

**1304)** However, as regards the question of conversion of the average interview marks to round figure, if they are in fraction, Dr.V.D.Patil, the Chairman of the Selection Committee, changed his version and stated in his recent affidavit dated 24.6.2009 (Ex. 893) that since the above work of converting the interview marks out of 10 to marks out of 60 and taking the average of the total of the marks awarded to each candidate by him and each member of the Selection Committee was done by the Registrar/ Member Secretary, his aforesaid statement viz. that at the time of working out the average of the marks for interview awarded to each candidate by him and the members of the Selection Committee the fraction was converted to round figure is correct. In fact, when there was keen competition for selection in a post there was no reason for them to convert the marks to round figure and thus increase the marks of some candidates particularly when perusal of marks awarded to the candidates for their academic performance, would show that the marks of some candidates were in fraction.

**1305)** As regards the additional charts in the proforma Ex.434-A with him Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 42 of his aforesaid affidavit that the said additional charts were kept by him in an envelop on each day of interview and all such charts remained with him till the last date of interview. He also stated that he and the Registrar i.e. the Member Secretary, as far as possible on the same day of interview, dictated from the said additional chart to Shri D.P. Deshmukh, Section Assistant (Estt.), the said average of the marks for interview received by each candidate appearing for interview on that date which was entered by him each day in the data-sheet which he was filling ( i.e. in which he had already entered the marks for academic performance of the candidates appearing for interview on that date, vide para 40 of his aforesaid affidavit) . He further stated in para 47 of his aforesaid affidavit that he now remembered there were two data-sheets prepared by the Registrar's office, one was the Mark-Sheet Ex. 34(O)-A which was categorywise separate for the post of SRA (Agri.) and JRA (Agri.), and another was the consolidated Mark-Sheet Ex. 112 (O) prepared for both the posts and in all categories in alphabetical order. The marks for academic performance and interview were first entered in pencil in the consolidated Mark-Sheet Ex.112 (O) and thereafter from it in the categorywise and postwise Mark-Sheet Ex. 34(O)-A. However, according to him, sometimes, if much time was consumed in taking interviews, the average of the marks of the candidates appearing for interview on that day was dictated to Shri D.P. Deshmukh, Section Assistant (Estt.) on the next day. He then stated in para 43 of his aforesaid affidavit that the said additional charts prepared by him on each day of interview in the proforma Ex.434-A and which were with him till the last day of interview were destroyed by Shri D.P. Deshmukh, Section Assistant (Estt.), after the average of the marks for interview of each candidate was entered by him in the final Mark-Sheet Ex.34(O)-A. According to him, it was the general practice in the University that they would keep only the final Marks-Sheet in which the

marks for academic performance and personal interview were written and would destroy all other documents on which the said marks were based such as the above referred charts etc. He, however, admitted that the original chart Ex.38(O) in which the Assistant Professors/Associate Professor had given marks for Ph.D. degree, thesis submission, research paper / popular article and Significant Contribution was not destroyed and was available. Similarly, the original consolidated Mark-Sheet of the candidates for both the posts of SRA/JRA and in all categories such as S.C., S.T. etc. prepared in alphabetical order Ex.112(O) in which the entries were made in pencil was also not destroyed.

**1306)** Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, stated in para 25 of his affidavit dated 12.12.2007 (Ex.633) that as regards the said additional charts with the Chairman of the Selection Committee in which after the interviews were over on each day the marks given by the Chairman and each member of the Selection Committee to each candidate for his performance in interview, the total of the marks received by him from them, and its average were entered and which additional charts, according to him were handed over by him each day to the officers of the Registrar's office, he would not be able to tell what happened to the said additional charts after the average of the marks received by each candidate for performance in interview was entered in the consolidated (it should be categorywise) Chart i.e. the Mark-Sheet Ex.34(O)-A prepared by the Registrar's office. He further stated therein that the Chairman of the Selection Committee would alone be able to tell about it.

**1307)** Dr.E.R. Patil, senior most member of the Selection Committee, also did not know as to what happened to the said additional charts in the proforma Ex.434-A. What he stated in para 20 of his affidavit dated 16.11.2007, was that he did not know what happened to the consolidated merit list prepared by them on the last day of interview i.e. 25.6.2005 in descending order of merit as well as categorywise Lists i.e. whether the said Lists were kept with him by the Chairman of the Selection Committee or were destroyed by him. As regards the merit list in descending order of merit i.e. the consolidated list of all the candidates for both the posts in descending order of merit, he stated in para 18 of his aforesaid affidavit that the said consolidated list was prepared on the last day of interview i.e. 25.6.2005 from all lists of candidates prepared by the Registrar on each day of interview in descending order of merit. He then stated that after preparing the aforesaid consolidated list of all the candidates for both the posts another list was prepared by the Chairman and the Registrar in the meeting of the Selection Committee itself in which all the candidates in the aforesaid consolidated list were distributed in descending order of merit in different categories i.e. S.C., S.T. etc. separately for the posts of SRA/JRA which according to him was the Selection list prepared by the Selection Committee on the last date of its meeting i.e. 25.6.2005. According to him, they had prepared in this manner two different selection lists categorywise one for SRA and another for JRA. First the Selection

Lists of SRA in descending order of merit by including all such candidates who had received highest number of marks and then the Selection Lists of JRA in descending order of merit of all the candidates were prepared. Further, according to him, if a candidate had applied for more than one category and for both the posts his name was included in the Selection list of each category and in each post. He then stated that all the aforesaid lists including the Selection Lists were prepared by them by feeding the requisite information in the computer.

**1308)** The aforesaid affidavit of Dr.E.R. Patil, is most confusing. Although he stated in para 28 of his aforesaid affidavit that the consolidated alphabetical Mark-Sheet supplied to Shri N.T. Fokmare Ex.112(O) for the posts of SRA/JRA and the categorywise Mark-Sheet Ex.34(O)-A separate for the posts of SRA and JRA were not prepared by them but were prepared by the Registrar's office, he stated therein that on the last day of interview i.e. 25.6.2005, the Registrar might have dictated the consolidated merit list in descending order of merit from the said Mark-Sheet Ex. 112(O) and similarly the merit list prepared by them categorywise in descending order of merit might have been prepared on the basis of the said categorywise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA/JRA. He however, stated in para 33 of his affidavit that after seeing the Selection Lists at pages 66 to 76 in the file Ex. 34(O), he now thought that the marks for interviews were entered in the Mark-Sheet Ex. 34(O)-A on each day of interviews and / or the last day of interviews and thereafter the said Selection lists at pages 66 to 76 of the file Ex.34(O) were prepared on the last day of interviews i.e. 25.6.2005. He admitted that as he now recollected the Selection Lists were not prepared from the consolidated merit list of the candidates in descending order of merit or any categorywise Lists as referred to by him earlier. He further admitted that he did not know whether the consolidated list in descending order of merit and categorywise lists separately for the posts of SRA/JRA in descending order of merit were prepared on the last day of interviews i.e. 25.6.2005 in the meeting of the Selection Committee.

**1309)** Turning now to the affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.11.2007 (Ex.598), he had given in paras 30 to 35 thereof a different version about entering the marks for academic performance and the marks for interview in the data-sheet i.e. the Mark-Sheet Ex.34(O)-A and he had stuck to the said version as is clear from para 12 of his subsequent affidavit dated 15.03.2008 (Ex.695). The said version is referred to in detail in paras 1369 to 1372 of the Enquiry Report under the topic about "Preparation of Mark-Sheet of all the candidates". He stated in para 30 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that the additional charts in the proforma Ex.434-A which were with Dr.V.D. Patil, the Chairman of the Selection Committee, and in which the marks given by him and each member of the Selection Committee to the candidates appearing for interview on each day, total marks obtained by them from the Chairman and all the members of the

Selection Committee, and the average of the said marks were entered, were not handed over in his office after the interviews were over on each day or on the last day i.e 25.6.2005. Be that as it may, the fact remains that Dr. V.D. Patil, the Chairman of the Selection Committee, with whom the said charts remained, categorically stated that the said charts were destroyed, whether by he himself or by Shri D.P. Deshmukh, Section Assistant (Estt.) as stated by him, or by anybody else is immaterial. At any rate, when the University, was specifically asked to produce the sheets of the marks supplied to the Chairman and the members of the Selection Committee, on each day and in which they had given marks to the candidates for their performance in their interviews, and the consolidated statement of marks for interview out of 60 prepared from the above sheets, the reply given by it in its affidavit dated 20.8.2007 (Ex.100) was that the office of the Registrar, had received only final Mark-sheets which were produced in this enquiry on 18.7.2007 i.e. the Mark-Sheets, separate for the posts of SRA (Agri.) and JRA (Agri.) incorporated in the file relating to the proceedings of the meeting of the Selection Committee Ex. 34(O) and marked as Ex.34(O)-A in this enquiry as clarified by Shri D.P. Deshmukh, Section Assistant (Estt.), in para 57 of his affidavit dated 15.11.2007 (Ex. 598).

