

G. OBJECTIONS TO SELECTION AND SELECTION PROCESS

907) As pointed out here-in-before, Dr. B.G.Bathkal and 4 others, had made a representation dated 7.7.2006 (Ex-20) to his Excellency, the Governor of Maharashtra and Chancellor, Dr.PDKV, Akola, enclosing therewith a “Brief Report on Prejudicial Selections And Appointments Of SRA (Agri.) / JRA (Agri.) by Dr.PDKV, Akola”. By their aforesaid representation dated 7.7.2006 (Ex-20), they had requested him to institute an enquiry regarding the irregularities and illegalities committed in Dr. PDKV, Akola, in making appointments to the posts of SRA (Agri.) and JRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex-2). The objections raised by them to the selection and the selection process are already extracted in paras 5 and 6 of this Report. After waiting for sometime, when Dr. B.G.Bathkal and 4 others found that there was no response from him to their aforesaid representation dated 7.7.2006 (Ex-20), they filed Writ Petition in the High Court of Bombay, Nagpur Bench, Nagpur, registered as Writ Petition No.4771/2006, a copy of which filed in this enquiry is marked as Exhibit No.18. The principal relief claimed by them in the said Writ Petition No. 4771/2006 was that the Respondent No.1 i.e. his Excellency, the Governor of Maharashtra, and Chancellor, Dr.PDKV, Akola, kindly be directed to institute an enquiry with respect to illegalities and irregularities committed by the Respondents 3 and 4 in the said Writ Petition i.e. the University and its Vice-Chancellor, in the process of recruitment of SRA (Agri.) and JRA (Agri.) in the light of the representation dated 7.7.2006 (Ex-20) made by them and complete it within a time bound programme. The grounds on which they claimed the above relief in the said Writ Petition No.4771/2006 are already extracted in para 8 of this report.

908) Vide para-9 of the Enquiry Report, after an order was passed by the Hon’ble High Court of Bombay, Nagpur Bench, Nagpur on 21.4.2007 in the said Writ Petition No.4771/2006, expecting that his Excellency, the Governor of Maharashtra, and Chancellor Dr.PDKV, Akola, would take some suitable action in the matter immediately this enquiry was instituted by him by his decision incorporated in the letter No. CS/PDKV/37/06/(6442)/1793 dated 28.5.2007(Annexure A of the Enquiry Report). (Annexure-A of the Enquiry Report) The notices of this enquiry were issued to the above petitioners, who filed the Writ Petition No.4771/2006 and also to Shri M.N.Pawade, who was party to the aforesaid representation dated 7.7.2006 (Ex-20) but not to the aforesaid Writ Petition No.4771/2006, pursuant to which they appeared in-person and also engaged Shri B.G. Kulkarni, Advocate, to represent them in this enquiry. Led by Dr. B.G.Bathkal, they had orally placed before the Enquiry Officer their objections to the selection and selection process and the irregularities and illegalities committed in the process of recruitment to the posts of SRA (Agri.) and JRA (Agri.). Two of them, viz. Dr. B.S.Fadnaik, and Dr.B.S.Chimurkar, have filed five affidavits dated 13.8.2007 (Ex-84), 23.8.2007 (Ex-116) , 24.9.2007 (Ex-529), 8.10.2007 (Ex-575) and 11.3.2008 (Ex-686) in

this enquiry enclosing therewith their written statements, raising objections to the selection and selection process and pointing out irregularities and illegalities in the process of recruitment to the posts of SRA (Agri.) and JRA (Agri.) made pursuant to the advertisement dated 14.8.2004 (Ex-2), which are mostly the same as raised by them in their aforesaid representation dated 7.7.2006 (Ex-20) and their Writ Petition No.4771/2006 (Ex-18). They have, however, amplified their grounds of objections through their aforesaid affidavits, written statements and the Annexures/documents filed with them. Dr.B.S. Phadnaik, and Dr. B.S. Chimurkar, have filed the aforesaid affidavits on their behalf as well as on behalf of the other writ petitioners in Writ Petition No.4771/2006 (Ex-89) as stated by them in their affidavit dated 11.3.2008 (Ex-No.686). While discussing their affidavits filed in this enquiry, they are referred to as “These petitioners”.

909) The written statement of these petitioners consisting of pages 1 to 17 marked as Ex.85 enclosed with the affidavit of Dr.B.S.Phadnaik, and Dr.B.S.Chimurkar, dated 13.8.2007 (Ex.84) filed in this Enquiry contain the following points raised by them against the recruitment process followed in the University in filling the posts of SRA and JRA in question under the head “Irregularities, illegalities, and rampant favouritism by flouting the norms of academic merit leading to mal-practice in the selection process”.

a) Separate interviews for the posts of SRA and JRA should have been held (See para -1 of their written statement)

910) The posts of SRA and JRA which are academic posts as shown in statute-71 of the Statutes belong to two different cadres with different pay-scales, minimum qualifications, duties and responsibilities and justice to both these posts required that separate interviews should have been held for these posts.

b) Delay in making Recruitment

911) In para 2.1 after giving relevant dates of advertisement, last date of application, date of interview call letter and dates of interview, it was observed that 9 months time was taken in preparing the details of the candidates and their alphabetical List for their interviews of the posts of SRA (Agri.) and JRA (Agri.) as the last date for submitting the applications for these posts as per the advertisement dated 14.8.2004 (Ex-2) was 15.9.2004, whereas interviews actually commenced on 13.6.2005 and were completed on 25.6.2005. In finalizing the selection also a long period of 73 days was taken since although, the list of selected candidates was prepared by the selection committee on 25.6.2005 i.e. the last date of interview, the selection lists were approved by the Vice-Chancellor on 6.9.2005, which according to the said written statement (Ex-85) was intriguing, considering the urgency of filling the vacant posts in the University. It was, however, observed that the consolidated list of selected candidates was not notified and the individual orders of appointment dated 16-17/9/2005, were issued to the selected candidates in the posts of SRA (Agri.) and JRA

(Agri.) with the motive of hiding the selection of academically weak candidates and non-selection of academically strong candidates.

c) Points Attracting Attention

912) In para 2.2 of the said written statement (Ex-85) the points which needed consideration in regard to selection of the candidates for these posts are enumerated. They are as follows :

- a) Non-selection of many Ph.D. candidates.
- b) Candidates having good academic record, publications, experience, NET Qualification, finding no place in the selection list.
- c) Candidates having only Bachelors' Degree finding prominent places in the selection list (Five in number).
- d) Selection of 5 Agricultural Engineering Graduates / Post Graduates, in the post of JRA (Agri.) in contravention of the statute.
- e) Selection of near and dear ones of present and past high officers of the University in preference to other meritorious candidates.
- f) Long and sensitive period of about 3 months between interview and appointment orders giving rise to speculations of horse trading and under hand dealing in the process of selection.
- g) Appointments of more than double in both the posts of JRA (Agri.) and SRA (Agri.) compared to the number of the said posts which were advertised.

d) Criticism of the Criteria for Academic evaluation of SRA/JRA

913) Dealing with the criteria for academic evaluation of SRA (Agri.) and JRA (Agri.), which was reproduced in para 3.1 in the said written statement (Ex-85), it was remarked in para 3.2 thereof that although, the University adopted therein the pattern of 40 : 60 for academic performance and interview respectively as per the criteria laid down in Statute 52 applicable to the posts of Professor and above, the distribution of 40 marks adopted in this case was considerably different from its distribution in Statute-52. Possibly, according to these petitioners, the weightage of 60 marks for interview was very handy for making selection of the favoured candidates. In para 3.3 it was pointed out that no weightage was given to the academic achievement like NET/SET which every University Teacher had to possess, and also to the examinations like MSCIT etc.

914) The meeting of the selection committee held on 31.5.2005, (it was not the meeting of the Selection Committee as held in this Enquiry) for framing criteria for academic evaluation of SRA/JRA was criticized in para 3.4 of the said written statement (Ex-85) on the ground that it was held on 31.5.2005 i.e. after the interview calls were issued to the

candidates on 24.5.2005 and just 12 days prior to the commencement of interviews on 13.6.2005. The scheme of marking was therefore known to only three members of the Selection Committee, who attended it for finalizing the selection criteria and obviously such candidates who were close to them. Parameters like thesis submission, Ph.D. Degree during the interview period, additional research publications etc. could be fulfilled perhaps at the time of interview by the favoured candidates only and were graciously accepted for improving their academic grade which blatantly flouted level playing field principle of competition. In Para 3.5 of the written statement (Ex-85) it was pointed out that the proceedings of the meeting of the selection committee for determination of criteria for academic evaluation of SRA/JRA, were invalid because only three members attended the said meeting, although as per statute-76 (6) (b) quorum necessary for the meeting of the selection committee was four.

e) **Number of the Applicants, those present for Interview, and those Interviewed Daily**

915) In para 4.1 of the said written statement (Ex-85), it is stated that as per the University, the number of applications received for the posts of JRA (Agri.) and SRA (Agri.) were 2104 and 1119 respectively. It is further stated therein that on the basis of the sheets prepared by the University for daily interview, the total number of candidates called for interviews of the posts of JRA (Agri.) and SRA (Agri.) was 1137 and 858 respectively and as many candidates had applied for both these posts, the actual number of candidates appearing for interview was 1342 (1335 + 7) inclusive of 7 YCMOU Graduates. In para 4.2 of the said written statement (Exh-85), it is stated that the number of candidates called for interview varied daily from 120 to 125 representing 185-200 candidatures for both these posts. Referring to the 91 page document prepared by the University (i.e. the categorywise Marksheet marked as Ex-34 (O)-A in this enquiry), it is stated in para 4.3 of the Written Statement (Ex-85) that the categorywise total number of candidates called for interview of the posts of JRA (Agri.) and SRA (Agri.) was 1557 and 1179 respectively (Total 2736) and the number actually present was 1314 and 1005 (total 2319). Thus, according to these petitioners, the total number of categorywise candidature of the candidates appearing daily for interviews of these posts worked out to 248.

f) **Merit Detracting Tactics, and Irregularities during the Selection Process reducing Interviews to a farcical level**

916) The following grounds are raised in support of the above objections:-

1) **Intentional avoidance of shortlisting of qualified candidates**

Although, the Advertisement dated 14.8.2004 (Ex-2) included the term about shortlisting of candidates, if necessary, according to para 5.1 of the written statement (Ex-85) it was not effected possibly for accommodating academically poor and favoured

candidates. According to it, for 37 posts of JRA (Agri.), the number of qualified applicants was 1137 almost 30 times, and for 24 posts of SRA (Agri.), the number of qualified applicants was 858 i.e. about 35 times. As the number of qualified applicants to the number of posts advertised was very high, it was observed that it was necessary to shortlist them to the extent of 4 to 5 better qualified candidates per post on the basis of the criteria of the aggregate marks received by each candidate out of 40 fixed for academic performance, so that less qualified candidates could be excluded from interview. However, according to the said written statement (Ex-85) such shortlisting was not done in order to give chances for interview to the candidates with poor merit and favoured ones so as to select them by exercising the power of giving marks for interview out of 60. It was, thus, according to these petitioners, a planned move to select the favoured candidates.

2) Interview reduced to farcical level by the Selection Committee

As per the calculations given in para-5.2 of the written statement (Ex-85), the interview of each candidate was hardly for two minutes considering that the number of candidates, who were called for interview on each day was 120 to 125 and during such short duration the selection committee consisting of 7 expert members, could not have evaluated the candidates regarding relevant factors such as accomplishment in scientific understanding, vision, diagnostic abilities and solution option, for which it was necessary to devote adequate time for interview of each candidate. According to the said para 5.2, if the calculation was made on the basis of the total number of interviews for both the posts and in all the categories for which the candidates had applied as shown in the 91 page document prepared by the Selection Committee (i.e. Categorywise Mark-Sheet Ex-34(O)-A) the time for interview was hardly 1.6 minutes per candidate. The interviews of the candidates were thus reduced to farcical level thus giving scope for large scale manipulation of interview marks in pre-determined fashion.

3) No Separate Interviews for the Posts of JRA (Agri.) and SRA (Agri.) and no separate marks awarded to the candidates appearing for interviews of both these posts

Separate interviews should have been held for the posts of SRA (Agri.) and JRA (Agri.) since they were two different cadres with different pay-scales and responsibilities. Although, the interview marks given to the candidates, who applied only for one of these posts were understandable, it was not known how the said marks should be understood in regard to the candidates, who had applied for both these posts and whose number was more than 50% i.e. whether they were for JRA (Agri.) or SRA (Agri.). It was observed that the marking system was confusing, untenable and would make selection process invalid. The said system was amenable to manipulation and would perhaps suit the University/ Selection committee and was therefore adopted.

g) Indiscriminate use of 60 Marks Fixed for Interviews

917) As stated in para 6.1 of the written statement (Ex-85), interviews carried 60 marks (out of 100) and it was expected that awarding marks for interview would be just, objective and non-discriminatory, but actually it was not so. According to these petitioners, after analyzing the marks of all 1035 candidates attending the interviews for both these posts, it shockingly revealed that the awarding of the said marks had inverse relationship to merit. The following glaring examples of the same were enumerated in paras 6.2 to 6.7 of the said written statement (Exh-85).

- i) As per Para 6.2 of the written statement (Ex-85) , a chart/list of 32 Ph.D. Candidates, who were not selected for either of two posts was annexed as Annexure-3 to the affidavit of these petitioners dated 13.8.2007 (Ex-84) and was marked as Ex-88 in this enquiry. The said chart/list (Ex-88) showed the marks obtained by the said candidates for their academic performance i.e. Bio-Data marks, the marks given to them in their interviews, total of Bio-Data and interview marks and categories and posts for which they had applied. The average of the Bio-Data marks, interview marks, and the total marks given to these candidates are also shown in the said Chart/list (Ex-88). The average worked out by these petitioners would show that the average score of their Bio-data marks was 29.3 out of 40 and the average score of their interview marks was 11.3 out of 60, the average score in their total marks being 40.6 out of 100.
- ii) Para 6.3 of the written statement (Ex-85) shows that 177 candidates with only first degree i.e. B.Sc. (Agri.)/ B.Tech, appeared for interviews for the post of JRA (Agri.) out of whom 172 candidates who were not selected got an average interview marks of 22.7, which was double than that of non-selected Ph.D. Candidates. Perusal of the chart/list of non-selected Ph.D. candidates (Ex-88) shows their average mark as 11.3.
- iii) In Para 6.4 of the written statement (Ex-85), it is stated that five candidates with only bachelor's degree who were selected had only five marks for their academic performance out of 40 but they received 49/50 as interview marks in open category and 44/45 as interview marks in S.T. Category. As shown in the said chart/list (Ex-88), the names of the said candidates were Bhoyar S.S., Tiwari V.A., Wankhede V.R., all open category candidates, and Ku. Meshram N.B., and Dhongade S.M. both S.T.Candidates.
- iv) In Para 6.5 of the written statement (Ex-85), it is stated that the selection committee had selected 51 candidates with less than 20 marks for their academic performance, but did not select 107 candidates who had more than 20 marks in their academic performance.

- v) In Para 6.6 of the written statement (Ex-85) a table of the candidates with good academics but who were not selected is given. The said table is as follows :

Sr. No.	Academic Class marks	Number of candidates	Average of academic marks	Average of interview marks	Total marks
1.	Ph.D.	32	29.3	11.3	40.6
2.	Not Ph.D. but marks than 25 marks	13	25.2	14.9	40.1
3.	20-24 marks	62	21.4	19.5	40.9
4.	15-19 marks	103	16.4	21.1	37.5

From the above analysis of the marks given to the candidates for their academic performance and interviews, the conclusion drawn was that interview marks were in inverse proportion to the marks of the candidates for their academic performance meant for their rejection.

- vi) In Para 6.7 Table-A and Table-B were given to show how low merit candidates in the list of JRA (Agri.) were favoured by their selection through interview marks. Table-A gives the list of candidates, who were Ph.D. or who had submitted their thesis for Ph.D. and Table-B gives the list of only Graduates/Academically poor candidates, who were selected. Tables A and B are reproduced below :-

A. List of Ph.D. / Thesis Candidates

Sr. No.	Name	Biodata Marks	Interviews Marks
1.	Nemade P. W.	28	35
10.	Pillai T. S.	30	32
15.	Chandan P. M.	20	38
25.	Nichal S. S.	27.4	36
27.	Raut U. A.	28	34
54.	Ingle Y. V.	28	34
55.	Bidwe K. U.	21	42
64.	Goud V. V.	25.6	37
	Mean	26.0	36.0

B. List of only graduate/Academically poor candidates

Sr. No.	Name	Biodata Marks	Interviews Marks
5.	Wankhede V.R.	5	50
11.	Dhongoe, S.M.	5	44
17.	Bhoyar, S.S.	5	49
53.	Tiwari, V.A	5	50
70.	Meshram, N.B	5	45
71.	Munnawar, S.R	9	46
3.	Bharambe, A.P	9(8)	51
12.	Mohod, P.V	9(8)	45
31.	Ghadge, R.M.	9	59
52.	Joshi, M.M.	10.	48
	Mean	6.9	48.7

h) Interview Marks are not mean of the total marks awarded by the Members as stated by the University :

918) As Stated in para-7 of the written statement (Ex-85) according to the University, vide its letter No.BDG/MAM/01/05 dated 30.8.2006, the interview marks indicated against the name of each candidate, were average marks calculated by dividing the total of the marks given by the Chairman and each member of the Selection Committee by the number of the members present. The said letter of the University dated 30.8.2006 is contained at Page C/563 of the file of the University, maintained Under the Right to Information Act (Ex-666) and is in answer to the query made by Dr.B.G.Bathkal in his letter dated 12/6/2006 at Page C/144 read with his subsequent letter dated 1.8.2006 at page C/551 of the said file. However, according to these petitioners, since the average marks shown in the document supplied to Shri N.T.Fokmare, (Annexure-4) or in the 91 page document i.e categorywise Mark-sheet Ex-34 (O)-A given to them by the University in this enquiry, did not show the marks in fraction i.e. in decimal, it can not be said that they were average interview marks given to the Candidates. However, according to them, as the Mark-sheet (Exh-34(O)-A) was signed by all the members of the Selection Committee, they had approved the said interview marks which were not based on average. The petitioners, therefore, felt that interview marks were an enigma and were well designed figures to select favoured candidates and deny selection to the well deserved candidates.

i) Changes in Qualifications and Publications :

919) It is stated in para 8.1 of the written statement (Ex-85) that there was considerable difference in the Bio-data marks of the selected candidates examined with reference to their qualifications and publications given in their applications, in the information supplied by the University with its letter dated 28.2.2006, and the information supplied by it with its letter dt. 1/7/2006 or as indicated in final bifurcation shown in the list supplied to Shri N.T.Fokmare, annexed as Annexure-4 to the affidavit of the petitioners dated 13.8.2007 (Ex-84) marked as Exh-89 in this enquiry. It was observed that in the interview letters, there was no mention of giving the details of newly acquired qualification or publications.

