agricultural Engineering, Dr.PDKV, Akola to work physically under Research Engineer AICRP on RES and HDUCES / EE Dr.PDKV, Akola, with immediate effect by way of local arrangement, and also the letter of the Head of the Department of Agricultural Engineering Dr.PDKV, Akola dated 9.11.2005 (Ex.558) addressed to Shri A.K.Kamble, JRA relieving him from his department and instructing him to physically work under Research Engineer AICRP on RES and HDUCES/EE, Dr.PDKV, Akola, he stated in para 5 of his affidavit dated 9.4.2008 (Ex.725) that it was true that the above letter would show that the control upon the department of Agricultural Engineering was of Dean, faculty of Agril.Engg. and not of Dean, Agriculture. Noneless, according to him, the said department of Agricultural Engineering fell under the purview of the Dean, faculty of Agriculture.

**775)** As the Dean, Faculty of Agricultural Engineering in his aforesaid letter dated 7.4.2008 (Ex.722) showed the department of Agricultural Engineering as one of the departments in his faculty and also showed one post of SRA (Agril.Engg.), and one post of JRA (Agril.Engg.), in the said department, the notice was issued to the Dean, faculty of Agriculture to submit the affidavit in this regard. He submitted his affidavit dated 11.4.2008 (Ex.726) in this enquiry showing in table-1, the departments under the faculty of

Agriculture as per Statute-5 of the Statutes framed under the University Act. He then showed in table-2 the departmentwise position of SRA and JRA in the departments under the faculty of Agriculture. Perusal of serial no.10 in the said table-2, would show that in the department of Agricultural Engineering under the faculty of Agriculture one post of SRA (Agril.Engg.) and one post of JRA (Agril.Engg.) were shown. It is, however, relevant to see that Statute-5 (2) enumerates the subjects comprised in each of the faculties and not the departments comprised therein as stated by the Dean, Agriculture in his aforesaid affidavit dated 11.4.2008 (Ex.726) and it is Statute No.99 which gives the departments in each faculty including Faculty of Agriculture. It is true that the department of Agricultural Engineering is shown at serial no.10 under the head (1) relating to faculty of Agriculture in the said Statute-99.

**776)** Although Dr.P.M. Nimkar, Dean, Faculty of Agricultural Engineering, had shown one post of SRA (Engg.) and one Post of JRA (Engg.) in the department of Agricultural Engineering in the said set-up of the posts in the Faculty of Agricultural Engineering in his letters dated 7.4.2008 and 29.4.2008 (Ex.722) and (Ex.735) addressed to the Deputy Registrar (Estt.), he clarified in para 8 of his affidavit dated 18.10.2008 (Ex.772) that he had shown the set-up of the posts of SRA/JRA in the said department since he was having additional charge of the said department although it was under the Dean, Faculty of Agriculture. He, however, stated in the said para 8, that the nature or type of the work of SRA/JRA in the department of Agricultural Engineering is the same which he had described in his aforesaid letter dated 29.4.2008 (Ex.735).

**777)** Perusal of his aforesaid letter dated 29.4.2008 (Ex.735), would show that in the departments of faculty of Agricultural Engineering, the following types of Scientific work based on Engineering principles are required to be carried out :

1. To collect the scientific data of Engineering subjects in order to find out the research gaps. The collected data is then to be compiled keeping in mind Engineering point of view.
2. To assist the scientists in various investigations in planning & execution of engineering experiments and collection of data. The engineering data so obtained needs to be tabulated, analyzed and interpreted.
3. To help the UG/PG project work of the students in designing and operation of the engineering experimental setups.
4. To help in preparation of various types of engineering project reports.

He therefore expressed the opinion in his aforesaid letter dated 29.4.2008 (Ex.735), that for the above stated purposes, the persons to be employed should be of Engineering

educational background only. He then stated in the said para 8 of his aforesaid affidavit that the SRA and JRA should have intensive knowledge of Agricultural Engineering to work in the said department of Agril.Engg. In other words, according to him SRA/JRA in other disciplines including SRA (Agri.) and JRA (Agri.) cannot work in the said department. He then stated that in fact in all the departments under the faculty of Agricultural Engineering and the Schemes relating thereto, SRA/JRA working therein should have intensive knowledge of Agricultural Engineering and SRA/JRA in other disciplines cannot work in the said departments / schemes.

**778)** As regards the department of Agricultural Engineering and the posts of SRA/JRA therein, Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 4 of his additional affidavit dated 29.4.2008 (Ex.733) that he had seen the affidavit of Dean, Agriculture dated 11.4.08 (Ex.726) in which in table-1, he had shown the departments in the faculty of Agriculture under his control including Agricultural Engineering, farm machinery, farm implements, physics, mathematics, irrigation and drainage, water management as shown therein as department under his control. He then stated that in his aforesaid affidavit dated 11.4.2008 (Ex.726) he had shown in table-2 the allocation of the posts of SRA/JRA in various departments in his faculty of Agriculture and so far as the department of Agricultural Engineering was concerned, he had shown one post of SRA (Agril.Engg.) and one post of JRA (Agril.Engg.) in the said department.

**779)** Dr.S.A. Nimbalkar, stated in para 5 of his additional affidavit dated 29.4.2008 (Ex.733) that he had perused the letter of Dean, Agricultural Engineering dated 7.4.2008 (Ex.722), addressed to the Deputy Registrar of the University showing the posts of SRA/JRA in the departments under his control which include the department of Agricultural Engineering showing one post each of SRA (Agril.Engg.) and JRA (Agril.Engg.) in the said department. He then stated that although technically the control over the department of Agricultural Engineering was of the Dean, faculty of Agriculture, physical or actual control of the said department of Agricultural Engineering was of the Dean, faculty of Agricultural Engineering. According to him, initially the faculty of Agricultural Engineering was not so much developed and the said department was, therefore, placed in the faculty of Agriculture and was so shown in the Statute also. He then stated that uptill now there was no amendment made in the Statute to show it in the faculty of Agricultural Engineering although actually according to him the said department of Agricultural Engineering was under the control of the faculty of Agricultural Engineering from where the teaching staff under the control of its Dean, goes to teach students the subject of Agricultural Engineering in the college of Agriculture.

**780)** As regards one post of SRA and one post of JRA shown by him in the department of Agricultural Engineering at page 73 of the Staff Position Register (Ex.875) maintained by him from 1996 to 1999, Shri B.M. Kathiwale, ex-Section officer, stated in para 12 of his

aforesaid affidavit dated 17.4.2009 (Ex.928) that the said posts shown by him in the said department of Agricultural Engineering were the posts of Agriculture.

**781)** When questioned about the posts of SRA/JRA in the Department of Agricultural Engineering, the Registrar of the University, Shri Gokul Khushal Bhusare, stated in para 3 of his affidavit dated 8.5.2008 (Ex.733) that one post of SRA and one post of JRA shown in the department of Agricultural Engineering in the University circular dated 27.2.97 (Ex.723) were the posts of Agriculture and not of Agricultural Engineering as stated by Dean faculty of Agriculture in his aforesaid affidavit dated 11.4.2008 (Ex.726), by the Dean, Agricultural Engineering in his letter dated 7.4.2008 (Ex.722) addressed to Deputy Registrar (Estt.) enclosed with the affidavit of the Section officer Shri Vinayak J.Chawre, dated 9.4.2008 (Ex.725), and by the Assistant Registrar (Estt.) Shri G.G.Tonde, in his affidavit dated 21.4.2008 (Ex.727). According to him, there was no sanctioned post of JRA (Agril. Engg.) in the University.

**782)** Although, the Registrar Shri Gokul Khushal Bhusare, stated in para 3 of his affidavit dated 8.5.2008 (Ex.733) that one post of SRA and one post of JRA in the department of Agricultural Engineering were the posts of Agriculture, he admitted in para 4 thereof that intensive knowledge of Agricultural Engineering was necessary for the persons who were to be appointed in the said posts in the said department of Agricultural Engineering and therefore the said posts should have been the posts of Agricultural Engineering in the department of Agricultural Engineering and graduates possessing degree in Agricultural Engineering should have been appointed in the said posts. However, till date, according to him, the candidates who had qualifications in Agriculture were appointed in the said posts. Further, according to him, such graduates in Agriculture appointed in the department of Agricultural Engineering were assisting their heads. He then stated that in this regard, he had asked for relevant information about the duties attached to these posts from the Dean, faculty of Agricultural Engineering, who had by his letter dated 29.4.2008 annexed to his aforesaid affidavit dated 8.5.2008 (Ex.733) and marked as (Ex.735) in this enquiry, given the nature of the duties required to be performed by SRA/JRA in the department of Agricultural Engineering.

**783)** It needs to be noticed that in his aforesaid letters dated 7.4.2008 (Ex.722), 29.4.2008 (Ex.735) Dr.P.M. Nimkar, Dean, Faculty of Agricultural Engineering as per the University Circular dated 27.2.1997 (Ex.723), had given different staff position of SRA / JRA in the departments under him including the department of Agricultural Engineering which was technically under the faculty of Agriculture as per Statute-99 referred to above. As regards the difference in the staff position of SRA shown by him in the aforesaid letter dated 7.4.2008 (Ex.722) and the letter dated 29.4.2008 (Ex.735) in which he had given revised staff position about them, he stated in para 7 of his aforesaid affidavit dated 18.10.2008 (Ex.772) that in the meeting held with the Dean Faculty of Agriculture in which the

Registrar was also present, he was told that he should submit the existing staff position only of the departments actually under the faculty of Agricultural Engineering and therefore in his aforesaid letter dated 29.4.2008 (Ex.735), he had given actually the staff position in the department under him excluding the schemes.

**ix) Sanctioned posts of SRA (Agri.Engg.)**

**784)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 67 of his affidavit dated 15.11.2007 (Ex.598) that there were 7 posts of SRA (Agril.Engg.) out of which one post was of farm group. The Assistant Registrar, Shri G.G.Tonde, also stated in his affidavit dated 21.4.2008 (Ex.727) that there were 7 sanctioned posts of SRA (Agril.Engg.) in the University. After stating in para 5 of his affidavit dated 8.5.2008 (Ex.733) that there were 7 posts of SRA (Agril.Engg.) sanctioned by the State Government/ICAR, the Registrar Shri Gokul Khushal Bhusari, annexed to his aforesaid affidavit the copies of the orders dated 26.2.1982, 2.5.1981, 23.3.1987, and 27.7.2001, by which the said 7 posts of SRA (Agril.Engg.) were created. The said orders were taken on record and marked as Exs.736 to 739 in this enquiry. He then stated that besides the above 7 posts of SRA (Agril.Engg.) which were specifically designated as the posts of Agril.Engg. and shown as such in the Registrar's circular dated 27.2.1997, he would not be able to tell whether there were any other posts of SRA / JRA in the said circular dated 27.2.1997 (Ex.723) which were not designated as the posts of Agril.Engg. but still by nature of their duties were the posts of Agricultural Engineering and were filled by the Agricultural Engineering graduates. Perusal of the University circular dated 27.2.1997 (Ex.723) letter of the Dean, faculty of Agricultural Engineering dated 7.4.2008 (Ex.722), his subsequent letter dated 29.4.2008 (Ex.735), the affidavit of the Registrar dated 8.5.2008 (Ex.733), the Movement Register (Ex.644(O)), and the revised Akrutibandh (Ex.724) would show that there is variation in regard to the total number of sanctioned posts of SRA (Agril.Engg.) in the University as well as on the question in which department under the faculty of Agril.Engg. and the ICAR Schemes there are sanctioned posts of SRA (Agril.Engg.) and their number in such departments. A chart regarding the same prepared by this office on the basis of the aforesaid documents was shown to Shri D.P. Deshmukh, as admitted by him in his affidavit dated 3.11.2008 (Ex.733) and marked as Ex.775-A is annexed to this report as **Annexure-32.**

**785)** As regards the set-up of the posts of SRA/JRA in all the departments under the faculty of Agricultural Engineering, Shri P.M. Nimkar, Dean, Faculty of Agricultural Engineering, stated in para 3 of his affidavit dated 18.10.2008 (Ex.772) that all the posts including the posts of SRA/JRA therein are manned by the persons who possess the degree in Agricultural Engineering. He categorically stated that all the posts of SRA/JRA therein are the posts of Agricultural Engineering and not the posts of any other discipline. He then stated in para 5 of his aforesaid affidavit that since the time, the faculty Agril. Engineering



was established, there were posts of SRA (Agril.Engg.) in all the departments under it except the department of Farm Power and Machinery and the department of Electrical and other Energy sources. According to him, all the posts of SRA in the schemes referred to by him in para 4 of his aforesaid affidavit such as AICRP Post Harvest Technology, AICRP Farm Implement and Machinery, Project Engineer (LFD) Wanirambapur and AICRP Dry. Land etc. were posts of SRA (Agril.Engg.). He then admitted that he committed mistake in showing one post of SRA as post of SRA (Agril.Engg.) in the Department of Electrical and other Energy Sources in his letter dated 7.4.2008 (Ex.722) addressed to the Deputy Registrar (Estt.) Dr.PDKV, Akola. As regards the post of JRA (Agril.Engg.), he stated in the said para 5 of his aforesaid affidavit that there is only one post of JRA (Agril.Engg.) which is in the department of Agricultural Engineering under the Dean, faculty of Agriculture which is already referred to in this Enquiry Report. However, according to him, there is no record in the office of the Dean, faculty of Agricultural Engineering, to show that there are definite number of posts of SRA (Agril.Engg.) fixed for various departments under him except the University Circular dated 27.2.1997 (Ex.723) in which the posts are shown in various departments under the faculty of Agricultural Engineering and the Schemes related to it. He then stated that the posts of SRA, shown therein are all the posts of SRA (Agril.Engg.) whether specifically designated or not and accordingly the recruitment is made in the said posts. He also stated that his department had not received any other circular from the University thereafter till date relating to the staff position in the University.