**1310)** Dr. N. D. Pawar, and Dr. G.N. Dake, both outside members of the Selection Committee, had, however, given different versions about the procedure followed by them after the interviews of the candidates were over on each day of interview. Dr.N. D. Pawar, stated in para 14 of his affidavit dated 1.11.2007 (Ex.590) that after the interviews were over on each day, the Chairman and each member of the Selection Committee put in the envelopes their charts in the proforma Ex.434-A in which they had separately given marks to the candidates for their interviews on that date alongwith the charts Ex.45(O) relating to the particulars of the candidates appearing for interview on that day and the said envelopes were then sealed and were kept on each day in the almirah in the room where the interviews were conducted. According to him, on the last day of interview i.e. 25.6.2005, after the interviews fixed on that date were over, the marks for interview given by the Chairman and each member of the Selection Committee to each candidate on each day of interview in separate-sheets i.e. the charts in the proforma Ex.434-A supplied to them were consolidated and written down in one sheet i.e. the additional chart in the proforma Ex.434-A. He further stated that the total of the marks given to each candidate by the Chairman and each member of the Selection Committee was then made and written on that date i.e. 25.6.2005 in the column provided for it in the aforesaid consolidated sheet i.e. the additional chart in the proforma Ex.434-A. According to him, the Chairman of the Selection Committee, Dr.V.D. Patil, kept with himself the said consolidated sheet in which the marks given to each candidate by him and each member of the Selection Committee were written and their total made.

**1311)** Dr.N.D. Pawar, outside Member of the Selection Committee then stated in para 26 of his aforesaid affidavit that on the last day of interview i.e. 25.6.2005 after the marks given by the Chairman and each member of the Selection Committee to each candidate in the charts in the proforma Ex.434-A supplied to them on each day of interview were consolidated and written down in the separate sheet i.e. the additional chart in the proforma Ex.434-A which was with the Chairman of the Selection Committee, the aforesaid separate sheets in which the Chairman and each member of the Selection Committee had separately given marks to each candidate on each day of interview, were destroyed and the additional chart in which the said marks given by them were consolidated and written down remained with the Chairman of the Selection Committee. He further stated that he did not know what happened to the said consolidated chart which was with the Chairman of the Selection Committee. He however categorically stated in para 15 of his affidavit dated 01.11.2007 (Ex. 590) that no meeting of the Selection Committee was called for calculating the average of the marks given by them to each candidate. Dr.G.N. Dake, another outside member of the Selection Committee, stated in para 6 of his affidavit dated 23.11.2007 that after the interviews of all the candidates were over on each day of interview, they would put in the envelop the chart in which they had given marks for performance of each candidate in his interview on that day and handed it over to the Registrar, the member Secretary of the Selection Committee. However, according to him, he did not know what further action was taken by him in that regard.

**1312)** As regards the local members of the Selection Committee, Dr. B.N. Dahatonde, stated in para 11 of his affidavit dated 10.12.2007 (Ex.636) that after the interviews were over on each day of interview including the last day i.e. 25.6.2005, they handed over to the Chairman of the Selection Committee, the chart in the proforma (Ex.434-A) in which they had given the marks to the candidates for their interviews alongwith the chart Ex.45(O) relating to particulars of the candidates appearing for interview on that day and that the meeting of the Selection Committee was thereafter over and he returned home. Similarly, Dr. N. D. Jogdande, its another local member also stated in para 7 of his affidavit dated 5.11.2007 (Ex.596) that after the interviews were over on each day, they handed over to the Registrar i.e. the Member Secretary of the Selection Committee the chart in the proforma Ex.434-A in which they had given marks for interviews of the candidates and he did not know what the Registrar did after collecting all such charts from them. According to him, on the last day of interview also i.e. 25.6.2005, after they handed over to the Registrar, the said charts, the meeting was over and nothing was done in their presence on that day. Their affidavits would show that they did not know whether there was an additional chart in the proforma Ex.434-A with the Chairman of the Selection Committee, much less about recording therein the marks for interview given by him and each member of the Selection Committee to each candidate, the total of the marks for interview received by him from

them and its average, and also about the destruction of the charts supplied to them and the aforesaid additional charts with the Chairman of the Selection Committee.

**1313)** It would thus appear from the above referred affidavits of the three Members of the Selection Committee viz. Dr.G.N. Dake, Dr.B.N. Dahatonde, and Dr.N.D. Jogdande, that they did not know any thing as to what happened to the marks awarded by them to the candidates for their interviews after they handed over their charts in the proforma Ex. 434-A to the Chairman / Registrar i.e. the Member Secretary of the Selection Committee. According to Dr.N.D. Pawar, outside member of the Selection Committee, the marks for interviews given to each candidate by the Chairman and each member of the Selection Committee on each day of interview, and their total were consolidated and written down in separate sheet i.e. the chart in the proforma Ex. 434-A on the last day of interview i.e. 25.6.2005 and the said chart remained with the Chairman of the Selection Committee but he also did not know what happened to the said consolidated chart which was with him. It is pertinent to see that he did not state in his aforesaid affidavit that the average of the marks given by the Chairman and the members of the Selection Committee was worked out and was entered in the separate sheet i.e. the chart in the proforma Ex. 434-A which remained with the Chairman of the Selection Committee. However, according to him no meeting of the Selection Committee was called for calculating the average of the marks given by them to each candidate.

**1314)** Perusal of the affidavit of Dr. E. R. Patil, would show that it is most confusing and he appears to be over enthusiastic in trying to justify the selection process by initially stating that on the last day of interview i.e. 25.6.2005 the consolidated list of all the candidates for both the posts of SRA and JRA in descending order of merit and also the categorywise lists separate for the posts of SRA and JRA in descending order of merit were prepared in the meeting of the Selection Committee but ultimately admitted in para 33 of his aforesaid affidavit that he did not know whether such lists were prepared in the meeting of the Selection Committee on the last day of interview i.e. 25.6.2005. As regards the affidavits of Dr.V.D. Patil and Dr.Vandan Mohod, referred to above, they would be considered in detail in the subsequent topic “Preparation of Mark-Sheet Ex. 34(O)-A” and “the preparation of Selection Lists”. Suffice it to say that the work of entering the marks for interview in the Mark-Sheet Ex. 34(O)-A was not done in the presence of the above members of the Selection Committee and in the absence of the original sheets i.e. the charts in the proforma Ex. 434-A supplied to the Chairman and each member of the Selection Committee, and the additional charts in the same proforma in which the marks for interview of the candidates were consolidated and written down and which remained with the Chairman of the Selection Committee, the question is whether the marks for interview entered in the consolidated Mark-Sheet for the posts of SRA/JRA in alphabetical order marked as Ex. 112(O) and the categorywise Mark-Sheet Ex. 34(O)-A, separate for the posts

of SRA (Agri.) and JRA (Agri.) reflect the average of the marks for interview awarded to each candidate by the Chairman and the members of the Selection Committee as alleged by Dr.V.D. Patil, Chairman and Dr.Vandan Mohod, Member Secretary of the Selection Committee in paras 47 and 25 of their affidavits dated 25.12.2007 (Ex.645) and 1.12.2007 (Ex.633) respectively.