920) As regards the changes in qualifications, it was observed in para 8.2 of the written statement (Ex-85) that there was no difference in qualifications at the time of application and in the information supplied in this regard by the letter of the University dated 28.2.2006 but in the information supplied by the University as per its letter dated 1st July 2006, many more candidates were shown to have received marks for Ph.D. Degree and Thesis submission. Table of such candidates receiving benefits is annexed as Annexure-5 of the affidavit of the petitioners dated 13.8.2007 (Ex-84) and is marked as Ex-90 in this enquiry. Perusal of the said table (Ex-90) would show that in the post of SRA (Agri.) the selected candidates, who were Ph.D. were 10 and those who had submitted their Thesis were 5. As regards the post of JRA (Agri.) a similar table is given in which two candidates are shown to have received the benefit of Ph.D. Degree and five candidates are shown to have received the benefit of Thesis submission. The aforesaid qualifications for which they received the benefits were not included in the applications which they had filed.

921) Para 8.3 of the written statement (Ex-85) refers to discrepancy in the number of publications submitted by some candidates which arises because besides the publications submitted by them along with their applications, the additional publications were submitted by them at the time of assessment i.e. interview with benefits given to them for the said additional publications also. The said information is contained in the Table annexed as Annexure-6 to the affidavit of these petitioners dated 13.8.2007 (Ex-84) and marked as Ex-91. Perusal of the said Table (Ex-91), would show that the number of candidates in the post of SRA (Agri.), who received such benefit was 5 and the number of candidates in the post of JRA (Agri.) who received such benefit was 17.

j) Marks for Ph.D. without Ph.D. Degree

922) In para-9 of the written statement (Ex-85) the names of the candidates who had not acquired Ph.D. Degree at the time of their selection in the post of SRA (Agri.) on 25.6.2005 but who had received 10 marks for the same are given. They are

- i) Barad S.G. - SRA List No.32

ii) Warade A.D. - SRA List No.34

whose Ph.D. notification was issued on 13.6.2005.

iii) Shri Patil P.V.- SRA List No.9

whose notification was issued on 23.12.2005 almost six months after the selection list was finalized.

According to these petitioners, awarding Ph.D. marks when a candidate was not Ph.D. was highly objectionable and was a serious matter which would show that the selection committee would go to any extent to boost-up chances about the selection of the favoured candidates. The petitioners also raised in this para the question of cut off date for academic evaluation by observing that it was a moot question whether it should be the date of application or whether it should be the date of interview, in the absence of level playing ground.

k) The appointment of B.Tech / Agricultural Engineering Graduates to the post of JRA (Agri.), although, they were not qualified for the said post :

923) Referring to the fact that the advertisement dated 14.8.2004 (Ex-2) was amended by issuing an Addendum dated 6.9.2004 to include in it the qualification of the Agricultural Engineering Graduates so as to make them eligible to apply for the post of JRA (Agri.), it is stated in paras 10.3 and 10.4 of the written statement (Ex-85) that the post of JRA was an academic post and according to Statute-73 read with Appendix-III of the Statutes, the minimum qualification prescribed for the post of JRA (Agri.) was Graduate Degree in Agriculture and, therefore, the said qualification prescribed for the post of JRA (Agri.) under the Statutory provisions could not be superseded by mere approval of the Vice-Chancellor for inclusion of the qualification of Agricultural Engineering Graduates in the advertisement dated 14.8.2004 (Ex-2), to make them eligible to apply for the post of JRA (Agri.). Hence the appointment of five B.Tech. / Agricultural Engineering Graduates in the post of JRA (Agri.) was in contravention of the statutory provisions, and was liable to be set aside.

924) It was pointed out in para 10.5 of the written statement (Ex-85) that in the criteria laid down for academic evaluation of SRA and JRA vide Annexure-2 (Ex-87), although, the marks were fixed for degree in B.Sc. (Agri.) and M.Sc. (Agri.), besides Ph.D., no marks were fixed and there was even no mention of B.Tech. or M.Tech. or any qualification of Agricultural Engineering Graduates in determination of the said criteria fixed for academic evaluation of the candidates for the posts of SRA and JRA. The Selection Committee, could not have, therefore, interviewed, the candidates having degree in Agricultural Engineering, for the post of JRA (Agri.) muchless could have awarded interview marks to them.

l) Mystery of Selection list supplied earlier and new merit list prepared categorywise :

925) It is stated in para-11.1 of the written statement (Ex-85) that upto July 2005 whenever the list of the selected candidates in the posts of SRA/JRA was sought from the University, it supplied the list of 54/55 candidates of SRA starting with Kadam P.M. at No.1 and ending with Bagde A.B. and the list of 76 candidates of JRA starting with Nemade P.W. at No.1 and ending with Wankhade R.S. at Srial No.76. According to these petitioners, till 24.7.2006, the University did not disclose to them marks for interview and total marks obtained by the candidates but later on because of constant pressure, it provided to them on 24.7.2006 the same lists of JRA and SRA with total marks including the interview marks. According to these petitioners, as stated in para 11.3 of the written statement (Ex-85), when the marks of the candidates for their academic performance, interviews, and the total marks received by them were known, they realized that the lists supplied to them were not merit lists. Hence when the demand was made for the merit lists, the University reorganized the earlier lists and prepared categorywise lists. The list of candidates supplied by the University on 1.7.2006 and 24.7.2006 are annexed to the affidavit of these Petitioners dated 13.8.2007 (Ex-84) as Annexures-8 and 9 and are marked as Ex-93 and 94 in this enquiry. The categorywise merit list supplied to them on 30.8.2006 is also annexed to the said affidavit as Annexure-10 and is marked as Ex-95 in this enquiry. The said lists Exs.93, 94 and 95 are already referred to under the Chapter appointment orders and annexed to this report as **Annexures-28-A, 28-B and 28-C** respectively.

m) Statutory Requirement in preparing merit list

926) In Para 11.4 of the written statement (Ex-85), it is submitted that Statute 77(1) (iv) requires the Selection Committee to prepare the selection list of the candidates merit-wise. Similarly, the Government Circular सा. प्र.वि.क्र.न्या.प्र. — १००३/९९/प्र.क्र. २/०३ (Part-II) / 16-A , dated 25.10.2005, also required the Selection committee to prepare the merit list together with horizontal reservation of the reserved category candidates as per their prescribed percentages. The question raised in para 11.4 is as to why the University did not prepare the integrated merit list from List-1 (Ex-93) or List-2 (Ex-94), which was much easier than preparation of categorywise merit list-3 (Ex-95). It was therefore, observed in the said Para 11.4 that the preparation of 91 page document i.e. Categorywise Mark-sheet Ex-34(O)-A, was a meaningless exercise undertaken by the Selection Committee. According to these petitioners, the preparation of these categorywise merit lists was a diversionary tactics in order to hide irregularity and manipulation to a certain extent. Further, according to them, the very fact that the Selection Committee did not prepare the integrated merit list of the selected candidates and that in its absence the University

approved it was sufficient to question the validity of the list i.e. 91 page document Mark-sheet Ex-34(O)-A, which was approved by the Selection Committee.

n) Closer look at Lists 1 and 2

927) In para 11.5 of the written statement (Ex-85), these petitioners observed that the list i.e. categorywise Mark-sheet Ex-34(O)-A approved by the Selection Committee was neither a merit list nor was it arranged in alphabetical order. According to them, normally the selection list is prepared in descending order of merit i.e. it is a merit list or it is arranged in alphabetical order, but the aforesaid list i.e. categorywise Mark-sheet (Ex-34(O)-A) was the hybrid list defying normal logic.

928) Considering the question, under what circumstances, the aforesaid list i.e. categorywise Mark-sheet (Ex-34(O)-A) must have been prepared, it is stated in the said para 11.5 that the only way in which it could be done was (i) To name the candidates and prepare their list as they progressively come for being selected and (ii) with 60 interview marks at command ensure their selection. It is then observed that the list of selected candidates was not in all probability finalized on 25.6.2005 as claimed. According to them, the truth was that the list continued to lengthen till 6th Sept-2005, the date on which it was said to be approved by the Vice Chancellor and even during his tour to China for two weeks from 8th Sept.2006 some dialogue about the list appeared to have continued. These petitioners have annexed as Annexure-13 to their affidavit dated 13.8.2007, the letter sent by some students addressed to Dr. Nimbalkar, Vice Chancellor, marked as (Ex-98) in this enquiry, which amongst others refers to dialogue of the Hon'ble Minister Shri Shingne, for inclusion of the name of Shri Jadhav S.M. in SRA List, and which name actually finds place at Serial No.53 in the said list.

o) Merit List restructured :

929) In para 12.1 of the written statement (Ex-85), it is stated that the petitioners have restructured and prepared integrated merit list of SRA (Agri.) and JRA (Agri.) i.e. the list in descending order of merit on the basis of the marks made available by the University. Such lists in descending order of merit of SRA (Agri.) and JRA (Agri.) are annexed as Annexures-11 and 12 of the affidavit of these petitioners dated 13.8.2007 (Ex-84) and are marked as Ex-96 and 97 in this enquiry. Perusal of the said lists Exs-96 and 97 would show that besides the columns for Bio-data, interview, and total marks they also contained columns showing categories for which the options were given by the candidates, and also the category in which the candidates were selected by the Selection Committee.

p) Open Category candidates get excluded

930) It is stated in para-12.2 of the written statement (Ex-85) that if the category is correctly given, the following open category candidates find no place in the SRA/JRA lists.

SRA List

- (1) Warade, S.V. (2) Paulkar, P.K. (3) Bhopale, A.A.
(4) Jagtap, A.P. (5) Dethe, A.M.

JRA List

- (1) Gawali, S.S. (2) Joshi, M.S. (3) Wankhade, V.R.
(4) Thakre P.D. (5) Tiwari V.A. (6) Munnawar, S.R.
(7) Hiwrale J.S.

Below the above names, it is stated that in their places candidates of Other backward class category in equal number from lower merit order would find place in the selection list.

q) Some specific instances of injustice and irregularity

931) In para-3 of the written statement (Ex-85) some specific instances of injustice and irregularity were pointed out as follows

1) Selection of JRA (Agri.) in SBC Category:

According to these petitioners, injustice was done to Shri Yelvikar Nagesh (No.1323 Page 139 mark-list Annexure-4 i.e. Ex-89), a Ph.D. candidate, by his non-selection in the post of JRA (Agri.) SBC category.

2) Selection of Shri P.V. Patil as SRA (Agri.) : An example of corrupt practice:

Shri P.V. Patil, who was the son of Dr.V.D. Patil, the Chairman of the Selection Committee, was selected in SRA (Agri.) open category. He was not having Ph.D.degree and still he was awarded 10 marks for Ph.D degree. He was also awarded 10 marks for his publication when at the time of his application, he had only one research paper to his credit with due claim for 2 marks. He could have therefore, received only 19 marks for his academic performance. However, he was given 29 marks for the same and was awarded 48 marks for his performance in the interview. He was thus placed in the select list higher than the candidates with excellent bio-data. As he was related to the Chairman of the Selection Committee, favour was shown to him. It was thus a case of nepotism.

3) Other representative examples of injustice

1) Shri Ghadge, was selected in JRA Open Category. He secured 9 marks for his academic performance but was awarded 59 out of 60 marks in interview. He was placed at first position in the selection list. According to these petitioners, it is a case showing how the interview marks influenced the selection. Further, if according to the University, the average of the marks given by the Chairman and the Members of the Selection Committee was worked out and given, then, it would mean in the case of Shri Ghadge that each member of the Selection Committee gave him 59 marks because if even one of them were

to give him less marks, the other would have to cross the limit of 60 to make 59 as the average of their total marks.

2) Shri Dethe, A.M. who was selected in Open Category got 10 marks in bio-data (although shown 10.4) and 50 marks in interview with the total 60 but the candidates who secured more marks than him, were selected in the post of JRA (Agri.) open category showing that the University did not follow the criteria of merit in selection of candidates for the posts of SRA (Agri.) and JRA (Agri.).

r) Refusal of appointment, though, post was available for S.T.Candidates

932) As per the advertisement for 37 posts of JRA (Agri.), 3 posts were reserved for S.T.Category and when 76 posts of JRA (Agri.) were filled in, it was expected that 6 posts should have been allotted to S.T. candidates as the number of posts to be filled in had doubled. However, only 2 posts were filled in although, one more candidate Shri D.P.Solanke, Y.C.M.O.U. Graduate was available for selection in S.T. Category (See Page 141 of Annexure-4 i.e. Ex-89).

s) Selection List in all probability was not prepared on last date of interview i.e. 25.6.2005 :

933) According to these petitioners, the Selection List was not prepared on the last date of interview i.e. 25.6.2005, for the reasons given in paras 14.1 to 14.4 of the written statement (Ex-85). The said reasons are :

- a) It is stated in para 14.1 that as claimed by the University, the Selection list was not finalized on 25.6.2005, but it continued to be finalized during the period of 73 days between the date when the interviews were over i.e. 25.6.2005 and the date when the Vice-Chancellor approved the selection list i.e. 6.9.2005.
- b) As stated in para 14.2, there is no indication how the selection committee decided on 25.6.2005, to prepare the selection lists of 55 candidates for the post of SRA (Agri.) and 76 candidates for the post of JRA (Agri.).
- c) As stated in para 14.3, the office note dated 6.9.2005 prepared after 73 days and submitted to the Vice Chancellor for his approval states that the appointments of the selected candidates should be made subject to availability of vacancies and promotions.
- d) As stated in para 14.4, the University took 9 months time to prepare the Bio-Data of 1342 candidates but it was strange that it prepared 91 page document i.e. categorywise Mark-sheet (Ex-34(O)-A) within three hours i.e. between the period from the time the interviews were over and before the time the dinner was taken, and the members signed the same. It was observed that nothing could be far from truth than this.

934) These petitioners expressed in para 14.4 (it should be 14.5) that it would be necessary to examine persons responsible for preparing document (Annexure-4 i.e. Ex-89), supplied to Shri N.T.Fokmare, and 91 page document i.e. Categorywise Mark-sheet (Ex-34(O)-A) and the dates of their preparation. They also stated in para 15 that they reserved the right to exercise their option to make further submissions on the question of the number of selection visa-a-vis vacancies on 25.6.2005 after getting more information in that regard which they had already sought.

935) Next affidavit filed by Dr.B.S.Phadnaik and Dr.B.S. Chimurkar, which needs consideration is the affidavit dated 23.8.2007 marked as Ex.No.116 in this enquiry. The said affidavit dated 23.8.2007 (Ex-116) includes the additional written statement filed by them (Pages 1 to 8) marked as Ex.No.117 and the annexures included with it marked as Ex-118 to Ex-126-a in this enquiry. After referring in topic-1 in the aforesaid additional written statement (Ex No.117) to the efforts made by the petitioners in Writ Petition No.4771/2006 to get the irregularities and illegalities in the selection process removed, by approaching the MCAER Pune, the Apex Body under the University Act, the Executive Council of Dr.PDKV, Akola, and his excellency, the Governor of Maharashtra, and Chancellor, Dr.PDKV, Akola, the above writ petitioners have in the other topics in their aforesaid additional written statement (Ex No.117), pointed out further irregularities and illegalities in the selection process.