**786)** As regards different staff position shown by him in his letter dated 7.4.2008 (Ex.722) and the letter dated 29.4.2008 (Ex.735), Shri P. M. Nimkar, Dean, faculty of Agricultural Engineering, stated in para 7 of his aforesaid affidavit dated 18.10.2008 (Ex. 772) that since in the meeting held with the Dean, faculty of Agriculture in which the Registrar was present, he was told that he should submit existing staff position of only the departments actually under the Dean faculty of Agricultural Engineering, he had given in his subsequent letter dated 29.4.2008 (Ex.735) the actual staff position therein excluding the Schemes. He also stated that he had given in both the aforesaid letters the justification for the above staff of SRA/JRA in the faculty of Agricultural Engineering by giving type of work or duties, they were required to perform in the departments therein. As regards the set-up of the posts of SRA/JRA in the department of Agricultural Engineering shown by him in his aforesaid letters dated 07.04.2008 (Ex. 722) and 29.04.2008 (Ex. 725) he stated in para 8 of his aforesaid affidavit that he had the additional charge of the said department although it is under the Dean, faculty of Agriculture, and therefore, he had shown the set-up of the posts of SRA/JRA therein in his aforesaid letters dated 7.4.2008 (Ex.722) and 29.4.2008 (Ex.735). According to him, one post of SRA and one post of JRA in the said Department of Agricultural Engineering is the post of Agricultural Engineering since the

nature or type of work of SRA/JRA in the said department is the same which he had described in his aforesaid letter dated 29.4.2008 (Ex.735) and SRA/JRA working in the said department should have therefore intensive knowledge of Agricultural Engineering to work in the said department. Further, according to him, SRA/JRA in other disciplines including SRA (Agri.) cannot work in the said department.

**787)** As regards 3 posts of SRA (Agril.Engg.) shown by him in the department of Soil & Water Conservation Engineering in his aforesaid letters dated 7.4.2008 and 29.4.2008 (Exs. 722 and 735), Shri P. M. Nimkar, Dean, faculty of Agricultural Engineering stated in his aforesaid affidavit, dated 18.10.2008 (Ex. 772) that although in the University Circular dated 27.2.1997 (Ex.723) out of 3 posts of SRA shown in the said department only one post is shown designated as SRA (Agril.Engg.), according to him, the remaining two posts therein, although shown with general nomenclature of SRA are also the posts of Agricultural Engineering. He then stated in para 12 of his aforesaid affidavit that the department of Soil & Water Conservation Engineering and the department of Irrigation, Water Management and Drainage Engineering existed for a long time in the University as shown even in the University circular dated 27.02.1997 (Ex. 723) and had the posts of SRA (Agril.Engg.) and therefore the said departments should have been included in the Movement Register Ex. 644(O).

**788)** As regards the farm group posts of SRA (Agril.Engg.), Shri S.S.Suradkar, Deputy Registrar (Estt.) pursuant to the notice issued to the Registrar, filed the affidavit dated 2.1.2009 (Ex.825), in para 2 of which he stated that there were two Farm Group posts of SRA (Agril.Engg.) in CDF Wanirambapur, Akola as shown in the order of the Government dated 26.2.1982 (Ex.736) and not one as stated by the Assistant Registrar, Vinayak J. Chaware (it should be Assistant Registrar and not Registrar) in the last para of his affidavit dated 30.11.2008 (Ex.803) and by Shri D.P. Deshmukh, Section Assistant (Estt.), in para 67 of his affidavit dated 15.11.2007 (Ex. 598). In this regard he also annexed to his aforesaid affidavit the copy of the letter of the Project Engineer (LFD) Dr.PDKV Akola dt. 30.12.2008 (Ex.826) with the chart (Ex.827) showing the staff position in LFD, Akola in which two posts of SRA (Agril.Engg.) are shown in CDF Wanirambapur. As regards two posts of SRA (Agril.Engg.) cleared financially by the State Government by its order dated 02.05.1981 (Ex.737) for strengthening the faculty of Agricultural Engineering, he stated in para 3 of his aforesaid affidavit that the said two posts were actually shown one each in the department of Farm Structure and the department of handling and process engineering in support of which he annexed to his aforesaid affidavit the letters of the Heads of the said Departments dated 26.12.2008 and 30.12.2008 respectively (Exs. 828 and 829) which posts were vacant as shown therein.

**a) Whether there were any posts of SRA/JRA in the Deptt. of Soil Water Conservation Engineering**

**789)** As regards three posts of SRA, one with nomenclature of Agricultural Engineering and two with the general nomenclature of SRA in the department of Soil Water Conservation Engineering shown in the University Circular dated 27.2.1997 (Ex.723), Shri S.S.Suradkar, Deputy Registrar (Estt.) stated in para 4 of his aforesaid affidavit dated 2.1.2009 (Ex.825) that when the enquiry was made with the said department, the letter dated 4.4.1997 was traced addressed by Deputy Registrar (Estt.) to Prof.-cum-Head, Department of Soil Water Conservation Engineering with regard to his note no. 69/97 dated 18.3.1997. According to him, it was stated in the said letter dated 04.04.1997 that there was misprint as regards the entries at Sr.nos.4, 5,6 and 7 in the staff position shown as on 1.1.1997 in the said University circular dated 27.2.1997 (Ex.723). He, therefore, stated in the said letter dated 4.4.1997 that no posts were sanctioned for the category of SRA (Agri.), SRA (Agril.Engg.), JRA and Agricultural Assistant in the said department and he therefore, asked him to correct the office record of his department accordingly. He filed the copy of the said letter dated 4.4.1997 marked as Ex.830 in this Enquiry. As regards the aforesaid note dated 69/1997 dated 18.3.1997, he stated that he would file the same if traced.

**790)** Shri S.S.Suradkar, the then Registrar, stated in para 5 of his aforesaid affidavit dated 2.1.2009 (Ex.825) that there was one post of SRA (Agril.Engg.) in the department of Irrigation and Drainage Engineering as shown in the University Circular dated 27.2.1997 which fact was affirmed by the Head of the said Department by his letter dated 29.12.2008, a true copy of which was annexed by him to his aforesaid affidavit dated 02.01.2009 (Ex. 825) and was marked as Ex. 831 in this Enquiry. What is important to be seen is that he admitted in the said para that the said department of Irrigation and Drainage Engineering was not shown in the Movement Register Ex. 644(O) although the total number of posts of SRA shown therein was the same i.e. 159 as sanctioned in the revised Akritibandh (Ex. 724). He also admitted that no actual distribution of the posts according to the revised Akrutibandh (Ex.724) was made by the University.

**791)** As regards the office note no.69 dated 18.3.1997 referred to by Shri S.S. Suradkar in para 4 of his aforesaid affidavit dated 2.1.2009 (Ex.825), Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 1 of his additional affidavit dated 17.2.2009 (Ex.845) that he had brought the said office note dated 18.3.1997 from the office of the Department of Soil Water Conservation Engineering and was producing the same in this Enquiry. Alongwith the said office note dated 18.3.1997 was included also the verification of the staff position in the said department made by Shri B.N. Kathiwale (Ex.Section Officer) as per his office note dated 4.4.1997, in which he stated that as per the record of his department there was no post of SRA (Agri.), SRA (Agri. Engg.), JRA and AA sanctioned in the department of Soil and Water Conservation Engineering. The Head, Department of Soil Water Conservation

Engineering, after receipt of the aforesaid letter dated 04.04.1997 (Ex. 430), submitted to the Registrar, through the Dean of the said department, the office note dated 02.09.1997 requesting the University that considering the nature of work in his department and also that there were only two academic staff members in his department atleast one post of SRA (Agri. Engg.) should be sanctioned for his department. The above-referred office note of the Professor-cum-Head, Department of Soil Water Conservation dated 18.03.1997, the office note of Shri B.M. Kathiwale, Ex-Section Officer (Estt.) dated 04.04.1997, and the office note of the Head of the said department dated 02.09.1997 are collectively marked as Ex.846 in this Enquiry. Shri D.P. Deshmukh, Section Assistant (Estt.) however, admitted in para 2 of his aforesaid affidavit dated 17.2.2009 (Ex.845) that no corrigendum was issued by the University to its circular dated 27.2.1997 (Ex.723) to show the correct staff position in the department of Soil Water Conservation Engineering.

**792)** In view of the aforesaid office note of Shri B.M. Kathiwale (Ex.Section officer) dated 4.4.1997 in which it was stated that the posts of SRA (Agri.), SRA (Agril.Engg.), JRA and AA were not sanctioned in the department of Soil Water Conservation Engineering although the said posts were shown in the said dept. by the University in its circular dated 27.02.1997 (Ex. 723) notice was issued to him to appear in this enquiry. Accordingly, he appeared in this Enquiry and filed the affidavit dated 17.4.2009 (Ex.928) on the lines of his interrogation and statement made in this Enquiry. He stated in para 1 read with para 4 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that he worked from about Oct.1995 as Section Officer in D-Unit of the establishment section of the University which dealt with service matters relating to SRA/JRA/AA.

**793)** After Shri B.M. Kathiwale, Ex-Section officer, had gone through the office note no.69/1997 of the Head, Department of Soil Water Conservation Engineering dated 18.3.1997 and his remarks thereon as per his note dated 4.4.1997 collectively marked as Ex.846 in this Enquiry, when he was questioned about how the University circular dated 27.2.1997 (Ex.723) was prepared since he had stated in his aforesaid office note dated 4.4.1997, that there was no post of SRA (Agri.), SRA (Agril.Engg.), JRA, and AA in the said department of the University as shown at S.nos. 4, 5, 6 and 7 in its aforesaid Circular dated 27.2.1997 (Ex.723), he stated that the aforesaid Circular dated 27.2.1997 (Ex.723) was issued by B-Unit of the establishment section which possessed the information about all the sanctioned posts in the University. According to him, after the posts were sanctioned by the Government, their first allotment was also known to the said B-Unit but thereafter if any post was withdrawn and was allotted to some other department / office, such information was not with the B-Unit but was with the Unit dealing with service matters of the appointee in such post. Further, according to him, after getting the information and ascertaining as to which posts stand allotted in which departments/offices as on 1.1.1997, the B-Unit of the establishment section must have issued the circular dated 27.2.1997

(Ex.723) about the staff position in various departments/ offices in the University as on the said date i.e. 1.1.1997. He then stated that B-Unit takes such information from other units of the establishment section which are actually entrusted with the work relating to service matters of particular posts. He categorically stated that as D-Unit of the establishment section dealt with service matters of SRA/JRA/AA, the information about their existing staff position was gathered by B-Unit from the said D-Unit.

**794)** As regards the staff position in various departments / offices in the University as on 1.1.1997 although in para 3 of his aforesaid affidavit dated 17.4.2009 (Ex.928) Shri B.M. Kathiwale, Ex. Section officer, stated that as the incharge of D-Unit the information about the staff position of SRA/JRA/AA etc. was given by him to B-Unit before the aforesaid University Circular dated 27.2.1997 was issued by the Deputy Registrar (Estt.), however, on second thought he expressed doubt whether he was in D-Unit of the establishment section at that time when the information about the existing staff position of the posts of SRA/JRA/AA was given by D-Unit to B-Unit for the purpose of issuing the circular dated 27.2.1997 (Ex.723). He, therefore, took time to find out whether he was actually working as Section officer of D-Unit in or about 1995 or sometime in 1997. After ascertaining that he joined D-Unit of the establishment section in Oct. 1995 and was therefore working in the said Unit at the time when the aforesaid information was gathered by B-Unit from D-Unit, he retracted his aforesaid statement by stating that he did not remember whether the aforesaid information about the staff position of SRA/JRA/AA as on 1.1.1997 was collected from him by B-Unit before the aforesaid University circular dated 27.2.1997 (Ex.723) was issued. He then stated that he tried to find out from B-Unit and M-Unit also the file relating to the aforesaid University circular bearing no. BMF-0193/97 dated 27.2.1997 but he could not trace the said file in the said Units. He further stated that he searched the said file in M-Unit because the letter-M in the above no. of the circular dated 27.2.1997 (Ex.723) stood for M-Unit.