**b) Average of the interview marks awarded to each candidate by the Chairman and each member of the Selection Committee not considered verified and approved by the Selection Committee.**

**1314-A)** After referring to the affidavits of Dr. N. D. Pawar and Dr. G. N. Dake, both outside members, and Dr.B. N. Dahatonde and Dr. N. D. Jogdande, both local members, of the Selection Committee, in paras 1310 to 1312 of the Enquiry Report, it is stated in para 1313 thereof that Dr. G. N. Dake, Dr. B. N. Dahatonde, and Dr. N. D. Jogdande the Members of the Selection Committee, did not know anything as to what happened to the marks awarded by them to the candidates for their performance in the interview after they handed over to the Chairman or the Registrar/Member Secretary, of the Selection Committee, the charts in which they had given interview marks to the candidates appearing for interview on each day including the last day of interview i.e. 25.06.2005 as the meeting of the Selection Committee was then over and they had left it. They did not thus know anything about the average of the interview marks alleged to be worked out by the Chairman and the Member Secretary of the Selection Committee. It is also stated therein that according to Dr. N. D. Pawar, outside member of the Selection Committee, on the last day of interview i.e. 25.06.2005 the marks for interview given to each candidate on each day of interview by the Chairman and each member of the Selection Committee in the charts in the proforma Ex. 434-A supplied to them were consolidated by Dr. V. D. Patil, the Chairman of the Selection Committee, and the said marks of each candidate and the total of the marks given by them to each candidate were entered by him in the common chart in the proforma Ex. 434-A which chart remained with him. He, however, did not know as to what happened to the said consolidated chart with him. It is however, pertinent to see that he did not state in his affidavit that the average of the interview marks given by them to each candidate was worked out and was entered by him in the said consolidated chart in the proforma Ex. 434-A which was with him. On the contrary he categorically stated in para 15 of his affidavit dated 01.11.2007 (Ex. 590) that no meeting of the Selection Committee was called for calculating the average of the marks given by them to him. Perusal of paras 1303 to 1305 of the Enquiry Report, in which the affidavit of Dr. V. D. Patil, the Chairman of the Selection Committee, is referred to would not also show that the Selection Committee was apprised of the average of the interview marks of each candidate worked out by him with the help of Dr. Vandan Mohod, the Registrar/Member Secretary of the Selection Committee and that it had verified and approved it. In the light of the above affidavits of

the Members of the Selection Committee, it is clear that the Selection Committee had not considered, muchless verified and approved the average of the interview marks in its meeting convened for that purpose. Had the average of the interview marks of each candidate been brought before the Selection Committee and had it been verified and approved by it, there would have been no occasion for any mistake in the said average of interview marks of each candidate, which is the reason given by Dr. V.D. Patil, the Chairman of the Selection Committee in para 4 of his recent affidavit dated 24.6.2009 (Ex. 946) for making changes in the interview and total marks of some candidates as shown in the chart (Annexure 23 of the Enquiry Report) relating to overwriting in the Mark-sheet Ex. 112(O).

**b-1) No transparency in award of marks for interview by the Chairman and each member of the Selection Committee**

**1315)** It is clear from the aforesaid affidavits of the Chairman and the members of the Selection Committee, that the charts in the proforma Ex.434-A supplied to them for giving marks to the candidates on each day of interview were destroyed although there may be some difference in their versions. As regards the additional charts in the proforma Ex.434-A which were with Dr.V.D. Patil, the Chairman of the Selection Committee, and in which the marks for interview given by him and each member of the Selection Committee to each candidate on each day of interview, the total of the marks received by him from them and its average were entered, Dr.V.D. Patil, himself stated in para 43 of his aforesaid affidavit that the said additional charts in the proforma Ex.434-A were destroyed by Shri D.P. Deshmukh, Section Assistant, after he recorded in the final Mark-Sheet Ex. 34(O)-A the average of the marks for interview received by each candidate. Although the version of Shri D.P. Deshmukh, (Section Assistant) is different in this regard it is immaterial because the fact remains that the said additional charts with Dr. V.D. Patil, the Chairman of the Selection Committee were destroyed as stated by Dr. V.D. Patil, himself in para 43 of his aforesaid affidavit according to whom there was practice in the University to keep only the Final Mark-Sheet in which the marks for academic performance and interview of each candidate were entered and destroy all other documents on which they were based. From the affidavit dated 20.8.2007 (Ex.100), filed by the University, it is clear that it did not receive the sheets/charts in which the marks for interview were given separately by the Chairman and each member of the Selection Committee to each candidate on each day of interview and also the consolidated statement of marks for interview out of 60 prepared on the basis of the above sheets but what its Registrar's office received from the Selection Committee was the final Mark-Sheet filed by it in this enquiry on 18.7.2007 i.e. Ex.34(O)-A which would show that the said sheets/charts including the consolidated sheet/ chart which contained the marks for interview given by the Chairman and each member of the



Selection Committee were destroyed as stated by Dr. V.D. Patil, the Chairman of the Selection Committee in paras 42 and 43 of his affidavit dated 25.12.2007 (Ex. 645).

**1316)** There was thus no material to verify whether the marks for interview entered in the consolidated alphabetical Mark-Sheet Ex. 112(O) and the categorywise Mark-Sheet Ex. 34(O)-A against the name of each candidate were the average of the marks actually given by the Chairman and each member of the Selection Committee to each candidate appearing for interview for the posts of SRA (Agri.) and JRA (Agri.) because of which there is reason to believe that the marks for interview were manipulated by giving the favoured candidates higher marks in their interviews with a view to select them although they received low marks in their academic performance and vice-versa by giving low marks in their interview to the candidates who received very high marks in their academic performance, so that they should not compete with the favoured candidates as shown hereinafter under the topic “Manipulation of marks for interview by making changes even by erasing the marks of some candidates originally shown against their names” in the consolidated Mark-Sheet Ex.112(O) and also the categorywise Mark-Sheet Ex. 34(O)-A subsequent vide paras 1323 to 1336 of the Enquiry Report. As discussed in the above topic, and also the topic relating to changes made in the interview marks in the consolidated Mark-Sheet Ex. 112(O) and categorywise Mark-Sheet Ex. 34(O)-A, vide subsequent paras 1341 to 1356 of the Enquiry Report, perusal of the categorywise Mark-Sheet Ex. 34(O)-A itself would show that in case of some candidates the marks originally shown in the said Mark-Sheet Ex.34(O)-A were changed by applying white ink and there were also changes made in the marks originally shown against the names of some candidates in the consolidated Mark-Sheet for both the posts of SRA/JRA in the alphabetical order Ex.112(O) in which the marks were entered in pencil. The said changes made in the marks in both the Mark-sheets Ex. 112(O) and Ex. 34(O)-A supported the allegations that the marks shown in both the above Mark-sheets and in particular the Mark-Sheet Ex.34(O)-A were given arbitrarily, were not the average of the marks received by the candidates from the Chairman and the Members of the Selection Committee, and that there was manipulation in interview marks as stated above with a view to select the favoured candidates.

**1317)** As the original charts in the proforma Ex.434-A in which the marks were awarded by the Chairman and each member of the Selection Committee to the candidates for their interviews and even the additional charts which were with Dr.V.D. Patil, the Chairman of the Selection Committee, in which also the said marks were recorded were destroyed, there was no material in the University on the basis of which the members of the Selection Committee could verify the correctness or otherwise of the marks for interview shown in the final Mark-Sheet Ex.34 (O)-A before signing it particularly when the Mark-Sheet Ex. 34(O)-A was not placed in the meeting of the Selection Committee and was not prepared by it, as would be shown in the topic relating to “Preparation of the Mark-Sheet Ex. 34(O)-

A”. In the absence of the original sheets i.e. the charts in the proforma Ex.434-A or the consolidated sheet in the said proforma in which the marks given by the Chairman and each member of the Selection Committee were recorded it was not possible for the appointing authority or any higher authority including judicial or quasi judicial authority in appeal or other proceedings to verify the marks for interview of the candidates shown against their names in the Mark-Sheet Ex. 34(O)-A if and when the Selections were challenged before it. There was thus no transparency in the award of marks to the candidates for their interviews which were therefore, open to the charge of arbitrariness and lack of bonafides particularly when there was material to show that there was manipulation of the marks with a view to select the favoured candidates by giving them higher marks in interview although they received low marks in their academic performance and vice-versa giving low marks in their interviews to the candidates who had high marks in academic performance with a view not to select them (vide subsequent paras 1323 to 1336 of the Enquiry Report). Even otherwise there were changes made in the marks of the candidates with a view to select them as shown in subsequent paras 1341 to 1356 of the Enquiry Report.