Topic-2 : 22 Candidates who were not selected as SRA (Agri.) / JRA (Agri.) were appointed as Assistant Professor :

936) The above topic-2 is discussed in Paras 2.1 to 2.4 of the additional written statement (Ex.No.117). After studying the list of Candidates appearing for interview of the posts of SRA (Agri.) and JRA (Agri.) supplied to Shri N.T. Fokmare (Ex.No.89), in which the marks obtained by each candidate for his academic performance, interview and the total marks obtained by him were given, these petitioners noticed that besides indicating such marks, wittingly or unwittingly, there was a remark “A.P” against the names of some candidates in the said list (Ex.No.89), which indicated that they were selected in the post of Assistant Professor. These petitioners have filed the list/chart of such 22 candidates showing therein their marks for their academic performance and interview, and their total marks. They have also shown therein the posts and the categories applied for by them. The said List/Chart is annexed as Annexure-7 to their affidavit dated 23.8.2007 (Ex.No.116) marked as Ex.124 in this enquiry. The said 22 candidates were not selected in the post of SRA (Agri.) or JRA (Agri.) but were selected and appointed in the higher post of Assistant Professor near about the same time. It is stated in para 2.2 of the said additional written statement (Ex-117) that the said list/chart of 22 candidates (Ex-124) included 12 Ph.D. candidates and two candidates who had submitted their thesis and the rest of the candidates in the said list/chart were M.Sc. (Agri.). It is also stated in para 2.2 that except 5 candidates

out of the said 22 candidates, the marks of the remaining candidates for their academic performance varied from 25 to 37 out of 40 but the marks awarded to them for their interviews were so manipulated that the total marks awarded to them varied between 37 to 45. Hence none of the said 22 candidates in the list/chart (Ex-124) were selected for the posts of SRA (Agri.) and JRA (Agri.). However, as stated in para 2.3 of the additional written statement (Ex-117), all the 22 candidates in the said list/chart (Ex.124) were selected and appointed in the higher post of Assistant Professor. The appointment orders of 3 such candidates dated 29.6.2005, viz. 1) Dr. S.R. Bhopale (Sr.No.2), (2) Shri N.H.Ramteke (Sr.No.21) and (3) Dr. A.A. Choudhari (Sr.No.3) in the post of Assistant Professor are annexed as Annexure-6 to this affidavit dated 23.8.2007 (Ex.116) marked as Ex.Nos.125, 125-a and 125-b in this enquiry.

937) In para 2.4 (a) of the said additional written statement (Ex.117), inference drawn from the above list/chart (Ex.124) of 22 candidates is that although, the said candidates received good marks in their academic performance, they were given very less marks for interview varying from 5 to 20 out of 60 to prevent their selection in the post of SRA (Agri.) and JRA (Agri.). However, when they appeared for interview before another selection committee for the higher post of Assistant Professor, they were found excellent in their interviews and were selected and appointed in the said higher post of Assistant Professor. Therefore, according to these petitioners there was manipulation of 60 marks fixed for interview to bring down hero to zero level and elevate zero to hero level, because of which, the said 22 candidates in the list/chart (Ex.No.124) who were given less marks for their interviews were not selected for the post of SRA (Agri.) and JRA (Agri.), although, they had good marks in their academic performance.

938) These petitioners have also referred in para 2.4 (b) to the case of Shri N.H. Ramteke, who had applied in open and SC Category for the posts of SRA (Agri.) and JRA (Agri.) but was not selected in the said posts. However, as per his order of appointment dated 29.6.2005 (Ex No.125(a)), he was selected and appointed in the higher post of Assistant Professor (Horticulture) in open Category. What these petitioners want to show is that although, he had applied in S.C. Category also, he was appointed in open category. But it is admitted by them that it was not known to them whether he had applied for the post of Assistant Professor in both open and S.C.Category.

939) These petitioners then referred in para 2.4 to the case of Shri Choudhari, S.W., who was not selected for the post of JRA (Agri) open but was selected and appointed in the higher post of Assistant Professor. It is pointed out that he had received very ordinary marks in his academic performance as well as in his interview for the post of JRA (Agri.) Open, but was still selected and appointed in the higher post of Assistant professor in open category. It is sarcastically observed that he did not perhaps consider himself suitable for the post of SRA (Agri.) as he had applied only for the post of JRA (Agri.) and therefore his

selection and appointment in the higher post of Assistant Professor must have been a surprise to him. It would also show favour to him through interview marks.

Topic-3 Selection Committee Constituted for Selection in the posts of SRA (Agri.) and JRA (Agri.) is not legal and valid

940) Relying upon the provisions of Statute-76, it is stated by these petitioners in para 3.1 of the additional written statement (Ex.No.117) that two members of the Selection Committee other than Heads of Departments and one of whom has to be from the other Agricultural Universities in the State, have to be nominated by the Chairman of the Selection Committee. The notification of the selection committee dated 24.5.2005 and the further notification dated 23.05.2005 extending its tenure are annexed as Annexure-9 to the additional written statement (Ex No.117) and are separately marked as Ex.Nos. 126 and 126-a respectively in this enquiry. According to these petitioners, these notifications showed that these professors were not nominated by the Chairman of the Selection Committee but by the Vice-Chancellor and hence, the constitution of the Selection Committee under Statute 76 for selection to the posts of SRA/JRA was illegal and invalid rendering the selection process also invalid.

Topic-4 Number of posts of SRA (Agri.) and JRA (Agri.) and Policy of nomination and promotion

941) It is stated in para 4.1 of the said additional written statement (Ex No.117) that the University, by its letters dated 22.2.2006 (Ex.No.689) and 30.8.2006 (Ex.No.690) addressed to Shri B.B. Gore and Shri H.B. Waghade, respectively supplied to them the following information about the sanctioned posts of SRA (Agri.) and JRA (Agri.) :

Date	Name of posts	Number of		
		Sanctioned posts	Position Filled	Vacancies
22.02.06	(i) SRA (Agri.)	154	147	7
	(ii) JRA (Agri.)	111	110	1
30.08.06	(i) SRA (Agri.)	154	122	32
	(ii) JRA (Agri.)	111	89	22

942) After referring to Statute 77 in para 4.2.1 of the additional written statement (Ex.No. 117), it is stated in para 4.2.2 that the ratio of nomination to promotion is 50 : 50 in the University. Applying the said rule to the posts of JRA (Agri.) and SRA (Agri.), by some strange logic, it is sought to be pointed out in para 4.3.1 of the aforesaid additional written statement (Ex.117) that if the posts of JRA (Agri.) and SRA (Agri.) to be filled in by nomination as per the advertisement dated 14.8.2004 (Ex.No.2) were 37 and 24 respectively, the total number of vacancies should be presumed to be double of the said

number i.e. 74 and 48 respectively and that equal number of posts proposed to be filled by nomination would be filled by promotion from the lower category. The petitioners, therefore, doubted whether out of the total sanctioned strength of 111 posts of JRA (Agri.) and 154 posts of SRA (Agri.) the vacancies to the tune of 74 and 48 posts of JRA (Agri.) and SRA (Agri.) really existed, which question, according to them, needed clarification from the University.

943) By extending the same logic, it is sought to be stated in para 4.3.2 that the selection committee had finalized the selection list of 76 and 55 candidates for the posts of JRA (Agri.) and SRA (Agri.) respectively to be filled in by nomination which according to them, would presume that by June, 2005, the vacancies in the posts of JRA (Agri.) and SRA (Agri.) rose to 152 and 110 respectively as against the sanctioned strength of 111 and 154 respectively. It was therefore, urged by them that the real vacancy position at respective time frames needed to be ascertained from the University. In para 4.4 the petitioners reserved their right to comment on the anomalies pointed out in para 4.3 after necessary information was supplied to them by the University, as demanded by them.

944) In Para 4.5 it is stated that the petitioners learnt that after excessive appointments by nomination were made in the posts of JRA (Agri.) and SRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex No.2), the lower category employees had gone on strike in May-June 2007 for their due promotion quota, as a result of which yielding to their demands the University issued many orders of promotion which question also needed to be verified from the University Authorities.

945) Turning to the next affidavit filed by Dr. B.S.Phadnaik, and Dr. B.S. Chimurkar, on 24.9.2007 marked as Ex.No.529 in this enquiry, it contains additional written statement (Pages 1 to 11a) marked as Ex.No.530, Annexure consisting of Tables 1 and 2 (Pages 12 to 18) marked as Ex.No.531, copy of the letter of the then Vice Chancellor dated 6.9.2005 addressed to Dr.V.D. Patil (Ex.No.532), and the categorywise selection lists of the posts of SRA (Agri.) and JRA (Agri.) (pages 20 to 30) marked as Ex.No.533 in this enquiry. The additional written statement (Ex.No.530) contains the following five topics.

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|---------|---|
| Topic-1 | Selection Process of SRA (Agri.) and JRA (Agri.) cancelled after common interview for these posts in March 1998 by Dr.PDKV, Akola – Why ?. |
| Topic.2 | Handing over the charge of Vice-Chancellorship to the Junior Authority in the University during 8 th to 24 th September 2005. |
| Topic.3 | Number of sanctioned posts of SRA and JRA in agriculture and vacancies at 3 different time frames |
| Topic.4 | Questionable anomalies, irregularities and deficiencies in the selection list of SRA/JRA. |

Topic.5 Wrong Rational of allocating category and necessity for fresh Restructuring of the selection lists components.

Topic-1 Selection Process of SRA (Agri.) and JRA (Agri.) cancelled after common interview for these posts in March 1998 by Dr.PDKV, Akola – Why?.

946) It is stated in Para 1.1 of the additional written statement (Ex.No.530) that on earlier occasion the University had advertised the posts of SRA (Agri.) and JRA (Agri.) pursuant to which common interviews were held in March 1998 as was done in the selection process in the present case, It is further stated in para 1.2 that in view of large number of the applicants, the absence of effective shortlisting process and also common interviews for both the posts in March 1998, the Selection Committee then headed by Professor R.S.Bonde, informed the University Authorities its inability to carry out fair and objective selection of candidates for both these posts. The selection process then had thus remained incomplete. It is, therefore, urged in para 1.3 of the additional written statement (Ex No.530) that in the light of the past experience the University should have but did not make any changes in the present selection process. In particular, it failed ; i) to prune down the number of candidates for interview with the help of effective shortlisting method; ii) to carry out interview objectively and comprehensively to judge academic merit with less number of good candidates rather than making a farce of interview for about two minutes by panel of 7 members of the Selection Committee (as happened in the present case) and; iii) to avoid serious mistake of holding common interview for both these posts.

It is therefore observed by these petitioners that although the Selection Committee of March 1998 had courage to inform the University about inherent defects in the selection process, the present selection committee of June 2005 perhaps desired to utilize flaws of selection process to their advantage for the benefit of their favoured candidates.

Topic.2 : Handing over the charge of Vice-Chancellorship to the Junior Authority in the University during 8th to 24th September 2005.

947) It is pointed out in paras 2.1 to 2.3 of the additional written statement (Ex.No.530) that when Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University went to China on tour from 8th to 24th September 2005, he should have handed over the charge of the office of the Vice-Chancellor, as per normal convention, to Senior Most Director from amongst the Director of Instructions, Director of Research, and the Director of Extension, Education. According to these petitioners, at that time, Dr. S.V. Sarode, the Director of Research was the Senior Most Director, as he took the charge of the said post on 13.5.2002 and not Dr.V.D. Patil, who assumed the charge of the post of Director of Instructions much later but to whom the charge of the office of the Vice-Chancellor was handed over by Dr.S.A. Nimbalkar, by his aforesaid letter dated 6.9.2005 (Ex.No.532). It is pointed out in para 2.3 that Dr.V.D. Patil, Director of Instructions, was the Chairman of the Selection Committee

and, according to these petitioners possibly it was desired by the University that Dr.V.D. Patil, should handle the complete selection process including the appointments of the selected candidates.

Topic.3: Number of sanctioned posts of SRA and JRA in agriculture and vacancies at 3 different time frames :

948) In Para 3.1 of the additional written statement (Ex.No.530) the information about the vacancy position given by the University in this enquiry on the date of advertisement i.e. 31.7.2004 and on the date of interview i.e. 12.6.2005 as given in its affidavit dated 30.3.2007 (Ex.No.180) and on the date of appointment i.e. 15.9.2005 as given in its affidavit dated 4.9.2007 (Ex.No.196) is tabulated to show that the total number of the employees in the posts of SRA (Agri.) and also JRA (Agri.) do not tally with their sanctioned strength as shown by the University in the said affidavits.

Tables showing classified information datewies SRA & JRA in agriculture

Date	Sanctioned Posts	No. of Appointment			Vacancies
		Promotion	Recruitment	Total	
A. SRA (Agriculture)					
31/7/04	143	81	29	110	31*
12/6/05	143	81	29	110	31*
15/9/05	143	70	21	91	52**
B. JRA (Agriculture)					
31/7/04	99	28	7	35	60*
12/6/05	114	28	7	35	76*
15/9/05	114	29	4	33	81

*Those in service and vacancies do not total to sanctioned strength.

**Vacancy shown 57: After deducting 5 posts of Bio-Technology, it work out to 52.

949) In Para 3.2, it is stated that the present information given by the University differed greatly from the earlier information given by it. By showing separately the posts in promotion and nomination quota in the present information, the University perhaps wanted to justify the recruitment by nomination in greater number. In Paras 3.2.1 and 3.2.2, these petitioners have given the possible inferences drawn by them from the table given by them in para 3.1.

Re. SRA (Agri.)

950) There was no change in vacancy position of SRA (Agri.) between 31.7.2004 i.e. the date of advertisement, and 12.6.2005 i.e. the date of interview. Interviews were held between 13th June to 25th June 2005, and according to the University, the Selection

Committee finalized the selection list on 25.6.2005 which date is very close to 12.6.2005. The vacancy on that date in the posts of SRA (Agri.) was of 31 posts and therefore the selection committee could not have finalized the list of 55 candidates on 25.6.2005 when the actual vacancy at that time was of 31 posts only.

951) As per the recruitment rule, there was 50:50 quota of nomination and promotion and on 15.9.2005 the posts of SRA (Agri.) which were already filled in by nomination were 21 and therefore in the nomination quota of the post of SRA (Agri.), the posts which could have been filled by nomination on 15.9.2005 were 50 only. Accordingly, only 50 candidates were eligible for appointment in the post of SRA (Agri.). Issuing orders of appointment to 55 candidates in the post of SRA (Agri.) was thus in violation of recruitment rules of the University, particularly, when 24 vacancies of SRA (Agri.) were only advertised.

Re. JRA (Agri.)

952) In sub-para (a) of 3.2.2 it is stated that after 15 posts of JRA (Agri.) for 5 new Krishi Vigyan Kendras at Sindewahi, Yavatmal, Sonapur, Hiwara and Sakoli, were created on 25.8.2004, the sanctioned strength of the post of JRA (Agri.) became 114 in the University. At the time of finalizing the selection list of the post of JRA (Agri.) on 25.6.2005, the total vacancies considered and the candidates recommended for appointment were 76. However, calculating the vacancy position in the nomination quota, since the total posts of JRA (Agri.) at that time were 114, nomination quota would be of 57 posts out of which 7 posts were already filled in and therefore only 50 candidates could be selected in the vacant post of JRA (Agri.) on 25.6.2005 and not 76. These petitioners, therefore, questioned the said selection in the post of JRA (Agri.).

953) In Para 3.3 of the additional written statement (Ex No.530) it is observed by these petitioners that the above factual data gives credence to the general talk at that time that the selection list continued to be built-up to the last moment of issuing the orders of appointment. In Para 3.4 it is sought to be pointed out that the promotion to the post of JRA (Agri.) from the cadre of Agriculture Assistant, who may be eligible for promotion to the said post and who may be available in sufficient strength, would be adversely affected by the appointment of the candidates in the post of JRA (Agri.) in excess of their nomination quota.

Topic.4 : Questionable anomalies, irregularities and deficiencies in the selection list of SRA/JRA.

954) Under this topic, in para 4.2 a table is given showing the total number of applications and the number of candidates selected in each category of the posts of SRA (Agri.) and JRA (Agri.) after gathering the said information from the categorywise Mark-sheet (Ex.No.34 (O)-A) and the selection lists signed by the Chairman and the Members of

the Selection Committee, included in the file relating to the proceedings of the meeting of the selection (Ex.No.34(O)) submitted by the University in this enquiry. These petitioners, however, criticized the selection lists on the ground that they did not show the total marks received by each candidate. These petitioners have then catalogued questionable anomalies and serious lapses in the mark-sheet (Ex.No.34-(O)-A) and the selection lists as given in paras 4.3.1 to 4.3.3. According to them the selection list was full of lapses, discrepancies, irregularities and illegalities which were glaring and obvious even to casual reader and it was therefore surprising how they escaped watchful notice of the members of the selection committee.

Topic.5 : Wrong Rationale of allocating category and necessity for fresh restructuring of the selection lists components

955) It is stated in para 5.1 of the additional written statement (Ex No.530) that many reserved category candidates and in particular many OBC candidates had given option for open category also and therefore, as per their merit, if they could find place in the list of open category candidates they should have been first placed in the list of open category candidates instead of their reserved category which was not done by the selection committee, while preparing the selection lists of the candidates for the posts of SRA (Agri.) and JRA (Agri.) perhaps to show favour by accommodating more open category low merit candidates. This was clear from the fact that many meritorious OBC candidates, who were top-notchers, instead of being kept in the selection list of open category candidates, by reason of their merit, were deliberately diverted to the selection list of OBC Category. It is stated in para 5.3 of the additional written statement (Ex.No.530) that as a principle, the list of open category candidates should be finalized first on merit basis by selecting the required number of candidates in the said category. In this case, the number of candidates to be selected in SRA (Agri.) open category is 16. Therefore the candidates who can be selected in SRA (Agri.) open category in descending order of merit, are the candidates having Serial No.262, 369, 165, 173, 416, 299, 28, 45, 120, 328, 273, 201, 412, 40, 154 and 122 (It should be 22) securing aggregate marks ranging from 77 to 73 as shown therein. However, according to these petitioners, the selection committee deleted 8 top-notch candidate from the list of open category candidates bearing open category Nos.262, 369, 173, 416, 45, 120, 412, and 22 with aggregate marks 77, 77, 77, 77, 76, 76, 74 and 73 respectively and instead included in their places the candidates in the selection list of SRA (Open) bearing Nos. 124, 110, 417, 419, 106, (it should be 306) , 36, 94 and 157 with aggregate marks 73, 72, 71, 71.2, 70, 68, 60.4 and 64 respectively. It may be seen that all the above serial numbers are taken from the list of SRA Open Category in the Mark-sheet (Ex-34-(O)-A). According to these petitioners as shown above there is intentional manipulation in not including high merit OBC Candidates in the selection list of SRA Open in order to accommodate in it the low merit candidates of SRA open category. Further,

according to them, such changes not only affect the selection list of that category alone but the other related categories also in the post of SRA (Agri.) and JRA (Agri.) since such indiscriminate changes were made in the JRA (Agri.) list also.

