

v) Determination of criteria for academic evaluation of SRA/JRA

1174) Vide paras 158 to 161 of the Enquiry Report, the facts stated therein would show that although the advertisement for the posts of SRA (Agri.) and JRA (Agri.) was issued as far back as on 14.8.2004 (Ex.2) i.e. much before 13.06.2005 on which date the interviews commenced, no steps were taken by the concerned officers of the University to see that appropriate criteria for academic evaluation of SRA/JRA was laid down by the Competent Authority under the University Act and the Statutes framed thereunder. The said criteria was laid down by Dr.V.D. Patil, the Chairman and D.I., Dr.E.R. Patil, Associate Dean, PGI, and Shri R.B. Bali, the Registrar, Dr.PDKV, Akola in their meeting held on 31.5.2005. It is necessary to see that at that time, the meeting of the Selection Committee for taking interviews of the candidates for the posts of SRA (Agri.)/ JRA (Agri.) was already scheduled to be held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 and accordingly the notices dated 26.5.2005 of the said meeting containing its agenda were issued to the members of the Selection Committee. Even the interview call letters were also sent to the candidates on 24.5.2005 i.e. the date on which Shri D.P. Deshmukh, Section Assistant (Estt.), prepared the programme for interviews approved thereafter by Dr.V.D. Patil, D.I. and the Hon'ble Vice-Chancellor, on 25.5.2005. The criteria fixed for academic evaluation of SRA/JRA in the aforesaid meeting held on 31.5.2005 is contained at page C/35 of the file Ex.35(O), a copy (Annexure No.12) of which is already annexed to this Enquiry Report as Annexure No. 12. However, before considering the actual criteria for evaluation of SRA/JRA laid down on 31.5.2005, it is necessary to consider the question as to upon whom the power to lay down the criteria for academic evaluation / assessment of SRA/JRA is conferred under the University Act and / or the Statutes framed thereunder.

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

1175) The relevant affidavits on the above question are referred to in paras 162 to 165 of the Enquiry Report. Statute 76 (6) (a) provides that the University shall make rules consistent with the provisions of the Act and the Statutes providing for giving of notice to the Members of the Selection Committee, the business to be considered at its meeting, for keeping record of the proceedings of its meeting, and assessment of the candidates. The University has, however, framed no rules under Statute 76 (6) (a) of the Statutes as admitted by it in para C of its affidavit dated 17.7.2004 (Ex.48) in which it is stated that it followed Statute-31 for giving notice of meeting to the members of the Selection Committee, business to be transacted by it in its meeting, keeping the record of the proceedings of its meeting and assessment of the candidates. Perusal of Statute-31 would, however, show that it is in respect of the notice of meeting of the bodies and committees of the University and not about assessment of the candidates. As regards the provisions of

Statute 76(6) (a) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 65 of his affidavit dated 25.12.2007 (Ex.645) that he had not seen the said provisions and that he did not know when he was appointed as Chairman of the Selection Committee and at any time thereafter till the selections in question were made that the University had to frame the rules thereunder for assessment of the candidates. According to him even at any time when he had discussion with the Registrar about the criteria to be applied for selection of SRA/JRA, he also did not bring to his notice the provisions of Statute 76 (6) (a) in that regard. Further, according to him, even on earlier occasion when he was the Chairman of the Selection Committee for selection in the posts of SRA, he was not made aware of the provisions of Statute 76(6) (a) and had at that time also followed for determination of the criteria for academic evaluation of SRA, the same procedure which was followed by him in this case for making selection of SRA/JRA. Shri R.B. Bali, the then Registrar, who was present in the aforesaid meeting held on 31.5.2005 in which the criteria for academic evaluation of SRA/JRA was laid down, was not aware whether the University had framed any rules under Statute 76(6) (a) or otherwise had laid down any criteria for assessment of the candidates applying for the posts of SRA/JRA, vide para 8 of his affidavit dated 11.10.2007 (Ex.585).

1176) As the power to frame rules under statute 76 (6) (a) is conferred upon the University, which is a legal entity by virtue of its incorporation under section 3 (1) (a) of the University Act and cannot therefore act on its own to exercise its powers and discharge its functions under section 6 or any other provision of the Act and the Statutes, it is necessary to see which authority, body or officer of the University can exercise the aforesaid power of the University to frame rules for assessment of the candidates under statute 76 (6) (a) of the Statutes. Clause-xxviii of Section 31 of the Act relating to powers and duties of the Executive Council of the University shows that being an Executive Authority under section 30 (1) of the Act, all the powers of the University not otherwise provided for in the Act or the Statutes and all other powers which are required to give effect to the provisions of the Act or the Statutes are conferred upon the Executive Council. The power of the University to frame rules under Statute 76 (6) (a) of the Statutes is not conferred upon any particular Authority, Body or Officer of the University and hence the said power has to be exercised by the Executive Council on recommendation, if any, in that regard of the Academic Council if the posts of SRA/JRA fall under the provisions of Section 34 (2) (ii) of the Act. However, as admitted by the University itself and all other concerned officers of the University, no rules were framed by the Executive Council under Statute 76 (6) (a) for assessment of the candidates applying for the posts of SRA / JRA, vide paras 162 to 165 of the Enquiry Report.

1177) Since the power to frame rules under Statute 76 (6) (a) is thus conferred upon the Executive Council of the University, in the absence of the rules being framed by it for

assessment of the candidates, it would mean that it could take appropriate action by way of its decision/resolution in that regard pending framing of rules for assessment of the candidates applying for the posts of SRA/JRA. Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 25 of his affidavit dated 25.12.2007 (Ex.645) that although the Executive Council had power to lay down the criteria by its decision in the absence of the rules, it did not take any decision in that regard. He then stated that in the absence of the decision of the Executive Council, the Vice-Chancellor could also determine the criteria in his emergency power under section 18 (16) of the University Act and could at the earliest opportunity thereafter report his action to the Executive Council but no criteria for assessment of candidates applying for the posts of SRA/ JRA was laid down by him also. He further stated in the said para 25 that according to him, in the absence of any criteria for assessment of candidates being laid down by the Executive Council by framing rules or by passing resolution in that regard or by the Vice-Chancellor in his emergency power under section 18 (16) of the Act, the Selection Committee upon which an obligation was cast to select the candidates for the posts of SRA (Agri.) and JRA (Agri.), could adopt suitable criteria for evaluation of candidates to select the best amongst them through its selection process. He, however, admitted that the Chairman of the Selection Committee on his own had no power to determine the criteria for evaluation of the candidates applying for the posts of SRA/JRA. Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, also stated in para 27 of his affidavit dated 14.1.2008 (Ex.658) that in the absence of the criteria for assessment of the candidates applying for the posts of SRA/JRA being laid down by the rules framed in that regard by the Executive Council or by its decision/ resolution or by the Vice-Chancellor in his emergency power under section 18 (16) of the Act, the Selection Committee which has to make selection and prepare the selection lists as per Statute-77 (1) (iv) of the Statutes can exercise the power to lay down the criteria for selection of candidates to be made by it so as to make selection of proper and / or suitable candidates from amongst those applying for these posts.

1178) It is pertinent to see that Statutes 51 , 52 and 53 reproduced in paras 43 to 45 of the Enquiry Report, make provisions for assessment and selection of the candidates by the Selection Committee. In particular, Statute-52 deals with evaluation of the candidates on the basis of the marks awarded to them for their past performance i.e. (a) academic career (b) Service experience (c) Research Publication, and (d) Special Contribution the total marks for the same being 40 and personal interview for which the marks fixed were 60. However, the said Statutes, as stated in Statute-40 (Vide para 42 of the Enquiry Report) are applicable only to recruitment, qualification and Selection Committee procedure in respect of the posts of Director (other than Director of Students' Welfare,) Deans of Faculties, Associate Deans, Heads of the Departments, Professors and other equivalent posts and no other posts, vide para 27 of the affidavit of Dr.S.A. Nimbalkar, the then Vice-Chancellor,

dated 14.1.2008 (Ex.658) also. The said Statutes are not thus in terms applicable to assessment and selection of the candidates in the posts of SRA/JRA.

b) Selection Committee can lay down the criteria for evaluation of SRA/JRA only as a last resort and in very exceptional circumstances and not as a general rule

1179) It is true that as stated by Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, in paras 25 and 27 of their affidavits dated 25.12.2007 (Ex.645) and 14.1.2008 (Ex.658) respectively, referred to above, if there are no rules or provisions made by the Executive Council, or the Vice-Chancellor in his emergency power for assessment of the candidates in the posts of SRA/JRA, it was open to the Selection Committee to lay down for its guidance appropriate criteria for assessment of the candidates applying for the posts of SRA/JRA in question so as to make the selection of the most suitable candidates through its selection process since the obligation was cast upon it to select the candidates for the said posts and prepare their selection lists in descending order of merit for appointment by the Vice-Chancellor. But then it should not do so as a general rule but should do so only as a last resort and in exception circumstances when the Executive Council or the Vice-Chancellor can not take any steps in that regard for some good and compelling reasons. There is no valid reason in this case why the Executive Council of the University should not have framed appropriate rules for assessment of the candidates under Statute 76 (6) (a) of the Statutes and in its absence why it should not have taken decision and laid down the criteria for assessment of SRA/JRA by its resolution till the rules in that regard were framed by it. If there was any emergency, which was none in this case, the Vice-Chancellor could also determine such criteria for assessment of the candidates in exercise of his emergency power under section 18 (16) of the Act.

1180) It may be seen in this regard that there was ample time for the Competent Authority/ Officers of the University to act and take steps to lay down the appropriate criteria for assessment and evaluation of the candidates applying for the posts of SRA/JRA even after the advertisement was issued in this case since the same was issued as far back as on 14.8.2004 (Ex.2), much before the interviews commenced for these posts of SRA (Agri.)/ JRA (Agri.) thereafter on 13.6.2005 i.e. almost 10 months thereafter. In fact, the statutes framed by the State Government under its power under section 38 (6) read with section 37 of the University Act came into force long back w.e.f. 12.7.1990 as per the G.R. dated the same and no steps were and are taken by the University uptill now to frame any rules for assessment of candidates under Statute 76 (6) (a) which shows its casual and indifferent attitude towards the question of selection of the best suitable candidate in these posts. It is surprising that Dr.V.D. Patil, as stated by him in para 25 of his aforesaid affidavit dated 25.12.2007 (Ex.645), should claim ignorance about the provisions of Statute 76 (6) (a) when paras 1 and 2 of his aforesaid affidavit would show that he had lot of experience of

working upon the Selection Committees constituted for appointment of academic staff members and other employees in the University and that he was conversant with the provisions of the University Act and the Statutes framed thereunder. Similarly, the Vice-Chancellor, who is the appointing authority so far as the posts in question are concerned and who had due to his long tenure of service, lot of experience of the administrative as well as academic side of the University and was thus conversant with the provisions of the University Act and the Statutes framed thereunder and also the procedure followed in the University in academic as well as administrative matters as stated by him in paras 1 and 2 of his aforesaid affidavit dated 14.1.2008 (Ex.658), should have taken necessary steps in time to frame rules for assessment of candidates under Statute 76(6) (a), by calling for that purpose the meeting of the Executive Council of which he was ex-officio Chairman.

1181) Dr.V.D. Patil, the Chairman of the Selection Committee, however, made a grievance in para 67 of his aforesaid affidavit that the Vice-Chancellor and / or the Registrar did not tell the Selection Committee as to who would be the proper authority to determine the criteria for evaluation of candidates, whether the Executive Council, the Vice-Chancellor, or the Selection Committee itself, if the University did not frame rules for assessment of the candidates under Statute 76(6) (a) of the Statutes. Although the Registrar of the University who is also the Member Secretary of the Selection Committee, under section 19 (2) of the Act is duty bound to place before it all available information about the business to be transacted by it, Dr.V.D. Patil, its Chairman, cannot escape his own responsibility by shifting it upon the Vice-Chancellor and the Registrar, because, as its Chairman, it was his duty and responsibility to get himself acquainted with the relevant provisions of the Act and the Statutes and also about the procedure to be followed by the Selection Committee in selection of the candidates for these posts of SRA (Agri.) and JRA (Agri.), if necessary by seeking relevant information about it from the Registrar and his office, so as to conduct the proceedings of the Selection Committee in a legal and fair manner. As regards his duty and responsibility as Chairman of the Selection Committee, vide para 303 of the Enquiry Report in which para 85 of his affidavit dated 25.12.2007 (Ex.645) is considered.

1182) The Registrar and the concerned officers/ employees of his office also cannot escape the blame for their negligence in this matter because it was their duty to take steps even earlier to this advertisement dated 14.8.2004 (Ex.2) or at any rate thereafter to bring to the notice of the Vice-Chancellor that the Executive Council was required to frame rules under Statute 76(6) (a) for assessment of the candidates. It was necessary for them to follow their routine procedure of recording office notes which would be forwarded through proper channel to the Chairman of the Selection Committee and finally to the Vice-Chancellor for their approval to bring to their notice the relevant provisions of the Act and the Statutes having bearing upon the procedure to be followed in the selection of the candidates for the

posts of SRA/JRA, so that appropriate steps could be taken in that regard to comply with the said legal procedure. Had such office notes been recorded immediately after the advertisement was issued, appropriate rules for assessment of the candidates applying for the posts of SRA/JRA could have been framed by the Executive Council or at any rate it could have taken decision in this regard by passing an appropriate resolution. Whether deliberately or otherwise, the then Hon'ble Vice-Chancellor, the then Chairman of the Selection Committee, the then Registrar and the other concerned officers/employees of the University referred to above, have failed to discharge in this regard their duties and responsibilities under the University Act and the Statutes framed thereunder.

1183) It appears that Dr.V.D. Patil, the Chairman of the Selection Committee realized it very late i.e. after the programme for interviews was determined on 24.5.2005 and after the interview calls were issued to the candidates appearing for their interviews and notices dated 26.5.2005 were issued to the members of the Selection Committee, containing the agenda of its meeting to be held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 that the criteria for evaluation of SRA/ JRA had to be laid down which was therefore fixed on 31.5.2005 by him as the Chairman of the Selection Committee in a hurried manner in consultation with Dr.E.R. Patil, Associate Dean (PGI) and the then Registrar Shri R.B. Bali, as stated by him in para 26 of his aforesaid affidavit dated 25.12.2007 (Ex.645). Even at that time, he could have but failed to move the Vice-Chancellor for exercising his emergency power under section 18 (16) of the Act to lay down the criteria for assessment of candidates which could have been thereafter placed for approval before the meeting of the Executive Council. It may be seen that in view of the emergency power conferred upon the Vice-Chancellor under section 18 (16) of the Act, an occasion for the selection Committee to lay down the criteria for evaluation / assessment of the candidates applying for the posts of SRA/JRA would be very rare because immediate action could always be taken in that regard by the Vice-Chancellor under his emergency power under section 18 (16) of the Act. It is, therefore, clear that the Selection Committee can lay down the criteria for evaluation of SRA/JRA only as a last resort and in very exceptional circumstances and not as a general rule, perhaps only when the Vice-Chancellor is not available for taking such immediate action which is itself the rarest of rare case since sub-sections 8 and 9 of Section-17 of the Act provide for making temporary arrangements for continuity in the office of the Vice-Chancellor.

1184) It may next be seen that had the Executive Council of the University framed rules under Statute 76 (6) (a) or had it taken decision by its resolution to lay down the criteria for assessment/ evaluation of the candidates applying for the posts of SRA/JRA, it would have been a well- considered rule or the decision taken by it after considering all the relevant factors in that regard such as the nature of the posts of SRA/JRA, their duties and responsibilities, their qualifications etc. It would have then examined the modes of

selection of candidates such as written test / examination, academic performance (i.e. Bio-data marks), and personal interviews and most importantly the question of comparative weightage to be given to them if more than one mode was adopted for selection of candidates. It would have also examined the question whether the same pattern adopted in Statutes 51, 52 and 53 in regard to the posts of Professors and above could be suitably adopted for the posts of SRA/JRA, and if so, to what extent, bearing in mind that in Statute-52 more weightage is given to personal interview as compared to past performance (i.e. academic performance). Even if the Vice Chancellor were to take immediate action in this regard under his emergency powers under Section 18(16) of the University Act, he would have also considered all the pros and cons of the matter referred to above since he was exercising the powers of the Executive Council to which he had to report his action at the earliest opportunity.

1184-A) It may be seen that according to the views expressed by Dr.S.A. Nimbalkar, the then Vice-Chancellor, Dr.V.D. Patil, the Chairman of the Selection Committee, and the members of the Selection Committee in their affidavits, which have bearing on the question of framing appropriate rules on the question of assessment of candidates for the posts of SRA/JRA, the best way to judge the knowledge of the candidates was by way of written test/ examination and between the written test and interview more weightage should be given to written test. According to them, even between academic performance and interview i.e. where no written test/examination is prescribed for selection of the candidates more weightage should be given to academic performance rather than interview. See para 16 of the affidavit of Dr.S.A. Nimbalkar, the then Vice-Chancellor, dated 14.1.2008 (Ex.658), para 27 of the affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee, dated 25.12.2007 (Ex.645), para 20 of the affidavit of Dr.Vandan Mohod, the Registrar/ Member Secretary, dated 1.12.2007 (Ex.633), para 27 of the affidavit of Dr.E.R. Patil, senior member, dated 16.11.2007 (Ex.599), para 12 of the affidavit of Dr.N.D. Pawar, out side member, dated 1.11.2007 (Ex.590), vide paras 194 to 200 of the Enquiry Report.

c) Whether the Selection Committee actually laid down the criteria for academic evaluation of SRA / JRA

(Vide paras 166 to 174 of the Enquiry Report)

1185) Although the University stated in para C of its affidavit dated 17.7.2007 (Ex.48) in answer to point no.2 that there was no resolution of the Executive Council or any other Competent Body except the Selection Committee for evaluation and assessment of the candidates applying for the posts of the members of the academic staff other than the posts of Professors and above to whom Statute-52 was applicable, it clarified its aforesaid stand in this regard in its subsequent affidavit dated 2.8.2007 (Ex.56) in which it is stated as regards the aforesaid point no.2 that there were no specific guidelines provided in any

Statute for allotment of the marks in evaluation of the posts of SRA/JRA but in the absence of such provisions since some criteria for evaluation of candidates was necessary to be fixed, therefore, keeping in view the provisions of Statute-52 of the Statutes, the pattern of 60 : 40 i.e. 60 marks for personal interview and 40 for academic performance was applied for selection in the posts of SRA/JRA. The said criteria was drafted and decided by Dr.V.D. Patil, the Chairman of the Selection Committee/ D.I., Dr.E.R. Patil, Associate Dean (PGI), and Shri R.B. Bali, the Registrar who were also the members of the Selection Committee. It is also stated therein that before interviewing the candidates, the criteria drafted / decided was submitted to the Selection Committee which finally decided the same on the analogy of the provisions under Statute 52, as noted in the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained at pages 1 to 14 of the file relating to the said proceedings marked as Ex.34(O) in this enquiry.

1186) As regards the above stand of the University, it is necessary to see what Dr.V.D. Patil, D.I. / the Chairman of the Selection Committee and its aforesaid two members, Dr.E.R. Patil and Shri R.B. Bali, who according to the University, drafted and decided the aforesaid criteria, stated about the meeting in which the said criteria was drafted/ decided and also about the finalization of the said criteria in the aforesaid meeting of the Selection Committee held from 13.6.2005 as stated in its aforesaid proceedings contained in the file Ex.34(O). Since Dr.V.D. Patil, as the Chairman of the Selection Committee, conducts its proceedings, it is first necessary to refer to his affidavit. He stated in para 26 of his affidavit dated 25.12.2007 (Ex.645) that in the absence of the rules since neither the Executive Council nor the Vice-Chancellor had determined the criteria for evaluation of candidates applying for these posts of SRA/JRA, the criteria for academic evaluation of SRA/JRA was determined by him as the Chairman of the Selection Committee in consultation with senior most member Dr.E.R. Patil, and the Registrar who was the Member Secretary of the Selection Committee by holding the meeting on 31.5.2005 in which they were present. He also stated in para 35 of his aforesaid affidavit that on 13.6.2005 he had called the members of the Selection Committee to come one hour earlier i.e. at 8.00 a.m. and had then explained to them the whole criteria determined by him for academic evaluation of SRA/JRA. The above statements in paras 26 and 35 of his aforesaid affidavit would clearly show that the criteria for evaluation of SRA/JRA was determined by him as the Chairman of the Selection Committee although he also stated that he consulted in that regard the above referred two members of the Selection Committee.

1187) However, surprisingly enough, it is stated in the proceedings of the meeting of the Selection Committee, held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained at pages 1 to 14 of the file Ex.34(O) and in particular page-2 of the said proceedings that “before interviewing the candidates, the Selection Committee, under analogy of the provision under Statute 52, decided and finalized the following criteria

awarding marks for educational qualification/ experience and publication. It is then stated that the Selection Committee decided to give 40 marks for qualification, experience etc. acquired by the applicant, and 60 marks for personal interview. The break-up of 40 marks was decided as under :

“A) **Qualification – 20 marks** : Out of this 20 marks

- 1) 5 marks for Bachelor’s Degree First Class
- 2) 5 marks for Master’s Degree First Class
- 3) (i) 10 marks for Ph.D. Degree completion and
(ii) 8 marks in case of only submission of thesis.