**b-2) Entire record of Viva-voce test conducted by the Selection Committee needed to be maintained by it**

**1318)** The Supreme Court held in para 19 of its judgment in Atul Khullar and others –Vs- State of J.K. AIR 1986 S.C.1224 that the record of viva-voce test must be maintained by the Selection Committee and it should not be destroyed immediately. It further observed that the Selection Committee conducting Viva-Voce test should maintain the entire record including the original work-sheets on which the marks have been recorded by each member separately for a minimum period of one year after the viva-voce examination is over, and failure to do so can strengthen an allegation of malafides against the Selection Committee. In this case the original charts in which the marks were given by the Chairman and the Members of the Selection Committee were immediately destroyed upon the specious plea that there was practice in the University to maintain only the final Mark-Sheet in which the marks of the candidates for academic performance and interview were written and the other documents on which the said marks were based such as the charts referred to above were all destroyed, as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 43 of his affidavit dated 25.12.2007 (Ex.645).

**1319)** As regards the question of maintenance of record of the proceedings of the Selection Committee, it may be seen that the University has issued circular dated 21.1.1985 (Ex.806) in which the rules for classification, preservation and destruction of record in the University are given. As per rule-1 all the record in the University is classified into categories A, B, C, C-1 and D. Perusal of S.no.17 of Schedule-I to the said rules is about “Work-sheet” which is classified as Class-C document and according to rule-1, it has to be preserved for 10 years. As regards the question of holding interviews by the Selection

Committee, the charts in which the Chairman and the Members of the Selection Committee had given marks to the candidates for their interviews are work-sheets so far as the work of the Selection Committee of taking interviews of the candidates is concerned, as described even in the judgment of the Supreme Court cited supra. The said work-sheets, therefore, as per the above rule, needed to be preserved for 10 years and in the meanwhile if any proceedings were to start in judicial or quasi-judicial forum about the selection and appointment of the candidates, the said work-sheets had to be maintained till the final disposal of the cases in such forum. The plea that there was practice in the University to maintain only the final Mark-sheet in which the marks of the candidates for academic performance and interview were written and to destroy all other documents on which they were based cannot be countenanced in the face of the above rule in the University.

**1319-A)** It is necessary to see that the record of the proceedings of the Selection Committee including all the original papers upon which the Selection is based has to be preserved for 10 years in accordance with rule-1 referred to above and even otherwise for some reasonable period, vide the judgment of the Supreme Court cited supra. The said record has to be maintained by the Registrar who is its Member Secretary as per the provisions of Section 19 (2) of the University Act. As there are no rules framed under Statute 76 (6) (a) of the Statutes for keeping of the record and proceedings of the meeting of the Selection Committee, the general provision regarding the meetings of the bodies and committees of the University made in Statute-29 which makes the Secretary of the Committee responsible for maintaining its proceedings would be applicable for maintaining the record of the meetings of the Selection Committee. Even under section 19 (2) of the University Act itself, the Registrar is responsible for due custody of the record of the University. In this regard, it may be seen that as per the version given by Dr. Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, in para 17 of his affidavit dated 1.12.2007 (Ex.633), the additional chart which was with the Chairman and in which the marks given by him and each member of the Selection Committee, the total of the marks received by each candidate from them and their average, were entered were handed over either on the same day or on the next day of interview in the morning to the officers of the Registrar's office i.e. Deputy Registrar ( Estt.), Assistant Registrar (Estt.), or Assistant Section Officer (Estt.) who were dealing with and maintaining the record of the posts of SRA/JRA which version is different from what Dr. V.D. Patil, the Chairman of the Selection Committee, stated about it in para 42 of his affidavit dated 25.12.2007 (Ex.645) according to which he kept such additional charts with him till the last day of interviews (see para 1305 of the Enquiry Report).

**1320)** Dr. Vandan Mohod, admitted in para 18 of his aforesaid affidavit that he as Registrar, was responsible for due custody of the record under section 19 (2) of the University Act and even otherwise, as Member Secretary of the Selection Committee, it

was his duty to keep with him all the relevant records and proceedings of the Selection Committee till the selection process was complete so as to maintain its confidentiality. He further admitted that handing over of the additional chart to the above referred officers of the University breached the confidential nature of the Selection process although he also stated that as per the practice in the University, the said record was kept with ASO (Estt.) and therefore he had not brought to the notice of the Chairman of the Selection Committee that either he should keep the record with him or it should be handed over to him to keep it with him as Member Secretary of the Selection Committee or even as Registrar of the University. If the above version is true, it would show how casually and irresponsibly the University treated the Selection process making it open to manipulation or being tampered with.

**b-3) No verification of marks could be done in the absence of the aforesaid record of the Selection Committee**

**1321)** As stated in para 1314 of the Enquiry Report, the question to be considered is whether the marks for interview entered in the consolidated Mark-Sheet for these posts of SRA (Agri.)/JRA (Agri.) in alphabetical order Ex.112(O) and the categorywise-Mark-Sheet Ex.34(O)-A separate for the said posts reflect the average of the marks for interview awarded to each candidate by the Chairman and the Members of the Selection Committee as alleged by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, in paras 41 and 16 of their affidavits dated 25.12.2007 (Ex.645) and dated 1.12.2007 (Ex.633) respectively. As pointed out hereinbefore in the topic “No transparency in award of marks for interview by the Chairman and each Member of the Selection Committee”, if the charts in the proforma Ex.434-A supplied to the Chairman and each Member of the Selection Committee on each day of interview in which they had recorded the marks for interview given by them to each candidate appearing for interview on that day and the additional charts in the same proforma Ex.434-A supplied on each day of interview to the Chairman of the Selection Committee in which he had recorded the marks for interview given by him and each Member of the Selection Committee to each candidate, the total of their marks awarded to each candidate, and their average on each day of interview including the last day i.e. 25.6.2005 were destroyed as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in paras 41 and 43 of his affidavit dated 25.12.2007 (Ex.645), then in the absence of the said charts in which the interview marks were recorded, it is not possible for the appointing authority or any other higher authority including judicial or quasi-judicial authority to verify the correctness of the interview marks shown against the name of each candidate in the consolidated Mark-Sheet Ex.112 (O) and the categorywise Mark-Sheet Ex.34(O)-A i.e. to find out whether they reflect the average of the marks given to them by the Chairman and the Members of the Selection Committee as alleged by Dr.V.D. Patil, the

Chairman and Dr.Vandan Mohod, the Member Secretary of the Selection Committee, particularly when there is material to show that the interview and consequently the total marks were manipulated and / or changed vide subsequent topics relating to the same.

**1322)** As regards the question of verification of the Mark-Sheet Ex. 34(O)-A by the Members of the Selection Committee it is material to see that Dr. G.N. Dake, outside member of the Selection Committee, stated in para 13 of his affidavit dated 23.11.2007 (Ex.600) that he would not be able to say anything about the veracity of the said Mark-Sheet Ex. 34(O)-A and the Selection Lists since they were not prepared after consulting him or in the meeting of the Selection Committee properly convened for that purpose as required by law and also as per usual practice. He stated in para 8 of his aforesaid affidavit that at the time the said Mark-Sheet and the Selection Lists were shown to him in Rahuri, he had cursorily gone through them and pointed out to them that Dr. Dhole, one of the candidates for the posts of SRA/JRA was a meritorious candidate and he had fared very well in his interview. According to him, he had therefore, asked them why his name was not included in the Selection Lists. He further stated that Dr. Dhole was a deserving candidate was clear from the fact that he thereafter applied for the post of Associate Scientist in BARC and was selected in the said post. He also stated that he knew about him as he had done his Ph.D. from MPKV, Rahuri. However, according to him, because of their persuasion and since they were Chairman and the Member Secretary of the Selection Committee and as such very much responsible for selection of proper candidates in their University, he had put his signature on each page of the Selection Lists in the file relating Ex. 34(O) for which he was very much reluctant. Further, according to him, as stated by him in para 14 of his aforesaid affidavit the whole procedure of taking the signatures merely upon the Mark-Sheet and Selection Lists was illegal and improper. Had the additional documents verified by the Assistant Professors/ Associate Professor been retained and were available, and had the charts in the proforma Ex. 434-A in which the Chairman and each member of the Selection Committee had given marks for interview to each candidate and also the additional charts with the Chairman of the Selection Committee in which such marks for interview were recorded not been destroyed, there would have been material available to the members of the Selection Committee or any other appropriate authority to verify the marks given to the candidates for academic performance as well as for their interviews recorded in the said Mark-sheet Ex. 34(O)-A.