956) It is then stated in para 5.4 of the additional written statement (Ex.No.530) that the selection lists approved by the selection committee contained several flaws as shown above and needed to be restructured on accepted guidelines and principles. It is also stated therein that as per the Statute and also the Government Guidelines, no integrated, selection list based on merit was prepared by the selection committee. In para 5.5.1, on the basis of the accepted norms and principles, and on the basis of the Mark-sheet (Ex-34 (O)-A), the following steps are given to show how, according to these petitioners, the select list for each post of SRA (Agri.) and JRA (Agri.) in descending order of merit can be prepared.

- 1) From the SRA Open list and marks available for each candidate, select best 16 candidates (number of open candidates as per university) in order of merit on the basis of aggregate marks.
- 2) If total marks of two or more candidates are same, give preference to biodata marks.

If two or more candidates have same marks for biodata, interview and total, follow the alphabetical sequence.
- 3) The next step is selection of top most 14 candidates from SRA-OBC list deleting those names already selected for open category.
- 4) Similar process is applied for other categories of SRA post VIZ. SC, ST, VJ(A), NT(B) NT(C) and NT (D) and select the required number from different categories as decided by the University. There is no dispute in respect of these categories.
- 5) Based on aggregate marks, prepare an integrated merit list of selected candidate.
- 6) The same sequence can be repeated for JRA posts starting with JRA open list and selecting best – 36 candidates after deleting those already selected for SRA posts, in different categories. Follow the process for selection of 21 OBC candidates from JRA-OBC list after deleting those selected for open category. Repeat process for other categories and prepare the integrated merit list.

Accordingly these petitioners have restructured and prepared integrated merit lists of the selected candidates for the posts of SRA (Agri.) as per Table-1 and JRA (Agri.) as per Table-2 in the annexure to their additional written statement (Ex.No.530) marked as Ex.No.531 in this enquiry.

957) In para 5.6 of the additional written statement (Ex.No.530), the major changes shown in the restructured lists (Ex.No.531) of SRA (Agri.) and JRA (Agri.) are as follows :

1) From SRA open category list finalized by the selection committee, 5 candidates get dropped. They are, (a) Sr.No.11, Warade, S.V. (b) Sr.No.13, Paulkar, P.K. (c) Sr.No.14, Bhopale, AA (d) Sr.No.15, Dethe, A.M. and (e) Sr.No.16, Jagtap, A.P.

Out of the above candidates, candidates at Sr. Nos. 13 to 16 find place in JRA – open category. Candidate at Sr.No.11, gets dropped as the candidate had applied for the only post of SRA (Open).

2) Following 5 candidates of JRA move to SRA posts in SRA (OBC) Category).

- (i) Nichal SS. SRA (OBC-217) - 63.8 marks
- (ii) Sarap, PA SRA (OBC-261) - 63 marks
- (iii) Bhongale Sudhir A SRA (OBC-27) – 63 marks.
- (iv) Wakode, NM SRA (OBC-309) - 63 marks
- (v) Kakde, S.U. SRA (OBC-142) – 63 marks

3) Following JRA open category candidates get dropped from the list given by the selection committee.

- i) Sr.No.29 Wankhade, V.R. - (0-610)
- ii) Sr.No.30 Thakare, P.D. - (0-569)
- iii) Sr.No.31 Tiwari, V.A. - (0-587)
- iv) Sr.No.32 Munnarwar, SR - (0-395)
- v) Sr.No.35 Hiwrale, J.S. - (0-220)
- vi) Sr.No.36 Wankhade, R.S. - (0-609)

4) Following are new entrants to JRA posts in OBC Category

- i) Bhongale Santosh A (OBC-34)
- ii) Mahatale, D.V. (OBC-235)
- iii) Lande, G.K. (OBC-224)
- iv) Changole, A.S. (OBC-56)
- v) Mahalle, A.M. (OBC-232)
- vi) Thawari, SB (OBC-358)
- vii) Bhopale, BS (OBC-37)

958) It is then observed by these petitioners that the whole exercise was undertaken by them to show that no norms / rules were followed and also to show that the legal ones were flouted. It is made clear by them that the above picture had emerged after studying the merit list prepared by the selection committee on the basis of 40 marks for academic performance and 60 marks for personal interview. However, according to these petitioners, since the marks fixed for performance in interview were immensely disproportionate as per the judgment of the Supreme Court, the selection was arbitrary and therefore the whole

merit list needed to be recast giving proper weightage to the interview marks and considering the academic achievement till the time of application only. Thus, according to them, the present selection list was untenable, prejudicial and was vitiated by favouritism in interview. The constitution of the selection committee was also illegal. It was therefore, necessary to take drastic measure in this matter to correct the stigma taking action regarding selection and against the selectors also after quashing the selection process and setting aside the recruitment for the posts of SRA (Agri.) and JRA (Agri.)

959) Turning to the affidavit filed by Dr.B.S.Phadnaik, and Dr.B.S. Chirmurkar, on 8.10.2007, marked as Ex.No.575 in this enquiry, it shows that it includes with it additional written statement, consisting of topic-1 (Pages 2 to 6) marked as Ex-No.576 and topic-2 (Page-7) marked as Ex.No.577 in this enquiry. In the additional written statement filed with the aforesaid affidavit dated 8.10.2007 (Ex-No.575) in topic-1 (Ex-No.576) there is discussion about the guidelines which should be taken into consideration by the University for determining the criteria and their relative weightages for academic evaluation of SRA (Agri.) and JRA (Agri.) while making recruitment in the said posts. In discussing the guidelines these petitioners have considered in para 1.1 the background of these posts which are academic posts and in particular their importance in research programme of the University. They have criticized the present distribution of these posts in various offices of the University which would according to them, indicate many aberrations like two posts of SRA in University Engineer's office position of SRA/JRA doing clerical work in Dean's office etc.

960) In Para 1.2 of the additional written statement (Ex.No.576), the basic considerations in deciding the criteria and their relative weightages for evaluation of SRA (Agri.) and JRA (Agri.) are given and in para 1.3 the petitioners have outlined the scheme about the criteria and their relative weightages for academic evaluation of SRA (Agri.) and JRA (Agri.) which the University should follow for proper selection of candidates in the said posts. The said scheme consists of

A)	Bio-data i.e. academic achievement maximum marks	- 45
B)	Written Test maximum marks	- 40 ; and
C)	Personal Interview maximum marks	- 15

	Total Marks	- 100

It is then stated in para 1.4 that the said criteria and their relative weightages should be given due publicity on Inter-Net and other media. In para 1.5 it is stressed that the selection process of SRA (Agri.) and JRA (Agri.) should be independent including their interviews.

Since these guidelines can only be implemented in future, they would be considered in detail in this report while making recommendations in this enquiry.

961) In topic-2 of the additional written statement marked as Ex-No.577, it is pointed out by these petitioners by referring to the letter of the University dated 30.8.2006 (Ex.No.578) that the marks for interview given to the candidates applying for both these posts were the same and that although, the University stated in the said letter dated 30.8.2006 (Ex.No.578) that mean of the marks for interview awarded to each candidate by the Chairman and each member of the selection committee was calculated and was awarded to him, the alphabetical mark-sheet supplied to Shri N.T. Fokmare with the letter of the University dated 14.8.2006 (Ex.No.89) did not reflect it as the said Mark-Sheet (Ex.No.89) did not show any fraction of the marks for interview which would be so if the mean of the marks given by the Chairman and the Members of the selection committee was to be calculated.

962) The last affidavit filed by Dr. B.S. Phadnaik and Dr. B.S. Chimurkar, in this enquiry is dated 11.3.2008 marked as Ex.No.686 along with which are annexed the additional written statement, and the copies of G.R. dated 16.3.1999 and the letter of the University dated 22.2.2006 marked as Ex.Nos.687, 688 and 689 respectively. These petitioners have in this additional written statement (Ex.No.687), referred to the stand of these petitioners in their writ petition No.4771/2006 and of the Respondent University in its written submissions in the said writ petition on the question of procedure to be followed in making selection if a candidate has applied in reserved category as well as open category and also if he has applied only in reserved category but can be selected in open category on merit. According to these petitioners, as stated by them in their additional written statement (Ex.No.687), if a reserved category candidate has applied in the reserved as well as in open category he should be selected in open category if on the basis of his merit he can find place in the selection list of the said category. However, if he has applied only in the reserved category, he should be selected only in the reserved category, even though, according to merit, he can find place in the selection list of the open category. Further, according to them, although indirectly expressed, the view of the University in this matter is similar.

963) In Para-3 of their additional written statement (Ex.No.687), these petitioners have referred to the requirement of Statute 77 (1) (iv) in preparation of the selection list which, according to them, had to be a unified meritwise list and also to the provisions of the Government Circular No. एसआरव्ही १०९७/प्र.क्र.३१/९८/१६—अ, दिनांक १६.०३.१९९९ annexed as Annexure-1 to the Government Circular No. सा.प्र.वि.,क्र. न्याप्र—१००३/९९/ प्र.क्र.२/०३(भाग—२)/१६—अ, दिनांक २५ ऑक्टोबर, २००५. As regards the Govt. Circular dated 16.3.1999 (Ex.688), they stated that while

dealing with horizontal reservation, it specified the following guidelines or the steps to be taken in preparing the select list.

- i) First prepare the list of open category candidates as per merit.
- ii) Then prepare the list of candidates of each reserved category as per merit. Those candidates from reserved category who have found place in the open category be deleted from these lists.
- iii) Third step relates to horizontal reservation.

964) In Para 4 of the said additional written statement (Ex.No.687), these petitioners have observed that in finalizing the selection lists in the instant case, the selection committee did not finalize first the list of Open Category as the 91 page document i.e. categorywise Mark-sheet (Ex.No.34- (O)-A), would show. According to them, Had it done so, the reserved category candidates and in particular many OBC Candidates would have found place in the open category and on inclusion of such OBC candidates in the select list of Open Category, the other OBC Candidates who were lower in merit in the list of OBC candidates in the Mark-sheet Ex-34-(O)-A, would have found place in the select list of OBC Candidates. They then stated that they had made this point clear in their affidavit dated 24.9.2007 under topic-V “Wrong Rationale of allocating category and necessity for fresh restructuring”.

965) In the last para-5 of the said additional written statement (Ex.No.687), it is pointed out by these petitioners that recently the University held interviews in the 4th week of January 2008 for the posts of Assistant Professor and Associate Professor in which in the case of OBC Candidates, who had applied for the post of Assistant Professor in OBC as well as Open category, if they could find place by their higher merit in the selection lists of both categories, they were issued selection orders in both categories leaving the choice of category (Open or OBC) to them.

966) Shri Himmatrao Sukhdeorao Bache, a social worker, has filed Writ Petition No.342/2006 (Ex.No.5) in the High Court, Nagpur Bench, Nagpur, challenging recruitment in question in the posts of SRA (Agri.) and JRA (Agri.). As already discussed hereinbefore, the principal ground of challenge in the said writ petition is that, it was mandatory for the University to appoint the officer from the Social Welfare Department not below the rank of gazetted officer (class-II) to supervise the selection of the candidates belonging to reserved categories in the absence of whom the selections in Class-III and Class-IV posts would be illegal and arbitrary. He therefore, urged that the selections made by the University in the posts of SRA (Agri.) and JRA (Agri.), which are class-III posts, pursuant to the advertisement dated 14.8.2004 (Ex.No.2), were illegal and liable to be set aside since the officer from the Social Welfare Department was not associated with the selection of the candidates in the above posts of SRA (Agri.) and JRA (Agri.). He has annexed to his W.

P.No. 342/2006, the relevant extracts of the Government Circular Nos. BCC.1072-ECR-J dated 19.9.1972 and BCC.1073-J dated 25.5.1973 are collectively annexed in this Enquiry Report as **Annexure-35** and also the relevant portion of the Government Circular BCC.1084/177/16-B dated 24.5.1984 and No. BCC.1084/177/16-B dated 17.9.1984 and are collectively annexed in this Enquiry Report as **Annexure-36**. The above extracts are from the book containing Government Circulars relating to backward classes published by GAD Maharashtra Government in September 1992.

967) The other ground raised by him in the said writ petition no.342/06 is that, selections made by the selection committee were not impartial because the selections were made by the selection committee of the relations of the officers of the University present and past including the son of the chairman of the selection committee Dr.V.D. Patil. The names of the other such candidates given in para 10 of his writ petition are Ku. Swati G. Bharad (SRA) relation of the Ex-Vice Chancellor of the University, Ku. Madhuri D. Dhomne (JRA), daughter of the clerk in the University.

968) Pursuant to the notice of this enquiry issued to him, he has filed his affidavit on 6.8.2007 in this enquiry marked as Ex.No.75 in which he has raised the same grounds which he has raised in his writ petition. Along with his affidavit dated 6.8.2007 (Ex.No.75) he has enclosed two books viz. (1) Book containing Government Circulars about the reservations and other concessions granted to the employees in the reserved categories issued by the GAD State of Maharashtra published in September 1992 referred to above and marked as Ex.77 and 2) the other book also about the Govt. Orders about reservation backlog, filling backlog, roster etc. issued by the Divisional Commissioner, Nagpur Division, Nagpur, in 2000 marked as Ex.No.78.

969) Miss Archana Rambhau Bipte, and Praful Bhagwantrao Gore, who were candidates for both the posts of SRA (Agri.) and JRA (Agri.) belonging to Vimuktajati (A) and OBC respectively were not selected for any of the posts of SRA (Agri.) and JRA (Agri.) and have therefore, preferred Writ Petition No. 905/2006 in the High Court of Bombay, Nagpur Bench, Nagpur, raising the following grounds :

- a) The selection committee selected relations of the Chairman and the member of the Selection committee as also the relations of the employees of the University, present and retired as shown in paras 8, 9, and 10 of the writ petition. Hence their selection made by the selection committee was arbitrary, biassed, and was violative of Article 14 and 16 of the Constitution.
- b) Pravin Patil, the son of Dr.V.D. Patil, the Chairman of the Selection Committee was absent at the time of verification of the application forms as was clear from the verification sheet (Annx-VI of the W.P.) and was in fact absent for the interview

also. His selection was thus an example to show that the selection committee did not act in a fair manner and also did not follow any norms in selection of candidates.

- c) The posts of SRA and JRA were Class-III posts having pay-scale of Rs.6000 – 15000 and therefore written examination should have been conducted for selection of the candidates in the said posts.
 - d) Time lag of more than one year between advertisement and selection of candidates, and, after selection, not issuing immediately orders of appointment to the selected candidates showed that the above action of the selection committee was high handed and unfair. The list of the selected candidates was also not displayed.
 - e) The selection committee selected the candidates who were doing their regular Ph.D. although, according to the rules, a student of regular Ph.D. could not have taken any form of service. The above action of the selection committee, therefore, denied, appointment to other deserving candidates.
 - f) The less qualified candidates were selected/ appointed ignoring the senior and qualified candidates which action of the selection committee was denial of opportunity and was thus violative of Article 14 and 16 of the Constitution of India.
 - g) The selection and appointment made by the Selection committee was not as per rules as mentioned in the advertisement.
 - h) Selection committee ought to have selected only 67 (it should be 61) total candidates in the posts of SRA (Agri.) and JRA (Agri.) but had selected 131 candidates in the said posts, thereby filling additional posts without calling for applications and thus depriving the eligible candidates of applying for the said posts which action was thus violative of Article 14 and 16 of the Constitution.
 - i) Selection committee had given marks for interview in Pencil which could be easily manipulated. It therefore clearly demonstrated that the respondent University and the Selection committee planned to practice unfairness and to frustrate deserving candidates being selected.
 - j) Caste Certificates and non creamy-layer certificates are required to be submitted by the candidates selected in the reserved categories but the same were not verified of those candidates who were relatives of the selection committee
 - k) The whole approach of the selection committee was malafide, biased, and arbitrary and was in breach of norms, criteria and rules as published in the advertisement and therefore the selection lists prepared by it needed to be quashed and set aside.
- 970)** Pursuant to the notice issued in this enquiry, Ku. Archana Bipte, filed an affidavit dated 4.8.2007 marked as Ex-No.58 in this enquiry containing her written statement

marked as Ex.No.59 and also certain documents marked as Ex.No.60 to 74. In the written statement (Ex.No.59) filed by her with her affidavit dated 4.8.2007 (Ex.No.58), she amplified the grounds raised by her in her aforesaid Writ Petition No.905/2006.