**795)** Shri B.M. Kathiwale, Ex-Section officer, stated in para 5 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that his remarks in his aforesaid note dated 4.4.1997 (Ex. 846) that no posts of SRA (Agri.), SRA (Agril.Engg.), JRA and AA were sanctioned in the department of Soil Water Conservation Engineering were based upon the staff position Register of D-Unit (Ex.875) maintained by him which he produced in this Enquiry. He then stated that neither in the index nor in the body of the said Register (Ex.875) the department of Soil Water Conservation Engineering was shown from which he drew the inference that there were no posts of SRA/JRA/AA sanctioned in the said department. As regards his staff position Register (Ex.875), he stated that he had prepared the said Register (Ex.875)

including its index from the earlier Staff position Register of their Unit i.e. the Movement Register (Ex.881) which was maintained by Shri A.B. Raut, Sr. Clerk in the said D-Unit, the reason being that he did not understand his hand-writing in the said Movement Register (Ex.881) maintained by him. He, however, stated that Shri A.B. Raut, Senior Clerk in D-Unit continued to work under him in the said post of Sr.Clerk and also continued to maintain his own Movement Register (Ex.881) but there were no double entries in the aforesaid two Movement Registers. According to him, the basis for his remarks in his aforesaid office note dated 4.4.1997 (Ex.846) that there were no posts of SRA (Agri.), SRA (Agril.Engg.), JRA and AA in the Department of Soil Water Conservation Engineering was his aforesaid Staff Position Register (Ex.875) and the aforesaid Movement Register (Ex.881) maintained by Shri A.B. Raut, Senior Clerk of D-Unit, and no other document or material. He further stated that after he was transferred as Section Officer to B-Unit, the Staff position Register (Ex. 875) opened by him was closed on 5.2.1999 by Shri A.B. Raut, Senior Clerk, D-Unit who continued to take entries regarding the staff position of SRA/JRA/AA thereafter only in his own Movement Register (Ex.881).

**796)** In order to verify whether the inference drawn by him from his own Staff position Register (Ex.875) and the Movement Register maintained by Shri A.B. Raut, Senior Clerk, D-Unit (Ex.881) that no posts of SRA (Agri.), SRA (Agril.Engg.), JRA and AA existed in the department of Soil Water Conservation Engineering, Shri B.M. Kathiwale, Ex-Section Officer, stated in para 6 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that he searched all the previous Registers of D-Unit showing the staff position of SRA/JRA/AA maintained by the then concerned Officers of D-Unit. After finding them out, he produced them in this Enquiry through Shri D.P. Deshmukh, who was presently working as ASO of D-Unit. As they did not bear any title, they were given the following nomenclature and the exhibit numbers for the sake of convenience and their identification. The said Staff Position Registers are :

- 1) Staff Position Register No.1 (Ex.871)
- 2) Staff Position Register No.2 ( Ex..872)
- 3) Staff Position Register No.3 ( Ex.873)
- 4) Staff Position Register of D-Unit (Ex-875)

He then stated in the said para 6 of his aforesaid affidavit that his remark in his aforesaid office note dated 4.4.1997 (Ex.846) that there were no posts of SRA/JRA/AA in the Department of Soil Water Conservation Engineering as shown in the University Circular dated 27.2.1997 (Ex.723), stood supported by the above staff position Registers relating to the posts of SRA/JRA/AA, (Exs. 871 to 873 and 875).

**797)** Shri B.M. Kathiwale, Ex-Section officer, stated in para 7 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that the department of Soil and Water Management Engineering was created in the University in the year 1981 and the staff position of SRA/JRA/AA in the said department at that time could be seen in the Staff Position Register no.1 (Ex.871). He then stated that at page 79 of the said Staff Position Register no.1 (Ex.871) the staff position of the department of Soil and Water Management Engineering including the Vidarbha Soil Conservation and Demonstration Scheme shown was two posts of SRA (Agri.), one post of SRA (Engg.), one post of JRA and 5 posts of AA. In this regard, it may be seen that as per the order no. BCA/2175 of the University dated 20.7.1982 (Ex.894) filed in this Enquiry with his affidavit dated 21.3.2009 (Ex.891) by Shri Sameer Ahmad presently working as Section Officer of B-Unit of the establishment section the said Vidarbha Soil Conservation and Demonstration Scheme which was under the Director of Farms, CRS, PKV, Akola was transferred to the department of Soil & Water Management Engineering. Perusal of Annexure-I to the aforesaid order dated 20.7.1982 (Ex.894) would show that in the staffing pattern of Vidarbha Soil Conservation and Demonstration Scheme, there were two posts of Agricultural Officer equivalent to SRA, one post of Agricultural Supervisor equivalent to JRA and 5 posts of Agricultural Assistant.

**798)** Shri B.M. Kathiwale, further stated in para 7 of his aforesaid affidavit dated 17.04.2009 (Ex. 928) that at page-22 of the Staff Position Register no.2 of D-Unit (Ex.872) the staff position of SRA/JRA/AA in Vidarbha Soil Conservation and Demonstration Scheme was shown according to which, as stated above there were two posts of SRA, one post of JRA, and 5 posts of AA included in the said scheme. He also stated that at the top of the said page no.22 of the said Staff Position Register no.2 (Ex.872) it was written that Vidarbha Soil Conservation and Demonstration Scheme was transferred to Director of Farms, CRS as per the order no. BBM/0188 dated 30.6.1988, a copy of which was filed by him in this Enquiry and marked as Ex.852. It thus appears that the said scheme which was previously under the Director of Farms CRS and was transferred to the Dept. of Soil Water Management Engineering as per the aforesaid order of the University dated 20.7.1982 (Ex.894) was re-transferred to Director of Farms CRS as per the aforesaid order dated 30.6.1988 (Ex.852).

**799)** Shri B.M. Kathiwale, ex-Section Officer, stated in para 8 of his affidavit dated 17.4.2009 (Ex.928) that the Soil & Water Management Engineering department was bifurcated into the department of Soil & Water Conservation Engineering including surveying and levelling (SWCE), and the department of Irrigation, Water Management, Drainage Engineering, Soils & Soil Mechanics ( IDES) in 1992 vide the University order no. BBD/6391 dated 29.1.1992 referred to under the head "Read" in the University order no. BBD/6391 dated 27.4.1992 (Ex.897) filed by Samir Ahmad, Section Officer, B-Unit with his affidavit dated 25.3.2009 (Ex.891). He further stated that by the aforesaid order no.

BBD/6391 dated 27.4.1992 (Ex.897), the staff of the erstwhile department of Soil & Water Management Engineering was bifurcated and was allotted as shown in the said order dated 27.4.1992 (Ex.897), perusal of which would show that one post of SRA was allotted to IDES and no post of SRA was shown therein as allotted to SWCE.

**800)** Shri B.M. Kathiwale, ex-Section officer, stated in para 8 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that one post of SRA allotted to IDES was the post of SRA (Agril.Engg.) existing in the original department of Soil & Water Management Engineering. According to him, the aforesaid department of IDES should have been therefore shown in the Staff Position Register of the D-Unit (Ex.881) maintained by Shri A.B. Raut, the then Sr. Clerk, as there was one post of SRA (Agril.Engg.) in the said department as per the aforesaid order dated 27.4.1992 (Ex. 897) about allotment of staff on bifurcation of the original department of Soil & Water Management Engineering. But then according to him, the said post of SRA Engineering, in the Department of IDES was, however, shown at page 25 of the aforesaid Staff Position Register no.2 (Ex.872) of D-Unit under the head “SRA Engineering”.

**801)** When his statement was being recorded in this Enquiry on 23.3.2009, Shri B.M. Kathiwale, ex-Section officer, produced the Staff Position Register which was originally maintained by him after he joined the post of Section officer in D-Unit. The said Register is named as Staff Position Register no.4 in this Enquiry. It is taken on record and is marked as (Ex.899). He stated in para 13 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that at page-108 of the said Staff Position Register (Ex.899), he has shown one post of SRA (Engg.) in the department of IDES under the head “SRA Engg.”. Similarly, according to him, at page 109 of the said Staff Position Register (Ex.899) there is one post of SRA (Engg.) shown by him in Dry Land Project. He then stated that since the said Register (Ex.899) was in torn condition, he prepared a new Staff Position Register which was already filed by him and was taken on record and was marked as Ex.875. He further stated that although earlier when his statement was being recorded, he did not find the above entries of SRA (Engg.) in his aforesaid new Register (Ex.875) he now found that the said entries were recorded in the said Staff Position Register (Ex.875) on pages 140 and 142 respectively under the head “SRA Engg.”.

**802)** Shri B.M. Kathiwale, Ex-Section officer, stated in para 9 of his affidavit dated 17.4.2009 (Ex.928) that by the order of the Registrar dated 5.2.1994 issued with the approval of the Vice-Chancellor, a copy of which he filed in this Enquiry and was marked as Ex.853, an independent “Water Shed Management Research Unit” was established in Dr.PDKV, Akola. He further stated that in order to establish the said Research Unit, the staff previously working in the “Rainfed Farming Project, Manoli” which was closed w.e.f. 31.12.1993 as per the University orders referred to in the aforesaid order dated 5.2.1994 (Ex.853) was transferred to it and the existing “Soil Conservation and Demonstration



Scheme in Vidarbha” was also amalgamated with it. The posts and the staff allotted to the said “Water Shed Management Research Unit” w.e.f. 1.2.1994 was shown under the head “Statement” in the said order dt. 5.2.1994 (Ex.853). As regards the set-up of the posts of SRA/JRA/AA in the said independent “Water Shed Management Research Unit”, the entries 5 to 12 thereunder would show that two posts of SRA (Agri.), one post of JRA, and 5 posts of Agricultural Assistant, with the staff working therein in the erstwhile “Soil Conservation and Demonstration Scheme in Vidarbha” were transferred to the said independent Water Shed Management Research Unit created under the aforesaid order dated 5.2.1994 (Ex.853). Shri B.M. Kathiwale, ex-Section officer, stated in para 9 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that at page S.no.29 of the Staff Position Register no.3 (Ex.873), the said “Water Shed Management Research Unit”, Akola, is shown in which the aforesaid staff position of SRA/JRA/AA is shown. He then stated that on the next page of the Staff Position Register no.3 (Ex.873), the staff position of SRA/JRA / AA in Soil Conservation and Demonstration Scheme in Vidarbha is shown as cancelled by scratching it in view of its amalgamation in the newly created “Water Shed Management Research Unit”.

**803)** Referring to page S.no.78 in the said Staff Position Register No.3 (Ex.873) which contains the staff position under the head “SRA Engineering”, Shri B.M. Kathiwale, ex-Section officer, stated in para 10 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that the post of SRA (Engg.) is shown in the department of IDES upon the said page which does not show the department of Soil Water Conservation Engineering including surveying and levelling because there is no post of SRA (Engg.) in the said department. According to him, the said department is not at all shown in the said Staff Position Register no. 3 (Ex.873) because there are no posts of SRA/JRA/AA in the said department.

**804)** On the basis the above material brought by him on record in this Enquiry, Shri B.M. Kathiwale, Ex-Section officer, stated in para 11 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that two posts of SRA (Agri.), one post of JRA and 5 posts of AA shown in the original department of Soil & Water Management Engineering including Soil Water Conservation and Demonstration Scheme in Vidarbha on page 79 of the Staff Position Register no.1 (Ex.871) were really the posts in the aforesaid Scheme in Vidarbha and were not the posts in the department of Soil and Water Management Engineering as such and therefore, as shown above, after the new Water Shed Management Research Unit was established by amalgamation of the aforesaid scheme with it as per the aforesaid order of the University dated 5.2.1994 (Ex.853), the above posts in the aforesaid scheme in Vidarbha stood transferred to it. There was thus only one post of SRA (Agril. Engg.) in the original department of Soil & Water Management Engineering which, after its bifurcation into the Department of Soil and Water Conservation Engineering including Surveying & levelling, and the department of Irrigation, Water Management, Drainage Engineering,

Soils & Soil Mechanics (IDES) was allotted to the department of IDES as per the aforesaid order dated 27.4.1992 (Ex.897). There was, thus, according to him, no posts of SRA/JRA/AA in the department of Soil & Water Conservation Engineering as stated by him in his aforesaid note dated 4.4.1997 (Ex.846) which staff position was communicated to the Head of the said Department, SWCE by the aforesaid letter of the Deputy Registrar (Estt.) dated 4.4.1997 (Ex.847).

**b) Corrections proposed by Shri B.M. Kathiwale in his office note dated 4.4.1997 (Ex.846) carried out in the University Circular No. BMF-0193/98 dated 16.3.1998**

**805)** Shri B.M. Kathiwale, ex-Section officer, stated in para 14 of his aforesaid affidavit dated 17.4.2009 (Ex.928) stated that he had now seen the University Circular no. BMF-0193/98 dated 16.3.1998. He then stated that the corrections proposed by him as per his aforesaid note dated 4.4.1997 (Ex.846) which were not carried out by amending the aforesaid University Circular dated 27.2.1997 (Ex.723) were carried out in the aforesaid University Circular dated 16.3.1998 (Ex.880) and no posts of SRA/JRA/AA were shown therein in the Department of Soil and Water Conservation Engineering, Dr.PDKV, Akola. He further found that one post of SRA (Agril.Engg.) was shown therein in the Department of Irrigation, Water Management, Drainage Engineering, Soils & Soil Mechanics (IDES) Dr.PDKV, Akola, which was transferred to the said department after bifurcation of the original Soil and Water Management Engineering Department. A copy of the said Circular dated 16.3.1998 was filed by Shri D.P. Deshmukh, Section Assistant (Estt.) with his affidavit dated 21.3.2009 (Ex.870) and was marked as (Ex.880) in this Enquiry. Shri D.P. Deshmukh infact filed in this Enquiry the circulars relating to the Staff Position in various posts in the departments / schemes in the University from 1994 to 1998 (Exs. 876 to 880). Shri Anees Hamid Khan, working as Lower Grade Stenographer in the office of the Deputy Registrar (Estt.), Dr.PDKV, Akola, stated in para 3 of his affidavit dated 4.4.2009 (Ex.905) that there were extra copies of such circulars made and therefore, from such extra copy of the University Circular dated 16.3.1998 (Ex.880) available in the office of the Dy. Registrar (Estt.), Shri D.P. Deshmukh, Section Assistant (Estt.) might have prepared the copy filed by him in this Enquiry.