**1322-A)** Perusal of para 13 of the affidavit of Dr.B.N. Dahatonde, dated 10.12.2007 (Ex.636) in this regard would show that 15 days after the last date of interview i.e. 25.6.2005 he was called by the Chairman of the Selection Committee to see the Mark-Sheet Ex. 34(O)-A and the Selection Lists in the file Ex.34(O) and then sign the same. According to him, since it was not possible to scrutinize the whole Mark-Sheet and the Selection Lists referred to above, he just had a glance over the said documents and thereafter signed them

but had not carefully seen the said Mark-Sheet and as regards the Selection Lists he had read the names of the candidates who were selected but had not tried to see any deficiencies in their selection. Although Dr. N.D. Pawar, stated in para 27 of his affidavit dated 1.11.2007 (Ex.590) that he had verified the said Mark-Sheet Ex.34(O)-A before signing it, he can not be believed in this regard because it is difficult to see how he could verify such a lengthy. Mark-Sheet consisting of 1335 candidates for both the posts besides 7 YCMOU candidates for the post of JRA (Agri.) in the absence of the relevant charts in which he and the other members of the Selection Committee had given marks for interview as referred to above. In this regard, it is pertinent to see that he himself admitted that there were discrepancies/ mistakes in the said Mark-Sheet Ex.34(O)-A which were brought to his notice in this enquiry as contained in paras 28 to 34 of his aforesaid affidavit. Had he really and / or properly verified the said Mark-Sheet Ex. 34(O)-A he would have noticed the said discrepancies / mistakes therein.

c) **Manipulation of marks for interview by making changes even by erasing the marks of some candidates originally shown against their names in the consolidated Mark-Sheet Ex. 112 (O) and also the categorywise Mark-Sheet Ex. 34(O)-A**

**1323)** Careful scrutiny of the marks for interview awarded to the candidates who appeared for interview of the posts of SRA / JRA would show that the said marks are manipulated with a view to select favoured candidates by giving them higher marks in interview although they had low marks in their academic performance and the manipulation was also done for not selecting the candidates who had received very high marks in their academic performance by giving them low marks in interview. As already held, in the absence of the aforesaid record of the Selection Committee particularly the original sheets in which the marks were given for interview to each candidate by the Chairman and each member of the Selection Committee, it cannot be said that they reflect the marks for interview given by them.

**1324)** A chart of the candidates selected for the posts of SRA/JRA who had received low marks in academic performance but were awarded very high marks in interview is enclosed with this Enquiry Report as **Annexure-43**. Perusal of the said chart (Annexure-43 of the Enquiry Report) would show that it contains the names of 37 selected candidates who received low marks for academic performance i.e. between 5 to 15 out of 40 but received high marks for interview i.e. between 35 to 59 out of 60 i.e. more than 50%. There are amongst them 9 candidates who received 50 marks or more in their interview out of 60. The cases of Ghadge Ramesh M. at serial no.11 and Ku. Jagtap Amrapali P at serial no. 15 of the said chart (Annexure-43 of the Enquiry Report) are worth noticing and would highlight the extent of manipulation done in selection in these posts. Ghadge Ramesh M. who had applied for both the posts of SRA (Agri.) and JRA (Agri.) in open category was

selected in the post of JRA (Agri.) Open category. He is shown to have received 9 marks in academic performance out of 40 and 59 marks ( only 1 less) out of 60 in his interview at S. No. 189 in the Mark-sheet Ex.34(O)-A for the post of JRA (Agri.) open category. He is, however, shown to have received 50 marks for interview at Sr. No. 123 in the Marksheet Ex.34 (O)-A for the post of SRA (Agri.) open category by applying whitener and by making change in his interview marks for which reason given is that there was mistake in showing him 59 marks for interview. There is no such correction made in his marks for interview shown at S. No. 189 in the Mark-Sheet Ex. 34(O)-A for the post of JRA (Agri.) open category in which he is selected. What is important is that even in the Selection List of JRA Open Category the reference to the marks received by him is to serial no.189 in the Mark-Sheet of JRA (Agri.) open category in the column “Serial No. as per annexure” which refers to the said Mark-Sheet Ex. 34(O)-A of JRA (Agri.) open category. Similarly, in the original consolidated alphabetical Mark-Sheet Ex. 112 (O) at serial no. 419, the mark shown against his name are 59 marks for interview and total 68 in which also no further correction is made. Close scrutiny with the magnifying glass or even without it would show that initially the interview marks shown against his name at Sr. No. 419 in the said Mark-Sheet Ex. 112 (O) were 50 and total 59 which were changed/ increased to 59 and 68 respectively from which it would appear that the intention at that time was to select him in the post of SRA (Agri.). If awarding him 50 marks for interview was correct there was no reason for increasing the same to 59 in the consolidated Mark-Sheet Ex. 112 (O) from which the final Mark-Sheet Ex. 34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) was prepared. Even the University itself has shown his interview and total marks as 59 and 68 at serial no. 24 in the Selection List for the post of JRA (Agri.) open category which it filed alongwith other categorywise Selection Lists of the posts of SRA (Agri.) and JRA (Agri.) at the time of commencement of this enquiry with its affidavit dated 18.7.2007 showing interalia their Bio-data and interview marks marked as Ex. 25 in this enquiry.

**1324-A)** Ku. Jagtap Amrapali P. at serial no. 15 in the said chart (Annexure-43 of the Enquiry Report) selected in the posts of SRA (Agri.) open category received 10 marks for academic performance out of 40 but received as many as 54 marks out of 60 for her interview. It is pertinent to see that her name is at S.no.32 in the “List of some favoured candidates” (Annexure No.49 of the Enquiry Report) prepared by this office from the consolidated Mark-Sheet Ex.112(O) whose marks about their interviews and total marks were in the handwriting of Dr.V.D. Patil, the Chairman of the Selection Committee, himself although admittedly the entries in the consolidated Mark-Sheet Ex.112 (O) are admittedly made by Shri D.P.Deshmukh, Section Assistant (Estt.) to whom the marks about the interviews of the candidates were dictated by Dr.V.D. Patil, the Chairman of the Selection Committee from the additional chart in the proforma Ex-434-A with him. All the 45 candidates in the said List are selected in the posts of SRA (Agri.), vide para 42 read with

para 47 of the affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee and para 2 of the affidavit of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 22.6.2009 (Ex.945). The topic about these 45 candidates selected in the posts of SRA (Agri.) is considered in paras 1337 to 1340 of the Enquiry Report under the head “List of some favoured candidates ready”.