If any candidate is having second class Bachelor’s Degree or Master’s Degree. one mark be deducted i.e. only 4 marks be given.

B) **Experience – 5 Marks** :

One mark for each year maximum upto maximum of five marks.

C) **Research Publications – 10 Marks** :

Two marks for each publications maximum up to 10 marks. 0.2 for each popular article published.

D) **Significant Contribution – 5 marks (marks to be given in descending order of name of contributions appears)**

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|-----------------|---|---------|-----------------|---|---------------|
| 1 st | = | 5 marks | 2 nd | = | 4 marks |
| 3 rd | = | 3 marks | 4 th | = | 2 marks & for |

subsequent = 1 mark”

(The break-up of 40 marks given on the said page-2 of the proceedings in the file Ex.34(O) was as shown in the criteria for evaluation of SRA/JRA on page C/35 of the file Ex.35(O) included as Annexure 12 of the Enquiry Report)..

1188) After seeing the aforesaid minutes/ proceedings of the aforesaid meeting of the Selection Committee, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 61 of his aforesaid affidavit dated 25.12.2007 (Ex.645) that ‘as stated therein the Selection Committee as such by following the formal procedure of the “meeting” did not decide the criteria for evaluation of candidates for the posts of SRA/JRA but he had informed the local members of the said Committee on phone to come for meeting on 31.5.2005 at 3.30 P.M. to consider and decide the question of criteria to be applied in the selection of candidates for the posts of SRA/JRA and accordingly the criteria was fixed by him, the senior most member Dr.E.R. Patil, and the Registrar who were present on

31.5.2005 to determine the criteria. He further, stated in the said para 61 that he had, however, on 13.6.2005, at the outset, briefed the members of the Selection Committee about the said criteria.

1189) In this regard, Shri R.B. Bali, the then Registrar/Member Secretary of the Selection Committee, who was present in the meeting held on 31.5.2005 for determination of criteria for evaluation of SRA/JRA, stated in para 8 of his affidavit dated 11.10.2007 (Ex.585) that there was no note-sheet showing how and who constituted the said Committee to frame the criteria for evaluation of SRA/JRA. According to him, Dr.V.D. Patil, the Chairman of the Selection Committee, might have called the aforesaid meeting to frame the criteria for evaluation of SRA/JRA. He however, stated that he did not remember whether the meeting of the Selection Committee was called to approve the said criteria or whether it was put-up before it for its approval.

1190) Perusal of paras 4 to 10 of the affidavit of Dr.E.R. Patil, Associate Dean (PGI) dated 16.11.2007 (Ex.599) would show that although Dr.V.D. Patil, the Chairman of the Selection Committee, himself did not describe the meeting held on 31.5.2005, as the meeting of the Selection Committee, Dr.E.R. Patil, who appeared to be over-enthusiastic described the said meeting as the meeting of the Selection Committee. He stated therein that Dr.V.D. Patil, told him on telephone that the meeting of the Selection Committee was being held at 3.00 PM on 31.5.2005 (according to Dr.V.D. Patil, at 3.30 P.M) for determination of criteria for academic evaluation of SRA/JRA, a day before the said meeting. He, however, admitted that he had not received in writing the notice of the said meeting held on 31.5.2005 and that he did not know whether other members of the Selection Committee, were informed about it or not although, according to him, possibly they might have been informed about it on phone by the Chairman of the Selection Committee whose above-referred affidavit would show that he had informed only local members of the Selection Committee about it on phone. He, however, admitted that the notice of the meeting held on 31.5.2005 should have been given to all the members of the Selection Committee as provided under Statute 31 or at any rate some reasonable notice should have been given about it. Although he stated in para 6 of his aforesaid affidavit that the meeting was adjourned for want of quorum and it started at 3.30 PM, the same is not recorded in the minutes of the said meeting contained at page C/35 of the file Ex.35(O). (Annexure 12 of the Enquiry Report) Even Dr.V.D. Patil, the Chairman of the Selection Committee, did not corroborate him in this regard because he categorically stated in para 61 of his affidavit dated 25.12.2007 (Ex.645), referred to hereinbefore, that he informed the local members of the Committee on phone to come for meeting at 3.30 P.M. There cannot, therefore, be any doubt that in his over-enthusiasm, in order to falsely show the meeting on 31.5.2005 as the meeting of the Selection Committee, Dr.E.R. Patil, had advanced the time of the meeting to 3.00 PM because he wanted to show it as an adjourned meeting which

could be held after half an hour as provided in Statute 30 (2) as there was no quorum of four members for the said meeting as laid down in Statute 76(6) (b)

1191) In the light of the above affidavits of Dr.V.D. Patil, D.I./ Chairman of the Selection Committee, Dr.E.R. Patil, Associate Dean (PGI) and Shri R.B. Bali, the then Registrar/ Member Secretary and the alleged decision of the Selection Committee in its above referred meeting before the interviews commenced on 13.6.2005 about finalizing the criteria for evaluation of SRA/JRA as recorded at page -2 of the proceedings of the said meeting contained in the file Ex.34 (O), the following two questions arise for consideration :-

- 1) Whether the meeting held on 31.5.2005 was the meeting of the Selection Committee ; and
- 2) Whether the criteria for evaluation of SRA/JRA was decided and / or was approved by any meeting of the Selection Committee including its meeting held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 before the interviews commenced on 13.6.2005.

c-1) Whether the meeting held on 31.5.2005 was the meeting of the Selection Committee

1192) As regards the question whether the meeting held on 31.5.2005 for determination of criteria of SRA/JRA was the meeting of the Selection Committee, it is material to see that the statements made by Dr.V.D. Patil, the Chairman of the Selection Committee, in paras 26 and 35 of his affidavit dated 26.12.2007 (Ex.645), referred to in para 1186 of this Enquiry Report would clearly show that the criteria for evaluation of SRA/JRA was determined by him, as the Chairman of the Selection Committee although he also stated in the aforesaid para 26 that he consulted in that regard, Dr.E.R. Patil, senior most Member and Shri R.B. Bali, the then Registrar/ Member Secretary, of the Selection Committee, who were present in the meeting held by him on 31.5.2005. He did not state therein that the meeting held by him on 31.5.2005 was the meeting of the Selection Committee and the criteria for evaluation of SRA/JRA was fixed by it in that meeting.

1193) Even after seeing the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained in the file Ex.34(O), Dr.V.D. Patil, the Chairman of the Selection Committee, did not categorically state in para 61 of his affidavit dated 25.12.2007 (Ex.645) that the meeting held by him on 31.5.2005 was the meeting of the Selection Committee but what he stated was that the Selection Committee as such by following the formal procedure of the meeting did not decide the criteria for academic evaluation of the candidates for the posts of SRA/JRA but he had informed the local members of the said Committee on phone to come for meeting on 31.5.2005 at 3.30 PM to consider and decide the criteria to be applied for selection of the

candidates in the posts of SRA/JRA. He nowhere stated therein that by calling on phone the local members of the Selection Committee to attend the meeting on 31.5.2005 he was calling the meeting of the Selection Committee.

1194) It is only Dr.E.R. Patil, the local member of the Selection Committee who stated in para 4 of his affidavit dated 16.11.2007 (Ex.599) that Dr.V.D. Patil, the Chairman of the Selection Committee, had told him on phone that the meeting of the Selection Committee was being held at 3.00 PM on 31.5.2005 for determination of the criteria for academic evaluation of candidates who had applied for the posts of SRA/JRA. It is already shown in para 1190 of the Enquiry Report how in his over- enthusiasm he had gone out of his way in justifying the meeting held on 31.5.2005 as the meeting of the Selection Committee which, as shown above, even Dr.V.D. Patil, the Chairman of the Selection Committee did not do. As shown in the said para 1190, he preponed the meeting dated 31.05.2005 to 3.00 P.M. in order to show that for want of quorum it was an adjourned meeting which started at 3.30 P.M. That he had gone out of his way in describing the meeting held on 31.5.2005 as the meeting of the Selection Committee is further clear from paras 9 and 10 of his affidavit dated 16.11.2007 (Ex.599) in which, although not necessary, and although not mentioned in the minutes of the meeting dated 31.5.2005 (Annexure- 12 of the Enquiry Report) i.e. the criteria laid down in the said meeting, but, in order to show that it was the meeting of the Selection Committee, he stated therein that they had discussed and orally decided in the said meeting about almost the whole procedure to be followed by the Selection Committee in selection of the candidates to the posts of SRA/JRA. Dr.V.D. Patil, the Chairman of the Selection Committee, did not state in his affidavit that any such discussion took place and any such decisions were orally taken in the said meeting dated 31.5.2005. In fact, as regards common interviews to be held he had taken the said decision much earlier at the time of short-listing of candidates referred to in this Enquiry Report under the head of “common interviews”. Apart from the fact that the said decisions are not recorded in the minutes of the meeting held on 31.5.2005, even as admitted by Dr.E.R. Patil, in para 4 of his aforesaid affidavit the meeting dated 31.5.2005 was for determination of criteria for academic evaluation of SRA/JRA. There was, therefore, no occasion to discuss in the said meeting all the questions referred to by him in the said paras 9 and 10 of his aforesaid affidavit except about giving marks as per the criteria laid down in the said meeting dated 31.5.2005. The statement of Dr.E.R. Patil, in para 4 of his aforesaid affidavit that the meeting held on 31.5.2005 was the meeting of the Selection Committee cannot therefore be believed.

1195) As regards the said meeting held on 31.5.2005 in which the criteria for evaluation of SRA/JRA was framed, Shri R.B. Bali, the then Registrar, stated in para 8 of his affidavit dated 11.10.2007 (Ex.585) that there was no note-sheet showing how and who constituted the said Committee to frame the criteria for evaluation of SRA/JRA and, according to him, Dr.V.D. Patil, the Chairman of the Selection Committee might have called the aforesaid

meeting to frame the said criteria but he did not remember whether the meeting of the Selection Committee was called to approve the said criteria or whether it was put-up before it for its approval which would show that, according to him, the meeting held on 31.5.2005 was not the meeting of the Selection Committee.

c-2) Requirements of a valid meeting of the Selection Committee

1196) It is pertinent to see that the Selection Committee, constituted for selection of candidates in the posts of SRA/JRA, is a statutory committee constituted under Statute-76 and its procedure is regulated by the statutory provisions laid down under the Statutes. The essential requirement of a valid meeting of a Committee, is that it must be properly convened according to rules, which means that its due notice with its agenda must be given to each member of the Committee. It is a different thing if any member remains absent in the meeting after being duly served with a proper notice of period stipulated in the rules. It is not open to the Chairman to call only certain or few members of the Committee and that too without complying with the requirement of the period of notice unless there is a provision in the rules which enables him to do so. In the absence of such rule such meeting of few members of the Committee cannot be treated as the meeting of the Selection Committee. In spite of due notice, if only few members remain present in the meeting the rules regarding quorum and adjourned meeting for want of quorum would be applicable. The quorum for the meeting of the Selection Committee provided for in Statute 76(6)(b) is of four members and for adjourned meeting, the rule applicable is contained in Statute-30(2).

1197) Although it is true that there are no rules framed by the University under Statute 76 (6) (a) for giving of notice to the members of the Selection Committee and the business to be considered at its meeting, except that in Statute-76(6) (b) quorum provided for its meeting is of four members, there are general provisions in Chapter-IV of the Statutes relating to the meetings of the University i.e. its various bodies and committees which would be applicable to the meetings of the Selection Committee. Statute-31 therein deals with the notice of the meetings. It is clear from the language used in Statute-31 that in the absence of special rules being framed for the said purpose under Statute-76 (6) (a), the general provisions in Statute-31 would be applicable for giving notice of the meeting of the Selection Committee constituted under Statute-76 (1) as admitted by the University itself in para C of its affidavit dated 17.7.2007 (Ex.48) in which it is stated in answer to point no.1 that it follows Statute-31 for issuing notice to the members of the Selection Committee and the business to be transacted by it in its meeting

1198) There is no provision either in Statute-76 or in Statute 31 or anywhere else that the Chairman of the Selection Committee at his discretion can hold the meeting of the Selection Committee by calling only its local members which according to Dr.V.D. Patil, as

stated hereinbefore, he had done. Therefore, in the absence of such provisions the alleged meeting of the local members of the Selection Committee called on 31.5.2005 by Dr.V.D. Patil, the Chairman of the Selection Committee, cannot be held to be the meeting of the Selection Committee, apart from the question that no notice in writing of the said meeting as required by rules or at any rate, some reasonable notice was given by him even to the local members.

c-3) Notice of the meeting dated 31.5.2005 not given to the members of the Selection Committee as provided under Statute-31

1199) As regards the notice to be given to the members of the Committee, perusal of Statute-31 would show that it provides in clause-1 thereof for 7 clear days notice for ordinary meeting of any committee and as regards its special meeting which its Chairman is competent to call, it provides in clause-2 thereof a shorter notice of not less than 3 clear days. The notice of the meeting dated 31.5.2005 given by Dr.V.D. Patil, the Chairman of the Selection Committee to, according to him, its local members, is not in writing but is on phone and is of less than 3 clear days even if it is treated as a special meeting of the Selection Committee. Dr.E.R. Patil, stated in para 4 of his aforesaid affidavit dated 16.11.2007 (Ex.599) that he was told about it, a day before the date of the said meeting. Dr.B.N. Dahatonde, stated in para 5 of his affidavit dated 10.12.2007 (Ex.636) that there was a phone call about it in his office on the same day. He, however, stated in para 6 of his aforesaid affidavit that he did not know whether any meeting was held on 31.5.2005 or not, who was present in the said meeting and whether any criteria for academic evaluation of SRA/JRA was fixed in the said meeting, if held. Dr.N.D. Jogdande, another local member of the Selection Committee, stated in his additional affidavit dated 7.1.2008 (Ex.649) that he was unable to recollect whether any such meeting was called on 31.5.2005 and whether he was called to attend it. According to him, he did not remember whether he attended any such meeting and what its purpose was.

1200) As regards the notice of the meeting held on 31.5.2005 which Dr.E.R. Patil, the local member of the Selection Committee described as the meeting of the Selection Committee, he himself admitted that the notice of the said meeting could have been given as provided in Statute-31 or at any rate some reasonable notice in writing about it could have been given to all the members of the Selection Committee in the absence of rules being framed in that regard by the University under Statute 76(6) (a) of the Statutes. He admitted that he had not received any such notice in writing about the meeting held on 31.5.2005. Although Dr.B.N. Dahatonde, another local member of the Selection Committee, stated in para 5 of his affidavit dated 10.12.2007 (Ex.636) that he received the phone call from the office of the Chairman of the Selection Committee Dr.V.D. Patil, in his office on the same day on which there was meeting of the Selection Committee in the afternoon i.e. 31.5.2005, he admitted therein that he was not given any notice in writing

about the said meeting, muchless under Statute 31 of the Statutes. As regards two outside members of the Selection Committee Dr.N. D. Pawar, and Dr.G.N. Dake, they stated in paras 4 and 3 of their affidavits dated 1.11.2007 (Ex.590) and 23.11.2007 (Ex.600) respectively that they did not receive any notice of meeting of the Selection Committee nor they were informed about it on phone if held prior to its meeting which started from 13.6.2005 and did not know whether any meeting of the Selection Committee was held on 31.5.2005. It is thus clear that no proper or reasonable notice, muchless the notice as provided in Statute-31 was given even to the local members of the Committee. Admittedly, and as stated by the aforesaid outside members of the Selection Committee also, no notice at all, whether on phone or otherwise was given to them.

c-4) No meeting of the Selection Committee called for laying down the criteria for evaluation of SRA/JRA nor the said criteria laid down as per the routine procedure followed in the University with the approval of the Vice-Chancellor

1201) Shri D.P. Deshmukh, the concerned Section Assistant (Estt.), stated in para 26 of his affidavit dated 15.11.2007 (Ex.598) that the criteria for evaluation of SRA/JRA laid down in the meeting held on 31.5.2005 was not laid down by calling the meeting of the Selection Committee and also after discussing the same with the Vice-Chancellor. He further stated that there were no office notes written about the determination of the said criteria nor also about calling the said meeting about it. He then stated that as per the system prevailing in his office, before taking any decision, an office note is submitted which is forwarded through proper channel i.e. through the Assistant Registrar, Deputy Registrar, Registrar, to the D.I./ Chairman of the Selection Committee and finally to the Vice-Chancellor for his approval. According to him, no such office procedure was followed for determination of the aforesaid criteria for evaluation of SRA/JRA. Further, according to him, the criteria laid down for evaluation of SRA/JRA was not sent to the Vice-Chancellor and was approved by him although he was the appointing authority as regards these posts. Even Dr.S.A. Nimbalkar, the then Vice-Chancellor, stated in para 28 of his aforesaid affidavit dated 14.1.2008 (Ex.658) that there was no discussion held with him by the Chairman of the Selection Committee, Dr.V.D. Patil, or anybody else in that regard. He further stated that he did not know whether the said criteria was laid down by the Selection Committee and whether its meeting was held for the said purpose on 31.5.2005 or whether it was framed only by the Chairman of the Selection Committee Dr.V.D. Patil, Dr.E.R. Patil, Associate Dean (PGI) and the Registrar Dr. PDKV, Akola in their meeting on 31.5.2005. The above facts would clearly show that there was no approval of the Vice-Chancellor to the criteria for evaluation of SRA/JRA laid down in the meeting on 31.5.2005. As regards the decision-making process in the University, Dr.S.A. Nimbalkar, the then Vice-Chancellor, described in detail in paras 4 to 6 of his aforesaid affidavit the above procedure followed in the University for taking decision which, according to him, was never oral but was always in

writing. In the absence of such procedure being followed, the oral decision of Dr.V.D. Patil, the Chairman of the Selection Committee, to call on phone the local members of the Selection Committee for the meeting on 31.5.2005 was liable to be questioned and was improper, much less the said meeting could be held to be the meeting of the Selection Committee.

c-5) Attendance Register shows that no meeting of the Selection Committee was held on 31.5.2005

1202) Dr.V.D. Patil, in para 64 of his affidavit dated 25.12.2007 (Ex.645) and Dr.E.R. Patil, in para 7 of his aforesaid affidavit dated 16.11.2007 (Ex.599) admitted that there is an Attendance Register maintained in the University to show the presence of the Chairman and the Members of the Selection Committee attending its meeting by taking their signatures in the said Register. In fact, the University is required under Statute-36 to maintain such Attendance Register and record attendance of the members attending the meetings of its Authority, Committee or a Sub-committee. After seeing such Attendance Register about the meeting of the Selection Committee filed in this enquiry and marked as Ex.46 (O), Dr.E.R. Patil stated in para 7 of his aforesaid affidavit that he did not find from the said Registrar that any meeting of the Selection Committee was held on 31.5.2005 and that Dr.V.D. Patil, he himself and Shri R.B. Bali, the then Registrar, had put their signatures regarding such meeting of the Selection Committee. He however, admitted that the other meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 and the signatures of the members attending the said meeting are shown in the said Attendance Register Ex.46(O). Dr.V.D. Patil, also admitted in para 64 of his aforesaid affidavit that he signed the said Register on the dates on which he was present in the above meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005.

1203) For all these reasons, the meeting held on 31.5.2005 for determination of criteria for evaluation of SRA/JRA cannot be said to be the meeting of the Selection Committee and there is no manner of doubt that as rightly stated by Dr.V.D. Patil, the Chairman of the Selection Committee in paras 26 and 35 of his affidavit dated 25.12.2007 (Ex.645), the criteria for academic evaluation of SRA/JRA was determined by him as the Chairman of the Selection Committee in consultation with the senior most member Dr.E.R. Patil, and the Registrar, who was the Member Secretary of the Selection Committee by holding the meeting on 31.5.2005 in which they were present. He has also rightly admitted in para 25 of his aforesaid affidavit that the Chairman of the Selection Committee, on his own, had no power to determine criteria for evaluation of the candidates applying for the posts of SRA/JRA.

c-6) Whether the criteria for evaluation of SRA/JRA was decided and / or approved by any meeting of the Selection Committee including its meeting held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 before the interviews commenced on 13.6.2005

1204) After holding, as stated above, that the meeting dated 31.5.2005 in which the criteria for evaluation of SRA/JRA was fixed was not the meeting of the Selection Committee, the next question to be considered is whether any meeting of the Selection Committee was called before 13.6.2005 i.e. the date on which the interviews for these posts commenced to decide and/or to approve the criteria for evaluation of SRA/JRA laid down by Dr.V.D. Patil, the Chairman of the Selection Committee, in consultation with Dr.E.R. Patil, Associate Dean (PGI) and Shri R.B. Bali, the then Registrar in their meeting held on 31.5.2005. Vide Para 1201 above, it is clear from para 26 of the affidavit of the concerned Section Assistant (Estt.), Shri D.P.Deshmukh, dated 15.11.2007 (Ex.598) that the said criteria was not laid down by calling the meeting of the Selection Committee constituted for selection of candidates in these posts after discussing the same with the Vice-Chancellor. He also stated in the said para 26 that there were no note-sheets in his office about determination of any such criteria and also for calling any meeting about it. He then described in the said para 26 the office procedure followed in the University in taking decisions which procedure was not followed, according to him, in taking decision about determination of criteria for evaluation of SRA/JRA.