**c) Whether the University circulars showing the staff position in various departments/Schemes etc. of the University were prepared in B-Unit of establishment Section.**

**806)** As regards the question whether the University Circulars showing the Staff Position in various departments / schemes etc of the University were prepared in B-Unit of its establishment Section, Shri P.R. Rahate, who was Section officer in the said B-Unit filed the affidavit in this Enquiry in which he stated that he was Section officer in the said Unit

from 1978 to 1985 whereafter for sometime till 1991 he worked as Section officer in the Examination Section and was then again re-transferred in 1991 to B-Unit where he worked till the date of his retirement i.e. 28.2.1999. He stated that B-Unit dealt with the service matters relating to the posts of Assistant Professor and above. As regards the G.Rs. relating to sanctioned posts received in B-Unit, he stated that the said unit was concerned only with the sanctioned posts of Assistant Professors and above and the work relating to recruitment, posting, transfer, promotion etc. in the said posts was done in the said Unit. He then stated that the information about the sanctioned posts of Assistant Professor and above and their allocation in various departments etc. was only maintained in the said B-Unit and not about all the sanctioned posts and their allocation to various departments/ schemes in the University. As regards the information gathered for preparing the University Circular no. BMF/0192/97 dated 25.2.1997 (Ex.723), he stated that the information relating to the said circular was not compiled in B-Unit and its draft was also not prepared in it. There is thus, according to him, no information in B-Unit on the basis of which the said Circular no. BMF/0192/97 dated 27.2.1997 (Ex.723) was issued. He then stated that in the letters BMF in the number of the above circular dated 27.2.1997 (Ex. 723) the letter "B"-indicates establishment section, the next letter "M"-indicates M-unit relating to Class-IV employees and the letter "F"-indicates the file of the concerned Unit. According to him, he, therefore, felt that the information about the aforesaid Circular dated 27.2.1997 (Ex.723) must have been gathered and compiled by M-Unit of the establishment section on the basis of which it must have been issued.

**807)** Shri Anees son of Hamid Khan, who worked as Lower Grade Stenographer of the Deputy Registrar in Dr.PDKV, Akola since 1992, after seeing the letter of the Deputy Registrar (Estt.) by which the University Circular dated 2.2.1994 showing the Staff Position in various departments/ schemes etc. in the University as on 1.1.1994 was forwarded to the Head, IDES, Dr.PDKV, Akola, admitted that the name of the addressee upon the said letter was in his hand-writing. He also stated that a copy of the University Circular dated 11.6.1996 filed in this Enquiry was taken from the office copy in the office of the Deputy Registrar (Estt.).

**808)** Shri Anees Hamid Khan stated in para 2 of his affidavit dated 4.4.2009 (Ex.905) that the work of collecting the relevant information and documents and compiling them for the purpose of issuing the University circular regarding the Staff Position in the University as on a particular date was done by Shri Gomase. He further stated in para 2 of his aforesaid affidavit that the above information was collected by him from various units in the establishment section dealing with service matters of various posts in the University. As regards the information given by various units to B-Unit of the establishment section about the position of the posts in various departments/ schemes in the University, he stated that the responsibility was of the concerned Unit of the establishment section upon whom there

was obligation to verify whether the information given by them about the posts in their units was correct or not. In fact, according to him, after the information was collected and compiled, Shri Gomase used to give the said compiled data to the concerned unit to verify whether the information given therein was correct or not and after it was thus verified and was received back by him, he i.e. Shri Anees Hamid Khan, Lower Grade Stenographer of the Deputy Registrar (Estt.), used to type the said compiled data for the purpose of issuing the University Circular showing the Staff Position as on particular date in that year.

**809)** Shri Anees Hamid Khan stated in para 3 of his affidavit dated 4.4.2009 (Ex.905) that Shri Gomase was working as Section Assistant in B-Unit and the work assigned to him was of collecting information and documents from the various departments/ schemes etc. in the University for the purpose of issuing the circular to show the staff position in the University as on a particular date which was ordinarily the first day of the year. He then stated that Shri Gomase used to keep the record of such information and documents etc. in his own B-Unit and not in the office of the Deputy Registrar (Estt.). According to him, even the University Circular which was finally issued used to be with Shri Gomase in his own almirah where he kept the information and the documents collected by him from various units of the establishment section and the data compiled by him from the same for the purpose of issuing such circular about the staff position in the University.

**810)** The University had filed the affidavit dated 07.11.2009 (Ex. 961) in which it is stated that Shri G. R. Gomashe worked as Section Assistant in “B” Unit of the establishment section of the University from 17.04.1978 till 19.05.1998 on which date he had died. He was thus the concerned Section Assistant when the University circulars for the years 1994 to 1998 (Ex. 876 to 880) were prepared and issued.

**811)** Shri Anees Hamid Khan then stated in para 3 of his aforesaid affidavit dated 04.04-2009 (Ex. 903) that such information, documents, compiled data and the circular showing the staff position in the University were not in the custody of the Deputy Registrar (Estt.) except when if some time there were extra copies of such circular they would remain in the office of the Deputy Registrar (Estt.). He categorically stated in para 4 of his aforesaid affidavit that the work of collection of information and compilation of data for the purpose of preparing and issuing the circular to show the Staff Position in the University was not done in M-Unit of the establishment section which only supplied the necessary information about class-IV employees for preparation of such circular as the work relating to their service matters was done in the said Unit.

**812)** Shri V.D. Dhore, stated in his affidavit dated 7.4.2009 (Ex.908) that he was working as Jr. Clerk in M-Unit of the Establishment Section since 2003. He then stated that as Junior Clerk, he was maintaining the record of correspondence and other record of M-Unit in the establishment section which dealt with the service matters of Class-IV employees

including daily wages workers. He further stated that all the records of the M-Unit were kept in almirah and were maintained by him and S.O. of the said Unit. He also stated that he had searched the whole almirah but he did not find any information and documents on the basis of which the University Circular dated 27.2.1997 (Ex.723) was issued. In fact, according to him, he did not find any such information about any such circular being issued from M-Unit. As regards the no. BMF, he stated that it was the previous no. for the purpose of correspondence and now its number is BMC for the said purpose.

**813)** It is clear from the above affidavit of Shri Anees Hamid Khan, Lower Grade Stenographer of Deputy Registrar (Estt.), dated 4.4.2009 (Ex.905) that all the relevant information and documents for the purpose of issuing the University Circular regarding the Staff Position in the University was collected by B-Unit from other units in the establishment section dealing with service matters of particular posts in the University and after compilation of such information and its verification by the concerned Unit, the University circular relating to the staff position in the University was prepared and issued by it. All such original information, documents etc. collected from various units in the establishment section including the original circulars showing staff position in the University were kept in B-Unit. This is also clear from para 3 of the affidavit of Shri B.M. Kathiwale, dated 17.4.2009 (Ex.928) who stated therein that the information about various posts in various departments/ offices/ schemes etc. in the University was collected by B-Unit of the establishment section from the various units in it concerned with the service matters of particular posts in the University and that after collecting such information and getting it verified from the concerned unit, the said B-Unit issued the circular about the staff position in the University as on particular date. It may be seen in this regard that after the retirement of Shri P.R. Rahate, he worked as Section Officer in B-Unit from 1999 to 2001 as stated by him in para 14 of his aforesaid affidavit dated 17.4.2009 (Ex.928). The affidavit dated 21.3.2009 (Ex.898) filed in this Enquiry by Shri P.R. Rahate, who worked as Section officer in B-Unit till his retirement, stating in para 2 therein that no information relating to the circular showing the staff position in the University was collected or compiled in B-Unit and that no draft of such circular was prepared in the said unit and therefore there is no such information in B-Unit on the basis of which the circular dated 27.2.1997 (Ex.723) was issued cannot be believed.

**814)** The inference drawn by Shri P.R.Rahate, ex-Section officer of B-Unit in para 3 of his aforesaid affidavit dated 21.3.2009 (Ex.898) that since the letter "M" in the University circular no. BMF-0193/97 dated 27.2.1997 (Ex.723) indicates "M" unit, the information about the said circular dated 27.2.1997 (Ex.723) must have been compiled by M-Unit of the establishment section on the basis of which the said circular dated 27.2.1997 (Ex.723) must have been issued also cannot be believed in view of the affidavit of Shri V.D. Dhore, Junior Clerk in M-Unit of the establishment section dated 7.4.2009 (Ex.908), in which he stated

that when he searched all the records of M-Unit maintained by him and the S.O. of the M-Unit, he did not find any information and documents in the said M-Unit on the basis of which the aforesaid circular dated 27.2.1997 (Ex.723) was issued but found only the files relating to service matters of Class-IV employees whose service matters were dealt with in the said M-Unit. His affidavit in this regard is corroborated by Shri B.M. Kathiwale, ex-Section officer, B-Unit who stated in para 4 of his affidavit dated 17.4.2009 (Ex.928) that he searched the files relating to the University circular dated 27.2.1997 (Ex.723) in M-Unit also but he could not trace the same in the said Unit.

**815)** Similarly, the aforesaid affidavit of Shri P.R.Rahate, ex-Section Officer, B-Unit in para 1 of which he stated that the G.Rs. relating to all sanctioned posts in the University and their allocation to various departments/ schemes etc. in the University were not maintained in B-Unit also cannot be believed because Shri B.M. Kathiwale, who was also ex-Section officer in B-Unit stated in para 3 of his affidavit dated 17.4.2009 (Ex.928) that the information about G.Rs. regarding all the sanctioned in the University was with B-Unit and that after the posts were sanctioned by the Govt. the first allotment of the said posts in the departments/offices in the University was also known to B-Unit but thereafter if the first allotment of any sanctioned post was changed and was withdrawn and new allotment was made to some other departments/ offices/ schemes etc. the said information was not with the B-Unit but was with the Unit dealing with service matters of such post.

**816)** Perusal of para 15 onwards and in particular para 17 of the aforesaid affidavit of Shri B. M. Kathiwale, Ex- Section Officer, dated 17.04.2009 (Ex. 928) would show that as Section officer of B-Unit till his transfer from the said post i.e. from 1999 to 2001 or 2002 he was associated with the work of preparation of revised Akrutibandh-2003 (Ex.724) relating to the sanction to be given by the State Govt. to the posts in the Agricultural Universities in the State including Dr.PDKV, Akola. As stated by him in paras 15 and 16 of his aforesaid affidavit, in this work of preparation of the Revised Akrutibandh 2003 (Ex.724), he assisted the Director of Research who was authorized by the then Vice-Chancellor of the University to apprise MCAER and the Secretary, Agriculture Department of the State Govt. about the requirements of various posts in the University. It then appears from para 17 of his aforesaid affidavit that he attended the meetings with the above authorities when he was Section officer of B-Unit in the establishment section. He stated therein that he collected the relevant information from various units in the establishment section and verified the same from the office record to determine whether there were any deficiencies / mistakes in the said information collected by him. What is material to be seen therein is that all the information collected by him and placed before the State Govt. was kept by him in B-Unit i.e. the office copies of the information in the prescribed pro-forma and the computerized information received from various units and the departments/ schemes concerned approved by the Vice-Chancellor and supplied to the State Govt. In

fact, as stated in para 18 of his aforesaid affidavit, he produced in this Enquiry the main file bearing no. BBE/0421(I) year 2001 (Ex. 900) relating to the review of the posts of teaching and non-teaching staff in the University which, as its cover page shows, was from B-Unit of the establishment section.

**817)** Shri Janardan N. Bute, who worked as Section Officer in B-Unit of the Establishment Section as stated by the University in its affidavit dated 07.11.2009 (Ex.961), produced in this enquiry the xerox copies of the G.Rs. dated 11.9.2002 (Ex.901-A) and 29.11.2003 (Ex.901-B) regarding the reduction of the posts in the University contained in the file no. BBE/0421 (V) brought from B-Unit of the Establishment Section referred to above. He stated in his affidavit dated 07.04.2009 (Ex. 909) that the State Govt. had reduced 83 posts in the University out of which 4 posts which were reduced were of SRA (Agri.) in the Department of Agronomy, Forestry, RRC Amravati, and Agricultural Processing Unit which was clear from the particulars given by the University to the State Government. He further stated that by G.R. dated 29.11.2003 (Ex.901-B) 70 posts in Dr.PDKV, Akola were reduced by the Government but there were no posts of SRA in the said 70 posts. Thus, according to him, in total 153 posts reduced in Dr.PDKV, Akola, there were 4 posts of SRA, none of which was of Agricultural Engineering as could be seen from the two G.Rs. referred to above. He then stated that in the light of the above two G.Rs. reducing 153 posts in the University, the Registrar had issued an order dated 20.3.2004 (Ex.901) in which he had shown in Schedules -A and B the departments and the posts reduced therein as per the aforesaid 2 G.Rs. dated 11.9.2002 (Ex.901-A) and 29.11.2003 (Ex.901-B).