**1325)** Separate charts of the candidates who were not selected for both the posts of SRA (Agri.) and JRA (Agri.) because they were awarded very low marks in interview although they had very good marks in academic performance are enclosed with this Enquiry Report as Annexures-44 and 45. Perusal of separate charts (Annexures-44 and 45 of the Enquiry Report) about the candidates not selected for the posts of SRA (Agri.) and JRA (Agri.) would show that they include the names of the candidates who received 20 marks or more out of 40 in their academic performance i.e. 50% or more. As regards the chart (Annexure-44 of the Enquiry Report) about SRA (Agri.), 19 candidates received 30 marks or more out of 40 in their academic performance, M.W. Marawar ( Sr. No.1) receiving the highest marks i.e. 37 out of 40. In the chart about JRA (Agri.) (Annexure-45 of the Enquiry Report) there are 14 candidates receiving 30 marks or more out of 40, the three candidates at sr.nos. 1,2, and 3 viz. Gite Bharat D., Lambe Sandip P., Kulkarni Upendra S. receiving highest marks i.e. 35 out of 40. In fact, the total marks of Shri Gite Bharat D. for academic performance should have been calculated as 38 out of 40 in which case he would have been the candidate receiving highest number of marks for academic performance in both the aforesaid charts of non-selected candidates relating to the posts of SRA (Agri.) and JRA (Agri.) (Annexures-44 and 45 of the Enquiry Report) In this regard, it may be seen that as admitted in their affidavits by Dr. K.B. Kale, Associate Professor, and Dr.A.P. Karunakaran and Dr. Anita B. Chore, both Assistant Professors who verified and awarded him marks for his research papers / popular articles and for significant contribution made by him, and also as is clear from the chart Ex.38(O) itself, titled “Marks for thesis/publication”, in which the marks were awarded by them, 3 marks awarded to him for “significant contribution” were through mistake or oversight, not taken into calculation in showing in the said Chart Ex.38(O) the total marks awarded to him by them.

**1326)** Perusal of the above charts (Annexures-44 and 45 of the Enquiry Report) regarding non-selected candidates for both the posts of SRA (Agri.) and JRA (Agri.) which contained the names of as many as 100 and 78 candidates respectively would show that the marks for interview which they were given were such that the total marks which they received were mostly around 40 out of 100 i.e. between 37 to 45 so that they should not compete with the candidates who were to be selected. In this regard, it is interesting to see that perusal of the charts (Annexures-44 and 45 of the Enquiry Report) of the non-selected candidates in the posts of SRA (Agri.) and JRA (Agri.) would show that even amongst the non-selected candidates the lesser the marks for academic performance the more were the



marks awarded for interview so as to keep their marks around 40 which would show that although, the said candidates could compete with the candidates who were selected they were, by design, kept out of competition by keeping their total marks around 40. For instance three candidates viz. Kulkarni Upendra S., Laharia Gajanan S. and Lambe Sandip P. received for interview 5 marks out of 60, although they received 35 marks each for academic performance out of 40, so that the total marks they received were 40. However, by way of exception only two candidates have more marks which cannot be said as marks around 40 but they could not also find place in the Selection List. The names of the said candidates are Khatod Jitendra P. and Dhole Vinod J. who applied only in open category in both the posts of SRA (Agri.) and JRA (Agri.). In the charts of the non-selected candidates in the posts of SRA (Agri.) and JRA (Agri.) (Annexures-44 and 45 of the Enquiry Report), the name of Khatod Jitendra P. is at serial no.44, and 28 respectively and the name of Dhote Vinod J. is at serial nos. 89 and 66 respectively. Khatod Jitendra P. is shown to have received total 52 marks and Dhole Vinod J., 53 marks for both the posts. However, since the last candidate in the post of SRA (Agri.) open category received 64 marks and JRA (Agri.) open category 54 marks, they could not find place in the Selection Lists of the said posts.

**1327)** The following three cases in the said charts (Annexures-44 and 45 of the Enquiry Report), need to be noticed. They are :

i) Bhongle Santosh A., Serial nos. 66 and 47 in both the respective charts of the non-selected candidates in the posts of SRA (Agri.) and JRA (Agri.) OBC category (Annexures-44 and 45 of the Enquiry Report).

(ii) Lande Gajanan K., Sr. No.71 and

(iii) Mahatale Pravin V., Sr. No.39

in the chart of non-selected candidates in the post of JRA (Agri. ) OBC category (Annexure 45 of the Enquiry Report).

Both the above candidates were shown to have received 49 total marks in the above chart (Annexure-45 of the Enquiry Report). Lande Gajanan K. was shown to have received 20 marks in academic performance and 29 marks in interview, and Mahatale Pravin V., was shown to have received 22 marks in academic performance and 27 marks in interview.

The cases of all the above three candidates are discussed in detail in the subsequent topic about “Changes made in the consolidated alphabetical Mark-Sheet Ex. 112(O) and the categorywise Mark-Sheet Ex. 34(O)-A by overwriting in the original marks awarded to some candidates for their interviews and consequently changes also made in the total marks awarded to them”. Suffice it to say that originally their total marks were also around 40, but it appears that after the Mark-Sheet Ex.112(O) was prepared, their marks for interview

were increased and consequently their total marks, by erasing the original marks and by overwriting in the Mark-Sheet Ex. 112(O). Bhongle Santosh A., thus received total marks 51.2 which were higher than the total marks 51 received by the last three candidates in the Selection List of the post of JRA (Agri.) OBC category. He should have therefore, been selected for the post of JRA (Agri.) OBC category. As regards Lande Gajanan K. and Mahatale Pravin V. even though their total marks were raised to 49 they could not still find place in the Selection List of JRA (Agri.) OBC category, the last candidate therein having received 51 marks.

**1328)** A separate chart of 33 Ph.D. candidates who were not selected in these posts of SRA/JRA out of whom the candidates at serial nos. 2, 11, 12, 19, 26, 28, 30, and 31 had only submitted their thesis for Ph.D. degree with their marks for academic performance, interview marks, and total marks is enclosed with this Enquiry Report as **Annexure-46** to show how they were not selected for the posts of SRA/JRA by awarding them poor marks in their interview although they had very high marks in academic performance. Perusal of the said chart (Annexure 46 of the Enquiry Report) would show that the interview marks given to them were such that their total marks were around 40 so that they should not compete with the favoured candidates who were to be selected although they had low marks in academic performance. Out of the said 33 Ph.D. candidates, 16 were selected for the higher post of Assistant Professor. A chart of the said 16 candidates selected for the post of A.P. and the remaining 17 Ph.D. candidates who were not selected for the posts of Assistant Professor, SRA or JRA is enclosed with this Enquiry Report as **Annexure-47** showing their bio-data, interview, and total marks. Perusal of the said chart relating to the candidates who were not selected as A.P./ SRA/JRA (Annexure-47 of the Enquiry Report) would show that two candidates viz. Kapse P.S., and Mane P.D. therein who had received as high as 32 marks each in their academic performance out of 40 were awarded only as low as 8 marks each out of 60 in their interviews.

**1329)** In para 6 of the written statement (Ex.85) of Dr.B.G. Bathkal, former Vice-Chancellor of the University and others who also held high academic posts in the University enclosed with the affidavit of Dr.B.S. Phadnaik and Dr.B.S. Chirmurkar, dated 13.8.2007 (Ex.84), it is shown how indiscriminate use of 60 marks for interview is made in selection of the candidates. The said topic is referred to in para 917 of the Enquiry Report. Perusal of para 6.1 of the written statement (Ex.85) of Dr.B.G. Bathkal and others, would show that they criticized the award of interview marks as not just and objective. According to them, analysis of marks of all 1035 candidates for the posts of SRA/JRA, would shockingly reveal that interview marks had inverse relationship with merit. As regards 32 Ph.D. candidates, it is stated in para 6.2 thereof that their list is enclosed as Annexure-3 to their aforesaid affidavit dated 13.8.2007 (Ex.84) marked as Ex. No.88 in this Enquiry. The name of Ph.D. candidate Ambadkar Chandrashekhar is however missing in their list of 32

Ph.D. candidates (Ex. 88). The list of 33 Ph.D. candidates including his name is already annexed to this Enquiry Report as Annexure-46 vide earlier para 1328 of the Enquiry Report. They have worked out the average score of the marks for academic performance, interview, and the total marks out of 100 received by the above Ph.D. candidates. Their average score worked out by them is 29.3 out of 40 for academic performance, 11.3, out of 60 for interview, 40.6 out of 100 in total marks. In terms of percentage their average score for academic performance would be 73.25% whereas their average score for their interview would be 18.83%. However, the average worked out by them does not as much reflect the real picture as is clear from the actual score of Ph.D. candidates because many of them had received more than 30 marks (Marawar M.W. 37 marks) for their academic performance out of 40 but had received as low as 5 marks (Marawar M.W. 7 marks) in their interview.