1205) It is not in dispute that no meeting of the Selection Committee was held during the period from 31.5.2005 i.e. the date on which the aforesaid criteria was fixed and 13.6.2005 on which date the interviews commenced, muchless for determination or approval of the said criteria as is clear from para 4 of the affidavit of Dr.N.D. Pawar, dated 1.11.2007 (Ex.590) in which he stated that there was no meeting of the Selection Committee held for determination of criteria as such or for its approval. Similarly, Dr.G.N. Dake, also stated in para 3 of his affidavit dated 23.11.2007 (Ex.600) that he did not receive any notice of the meeting, or any phone call about it, if held prior to notice dated 26.5.2005 and also between the said date and 13.6.2005, the date on which the interviews commenced which would also show that no meeting of the Selection Committee was held during the said period. Moreover, perusal of the Attendance Register Ex.46(O), would show that no meeting of the Selection Committee was held during the said period.

1206) It is then necessary to consider whether on 13.6.2005, the first day of meeting of the Selection Committee, held for taking interviews of the candidates for these posts, the said criteria for evaluation of SRA/JRA determined on 31.5.2005 as stated above, was approved by the Selection Committee before the interviews commenced on that day. In this regard, it is first necessary to see that no such agenda about approval of the criteria for evaluation of SRA/JRA laid down in the meeting held on 31.5.2005, or even otherwise for its

determination independently of it, was included in the notice dated 26.5.2005 of the meeting held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 (Annexure No.11 of the Enquiry Report). It is next necessary to see what Dr.V.D. Patil, the Chairman of the Selection Committee himself stated about it. In para 35 of his aforesaid affidavit dated 25.12.2007 (Ex.645) describing what happened on the first day of the meeting of the Selection Committee i.e. 13.6.2005, he stated that he explained to all the members of the Selection Committee the whole criteria determined by him for academic evaluation of SRA/JRA and specifically told them that for interviews of the candidates, the total marks fixed were 60 and for their academic performance 40. Even, after seeing the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 (Ex.34 (O)) what is important to be seen is that he stated in para 61 of his aforesaid affidavit that on 13.6.2005 at the outset, he briefed the members of the Selection Committee about the said criteria which would not mean that he had placed the said criteria before them for their determination or approval. On the contrary, it would mean that the criteria about which he briefed the members was already determined.

1207) Dr.Vandan Mohod, who was the then Registrar and the Member Secretary of the Selection Committee, clearly stated in para 34 of his affidavit dated 1.12.2007 (Ex.633) that it did not appear that the meeting of the Selection Committee was called for assessment of the candidates for the posts of SRA / JRA i.e. for their academic evaluation. As regards the question whether the said criteria laid down on 31.5.2005 by the Committee of Dr.V.D. Patil, the Chairman, Dr.E.R. Patil, Associate Dean (PGI) and the then Registrar Shri R.B. Bali was determined or approved in the meeting of the Selection Committee on 13.6.2005 i.e. the first day of interview, he, in unequivocal terms, stated that, on that day, Dr.V.D. Patil, explained to the members of the Selection Committee the aforesaid criteria framed by the aforesaid Committee on 31.5.2005 but no decision as such was taken by the Selection Committee on 13.6.2005 to affirm or approve the said criteria. According to him, the information given by Dr.V.D. Patil, was only about how they should proceed in the matter and what criteria they should apply in selection of the candidates in their meeting.

1208) Similarly, Dr.N.D. Pawar, outside member of the Selection Committee, stated in para 6 of his affidavit dated 1.11.2007 (Ex. 590) that on 13.6.2005, at the outset, before the meeting of the Selection Committee started Dr.V.D. Patil, the Chairman of the Selection Committee orally explained to all the members present in the meeting, the criteria to be followed in evaluation of the candidates appearing for interview but no document containing the said criteria for academic evaluation of SRA/JRA was given to them. Further, according to him there was no meeting of the Selection Committee held for determination of criteria as such or for its approval. As regards the affidavit of Dr.G.N.Dake, another outside member of the Selection Committee, dated 23.11.2007 (Ex.600), he also did not state in para 5 thereof, that the criteria for academic evaluation of

SRA/JRA laid down on 31.5.2005 was approved on 13.6.2005 by the Selection Committee but what he stated was that before the commencement of the interviews all the members of the Selection Committee were told by its Chairman that for academic performance, the total marks were 40 and for interview 60.

1209) As regards the local members of the Selection Committee, perusal of para 8 of the affidavit of Dr.B.N. Dahatonde, dated 10.12.2007 (Ex.636), would show that on that day i.e. 13.6.2005, at the outset, what Dr.V.D. Patil, the Chairman of the Selection Committee explained to them was about how the marking should be done and about the advertisement etc. and particularly how the marks for interview should be given. He did not even state whether the criteria regarding the evaluation of SRA/JRA was explained to them by him on that day, muchless about its approval in the said meeting. In fact, as stated by him in para 6 of his affidavit dated 10.12.2007 (Ex. 599), he did not know anything about the meeting held on 31.05.2005 including whether any criteria for academic evaluation of SRA/JRA was fixed on that date. Dr.B.N.Jogdande, another local member of the Selection Committee, stated in para 8 of his affidavit dated 5.11.2007 (Ex.596) that there was no discussion in any meeting of the Selection Committee about deciding the criteria on the basis of which the candidates were to be selected for the posts of SRA/JRA. According to him, the Chairman had not told them about any such criteria except that they had to select them on the basis of the marks given to them for their interviews. Further, according to him, neither the Selection Committee had decided nor the Chairman had told them how the candidates should be selected for the posts of SRA/JRA on the basis of the marks awarded to them by each member of the Selection Committee for their interviews which marks given by each member would be different. Dr.E.R. Patil, also the local member of the Selection Committee stated in para 11 of his affidavit dated 16.11.2007 (Ex.599) that on 13.6.2005, Dr.V.D. Patil, the Chairman of the Selection Committee had briefed its members about the criteria for evaluation of candidates who had applied for the posts of SRA/JRA framed on 31.5.2005. According to him, he did not remember whether any meeting of the Selection Committee was called between 31.5.2005, the date on which criteria for evaluation of SRA/JRA was laid down, and 13.6.2005, the date on which the interviews commenced.

1210) It is thus clear from the above affidavits of the Chairman of the Selection Committee and its members that no meeting of the Selection Committee was held after 31.5.2005, the date on which the criteria for evaluation of SRA/JRA was fixed, and before 13.6.2005 i.e. the date on which the interviews commenced to determine or approve the criteria for evaluation of SRA/JRA laid down in the said meeting held on 31.5.2005. Further, as regards the meeting of the Selection Committee held from 13.6.2005 for interviewing the candidates, it is also clear from the aforesaid affidavits that the criteria for evaluation of SRA/JRA was neither determined nor the said criteria fixed on 31.5.2005 was

approved in the said meeting on 13.6.2005, at the outset, i.e. before the interviews commenced. It is, therefore incorrectly recorded on page 2 of the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained in the file Ex.34(O) that “before interviewing the candidates, the Selection Committee, on the analogy of the provisions under statute-52 of the Statutes decided and finalized the following criteria awarding marks for educational qualification, experience and publication and that it decided to give 40 marks for qualification, experience etc. acquired by the applicant and 60 marks for personal interview, the break-up of 40 was decided as reproduced on the said page 2 of the said proceedings in file Ex. 34(O) (See also para 1187).

1211) It may be seen in this regard that the said proceedings of the meeting of the Selection Committee contained in the file Ex.34(O) were drafted by the Assistant Registrar Shri P.V. Behare, as per the instructions given to him by Dr.Vandan Mohod, the then Registrar/ Member Secretary of the Selection Committee as stated by Dr.Vandan Mohod, himself in para 36 of his affidavit dated 1.12.2007 (Ex.633). However, as shown above, Dr.Vandan Mohod himself stated in para 34 of his aforesaid affidavit that on 13.6.2005 i.e. the first day of the meeting of the Selection Committee, at the outset before the interviews commenced, Dr.V.D. Patil, the Chairman of the Selection Committee had only explained to them the criteria framed by the Committee of Dr.V.D. Patil, the Chairman, Dr.E.R. Patil, Associate Dean (PGI), and Shri R.B. Bali, the then Registrar on 31.5.2005 but no decision as such was taken by the Selection Committee on 13.6.2005 to affirm or approve the said criteria and the information given by Dr.V.D. Patil, was only about how they should proceed in the matter and what criteria they should apply in selection of the candidates in their meeting. As stated by him in the said para, it did not appear to him that the meeting of the Selection Committee was called for assessment of the candidates for the posts of SRA/JRA i.e. for determination of the criteria for their academic evaluation which according to him, was evolved by the Committee of the aforesaid persons in their meeting on 31.5.2005. Vide para 1206 of the Enquiry Report, even Dr. V. D. Patil, the Chariman of the Selection Committee did not state in his affidavit that the said criteria was determined or approved by the Selection Committee on 13.06.2005. Moreover, there is no agenda about it included in the notice dated 26.5.2005 (Annexure 11 of the Enquiry Report) of the said meeting held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005.

1211-A) It is thus material to see that both the Chairman and the Member Secretary of the Selection Committee who signed the proceedings of the meeting of the Selection Committee held from 13.06.2005 to 17.06.2005 and 20.06.2005 to 25.06.2005 do not state that the criteria for academic evaluation of SRA/JRA was determined or approved in the said meeting on 13.06.2005 before the interviews commenced. The aforesaid proceedings of the meeting of the Selection Committee are thus incorrectly recorded and it cannot

therefore be held that the criteria for evaluation of SRA/JRA laid down in the meeting held on 31.5.2005 was approved in the aforesaid meeting of the Selection Committee at the outset on 13.6.2005 before the interviews commenced.

1212) For all these reasons, it has to be held that the criteria for evaluation of SRA/JRA was not determined by the Selection Committee since as held above the meeting held on 31.5.2005 was not the meeting of the Selection Committee and that the said criteria laid down in the said meeting was not approved in any meeting of the Selection Committee including its meeting held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 for interviewing the candidates.

1213) While considering the question of determination of criteria for academic evaluation of SRA/JRA, it has to be borne in mind that, as already stated above in paras -1131 to 1133 of the Enquiry Report regarding short-listing of candidates, in selection of the candidates for the post of JRA (Agri.), which is group-C post, the criteria for their selection is laid down by the Government in its G.R. dated 9.6.2004 (Ex.589) which requires that there should be written test of 75% marks and interview of 25% marks for selection of the candidates applying for the posts of JRA (Agri.) and if the number of candidates passing the written test is more than 6, then as per G.R. dated 2.5.1995 (Ex.588), they should be short-listed in the ratio of 1:3 for taking their interviews. There is also alternative procedure envisaged in the said GR dated 09.06.2004 (Ex. 589) as discussed in paras 1131 to 1133 referred to above. It was not therefore, open to the Chairman of the Selection Committee, Dr.V.D. Patil, to determine the criteria for academic evaluation of the candidates applying for the post of JRA (Agri.) in consultation with Dr.E.R. Patil, Associate Dean (PGI) and the then Registrar/ Member Secretary, in their meeting held on 31.5.2005. Even otherwise, the criteria laid down for academic evaluation of SRA/JRA in the meeting held on 31.5.2005 was not laid down legally by the Competent Authority, as shown above.

d) Criteria for academic evaluation of SRA/JRA laid down on 31.05.2005

d-1) Criteria Explained

1214) Criteria for academic evaluation of SRA/JRA is explained in detail in paras 178 to 193 of this Enquiry Report. Suffice it, therefore, to state that according to Dr.V.D. Patil, the Chairman of the Selection Committee, in laying down the criteria for academic evaluation of the candidates applying for the posts of SRA(Agri.)/JRA(Agri.) as stated by him in para 27 of his affidavit dated 25.12.2007 (Ex.645), they had adopted the pattern or principle of 40 : 60 i.e. 40 marks for academic performance and 60 marks for performance in interview laid down in Statute-52 for the posts of Professor and above. As regards 40 marks allotted for academic performance, Dr. V.D. Patil, the Chairman of the Selection Committee, stated in the said para that they had bifurcated the said marks by giving fixed marks for various academic achievements such as degrees, experience, research paper publication / popular

article and significant contribution. The distribution of the marks, and in particular, the said 40 marks made in the said meeting dated 31.5.2005 was as under :-

A)	Qualification		Marks 20
i)	B.Sc. (Agri.) Ist Class	-	5 marks
	IInd Class	-	4 “
ii)	M.Sc. (Agri.) Ist Class	-	5 “
	IInd Class	-	4 “
iii)	Ph.D. Degree Complete	-	10 “
	Thesis submitted	-	8 “

(Letter of Registrar / Assoc. Dean/ HOD/Guide along with thesis is required)

B) Experience : Marks 5

One mark for each year, maximum upto five marks

C) Publications : Marks 10

Two marks for each publication, maximum

10 marks. Popular Article – 0.2 marks for each publication.

(D) Significant contribution (Marks descending order) Marks 5

Ist = 5 2nd = 4 3rd = 3 4th = 2 5th Subsequent = 1

Total Marks = 40

Interview Performance = 60

Grand Total = 100

1215) Perusal of the marks fixed for thesis submission would show that the figure “8” is scratched in blue ink which would mean that on second thought no marks are fixed for thesis submission. Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 26 of his affidavit dated 15.11.2007 (Ex.598) that the line in blue ink which showed that the said figure “8” is scratched appears to be in the hand-writing of Dr.V.D. Patil. However, when questioned in this regard, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 28 of his affidavit dated 25.12.2007 (Ex.645) that although the figure “8” of the marks fixed for thesis submission is scratched that does not mean that no marks are fixed for thesis submission. According to him, he would not be able to tell who scratched the figure “8” i.e. the marks fixed for thesis submission but they had determined “8” marks for it and accordingly he had explained to the Assistant Professors/Associate Professor to give 8

marks for it. Similarly, Dr.E.R. Patil, senior most member of the Selection Committee, who was associated with fixation of criteria for academic evaluation of candidates for these posts of SRA/JRA, also stated in para 8 of his affidavit dated 16.11.2007 (Ex.599) that, 8 marks stipulated by them for thesis submission in the meeting dated 31.5.2005, were to be awarded to the candidates for submission of their thesis for Ph.D. degree although he would not be able to tell who scratched the said figure “8” and when. Shri R.B. Bali, the then Registrar, who was also associated with determination of criteria for academic evaluation of SRA/JRA, stated in para 8 of his affidavit dated 11.10.2007 (Ex.585) that he would not be able to tell who had drawn the line in ink against “8” marks allotted to thesis submission and what it would mean i.e. whether 8 marks should be allotted to thesis submission or not. It is, however, appears that 8 marks actually awarded by the Assistant Professors/Associate Professor for thesis submission, as told to them by Dr. V. D. Patil, the Chairman of the Selection Committee.

1215-A) As regards the Agricultural Engineering graduates no criteria i.e. no marks were fixed for their academic evaluation as seen from the above criteria laid down on 31.05.2005 for academic evaluation of SRA/JRA which was pointed out in para 10.5 of the written statement (Ex. 85) of Dr. B. G. Bathkal, and others annexed to the affidavit of Dr. B. S. Phadnaik and Dr. B. S. Chimurkar. When questioned in this regard, Dr. V. D. Patil, the Chairman of the Selection Committee stated in para 11 of his affidavit dated 25.03.2008 (Ex. 697) that no evaluation criteria was fixed for Agricultural Engineering graduates in the criteria evolved on 31.05.2005 but they were given the same marks fixed for Agriculture graduates and post graduates. Accordingly the Agricultural Engineering graduates and post graduates are actually evaluated by giving them the same marks fixed for Agriculture graduates and post graduates.

d-2) Differences between the above criteria laid down for academic evaluation of SRA/JRA and the criteria for the posts of Professor and above laid down in Statute-52

1216) The scheme of evaluation of the candidates contained in the Statute 52, would show that the pattern of evaluation of the candidates for the posts of Professor and above shown therein is not wholly adopted for evaluation of the candidates for these posts of SRA (Agri.) and JRA (Agri.). The differences between the two are as follows :-

i) Perusal of Statute-52, would show that the distribution scheme of 40 marks for past performance therein is different from the distribution scheme of the said marks for academic performance (the same thing as past performance) of the candidates applying for the posts of SRA (Agri.) and JRA (Agri.). The weightage given in para A of Statute-52 for academic career i.e. for degrees obtained by the candidate is less as compared to the weightage given in para C thereof to the research publication by allotting 10 marks for the

former and 20 marks for the latter whereas the weightage given for them in the criteria laid down for academic evaluation of SRA/JRA, is just the opposite, i.e. the marks allotted for academic qualifications are 20 and for publications 10.

ii) Another difference between the two is that in Statute-52 it is provided that a candidate getting 20 or less marks out of 60 for personal interview from two or more members should be rejected even if his total grade is higher than that of other candidates. No such provision was made in the criteria laid down for academic evaluation of SRA/JRA. In fact, as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 76 of his affidavit dated 25.12.2007 (Ex.645) which he also reiterated in para 78 thereof, no cut off / minimum marks out of 40 marks for academic performance or out of 60 marks for interview or even out of total marks 100 were prescribed in the criteria for evaluation of SRA/JRA laid down in the meeting dated 31.5.2005 so that if any candidate did not get the said minimum number of marks, he would not be considered for selection / appointment in these posts of SRA (Agri.) and JRA (Agri.) even though the post was available for him after considering him in descending order of merit. Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in the above referred para 78 of his aforesaid affidavit that since more than three posts should have been reserved in JRA (Agri.) S.T.Category as the number of posts to be filled had increased from 37 to 76, they should have, in the absence of the cut off marks being prescribed, recommended the third candidate, viz. Shri Dilip Solanke, a graduate from YCMOU whose name was at page-9 of the Mark-sheet (Ex.34(O)-A) for the post of JRA (Agri.) S.T. Category as his name could not have been rejected by them on the ground that he had received low marks. Dr.Vandan Mohod, the then Registrar/ Member Secretary of the Selection Committee also admitted in para 7 of his additional affidavit dated 2.4.2008 (Ex.735) that since there were no cut off marks laid down in the criteria for evaluation of SRA (Agri.) and JRA (Agri.), the candidates who had received low marks could also be selected if the posts were available for them according to the descending order of merit.

iii) Statute-52 provides that in evaluation of candidates, each member of the Selection Committee should give marks individually to each candidate and the marks given by various members should be totalled and arranged in descending order. According to it, the Selection has to be made on merit in the order of total marks scored by the candidates out of 60 marks for personal interview and 40 marks for past performance. Statute-52 would thus show that even the marks for past performance has to be awarded by each member of the Selection Committee and that the descending order of merit has to be prepared on the basis of the total of the marks received by the candidates from all the members of the Selection Committee for their past performance and interviews.

There was no such provision made in the criteria laid down on 31.5.2005 for academic evaluation of SRA/JRA. As would be shown hereinafter, so far as the marking

work about academic performance (same thing as past performance) of the candidates for these posts of SRA/JRA was concerned, the said work was entrusted by Dr.V.D. Patil, the Chairman of the Selection Committee, to the Assistant Professors/ Associate Professor and the staff of the Registrar's office as stated by him in para 30 of his affidavit dated 25.12.2007 (Ex.645), which work, as admitted by him in para 67 thereof, was not verified by him and the members of the Selection Committee and was not considered in any meeting of the Selection Committee also. As regards the marks for interview given by him and each member of the Selection Committee, he stated in para 41 of his aforesaid affidavit that the average of the total marks given by them to each candidate was calculated on each day of interview and the said average marks of each candidate were entered in the additional chart Ex.434-A with him. According to the procedure followed by them, no separate lists of the candidates for the posts of SRA (Agri.) and JRA (Agri.) in descending order of merit were prepared on the basis of the total marks awarded to them for their academic performance and interview but what was prepared by them was the categorywise Mark-Sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.), from which, as stated by him in para 51 of his aforesaid affidavit, the categorywise selection lists for the said posts were prepared.

d-3) Cut off date for awarding marks for academic performance

d-3-i) Cut off date for awarding marks for academic performance should be last date of applications and not the date of interview as orally directed by Dr. V. D. Patil, the Chairman of the Selection Committee.

1217) In considering the question about cut off date for awarding marks for academic performance as per the criteria laid down in the meeting dated 31.5.2005 for academic evaluation of SRA/JRA it is necessary to bear in mind the condition laid down in the advertisement of these posts dated 14.8.2004 (Ex.2), according to which “applications received with incomplete information and documents and received after last date would not be considered in any situation and circumstances”. In this regard it should be seen that the format of the application to be submitted by the candidates is given in the said advertisement dated 14.8.2004 (Ex.2) under the head “How to Apply” and it is stated therein that the candidates fulfilling the eligibility criteria should submit their applications covering all points in the said format. What is most important therein is that each candidate is required to give a declaration at the end of his application that the statements made by him in his application are true, complete and correct, to the best of his knowledge and belief and that in the event of any information being found false or incorrect at any time before or after interview his appointment is liable to be terminated without any notice. The expression “under any situation and circumstances” used in the aforesaid condition would therefore show that the said condition is mandatory and it should not have been ignored by Dr.V.D. Patil, the Chairman of the Selection Committee, when he directed the Assistant

Professors/Associate Professor to award marks for Ph.D. degree complete, Ph.D. thesis, research paper/ popular article and significant contribution, even though, acquired/submitted/published/ made after the last date of applications regarding which the relevant certificates/ publications / documents were allowed to be submitted by the candidates for the first time before them for verification/scrutiny at the time of their interviews because as per the above referred condition in the advertisement no information and documents could be received after the last date of applications.