**818)** It is thus clear that the information about the sanctioned posts in the University is with B-Unit and this B-Unit collects all the relevant information about various posts in the University from the concerned units in the establishment section and after compiling them prepares and issues the circular about the staff position in the University issued under the signature of the Deputy Registrar (Estt.). As already stated, the affidavit in this regard of Shri P.R. Rahate, Ex-Section officer of B-Unit cannot be believed and it appears that he had tried to avoid supplying the relevant information in this enquiry.

**d) Preparation of Revised Akritibandh 2003 (Ex. 724), the posts of SRA (Agril. Engg.) and JRA (Agril. Engg.) as proposed by the University for inclusion in the Revised Akritibandh, 2003 (Ex. 724)**

**819)** The State Government as per its notification dated 29.11.2003 (Ex.724-A) issued the revised Akrutibandh-2003 (Ex.724) sanctioning various posts in the Agricultural Universities in the State including Dr.PDKV, Akola. As regards the work of preparation of the revised Akrutibandh-2003 (Ex.724), Shri B.M.Kathiwale, ex-Section Officer, stated in para 15 of his affidavit dated 17.4.2009 (Ex.928) that he was associated with the said work

from 1991 to 2001 or 2002 till he was transferred on promotion as Assistant Registrar in the College of Agriculture, Nagpur. He stated that the Govt. had started from 1999 the work of taking review of all posts in the Agricultural Universities with a view to effect economy by reducing some posts in the University regarding which it issued another notification dated the same i.e. 29.11.2003 (Ex.724-B). He further stated that he had gone with the truck load of documents containing the information about all the posts in the University to apprise MCAER about the requirements of the said posts in the University after which he had gone to the Secretary, Agricultural Department of the State Government, Mumbai to apprise him about the same. He then stated in para 16 of his aforesaid affidavit that the Director of Research was mainly authorized by the then Vice-Chancellor of the University to apprise the aforesaid concerned authorities about the requirements of various posts in the University and he used to accompany him to assist him in the said work. The State Govt. required them to give information to it in the prescribed proforma according to which they supplied the required information to the Govt. According to him, till 2001 or 2002 i.e. till, as stated above, he was transferred to Nagpur, he attended the meetings with the Government about the aforesaid work of supplying the information to the Government about the requirements of various posts in the University.

**820)** Shri B.M.Kathiwale, ex-Section officer, stated in para 17 of his affidavit dated 17.4.2009 (Ex.928) that he attended these meeting with the Government when he was Section officer of the B-Unit in the establishment section. He further stated that he collected the relevant information from various units in the establishment section and verified the same from the office records to determine whether there were any deficiencies / mistakes in the said information collected from various units. He also stated that all the information collected by him and placed before the State Govt. was kept by him in B-Unit i.e. the office copies of the information in prescribed proforma and the computerized information received from various units and the departments/schemes concerned approved by the Vice-Chancellor and supplied to the Govt.

**821)** As regards the work relating to review of the posts of teaching and non-teaching staff in the University, Shri B.M. Kathiwale, produced the file in this Enquiry bearing no. BBE/0421 (II) year 2001, marked as Ex. 900 in this enquiry relating to review of the posts of teaching and non-teaching staff in the University which file is from 'B' Unit of the establishment section as its cover page shows. The said file (Ex. 900) contained the letter of the Registrar Dr. PDKV, Akola dated 17.1.2002 at page 201/C addressed to the Secretary of the Agricultural Department of the State Government. As stated in the said letter dated 17.1.2002 the University submitted its proposal for filling the vacant posts excluding the Farm Group Posts as per the directions given by the Secretary, Agricultural Department of the State Government in the meeting with him on 7.1.2002. Alongwith the said letter dated



17.01.2002 were included various charts in Schedule-two in which the review of the posts of teaching and non-teaching staff in the University was taken.

**822)** Starting from page 205/C of the said file (Ex.900), is the chart No.1 about the “Administrative Group” which is not relevant for the posts of SRA (Agril.Engg.) and JRA (Agril.Engg.). The chart No.2 relating to “Higher Education Group” starts from page 221/C and is relevant in this Enquiry. Page 237/C onwards contains the information about the posts relating to Agricultural Engineering. At page 237/C, under the Head, “Department of Agricultural Engineering”, one post each of SRA and JRA is shown at Sr.nos. 5 and 6. Although Shri B.M. Kathiwale, stated in para 12 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that the said posts of SRA/JRA are of Agriculture, the Dean, Faculty of Agricultural Engineering in his letter dated 07.04.2008(Ex. 722) and also para 8 of his affidavit dated 18.10.2008 (Ex. 772) and the Dean, Faculty of Agriculture, in his affidavit dated 11.4.2008 (Ex. 726) have both stated that the said posts of SRA/JRA are of Agricultural Engineering. Although the said department of Agricultural Engineering is under the Faculty of Agriculture, the duties and responsibilities of the said posts can be discharged only by the persons having degree in Agricultural Engineering as stated by the Dean, Agricultural Engineering in para 8 of his affidavit dated 18.10.2008 (Ex. 772) referred to above and as even admitted by the then Registrar Shri Gokul K. Bhusare, in his affidavit dated 08.05.2000 (Ex.733).

**823)** Shri B. M. Kathiwale, Ex- Section Officer, stated in the said para 18 of his affidavit dated 17.04.2009 (Ex. 928) that one post of SRA each shown in the departments of Farm Structure Engineering, Irrigation and Drainage Engineering, and Agriculture process Engineering, at pages 239/C, 241/C and 243/C of the said file (Ex.900) is of SRA (Agril.Engg.).

**824)** Turning to the next chart No.5 relating to “Research Group” starting from page 285/C of the said file (Ex.900), there are 4 posts of SRA shown in Dry Land Project, Akola at page 333/C out of which according to Shri B.M. Kathiwale, Ex-Section officer, as stated by him in para 18 of his aforesaid affidavit dated 17.4.2009 (Ex.928) one post is of Agricultural Engg. Further, according to him, at page 337/C of the said chart no.5, there are two posts of SRA (Agril.Engg.) shown in “Post Harvest Technology” and at page 351/C, there is one post of SRA (Agril.Engg.) shown in All India Renewable Energy Source, Akola. Shri B.M. Kathiwale, stated in para 18 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that the total number of posts of SRA (Agril. Engg.) in the University was 7, excluding farm group Posts. However, if one post of SRA and one post of JRA in the department of Agricultural Engineering are the posts of Agril.Engg. as stated by the Deans Faculty of Agril. Engineering and Faculty of Agriculture in their affidavits referred to above and are taken into account there would be 8 posts of SRA (Agril.Engg.) and 1 post of JRA (Agril.Engg.) in the University.

**825)** As regards the posts of SRA in Farm Group, Shri B.M. Kathiwale, stated in the said para 18 of his aforesaid affidavit dated 17.4.2009 (Ex.928) that as per the G.R. no. PKV-1281/16385-20-A dated 20.2.1982, there were two posts of SRA sanctioned in LFD CDF Wanirambapur out of which according to him one post was of Agriculture and one post of Agricultural Engineering, but when he was confronted with the copy of the said G.R. dated 26.2.1982 (Ex.736) included in the affidavit of the then Registrar Shri Gokul K. Bhusare, dated 8.5.2008 (Ex.733), he had to admit that both the posts of SRA sanctioned therein were of Agricultural Engineering. Similarly, when he saw his own Staff Position Register (Ex.875), he admitted that he had shown at page No. 40 therein two posts of SRA (Agril.Engg.) in LFD Wani-Rambapur.

**e) Posts of SRA (Agril.Engg.) and JRA (Agril.Engg.) as per the revised Akrutibandh (Ex.724)**

**826)** Perusal of revised Akrutibandh (Ex.724) would show that in “Higher Education Group” at page-41 thereof under the head “Agricultural Engineering College, Akola, are shown 3 posts of SRA at Sr.no.7. The said 3 posts are of Agricultural Engineering as stated in para 18 of his affidavit dated 17.4.2009 (Ex.928) by Shri B.M. Kathiwale, about the proposal submitted by the University to the State Govt. as per its letter dated 17.1.2002 at page 201/C of the file Ex.900 referred to hereinbefore, one post each being in the department of Farm Structure Engineering, Irrigation and Drainage Engineering, and Agriculture Process Engineering at pages 239/C, 241/C and 243/C of the aforesaid file (Ex.900).

**827)** Turning to page 72 of the revised Akrutibandh-2003 (Ex. 724) under the head “Post Harvest Technology” in “Research Group” 2 posts of SRA are shown at Sr.no.3 which as proposed by the University in Chart-5 (Page 337/C) annexed to its aforesaid letter dated 17.1.2002 are of Agricultural Engineering as stated by Shri B.M.Kathiwale, ex-Section officer in para 18 of his aforesaid affidavit dated 17.4.2009 (Ex.928). Similarly, as stated by him in the said para 18, there are, 4 posts of SRA shown in AICRP Dry Land Agriculture on the same page of the revised Akrutibandh 2003 (Ex.724) sanctioned by the State Govt. for the said project, out of which one post is of SRA (Agril.Engg.). Similarly, one post of SRA shown at S.no.2 at page 74 of the aforesaid revised Akrutibandh-2003 (Ex.724) for All India Renewable Energy Source, Akola, is of Agricultural Engineering as stated by him in the said para 18 of his aforesaid affidavit dated 17.4.2008 (Ex.928).

**828)** As regards one post of SRA and one post of JRA in the department of Agricultural Engineering under the faculty of Agriculture, it may be seen that in the “Higher Education Group” under the head, Associate Dean, PGI, Akola”, the sanctioned posts of SRA and of JRA shown at page 42 of the revised Akrutibandh-2003 (Ex.724) are 30 and 10 respectively although previously the posts of SRA shown under him were 32 as given

therein. Perusal of the said page-42 of the revised Akrutibandh-2003 (Ex.724) shows that under the head, Associate Dean, PGI, Akola, there are 10 sanctioned posts of Heads of the Departments in the University which means that there are 10 Post-graduate departments in the University. The revised Akrutibandh does not show the distribution of 30 posts of SRA and 10 posts of JRA in the above 10 Post-graduate departments of the University and no distribution of the posts sanctioned as per the revised Akrutibandh-2003 (Ex.724) was made by the University as it had done by its earlier circular dated 27.2.1997 (Ex.723) as stated by Shri Gokul K. Bhusare in the last para of his affidavit dated 17.9.2008 (Ex.768) and also by Shri S.S. Suradkar, Deputy Registrar (Estt.), in para 5 of his affidavit dated 2.1.2009 (Ex.825).

**829)** However, in the proposal of the University sent with its aforesaid letter dated 17.1.2002 included in the file (Ex.900) referred to hereinbefore, these 10 departments are shown in “Higher Education Group” in chart-2 annexed to it in which one post each of SRA and JRA is shown under the Head, Department of Agricultural Engineering at page 237/C of the said file (Ex.900). Although Shri B.M. Kathiwale, in para 18 of his aforesaid affidavit dated 17.4.2009 (EX.928) and Shri Gokul Khushal Bhusare, the then Registrar of the University in para 3 of his affidavit dated 8.5.2008 (Ex.733) stated that the said posts are the posts of Agriculture, the Deans of the Faculty of Agricultural Engineering and the Faculty of Agriculture, in their affidavits referred to above and Shri G.G.Tonde, the Assistant Registrar (Estt.), in his affidavit dated 21.4.2008 (Ex.724) stated that the said posts are the posts of Agricultural Engineering. The then Registrar Shri Gokul K. Bhusare however, admitted in para 4 of his aforesaid affidavit that intensive knowledge of Agricultural Engineering is necessary for the person who is to be appointed in the said posts of SRA and JRA in the department of Agricultural Engineering and therefore the said posts should have been the posts of Agricultural Engineering and a graduate possessing the degree in Agricultural Engineering should have been appointed in the said posts.

**830)** Thus, according to the revised Akrutibandh-2003 (Ex.724), excluding one post of SRA and one post of JRA in the Department of Agricultural Engineering, the total number of posts of SRA (Agril.Engg.) are 7 and if one post of SRA and one post of JRA in the department of Agricultural Engineering is of Agricultural Engineering as stated by the Deans, Faculty of Agricultural Engineering and the Faculty of Agriculture in their affidavits referred to above, the total number of posts of SRA (Agril.Engg.) would be 8 and there would be one post of JRA (Agril.Engg.). A chart (Ex.775-A) showing the above posts of SRA (Agril.Engg.) is already annexed in para 784 of the Enquiry Report under the head “Sanctioned Posts of SRA (Agril.Engg.)” which in the remarks column about the Dept. of Agricultural Engineering shows one post of JRA (Agril.Engg.). The topic about the post of JRA (Agril.Engg.) in the University is separately considerably in paras 774 to 783 of the Enquiry Report under the head “Whether the Dept. of Agricultural Engineering

is under the control of the Dean, Faculty of Agriculture or the Dean, Faculty of Agricultural Engineering and what about the posts of SRA/JRA therein”.