971) In elaborating the grounds raised in her writ petition no. 905/2006, she has stated in her written statement (Ex.59) as follows :

- a) She passed her B.Sc. (Agri.) and M.Sc. (Agri.) examination in First Division and possessed the experience of working as Senior Research Fellow in National Research Centre, Achalpur, from 18.11.2002 to 31.3.2003. She had also submitted three Research papers and had passed MS-Office, and MSCIT examination. Although, she was thus eligible for both these posts of SRA (Agri.) and JRA (Agri.), she was not selected in any of the said posts.
- b) She made a grievance that there was common interview held for these posts which was completed only in two minutes and she was asked to leave.
- c) The candidates selected in the post of SRA (Agri.), VJ (A) Category, viz. Rajput Hitendra J (Merit Sr.No.39), Rathod Rajesh R. (Merit Sr.No.3) and Suradkar Dnyaneshwar D (Merit Sr.No.26) and the candidates selected in the post of JRA (Agri.) VJ (A) category viz. Rathod Naveen G. (Merit Sr.No.72) and Thakur Shailendra B (Merit Sr.No.63) were all male candidates and according to the reservation for women candidates in VJ (A) category applicable in the selection of candidates to these posts, as a female candidate, she should have been given preference and selected in any of these posts of SRA (Agri.) and JRA (Agri.) in VJ (A) category. She annexed to her written statement (Ex.59) the lists of candidates of VJ(A) category who had applied for the posts of SRA (Agri.) and JRA (Agri.) marked as Ex.No.74 in this enquiry extracted from the categorywise Mark-Sheet (Ex.No.34(O)-A) to show that she was the lone female candidate in the said VJ (A) category who had applied for these posts and therefore injustice was done to her as a female candidate by not selecting her.
- d) The posts of SRA (Agri.) and JRA (Agri.) whose pay-scales are 6500-10,500 and Rs.5000 – 8000 respectively are class-III posts and therefore it was necessary to associate Social Welfare Officer in making selection of candidates to the said posts to safeguard the interest of the candidates belonging to reserved categories but the Social Welfare Officer was not present in the meeting of the selection committee constituted for selection of candidates to the said posts.
- e) Pravin Patil, son of Dr. V.D. Patil, who was the Chairman of the Selection Committee, was selected although, he was absent for the interview and his

application form and testimonials/documents annexed with it were not verified as the verification sheet showed that he was absent for verification of his documents/testimonials. He did not acquire Ph.D. qualification till the last date of application i.e. 15.9.2004 and still he was awarded 10 marks for Ph.D. qualification. Further, on the last date of application i.e. 15.9.2004, he had submitted only one research paper but he was still awarded 10 marks for the same. According to her, had similar opportunity been given to her, she would have also been able to annex additional documents i.e. Research papers etc. to her application.

- f) She then stated that the following candidates could not have been awarded 10 marks for Ph.D.
 - i) Pravin Patil whose Ph.D. notification is dated 23.12.2005 is issued after about 3 months
 - ii) Ku. Swati Bharad, who was selected in the post of SRA (Agri.) got her Ph.D. as per the notification dated 30.6.2005 i.e. after 25.6.2005 on which date all the members of the selection committee had put their signatures upon the selection lists.
 - iii) A.D. Warade, selected as SRA (Agri.) was awarded 10 marks for Ph.D., although, there was no notification about it.
- g) The following candidates were doing their regular Ph.D. when they were selected and appointed in the post of JRA (Agri.).
 - i) Samir N. Kale, doing Ph.D. in Entomology. According to Miss Archana Bipte, after her father made a complaint in this regard, the University issued circular on 16.12.2005 at which time also he was doing his Ph.D. and was also working in Horticulture department.
 - ii) Sadiq Abdul Hamid, son of Dr. Abdul Hamid who was Professor in the department of Agronomy, was doing his Ph.D. at the time he was selected in the post of JRA (Agri.). He was still doing his Ph.D. while working in the post of JRA (Agri.).
 - iii) Ku. Prachi M. Asalmol, whose father was Professor in Plant Pathology in the University, was doing her Ph.D. in Plant Pathology, when she was selected in the post of JRA (Agri.) and was appointed in Agriculture School at Nimbi. She could not have continued her Ph.D. while working in the said school.

Miss Archana Bibte then stated that her father had made a complaint to the then Hon'ble Minister for Agriculture, State of Maharashtra,

pursuant to which the University had issued a circular on 16.12.2005 (Ex.No.67) by which the University had directed its employees to stop the practice of prosecuting Ph.D. / M.Sc. (Agri.) degree course after joining service in the posts of academic staff members i.e. Associate Professor, Assistant Professor, SRA and JRA in the University. They were offered option in the aforesaid Government Circular dated 16.12.2005 of either completing their Ph.D. / M.Sc. Degree on their own, by resigning the posts to which they were appointed or of discontinuing their Ph.D./ M.Sc. (Agri.) degree course and only perform their duties exclusively.

- h) She had given the examples of manipulation of interview marks so that the less qualified candidates i.e. those who secured less marks in their bio-data could be selected. The said examples are :
 - i) Shri Bharambe Atul P, son of P.R. Bharambe, Associate Dean in the University, who was selected in the post of JRA (Agri.) was awarded 9 marks out of 40 in his bio-data but received 51 marks out of 60 for his interview.
 - ii) Shri Tiwari Vijay A., whose father was originally working in the Registrar's office but was thereafter transferred to another department, was selected in the post of JRA (Agri.). He received 5 marks out of 40 in bio-data but received 50 marks out of 60 for his interview. He was an ordinary B.Sc. (Agri.).
 - iii) Shri Bhoyar Shashikant S, son of Shri S.R. Bhoyar who was working as Assistant Registrar in the Registrar's office, was selected in the post of JRA (Agri.). He was an ordinary B.Sc. (Agri.) without having any experience. He got only 5 marks out of 40 in Bio-data but in interview he received 49 marks out of 60.
 - iv) Shri Vishal Wankhade, Sanjay Dhongade, Ujwal Raut, and Ku. Nammidevi B. Meshram, were fresh graduates without any experience but were selected in the posts of JRA (Agri.).
- i) She questioned appointment of Shri S.M. Dhongade, B.Tech., Kamble A.N., Deogirikar Amit, H.M. Khobragade, M.Tech. and Supe Ku.Mittal, M.Tech., who were selected in the post of JRA (Agri.), although, they were Agricultural Engineering Graduates when the qualification advertised for the posts of SRA (Agri.) and JRA (Agri.), was B.Sc. (Agri.).

- j) She stated that she belonged to reserved category of VJ (A) and for making direct recruitment in the posts of reserved categories the Government of Maharashtra had given certain directions by issuing Government Circulars (See Ex. 73, 73A, 73B and 73C) of which there does not appear to be any compliance. According to the Government Circular No. २००६/६३३ प्र. क्र.प्रस्ताव क्रमांक १७४/म.८ दिनांक १३.१२.२००६, the presence of the Social Welfare Officer, at the time of the interviews of the candidates belonging to Backward Classes is necessary but he was not present at the time of their interviews. Further, according to the Government Circular No. BCC 2001/1047/16B dated 20.11.2001, it is directed that interviews of the candidates belonging to backward classes should not be taken along with the interviews of the open category candidates, so that the evaluation of backward class candidates is not done with the same standard as applicable to the open category candidates. She also stated that, it is necessary to relax in respect of backward class candidates the criteria fixed for evaluation of candidates. The University authorities or the selection committee conducting interviews should have been aware about the above directions.
- k) Lastly, she has stated that this time common interviews for both these posts of SRA (Agri.) and JRA (Agri.) were held. According to her, on prior occasion when she had applied for these posts, although, she was not called for interview for lack of experience, the university had held separate interviews for the above posts.

972) Shri P.B.Gore, another petitioner in the aforesaid writ petition no.905/2006, filed separate affidavit dated 13.8.2007 marked as Ex.No.83 in this enquiry. He has raised the following grounds in his aforesaid affidavit dated 13.8.2007 (Ex.No.83).

- a) There was long delay of about 10 months in conducting the interviews of these posts after the advertisement was issued on 14.8.2004 (Ex.No.2). He alleged that there was corruption during the period of these 10 months.
- b) Merit list of selected candidates was not published and without publishing it, independent orders of appointment were issued by the University without preparing composite order.
- c) According to him, he passed M.Sc. (Agri.) examination in first division and had four year experience for the said post. He was thus qualified for the posts of SRA (Agri.) and JRA (Agri.). Further, according to him, the students of the University had made a complaint against Shri Vandan Mohod for misusing the power while selecting the candidates and in that

complaint, he was specifically charged of corruption while selecting the candidates.

- d) He stated that his interview was only for one or two minutes and he was asked only his name and residence.
- e) He then stated that as per Statute-71 the posts of SRA and JRA are different posts with the pay-scale of Rs. 6000 – 10500 for the post of SRA and the pay-scale of Rs.5000 – 9000 for the post of JRA. Although, these posts are different posts common interviews were held for the said posts which would clearly show that the interview was a farce and that the respondent had already decided to appoint the candidates for the said posts.
- f) Less meritorious candidates even without verifying their documents such as Caste Certificate and other certificates which are necessary for the selection to the said posts have been selected. The names of such candidates who were selected without having necessary documents such as caste validity certificate in respect of the post of SRA (Agri.) are : (1) Preeti Kadam (Sr.No.1 in SRA list), (2) Rajesh Rathod (Sr.No.3), (3) Brahmanekar (Sr.No.6), (4) Nitin Konde (Sr.No.13), (5) and Chinchmalatpure (Sr.No.19). Such candidates in the list of JRA (Agri.) who were selected without verification of their documents are : (1) Pramodini Lad (Sr.No.4), (2) Ujwal Raut (Sr.No.27), (3) Kishor Bidwe (Sr.No.55).
- g) The candidates who did not possess any experience as mentioned in the advertisement were also selected. Their names are : SRA list Ganesh Bhagat (Sr.No.8), Pravin Patil (Sr.No.9), Nitin Konde (Sr.No.13), Gnyaneshwar Suradkar (Sr.No.26), Kiran Chavan (Sr.No.27), Swati Bharad (Sr.No.32), Atul Varhade (Sr.No.24), Sangita Varhade (Sr.No.41), Bhawna Wankhede (Sr.No.43), Prafulla Gawande (Sr.No.44), Naresh Denar (Sr.No.47), and JRA list : Atul Bharambe (Sr.No.3), Pramodini Lad (Sr.No.4), Vishal Wankhede (Sr.No.5), Ku. Pilla Kini (Sr.No.10), Sanjay Dhongde (Sr.No.11), Prashant Mohod (Sr.No.12), Sameer Kale (Sr.No.14), Ku. Chandan Premlata (Sr.No.15), Shrikant Bhoyar (Sr.No.17), Ujwal Raut (Sr.No.27), Vijay Tiwari (Sr.No.53), Yogesh Ingle (Sr.No.54), Kishor Bidwe (Sr.No.55), Vaibhav Ujjankar (Sr.No.56), Shailesh Sarnaik (Sr.No.57), Jagdish Hiwre (Sr.No.59), Balkishor Muradi (Sr.No.66), Ku. Namdevi Meshram (Sr.No.70), Ku. Jayshree Ugade (Sr.No.74), and Ajay Gathe (Sr.No.75).
- h) The candidates who were not qualified for the post of JRA (Agri.) as per statute i.e. those not possessing degree in (Agri.) were selected for the post

of JRA (Agri.). Their names are (1) Dhongde, (B.Tech.) (Sr.No.11), (2) A.K. Kamble, (M.Tech.) (Sr.No.19), (3) A.M. Deogirikar, (M.E.) (Sr.No.21), (4) H.M. Khobragade, (M.Tech.) (Sr.No.43), (5) M.S. Supe, (M.Tech.) (Sr.No.62). They were all Agricultural Engineering Graduates and although, the candidates possessing the degree in Agriculture i.e. having requisite qualification and experience were available, still non-eligible candidates as shown above were selected.

- i) The candidates who were less meritorious than the petitioner Shri P.B.Gore, were selected. Their names are (1) P.R. Wankhede (Sr.No.56), (2) V.R. Tiwari (Sr.No.58), (3) S.S. Bhoyar (Sr.No.61), (4) Ku. N.B. Meshram (Sr.No.73), (5) S.M. Dhongde (Sr.No.74), and A.R. Bharande (Sr.No.3). According to the above petitioner, all the above candidates were less meritorious and did not have any experience and therefore their selection showed that there was mal-practice in their selection and money had played vital role in the selection process.
- j) There was also no proper shortlisting of candidates which was deliberate so that the candidates who received less marks in bio-data could compete in the selection and could be selected by awarding them higher marks in interview such as the candidates named in sub para-g above
- k) The relations of the Chairman and the Member of the selection committee were illegally selected such as (1) Pravin Patil, who was the son of the Chairman of the Selection Committee, although he was not eligible for the post of SRA (Agri.) as he did not possess the requisite qualification for the said post as per the advertisement and further he was also not present at the time of interview ; (2) Shilpa Deshpande (Sr.No.19), whose father was one of the Members of the Selection Committee and was present during her interview.
- l) The candidates whose parents are employees in the University, were also selected. Their names are (1) Atul Bharambe (Sr.No.3) in JRA List, whose father is Doctor P.R. Bharambe is Associate Dean in PKV College, (2) Sameer Kale (Sr.No.14), his brother working in Registrar's office, (3) Prashant Joshi son of Incharge of Guest house, (4) Vijay Tiwari son of Peon (5) Mr. Mohd. Sajid S/o. Dr. Abdul Hameed, Associate Professor, (6) Prashant Pohurkar, who is doing the regular Ph.D., (7) Prachi Asalmol (Sr.No.33) - father is retired Professor, (8) Shashikant Bhoyar, whose father is retired Registrar, (9) Swati Bharad daughter of Ex-Vice Chancellor, (10) Jagdish Parmar- son of retired Professor, (11) Ku. D.K. Nemade daughter of

retired Agricultural officer, (12) Naveen Rathod son of Section officer, (13) Mitali Supe - Daughter of Associate Dean (14) Ujwal Raut Son of Senior Clerk, (15) Shailendra Thakur Son of Peon.

- m) That the selection committee was biased and committed mal-practice, was clear from the fact that the candidates who had applied for the posts of JRA (Agri.) and SRA (Agri.), although, had very good marks in their bio-data were given less marks in interview and were thus not selected for the posts of JRA (Agri.) and SRA (Agri.), but they were surprisingly selected in the higher post of Assistant Professor at about the same time. Their names with their total marks (Wrongly stated as Interview marks) for the posts of SRA (Agri.) and JRA (Agri.) are as follows :

Choudhary A.A.(39), Gite B.D. (42), Gupta V.R. (41), Hadole (37), Ingle S.T. (40), Kalpande V.V. (40), Kulkarn U.S. (40), Kulwad P.L. (37), Laheria G.S. (40), Lambe S.P. (40), Marwar M.W. (44), Matey G.D. (41), Nimkar (40), Bhopale S.R. (55), Ramteke N.H. (40).

- n) The cases of the above candidates who were selected in the higher post of Assistant Professor but were not selected in the post of SRA (Agri.) or JRA (Agri.) clearly show that the selection committee acted with a predetermined mind to select the candidates which is nothing but a malpractice adopted by it in selection of the candidates to these posts.
- (o) The University had filled 76 posts of JRA (Agri.) without any advertisement and although there were 7 posts for JRA (Agri.) OBC category advertised in the Advertisement dated 14.8.2004 (Ex.No.2) the University filled 18 posts in the said category.
- (p) The petitioner Shri P.B. Gore, stated that to avoid repetition he was adopting the affidavit (Ex.No.58) and the written statement (Ex.No.59) with the documents filed by Miss. Archana Bipte, in this enquiry and all the submissions made therein by her
- (q) The entire procedure adopted by the Selection committee is arbitrary, malafide and the selections are made by it without following any norms and criteria. The whole action of the selection committee is violative of Article 14 and 16 of the Constitution of India.

973) In view of the directions issued to the petitioner P.B.Gore, on 13.8.2007 to clarify his allegations in paras 8 and 12 of his affidavit dated 13.8.2007 (Ex.No.83), he filed additional affidavit dated 21.8.2007 marked as Ex.No.99 in this enquiry in which he gave clarification about paras 8 and 12 of his affidavit dated 13.8.2007 (Ex.83) in two tabular

statements. One was about the candidates who received less marks in Bio-data but were selected by the Selection Committee by awarding them higher marks in interview. Another was about the candidates who received higher marks in their bio-data and were appointed in the higher post of Asst. Professor but were not selected by the Selection Committee in the post of SRA (Agri.) or JRA (Agri.) by giving them less marks in interview. The said tabular statements are annexed to this report as **Annexures-37 and 38.**

974) Shri Nilesh Tukaram Fokmare, who was not selected for any of the posts of SRA (Agri.) or JRA (Agri.), has filed an affidavit dated 5.9.2007 in this enquiry marked as Ex.203. He stated in his aforesaid affidavit that he had applied for the posts of SRA (Agri.) and JRA (Agri.) in open and OBC Categories in pursuance to the advertisement dated 14.8.2004 (Ex.2). He was called for interview but he was not selected. He observed in his aforesaid affidavit dated 5.9.2007 (Ex.203) that from the point of view of Agriculturists and, in particular, looking to their suicides, proper candidates need to be selected for the posts of SRA (Agri.) and JRA (Agri.) since otherwise, it would have adverse effect upon research in the field of Agriculture.