1218) As regards the question of awarding marks for academic performance Dr.V.D. Patil, the Chairman of the Selection Committee stated in para 30 of his affidavit dated 25.12.2007 (Ex.645) that in the meeting called by him 2 or 3 days after he issued the order dated 06.06.2005 (Ex. 209) assigning the work of verification of certificates/research papers, etc. to the Assistant Professors/ Associate Professor, he had orally told them that as regards the qualification of Ph.D., thesis submission, publication of research paper/ popular article and the documents relating to the significant contribution, the marks should be awarded to the candidates for the same after verification / scrutiny of the certificates, publications and the documents, produced by them in that regard before them at the time of their interviews, even if the acquisition of qualification of Ph.D. , thesis submission, publication of research paper/ popular article or their significant contribution was after the last day of submission of their applications for these posts of SRA/JRA i.e. 15.9.2004 and till the date of their interviews since, according to him, long time had elapsed from the date of advertisement. But, as regards B.Sc. (Agri.) and M.Sc. (Agri.) degrees of the candidates, he directed that they should be given marks for the same as per the criteria laid down by them if they had acquired them till the last date of application given in the advertisement i.e. 15.9.2004, since according to him, they were minimum qualifications for the posts in question.

1219) The above instructions given by Dr.V.D. Patil, the Chairman of the Selection Committee, except as regards B.Sc. (Agri.) and M.Sc. (Agri.) degrees, were per se contrary to the above referred mandatory condition in the advertisement dated 14.8.2004 (Ex.2) that no information and documents received after the last date of applications should be considered under any situation and circumstances. He could not have, therefore, allowed awarding of marks for certificates/publications / documents submitted by the candidates for the first time after the last date of applications at the time of their interviews. His action in giving the above instructions to the Assistant Professors/Associate Professor was thus illegal, and improper and had adversely affected the selection process. Even otherwise, ordinarily the qualification or extra qualification laid down for the recruitment should be considered as on the last date for filing of application as held by the Supreme Court in para 10 of its judgment in the case of Rekha Chaturvedi –Vs- University of Rajasthan (1993) Supp.3 SCC 168 in which it is held that unless the advertisement mentions the fixed date

with reference to which the qualifications are to be judged, whether the said date is of selection or otherwise, the requisite qualification should be considered as on the last date of filing of the application and if the qualifications acquired after the said date are taken into consideration, the Selection Committee would be committing patent illegality and on that ground itself the selections in question would be liable to be quashed. The Supreme Court has relied upon its aforesaid decision recently in *Dipiti Mayee Parida –Vs- State of Orissa* (2008) 10 SCC 687 (See para 16 of the said Judgment).

The following judgments of the Supreme Court, support the above view.

- i) Ashok kumar Sharma –Vs- Chandrashekhar (1997) 4 SCC 18(See Para 6).
- ii) Ashok Kumar Sankar –Vs- Union of India (2007) 4 SCC 54(See Para 20).
- iii) Rajasthan Public Service Commission –Vs- Kailakumar Paliwal (2007) 10 SCC 260 (See paras 20 and 21).

d-3-ii) Neither the then Vice-Chancellor nor the members of the Selection Committee corroborate the above marking system adopted by Dr.V.D. Patil, the Chairman of the Selection Committee

1220) As regards the above instructions given by Dr.V.D. Patil, the Chairman of the Selection Committee, to the Assistant Professors/Associate Professor about awarding marks to the above referred certificates/publications / documents submitted after the last date of applications, Dr.E.R. Patil, Associate Dean (PGI) and Shri R.B. Bali, the then Registrar, who were associated with him in laying down the criteria for evaluation of SRA/JRA in the meeting held on 31.5.2005 did not support him in that regard. Dr.E.R. Patil, Associate Dean (PGI) stated in para 15 of his affidavit dated 16.11.2007 (Ex.599) that the documents/ certificates annexed by each candidate to his application were to be alone considered for giving marks to him as per the criteria laid down in that regard for acquisition of qualifications and experience, for publication of research papers/popular articles and/or for the proposals of significant contributions and if he acquired any qualification, and / or had any publication of research papers/ popular articles after the last date of application given in the advertisement such documents or certificates were not to be considered for awarding any marks to him as per the criteria laid down in that regard. Shri R.B. Bali, the then Registrar, also corroborated him in that regard vide para 9 of his affidavit dated 11.10.2007 (Ex.585). The above statement of Dr.E.R. Patil, Associate Dean (PGI), and Shri R.B. Bali, the then Registrar, would show that the decision to award marks after the last date of application was not taken in the meeting held on 31.5.2005 for determination of criteria for evaluation of SRA/JRA but it appears to have been taken on his own by Dr.V.D. Patil, the Chairman of the Selection Committee after 31.5.2005, when, as stated above, he instructed the Assistant Professors/Associate Professor to award marks to Ph.D. qualification, thesis submission, publication of research paper/popular article, and proposal about significant

contribution on the basis of the certificate/publication/document regarding them submitted by the candidates for the first time before them at the time of their interviews.

1221) As regards the question of awarding marks after the last date of applications, Dr.S.A. Nimbalkar, stated in para 29 of his affidavit dated 14.1.2008 (Ex.658), that the marks for certificates/ publications/ documents were to be awarded if they were submitted till the last date of applications. He also stated in the said para 29 of his aforesaid affidavit that Dr.V.D. Patil, the Chairman of the Selection Committee did not discuss the above question with him contradicting his statement in para 32 of his affidavit dated 25.12.2007 (Ex.645) that he had discussed the said question with him and that he had granted approval to it orally although according to him, no note in that regard was written and was sent to him through proper channel by the Registrar's office for his approval. Dr.V.D. Patil, the Chairman of the Selection Committee, however, admitted in the said para 32, that the decision in that regard had to be taken by the Vice-Chancellor who was the appointing authority after following the office procedure about taking decisions in the University. Even as regards the question of determination of criteria for evaluation of SRA/JRA, Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 28 of his aforesaid affidavit dated 14.1.2008 (Ex.658), that there was no discussion held with him about it by the Chairman of the Selection Committee Dr.V.D. Patil, or anybody else. According to him, he did not know whether the said criteria was laid down by the Selection Committee on 31.5.2005 or whether it was laid down by the Chairman of the Selection Committee Dr.V.D. Patil, Associate Dean Dr.E.R. Patil and the then Registrar in the meeting held on 31.5.2005.

1222) Perusal of the affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee dated 25.12.2007 (Ex.645), and in particular paras 31,32 and 35 thereof which are relevant, would not show that while explaining the criteria about academic evaluation of SRA/JRA to the members of the Selection Committee at the outset on 13.6.2005, he also explained to them that he had instructed the Assistant Professors/Associate Professor to give marks for Ph.D. qualification, thesis for Ph.D., research paper / popular article and documents relating to significant contribution even though, acquired/submitted/published/ made after the last date of application was over. Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, stated in para 12 of his affidavit dated 1.12.2007 (Ex.633) that Dr.V.D. Patil, the Chairman of the Selection Committee, did not explain to them whether the cut off date for giving marks to the candidates for qualification, experience acquired by them and / or publication of the research paper/ popular article or for significant contribution was the last date of submitting applications as given in the advertisement or also thereafter till the interviews commenced. Dr.N.D. Pawar, outside member of the Selection Committee, stated in this regard in para 6 of his affidavit dated 1.11.2007 (Ex.590) that Dr.V.D. Patil, the Chairman of the Selection Committee had categorically

told them in the meeting of the Selection Committee on 13.6.2005 that the marks to be given to the candidates for their academic performance included fixed number of marks for their educational qualification and experience which they had acquired till the last date of submission of their applications and the research papers, popular articles which they published till the said date.

1223) Although Dr.G.N. Dake, also outside member of the Selection Committee, did not state in his affidavit dated 23.11.2007 (Ex.600), whether on 13.6.2005, Dr.V.D. Patil, the Chairman of the Selection Committee, explained the said marking system to the members of the Selection Committee or not, according to his view, as expressed by him in para 10 of his aforesaid affidavit, the qualification, experience, thesis submission , publication of research paper/ popular article and significant contribution which were to be considered for giving marks for academic performance were to be till the closing date of application and not thereafter and if the marks were given for the same after the closing date of applications and were taken into consideration, the selection of candidates would be illegal and improper. In this regard, perusal of para 6 of the affidavit of Dr.B.N. Dahatonde, dated 10.12.2007 (Ex.636) and para 8 of the affidavit of Dr.N.D. Jogdande dated 5.11.2007 (Ex.596), the local members of the Selection Committee, would show that they do not know whether any criteria for academic evaluation of SRA/JRA was fixed in the meeting held on 31.5.2005 or in any meeting of the Selection Committee, muchless about awarding marks for academic performance of the candidates.

d-3-iii) Decision to award marks for certificates/publications/documents etc. submitted after last date of applications should have been taken by the Vice-Chancellor after following the office procedure and not by the Chairman of the Selection Committee

1224) It is then necessary to notice in this regard that if the marks were to be allotted for certificates, publications etc. submitted after the last date of applications, for the first time at the time of interviews, such a decision had to be taken by the Vice-Chancellor after following the office procedure of submission of office note in that regard by the concerned Section Assistant/Clerk , and forwarding it to him for his approval through proper channel i.e. after its consideration by the Assistant Registrar, Dy. Registrar, Registrar, Director of Instructions / Chairman of the Selection Committee, which procedure was not followed before Dr.V.D. Patil, the Chairman of the Selection Committee, instructed the Assistant Profesors/ Associate Professor, as stated above, to award marks to the candidates regarding the certificates/ publication/documents submitted by them after the last date of application for the first time before them at the time of their interviews. He had no authority to take such decision which had to be taken by the Vice-Chancellor who was the appointing authority so far as these posts of SRA/JRA were concerned particularly when the advertisement in question dated 14.8.2004 (Ex.2) for filling these posts which contained the

condition that the information and documents received after the last date of applications should not be considered under any situation and circumstances was issued with his approval as he was the competent authority under Statute 77(1)(i) for issuing the said advertisement.

d-3-iv) Decision of the Chairman of the Selection Committee in giving the above instructions is arbitrary and is violative of Articles 14 and 16 of the Constitution of India

1225) Another reason why such a decision could not have been taken by Dr.V.D. Patil, the Chairman of the Selection Committee, on his own, was because one of the conditions in the advertisement dated 14.8.2004 (Ex.2) as referred to above was that the applications received with incomplete information and documents and received after the last date would not be considered under any situation and circumstances which thus prohibited the candidates from submitting any certificates/documents/publications etc. after the last date of applications for the first time at the time of interviews. If the said documents/ certificates/ publications were to be entertained for the first time at the time of interviews, even though, not submitted on or before the last date of applications, the said change in the advertisement dated 14.8.2004 (Ex.2) should have been published in the news paper/s so that all the candidates applying for these posts of SRA/JRA could have equal opportunity to submit their documents, certificates, publications etc. at the time of their interviews i.e. after the last date of applications for awarding marks to them. Even Dr.V.D. Patil, the Chairman of the Selection Committee admitted in para 32 of his affidavit dated 25.12.2007 (Ex.645) that if the evaluation as per the criteria for assessment of the candidate was for his acquisition of educational qualifications and his other attainments till the date of his interview, it should have been so mentioned in the advertisement. The decision taken by Dr.V.D. Patil, the Chairman of the Selection Committee, on his own, to allow the candidates to submit their documents, certificates, publications etc. for the first time at the time of their interviews i.e. after the last date of applications was over, for award of the marks to them without any publicity to the same was, therefore, wholly arbitrary, discriminatory and was violative of Articles 14 and 16 of the Constitution of India. The following judgments of the Supreme Court, support the above view.

i) Ashok kumar Sharma –Vs- Chandrashekhar (1997) 4 SCC 18(See Para 6).

ii) Ashok Kumar Sankar –Vs- Union of India (2007) 4 SCC 54(See Para 20).

iii) Rajasthan Public Service Commission –Vs- Kailakumar Paliwal (2007) 10 SCC 260 (See paras 20 and 21).

1226) It may be seen that as regards M.Sc. degree it was not minimum but higher qualification for the post of JRA. Dr. V. D. Patil, the Chairman of the Selection Committee, should not have therefore disallowed the candidates from submitting M.Sc. degree at the

time of interview on the ground that it was minimum qualification for the posts in question, vide paras 30 and 31 of his affidavit dated 25.12.2007 (Ex. 645). There was thus infringement of Articles 14 & 16 of the Constitution of India on this ground also.

1227) The aforesaid decision of Dr.V.D. Patil, the Chairman of the Selection Committee, lacked bonafides because it could benefit largely only such candidates who were relate to or close to the University officers/employees because in the absence of its advertisement, they could alone be aware of or get information about such decision. In fact, as shown in the next topic relating to criticism of the criteria of “thesis submission” in evaluation of the candidates for the posts of SRA/JRA (See subsequent Para 1235 of the Enquiry Report), it appears that the marking system viz. to give marks to Ph.D. degree, thesis for Ph.D. degree, research paper/popular article and significant contribution acquired/submitted / published /made after the last date of applications for which the certificates/publications/documents were allowed to be produced at the time of interviews was adopted by Dr.V.D. Patil, the Chairman of the Selection Committee, for the benefit of the candidates who were closely related to the University officers/ employees to enhance their merit by getting marks for the same.

d-3-v) The selection process is adversely affected because of the above illegal marking system

1228) As per the criteria of evaluation of candidates for the posts of SRA/JRA, for acquisition of Ph.D. 10 marks are awarded, for thesis submission, 8 marks, for research paper publication, 2 marks for each such publication, maximum being 10, for popular article, 0.2 marks for each publication, and for significant contribution marks upto 5 as shown in the said criteria. As held above, if the marks could not be awarded to the candidates under the above heads in the said criteria on the basis of the certificates/publications/documents submitted about them after the last date of application, there can not be any doubt that the selection process was adversely affected because the candidates who were not entitled to but received marks under the above heads of the said criteria on the basis of the certificates/publications / documents submitted by them after the last date of applications at the time of their interviews had thus an unfair advantage in their selection over those who received lesser marks on the basis of the certificates/publications / documents which they had with them at the time of submission of their applications and which they submitted with them. See in this regard the topic about “Awarding of marks by the Assistant Professors/Associate Professor”.

d-4) Criticism of the criteria laid down for academic evaluation of SRA/JRA

1229) The criteria laid down for academic evaluation of SRA/JRA in the meeting held on 31.5.2005 contained at page C-35 in the file Ex.35(O), is liable to be criticized mainly for

(a) awarding 8 marks for thesis submission, and (b) for fixing higher marks for performance in interview as compared to marks for academic performance.

d-4-i) Awarding 8 marks for thesis submission (Vide paras 189 to 192 of the Enquiry Report)

1230) It may be seen that in the criteria for evaluation of SRA/JRA, 20 marks i.e. 50% out of 40 for academic performance are allotted for “Qualification” under the Head-A. Out of the said 20 marks, 8 marks are fixed for submission of thesis for Ph.D. degree. Awarding 8 marks for thesis submission can thus make much difference in considering the candidates for selection in these posts in descending order of merit although there is possibility of the thesis being rejected in which case awarding marks for the same would be improper, unjust and of no value. It is, therefore, necessary to consider the question whether the marks could be fixed for “thesis submission” under the head “Qualification” in the criteria laid down for academic evaluation of SRA/JRA. The following three questions therefore, need consideration :

- 1) Whether thesis submission can be said to be “Qualification” within the meaning of the said expression as it is ordinarily understood ; and
- 2) Whether thesis submission is a definite and certain criteria for which the marks should be fixed in evaluation of candidates for any academic post.
- 3) Whether fixation of such criteria of thesis submission is prompted because some favoured candidates filed their thesis after the last date of application i.e. 15.09.2004 and whether it suffers from bias of Dr. V. D. Patil, the Chairman of the Selection Committee.

As to 1 Whether thesis submission can be said to be “Qualification” within the meaning of the said expression as it is ordinarily understood.

1231) In para 1118 of the Enquiry Report, the dictionary meaning of the expression “Qualification” is extracted from the Reader’s Digest Universal Dictionary. One of the meanings of the said expression given therein is a “degree, diploma or of evidence of successful completion of a course of study or training”. In ordinary parlance, the said expression “Qualification” is understood in the sense of educational qualification such as degree, diploma, certificate etc. which is awarded to a candidate after successful completion of course or a training therefor. Perusal of para A of Statute 52 relating to “academic career”, would show that the marks fixed therein are for various degrees which are awarded after successful completion of a study or training meant for acquisition of each of the said degrees mentioned therein. Thesis submission for Ph.D. degree”, is merely a stage in the course leading to Ph.D. degree and mere thesis submission as such is not

recognized for any degree, diploma, certificate etc. unless and until it is approved and accepted for award of degree as per rules.

1232) Vide Paras 191 and 192 of the Enquiry Report, Regulation No. AC/8 framed by the academic council of the University regulates grant of post graduate and Ph.D. degrees in the University. Broadly speaking, a candidate for Ph.D. degree has to undergo course work and research work for acquiring Ph.D. degree. In regulation-11, the minimum credit requirement provided for doctorate degree under (i) – (B) thereof is 35 credits each for course work and research work. While undergoing the course work, a candidate gets grade points as provided in regulation 22. The minimum grade point for passing in a particular course is 6.5. However, for successful completion of the whole course work he is required to get 7 CGPA as provided in regulation 27. But successful completion of course work is not enough for being eligible to submit thesis for Ph.D. degree but a candidate has to pass qualifying examination as provided in Regulation 28 to judge his candidature for the degree i.e. in other words to be eligible to submit thesis for Ph.D. degree. His thesis is then evaluated as provided in Regulation 30-B and it is only after his thesis is accepted and his name is recommended by the external examiners as provided therein that he can be considered for award of Ph.D. degree. It is thus clear that the course work, qualifying examination and thesis submission are mere stages and it is only after the successful completion of the said stages that the Ph.D. degree is awarded. Mere submission of thesis cannot be said to be a qualification as the said expression is ordinarily understood for which the marks can be fixed under the head “Qualification” in the criteria for academic evaluation of SRA/JRA.

As to 2 Whether thesis submission is a definite and certain criteria for which the marks should be fixed in evaluation of candidates for any academic post.

1233) It may next be seen that ordinarily in any selection process the criteria about qualification for assessment / evaluation of candidates which is fixed is about acquisition of degree, diploma, certificate etc. awarded after completion of course for the same which criteria is certain in the sense that it is not de-feasible so that the selection process is not adversely affected. However, the criteria of thesis submission is incomplete as is clear from the wording of the criteria itself viz., (i) “Ph.D. complete” 10 marks and (ii) “thesis submitted” 8 marks and is de-feasible as there is possibility of its being rejected thereby adversely affecting the selection process as the award of marks for thesis submission is then improper, unjust and is of no value as admitted even by Dr.V.D. Patil, himself, the Chairman of the Selection Committee, in para 28 of his affidavit dated 25.12.2007 (Ex.645). No such criteria of thesis submission is therefore even thought to be fixed muchless fixed for any academic post.

As to 3 Whether such criteria of thesis submission is prompted because some favoured candidates filed their thesis after the last date of application i.e. 15.9.2004 and thus lacked bonafides, and whether it suffers from bias of Dr. V. D. Patil, the Chairman of the Selection Committee.

1234) The thought of fixing such criteria of thesis submission which is de-feasible because it can be rejected can occur in the mind of a person fixing it when he finds that the candidates for the said posts who are close to him or other officers or VIPs. who matter, have not acquired Ph.D. degree on or before the last date of application but have submitted their thesis for Ph.D. It is to enable them to enhance their merit by getting marks for the same that such criteria of thesis submission is fixed so that if any candidate produced at the time of his interview the thesis submitted by him for Ph.D. or proof showing acquisition of Ph.D. degree at that time he can get marks for the same and thus enhance his merit.

1235) In the instant case, the criteria for evaluation of candidates for the posts of SRA/JRA was fixed on 31.5.2005 i.e. about 9 months after the last date of applications i.e. 15.9.2004 and just before the interviews started on 1306.2005 and there were such favoured candidates in this case who filed their thesis for Ph.D. after the last date of applications and therefore for whose benefit it appears that the criteria of the “thesis submission” was laid down in the criteria for academic evaluation of SRA/JRA laid down on 31.05.2005. The most important amongst such favoured candidates is Pravin V. Patil, the son of Dr.V.D. Patil, himself, the Chairman of the Selection Committee, who had submitted his thesis in March, 2005 as per the remark against his name at serial no. 955 in the Chart Ex.38(O) i.e. just about 2 months before the criteria for evaluation of candidates for the posts of SRA / JRA was fixed on 31.5.2005. Dr.V.D. Patil, very well knew at that time about his son’s candidature for these posts (See in this regard subsequent topic (v) “Whether the criteria laid down for academic evaluation of SRA/JRA is vitiated by bias....”) Ku. Swati Bharad, was another such high profile candidate who was the daughter of the Ex-Vice-Chancellor of the University, and who had also submitted her thesis after the last date of application i.e. on 1.11.2004, as stated by her in her affidavit dated 14.9.2007 (Ex.269). She, however, appeared to be fortunate in the sense that she received Result Notification dated 13.6.2005 (Ex.864) about acquisition of Ph.D. degree on the same date i.e. 13.6.2005 which was the date on which her interview was fixed. (More about receipt by her of copy of Result Notification of her Ph.D. degree on 13.6.2005 itself in paras 1722 to 1802 of the topic about “Glaring instances of favoured candidates” under the head “Selecting in the posts of SRA (Agri.) and JRA (Agri.) favoured candidates as understood in the Enquiry Report. Shri Pawan Kulwal who had also submitted his thesis after the last date of submission of application but who was not selected for these posts because he was already selected for the higher post of Assistant Professor was the son of Dr. L. V. Kulwal, who was the Head of the Department of Horticulture at that time. Shri Vikas Goud, who had also submitted his

thesis after the last date of application and was fortunate in getting provisional Ph.D. degree certificate on 2.6.2005 (Ex.212) so that he could produce it at the time of his interview on 16.6.2005, was the son of Shri V.R. Deshmukh, the Assistant Professor in the University. Shri Ujwal Raut, who had likewise submitted his thesis after the last date of application was the son of Shri Raut, the Senior clerk in the University.