**x) Sanctioned posts of SRA in Bio-Technology/ Bio-chemistry**

**831)** As already referred to above, the Assistant Registrar Shri G.G.Tonde, annexed to his affidavit dated 21.4.2008 (Ex.727) the order dated 25.6.2001 (Ex.729) which is also annexed by Shri Vinayak J. Chaware, Asstt. Registrar (Estt.) with his affidavit dated 4.11.2008 (Ex.776) and is marked as Ex.no.781. As already stated, the said University order dated 25.6.2001 is referred to in this Enquiry Report as Ex.no.781. By the said order dated 25.6.2001 (Ex.781), an independent Bio-technology Centre was created under the Head, Department of Agricultural Botany, Dr.PDKV, Akola, and two posts of SRA were allotted to the said Bio-technology Centre by withdrawing two posts of SRA, one each from STRU, Akola and ARS Sindewahi. As regards the Bio-Technology Centre, the said order dated 25.6.2001 (Ex.781), would show that there was already staff working in Bio-technology under the Head, department of Agricultural Botany, Dr.PDKV, Akola, which included one SRA. There were thus 3 sanctioned posts of SRA (Bio-technology) in the independent Bio-technology Centre established under the Head, Department of Agril. Botany in Dr.PDKV, Akola, as admitted also by the Dean, faculty of Agriculture in his affidavit dated 27.8.2008 (Ex.764). The Registrar Shri Gokul Khushal Bhusari, did not however refer to the aforesaid existing post of SRA in Bio-technology in the department of Agricultural Botany when he stated in para 5 of his affidavit dated 8.5.2008 (Ex.733) that there were 2 sanctioned posts of SRA in Bio-technology. However, he referred to the said existing post of SRA in Bio-technology in para 1 of his affidavit dated 17.9.2008 (Ex.768) which would show that even according to him, there were 3 sanctioned posts of SRA (Bio-technology) under the Head, Department of Botany in the University.

**832)** Although the order dated 25.6.2001 (Ex.781) issued by the Registrar, shows that there was independent Bio-technology Centre created under the Head, Department of Agricultural Botany, Dr.PDKV, Akola, where there were 3 posts of SRA (Bio-technology), Dr.S.A. Nimbalkar, stated in para 10 of his affidavit dated 14.1.2008 (Ex.658) that in order to boost-up the department of Bio-technology / Bio-chemistry, it was decided that 5 posts of Bio-technology/Bio-chemistry should be advertised and that since there was no separate sanctioned strength in the posts of Bio-technology/Bio-chemistry, the said 5 posts should be carved out of 29 posts of SRA (Agri.) and should be advertised separately for recruitment of the candidates who fulfilled the qualifications for the posts of Bio-Chemistry/Bio-technology. Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, however, stated in para 4 of his additional affidavit dated 29.4.2008 (Ex.733) that he had seen the orders dated 25.6.2001 (Exs.729 and 730) relating to the posts in Bio-technology Centre and Computer Centre which were issued in pursuance to the decision of MCAER

and the Vice-Chancellors of all four Agricultural Universities in the State and by the order and approval of the Vice-Chancellor of this University i.e. Dr.PDKV, Akola.

**833)** Dr.V.D. Patil, the Dean Agriculture and Chairman of the Selection Committee, also stated in para 24 of his affidavit dated 25.12.2007 (Ex.645) that as regards 5 posts of Bio-technology/Bio-chemistry which were advertised in the advertisement dated 14.8.2004 (Ex.2), there was no sanctioned strength for these posts in the University. According to him, the Hon'ble Vice-Chancellor, might have obtained the approval of the Executive Council for the said posts. He then stated that the said posts of Bio-chemistry/Bio-technology were not filled since the existing work in the field was sufficient for the existing staff i.e. the Assistant Professors. According to him, the said posts appeared to have been carved out from the sanctioned strength of SRA (Agri.). He also stated that Dr.PDKV, Akola, was in the process of developing the branch of Bio-technology which process was still continuing. According to him, they needed academic staff of the Assistant Professors for teaching and Research work in the said field of Bio-technology.

**834)** As the 5 posts advertised were of Bio-Technology/Bio-Chemistry and as the aforesaid order dated 25.6.2001 (Ex.781) showed that the independent Centre of Bio-technology was created under the Head, Department of Agricultural Botany, a notice was issued to the Registrar, to clarify whether the said Bio-technology Centre included the subject of Bio-chemistry also. He was, further directed to clarify whether there were two posts deployed for the posts of Bio-chemistry as the aforesaid order dated 25.6.2001 (Ex.781) showed that there were 3 sanctioned posts in the subject of Bio-technology. In answer, the Registrar filed the affidavit dated 17.9.2008 (Ex.768) in which he stated that the Bio-Chemistry aspect was the part and parcel of the Bio-technology Unit, which was newly established as per the aforesaid order dated 25.6.2001 (Ex.781), as it involved the work of research in various Biological aspects such as Molecular Biology, Micro-Biology, Bio-chemistry, Genetical Engineering etc. According to him, he made the above statement in consultation with the Head, Department of Agricultural Botany under whom Bio-technology Unit was established. As pointed out in para 1 of his aforesaid affidavit, there were already 3 sanctioned posts in independent Bio-technology Centre established as per the order dated 25.6.2001 (Ex.781) and as regards the remaining 2 posts of SRA as required for the Bio-technology Centre which were taken into consideration for advertisement by deployment in future, he stated that the University had not issued the administrative order for the deployment of the said two posts although the need to have specific posts in the subject of Bio-technology in the Bio-technology Unit of the University was expressed in the discussion with the then Hon'ble Vice Chancellor by the then Director of Instructions and accordingly the advertisement was put-up specifying the posts for Bio-technology/ Bio-chemistry which was approved by the Authority.

**835)** As per the advertisement dated 14.08.2004 (Ex.2), there were 5 posts of Bio-Technology/Bio-Chemistry advertised by the University. At page C/7 of the file Ex.40(O) relating to the advertisement dated 14.8.2004 (Ex.2) there is a note by the Assistant Registrar, Shri P.V.Behare, in his own handwriting that 29 posts of Agriculture included 4 posts, 2 each in Bio-Technology and Bio-chemistry. In fact, as shown above, there were actually three posts of Bio-Technology in 5 posts of Bio-Technology/Bio-Chemistry advertised in the advertisement dated 14.8.2004 (Ex.2) and since the Assistant Registrar, Shri P.V.Behare, in his note referred to above stated that there were 2 posts of Bio-Chemistry, the Dean, faculty of Agriculture, was issued notice to clarify whether there were any post of SRA (Bio-Chemistry) in the faculty of Agriculture. In pursuance to the above notice, he filed the affidavit on 27.8.2008 (Ex.764) in which he stated that the University had established a new center of Bio-Technology under the Head, Department of Agricultural Botany and two posts of SRA were redeployed from other Research Scheme and one post of SRA from the department of Agricultural Botany posted in Bio-Technology Centre, thus, allocating 3 posts of SRA to Bio-Technology Centre. However, according to him, there was neither sanctioned nor redeployed posts of SRA in the subject of Bio-Chemistry.

**836)** As regards his note “29 posts include 4 posts, 2 each in Bio-technology and Bio-chemistry”, at page C/7 of the file Ex.40(O) relating to the advertisement, Shri P.V.Behare stated in para 4 of his affidavit dated 16.9.2008 (Ex.767) that although there was formal order dated 25.6.2001 issued for deployment of two posts from the existing available posts for Bio-technology Centre, such formal order did not appear to have been issued for deployment of two posts of Bio-chemistry. He stated in para 1 of his aforesaid affidavit that it was decided in the discussion between the Vice-Chancellor and the Director of Instructions to develop and to strengthen the branch of Bio-technology/Bio-chemistry and for that purpose the posts were to be earmarked by way of deployment from the existing available posts in the University. He observed in para 6 of his aforesaid affidavit that the dealing Assistant who maintained the necessary record and the register of the posts should have deleted the posts of SRA under STRU, Akola and ARS Sindewahi and showed two posts of Bio-technology in lieu thereof. According to him, had there been necessary changes made as per the aforesaid order dated 25.6.2001 (Ex.781) by showing the availability of posts of Bio-technology, then in the bifurcation of the then 29 vacant posts of SRA (Agri.), the position would have been 27 SRA (Agri.) and 2 posts of SRA (Bio-technology) with the remarks that 27 posts included 2 in Bio-chemistry since the posts were to be provided from the existing strength.

**837)** As regards the question whether 5 posts of Bio-technology/Bio-chemistry advertised in the advertisement dated 14.8.2004 (Ex.2) could be utilized for selection and appointment of SRA (Agri.) therein, it needs to be seen that Dr.V.D. Patil, the Chairman of

the Selection Committee, stated in para 23 of his affidavit dated 25.12.2007 (Ex.645) that after discussion with the officers of the Registrar's office, it was decided that they should first take interviews for the posts of SRA (Agri.) and JRA (Agri.) and then consider the question of taking interviews for the other posts of SRA and JRA advertised in the said advertisement dated 14.8.2004 (Ex.2). He then stated that when the candidates who had applied for the posts of SRA (Computer), SRA (Bio-technology), SRA (Agril.Engg.), JRA (Computer) were enquiring from him as to on which date their interviews were fixed, he told them that the question of taking their interviews would be considered after the interviews for the posts of SRA (Agri.)/JRA (Agri.) were over. According to him, there was no decision taken that the interviews for the other posts of SRA/JRA referred to above would not be taken at all.

**838)** Dr. V. D. Patil, the Chairman of the Selection Committee, however stated in para 24 of his aforesaid affidavit dated 25.12.2007 (Ex. 645) that 5 posts of Bio-Technology/Bio-Chemistry advertised were not filled since according to him, the existing work in the field was sufficient for the existing staff i.e. the Assistant Professors although he also stated that the process of developing the branch of Bio-Technology was continuing and was not complete and they needed the academic staff of the Assistant Professors for teaching and research work in the said field of Bio-Technology. As regards 5 posts of Bio-Technology, he stated that there was no sanctioned strength for the said posts in the University and that the said posts appeared to have been carved out from the sanctioned strength of SRA (Agri.).

**839)** It is pertinent to see that although an independent Bio-Technology Centre was established under the control of the Head, Department of Agricultural Botany, by the University order dated 25.06.2001 (Ex. 781), the said independent centre was not shown either in the Staff Position Register (Ex. 881) or in the Movement Register (Ex. 644(O)) prepared by Shri D. P. Deshmukh, Section Assistant (Estt.) on the basis of the said previous Register (Ex. 881). The Movement Register Ex. 644(o) further shows 4 posts of SRA which means SRA (Agri.) in the Department of Agricultural Botany. The previous Register (Ex. 881) however, shows that originally there were two posts of SRA under the Head, Department of Agricultural Botany but by withdrawal of two posts of SRA, one each from Seed Monitoring Cell and ARS, Sindewahi (Paddy) and their allotment to this department the total number of posts of SRA therein became 4. Perusal of pages 101 and 138 of the Staff Position Register (Ex. 881) relating to Paddy Research Unit and Seed Monitoring Cell shows that one post each from the said Unit and the Cell was withdrawn and allotted to the independent Bio-Technology Centre under the control of the head, Department of Agricultural Botany by University order dated 25.06.2001 but on pages 27 and 16 in the previous Register (Ex. 881) and the Movement Register Ex. 644(O) relating to Head,

Department of Botany the independent Bio-Technological Centre is not shown at all and all the 4 posts are shown in the said department of Agricultural Botany.

**840)** An extract of pages 27 and 16 relating to the posts of SRA in the Department of Botany shown in the Staff Position Register (Ex. 881) and the Movement Register (Ex. 644(O)) prepared with great difficulty from the said Registers which are not maintained properly is reproduced below.

Page 27 of the previous Register Ex. 881.

Department of Botany

Senior Research Assistant - 2 posts

Post withdrawn from Seed Monitoring Cell 1 and

Paddy, Sindewahi 1.

$$2 + 1 + 1 = 4$$

Sr. No.	Name of the Candidate	Qualification	Joining	Relieved	Remarks
1.	Shri B. G. Mahurkar	Ph.D. Botany	28.11.1994	23.04.2001	Promoted to A.P. 11 months.
2.	Shri H. K. Kene	Ph.D. Botany	31.12.1997	23.04.2001	Promoted to A.P. 11 months.
3.	Shri S. M. Bhoyar, (JRA)	Ph.D. Chemistry	01.01.2002	16.07.2002	Posted at LRM Scheme under H.D. Chemistry but Physically working in Bio-Technology Centre.
4.	Shri W. V. Belsare	M.Sc. Botany	26.06.2001	01.12.2001	Promoted to A.P. 11 months by order 1.12.2001.
5.	Shri R. S. Raut, JRA posted against the post of SRA	M.Sc. Extension			Study leave for Ph.D. from 05.02.2004 to 04.02.2004
6.	Shri P. A. Nahate	M.Sc. Chemistry	19.07.2002		12 months SRA Physically working at Parks and Gardens

**The Register page 16 of Ex. 644-(O)**

Sr. No.	Name of the Candidate	Qualification	Joining	Relieved	Remarks
1.	Shri R. S. Raut	Extension			Study leave
2.	Ku. A. P. Jagtap	M.Sc. Botany	19.09.2005		New appointment
3.	Shri P. A. Nahate	M.Sc. Chemistry	19.07.2002	31.03.2005 (Retired)	12 months SRA, Physically working at Parks and Gardens
4.	Shri S. R. Pohare	M.Sc, A.H.D.S.	06.11.2006	01.06.2007	Physically working at CSPO, CDF, Wanirambhapur
5.	Shri M. N. Ingole	M.Sc. Plant Pathology	21.10.2003	31.07.2006	Physically working at CSPO, CDF, Wanirambhapur
6.	Shri W. K. Shembekar	M.Sc. Botany	20.09.2005	29.05.2007	Transfer from APC Scheme dated 15.09.2005.