975) Shri N.T. Fokmare, has raised the following grounds, in challenging the selections made pursuant to the advertisement dated 14.8.2004 (Ex.2) :

- a) The selection committee included in it the father of the candidate appearing for interview before it.
- b) The criteria of 60 marks for interview and 40 marks for academic performance was not fixed unanimously as there were only three members of the selection committee out of 7 present when the said criteria was fixed.
- c) It was necessary for the selection committee to take separate interviews for the posts of SRA (Agri.) and JRA (Agri.) since their cadres and pay-scales were different and even in advertisement separate applications were invited for the said posts. However, common interviews of the candidates applying for these two posts were held and no separate marks were given in evaluation of the candidates applying for both these posts.
- d) There is suspicion that after the applications of the candidates for these posts were accepted in some cases even after the interviews were over and further even after the orders were issued, publications about the additional qualifications acquired by such candidates were accepted and they were given marks for the same.
- e) The Selection Committee did not prepare any merit list and the waiting list.
- f) According to the statute, it is necessary for each member of the selection committee to give separate marks to the candidates appearing for interview and

thereafter to take average of the marks given by them. But it does not appear proper that all the candidates should receive marks in complete numbers i.e. none in fractions.

- g) It was contrary to the statute to select in the posts of JRA (Agri.) a candidate having degree in Agricultural Engineering.
- h) If the name of any backward class candidate is higher in merit list, then, according to rules it is necessary to select him in open category and in the reserved category to which he belongs, another candidate of the same reserved category, who has made an application for the same has to be selected but in making selections for the posts of SRA (Agri.) and JRA (Agri.), the above rule is completely violated.
- i) Many reserved category posts were filled without giving any advertisement and some of such posts were not filled, even though advertised and even though the candidates from the said reserved category were available. For instance, advertisement for the post of JRA (Agri.) showed that there were three posts reserved for S.T. Category in JRA (Agri.) but actually only 2 posts were filled although more than double the posts of JRA (Agri.) which were advertised were filled.
- j) In the advertisement dated 14.8.2004 (Ex.2), 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) were advertised. However, actually 54 posts of SRA (Agri.) and 76 posts of JRA (Agri.) were filled. Since the number of posts advertised was less, many candidates did not apply for the said posts.
- k) He stated that his interview was held by the Selection Committee on 15.6.2005 for the 4 posts of SRA Open, SRA OBC, JRA Open and JRA OBC and it was actually over in 1 to 1 ½ minutes after three members of the selection committee who were present had asked him one question each.
- l) According to him, he had first asked on 20.9.2005 information from the University under the Right to Information Act which information included marks for interview given to the candidates. However, the University avoided to supply him the said information for about 6 months. At that time the Information officer and Appellate officer were Shri Suradkar and Dr. Mohod. Similarly, Shri Waghode, had also asked for information regarding the interviews but the University avoided to supply him the said information, in breach of the rules. Shri Waghode, preferred an appeal to the Chief Information Commissioner twice and it was only when he succeeded in appeal that five months thereafter he was supplied the said information.

- m) He further stated that on 4.11.2005, he had made a complaint about this matter to the Hon'ble Minister for Agriculture, State of Maharashtra, and the said complaint was enquired into by Dr. Appasaheb Bhujbal, Director Extension Education and सा.सा.सा.वि. MCEAR Pune on 28.8.2006, He had asked for the report of the said enquiry under the Right to Information Act, but the said report was not given to him.

976) Shri Amit Yashwantrao Deshmukh, a non-selected candidate, has filed an affidavit dated 22.10.2007 (Ex.586) in this enquiry. According to him, he had submitted an application for the posts of SRA (Agri.) and JRA (Agri.) in open category and at the time of application, he had passed B.Sc. (Horticulture) and M.Sc. (Agri.) both in first division. Further, he had experience of working as skilled labour for about 8 months and as Research Associate for about 3 months, the total experience being 11 months 20 days. He had appeared for interview of the aforesaid posts on 15.6.2005 and during his personal interview, he had answered all the questions asked by the Selection committee. His grievance is that injustice was done to him as some candidates who though academically poor, were selected by the selection committee.

977) The last bunch of the affidavits raising objections to the selection process and selection in the instant case is of the Graduates in Agriculture from Yashwantrao Chavan Maharashtra Open University (for short, Y.C.M.O.U). In recruitment to the posts of SRA (Agri.) and JRA (Agri.) there was a controversy in the University on the question whether the Graduate degree in Agriculture of Y.C.M.O.U. is equivalent to the Graduate degree in Agriculture of the Agricultural Universities in the State. After taking legal advice, Dr.V.D.Patil, the Chairman of the Selection Committee, directed by his order dated 17.6.2005, that the Graduates in Agriculture from YCMOU, who had applied for the posts of JRA (Agri.) should be called for interview on 24.6.2005. Accordingly, seven graduates in (Agri.) from YCMOU were called for interview for the post of JRA (Agri.) out of whom two candidates viz. Raner Vaijnath N., and Timande Pandurang V. were absent for the interview. Except Shri Shinde Jagdish B, the other YCMOU Graduates in Agriculture viz. Ade Janardhan D., Barde Sanjay A., Ramteke Milind H., and Solanki Dilipsingh P., have filed affidavits in this enquiry. All of them are working as Agriculture Assistants in the University and it appears that they had done their graduation in Agriculture while working in the said posts.

978) One Lomesh Shamrao Vitholika, who was working in the University as Agriculture Assistant since 26.5.1978 and had graduated himself in Agri. from YCMOU in 2000, has also filed an affidavit in this enquiry marked as Ex.No.171 although he did not apply for the post of JRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex.No.2). His grievance in his affidavit is about the injustice done to him in not giving him

departmental promotion although the Agriculture Assistants much junior to him were given promotion. The question of departmental promotion from the post of Agriculture Assistant to JRA (Agri.) and / or JRA (Agri.) to SRA (Agri.) is not within the ambit of this enquiry which is concerned with the question of direct recruitment pursuant to the advertisement dated 14.8.2004 (Ex.No.2) read with its addendum dated 6.9.2005, making agricultural engineering graduates eligible to apply for the post of JRA (Agri.). The limited question which can be considered in this enquiry as regards promotion is about the utilization of the vacant posts in the quota of promotion in making appointments of the selected candidates in the posts of JRA (Agri.) and SRA (Agri.). His grievance, therefore, cannot be considered in this enquiry.

979) The two YCMOU Graduates, whose affidavits can be considered together are Janardan Daulatrao Ade, and Sanjay Anandrao Barde, who had applied for the post of JRA (Agri.) in open category. Janardan Daulatrao Ade, has filed affidavit in this enquiry marked as Ex.163 with the documents marked as Ex.No.161 to 170. Sanjay Anandrao Barde, has filed affidavit in this enquiry marked as Ex.No.127 with the document marked as Ex.No.128 to 139. Janardan Daulatrao Ade, stated in his affidavit that he was in service of the University since 1978 and had acquired Graduate degree in Horticulture from YCMOU in 2003. Sanjay Anandrao Barde, stated in his affidavit that he was in service of the University since 1982 and had acquired Graduate qualification in Horticulture from YCMOU in 2000.

Both have annexed to their affidavits the G.R.No. एजीयु २१९९/प्र.क्र.१६७/१८—अे दिनांक २४.०९.२००३, in which the Government has recognized the degree in Agriculture of YCMOU as equivalent to the degree in Agriculture of the Agricultural Universities in the State. Although, their main grievance in their affidavits (Ex.161) and (Ex.127) is that injustice was done to them in not giving them promotion to the post of JRA (Agri.), as the Agriculture Assistants much junior to them in service, were granted promotion in the said post of JRA (Agri.), they have stated in their affidavits that although, the University had advertised 37 posts of JRA (Agri.), they had filled 76 posts of JRA (Agri.) from which, it was clear that the University had utilized some vacancies in the 50% quota of promotion in the said post while making appointments of 76 selected candidates by direct recruitment. According to them, this would show that calling them for interviews was merely an empty formality. Further, according to them, the University should have first filled the posts in 50% quota of promotion and thereafter filled the post by direct recruitment. Although the question of their promotion to the post of JRA (Agri.) cannot be considered in this enquiry, the limited ground raised by them whether the utilization of the posts in promotion quota for filling the posts by direct recruitment is legal or not can be considered in this enquiry.

980) Shri Milind Kumar Hemraj Ramteke, Graduate in Horticulture from YCMOU, has filed the affidavit dated 5.10.2007 marked as Ex.574 in this enquiry. He stated in his aforesaid affidavit dated 5.10.2007 (Ex.574) that he was working as Agriculture Assistant in the University since 12.1.1990 and was YCMOU graduate. He had made an application for the post of JRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex.No.2) in S.C.Category. He was interviewed for the said post on 24.6.2005. He then stated in his aforesaid affidavit dated 5.10.2007 (Ex.No.574) that although instead of 37 posts of JRA (Agri.) which were advertised, the University had filled 76 post of JRA (Agri.) as per the order dated 17.9.2005, he was not selected and appointed in the said post. He also stated that according to the rules, the University should have filled 50% posts by direct recruitment and 50% posts by promotion. His grievance about not giving him promotion is that although, the University had given promotion to 14 Agriculture Assistants to the posts of JRA (Agri.) as per its order dated 15.9.2005, he was not given promotion to the said post although he was senior to them. According to him, even though he belonged to S.C. Category, he was neither selected nor promoted in the said post of J.R.A. (Agri.) As already stated, his grievance about not giving him promotion cannot be considered in this enquiry.

981) The last two affidavits to be considered are of Shri Dilip Singh Puran Singh Solanki, Graduate in Agriculture from YCMOU. He had applied for the post of JRA (Agri.) in S.T. Category pursuant to the advertisement dated 14.8.2004 (Ex.No.2). He was working in the post of Agriculture Assistant in the University since 11.6.92. In August 2004, he acquired the Graduate degree in Horticulture from YCMOU passing the said examination in first division. He has filed in this enquiry affidavit dated 5.10.2007 marked as Ex.No.40 with the document marked as Ex.Nos.141 to 162 and additional affidavit dated 6.9.2007 marked as Ex.No.204 with the documents marked as Ex.No.205 to 208. In his affidavit dated 6.9.2007 (Ex.204), he has made grievance about not giving him departmental promotion, although, he was much senior to the Agriculture Assistants who were given promotion by the University by its order dated 15.9.2005 (Ex.205). As already stated, his aforesaid grievance cannot be considered in this enquiry except to the extent of utilization of the posts of JRA (Agri.) in its promotion quota for making appointment of the candidates selected pursuant to the advertisement dated 14.8.2004 (Ex.No.2).

982) As regards the question of direct recruitment, he stated that pursuant to the advertisement dated 14.8.2004 (Ex.No.2), he had applied for the post of JRA (Agri.) in S.T. Category and was interviewed for the said post by the selection committee. He then stated that there were 37 posts of JRA (Agri.) to be filled as per the advertisement dated 14.8.2004 (Ex.No.2) in which the reservation for S.T. Category was of three posts. However, when the University filled 76 posts of JRA (Agri.) instead of 37, as per the prescribed 7% reservation for S.T. category, the University should have reserved 5 posts for S.T. Category in the said 76 posts of JRA (Agri.) but actually it selected and appointed only two

candidates in JRA (Agri.) S.T. Category. According to him, as per his merit and seniority, he should have been also appointed in the post of JRA (Agri.) in S.T. Category since in 76 posts of JRA (Agri.) which were filled there would be 5 posts available in S.T. Category, as stated above and even otherwise in 37 posts of JRA (Agri.) which were advertised in the advertisement dated 14.8.2004 (Ex.No.2), 3 posts were reserved for S.T. Category. His grievance is that his just claim for being appointed in the post of JRA (Agri.) by direct recruitment was ignored by the University. He has also relied upon the letter of the Project officer, Integrated Tribal Development Project, Akola dated 24.10.2005 (Ex.No.149) according to which, since the representative of the Tribal Development office was not associated with interviews to the post of JRA (Agri.) which was class-III post, the selections to the said post should be declared as illegal and invalid.

983) In his additional affidavit dated 6.9.2007 (Ex.No.204), Shri Dilip Singh Solanki pointed out in para-3 that even though, three posts of JRA (Agri.) of S.T. Category were advertised, the University had appointed only two candidates viz. S.M.Dhongade, (B.Tech.) , and Ku. N.B.Meshram, B.Sc. (Agri.) although, he was available for being appointed in the third post which was kept vacant. It was clearly deliberate injustice done to him. In fact, according to him, the qualification of B.Tech.(Agriculture Engineering) was not prescribed for the post of JRA (Agri.) in the advertisement dated 14.8.2004 and therefore S.M. Dhongade, B.Tech.(Agriculture Engineering), could not have been appointed in S.T. Category , with the result that there was only one candidate Ku. N.B.Meshram, who possessed the Graduate qualification in Agriculture, as required by the advertisement dated 14.8.2004, who was appointed in this post in S.T. Category.

984) Shri Dilip Singh Puran Singh Solanki, has then stated in his affidavit dated 6.9.2007 (Ex.No.204) that the total sanctioned posts of JRA (Agri.) in the University were 111 in which as per 7% reservation for S.T. Category, 8 posts of the said category should have been reserved. Taking into consideration 100 point roster, 8 S.T. candidates needed to be appointed in the post of JRA (Agri.) S.T. Category but only one candidate was appointed in the said post in the said S.T. Category viz. Ku. Nammidevi B. Meshram. He then pointed out in this regard that although previously on 30.12.1996, the University had appointed two candidates in the post of JRA (Agri.) S.T. Category, the said candidates did not submit their caste validity certificates till date and therefore, they could not be said to be belonging to S.T. Category.

985) As regards the question of promotion, he has made grievance in para-2 of his affidavit dated 6.9.2007 (Ex.No.204) that there was no S.T. Candidate in 14 Agriculture Assistants who were promoted to the post of JRA (Agri.) by the order dated 15.9.2005. As already shown hereinbefore the said grievance cannot be considered in this enquiry.

H. JUSTIFICATION OF SELECTION PROCESS AND SELECTION

986) Perusal of the lists of affidavits of the selected candidates for posts of SRA (Agri.) and JRA (Agri.) Annexure 1-A (vii) would show that some candidates filed more than one affidavit. All of them, in their affidavits, justified their selection as being on the basis of their merit. They stated therein that they did not adopt any unfair means or tactics for their selection and appointment. The candidates who were selected in the posts of SRA (Agri.) and JRA (Agri.) and who were related to the University employees/officers, present or retired, including the Chairman or Members of the Selection Committee whether they were relations as shown in their notices as shown in the list already annexed to this Enquiry Report as Annexure-17. It was also stated in the said notices that if any such candidate failed to file his affidavit in this regard in this enquiry, it would be presumed that he / she is related as shown in their notices.

987) Pursuant to the notices issued to all the candidates selected and appointed in the posts of SRA (Agri.) and JRA (Agri.) when they appeared in this enquiry, they were asked to disclose by further affidavit, if they had not already done so, whether they had submitted for verification before the Assistant Professors/Associate Professor doing verification work, additional documents for the first time i.e. documents which they had not annexed to their applications such as certificate showing Ph.D. degree acquired by them after the last date of application, a certificate showing that they submitted thesis for Ph.D. after the said date, and also research papers/popular articles published by them after the said date. Some of the selected candidates, therefore filed additional affidavits in this regard in this enquiry. A chart showing the names of such candidates and according to them their certificates about Ph.D. degree or Ph.D. thesis submission and publications shown by them for the first time at the time of interview (i.e. not annexed to their applications) and verified by the Assistant Professors/Associate Professor is annexed to this report as **Annexure-39**. It is thus clear that some candidates admittedly filed additional documents at the time of their interviews i.e. which they did not annex to their applications for these posts for award of marks to the same.

988) A group of 16 candidates selected and appointed in the posts of SRA (Agri.) and JRA (Agri.) filed common affidavit dated 13.9.2007 marked as Ex.No.218 with the documents/charts marked as Ex.Nos. 219 to 227 in this enquiry. Out of the above appointees who filed the said affidavit dated 13.9.2007 (Ex.218) the appointees 1 to 5, 11 and 16 were appointed in the posts of JRA (Agri.) and the appointees 6 to 10 and 12 to 15 were appointed in the posts of SRA (Agri.). Their names are as follows :

- JRA (Agri.) :**
1. Shri Nitin Harishchandra Sable
 2. Shri Anil Shriram Gomashe
 3. Shri Mangesh Sukhdeorao Dandge

4. Shri Ravi V. Pawar
5. Shri Sameer Narendra Kale
11. Shri Manish Madanrao Wakode
16. Miss. Anjali D. Mohariya

SRA (Agri.) :

6. Shri Prashant N. Mane
7. Shri Prakash Uttamrao Ghatol
8. Shri Manish Y. Ladole
9. Shri Madan Ramkrishna Wandare
10. Shri Prashant Kalidas Poulkar
12. Dr. Prashant Dinkarrao Peshettiwar
13. Dr. Shrikant Balasahab Brahmankar
14. Shri Atul Digambar Warade
15. Shri Prashant Diwakar Raut

They are represented in this enquiry by Advocate Shri R.L.Khapre, who made oral submissions in this enquiry on 22.9.2007 in regard to the points raised in the aforesaid common affidavit dated 13.9.2007 (Ex.No.218). The said affidavit is filed by one of the said appointees viz. M.S. Dandge, JRA (Agri.) who was authorized by the aforesaid appointees by their letter dated 12.6.2007 to file common affidavit on their behalf.