1236) It is thus, clear that there were close relations of the high officers and the employees of the University, who had submitted their thesis after the last date of applications. Fixing criteria of thesis submission for the benefit of close relations of the high officers and employees of the University was not bonafide. In fact, it appears that the marking system i.e. to award marks for Ph.D. degree acquired after the last date of applications i.e. 15.09.2004, thesis submitted after the said date, research paper / popular article published after the said date and significant contribution made after the said date was adopted by Dr.V.D. Patil, the Chairman of the Selection Committee, for the benefit of such candidates who were related to the University officers/employees to enable them to enhance their merit by getting marks for the same. Some other candidates not related to the University officers/employees who were fortunate enough to come to know about the same were also benefitted by the said criteria and illegal marking system referred to above. All such candidates are treated as favoured candidates in this Enquiry Report vide Explanatory note about it in para – 1699 of the Enquiry Report. It had thus adversely affected the selection process. Thus fixing of criteria of thesis submission and also the Marking system referred to above for the benefit of the favoured candidates is not bonafide, is arbitrary, discriminatory and is violative of Arts 14 and 16 of the constitution of India. It is also vitiated by bias or at any rate reasonable likelihood of bias as held under the subsequent topic (5) in the Enquiry Report because of participation therein of Dr.V.D. Patil, the Chairman of the Selection Committee whose son was the candidate for both the posts of SRA (Agri.) and JRA (Agri.).

Criteria of thesis-submission not published. Hence it is violative of Arts 14 and 16 of the Constitution of India.

1237) As the criteria of thesis submission was not usually laid down and was not laid down in the original advertisement dated 14.8.2004 (Ex.2) for academic evaluation of the candidates for these posts, many candidates who submitted their applications on or before the last of applications were not aware that the marks were allotted to the thesis submitted by them for their Ph. D. since the said criteria was fixed on 31.5.2005 i.e. about 9 months after the last date of applications and just a few days before the interviews started on 13.6.2005. They had not therefore earlier submitted their thesis with their applications. They were also not aware of the above marking system according to which even if the thesis was submitted after the last date of application the said thesis or if Ph.D. degree was received after the said date, the said Ph.D. degree could be considered for award of marks

as per the criteria laid down for the same if the candidate produced proof in that regard before the Assistant Professors/Associate Professor at the time of his interview. The said criteria and the above marking system should have therefore been duly published to make all the candidates aware of the same so that they had equal opportunity to produce proof of submission of thesis for Ph.D., whether submitted before or after the last date of application, and if in the meanwhile they had acquired Ph.D. degree, its proof, at the time of their interviews for award of marks by the Assistant Professors/Associate Professor. In the absence of its due publication, the fixation of the said criteria was thus arbitrary and discriminatory and was violative of Articles 14 & 16 of the Constitution of India.

Selection process adversely affected by reason of fixing the criteria of thesis submission and adopting the above illegal marking system.

1238) In this regard it may be seen that the total number of candidates having Ph.D. degree who had applied for the posts of SRA/JRA was 77 out of whom 46 had acquired Ph.D. degree on or before the last date of application and the remaining 31 had either acquired Ph.D. degree or submitted Ph.D. thesis after the last date of applications and filed proof about the same before the Assistant Professors/Associate Professor at time of their interviews. A chart about such candidates who had acquired Ph.D. degree or submitted Ph.D. thesis after the last date of applications is filed with this Enquiry Report as **Annexure-42**. Perusal of the said chart would show that there were 31 such candidates who had submitted their Ph.D. thesis and some of them had acquired Ph.D. degree also after the last date of application and received 8 or 10 marks for the same by showing the relevant documents in that regard to the Assistant Professors/Associate Professor at the time of their interviews. Out of them 6 candidates as shown in the said chart were not selected for the posts of SRA/JRA and two candidates viz. Shri Hadole Sandip S. (S.No.10), and Kulwal Pawan (S.No.15) were selected for the higher post of A.P. and the remaining candidates viz. 23 were selected for these posts of SRA/JRA. Percentage of selection from amongst these 31 candidates who submitted their thesis after the last date of application and some of whom has acquired Ph.D. degree for the same works out to about 80% (excluding the two who were selected as A.P., 78%) thus affecting the selection process adversely.

Reason for not accepting justification of the criteria for thesis submission.

1239) Dr.V.D. Patil, the Chairman of the Selection Committee, who had fixed the said criteria in the meeting dated 31.5.2005, stated in its justification in para 28 of his affidavit dated 25.12.2007 (Ex.645), that since the posts of SRA (Agri.) and JRA (Agri.) were lower posts in the hierarchy of the posts for the academic staff members, they had given marks for “thesis submission” also although, no such criteria was prescribed in Statute-52 for assessment of the candidates in the posts of Professor and above. He, however, admitted in this regard that thesis can be rejected by the external examiner/s to be appointed by the

University in which case there would be no value to the thesis submitted by the candidates. But, according to him, they had taken into consideration the course work and the research work put by the candidates before submission of his thesis in allotting 8 marks for it. Further, according to him, there was a rare possibility of rejection of his thesis and they had therefore, decided to give marks to the candidates if he would show his thesis and the certificate of his guide about it to the Assistant Professors/ Associate Professor for their scrutiny.

1240) Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University also justified the said criteria of awarding marks for thesis submission in para 30 of his affidavit dated 14.1.2008 (Ex.658). He stated therein that the thesis of the candidates was not normally rejected although he admitted that the possibility of its being rejected in a rare case could not be ruled out. He, however, stated that even though, the thesis of the candidates could be rejected there was still justification for allotment of marks for mere submission of the thesis since, before submission of his thesis, a candidate had passed theory examination by undergoing course work for which there were 35 credits and further for being eligible to submit his thesis he had to pass also the qualifying examination after which only he was eligible to submit his thesis. He further stated that there were equal credits i.e. 35 each for course work and research work after successful completion of which the candidate was entitled to get his Ph.D. degree. However, since the candidate had to complete the course work successfully and also to clear the qualifying examination for being eligible to submit his thesis, according to him, he could be considered to have received 80% marks out of the total marks allotted to Ph.D. degree and not merely 50% out of it for satisfactory completion of course work. He then stated that a candidate was eligible to appear for qualifying examination after completion of 80% of course work with a minimum CGPA of 7.00 (0 to 10.00 Scale). He therefore justified that the award of 8 marks for thesis submission instead of 5 i.e. 50% of 10 marks fixed in the criteria for “Ph.D. degree complete” was proper.

1241) As shown hereinbefore, a person fixing the criteria for evaluation of candidates for any post would fix such criteria which is definite , certain and indefeasible. Nobody would think of fixing such incomplete criteria of “thesis submission” which is defeasible in the sense that the thesis can be rejected which possibility is even admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, in their above referred affidavits. If the thesis is rejected after awarding marks to it, it would be improper, unjust and create unnecessary complications if the candidate/s is/are selected on the basis of such marks awarded to them.

1242) Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, however, justified the said criteria of thesis submission in their above-referred affidavits on the ground that before the submission of

thesis for Ph.D. degree, the candidate had undergone course work and passed theory papers and also passed the qualifying examination for being eligible to submit thesis which justification is clearly an afterthought as the said criteria is fixed for the benefit of some high profile candidates who had not obtained Ph.D. degree before the last date of application but had submitted their thesis thereafter as shown hereinbefore. It may be seen that the criteria fixed is not of “completion of course work” for Ph.D. degree on the ground that there are equal credits i.e. 35 each for course work and research work in the course for Ph.D. degree. As regards the question of weightage or additional marks to be given for passing the qualifying examination to be eligible to submit thesis for Ph.D. degree as stated by Dr.S.A. Nimbalkar, the then Vice-Chancellor in his aforesaid affidavit to justify 8 marks for thesis submission i.e. 80% out of the marks fixed for Ph.D. degree, the said reason has to be stated for being merely rejected because once the thesis is rejected passing the qualifying examination to be eligible to submit thesis would lose its value. As shown above, even successful completion of course work is only a stage in the course for Ph.D degree as is clear from regulation-33 according to which the result is declared on satisfactory completion of both i.e. requisite course work and research work. No result is declared merely on completion of course work. Moreover, as per the criteria actually fixed, the award of marks is not for successful completion of course work but is for submission of thesis for Ph.D. degree which admittedly can be rejected even though as stated by the then Vice-Chancellor, there is a rare possibility of its being rejected. The said criteria as shown above cannot therefore be treated as definite and certain criteria which can be fixed for awarding of marks in evaluation of candidates for the posts of SRA/JRA although they may be lower posts in the hierarchy of posts of academic staff members.

1243) For all the above reasons, fixing criteria of thesis submission and awarding 8 marks for it cannot be justified. It is improper, unjust and is not bonafide. It is arbitrary, discriminatory, biased and is therefore, violative of Articles 14 and 16 of the Constitution of India.

d-4-ii) Fixing higher marks for performance in interview as compared to marks for academic performance

(Vide paras 194 to 200 of the Enquiry Report)

Change could be made in the pattern of 40:60 in laying down the criteria for academic evaluation of SRA/JRA

1244) As regards the criticism about very high weightage being given to the interviews in the pattern of 40:60 i.e. 40 marks for academic performance and 60 marks for personal interview adopted for selection of the candidates for the posts of SRA (Agri.) and JRA (Agri.), Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 27 of his affidavit dated 25.12.2007 (Ex.645) that he had adopted the said principle from Statute-52

applicable to the posts of Professors and above. In appreciating the said reason given by him for giving high weightage to the personal interview, it may be seen that the criteria for evaluation of candidates laid down in Statute-52 is not in terms applicable to the lower posts of SRA/JRA but is applicable to the higher posts of Professors, Head of the Departments, Associate Dean, Dean of Faculties, Directors (other than Director of Students) with which this enquiry is not concerned. It is not therefore necessary to consider the question whether higher marks for interview laid down for the said posts was proper or not.

1245) Dr.V.D. Patil, the Chairman of the Selection Committee, had not adopted the criteria in Statute-52 in to but had himself made certain changes in laying down the criteria for academic evaluation of SRA/JRA in the meeting held on 31.5.2005, while adopting the said pattern of 40:60 from statute-52. As already pointed out hereinbefore, he had given more marks for qualifications of the candidates and lesser marks for publication of research paper/ popular article contrary to scheme in that regard laid down in Statute-52 for the higher posts of Professors and above. There is also a change made by him as shown above in the marking system as per the criteria for academic evaluation of SRA/JRA laid down in the meeting held on 31.5.2005. It was, therefore, open to him to make the change in the above pattern of 40:60 if he was of the view that comparatively more weightage should be given to academic performance (Bio-data) rather than personal interview.

Whether it was proper to give higher weightage to interview vis-à-vis academic performance

1246) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 27 of his aforesaid affidavit dated 25.12.2007 (Ex.645), that in his personal view the written test was the best way to judge or test the knowledge of the candidates for the posts of SRA (Agri.) and JRA (Agri.) but where written test was not prescribed then in his personal view between the academic performance and personal interview, comparatively, more weightage needed to be given to academic performance rather than personal interview which was of short duration, was subjective and there was possibility of its being abused. He also stated that looking to the nature of the duties and responsibilities of the posts of SRA (Agri.) and JRA (Agri.) what was material was the knowledge of the candidate about the subject as he had to work as per the directions given to him by the Assistant Professor or the Head of his Department and not on his own initiative. The above view about comparatively more weightage to be given to written test, and where written test was not prescribed, to academic performance rather than personal interview is supported by Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, vide para 16 of his affidavit dated 14.1.2008 (Ex.658), Dr.Vandan Mohod, the Registrar/ Member Secretary, of the Selection Committee, vide paras 19 and 20 of his affidavit dated 1.12.2007 (Ex.633), Dr.E.R. Patil, Associate Dean (PGI), its senior most member, vide para 27 of his affidavit dated

16.11.2007 (Ex.599), and Dr.N.D. Pawar, its outside member, who was working as Associate Dean and Principal in Agricultural College, Ambejogai, at the time of filing of his affidavit dated 1.11.2007 (Ex.590), vide para 12 thereof. Dr.Vandan Mohod, the Registrar/ Member Secretary, also stated in para 20 of his aforesaid affidavit dated 1.12.2007 (Ex.633), that as the knowledge of the candidates about the subject/s could be better judged from his academic performance rather than from his personal interview which was of short duration and was much subjective comparatively, maximum weightage should be given for academic performance rather than personal interview which should be given minimum weightage i.e. 15% to 20% marks out of the total marks fixed for academic performance and interview.

1247) Dr.N.D. Pawar, the outside member of the Selection Committee, stated in para 11 of his aforesaid affidavit dated 1.11.2007 (Ex.590), that although higher qualification of the candidate would show his better knowledge, according to him, his experience was that as regards some candidates who appeared for interview before them, it was found that they had acquired their degrees much earlier i.e. about 3 or 4 years back and they had forgotten the knowledge about their subject/s particularly if they were working in the posts such as Gram Sewak where the knowledge of the subject was not necessary and therefore their interviews showed less knowledge about the subjects with which the posts of SRA/JRA were concerned. According to him, it was in such cases that the knowledge of the candidates could be judged better from their personal interview rather than their qualifications, which they had acquired but, by and large, if they were freshers and had acquired their qualifications recently they would have much better knowledge of the subject/s. However, as a person, who worked in all the posts from JRA to Associate Dean and also had experience of the work of recruitment in these posts of SRA/JRA, his expert opinion, which he expressed in para 12 of his aforesaid affidavit, was that the test of interview was subjective and what could be judged in interview was whether the candidate was talented, intelligent or not but for judging the knowledge of the candidates from the stand point of the duties and responsibilities of the posts of SRA/JRA, comparatively, higher weightage should be given to the academic performance rather than the personal interview although, according to him also, the written test was the best way of judging the merit and knowledge of the candidate.

1248) As regards Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University he stated in para 16 of his affidavit dated 14.1.2008 (Ex.658) that in his personal view, as regards the different ways adopted for judging the knowledge and the suitability of the candidates for a particular post, between the written test and the personal interview, comparatively higher weightage should be given to the written test and similarly between academic performance of the candidates and their personal interview, higher weightage should be given to their academic performance rather than their personal interview, but he, however, felt that,

personal interview was also necessary because a candidate who was highly qualified i.e. M.Sc. or Ph.D. might know more about his own subject but might have forgotten basic knowledge of other subjects, which was necessary for working in the lower post. Thus, although according to Dr.S.A. Nimbalkar, the then Vice-Chancellor and Dr.N.D. Pawar, the outside member of the Selection Committee, it would be necessary to judge knowledge of some of the candidates by their performance in interview even then by and large according to them the knowledge of the candidates could be better judged by their academic performance and therefore more weightage should be given to it as compared to interview.

1249) The above views of Dr.V.D. Patil and others were the views of the academicians and the experts in the Agriculture Universities who had experience of the work of selection of the candidates in the posts of academic staff members in the Agricultural Universities including these posts of SRA/JRA. They have opined that between academic performance and interview comparatively higher weightage should be given to academic performance. Therefore, when Dr.V.D. Patil, the Chairman of the Selection Committee and also Dr.E.R. Patil, its senior most member were of the view that what was material from the point of view of the nature of the duties and responsibilities of the posts of SRA (Agri.) and JRA (Agri.) was the knowledge of the candidates about their subject/s which could be better judged from their academic performance (Bio-data) as compared to interview they should have in their meeting held on 31.5.2005 in which the then Registrar, Shri R.B. Bali, who had come on deputation from his post of District Superintendent, Agriculture Officer, Amravati and who was not an academician was also present, changed the pattern of 40:60 by giving higher marks for academic performance and lesser marks for interview of the candidates particularly when the said pattern in Statute-52 was admittedly not in terms applicable to these lower academic posts of SRA (Agri.) and JRA (Agri.) and when in fact they had made certain changes in the said pattern in laying down the criteria for the said posts. It was open to them to adopt even the written test for judging the knowledge of the candidates as, according to them, it was the best way to do so by discussing the same with the then Vice-Chancellor and by prevailing upon him to change his view and adopt the said test for short-listing of candidates also. As already pointed out hereinbefore, since the University was bound to follow the criteria of written test of 75% marks and interview of 25% marks in the selection of candidates for the posts of JRA (Agri.) which was group-C post as per the G.R. dated 9.6.2004 (Ex.589) read with the G.R. dated 2.5.1995 (Ex.588) for short-listing of candidates, the procedure laid down in the said G.Rs. could be followed by it for the post of SRA (Agri.) also as was done in Rahuri and Dapoli Agricultural Universities as shown hereinbefore.

1250) As regards the case law on the question of precise weightage to be given to interview test, there are numerous decisions of the Supreme Court on the said question. The general principle which flows from the said decisions is that there cannot be any hard and

fast rule of Universal application regarding the said question and as held in para 25 of the Judgment in the case of Ashok Kumar Yadav –Vs- State of Haryana & Ors. (1985) 4 SCC 417, the weightage to be given to interview test must vary from service to service according to requirement of the service, minimum qualification prescribed, the age group from which the selection is to be made , body to which task of holding viva voce test is proposed to be entrusted, and a host of other factors. According to it, it is essentially a matter for determination by the experts and the court does not possess the necessary equipment and it would not be right for the court to pronounce upon it, unless ‘exaggerated weight has been given with proven are obvious oblique motive’ In this regard what is observed by the Supreme Court in para 30 of its judgment in the case of All India State Bank Officers Federation –Vs- Union of India (1997) 9 SCC Page 151 is that the interview marks should not be so high as to give an authority unchecked scope to manipulate or act in an arbitrary manner while making selection although they may vary from service to service and the office or position or purpose for which the interview is to be held.

1251) The nearest case to the facts in the instant case is the case of Inder Prakash –Vs- State of J.K. and others (2004) 6 SCC 786. In that case as per clause-A of rule 51 of the rules framed by the Public Service Commission there were 100 marks allotted for the performance of candidates in Viva-Voce test while the total marks allotted for the academic merit, experience, sports/games and NCC activities given in Clauses B to E of the said Rule-51 were 40, the total marks for judging the candidate for selection thus being 140. It is held by the Supreme Court in para 33 of the said case that allocation of 100 marks for Viva-Voce test against 40 marks for other criteria is contrary to law laid down by it. It is also observed in para 34 of the said judgment that it is true that for allocation of marks for Viva-voce test no hard and fast rule of universal application which would meet the requirements of all the cases can be laid down. However, according to it, when allocation of such marks is made with an intention which is capable of being abused or misused in its exercise, it is required to be struck down as ultra-virus of Article-14 of the Constitution of India.

1252) Relying upon rule-8 of 1979 Rules which requires the commission to have regard to the academic qualification of the candidate, teaching experience, research experience and previous record of work, if any but does not speak of any viva-voce test, it is observed in para 36 of the said Judgment that marks allotted to interview should be indisputably within reasonable limit and therefore having regard to the said rule-8 of 1979 Rules, higher marks for Viva-Voce test could not have been allotted as rightly held by the High Court. It is also observed therein that the rule should suitably be recast

1253) In para 15 of its recent judgment in Mohanan –Vs- State of Kerala (2007) 9 SCC Page 497, the Supreme Court has quoted with approval the principles laid down in the above referred paras 34 and 36 of its Judgment in Inder Prakash Gupta –Vs- State of J.K. cited supra. In that case, the question was about appointment in the posts of

Watchman/Messenger/Attender. It is held by it in para 14 of its judgment that the question as to how much marks should be allocated for interview would depend upon the post and the nature of the duties to be performed. As regards the posts of Watchman/Messenger/Attender, it held that nature of the duties to be performed in the said posts were not such which would require a high intellectual ability or any particular trait to be judged by the expert. In the light of the facts in the said case, it held in para 16 of the said judgment that the allocation of marks for interview was in fact misused in the said case. It then observed in the said para 16 that the allocation of marks for interview in the said case not only contravened the ratio laid down by it in the case of Ashok Kumar –Vs- State of Haryana & Ors. (1985) 4 SCC 417 and subsequent cases but in the facts and circumstances of the said case, it was reasonable to draw an inference of favouritism. In this regard, perusal of para 8 of the said judgment, would show that the appellant Shri Mohanan Pillai had obtained more than 73% marks in the written examination and had topped the list of successful candidates therein but after calling the candidates for interview who obtained the minimum qualifying marks in the written test in the ratio of 1:3 in order of merit, the zone of consideration was enlarged by the Management by making it 1:4 and the above appellant was not selected by the Management in the post in question. It was also observed in the said case that the power was used by the appointing authority for unauthorized purpose and the same therefore would amount to malice in law.