**N.B.** It appears that one of the two posts of SRA allotted to the independent Bio-Chemistry Centre is not withdrawn from S.T.R.U., Akola, as shown in the University order dated



25.06.2001 (Ex. 781), but one post of SRA from Seed Monitoring Cell is withdrawn and allotted to the said independent Bio-Technology Centre as shown on page 138 of the Staff Position Register (Ex. 881) lateron 3 posts of SRA existing in S.T.R.U. were withdrawn and instead 3 posts of JRA were created therein as per the order dated 12.07.2002 as shown on page No. 186 of the aforesaid Register (Ex. 881).

The above extract shows that all the four posts of SRA were filled by the candidates having degree in SRA (Agri.) and no post of SRA was filled therein by the candidates having qualifications in Bio-Technology. It further shows that they need not have qualification in the discipline of Agricultural Botany also.

**xi) Sanctioned posts of SRA (Computer) and JRA (Computer)**

**841)** By order dated 25.6.2001 (Ex.779), issued by the Registrar, referred to above an independent Computer Centre was established in the University under the control of the Director of Research, Dr.PDKV, Akola and 4 posts of SRA redesignated as Computer operator were created in the said Computer Centre by withdrawing 3 posts of SRA from A/D, A.C. Nagpur, and one post of SRA from H.D. Agril.Chemistry. Similarly, 4 posts of JRA (Computer) were created in the said Computer center by withdrawing one post of JRA each from ARS Sakoli, ARS Navegaonbandh, ARS Katol and Chilli Veg. Res. Unit, Akola and allotting them to the said Computer Centre. However, in the chart showing the Departmentwise sanctioned posts of SRA/JRA as per Akrutibandh (Ex.756) annexed to the affidavit of the Registrar Shri Gokul Khushal Bhusari, dated 17.5.2008 (Ex.754) in Computer Centre at serial no.19 the sanctioned posts of SRA/JRA shown are 6 each. Perusal of Akrutibandh shows that at page-52 thereof in "Research Group" the sanctioned posts shown are "in the Directorate of Research, Computer Centre, Akola", which would mean that all the six posts of SRA/JRA shown therein are not purely of Computer Centre as shown in the aforesaid Chart (Ex.756). There are thus only 4 sanctioned posts of SRA/JRA in the said independent Computer Centre established under the Director of Research, Dr.PDKV, Akola, as per the aforesaid order dated 25.6.2001 (Ex.779).

**xii) Sanctioned posts of Senior Technical Assistant in independent Estate Unit under the control of the University Engineer.**

**Evaluation of two posts of Senior Technical Assistant allotted to Independent estate unit under the control of the University Engineer established as per the aforesaid order dated 25.6.2001 (Exs. 780) not done.**

**842)** Perusal of the University Circular dated 27.2.1997 (Ex.723) would show that in the set-up of the posts in the office of the University Engineer shown therein there were no posts of SRA or Senior Technical Assistant but as stated hereinbefore in the topic relating to the establishment of independent Centers/Units in the University, for the first time two

posts of Senior Technical Assistant were created in the Independent Estate Unit established under the Control of the University Engineer as per the order dated 25.6.2001 (Ex.780) by the allotment of two surplus posts of SRA, one each from H.D. Agronomy, Akola and Chilli Research Unit, Akola with the revised designation as Senior Technical Assistant. It is however, not stated by the University in the said order dated 25.6.2001 (Ex.780) or anywhere else that the said posts were in the cadre of SRA, muchless that they were posts of SRA (Agri.) or SRA (Agril. Engg.)

**843)** Without referring to the University order dated 25.06.2001 (Ex. 780) establishing independent Estate unit under the control the University Engineer, the Registrar of the University Shri Gokul K. Bhusare stated in his affidavit dated 17.09.2008 (Ex. 768) that the post in the office of the University Engineer, was earmarked as Senior Technical Assistant (SRA) by way of deployment from the existing sanctioned posts of Senior Research Assistant. Therefore, according to him, the said two posts of Senior Technical Assistant in the office of the University Engineer were from the cadre of SRA only. He, however, admitted that there is no specifically mentioned post of SRA in the office of the University Engineer in the revised Akrutibandh (Ex.724). It is material to see that wherever the posts are differently designated but are of SRA cadre it is so shown in the University circular dated 27.2.1997 (Ex.723). Even in the order of the University dated 27.7.2001 (Ex.739) enclosed by the Registrar Shri Gokul K. Bhusare, himself, with his affidavit dated 8.5.2008 (Ex.733), in item-2 the post of Senior Mechanic is shown as equivalent to the post of SRA (Agril.Engg.) by bracketing it with the said post.

**844)** The Registrar of the University Shri Gokul K. Bhusare, then stated in his affidavit dated 17.9.2008 (Ex. 768) that the need of the post was assessed due to paucity of staff under the University Engineer specially for Estate Section and maintenance of University property records. He further stated that as regards the duties, some duties of the post of SRA which were of administrative nature were expected to be performed by the S.R.A. provided in the office of the University Engineer specially related to the Estate Section. According to him, their services were also utilised for survey of land etc. He, however, admitted in the last para of his aforesaid affidavit dated 17.9.2008 (Ex.768) that the duties and responsibilities of the post of Senior Technical Assistant shown on the establishment of the University Engineer were not specified.

**845)** Since the aforesaid affidavit of the Registrar Shri Gokul K.Bhusare, dated 17.9.2008 (Ex.768) did not appear to be satisfactory in this regard, notice was issued to the University Engineer, to appear in this enquiry to depose about the set-up of his office in general i.e. about the work and the activities carried on in the said office, and, in particular, the duties and responsibilities of the posts of Senior Technical Assistant created in the independent Estate Unit in his office for the first time by the aforesaid order dated 25.06.2001 (Ex. 780) and included in the revised Akrutibandh 2003 (Ex.724), which was made applicable as per

Government notification dated 29.11.2003 (Ex. 724-A) Shri S.M. Tale, the Associate Professor in Soil Water Conservation Engineering Department, faculty of Agricultural Engineering, Dr.PDKV, Akola, appeared pursuant to the said notice, and filed his affidavit dated 20.9.2008 (Ex.770) on the lines of his interrogation and statement in this enquiry.

**846)** Dr.S.M.Tale, stated in para 1 of his aforesaid affidavit dated 20.9.2008 (Ex.770) that he was holding the additional charge of the post of University Engineer since 17.8.2007. He then stated in para 2 that he was aware of the work done in the office of the University Engineer. According to him, the work in the said department was about planning, preparing estimate of the development and infrastructure work in the University, to prepare proposal for funding to give technical sanctions to the estimate, to make budgetary provisions for various works, estate management and various maintenance works. He then stated that for carrying out the above works in the said department, the following staff was employed besides the University Engineer, the Head of the office.

- i) Assistant University Engineer - 3 posts, out of which 2 on works and 1 on electrical side
- ii) Sectional Engineer - 10 posts, out of which 6 are filled on works side and 1 on electrical side
- iii) Administrative Side - Project Officer  
Accounts officer  
Tender Section  
Rent Section

He then stated in para 3 of his aforesaid affidavit that the duties of the Project officer were to scrutinize the proposals of various departments received by the University Engineer and place them for technical sanction before him. According to him, he also prepared the new proposals for funding, and was working on works procedure relating to various proposals / projects etc.

**847)** Dr.S.M.Tale, stated in para 4 of his aforesaid affidavit dated 20.9.2008 (Ex.770) that besides the administrative side, on field side, there were posts of Draughtsman, Assistant Draughtsman, Tracer, and other necessary staff including two posts of Senior Technical Assistant. He then stated that although the qualifications for the post of Senior Technical Assistant and also its duties and responsibilities were not laid down by the University, the said posts were treated as posts of SRA (Agri.). He further stated that the duties of the Senior Technical Assistant were about the Land Surveying, Estate Management, Assessment of losses, Fixing of Boundaries etc. According to him, they

would take help of Senior Technical Assistant for farm side development whereas Sectional Engineer was helpful in purely civil works.

**848)** Dr.S.M. Tale, stated in para 5 of his affidavit dated 20.9.2008 (Ex.770) that according to him, a graduate/ post graduate in Agriculture had some basic knowledge about Agricultural Engineering as the said subject was taught in B.Sc. (Agri.) course and therefore, he could do the work of land survey and estate management upon the farms. He admitted that a graduate/post graduate in the faculty of Agricultural Engineering had also basic knowledge about Agriculture besides intensive knowledge about Agricultural Engineering. He also admitted that Farm and Agro-Industries Structure, Roads and Civil Engineering was a subject taught to him in the course of Agricultural Engineering and therefore he had better knowledge about the work and the activities carried out in the office of the University Engineer, Land Survey and Estate Management. He however, stated that according to him no thought was given to the post of Senior Technical Assistant and the post was yet to be evaluated and its duties and responsibilities fixed. After seeing page 2, item 3 of the University Circular dated 27.2.1997 (Ex.723), he admitted in para 6 of his aforesaid affidavit that there was no post of Senior Technical Assistant or SRA shown therein in the set-up of the office of the University Engineer. He also admitted that at pages 33 - 34 of the revised Akrutibandh, 2003 (Ex.724,) in the set-up of the office of the University Engineer, the post shown at S. No. 29 was of Senior Technical Assistant but it was not shown therein that it was in the cadre of SRA, much less that it was of SRA (Agri.).

**849)** After seeing the Movement Register (Ex.644(O)) in which the appointment, posting and transfer etc. of SRA/JRA/AA in various departments of the University are shown, Dr.S.M. Tale, stated in para 7 of his affidavit dated 20.9.2008 (Ex.770) that it appeared from the said Movement Register (Ex.644(O)) that after the revised Akrutibandh came into force w.e.f. 29.11.2003, for the first time in the office of the University Engineer, two posts of SRA (Agri.) were shown therein. He also stated that against the said two posts of SRA (Agri.) in the office of the University Engineer shown in the said Movement Register, Ex. 644(O), the appointments of two candidates selected in the posts of SRA (Agri.) pursuant to the advertisement in question dated 14.8.2004 (Ex.2) were also shown in Sept. 2005. He, however, admitted that the said appointments were made only on paper because both the persons appointed in these posts were actually posted and were physically working in other Agriculture departments in the University as shown therein. He also admitted that since the time he had taken additional charge of the office of the University Engineer, he had not seen any SRA working in the said department doing the aforesaid duties of the post of Senior Technical Assistant relating to Land Survey and Estate Management. It is necessary to notice that two posts created in the independent Estate Unit under the control of the

University Engineer as per order dated 25.06.2001 (Ex. 780) are of Senior Technical Assistant and not of SRA as shown in the said Movement Register Ex. 644(O).

**850)** Dr.S.M.Tale admitted in the last para 8 of his affidavit dated 20.9.2008 (Ex.770) that as regards the duties of the post of STA narrated by him and also as regards the question whether the graduate in Agriculture can perform the said duties of Senior Technical Assistant, he had no personal knowledge because during the time he had additional charge of the said office, no SRA (Agri.) actually worked as Senior Technical Assistant in the said office.

**851)** The opinion of Dr.S.N. Mendhe, who was working as Prof. of Agronomy and Estate Officer-2 in the College at Agriculture, Nagpur, was sought in this regard and he was directed to submit a note about the working of Estate Section in the College of Agriculture at Nagpur, and posting of Estate Officer and Senior Technical Assistant in the office of the University Engineer, Dr.PDKV, Akola. Accordingly, he submitted his note in this Enquiry marked as (Ex.801). He stated in para 1 of his note (801) that there were two Estate Officers in the College of Agriculture at Nagpur and in addition to his own duties, he was holding the charge of the Estate Officer-II where he looked after the landed property belonging to the College. He then stated that his work included the work relating to protection of land and its measurement whenever taken by the appropriate Authority, the maintenance of record and related court cases. He then stated in para 2 that the Estate Officer-I looked after the maintenance and repairs of Building, Structure, Fencing and other related works in the College of Agriculture, Nagpur, with financial power to the extent of Rs.50,000/- delegated to the Associate Dean of the said College. He then stated that presently Shri P.L. Narnaware, Prof. of Agricultural Engineering, College of Agriculture, Nagpur, was working as Estate Officer-1, under the control of its Associate Dean. He then gave in para 3 of his note (Ex.801) the staff employed in the Estate Section at Nagpur which did not show any employment as Senior Technical Assistant therein.

**852)** As regards the work to be done by the Senior Technical Assistant in the Estate Unit under the control of the University Engineer, at Dr.PDKV, Akola, Dr. S. N. Mendhe stated in para 4 of his note dated 21.11.2008 (Ex.801) that the work in the office of the University Engineer was only restricted to the construction of new buildings, their maintenance and repairs. He then stated that the developmental work of the farms in the University i.e. Soil and Water Conservation, Irrigation and Drainage, Water Harvesting including construction of farm ponds etc. was also to be carried out by the University Engineer's office. He also stated that for execution of the said work, the persons (Staff) who acquired degree from Agriculture or Agricultural Engineering faculty were must. He further stated that there were certain courses like Rainfed Agriculture, farm layout development and management, field plot technique and water management including micro irrigation etc. taught in the Agricultural Faculty. Similarly, according to him, there were some courses like

Fundamental soil and water conservation engineering, Farm power and machinery, Protected cultivation/Green house and Post harvest technology, water management including micro-irrigation etc. taught in the Agricultural Engineering discipline of Agriculture faculty. Further, according to him the above courses dealt with the technique and measures of Soil and Water Conservation, concept of development and management of watershed, irrigation and drainage, farm layouts, farm roads, farm structures, surveying, levelling, farm power and machinery, green house technology, etc. Moreover, according to him, there were certain courses like principles and practices of water management, dry land farming, soil conservation and watershed management etc., taught at post graduate level in the Agronomy discipline which also dealt with soil and water conservation, irrigation and drainage and watershed management.