989) A bare perusal of the common affidavit dated 13.9.2007 (Ex.No.218) would show that it is in answer to the grounds of challenge raised by Dr. B.G. Bathkal and others in their writ petition no.4771/2006 and in the affidavits filed by them in this enquiry. In answer, these appointees have stated as follows :-

- a) As regards the question of weightage to be given for personal interview, it is stated that the posts of SRA (Agri.) and JRA (Agri.) required high qualification and the appointees in these posts were expected to work in the field. Therefore, the procedure adopted by the University for selection only on the basis of the interviews was proper and justified. In support, it is stated that the appointees in these posts are expected to make research experiments in agriculture and therefore, physical ability to work in Agricultural field, attitude towards experimentation, and devotion to work in agriculture field are basic considerations for selection, which can be assessed only in interview and not on the basis of the academic performance of a candidate. Hence, according to them, the selection process based on interview is only the best available process for selection of candidates in these posts. It is observed that there is no rule that the

procedure for evaluation of candidates to be followed must be of written test with high percentage of marks and of interview for which lower percentage of marks should be assigned. According to these appointees, persons with high qualification such as Ph.D. etc. are reluctant to do manual work in agricultural field and further, the attitude can only be judged in interview.

- b) It is then stated by them that 60 : 40 pattern i.e. 60 marks for interview and 40 marks for academic performance was adopted by the selection committee for its own convenience and not because of any legal compulsion or any statutory rule binding upon it. Even if the said pattern was followed, the method of selection would not change and its basis would still be the “oral interview”. These appointees have relied upon the judgment of the Supreme Court in *Kiran Gupta –Vs State of U.P.* (AIR 2000 S.C. 3299) to show that it recognises the test of oral interviews alone for making selections to the posts in various services. According to them, the principle which is applied for allocation of marks to the written test and oral interview is not applicable to the present case where selection is based upon oral interview alone.
- c) These appointees have then justified the merit list prepared by the selection committee stating that the selection committee acted in most proper manner and evaluated performance of each and every candidate. As regards the question raised by Dr. Balwant Govindrao Bathkal and others, that the claims of meritorious candidates were ignored by the selection committee by taking advantage of higher marks i.e. 60 marks fixed for oral interview as compared to 40 marks fixed for the academic performance, it is stated that the allocation of marks by the selection committee to each candidate for his interview was proper.
- d) As regards the specific question raised by Dr. Balwant Govindrao Bathkal, and others about the Ph.D. candidates not being selected and the candidates having less meritorious academic record being selected only on the basis of marks awarded to them for their oral interview, the following factual position is placed by the appointees in this enquiry through their aforesaid common affidavit dated 13.9.2007 (Ex.218).
- e) According to these appointees, there were 77 candidates who were Ph.D. and who had applied for the posts of SRA (Agri.) and JRA (Agri.). Out of them, 9 candidates remained absent for interview. A list showing their names and bio-data marks is annexed by these appointees to their common affidavit dated 13.9.2007 (Ex.218) marked as Ex.No.221 in this enquiry. These appointees have in fact annexed to their affidavit dated 13.9.2007 (Ex.218) the list of all 77

Ph.D. candidates including 9 candidates who were absent for interview in which they have shown their bio-data marks and the marks for interview. The said list of 77 Ph.D. candidates is marked as Ex.No.222 in this enquiry.

- f) It is also stated that at or about the same time, when the interviews for the posts of SRA (Agri.) and JRA (Agri.) were being held the process of selection of the Candidates for the posts of Assistant professor was also undertaken and from the above list of Ph.D. candidates (Ex.No.222), who had applied for the posts of SRA (Agri.) and JRA (Agri.), 16 candidates were selected for the posts of Assistant Professor for which also they had applied. The list of such Ph.D. candidates, who were selected for the posts of Assistant Professor is annexed by them to their affidavit dated 13.9.2007 (Ex.218) marked as Ex.223 in this enquiry.
- g) It is then stated that out of remaining 52 Ph.D. candidates, 36 were selected for the posts of SRA (Agri.) and JRA (Agri.) whose list is annexed by them to their affidavit dated 13.9.2007 (Ex.218) marked as Ex.224 in this enquiry.
- h) Thus, according to these appointees, only 16 Ph.D. candidates out of 77 candidates (actually 68 since 9 did not appear for interview), were not selected for these posts of SRA (Agri.) and JRA (Agri.). The list of such 16 candidates is annexed by them to their affidavit dated 13.9.2007 (Ex.218) marked as Ex.No. 225 in this enquiry. Perusal of the said list, according to them, would show that out of the said 16 candidates, the candidates at Sr.No.2, 6, 11, 12, 13 and 14 had barely submitted their thesis for Ph.D., which would not mean that they secured Ph.D. degree. Thus, according to them, only 10 Ph.D. candidates were not selected for these posts of SRA (Agri.) and JRA (Agri.). It is observed by them that none of them had made any significant contribution by doing any special work in the University and further that as regards work experience, the candidates at Sr.No. 1, 3, 4, 5, 6, 11, and 15 did not have any previous experience.
- i) It is then stated that the members of the selection committee had asked one pertinent question to these appointees whether after their selection they were likely to continue to work on the same post or not, which would show their commitment to do the present job and according to them, the same question also must have been put to these 16 Ph.D. candidates, who were not selected. It is further stated that these 16 Ph.D. candidates who were not selected stated before the selection committee in answer to the above question that if they were selected for other better job they would immediately leave the present job because of which reason their marks in interview were reduced substantially. On

the other hand, as stated by these appointees, they were already working on the same post. As regards their previous experience, these appointees enclosed with their common affidavit dated 13.9.2007 (Ex.218) the chart marked as Ex.226 in this enquiry showing their work experience.

- j) Thus, according to these appointees, no illegalities were committed by the members of the selection committee in the selection of the candidates to these posts of SRA (Agri.) and JRA (Agri.).
- k) The matter of selection of the candidates falls fully within the discretion of the selection committee and the wisdom of the selection committee cannot be questioned by the courts as well as in this enquiry.
- l) Dr. Balwant Govindrao Bathkal, and the candidates who had taken chances by appearing for interview before the selection committee, have no locus-standi to challenge the selections made by the selection committee.

For all the above reasons, these appointees claim that their appointment be treated as legal and valid.

990) It is then stated that assuming but not admitting that mere higher qualification of a candidate entitles him to his selection, according to these appointees, since these appointees are all now age barred, they would be put to great irreparable loss if their appointments are cancelled at this stage. As regards the question of irreparable loss it is highlighted by stating that from amongst these appointees Dr. P.D. Peshettiwar, Shri P.N. Mane and Shri P.V. Ghatol had left their previous permanent jobs to join these posts in the University.

991) It is then stated that no recommendation be given for cancellation of appointment of all the selected candidates in the posts of SRA (Agri.) and JRA (Agri.) since at the time of their appointments they were required to execute bond that atleast for 3 years, they would serve with Dr. PDKV, Akola and therefore none of the appointees could apply for job elsewhere for the last about 2 years during which period they have also become age barred.

992) It is further stated that these appointees, who have filed the instant common affidavit dated 13.9.2007 (Ex.218) are having special qualification as shown in annexure 9 (a) to (p) thereof marked as Ex.227A to 227-Z-34 in this enquiry.

993) It is also stated that out of these 16 appointees Dr. P.D.Peshettiwar, Ph.D. (NT (B)), Shri A.D. Warade, Ph.D. (OBC), Dr. S.B. Brahmkar, Ph.D. (OBC), Shri M.R. Wandare, M.Sc. (OBC), Shri M.Y.Ladole, M.Sc. (OBC), Shri P.N. Mane, M.Sc., (SC), Shri R.V. Pawar, M.Sc. (OBC), Shri M.M. Wakode, M.Sc. (OBC), Shri M.S.Dandge, M.Sc. (OBC), Shri A.S. Gomashe, M.Sc. (OBC), Miss Anjali D. Mohariya, M.Sc. (OBC) are selected in the reserved category as shown.

994) Referring to writ petition filed by Dr. Balwant Govindrao Bathkal in the High Court, it is urged that since his close relative Pravin Maltale, was not selected by the selection committee, he has filed the said writ petition to settle his personal score on account of dirty politics in the Agricultural University and the present enquiry initiated by him is not in public interest but it is for his personal reason to get appointment of his aforesaid relative and is thus malafide and should be dropped.

These are the grounds raised by these 16 appointees who have filed common affidavit dated 13.9.2007 (Ex.No.218).

995) Lastly, it is necessary to refer to the affidavits filed by 5 Agricultural Engineering Graduates who were selected in the post of JRA (Agri.). The names of the said Agricultural Engineering Graduates are Shri Hitendra Kumar Motilal Khobragade, Ku. Mittal S. Supe, Shri Anil Kumar K. Kamble, Shri Amit A. Deogirakar and Sanjay Motiram Dhongade. The first four candidates named above have filed three affidavits each with some documents and the last one Sanjay Dhongade, has filed one affidavit.

996) Shri Hitendra Motilal Khobragade, who has filed affidavit dated 13.9.2007 marked as Ex.412 in this enquiry stated in it that pursuant to the advertisement dated 14.8.2004 (Ex.2), he had applied for the posts of SRA (Agri. Engg.) and JRA (Agri.) in S.C. Category. According to him, at that time he had passed M.Tech. (Agri. Engg.) examination in first division in 2001 and NET Test in 2003. He had also experience of working in the post of Senior Research fellow for 1 year, 9 months and as Research Associate for 1 year, 5 months, his total work experience being of 2 years 5 months. Further, according to him, 5 articles were submitted by him at the National level and 2 Research papers, in the International conference. He had produced at the time of interview all his original testimonials for verification. According to him, he had fared well in the interview. He then stated that after his appointment in the post of JRA (Agri.) he left his previous job of Research Associate in Dr. Bhimrao Ambedkar Agricultural Engineering and Technical College, Itawha (UP) and joined the above post of JRA (Agri.) in Dr. PDKV, Akola. After a long time, according to him, the questions are raised doubting his appointment made in this University.

997) He also stated that from his above bio-data, he was eligible to be appointed in the post of SRA (Agri. Engineering) but he had to be satisfied with his selection in the post of JRA (Agri.). He further stated that since he was in service in UP there was no question of his contact with anybody in the University including the members of the selection committee. He then stated that his age was 30 years and he was married and that he had left his earlier job to take-up this job in the University. He therefore urged that for all these reasons, while taking any decision in this matter, it should be kept in mind that his future

life is not adversely affected and that under any circumstances he should not be held responsible for the mistakes committed by others.

998) Shri Hitendrakumar Motilal Khobragade, has filed additional affidavit dated 1.10.2007 (Ex.571) in this enquiry along with certain documents marked as Ex. No. 572 and 573 in this enquiry. Perusal of his additional affidavit dated 1.10.2007 (Ex.No.571), would show that it is by way of his reply to the allegations made by the petitioners Dr. B.G. Bathkal and others, in writ petition no. 4771/2006, filed by them in the High Court. The allegations made in the said writ petition are mostly denied by him. Further, on legal points raised in the said writ petition, he has referred to the decisions of the Supreme Court which, according to him, are in his favour.

999) As regards the question of eligibility of Agricultural Engineering Graduates to apply for the posts of JRA (Agri.) it is stated in para-25 (iv) of the aforesaid affidavit dated 3.10.2007 (Ex.571) that the word “Agriculture” as defined in Section 2.(b) of the University Act includes Agricultural Engineering and therefore the qualification for the post designated as JRA (Agri.) would include the qualification of Agricultural Engineering also. He has also relied in this regard upon the concept of the term “Agricultural Engineering” as explained by Dr. O.P. Singhal, Professor and Head, Agricultural Engineering, IARI, New Delhi, in his textbook book on “Numerical Problems in Agriculture Engineering” written by him. It is, therefore, submitted by him in the said para that the Agricultural Engineering Graduates were needed by the University for appointment in the post of JRA (Agri.) and therefore both the qualifications i.e. Bachelor’s Degree in Agriculture and Agricultural Engineering were prescribed for the said post of JRA (Agri.) in the advertisement dated 14.8.2004 (Ex.No.2) read with the addendum to it dated 6.9.2004. He has thus justified his selection in the post of JRA (Agri.).

1000) As regards his posting in the post of JRA (Agri.) in the office of Director Agro Ecology and Environmental Centre, Dr. PDKV, Akola, he stated in para 25 (ix) that he was required to do the following field duties in the said post.

- a. Involved in soil and water management activities.
- b. Measurement of rainfall, analysis of rainfall chart and its calculation.
- c. Analysis of run off and its computation.
- d. Measurement of depth of water in Cement Nala Bandh and its computation.
- e. Measurement of depth of water in water conservation ditches and its computation.
- f. Measurement of soil moisture content.
- g. Involved in all research, extension activities of the office etc.

He thus justified his selection in the post of JRA (Agri.) as the above duties were such which an Agricultural Engineering Graduate could carry out taking into consideration his knowledge about the field of agriculture and allied sciences.

1001) Shri Hitendrakumar Motilal Khobragade has filed third affidavit dated 14.3.2008 marked as Ex.692 in this enquiry when, while making oral submissions in this enquiry, his Advocate Shri Deshmukh submitted in this enquiry the advertisement dated 12.8.1997 and the advertisement dated 15.7.2006, issued by the University to show that there were posts of JRA (Agril. Engg.) in existence in the University for which the said advertisements were issued. He was, therefore, directed to file an affidavit in this regard pursuant to which Shri Hitendrakumar Motilal Khobragade who was present in this enquiry at that time has filed the aforesaid affidavit dated 14.3.2008 (Ex.692) along with the said advertisements dated 12.8.1997 (Ex.693) and 15.7.2006 (Ex.694) in support of the submission that the posts of JRA (Agricultural Engineering) existed in the University and therefore, his appointment in the post of JRA (Agri.) was proper. He therefore stated in his aforesaid affidavit dated 14.3.2008 (Ex.692) that it was wrongly stated in the note sheet of the Section Assistant dated 27.8.2004 at page N/11 and in the report of the committee dated 31.8.2004 at pages 21/C to 23/C of the file relating to the Advertisement Ex.40 (O) that there were no posts of JRA (Agri. Engineering) in the faculty of Agri. Engineering in the University sanctioned by the Govt. / ICAR. The said committee was constituted to consider the representation of the Agri. Engineering graduates that they were eligible to apply for the post of JRA (Agri.) and hence their qualification should be included in the advertisement for the said post by issuing an addendum to it.

1002) Shri Hitendra Kumar Motilal Khobragade, in para-3 of his aforesaid affidavit dated 14.3.2008 (Ex.692), referred to the observations of the aforesaid committee at page 23/C of the file Ex.40 (O) in which it has observed that the posts of JRA / Agricultural Assistant are not general posts as are being utilized for Research, Extension Education, and Educational purposes in Agriculture faculty. He stated in this regard that the post in which he was working as JRA (Agri.) in the Department of Agro-ecology and Environmental Centre, Dr. P.D.K.V., Akola was the post of JRA-general (not from any special faculty). He therefore stated that the above noting in the report of the said committee was false and his selection in the said post was proper.

1003) Shri Hitendra Kumar Motilal Khobragade then challenged in paras 4 and 5 of his affidavit dated 14.3.2008 (Ex.692) the advertisement of 3 posts of JRA (Computer) and also 5 posts of SRA (Bio-technology / Bio-Chemistry) and recruitment in the said posts pursuant to the advertisement in question dated 14.8.2004 (Ex.2) on the ground that the said posts were not sanctioned by the State Government or by any Competent Authority and the conversion of 3 posts of JRA (Agri.) into 3 posts of JRA (Computer) and 5 posts of SRA (Agri.) into 5 posts of SRA (Bio-technology / Bio-chemistry) was illegal.

1004) Ku. Mittal S. Supe, an Agricultural Engineering Graduate, filed two affidavits on merits and the third one regarding her relationship with the University employee. She stated in her third affidavit dated 20.11.2007 (Ex.621) that she was daughter of Dr. Sopan Vishnupant Supe, Ex- Associate Dean in Dr. PDKV, Akola, who retired from service on 31.8.1994 from Agriculture College, Nagpur.

1005) Pursuant to the notice issued to her about this enquiry, Ku. Mittal S. Supe, filed an affidavit dated 24.9.2007, marked as Ex.503, with her written statement and the documents marked as Ex. 504 to 507 in this enquiry. She stated in her written statement (Ex.504) that she had passed B.Tech and M.Tech. examination in first division and had experience of working in Sonal Agro Centre, Nandura, Catholic Relief Services, Mumbai, Gram Vikas Sanstha, Akola, and Dr. PDKV, Akola. She also stated that she had published three research papers and 8 popular articles. She was therefore selected in the post of JRA (Agri.) on merit and was appointed in the said post under the Senior Research Scientist, Oil Seed Research Unit, Dr. PDKV, Akola by the order of the Registrar dated 17.9.2005. Accordingly, she joined the said post on 20.9.2005.

1006) Thereafter, by the office order dated 13.10.2005 issued by Senior Research Scientist, Crop Research Unit, (Oil Seeds) and Safflower Breeder, Dr. PDKV, Akola, she was directed to work in the post of JRA (Agri.) which she has described as JRA (Oil Seed) under Professor A.T. Bhongle, Junior Breeder in the said Unit and look after all breeding activities of S.O.R.P. under his guidance. In addition, she was directed to work as In-charge person of the Computer Unit of the said office and incase of emergency work on computer also. Lastly, she stated that she was not at fault and she did not adopt any unfair means or tactics to get her selected and that her selection was made on merit by the selection committee appointed by the University.