1254) In the instant case the marks fixed for interview are more than the marks fixed for academic performance and the number of candidates after short-listing them, as already shown, is unduly large i.e. 1342 for both these posts as compared to the number of posts advertised i.e. 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) and even as compared to the number of posts filled i.e. 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.). There was thus great scope for manipulation and for abusing or misusing the marks fixed for interview as can be seen from the topic (c), under the head “Award of marks for performance in interview”, relating to manipulation of marks for interview by making changes even by applying white ink to the original marks awarded to some candidates and charts therein which would show that the inference that the favoured candidates were selected by manipulation of marks can be drawn in the instant case (vide paras 1323 to 1336 of the Enquiry Report). The manipulation of interview marks is both ways in the sense that the candidates receiving low marks in their academic performance were given very high marks in their interview so that they could get selected in the posts of SRA/JRA and the manipulation was also for not selecting the candidates who had received very high marks in their academic performance by giving them low marks in interview.

1255) Pursuant to the notices issued to selected candidates a group of 16 candidates selected and appointed in the posts of SRA (Agri.) and JRA (Agri.) filed common affidavit dated 13.9.2007 (Ex.218) with documents / charts marked as Exs.219 to 227 in this

Enquiry. They were also represented by Advocate Shri R.L. Khapre, in this enquiry. They have justified the pattern of 60:40 i.e. 60 marks for interview and 40 marks for academic performance which was adopted as criteria for evaluation of SRA/JRA in this case. In order to justify the selection of candidates made by the Selection Committee in these posts of SRA /JRA, they raised in their common affidavit dated 13.9.2007 (Ex.218) the grounds a to l enumerated in para 808 of this Report. As regards the question of weightage to be given for personal interview, it is stated by them that these posts of SRA/JRA required high qualification and the appointees in these posts are expected to work in the field and therefore the procedure adopted by the University for selection only on the basis of interview was proper and justified since according to them the posts of SRA (Agri.) and JRA (Agri.) required high qualification and the appointees in these posts are expected to make research experiments in agriculture and therefore required physical ability to work in agriculture field, attitude towards experimentation and devotion to work which can be assessed only in interview and not on the basis of the academic performance.

1256) The learned counsel for this group of 16 selected candidates, Shri R.L. Khapre, relied upon the following three decisions of the Supreme Court, in support of his submission that the question of giving any weightage to the test of personal interview does not arise in this case since performance in interviews is the sole basis for selection of candidates in these posts of SRA (Agri.)/JRA (Agri.)

- i) Anaz Ahamad –Vs- Abid Asghar
AIR 1994 S.C. 141
- a. Siyaram –Vs- Union of India and Ors
AIR 1998 S.C. 1470
- b. Kiran Gupta & Ors. –Vs- State of UP & Ors.
AIR 2000 S.C. 3299

According to him, the pattern of 60:40 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 and therefore even if the said pattern was followed, the method of selection would not change and its basis would still be the oral interview.

1257) Turning to the above judgments of the Supreme Court relied upon on behalf of the above appointees, the facts in the case of Anaz Ahmad –Vs- Abid Asghar AIR 1994 S.C. 141 would show that for certain posts in the Government of Bihar including the post of Unani Medical Officer in question in the said case, the candidates were to be selected solely on the basis of interview although, for some other posts in the said Government the selection of candidates was made on the basis of the qualifying examination of 100 marks

and interview of 20 marks. It is, however, stated in para 7 of the said Judgment that although the rule for selection for the posts of Unani Medical Officer in question was solely the performance in interview, as a practice, the Public Service commission had fixed 50% marks for academic achievement/educational qualification and 50% marks for interview / viva-voce. After considering its earlier judgments and particularly the law laid down in Ashok Kumar Yadav's case cited supra, the Supreme Court held in para 13 of the Judgment that the question of weight to be given to interview would arise when written test and interview are both laid down as test for selection of the candidates and in such cases the question of precise weight to be given to Viva-voce test as against the written examination can be laid down and the said weight would vary from service to service according to requirements of the service. However, according to it, the said question of weight to be given to Viva-voce test would not arise where the selection is to be made solely on the basis of interview. The conclusion drawn by it in para 18 of the said judgment is that although as per the letter of the Government dated 20.9.1990, the Commission could have made selection wholly on the basis of the marks at the interview, as per the past practice, the commission had made the selection on the basis of interview while keeping in view the academic performance for which the commission had allocated 50% marks and kept 50% marks for interview. It therefore held that the procedure adopted by the Commission did not suffer from the vice of arbitrariness.

1258) In the case of Siyaram –Vs- Union of India and Ors. AIR 1998 SC 1470, the post of Chief Personnel Inspector in question in Northern Railway was a selection post for which, as shown in para 8, the criteria of selection was overall merit of the candidate to be assessed on the basis of (i) Professional ability carrying 50 marks out of which qualifying marks were 30, (ii) Personality, address, leadership and academic / technical qualification carrying 25 marks, and (iii) Record of service carrying 25 marks. In para 12 of the Judgment, after pointing out that the Selection Board consisted of high ranking officials well versed with the requirements of the posts to which promotion was to be made, the Supreme Court held that apart from the objections that excessive marks had been allocated for Viva-voce, the appellant therein had been unable to point out any illegality or irregularity in selection process. It is also pointed out in the said para 12 that the functions and duties attached to the post of Chief Personnel Inspector were never set out and it was not for it to suggest as to what marks should be allocated for interview in a case like the present one. It also held that at times for certain posts only the interviews is considered to be the best method for selection.

1259) In the case of Kiran Gupta & Ors –Vs- State of U.P. & Ors. AIR 2000 S.C. 3299 rule 12 of the Rules framed under the U.P. Secondary Education Services Commission and Selection Board Act, 1982, dealt with the procedure for direct recruitment of Teachers , Principals/ Head Masters and Lecturers. As stated in para 19 of the judgment in the said

case rule 12 (3) directed the Commission to hold interviews of the candidates for each category of post and prepare a panel of those candidates found suitable for appointment in order of merit as disclosed by marks obtained by them in interview. In paras 25 and 26 of the said Judgment, relying upon the judgments in the case of Anaz Ahmad –Vs- State of Bihar and Siyaram –Vs- Union of India cited supra, it was held that there was no illegality in rule 12 (3) in selection of the candidates only on the basis of interview and the question of weightage to be given to personal interview can arise when the written examination and interview are both adopted as test for selection of the candidates. It is, however, material to see that the process of selection in the said case was in two stages as stated in para 19 of the judgment where the first stage was about evaluation of the candidates at the time of their screening by awarding them quality points for academic qualification, training and administrative experience as shown therein. The candidates were then called for interview on the basis of the quality points secured by them. It is thus clear that due weight and consideration was given in the said case to the academic qualifications, training and administrative experience of the candidates.

1260) The ratio of the above judgments is not applicable to the facts of the instant case because the selection of the candidates for the posts of SRA/JRA in the instant case is not solely on the basis of interview as alleged by Shri R.L. Khapre, Advocate, appearing for the above referred 16 appointees. Dr.V.D. Patil, the Chairman of the Selection Committee, himself, stated in para 27 of his affidavit dated 25.12.2007 (Ex.645), that in laying down the criteria for evaluation of candidates in the posts of SRA/JRA, they had adopted the pattern of 40:60 i.e. 40 marks for academic performance and 60 marks for performance in interview as laid down in Statute-52. It is clear from the criteria for academic evaluation of SRA/JRA laid down in the instant case that it was twofold viz. academic performance carrying total marks 40, which were distributed under the heads ; qualification, experience, publication of research paper/popular article and significant contribution as shown therein, and interview carrying 60 marks. Thus, the total marks fixed for evaluation of the candidates under the aforesaid criteria were 100. This is also clear from the categorywise Mark-Sheet Ex.34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) included in the file Ex.34(O), on the basis of which the categorywise Selection lists for the posts of SRA (Agri.) and JRA (Agri.) were prepared in descending order of merit. Perusal of the Mark-sheet (Ex.34(O)-A) would show that it contains the marks awarded to each candidate under various heads of academic performance such as qualifications, experience, research paper / popular article and significant contribution, total marks out of 40 for academic performance, marks awarded to him for his performance in interview out of 60, and the total of the marks thus awarded to him out of 100. As there were common interviews for both these posts, common marks for interviews were awarded to the candidates applying for both these posts of SRA (Agri.) / JRA (Agri.). As stated by Dr.V.D. Patil, the Chairman

of the Selection Committee, in para 51 of his aforesaid affidavit the procedure followed in this enquiry for preparation of the categorywise Selection lists of these candidates was that the categorywise Selection lists for the posts SRA (Agri.) were first prepared in descending order of merit on the basis of the total marks awarded to each candidate out of 100 i.e. out of 40 for academic performance and out of 60 for performance in interview and thereafter in similar manner categorywise Selection lists for the posts of JRA (Agri.) were prepared in descending order of merit from amongst the remaining candidates to the extent of posts to be filled. There is thus twofold criteria adopted in evaluation of candidates for selection in these posts because the marks received by them in their academic performance and interview were both taken into consideration in their selection. The question of relative weight to be attached to academic performance and interview is therefore relevant in the criteria for academic evaluation of posts of SRA/JRA adopted in the instant case for selection of candidates.

1261) The affidavits of the academicians and the experts referred to hereinbefore also support the view that there is two fold criteria applied in selection of the candidates to the posts of SRA/JRA. Dr. S. A. Nimbalkar, the then Vice Chancellor of the University, Dr. V. D. Patil, the Chairman of the Selection Committee, Dr. E. R. Patil, Associate Dean (P.G.I.), its senior most member who was associated with Dr. V. D. Patil in determination of the criteria for academic evaluation of SRA/JRA, Dr. Vandan Mohod, the Registrar/ its Member Secretary, Dr. N. D. Pawar, Associate Dean/Principal, Agriculture College, Ambajogai, all of whom had experience of the work of the selection of the candidates for the posts of academic staff members including the posts of SRA/JRA expressed the view that between academic performance and interview, higher weightage should be given to academic performance rather than interview considering the nature of the duties and the responsibilities of the said posts. Further, according to them, the incumbents of the said posts are required to work under the direction of the Assistant Professor or the Head of the Department and therefore what is necessary to be seen for making their selection is their knowledge which can be better judged by their academic performance rather than interview.

1262) The Judgment of the Supreme Court in the case of Inder Prakash Gupta –Vs- State of J.K. & Ors. (2004) 6 SCC 786 cited supra is in point and clearly supports the view that between academic performance and interview higher weightage should be given to academic performance as held by it in para 33 of the aforesaid judgment in which it is held that the allocation of 100 marks for Viva-Voce test as against 40 marks for other criteria i.e. academic merit, experience, sports/ games and NCC activities is contrary to law laid down by it. The above submission made by Shri R.L. Khapre, Advocate, on behalf of the above appointees cannot be accepted. Giving higher weightage to interview as compared to academic performance was therefore improper and as stated hereinbefore, the same had

been misused by manipulation of the said marks. It had therefore adversely affected the selection process.

1263) As regards the post of JRA it is already shown in the topic relating to shortlisting of candidates that selection of the candidates in the said post has to be made on the basis of written examination of 75% marks and interview of 25% marks as laid down by the Government in its GR dated 09.06.2004 (Ex.589) as it is Group C post. Thus there is clearly a twofold criteria prescribed for the selection in the post of JRA where less weightage is given to test of interview as compared to written examination. Be that as it may, the Government has also laid down the ratio of the candidates to be called for interview in its GR dated 02.05.1995 (Ex.588) which was applicable to both the posts of SRA and JRA. Had there been short-listing done for each post of SRA (Agri.) and JRA (Agri.) separately in descending order of the marks received by the candidates in their academic performance in the ratio of 1:3 as provided in the said G.R. dated 2.5.1995 (Ex.588), it could have been said that due weight had been given to the academic performance of the candidates.

d-5) Criteria laid down for academic evaluation of SRA/JRA on 31.05.2005 is vitiated by bias, so also, the Marking System of awarding marks for Ph.D. degree, thesis, research papers/popular articles, significant contribution acquired/submitted/ published/made after the last date of application i.e. 15.09.2004.

1264) As stated by Dr.V.D. Patil, the Chairman of the Selection Committee, himself in para 26 of his affidavit dated 25.12.2007 (Ex.645), the criteria for academic evaluation of SRA/JRA was determined by him as the Chairman of the Selection Committee in consultation with Senior-most-member Dr.E.R. Patil, and the Registrar who was the Member-Secretary of the Selection Committee, by holding the meeting on 31.5.2005 in which they were present. It is thus clear that the criteria for academic evaluation of SRA/JRA is framed by Dr.V.D. Patil, as the Chairman of the Selection Committee. At any rate, his participation in framing the said criteria is clear and cannot be disputed. It also cannot be disputed that the son of Dr.V.D. Patil, by name Shri Pravin V. Patil was the candidate for the posts of SRA/JRA in question and Dr.V.D. Patil, the Chairman of the Selection Committee was aware about it because even according to him, as stated in para 83 of his affidavit dated 25.12.2007 (Ex.645), he came to know about it when the interview cards were issued to the candidates for interviews.

1265) In this regard, it is necessary to see that as per Statute 77 (1) (iii) the duty is cast upon the Chairman of the Selection Committee, to prepare the list of eligible candidates who shall be called for interview. Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 23 of his affidavit dated 15.11.2007 (Ex.598), that he had written an office note on

24.5.2005, giving therein the Interview programme of the candidates who were to appear for interview for the posts of SRA (Agri.)/JRA (Agri.) Perusal of the aforesaid office note dated 24.5.2005, would show that he had enclosed therewith an alphabetical list of the candidates who were to appear for interview of the said posts i.e. Ex.36(O). The said Interview programme was approved by Dr.V.D. Patil, D.I. / the Chairman of the Selection Committee and the Hon'ble Vice-Chancellor on 25.5.2005. In fact, as stated by Shri D.P. Deshmukh (Section Estt.), in para 23 of his aforesaid affidavit the interview calls were issued to the candidates on 24.5.2005 itself. Thus before the criteria for academic evaluation of SRA/JRA was laid down by him on 31.5.2005 Dr.V.D. Patil knew on 24.05.2005 as stated by him in para 83 of his aforesaid affidavit that his son was a candidate who was to appear for interview of these posts.

1266) Dr.V.D. Patil, the Chairman of the Selection Committee, should not have therefore, participated in any stage of the Selection process for selection of the candidates in the said posts at least thereafter. He could not have, therefore, himself determined, as stated by him in para 26 of his aforesaid affidavit, or at any rate, participated in the selection process of laying down the criteria for academic evaluation of SRA/JRA because there was reasonable likelihood of bias in determination of the said criteria because his son was a candidate for these posts. Infact, as shown in the topic about criticism regarding the criteria of thesis submission and also in the topic about the Marking system of awarding marks for Ph.D. degree, thesis for Ph.D., research papers/popular articles and significant contribution acquired/submitted/ published/ made after the last date of applications i.e. 15.09.2004, (vide para 1236 of the Enquiry Report), which marking system Dr.V.D.Patil himself as Chairman of the Selection Committee instructed the Associate Professor/Assistant Professors to follow contrary to the condition in that regard in the advertisement dated 14.08.2004 (Ex.2) as held in paras 1218 and 1219 of the Enquiry Report and without giving it any publicity as held in its para 1237, his bias or at any rate reasonable likelihood of his bias is clearly established as his son is one of the beneficiaries of the same. The selection process of laying down the criteria for academic evaluation of SRA/JRA and of awarding marks for Ph.D. degree, thesis, research papers/popular articles, and significant contribution acquired/submitted/published/made after the last date of application is thus vitiated by his bias thereby adversely affecting the whole selection of the candidates for these posts of SRA/JRA evaluated on the basis of the same.

vi) **Award of marks for Academic Performance**

(Vide Para 201 to 205 and paras 221 to 299 and paras 373 to 374 of the Enquiry Report)

a) **Appointment of Asstt. Professors / Associate Professor for doing the above verification work and for awarding marks to the Candidates**

1267) After laying down the aforesaid criteria for academic evaluation of SRA/JRA on 31.5.2005, Dr.V.D. Patil, the Chairman of the Selection Committee, appointed by his order dated 6.6.2005 (Ex.209), two teams of the Assistant Professors/Associate Professor to attend to the work of verification of Certificates/research papers etc. during the interviews for the posts of SRA (Agri.) and JRA (Agri.) as per the dates and timing shown against their names in the aforesaid office order dated 6.6.2005 (Ex.209). Accordingly, one team consisting of Dr.A.P. Karunakaran, Assistant Professor (Agronomy), Dr. A.B. Kale, Associate Professor (Pl. Pathology) and Dr. L.U. Lokhande, Assistant Professor (Fisheries), was to do the said work from June 13th to June 17th 2005 from 8.30 A.M. onwards and another team consisting of Dr.Anita B. Chore, Assistant Professor (Agronomy), Dr.S.K. Aherkar, Assistant Professor (Entomology), and Dr. N. R. Koshi, Assistant Professor (Extension) was to do the said work from June 20th to June 25th 2005 from 8.30 A.M. onwards. However, Dr. L.U. Lokhande, and Dr. Anita B.Chore, mutually exchanged their days of work. Therefore, Dr. Anita B. Chore, did the aforesaid work of verification from June 13th to June, 17th 2005 and Dr. L.U. Lokhande, from June 20th to June 25th 2005.

b) **Criteria for academic evaluation of SRA/JRA and Marking system explained to the Assistant Professors/Associate Professor and the concerned staff of the Registrar's office.**

1268) Vide para 202 of this Enquiry Report, two or three days after Dr. V.D. Patil, the Chairman of the Selection Committee, had issued the aforesaid order dated 6.6.2005 (Ex.209), he had called the meeting of the above referred Assistant Professors/Associate Professor in which the officers/employees of the Registrar's office were also present. Dr.V.D. Patil, the Chairman of the Selection Committee, as stated by him in para 30 of his affidavit dated 25.12.2007 (Ex.645) orally explained to them in the said meeting the criteria for academic evaluation of the candidates for the posts of SRA (Agri.) and JRA (Agri.) to be followed by them. He told the Assistant Professors/Associate Professor orally that they should verify the Ph.D. degree certificates, thesis for Ph.D., publications of research papers/popular articles and documents relating to significant contribution produced before them by the candidates for their scrutiny / verification at the time of their interviews and give them marks for the same as per the criteria laid down by them on 31.05.2005 (Annexure-12 of the Enquiry Report). He admitted that no copies of the said criteria were

supplied to them. However, what is important to be noticed is that, vide para 31 of his aforesaid affidavit, he had instructed them that since long time had elapsed from the date of advertisement dated 14.8.2004 (Ex.2), they should give marks to the candidates for their Ph.D. degrees, thesis for Ph.D., research papers/popular articles and significant contribution even if they were acquired /submitted / published / made after the last date of submission of applications i.e. 15.9.2004 and the certificates/publications/documents relating to them were produced before them for the first time on the dates of their interviews. However, as regards B.Sc. (Agri.) and M.Sc. (Agri.) degrees, he told them that the candidate should not be given marks for the same as per the criteria if they had acquired them after the last date of application i.e. 15.9.2004 since they were minimum qualifications for the said posts. He then admitted that he now realised that if any candidate acquired post graduate degree after the last date of application i.e. 15.09.2004, he should have been given marks for the same since as per Appendix III of the statutes the minimum qualification for the post of JRA was B.Sc. and for SRA B.Sc. first division with distinction.

1269) Vide para 205 of the Enquiry Report, as regards the controversy raised by Dr. A.P. Karunakaran, Assistant Professor (Agronomy) and Dr.N. R. Koshti, Assistant Professor (Extension), in paras 3 and 15 of their affidavits dated 14.9.2007 (Ex.274) and 26.9.2007 (Ex.536) respectively that they were told by the Chairman of the Selection Committee, to give marks for Ph.D., thesis for Ph.D., research papers / popular articles and significant contribution acquired/submitted/published/made after the last date of application i.e. 15.09.2004 only for the purpose of “up-gradation” in the sense that if there was any tie in the marks given to the candidates they would consider the aforesaid marks given by them, Dr.V.D. Patil, D.I./ the Chairman of the Selection Committee had made it clear in para 33 of his affidavit dated 25.12.2007 (Ex.645) that the above statement in their affidavits was incorrect and that the marks given to the candidates regarding Ph.D. degree acquired, thesis for Ph.D. submitted, research papers / popular articles published and significant contribution made after the last date of application i.e. 15.9.2004 on the basis of the certificates /publications/ documents produced before them for the first time at the time of their interviews were to be taken into consideration in their academic evaluation of the posts of SRA (Agri.)/JRA (Agri.) since long time had elapsed from the date of advertisement.