**853)** Shri S.N. Mendhe, thereafter, stated in his note dated 21.11.2008 (Ex. 801) that in the faculty of Agricultural Engineering also, there were certain causes like surveying and levelling, soil and Water Conservation Engineering, Irrigation Engineering, Drainage Engineering, Watershed development and management, which dealt with soil and water conservation, irrigation, drainage and watershed management. Therefore, in his opinion, if such farm developmental activities were carried out by the University Engineer's Office, then persons either from Agriculture Faculty or from Agricultural Engineering faculty were necessary as they were equally competent for carrying out such activities because they possessed enough knowledge for the same.

**854)** Lastly, Shri S.N. Mendhe stated in his note dated 21.11.2008 (Ex. 801) that as per his knowledge, such activities were also carried out by the department of Agriculture in the State of Maharashtra for the benefit of the farmers by the staff having their degree in the Faculty of Agriculture irrespective of their specialization.

**855)** It is, however, clear that the University has not evaluated the said post of Senior Technical Assistant in the independent Estate Unit under the control of the University Engineer and decided about the duties and responsibilities to be discharged by the person to be appointed in the said post as also about its qualifications i.e. whether it should be faculty of Agriculture or Agricultural Engineering or any of them or some other qualifications. It is further clear that no person appointed in the said post is actually working in the said post but is physically working in some other post, in the Agriculture department of the University as shown in the Movement Register (Ex. 644(O)). Further, the Movement Register (Ex. 644(O)) does not show the designation of the said post in the office of the University Engineer as Senior Technical Assistant which is the post actually created in the independent Estate Unit under the control of the University Engineer as per the order dated 25.06.2001 (Ex. 780) but shows the designation as SRA which actually means SRA (Agri.) according to Shri D.P. Deshmukh, Section Assistant (Estt.) who maintained the said Register (Ex. 644(O)). As already stated the said post of Senior Technical Assistant is not

shown either in the said order dated 25.6.2001 (Ex. 780) or anywhere else by the University as the post of SRA, much less of SRA (Agri.).

**xiii) Sanctioned posts of SRA (Agri.) and JRA (Agri.)**

**856)** It is necessary to see that the Registrar of the University Shri G.K. Bhusare, stated in para 2 of his affidavit dated 8.5.2008 (Ex.733) that the nomenclature of the posts of SRA/JRA in the revised Akrutibandh-2003 (Ex.724) is general and there is no nomenclature therein such as SRA (Agri.), SRA (Agril.Engg.), SRA (Computer), SRA (Bio-technology/Bio-Chemistry), JRA (Agri.), JRA (Computer), JRA (Agril.Engg.) etc. According to him, the University had given nomenclature to the posts of SRA/JRA which were sanctioned posts in Agricultural Engineering, Computer and Bio-technology and except such designated posts, all the remaining posts were of SRA (Agri.) and JRA (Agri.) although the said posts were shown by their general nomenclature SRA and JRA. He then stated in para 5 of his affidavit dated 8.5.2008 (Ex.733) that he would not be able to tell whether there were any other posts of SRA/JRA in the aforesaid University Circular dated 27.2.1997 (Ex.723) which although not designated as the posts of Agricultural Engineering, still are such posts by reason of nature of duties required to be performed therein.

**857)** Shri D.P. Deshmukh, Section Assistant (Estt.), also made similar statement in para 60 of his affidavit dated 15.11.2007 (Ex.598). According to him, in his Movement Register (Ex.644(O)), the posts of SRA and JRA which are not shown therein with specific designations are the posts of SRA (Agri.) and JRA (Agri.). He stated in para 3 of his additional affidavit dated 17.5.2008 (Ex.753) that he had given the designations to the posts of SRA/JRA in his Movement Register (Ex.644(O)) by seeing the same in the previous Staff Position Register of D-Unit (Ex.881) maintained by Shri A.B. Raut, the then Senior Clerk. He however, stated that he did not know from which old Register the designations were given in the said previous Register (Ex.881).

**858)** Shri D.P. Deshmukh, Section Assistant (Estt.) stated in detail in para 1 of his affidavit dated 3.11.2008 (Ex.773) how he prepared his Movement Register Ex. 644(O) from the previous Staff Position Register (Ex.881) maintained by Shri A.B. Raut after he joined in 2002 'D' unit of the establishment section relating to service matters of SRA/JRA/AA/LSS. He stated that he prepared the index to his Movement Register (Ex. 644(O)) showing the departments and the schemes in the University which were included in the said previous Register (Ex. 881). He further stated that in the previous Register (Ex.881), in its index, the number of posts of SRA/JRA/AA/LSS in each department/scheme in the University and their designations such as SRA (Agri. Engg.), SRA (Computer), etc. were not shown but he had shown them in the index to his aforesaid Movement Register Ex. 644(O). According to him, all the posts of SRA/JRA shown by him

in the index to his Movement Register Ex. 644(O) without giving the designation as SRA (Agri.) and JRA (Agri.) were of Agriculture.

**859)** Shri D. P. Deshmukh, Section Assistant (Estt.) stated in para 2 of his affidavit dated 03.11.2008 (Ex. 773), that while preparing his own Movement Register (Ex.644(O)) or after it was prepared he did not enquire as to how many departments/schemes existed in the University and also how many posts were there in the said departments/schemes. According to him, he also did not know as to who had allotted and also determined the strength of the said posts in various departments/ schemes in the University. He then stated that he did not know anything about the University circular dated 27.02.1997 (Ex. 723) and the information given in it about various posts shown in various departments/ schemes included in it. He further stated that the said circular dated 27.2.1997 (Ex.723) was not available in his office although the Registrar's office itself had issued it. It is important to see that according to him, all the matters relating to the appointment, transfer, promotion etc. of SRA/JRA/AA/LSS including the vacancy position in the said posts are decided on the basis of the information contained in the said Movement Register (Ex. 644(O)) because according to him he supplied the information to his Superior officers from the said Register (Ex.644(O)). He then stated that the said Movement Register (Ex. 644(O)) is not verified by his superior officers.

**860)** Shri D. P. Deshmukh, Section Assistant (Estt.) then stated in para 3 of his aforesaid affidavit dated 03.11.2008 (Ex. 773) that he had not shown the Soil and Water Conservation Engineering Department and the Irrigation, Water Management and Drainage Engineering department (IDES) in his Movement Register (Ex.644(O)) because according to him, the said departments were not shown in the previous Staff Position Register (Ex.881). He also stated that he had not made any enquiry whether the said departments existed in the University or not. As the said departments were not shown in the previous Movement Register (Ex.881), he thought that the posts of SRA/JRA did not exist in the said departments and therefore he did not make any enquiry about them. He admitted that they were the departments of Agricultural Engineering. He then stated that he had seen the revised Akrutibandh-2003 (Ex.724) sanctioned by the State Government but he had not made any changes in his Movement Register according to the posts shown in each department in the said revised Akrutibandh-2003 since he did not receive any direction regarding the same from the University.

**861)** Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 4 of his aforesaid affidavit dated 3.11.2008 (Ex.773) that he had shown two posts of SRA in the office of the University Engineer in his Movement Register (Ex.644(O)) from the previous Movement Register (Ex.881). It is pertinent to see that in the said previous Movement Register (Ex. 881), in referring to the transfer order of Shri P. A. Kahate, the designation of the said post is shown as Senior Technical Assistant although he had shown two posts of SRA in



“Establishment of Estate Unit under the University Engineer” at page 1 of the said Register (Ex. 881). According to Shri D. P. Deshmukh, Section Assistant (Estt.), as stated by him in the said para 4 of his affidavit dated 03.11.2008 (Ex. 773), it appeared from the previous Movement Register (Ex.881) that the posts of Senior Technical Assistant existed in the office of the University Engineer even before the revised Akrutibandh-2003 was made applicable in the University but through oversight it was not seen by him. He then stated that in the University Circular dated 27.2.1997 (Ex.723) although there was no post of SRA or Senior Technical Assistant shown in the office of the University Engineer, two posts of Senior Technical Assistant were created thereafter in the New Estate Unit established as per the University Order dated 25.6.2005 (Ex. 780). According to him, the said two posts were created as per the said order dated 25.06.2005 (Ex. 780) by withdrawing two posts of SRA, one each from H.D. Agronomy, Akola and Chilli Research Unit, Akola, and allotting them in the said Estate unit. He also filed the copy of the said order dated 25.6.2001 in this Enquiry. He then stated that on one of the said two posts of Sr. Technical Assistant, Shri P.A. Kahate, SRA (AHD) working in GTC Buldhana was transferred and was appointed, a copy of which he filed with his aforesaid affidavit.

**862)** Shri D. P. Deshmukh, Section Assistant (Estt.) stated in para 5 of his aforesaid affidavit dated 03.11.2008 (Ex. 773) that the University in its affidavits filed in this Enquiry had shown various departments/ schemes by taking information from his Movement Register (Ex.644(O)). What is important to be noticed in para 5 of his aforesaid affidavit is that although he did not show the aforesaid departments of Soil & Water Conservation Engineering and Irrigation, Water Management, Drainage Engineering (IDES) in his Movement Register Ex. 644(O), the total number of posts of SRA excluding Farm Group Posts shown by him in the said Register Ex. 644 (O) was 159 which was the same as shown in the University Circular dated 27.2.1997 (Ex.723) wherein the aforesaid departments were shown. He then stated that in the aforesaid University circular dated 27.2.1997 (Ex.723), 3 posts of SRA were shown in Soil & Water Conservation Engineering Department and one post of SRA was shown in Irrigation, Water Management, and Drainage Engineering Department (IDES). He however, admitted that if the aforesaid 4 posts were not shown in his Movement Register (Ex.644(O)) then the total number of posts of SRA in his Movement Register (Ex.644(O)) excluding farm group posts should have been less by 4. He however, stated that he would file separate affidavit to explain why they were not reduced by 4 in his Movement Register. According to him, since he had taken the information in his Movement Register (Ex.644(O)) from the previous Movement Register (Ex.881), he would not be able to tell about it unless he verified the said previous Register (Ex. 881). He further admitted that he had also not shown in his Movement Register (Ex. 644(o)) the independent Bio-technology Centre and the posts of SRA allotted to it because there were no entries about the same in the previous Movement Register (Ex.881). He then

stated that he had not seen the University order regarding it and that he neither made any enquiry about it nor anybody told him about it. According to him, all such orders must have been included in the file in B-Unit because the said Unit deals with the work about the creation of posts in the University.

**863)** Shri D. P. Deshmukh, Section Assistant (Estt.) stated in para 6 of his aforesaid affidavit dated 03.11.2008 (Ex. 773) that the University had not determined the strength of each post such as SRA (Agril.Engg.), SRA (Computer), SRA (Agri.), JRA (Agri.), JRA (Agril.Engg.), JRA (Computer), etc. by issuing any order in that regard. According to him, he had shown 7 posts of SRA (Agril.Engg.) in his Movement Register on the basis of the information received from B-Unit. Further, according to him, he had taken the entries in his Movement Register (Ex.644(O)) about the number of posts of SRA (Agril.Engg.) and the departments in which they exist from the information received from B-Unit. He then stated that he had seen the aforesaid chart (Ex.775-A) showing the posts of SRA (Agril.Engg.) in the University as shown in the University Circular dated 27.2.1997 (Ex.723), as per the letters of the Dean, Agricultural Engineering dated 7.4.2008 and 29.4.2008 (Exs. 722 and 735), the affidavit of the Registrar dated 8.5.2008 (Ex.733), his Movement Register (Ex.644(O)), and the revised Akriti Bandh-2003 (Ex.724). After seeing the said chart (Ex.775-A), he stated that the posts of SRA (Agril.Engg.) shown therein do not tally and he would not be able to tell anything about the same.

**864)** It cannot therefore, be definitely said which posts and how many are of SRA (Agri.). As regards the posts of JRA (Agri.), as shown hereinbefore, above there is controversy in the University whether the post of JRA in the department of Agricultural Engineering is the post of Agriculture or Agricultural Engineering. Even otherwise it does not appear that by reference to the nature of the duties and responsibilities required to be performed in the department/s, schemes, projects etc. the University has determined whether any particular post can be treated as post of SRA (Agri.) or JRA (Agri.) or not especially when its nomenclature is different. For instance, the University has treated as the posts of SRA (Agri.) two posts of Senior Technical Assistant created in Independent Estate Unit under the control of the University Engineer established as per the University order dated 25.6.2008 (Ex.780) referred to above without evaluating the said posts i.e. without determining the qualifications of the said posts and their duties and responsibilities in the light of the nature of the work done in the Independent Estate Unit established as per the aforesaid order dated 25.6.2001 (Ex.780). See the above topic relating to evaluation of the said posts of Senior Technical Assistant in the independent Estate Unit under the control of the University Engineer.