**1330)** The above petitioners alleged in para 6.3 of their written statement (Ex.85), that out of 177 candidates with only first degree i.e. B.Sc. (Agri.) / B.Tech., who appeared for interviews for the post of JRA, only 5 candidates were selected for the said post of JRA and 172 candidates were not. It is however, pointed out that the average of the marks for interview which these 172 candidates received was 22.7 i.e. almost double the average marks i.e. 11.3 received by the aforesaid non-selected Ph.D. candidates. In para 6.4 of their written statement (Ex.85), the table showing the names of the aforesaid 5 candidates having only first degree i.e. B.Sc. (Agri.) / B.Tech. selected for the post of JRA, their category, 5 marks for their academic performance out of 40, their interview marks out of 60, and their total marks out of 100 is incorporated. Their names are Bhoyar S.S. (Open), Tiwari V.A. (Open), Wankhede V.R.( Open), Ku. Meshram N.V. (S.T.) and Dhongde S.M. (S.T.), who had received as high marks in interview as 49, 50, 50, 45, and 44 respectively out of 60.

**1331)** Para 6.6 of the aforesaid written statement (Ex.85), incorporates a table, showing the averages of the academic marks, interview marks and the total marks of 32 candidates who were Ph.D. or had submitted their thesis for Ph.D. and the candidates not Ph.D. but having Bio-data marks more than 25, between 20 to 24 and between 15 to 19. Perusal of the said table which is enclosed in para 917 (v) of the Enquiry Report, would show that the candidates who were Ph.D. or had submitted the thesis for Ph.D. and/or had more Bio-data marks than 20 had lesser average of marks for interview than the candidates who had received 15 to 19 as Bio-data marks. However, what is material to be seen is that although, 107 candidates with more than 20 marks in academic performance were available as shown at serial nos. 1 to 3 of the aforesaid table in para 6.6 they were not selected but out of 103 candidates shown at serial no.4, having less than 20 marks, 51 candidates were selected as stated by them in the earlier para 6.5 of their written statement Ex.85. They, therefore, stated below the said table in para 6.6 that the evident conclusion was that the interview marks were in inverse proportion to the marks for academic performance of the candidates meaning thereby that the candidates having good Bio-data marks were rejected and the

candidates having low Bio-data marks were selected by manipulation of interview marks i.e. by giving them respectively low or high marks in their interviews.

**1332)** In para 6.7 of the aforesaid written statement (Ex.85) of the above petitioners, two tables are given to show how low merit is favoured even in the list of selected candidates for the post of JRA. The table-A contains the names of the candidates who were Ph.D. or had submitted their thesis for Ph.D. with their Bio-data and interview marks and Table-B contains the names of the candidates who were only graduate or academically poor candidates with their Bio-data and interview marks. The said tables A & B are incorporated in para 917 (vi) of the Enquiry Report. The above tables-A and B incorporated in para 6.7 of the written statement (Ex.85) would substantiate the allegations made by the petitioners therein viz. how low merit candidates were favoured through interview marks (JRA list) as they would clearly show that the interview marks received by graduate / academically poor candidates were very much higher than the interview marks received by Ph.D. / Thesis submitted candidates.

**1333)** Dr.B.G. Bathkal and Others, filed additional written statement (Ex.117) enclosed with the affidavit of Dr.B.S. Fadnaik and Dr.B.S. Chimurkar, dated 23.8.2007 (Ex.116), to which they annexed as Annexure-7 the list of 22 candidates who appeared in interview for the posts of SRA (Agri.) and JRA (Agri.) and were not selected for the said posts but were selected for the higher post of Assistant Professor. The said list (Annexure-7) is marked as Ex.124 in this enquiry. It is also filed with this Enquiry Report as its **Annexure-48**. Perusal of para 936 of the Enquiry Report, would show that the said list of 22 candidates was prepared by them from the remark "A.P" against the names of some of the candidates in the consolidated alphabetical Mark-list Ex.112(O) supplied to Shri N.T. Fokmare. See para 2.2 of the written statement (Ex.117) annexed to the aforesaid affidavit dated 23.8.2007 (Ex.116) referred to in para 936 of the Enquiry Report. As stated in the said para 2.2, the said list/chart of 22 candidates included 12 Ph.D. candidates (Actually 13) and two candidates who had submitted their thesis for Ph.D. and the rest of the candidates in the said list were M.Sc. (Agri.). It is also stated in the said para 2.2 of the written statement (Ex.116) that except 5 candidates whose academic marks were below 25, the academic marks of the other candidates in the said list (Ex.124) varied from 25 to 37 out of 40 but the interview marks were so manipulated that the total marks of the said 22 candidates varied between 37 to 45 so that none of them could qualify for these posts of SRA/JRA.

**1334)** As regards 22 candidates who were selected for the higher post of A.P. but who were given poor marks in their interview for these posts of SRA/JRA and were not therefore selected for them, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 89 of his affidavit dated 25.12.2007 (Ex.645), that although he found that the academic performance of the said 22 candidates in the said list Ex.124 was excellent, they were given very poor marks in their interviews, as a result of which they could not be

selected in the posts of SRA (Agri.) and JRA (Agri.). He admitted therein that he did not think that they would get such poor marks in their interviews for the above posts but, according to him, it appeared that the Selection Committee knew that they were selected in the posts of Assistant Professor and they had therefore deliberately given less marks to exclude them from the Selection lists of SRA (Agri.) and JRA (Agri.). He, however, stated that, according to him, giving poor marks to them in their interviews for the posts of SRA (Agri.) and JRA (Agri.) was not proper. It may also be seen in this regard that giving poor marks to them in their interviews although they were excellent for excluding them from their selection in these posts of SRA (Agri.) and JRA (Agri.) was improper and unjust because if, for any reason, the posts of A.P. were not filled or they were not accommodated in the said posts, they would have been deprived of these posts of SRA (Agri.) and JRA (Agri.) also for no fault of theirs. If they were selected and appointed in these posts of SRA/JRA but had joined the posts of A.P. where they were also selected, the candidates in the waiting list which is ordinarily given in every Selection List could fill up their vacancies in these posts of SRA/JRA. Even otherwise giving poor marks to them for performance in their interviews although they were excellent would reflect adversely upon their service career.

**1335)** Dr. V.D. Patil, the Chairman of the Selection Committee, then stated in para 91 of his aforesaid affidavit that in the chart Ex.88 of 32 Ph.D. candidates, filed by the above petitioners, he found that 15 out of them were appointed in the post of Assistant Professor and 17 were not. He admitted that all the candidates in the aforesaid list of 22 candidates appointed as Assistant Professor (Ex.124) were not Ph.D. but 15 were and 7 were not. As regards 17 candidates in the said list (Ex.88) who were Ph.D. but were not selected for the posts of Assistant Professor, SRA(Agri.) and JRA (Agri.), as well as the non-Ph.D. candidates, who received high marks in their academic performance, the reason he gave for their non-selection in the posts of SRA(Agri.) and JRA (Agri.), was that, their performance in interview was not upto the mark.

**1336)** The above usual reason given by him cannot be accepted because, as shown in earlier paras, not one, not two but many candidates with high marks in academic performance were not selected by giving them lower marks in interview and many candidates receiving low marks in their academic performance were selected by giving them high marks in interview. It is, therefore, clear from the charts prepared by this office referred to hereinbefore and also various tables incorporated in paras 6.2 to 6.6 of the aforesaid written statement (Ex.85) of the above-referred petitioners Dr.B.G. Bathkal and others that a reasonable inference could be drawn from them that high marks fixed for interview i.e. 60 as compared to 40 marks fixed for academic performance could be and were misused to favour low merit candidates and to reject the candidates with high academic merit. The next topic about the changes made by overwriting in original marks

awarded to some candidates for their interviews and consequently the total marks awarded to them by erasing their original marks would also reinforce the above inference of misuse of high marks fixed for interview by favouring the low merit candidates in their selection by giving them higher marks for interview and rejecting the high merit candidates by giving them low marks for interview. As would be shown hereinafter, the interview marks of the candidates for the posts of SRA (Agri.) and JRA (Agri.) shown in the Mark-Sheet Ex. 112(O) and the categorywise Mark-Sheet Ex. 34(O)-A did not reflect the average of the Marks given to them by the Chairman and the members of the Selection Committee for their interviews but contained the marks given in their discretion by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Member Secretary of the Selection Committee who dictated the said marks to Shri D.P. Deshmukh, Section Assistant (Estt.), for entering them in the said Mark-Sheets Ex. 112 (O) and 34(O)-A with a view to select the favoured candidates by giving them higher marks in interview although they had low marks in their academic performance and vice-versa to give low marks in interview to the candidates who had high marks in their academic performance with a view not to select them as shown above.