1007) Pursuant to the notice dated 18.9.2007, when she appeared and filed her affidavit dated 24.9.2007 (Ex.503) in this enquiry, she was asked to explain how she was eligible for appointment in the post of JRA (Agri.) and, in particular, in the above post in which she was actually appointed. She therefore, filed additional affidavit dated 3.10.2007 marked as Ex.579 with her written statement marked as Ex.580 and the documents marked as Ex.581 to 584 in this enquiry. She stated in her aforesaid written statement (Ex.580) that by reason of the courses prescribed for her B.Tech. and M.Tech. degree in Agricultural Engineering, which she had completed, she had knowledge of Agriculture and she was thus able to work in the Oil Seed Centre in Dr. PDKV, Akola. In this regard, she referred to the subjects comprised in the faculty of Agriculture given in para-A of Clause-2 of Statute-5 of the Statutes. In particular, she referred to item No.10 therein relating to Agricultural Engineering, Farm Machinery, Farm Implements, Physics, Mathematics, Irrigation , Drainage and Water Management. She also stated that she had completed post graduate course in Agricultural Engineering i.e. M.Tech.. She did not, however, specifically state

whether she could do the work relating to breeding activity of SORP and the work in computer unit or on computer, which she was assigned by the Senior Research Scientist by his order dated 13.10.2005.

1008) She then stated that in her B.Tech. (Agri. Engg.) degree course, she had offered the following subjects which are closely related to the branch of Agriculture.

Courses in Agril. Sciences

Sr.No.	Semester	Course No.	Title of Course	Credits
1.	I	Soil 111	Soil Science	2 + 1
2.	I	Agro 112	Crop Science	2 + 1
3.	II	Ento 123	Crop Pests	1 + 1
4.	II	Chem 124	Plant & Dairy Chemistry	1 + 1
5.	III	P.P 235	Crop diseases	1 + 1
6.	IV	AHD 246	Animal Science	1 + 1
7.	VI	Hort 247	Horticulture	1 + 1
8.	V	Eco. 258	Agril.Eco & Farm Management	1 + 1
9.	VIII	Extn. 489	Agril.Engg.Extn.	1 + 1
		Total		11 + 9 = 20

Courses related to Agri. Sciences from Deptt. of
Agril. Process Engineering (APE)

10.	V	APE – 353	Drying of Crops	1 + 1
11.	VI	APE – 364	Processing & Handling of Agril. products	2 + 1
		Total		3 + 2 = 5

According to her, it is necessary to complete 151 credits for obtaining B.Tech. (Agri. Engg.) degree which she had completed out of which 20 credits were about agriculture. Besides the said credits, she had completed course in post Harvest Technology i.e. APE-353 drying of Farm Crops, and APE-364 processing and handling of Agriculture products which courses are completely related to Agriculture.

1009) Turning next to the affidavits filed by Shri Anilkumar Krushnarao Kamble, an Agricultural Engineering Graduate, who was appointed in the post of JRA (Agri.) he filed affidavit dated 14/9/2007 marked as Ex. No. 413 in this enquiry in which he stated that he passed B.Tech (Agri. Engg.) Examination from Dr. PDKV, Akola with 7.32 Cumulative Grade Point Average (CGPA) and completed his Post Graduation i.e. M.Tech in the same University in the discipline of Farm Power and Machinery with 8.10 CGPA. He passed National Eligibility Test (NET) twice, 1st time in 2001 and 2nd time in 2004. He also

passed the qualifying examination for Agricultural Research Services (ARS) and Senior Research Fellow (SRF) conducted by Agricultural Scientist Recruitment Board, New Delhi. He then stated that he passed the Graduate Aptitude Test in Engineering (GATE) entrance examination three times (GATE-96, GATE-97 & GATE 99) for admission to M.Tech. programmes of the Indian Institute of Technology and other institutes. As regards his work-experience he stated that he served as Foreman Supervisor in the Department of Agricultural Engineering, Dr. PDKV, Akola from 21.6.1997 to 25th November, 2004 and in the Department of Farm Power & Machinery from 25th November, 2004 to 20th September, 2005 in the same University. According to him he continued to work in the same University since 21st June, 1997 till date.

1010) Shri A.K. Kamble, in his aforesaid affidavit dated 14.9.2007 (Ex. 413), stated that pursuant to the advertisement dated 14/8/2004 (Ex.2) read with its addendum dated 6/9/2004, he made an application for the post of JRA(Agri.) in S.C. Category with the above qualifications and experience. Along with the application, he annexed the certificates and testimonials about his qualifications, work experience, publications, caste validity certificate etc. According to him, he had authored 5 research articles at the time of his interview. He thus submitted that as per University advertisement he was eligible for the said post and that his selection was entirely on Merit and was fair.

1011) Shri A.K. Kamble filed additional affidavit dated 24.9.2007 marked as Ex. No. 508 with one document marked as Ex. No. 509 in this enquiry. He stated in the aforesaid affidavit dated 24.9.2007 (Ex. No. 508), that he was appointed in the post of JRA (Agri.) borne on the establishment of the Head, Department of Agricultural Engineering, Dr. PDKV, Akola, the Controlling Officer of which was Dean, Agriculture, Dr. PDKV, Akola. He pointed out that before his appointment in this post, he was holding the post of Foremen Supervisor in the Department of Farm Power and Machinery, in Dr. PDKV, Akola. After he was relieved from his aforesaid previous post, he joined this post of JRA (Agri.) on the establishment of the Head, Department of Agricultural Engineering, Dr. PDKV, Akola. Without making any averments in the body of the affidavit, Shri A.K. Kamble annexed to his aforesaid affidavit dated 24/9/2007 (Ex. 508) the order dated 29/10/2005 (Ex. 509) issued by the Deputy Registrar (Estt.), Dr. PDKV, Akola addressed to the Dean, Faculty of Agril. Engineering, Dr. PDKV, Akola, by which he was asked to physically work under Research Engineer, AICRP on RES and Head, UCES/EE, Dr. PDKV, Akola with immediate effect till the staff was posted in the Scheme. However, this matter is dealt with by him in the third affidavit filed him.

1012) Shri A.K. Kamble, JRA (Agri.), in the Department of Agril. Engineering, Dr. PDKV, Akola, filed the third affidavit dated 1/10/2007, marked as Ex. No.555 with which he annexed the documents marked as Ex. Nos. 556 to 560 in this enquiry. He stated in his aforesaid affidavit dated 1/10/2007 (Ex. 555) that the post of JRA(Agri.) in which he joined

as per the order of his appointment dated 17/9/2005, is borne on the establishment of the Head, Department of Agricultural Engineering, which is a separate Department in the Faculty of Agriculture, Dr. PDKV, Akola, under the control of its Dean. According to him, after he joined in the post of JRA (Agri.), the Head, Department of Agricultural Engineering had directed him to work under Officer Incharge, Automobile Workshop, Dr. PDKV, Akola, where he worked for a period of one month and 20days i.e from 20th September 2005 to 10th November, 2005

1013) In the said Automobile Workshop, he performed the following duties as per instructions of its Officer Incharge:

1. Supervision in Automobile Workshop over the working force of Senior Mechanics, Junior Mechanics, Helpers and labours to get the work of vehicle repairing done in well disciplined manner.
2. Check the vehicle brought for repairing in the workshop, prepare indent i.e. List of spare parts required for repairs of the vehicles.
3. Get the repairing of the vehicles from the mechanics and helpers and hand over the vehicle to the concerned department.
4. Certifying the spare parts bills.
5. Conducted apprenticeship of I.T.I. trainee.

1014) As per the aforesaid letter of the University dated 29th October, 2005, again annexed as Ex. No. 557 to this third affidavit dated 1/10/2007 (Ex. 555), the Head, Department of Agricultural Engineering relieved him from the said department by his letter dated 9.11.2005 and he was instructed to work physically under the Research Engineer, All India Coordinated Research Project (AICRP), on Renewable Sources of Energy (RSE), Scheme of Indian Council of Agriculture Research (ICAR), Department of Unconventional Energy Sources & Electrical Engineering, Dr. PDKV, Akola. He therefore, joined in the above scheme of the department on 10/11/2005 under the Research Engineer, AICRP on RSE He was thus involved in research and extension activities of the ICAR Scheme and Department.

1015) The Research Engineer, AICRP directed him to perform the following duties.

- 1) To help in planning, designing, development, estimation and installation of the various Renewable Energy Technologies viz., Biogas, solar dryer, biomass stoves, gasifiers etc. at beneficiaries site in the Scheme.
- 2) Conduct of trials of the renewable energy technologies in laboratory and field.

- 3) Recording observations of the renewable energy technologies in laboratory and at beneficiaries site.
- 4) Compilation and analysis of data, preparation of Research Review Committee Reports, Biennial Reports, Coordination Committee Meeting Reports and etc.
- 5) Under extension activities: To help in demonstration of renewal energy technologies to the farmers/users in Krishi Mela, Shivar Pheri, Agro-Tech Exhibition etc.
- 6) Publication of the renewable energy technologies in local and national newspapers, state and national level magazines for creating the awareness about the adoption of the technologies.

1016) Shri A.K. Kamble annexed to the aforesaid affidavit dated 1/10/2007 (Ex. 555) the following documents:

- (i) Joining Report dated 20/9/2005 in the post of JRA in the establishment of the Head, Department of Agricultural Engineering, Dr. PDKV, Akola, (Ex. 556).
- (ii) Letter of Deputy Registrar (Estt.), Dr. PDKV, Akola dated 29th October, 2005 addressed to the Dean, Faculty of Agricultural Engineering, Dr. PDKV, Akola by which he was told that he should ask Shri A.K. Kamble, J.R.A. to work physically under Research Engineer, AICRO on RES and Head, UCES/EE, Dr. PDKV, Akola with immediate effect till the staff was posted in the said scheme (Ex. 557).
- (iii) Letter of the Head, Department of Agricultural Engineering, Dr. PDKV, Akola dated 9/11/2005 relieving him from the post of JRA in the said Department under him (Ex. 558).
- (iv) Letter dated 10/11/2005 giving his joining report to the Research Engineer, AICRP on RES and Head, Department of UCES & EE, Dr. PDKV, Akola (Ex. 559).
- (v) Office order of the Head, Department of UCES & EE, Dr. PDKV, Akola dated 11/11/2005 (Ex. 560).

1017) By the aforesaid officer order dated 11/11/2005, (Ex.560), Shri A.K. Kamble, JRA was instructed to work under Research Engineer, AICRP on RSE and was directed to perform the following duties.

1. To assist in recording observations at field and laboratory.
2. To assist in compilation of data, preparation of Research Review Committee Report, Biennial Report, Coordination Committee Meeting report and etc.

3. To assist in design, estimation and installation of modified biogas plants at beneficiaries sites.
4. Testing and performance evaluation of different kinds of stoves and gasifiers at field and laboratory.

1018) Next affidavits to be considered are three affidavits filed by Shri A.A. Deogirikar, an Agricultural Engineering Graduate selected and appointed in the post of JRA (Agri.) in Dr. PDKV, Akola. He filed affidavit dated 13.9.2007 marked as Ex.411 in this enquiry. He stated therein that pursuant to the advertisement dated 14.8.2004 (Ex.2) he had applied for the posts of SRA (Agri. Engg.) and JRA (Agri.) in open category. He further stated that at the time of application, he possessed the educational qualifications of B.Tech. (Agri. Engineering) (72.5%), M.E. (Agri.Engineering) (71.68%) and MSCIT. He had work experience of two years and had annexed to his application required number of Research Papers. He was called for interview for the post of JRA (Agri.), in which he had satisfactorily answered the questions put to him by the selection committee. He was selected for the post of JRA (Agri.) and was appointed in the said post by the order dated 17.9.2005. He then stated that at the time of joining this post of JRA (Agri.) he was working as Assistant Professor (FMP) in KK Wagh College of Agriculture Engineering, Nasik. Lastly, he stated that he had no direct or indirect relations with the members of the selection committee nor with the selection procedure and his selection in the above post of JRA (Agri.) was fair based on his merit and his interview taken by the selection committee.

1019) He filed additional affidavit dated 24.9.2007 marked as Ex.511 with the two documents marked as Ex.512 and 513 in this enquiry. He stated in the aforesaid affidavit dated 24.9.2007 (Ex.511), that as per his appointment order dated 17.9.2005 he was appointed in the vacant post of JRA (Agri.) in the department of Agricultural Chemistry & Soil Science, Dr. PDKV, Akola. After joining the said department, the Head of the said department issued an office order for assigning the duties to him and others. The said office order is dated 5.10.2005 (Ex.513), in which the duties assigned to him along with Dr. N.M. Konde, SRA were that both would work in Soil testing laboratory under Dr. Ritu Thakre, Assistant Professor and I/C. Soil Testing Laboratory and would perform the duties of soil and manure testing, complete Revolving fund activities (day to day transaction) including Micro Nutrient Analysis. He then stated in his aforesaid affidavit dated 24.9.2007 (Ex.511) that in practice he would accept soil samples submitted by the farmers or organization, assisting in their analysis and preparing reports of their analysis to deliver to them through the Head, Department of Agricultural Chemistry and Soil Science, Dr. PDKV, Akola. He further stated that presently i.e. on 13.9.2007, he was issued one more office order (Ex.512) by which, there was new assignment of duties by the Head, Department of Agricultural Chemistry and Soil Science. As per the said order dated 13.9.2007 (Ex.512), he was made Incharge, field experiments and labour and was to look after the management of the field

experiments and labour under Shri V.D. Guldekar, the Associate Professor in the said department.

1020) Shri A.A. Deogirakar, filed the third affidavit dated 28.9.2007 marked as (Ex.561) with the documents marked as Ex. 562 to 570. This affidavit is in continuation of his earlier affidavit dated 24.9.2007 (Ex.511). In this affidavit dated 28.9.2007 (Ex.561) he has amplified the actual duties performed by him as per the office orders referred to above. He has enclosed with it the relevant documents (Ex.562 to 570) also.

1021) According to him, he actually performed the following duties in the department of Agricultural Chemistry and Soil Science as JRA (Agri.)

1. Worked in the Soil testing laboratory and performed the duties of soil and manure testing and complete revolving fund activities (day-to-day transaction) including micro nutrient analysis. (Ref. Office order No. HCH/ACSS/809/of 05 dated 5.10.05).
2. Assisted chairman for checking and correction of report (Ref.HCH/RRC/SNI/12/06 dt. 4.9.06).
3. Acted as member refreshment and tea arrangement committee of Kharif Shivar Pheri during October 18-20, 2006 (Ref. DEE/Kh/Shivar Pheri/937/2006 dt. 21.9.07).
4. Assisted in Charcha Satra Programme and handled the stall of the department during Agrotech 2006. (Ref. HCH/ACSS/Exhibit/ / 06 dt.26.12.06)
5. Acted as member of lunch and dinner committee of convocation (Ref. University order No. Exam – E-21-Con /(ii)/1569/06 dt. 17.11.06 and No. Exam – E/21-Con/(ii)/1569/06 dt. 08.01.07.
6. Scrutiny of applications (Ref. BEA/Scrutiny/07/I dt. 16.1.07.)
7. Assisted in Xeroxing and binding of Agrosco report (Ref. Out No. 1623 dt. 2.03.07 of H.D., Chemistry) .
8. I/c. field experiments and labour. Looking after the management of the field experiments and labour (Ref. HCH/ACSS/755/07 dt. 13.9.07.)
9. I will have to act as member Charcha Satra Committee Agro tech 2007 during 16-20 October 2007.
10. Laboratory cleaning and its maintenance.
11. Assisted in the Central purchase for the University during 2006-07.
12. Helped students to operate instruments in the soil testing laboratory also repaired minor technical problem of the instruments.

13. Preparing proposals for purchasing office stationery.
14. Helped in organizing Krishi Melawa at Khiarkhed.
15. Helped in analysis of soil samples. Preparing analysis report for delivering it through Head of the department.
16. Computer work (data entry, analysis and typing work).

1022) The last affidavit of the Agricultural Engineering Graduate to be considered is of Sanjay Motiram Dhongade. Pursuant to the notice issued to him, he filed affidavit dated 24.9.2007 marked as Ex.510 in this enquiry. He stated in his aforesaid affidavit dated 24.9.2007 (Ex.510) that pursuant to the advertisement dated 14.8.2004 (Ex.2) as amended by the addendum dated 6.9.2004, he had applied for the post of JRA (Agri.) in ST Category. He stated that at the time of application he was having qualification of B.Tech. (Agri. Engineering) (75.40% marks) and that he had also passed MSCIT examination. As per the interview call issued to him he appeared for interview and gave satisfactory answers to the questions asked to him by the Selection committee. On the basis of his bio-data and interview he was selected for the post of JRA (Agri.) in S.T. Category in the department of Agricultural Chemistry and Soil Science, PGI, Dr. PDKV, Akola. He further stated that his selection was fair based on his eligibility and interview and that he had no direct or indirect relationship with the members of the selection committee or with the selection procedure. He had admitted that he had never read Appendix-III in the statute regarding minimum qualifications and that he had applied for the post of JRA (Agri.) in accordance with the advertisement.