1270) Vide para 203 of the Enquiry Report, as stated by him in para 30 of his aforesaid affidavit dated 25.12.2007 (Ex.645), Dr. V.D. Patil, the Chairman of the Selection Committee, had told the staff members of the Registrar’s office who were present in the aforesaid meeting of the Assistant Professors / Associate Professor called by him that they should prepare the datasheet and enter in it the marks of the candidates for their academic performance i.e. marks under various heads such as degrees, thesis submission, experience, research papers/popular articles, and significant contribution which included the aforesaid

marks awarded to them by the Assistant Professors/Associate Professor also. He however, admitted therein that he did not issue such instructions in writing. Accordingly, vide paras 373 and 374 of the Enquiry Report as stated by him in para 32 of his affidavit dated 15.11.2007 (Ex.598) Shri D.P. Deshmukh, prepared the format of the Mark-Sheet as reproduced therein 3 or 4 days before the commencement of the interviews and entered therein the marks for B.Sc. (Agri.), M.Sc. (Agri.), Ph.D. and experience in the column meant for them therein from the particulars of the candidates given in the Chart (Ex.45(O)). As regards the Ph.D. degree, according to him, he had given 10 marks only to such candidates who had annexed certificate of Ph.D. degree to their applications for these posts. As regards the marks given by the Assistant Professors/Associate Professor, he stated that he entered the said marks therein after he received the chart Ex.38(O) in the evening on 25.6.2005 i.e. the last date of interview.

c) Format of the chart Ex. 38(O)

(Vide paras 221 to 223 of the Enquiry Report.)

1271) Vide Para 221 of the Enquiry Report, after verification by the Assistant Professors/Associate Professor of any of the documents relating to Ph.D., submission of thesis for Ph.D., publication of research papers and / or popular articles, and significant contribution, shown to them by each candidate, they were to award marks to him in the columns about the said heads in the chart Ex.38(O) titled “Marks for thesis / publication”. The format of the said chart Ex.38(O) was prepared by Shri D.P. Deshmukh, Section Assistant (Estt.), as stated by him in para 2 of his affidavit dated 31.5.2008 (Ex.759). According to him, the said chart Ex.38 (O) was prepared by him as per the instructions and guidelines given to him by Dr.V.D. Patil, the Chairman of the Selection Committee. The actual format of the said chart (Ex.38(O)) is reproduced in the aforesaid para 221 of the Enquiry Report. Vide para 223 thereof, the chart (Ex.38(O)) would show that in its column 2 there are computer entries of the names of the candidates appearing in alphabetical order in which they were called for interview on each day from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 as per the Interview programme.

1272) Vide para 222 of the Enquiry Report as stated in para 2 of his aforesaid affidavit dated 31.05.2008 (Ex. 759) by Shri D. P. Deshmukh, Section Assistant (Estt.) the column “Ph.D., thesis submission (8 marks)” in the chart Ex. 38(O) was about “Ph.D. thesis submission” and not about “Ph.D. degree.” The above statement of Shri D.P. Deshmukh, Section Assistant (Estt.), appears to be supported by the Marking system which was to be followed by the Assistant Professors/Associate Professor in their evaluation work noted on the back side of page-48 of the said chart Ex.38(O) in ink in his own hand-writing as stated in para 3 of his affidavit dated 14.09.2007(Ex. 273) by Dr. K.B. Kale, Associate Professor (Pl. Pathology) who amongst others was appointed for doing the aforesaid work of

verification and award marks to the candidates. Perusal of the same would not show that the Assistant Professors/Associate Professor were instructed to award marks for Ph.D. degree acquired by the candidate after the last date of applications regarding which he produced his certificate at the time of his interview. The column in the chart (Ex.38(O)) referred to above only shows Ph.D. thesis submission- (8 marks) and is not about Ph.D. degree. However, perusal of the entries in the chart (Ex.38(O)) would show that the Assistant Professors/ Associate Professor had actually given marks for Ph.D. degree acquired by the candidates after the last date of submission of applications i.e. 15.9.2004 because according to them, in the meeting called by Dr.V.D. Patil, the Chairman of the Selection Committee, he had asked them to do so.

d) Marks were awarded by the Assistant Professors/Associate Professor for Ph.D. degree, thesis for Ph.D., research papers / popular articles and significant contribution as shown in their respective columns in the chart (Ex.38(O))

1273) In the interview programme prepared by Shri D.P. Deshmukh, Section Assistant (Estt.), and incorporated in his office note dated 24.5.2005 approved by the then Vice-Chancellor on 25.5.2005 common interviews of about 119 to 123 candidates for both the posts and in all the categories were fixed on each day of interview from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 as per the alphabetical order in their list Ex.36(O). Accordingly, the interview calls were issued to them. On each day of interview, before his interview commenced, the original documents brought by each candidate appearing for interview on that day were first verified by the clerks from the Registrar's office appointed to do the said verification work. After his original documents were verified by them, the said candidate would go to the table where, the Assistant Professors/Associate Professor did the work of verification of the certificates/documents about Ph.D. degree acquired, Ph.D. thesis submitted and the significant contribution made after the last date of applications i.e. 15.09.2004 and about the research papers/popular articles published whether before or after the said last date of applications produced before them by the candidate at the time of his interview. They then awarded him marks for the same if on verification of the above referred certificates / publications/ documents, he was entitled to receive them as per the criteria laid down for the same. As already stated, from 13.6.2005 to 17.6.2005, the team of Dr. K. B. Kale, Associate Professor and Dr. Anita B. Chore and Dr. A. P. Karunakaran, both Assistant Professors (Agronomy) did the aforesaid work of verification of certificates/publications/documents produced by the candidates before them on the dates of their interviews and awarding marks to them for the same. The team of Dr.S.K. Aherkar, Dr.N.R. Koshti, and Dr.L.U. Lokhande, all Assistant professors did the same work regarding the candidates who appeared for interview from 20.6.2005 to 25.6.2005 after their original documents were verified by the clerks from the Registrar's office.

1274) Perusal of the chart Ex.38(O), would show that the entries of the marks therein in the respective columns are made by the Associate Professor/Assistant Professors in pencil. They have drawn lines in red ink against the names of the candidates who were either absent for interview or although present, did not produce before them any of the above referred documents for award of marks to them. While awarding marks for research papers/popular articles, they have indicated separately their total number in pencil while giving them marks for the same as per the criteria. Although the team of Associate Professor/Assistant Professors, doing the verification work from 13.6.2005 to 17.6.2005 did not, the next team of Assistant Professors doing the said work from 20.6.2005 to 25.6.2005, gave remarks against the names of the candidates showing that they had produced Provisional Degree Certificate (P.D.C.) about acquisition of Ph.D. degree and its date, if thesis for Ph.D. is submitted, its date, and about the particulars of significant contribution made, if any by the candidates. On the left hand side of the said chart Ex.38(O) the total marks awarded by them to each candidate are shown in red ink. Each page of the chart Ex.38(O), except pages 13,14, 16 and 18, are signed by the Associate Professor/Assistant Professors concerned. The chart Ex. 38(O) is an original document which is not destroyed. It is difficult to see why the entries in different columns therein are taken in pencil which would raise doubt about their authenticity.

1275) Vide para 224 of the Enquiry Report), the Associate Professor/Assistant Professors, have given the marks to the candidates in the chart Ex. 38(O) as under :

- | | | | |
|----|--|------|----------|
| A) | Acquisition of Ph.D. degree after 15.9.2004 i.e. last date of Applications | | 10 marks |
| B) | Ph.D. Thesis submission after the said last date | | 8 marks |
| C) | 2 marks for each publication - Maximum 10 Marks | | |
| D) | Popular Article - | | 0.2 mark |
| E) | Sig. Contribution - | | 5 Mark |

1st – 5 marks, 2nd - 4, 3rd – 3, 4th – 2, and 5th = subsequent– 1.

- e) **Candidates who were illegally benefitted by the marks awarded to them for Ph.D. degree acquired, Ph.D. thesis submitted, research papers/popular articles published, significant contribution made, after the last date of applications i.e. 15.09.2004.**

1276) As regards the marks awarded to the candidates for Ph.D. degree acquired, Ph. D thesis submitted, research paper/ popular article published, and significant contribution made after the last date of application i.e. 15.9.2004, it is already held in paras 1225, 1236 and 1237 of the Enquiry Report in the topic relating to criteria for academic evaluation of

SRA/JRA that the award of marks for the same was illegal, improper, lacked bonafides and was biased. The said marking system was also held violative of Articles 14 and 16 of the Constitution of India. It is already pointed out in para 1227 of the Enquiry Report that the same was only known to the candidates who were related to or close to the University officers/employees since no publicity was given to the said Marking system which was contrary to the condition laid down in the Advertisement dated 14.08.2004 (Ex.2) as shown herein before Dr. V. D. Patil, the Chairman of the Selection Committee had himself admitted in para 32 of his affidavit dated 25.12.2007(Ex. 645) that it should have been advertised vide para 1225 of the Enquiry Report. As held herein before, the said marking system was illegally introduced on his own by Dr. V. D. Patil, the Chairman of the Selection Committee by explaining it to the Associate Professor/Assistant Professors in their aforesaid meeting called by him for being followed by them in awarding marks to the candidates as per the criteria.

1277) A chart showing the names of 31 candidates who were awarded marks for thesis submission, and Ph.D. degree acquired after the last date of application i.e.15.9.2004 is already enclosed in para 1238 of this Enquiry Report as Annexure-42. Perusal of the said chart (Annexure-42 of the Enquiry Report) would show that out of the said 31 candidates, 2 were selected for the higher post of Assistant Professor, 6 were not selected for these posts of SRA/JRA and 23 were selected for these posts. There are also candidates, who were illegally benefitted by award of marks to them for research papers/Popular articles published by them after the last date of application. The charts of the Selected Candidates in the posts of SRA (Agri.)/JRA (Agri.) showing their marks for research papers/popular articles submitted by them with their applications based on the chart about particulars of the candidates Ex. 45(O) and the research papers/popular articles submitted by them and accepted as such by Assistant Professors/Associate Professor awarding marks to the same at the time of interview based on Ex. 38(O)” are already filed as Annexures-13 & 14 of the Enquiry Report vide its para 295-A. Their perusal would show that the candidates therein had illegally received the benefit of additional marks, one of them in JRA chart (Annexure 14 of the Enquiry Report) receiving as many as 9.2 additional marks as shown in its last column. The said charts Annexures-13 & 14 of the Enquiry Report, contain, respectively, the names of 15 candidates selected for the post of SRA (Agri.) and 24 candidates selected for the post of JRA (Agri.). Besides these candidates, there are, as shown above 23 candidates in the chart (Annexure-42 of the Enquiry Report) about the Ph.D. candidates selected for the posts of SRA/JRA who had illegally received the benefit of either 8 marks for submission of Ph.D. thesis or 10 marks for acquiring Ph.D. degree after the last date of applications i.e. 15.9.2004.

1278) The number of the selected candidates for both these posts who received the benefit of the above marking system was thus $39 + 23 = 62$ out of 131 candidates who were selected and appointed in these posts of SRA/JRA. Separate calculation for each of these

posts would show that the total number of candidates selected in the post of SRA (Agri.) who were benefitted by the above marking system was 30 out of whom 15 were in the chart of Ph.D. candidates (Annexure-42 of the Enquiry Report) and the remaining 15, in the chart of R.P./P.A. (Annexure-13 of the Enquiry Report). As regards the benefit of additional marks to the selected candidates in the post of JRA (Agri.), their number was 32, 8 from the chart of Ph.D. candidates (Annexure-42 of the Enquiry Report) and 24, from the chart of R.P. / P.A. (Annexure-14 of the Enquiry Report). Further, 6 candidates viz. 3 SRA (1) Shri Pravin V. Patil, (2) Ku. Gajbhiye Vandana R. and (3) Ku.Kadam Priti and 3 JRA (1) Bidwe Kishor U. (2) Nemade Prashant W. and (3) Nichal Satish S. illegally received the benefit of the marks for both i.e. Ph.D. or Ph.D. thesis and also the marks for research papers/ popular articles produced after the last date of applications for the first time at the time of their interview. It is thus clear that out of 55 candidates selected for the post of SRA (Agri.) 27 have received the benefit of the aforesaid illegal marking system and out of 76 candidates selected in the post of JRA (Agri.), 29 have received the said benefit.

1279) Awarding marks to the above referred documents submitted after the last date of application for the first time at the time of interview by some candidates who knew about the said marking system the number of such selected candidates being actually 56, 27 out of 55 candidates selected in the posts of SRA (Agri.), and 29 out of 76 selected in the posts of JRA (Agri.), would adversely affect the selection process because such candidates who were not entitled to but who received benefit of marks under the above heads of the said criteria had an unfair advantage in their selection over those who received lesser marks on the basis of the certificates/ publications/ documents, which they had with them at the time of submission of their applications and which they submitted with them. In fact, since the marks are awarded illegally to the non-selected candidates also for the R.P/P.A. filed by them after the last date of application, and accepted as such by the Assistant Professors/Associate Professor it would require preparation of a fresh Mark-Sheet Ex. 34(O)-A involving all the candidates who were interviewed and it is then that the Selection Lists will have to be prepared on the basis of the same. However, as the criteria for academic evaluation of SRA/JRA laid down on 31.05.2005 is held illegal and invalid the whole selection and appointment of candidate in the said post has to be set aside.

f) Discrepancies / Mistakes in the Chart Ex.38(O)

1280) Perusal of the entries made in the chart Ex.38(O) by the Associate Professor/ Assistant Professors, about awarding marks to the candidates for Ph.D. degree, Ph.D. thesis, research papers/popular articles and / or significant contribution, would show that there were many discrepancies / mistakes committed by them, whether deliberate or otherwise, in awarding marks under the above heads. For instance, they had given 10 marks for thesis submission instead of 8, 8 marks instead of 10 to those who had produced their Provisional Degree Certificates (P.D.C) at the time of their interview showing acquisition

of Ph.D. degree after the last date of application i.e. 15.9.2004. There were also mistakes committed by them in calculation of the marks for research papers/popular articles which were shown to them by the candidates for their scrutiny and award of marks. Even the total of the marks awarded by them in some cases was not recorded correctly in the said Ex.38(O).

1281) The discrepancies and mistakes committed by the Assistant Professors/Associate Professor in awarding marks to the candidates who appeared for interview for the posts of SRA (Agri.) / JRA (Agri.) can be seen from paras 227 to 295 of the Enquiry Report in which they are specifically pointed out by referring to their affidavits in detail. A chart about discrepancies/mistakes committed by Assistant Professors/Associate Professor in entering marks in the chart Ex. 38(O) awarded by them to the candidate is already enclosed as Annexure 22 of the Enquiry Report vide its para 563. It may be seen that their affidavits referred to in the said paras 227 to 295 of the Enquiry Report would also show that they had understood differently the marking system of awarding marks to the candidates concerned for certificates/publications/documents submitted by them after the last date of application i.e. 15.9.2004. While according to the Assistant Professors Dr. A. P. Karunakaran, Dr. Anita B. Chore, and Shri N.R.Koshti, as stated by them in paras 3,7, and 7 of their respective affidavits dated 14.9.2004 (Ex.274), 9.9.2007 (Ex.210) and 26.9.2007 (Ex.536), there were instructions given by Dr.V.D. Patil, the Chairman of the Selection Committee, to award marks for Ph.D. degree acquired and the thesis submitted after the last date of application, according to Dr.K.B. Kale, Associate Professor, and Dr.S.K. Aherkar, Assistant Professor, as stated by them in para 8, and para on internal page-2 of their affidavits dated 14.9.2007 (Ex.273), and 4.9.2007 (Ex.195) there were no instructions given by him to give marks for Ph.D. degree acquired after the last date of application i.e. 15.9.2004. As regards Dr.L.U. Lokhande, Assistant Professor, according to him, as stated by him in para on internal page 2 of his affidavit dated 5.9.2007 (Ex.194), the marks were to be given only for documents/certificates submitted by the candidates till the last date of application i.e. 15.9.2004.

1282) Vide para 252 of the Enquiry Report although Dr.K.B. Kale, Associate Professor stated in para 8 of his affidavit dated 14.7.2007 (Ex.273) that no instructions were given and they did not accept any documents to award marks for Ph.D. degree acquired after the last date of application i.e. 15.9.2004, he admitted in para 10 of his aforesaid affidavit that the marks were given and were taken into account even for Ph.D. degree acquired after 15.9.2004. It is interesting to see that, vide para 271 of the Enquiry Report, whereas Dr.S.K.Aherkar, justified in his affidavit dated 4.9.2007 (Ex.195) giving 8 marks for thesis submission to the candidates referred to in the said para 271 who had acquired Ph.D. degree after the last date of application i.e. 15.9.2004 on the ground that they had submitted their thesis prior to 15.9.2004 for which they were rightly given 8 marks, Shri N.R. Koshti, his

team mate, vide para 288 of the Enquiry Report stated that they should have given them 10 marks for Ph.D. degree acquired after the last date of application but they had wrongly given them 8 marks. In case of those who received 10 marks for acquiring Ph.D. degree after the last date of application i.e. 15.9.2004, vide para 274 of the Enquiry Report, Dr.S.K. Aherkar, stated in his aforesaid affidavit that there was mistake committed by them in giving them 10 marks. Vide para 275 of the Enquiry Report, he, however, justified giving 8 marks to the candidate Sable Yogesh R., S.no. 1059 in the chart (Ex.38(O)) who submitted Ph.D. thesis after the last date of application i.e. 15.9.2004 because according to him, as per the instructions given to them they were justified in giving 8 marks for Ph.D. thesis submitted after 15.9.2004.

1283) Apart from there being discrepancies and mistakes committed by the Assistant Professors / Associate Professor in awarding marks to the candidates, since the instructions given about the Marking system by Dr.V.D. Patil, the Chairman of the Selection Committee, are thus understood differently by the Assistant Professors/Associate Professor, there is confusion and no uniformity amongst them in adopting it, leading to arbitrariness in its application adversely affecting the selection process as is clear from the controversy between the team-mates, Dr.S.K. Aherkar, and Shri N.R.Koshti about giving marks for Ph.D. degree acquired after the last date of application the chart annexed as i.e. 15.9.2004 referred to above.

1284) As regards the discrepancies/mistakes committed in awarding marks to the candidates, perusal of para 9 of the affidavit of the Assistant Professor Shri Nitin Ramesh Koshti dated 26.9.2007 (Ex.536), (see para 288 of the Enquiry Report) would show that although the candidate Kote Ganpat M. at serial no. 704 in the chart Ex.38(O) received P.D.C. on 20.10.2004 i.e. after the last date of application i.e. 15.9.2004 but before the date of interview, he was still wrongly given by him 8 marks, which were for mere thesis submission, instead of 10 marks fixed for Ph.D. degree. He admitted that similar mistakes were committed by him in the case of Kulwal Pawan S. serial no.714 (already selected for the higher post of A.P.), Nemade Prashant W., serial no.891, and Nichal Satish S. serial no. 894. In the case of Shri Nemade Prashant W., he also admitted that there was mistake committed by him in writing the date of his PDC as 29.10.2005 i.e. after the date of his interview when he was awarded marks by him (it should be 2004 vide Ex.330). As regards Shri Patil Pravin V. serial no.955 the son of Dr.V.D. Patil, the Chairman of the Selection Committee, and Raut Prashant D. serial no.1037, he admitted in para 11 of his aforesaid affidavit that they were awarded 10 marks meant for Ph.D. degree although they had produced their thesis only at the time of interview, for which they should have awarded them 8 marks only. As regards Shri Patil Pravin V., referred to above, he also admitted that he produced before them at the time of interview 4 research papers, one technical bulletin and one popular article, for which he should have been given 8.4 marks but was wrongly

given 10 marks as shown in the chart (Ex.38(O)). See also the chart about discrepancies and mistakes in the chart Ex. 38(O) marked as Annexure-22 of the Enquiry Report. Besides the above-referred cases, the said chart Annexure-22 of the Enquiry Report includes the cases of one Ghatol Prakash U., S. No. 421, and Ghawade Raju S., S.No.423 about whom there are mistakes committed by the concerned verifying Assistant Professors / Associate Professor in giving marks for their research papers as in case of the former he had produced 5 R.P. and 4 P.A. for which he should have been given 10 marks instead of 8 and in the case of the latter he had produced 3 R.P. for which he should have been given 6 marks instead of 4. As regards the marks illegally awarded to the candidates for Ph.D. degree or Ph.D. thesis and R.P./P.A. submitted after the last date of applications, the chart annexed as annexures 42, 13 and 14 are already referred to in earlier paras 1227 and 1228 of the Enquiry Report.

1285) As regards the significant contribution, Dr.N.R. Koshti, Assistant Professor, in para 13 of his affidavit dated 26.9.2007 (Ex.536), stated that at serial nos.977 and 978 in the chart Ex.38(O), there are names of Paul Avinash M. and Paulkar Prashant K., and in the column of significant contribution one mark is awarded by him for involvement in RRC Project but he would not be able to tell whether one mark awarded for it was given to Paul Avinash M., or Paulkar Prashant K. (See also annexure 22 of the Enquiry Report). He however, admitted that he had committed mistake in not adding the said mark for significant contribution in the total of the marks awarded to either of them i.e. in addition to the marks awarded to them for research papers/popular articles. One of these candidates was thus given one mark less in his marks for academic performance and also the total marks out of 100. The bio-data of Shri Paulkar Prashant K. included at pages 120-121 Ex. 227 (Z-15) in the common affidavit dated 13.9.2007 (Ex. 218) filed by 16 appointees in these posts of SRA/JRA read with his application for these posts would show that the said one mark for significant contribution should have been awarded to him. In another such case, as stated by Dr.K.B. Kale, Associate Professor in para 12 of his affidavit dated 14.9.2007 (Ex.273), the candidate Gite Bharat D. serial no. 439 in the chart Ex.38(O), was deprived of 3 marks which were awarded to him for his significant contribution as they were not calculated by them in calculating the total marks awarded to him in the chart (Ex.38(O)). Instead of showing his total as 13, his total was shown as 10 in the chart Ex.38(O) (See also annexure 22 of the Enquiry Report) because of which in his total marks for academic performance and also the total marks out of 100, he received 3 marks less.

1286) As pointed out above the concerned Associate Professor/Assistant Professors, have admitted in their affidavits their mistakes and/ or discrepancies in awarding marks to the candidates when the specific entries regarding them from the chart (Ex.38(O)) itself were shown to them. Similarly, Dr.V.D. Patil, the Chairman of the Selection Committee, in para 106 of his affidavit dated 25.12.2007 (Ex.645), Dr.Vandan Mohod, the Registrar/its

Member Secretary in para 61 of his affidavit dated 1.12.2007, and Dr.E.R.Patil, its senior most member in para 44 of his affidavit dated 16.11.2007 (Ex.599), who had actually prepared the selection lists, admitted that there were, as shown above, discrepancies / mistakes committed by the Assistant Professors/Associate Professor in awarding marks to the candidates because of which, some candidates obtaining higher marks than some other candidates might not have been selected by them. As regards the other members of the Selection Committee, their affidavits would show that they were not aware of the chart Ex.38(O) i.e. about the marks awarded therein by the Assistant Professors/Associate Professor and even about the marks being fixed under various heads for academic performance.

g) Documents which were verified by the Associate Professor/Assistant Professors were not retained by them

1287) The Associate Professor/Assistant Professors, have all stated in their affidavits that as per the instructions given to them by Dr.V.D. Patil, the Chairman of the Selection Committee, they were required to verify and award marks to the certificates / documents relating to Ph.D. degree of the candidates, thesis for Ph.D. submitted by them, research papers/ popular articles published by them, and the significant contribution if any, made by them after the last date of applications, which certificates / documents were produced by them for the first time before them at the time of their interview. However, as regards the research papers/ popular articles, they verified all research papers / popular articles, whether they were filed by the candidates alongwith their applications or were produced by them for the first time at the time of their interviews because they had to see whether the said documents filed by them satisfied the requirements of either being research paper or popular article. According to them, as regards the research papers, they treated only such research papers as valid which were published in authorized journal but as regards popular articles there was no such criteria for them and they could be published in any news paper/magazines. They, however, admitted that they had not retained any documents/ certificates of the candidates which they verified and for which they awarded marks to them in the chart Ex.38(O). According to them there were no instructions given by Dr. V.D. Patil, the Chairman of the Selection Committee, to retain the documents verified by them and for which they had awarded marks to the candidates.

1288) Vide Para 296 of the Enquiry Report, after describing in para 37 of his affidavit dated 25.12.2007 (Ex.645), the above procedure followed by the Associate Professor/ Assistant Professors in verifying their certificates/ research papers and awarding them marks as directed by him. Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in para 38 of his aforesaid affidavit that he did not give any instructions to the Associate Professor/Assistant Professors to retain the documents / certificates produced before them by the candidates for the first time on the dates of their interviews for their

verification and for giving marks to them, as a result of which there was no record of such documents / certificates available in the University since the said documents/certificates were not annexed to their applications by the candidates, and they were also not retained by the Associate Professor/ Assistant Professors in the absence of any instructions in that regard. According to him, it was necessary to do so for maintaining the upto date record of the proceedings of the Selection Committee although no instructions were given by him in that regard. He then categorically admitted therein that there was thus no record to verify the correctness or otherwise of the marks awarded to the candidates by the Associate Professor/Assistant Professors regarding Ph.D. degree acquired by them, thesis submitted by them, research papers/ popular articles published by them, and significant contribution made by them after the last date of application. There was thus no transparency in the work of award of marks by the Associate Professor/Assistant Professors which was open to charge of arbitrariness and lack of bonafides as the marks awarded by them for certificates/publications/documents could not be verified by any competent authority including the Selection Committee.

1289) Since the said documents/ certificates produced by the candidates at the time of their interviews, for verification and award of marks by the Assistant Professors/Associate Professor were not retained by them, the Selection Committee had no opportunity to verify them and also determine whether the marks were correctly awarded to them or not by the Assistant Professors/Associate Professor. Even otherwise, the said certificates / documents formed part of the record of the proceedings of the Selection Committee or at any rate of selection of candidates which needed to be maintained for some reasonable period so that the selections made by the Selection Committee and the selection process followed by it could be verified by the appointing authority or any other higher authority including any judicial, quasi-judicial authority when called upon to do so in appeal or other proceedings.

h) Chart Ex.38(O) or any chart about the academic performance of the candidates not sent in the meeting of the Selection Committee and hence not considered by it

(Vide Paras 297 to 308 of the Enquiry Report)

1290) Dr. V. D. Patil, the Chairman of the Selection Committee, in para 85 of his affidavit dated 25.12.2007 (Ex.645), Dr.Vandan Mohod, the Registrar/ its Member Secretary in para 35 of his affidavit dated 1.12.2007 (Ex.633), Dr.E.R. Patil, its senior most member, in para 34 of his affidavit dated 16.11.2007 (Ex.599) and Dr.N.D. Pawar, its outside member, in para 25 of his affidavit dated 1.11.2007 (Ex.590) stated that it was the duty and responsibility and the work of the Selection Committee to conduct the whole selection process which commenced after the receipt of applications for the posts and ended when the Selection Lists were handed over to the appointing authority i.e. the Vice Chancellor so

far as these posts were concerned. It was thus, their duty to give marks to the candidates according to the criteria laid down for their selection. They admitted that it was their duty to award marks to the candidates for their academic performance as per the criteria laid down for the same and if the said work was assigned to the Associate Professor/Assistant Professors and the officers of the Registrar's office, it was necessary for them to verify the said work because it was their duty and responsibility to award marks correctly as per the criteria laid down for the same. As pointed out hereinbefore, there were discrepancies / mistakes committed by the Associate Professor/Assistant Professors in awarding marks to the candidates which had adversely affected the selection process and in particular the selection lists of the candidates. Had the Selection Committee verified their work, the said discrepancies/mistakes could have been corrected by it.

1291) It may be seen in this regard that Dr.V.D. Patil, the Chairman of the Selection Committee, in para 85 of his aforesaid affidavit dated 25.12.2007 (Ex.645) stated that in Statute 77(1) (iv) since a duty was cast upon the Selection Committee to prepare the selection list of the candidates recommended by it in descending order of merit, on the basis of which the Vice Chancellor would make the appointment strictly in order of merit as arranged by the Selection Committee it was necessary for it to either itself give marks for academic performance of the candidates or if the said work was done by the Registrar's office/ Associate Professor/Assistant Professors, it was its duty and responsibility to verify the said work done by them in its properly convened meeting for which each member of the Selection Committee should have been supplied with the chart and/ or statement prepared about it by the office. According to him, it was only then that after considering the marks in academic performance and the marks for interview, given by its members that the Selection Committee could prepare the Selection lists categorywise in descending order of merit on the basis of which the appointments of the candidates could be made in these posts by the Vice-Chancellor strictly in order of merit as arranged by the Selection Committee.

1292) Dr.V.D. Patil, the Chairman of the Selection Committee in para 39 of his aforesaid affidavit dated 25.12.2007 (Ex.645), and Dr.Vandan Mohod, the Registrar/Member Secretary, in para 22 of his affidavit dated 1.12.2007 (Ex.633) admitted that the Chart Ex.38(O), in which the Associate Professor/ Assistant Professors awarded marks to the candidates was not sent in the meeting of the Selection Committee on each day of interview. Dr.E.R. Patil, its senior most member, in para 17 of his affidavit dated 16.11.2007 (Ex.599), Dr. N.D. Pawar, its outside member, in para 6 of his affidavit dated 1.11.2007 (Ex.590), and Dr.G.N. Dake, another outside member of the Selection Committee, in para 6 of his affidavit dated 23.11.2007 (Ex.600), stated that no chart showing the marks given to the candidates for their academic performance was supplied to the members of the Selection Committee on each day at the time of their interviews. As regards the remaining two members of the Selection Committee, Dr.N.D. Jogdande, as

stated by him in para 13 of his affidavit dated 5.11.2007 (Ex.596) did not know anything about the marks to be awarded to each candidate for his academic performance since according to him he was not told anything about it by anybody and particularly the Chairman of the Selection Committee and so far as Dr. B.N. Dahatonde, was concerned, as stated by him in para 6 of his affidavit dated 10.12.2007 (Ex.636), he did not know whether on 31.5.2005 any meeting was held at all and, if held, whether any criteria for academic evaluation of SRA/JRA was fixed in the said meeting.

1293) In fact, as regards the chart Ex.38(O), the Associate Professor/Assistant Professors stated in their affidavits that they would receive it in the morning from the verifying clerks of the Registrar's office for the work of verification of documents/ certificates and for awarding marks to the candidates for the same in the said chart Ex.38(O) and after the aforesaid work was over, they would hand it over to the said verifying clerks who would give back the same to them in the morning on the next day of interview which procedure was followed by them on all days of interview except on the last day, on which the said chart Ex.38(O) was finally handed over by them to the concerned officers of the Registrar's office. Dr.V.D. Patil, the Chairman of the Selection Committee, himself described the above procedure followed in regard to the movement of the chart (Ex.38(O)), before he stated in the aforesaid para 39 of his affidavit dated 25.12.2007 (Ex.645), that the said chart Ex.38(O), was not sent by the Assistant Professors/Associate Professor in the meeting of the Selection Committee on each day of interview after their work of giving marks to the candidates was over.

1294) As regards the said chart Ex.38(O), Shri D.P. Deshmukh, the concerned Section Assistant (Estt.), stated in para 32 of his affidavit dated 15.11.2007 (Ex.598) that after it was handed over to them by the Assistant Professors/Associate Professor, the concerned verifying clerks from the Registrar's office would hand it over to him in the evening which he would hand over to them on the next day in the morning for the work of verification and award of marks by the Assistant Professors / Associate Professor. However, on the last date of interview i.e. 25.6.2005, he received the said chart Ex.38(O), in the evening after the Assistant Professors/Associate Professor had entered marks therein (i.e. the chart Ex. 38(O)) of the candidates who appeared for interview on that day and since then the said chart Ex.38(O) remained with him. It is clear from the aforesaid affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.), that the chart Ex. 38(O) was not sent in the meeting of the Selection Committee on each day of interview.

1295) As regards the marks for academic performance given to the candidates by the employees of the Registrar's office and the Assistant Professors/ Associate Professor, Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in para 67 of his affidavit dated 25.12.2007 (Ex.645), that they were not circulated to the members of the Selection Committee and were not considered by them. He admitted that even he did not

verify the marks given by them for academic performance. He further stated that no separate meeting of the Selection Committee was called to consider the said marks. While admitting the discrepancies and mistakes committed by the Assistant Professors / Associate Professor in awarding marks in the Chart Ex.38(O) he repeated in para 106 of his aforesaid affidavit that the marks given by the officers of the Registrar's office for degrees and experience and by the Assistant Professors/Associate Professor as per the Chart Ex. 38(O) were not verified by them i.e. the Chairman and the Members of the Selection Committee. Dr. Vandan Mohod, the Registrar/ its Member Secretary, vide paras 35 and 61 of his affidavit dated 1.12.2007 (Ex.633), Dr.E.R. Patil, its senior most member in paras 17 and 44 of his affidavit dated 16.11.2007 (Ex.599), and Dr. N.D. Pawar, its outside member in para 15 of his affidavit dated 1.11.2007 (Ex.590), corroborated him in this regard.

1296) In fact, no separate chart showing the marks awarded to the candidates for academic performance under its various heads i.e. marks awarded for degrees and experience by the Registrar's office and by the Assistant Professors/Associate Professor as per the chart Ex.38(O) was prepared by the Registrar's office for being circulated to the members of the Selection Committee and for being considered in its properly convened meeting. As stated by Shri D.P. Deshmukh, Section Assistant (Estt.), in para 32 of his affidavit dated 15.11.2007 (Ex.598) the Mark-Sheet was prepared by him in the format reproduced in the said para contained at pages 77/1 – 192 of the file Ex. 34 (O) and was marked as Ex.34(O)-A in this enquiry. It was categorywise and post-wise Mark-sheet in which he entered the marks awarded to the candidates under various heads of academic performance, total marks awarded to them out of 40 for academic performance, the marks awarded to them out of 60 for interview and the total marks awarded to them out of 100 as stated by him in paras 33 and 34 of his aforesaid affidavit. The said Mark-sheet Ex.34(O)-A prepared by him and marked as Ex.34(O)-A in this enquiry would be considered in detail separately under the topic "Preparation of Mark-Sheet Ex.34(O)-A". Suffice it to say that as stated by Shri D.P. Deshmukh, in para 35 of his aforesaid affidavit, no meeting of the Selection Committee was held for considering the said Mark-Sheet Ex.34(O)-A.

1297) It is pertinent to see that the Selection Committee is not merely an interview committee and as admitted by Dr. V. D. Patil, the Chairman of the Selection Committee in para 85 of his affidavit dated 25.12.2007 (Ex. 645), vide earlier para 1291 of the Enquiry Report, it is its duty to award marks for academic performance and if the said work was done by others, it was its duty to verify the same in its properly convened meeting. The Selection Committee has thus failed to discharge its duty about awarding marks for academic performance to the candidates appearing for interviews of the posts of SRA (Agri.) and JRA (Agri.) as it failed to verify in its properly convened meeting, the marks awarded to the candidates by the staff of the Registrar's office for degrees and experience as per the certificates/ documents enclosed by them with their applications and by the

Assistant Professors/Associate Professor for Ph.D. degree acquired, Ph.D. thesis submitted and significant contribution made after the last date of application and research papers/popular articles published before or after the said date. The selection of candidates recommended by it on the basis of the marks awarded for academic performance, to which it had not applied its mind cannot therefore, be accepted as legal and valid, particularly when apart from the illegality of awarding marks to the candidates for the certificates/publications/documents filed by them after the last date of application for the first time at the time of their interviews, there are also discrepancies / mistakes admittedly committed by the Assistant Professors / Associate Professor in awarding marks as shown hereinbefore, which discrepancies / mistake could have been corrected by the Selection Committee in its meeting.

vii) Award of marks for performance in interview

For factual data vide paras 309 to 311 about the arrangements for the meeting of the Selection Committee, paras 312 to 325 about the procedure in the meeting for interviews of the candidates and paras 326 to 357 about the award of marks for performance in interview.

a) Procedure followed in awarding marks for interviews of the candidates

1298) Briefly, the facts about holding common interviews of the candidates for the posts of SRA (Agri.) and JRA (Agri.) are that as per the notices of the meeting of the Selection Committee dated 26.5.2005 (Ex.27) issued to its Chairman and members, its meeting was convened from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005. The main agenda of the said meeting was to hold interviews of the candidates who had applied for the posts of SRA (Agri.) and JRA (Agri.), for which interview call letters were issued to them fixing their interviews on the above dates in alphabetical order given in the list consisting of 1335 candidates called for common interviews for the posts of SRA (Agri.) and JRA (Agri.) besides 8 candidates of YCMOU who had applied only for the posts of JRA (Agri.) (Ex.36(O)). The total number of candidates, whose interviews were fixed on each day ranged between 119 to 123.

1299) As regards the material supplied to the Chairman and Members of the Selection Committee for taking interviews of the candidates for the posts of SRA (Agri.) and JRA (Agri.), no documents relating to interviews of the candidates were annexed to the notices dated 26.5.2005 (Ex.26) issued to them for the aforesaid meeting of the Selection Committee as admitted by Dr.V.D. Patil, in para 34 of his affidavit dated 25.12.2007 (Ex.645). Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 30 of his affidavit dated 15.11.2007 (Ex.598) that on each day of interview two charts were supplied to the Chairman and the Members of the Selection Committee, viz. the chart Ex.45(O) relating to particulars of the candidates appearing for interview on that date prepared on the basis of their applications for these posts of SRA/JRA and the chart in the proforma Ex.434-A in

which there were separate columns for the Chairman and each Member of the Selection Committee, to give their marks for performance of each candidate in his interview on that date. According to him, an additional chart in the proforma Ex.434-A was supplied to the Chairman of the Selection Committee on each day of interview. Dr.G.N. Dake, in para 5 of his affidavit date 23.11.2007 (Ex.600) and Dr.N.D. Jogdande in para 6 of his affidavit dated 5.11.2007 (Ex.586) both members of the Selection Committee, stated that the aforesaid chart Ex.45(O) was not supplied to them. According to Shri D.P. Deshmukh, Section Assistant (Estt.) besides the above two charts, the Chairman and the Members of the Selection Committee were supplied with two plain papers, pencil and pad (Bandi) and no other papers.

1300) The specimen copy of the chart Ex.434-A filed in this enquiry and marked as Ex.434-A would show that below the names of the candidates the posts and the categories in which they had applied were mentioned, and apart from separate columns for the Chairman and each member of the Selection Committee to give marks for performance of the candidates in their interviews, there was a column in the said chart Ex.434-A about the total marks obtained by each candidate from the Chairman and all the members of the Selection Committee. The last column in the said chart Ex.434-A was about the rank of merit in which, however, the average of the marks received by each candidate from the Chairman and the Members of the Selection Committee for his interview were entered.

1301) Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 40 of his affidavit dated 15.11.2007 (Ex.598) that in order to assist the Selection Committee the concerned staff of the Registrar's office was sitting in the room where the verifying clerks from the Registrar's office and the Assistant Professors/Associate Professor were doing their verification work. Perusal of para 13 of the affidavit of Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee dated 1.12.2007 (Ex.633), and also para 29 of the aforesaid affidavit of Shri D.P. Deshmukh, concerned Section Assistant (Estt.) would show that all the necessary papers/documents relating to interviews of the candidates were placed on the table in the interview room by the concerned officers of the Registrar's office before the commencement of the interviews.

1302) As regards the procedure followed in the meeting for interview of the candidates, Dr.V.D. Patil, the Chairman of the Selection Committee, had explained to its members the said procedure on 13.6.2005 i.e. the first day of interview by calling its meeting one hour earlier i.e. instead of 9.00 a.m., at 8.00 a.m. on that day. According to him, vide para 35 of his affidavit 25.12.2007 (Ex.645), he had explained to the members of the Selection Committee, the whole criteria for academic evaluation of SRA/JRA and had specifically told them that for performance in the interview of the candidates, the total marks fixed were 60 and for their academic performance 40. He further stated therein that all the members of the Selection Committee had agreed to give marks to the candidates out of 10 i.e. on 10

point scale, the reason being that it was easier to judge the knowledge and give marks in interview on 10 point scale rather than out of 60. Perusal of paras 6,8, and 11 the affidavit of Dr.B.N. Dahatonde, dated 10.12.2007 (Ex.636) and paras 7,8, and 13 of the affidavit of Dr.N.D. Jogdande, dated 5.11.2007 (Ex.596), both members of the Selection Committee, would show that except asking them to give marks for interview out of 10, the Chairman of the Selection Committee, did not tell them anything about the criteria for academic evaluation of SRA/JRA and how the candidates should be selected for the posts of SRA/JRA on the basis of the marks awarded to them for their performance in their interviews.

1303) As stated by Dr.V.D. Patil, in para 41 of his affidavit dated 25.12.2007 (Ex.645), after the interviews were over on each day of interview, each member of the Selection Committee told him the marks given by him out of 10 to each candidate for his performance in his interview and after converting them into marks out of 60 and taking round figure, wherever necessary, he entered in his additional chart in the said proforma Ex.434-A, the said marks given by each member and himself out of 60 against the name of each candidate, who was interviewed on that day. He then stated that thereafter, calculating the total of the marks given by him and each member of the Selection Committee to each candidate who was interviewed on that day, he also entered the said total marks obtained by each candidate in the column meant for it in the said additional chart with him. According to him, he then worked out with the help of the Registrar/ Member Secretary the average of the marks for interview received by each candidate from the Chairman and the Members of the Selection Committee and entered it in the column about “rank of merit” in the said Additional chart with him. He further stated in para 42 of his aforesaid affidavit that after the marks given by him and each member of the Selection Committee were entered by him in the said additional chart with him, he and each member of the Selection Committee destroyed on each day the charts given to them for recording the marks for interview of each candidate. Dr. Vandan Mohod, the Registrar / Member Secretary of the Selection Committee, in paras 15, 16 and 17 of his affidavit dated 1.12.2007 (Ex.633) and Dr.E.R. Patil, its senior most member in paras 13 and 20 of his affidavit dated 16.11.2007 (Ex.599), corroborated him regarding the above procedure being followed on each day except that as regards taking round figure, while Dr.V.D. Patil, stated in para 41 of his affidavit, referred to above, that in converting the marks given by each member out of 10 to each candidate into marks out of 60, round figure was taken, wherever necessary, Dr. Vandan Mohod, stated in para 15 of his aforesaid affidavit that if the calculation of the average of the total of the marks received by the candidate from the Chairman and the members of the Selection Committee was in fraction the said marks were converted into round figure. Dr. E.R. Patil, did not state anything about it in his affidavit.