**c-1) List of some favoured candidates ready**

**1337)** Perusal of all the charts referred to above, would show that all the candidates who were not selected in the posts of SRA/JRA were purposefully given such marks in their interview that they would have total marks around 40 although they had high marks in their academic performance from which an inference could be drawn that there were favoured candidates who were to be selected and therefore the candidates who could compete with them but were not to be selected were given such interview marks which would not bring them in competition with such favoured candidates for their selection. In this regard, careful scrutiny of the consolidated Mark-Sheet Ex. 112 (O) in which there were entries in pencil and which was treated as rough Mark-Sheet by Dr.V.D. Patil, the Chairman of the Selection Committee, some such favoured candidates could be traced.

**1338)** As stated by Dr.V.D. Patil, the Chairman of the Selection Committee in para 46 read with para 47 of his affidavit dated 25.12.2007 (Ex. 645) and as also admitted by Shri D.P. Deshmukh, Section Assistant (Estt.), in para 2 of his recent affidavit dated 22.6.2009 (Ex. 945), the entries about the average the interview marks were made in pencil in the said Mark-Sheet Ex.112 (O) by Shri D.P. Deshmukh, Section Assistant (Estt.), as dictated to him from the Additional chart in the proforma Ex. 434-A with him by Dr.V.D. Patil, the Chairman of the Selection Committee, and / or the Registrar/ its Member Secretary. However, it appeared on close examination of the said Mark-Sheet Ex. 112 (O) that certain entries in pencil about the interview and total marks of some candidates, were not in the hand-writing of Shri D.P. Deshmukh, Section Assistant (Estt.). This office therefore, prepared the list of such candidates whose total number is 45. The said List is annexed as

**Annexure-49** to this Enquiry Report. Perusal of the said list would show that it consists of the candidates of all the categories such as S.C., S.T. etc. and their selection is in the post of SRA (Agri.). They were candidates who received high interview and total marks so that they could be selected in the post of SRA (Agri.). The said List (Annexure-49 of the Enquiry Report) also shows that if the marks of any candidate for his academic performance were low, he was given adequate marks in interview so as to ensure his selection in the said post of SRA (Agri.).

**1339)** As the interview and total marks of the candidates in the aforesaid List (Annexure-49 of the Enquiry Report) written in the consolidated Mark-Sheet Ex. 112 (O) did not appear to be in the hand-writing of Shri D.P. Deshmukh, Section Assistant (Estt.), notice was issued to him for his interrogation, statement and affidavit in this regard. Accordingly, he filed the affidavit dated 22.6.2009 (Ex.945) referred to above. As regards the entries of the candidates in the List (Annexure-49 of the Enquiry Report) referred to above made in pencil in the consolidated Mark-Sheet (Ex.112(O) although, initially, he stated in para 2 of his aforesaid affidavit that all the entries in the said Mark-Sheet Ex. 112 (O) were in his hand-writing after scrutinizing each and every entry in the aforesaid List (Annexure-49 of the Enquiry Report), if necessary with the Magnifying glass, he admitted in para 5 of his aforesaid affidavit that the said entries about the interview and total marks of the candidates in the said list (Annexure-49 of the Enquiry Report) were not in his hand-writing. He further, stated that they were not in the hand-writing of Dr.V.D. Patil, nor the Registrar Dr.Vandan Mohod, and he did not know in whose hand-writing the said entries were. He, however, stated in the said para 5 of his aforesaid affidavit that it appeared to him that a List of Selected candidates in the post of SRA in all the categories such as S.C., S.T. etc. consisting of 45 candidates who had secured high marks in their academic performance, interview and total was made ready.

**1340)** Dr.V.D. Patil, the Chairman of the Selection Committee, was then issued notice for his interrogation, statement and affidavit in this regard. After he was shown the said list of 45 candidates (Annexure-49 of the Enquiry Report) and after he verified the hand-writing in interview and total marks of the candidates in the said list (Annexure-49 of the Enquiry Report) from the Mark-Sheet Ex. 112 (O), he admitted in para 3 of his recent affidavit dated 24.6.2009 (Ex.946) that the said entries were in his hand-writing. He stated that he particularly, found that the horizontal stroke in digit “7” in the said entries was in the style of his writing the said digit. According to him, the said list (Annexure-49 of the Enquiry Report) was of the selected candidates. It is surprising that without there being any list of candidates in descending order of merit, separate for the posts of SRA (Agri.) and JRA (Agri.), in the rough consolidated i.e. common for both the above posts, Mark-Sheet in alphabetical order Ex. 112 (O) itself containing the names of as many as 1335 candidates, for both the said posts, 45 candidates were marked out by him for selection in the post of

SRA (Agri.) by making entries about their interview and total marks in his own handwriting. It would be shown in the topic relating to preparation of Selection Lists that it was a list of favoured candidates. Although it is stated above that the List of the favoured candidates who were to be selected was ready, it would not mean that the said List was exhaustive because there were also other favoured candidates not only in the post of SRA (Agri.) but in the post of JRA (Agri.) also who were selected by manipulation of or by changing their interview marks in the Mark-Sheets Exs. 112(O) and 34(O)-A as shown in the topics relating to them.

**d) Changes made in the consolidated alphabetical Mark-Sheet Ex. 112(O) and the categorywise Mark-Sheet Ex. 34(O)-A by overwriting in the marks awarded to some candidates for their interviews and consequently changes also made in the total marks awarded to them**

**1341)** It is necessary to bear in mind that according to Dr.V.D. Patil, the Chairman of the Selection Committee, as stated by him in para 47 of his affidavit dated 25.12.2007 (Ex.645) there were two data-sheets prepared by the Registrar's office; one was the categorywise Mark-Sheet of the candidates Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) prepared on the basis of the common marks awarded to them for their common interviews of the said posts, and another was consolidated Mark-Sheet of the candidates in alphabetical order for both the posts and in all the categories such as S.C., S.T. etc. prepared at the same time by the Registrar's office marked as Ex.112(O) in this enquiry. According to him, the marks for academic performance and the average marks for interview were first entered in pencil in the said alphabetical Mark-Sheet Ex.112(O) and thereafter from it in the categorywise & postwise Mark-Sheet Ex.34(O)-A.

**1342)** After careful scrutiny of the consolidated alphabetical Mark-Sheet (Ex.112(O)) which is said to be rough Mark-Sheet by Dr.V.D. Patil, in para 48 of his aforesaid affidavit, this office has prepared a chart already enclosed with this Enquiry report as Annexure-23, vide its para 585. It contains the names of 32 candidates whose marks for interview and consequently the total marks were changed by erasing the marks originally shown against their names in the said consolidated alphabetical Mark-Sheet Ex.112 (O). The said chart (Annexure-23 of the Enquiry Report) would show that in case of some candidates, the original marks given to them for their interviews and / or their total marks could be clearly seen with the magnifying glass or even to the naked eye and in case of others the original marks could not be clearly seen as mentioned in the Remarks column of the said chart. Perusal of the said chart (Annexure-23 of the Enquiry Report) would show that out of 32 candidates therein, 8 candidates whose marks for interview were changed but they were not selected for either of the two posts but the rest were. From the above said chart about overwriting in interview and total marks in the Mark-Sheet Ex. 112(O) (Annexure-23 of the Enquiry Report) this office has prepared the chart which contains the names of the



candidates who are either relations of the University officers/employees or recommended by VIP's. The said chart is enclosed with this Enquiry Report as **Annexure-50**. This office has also prepared the chart regarding the overwriting in interview and total marks of the candidates in the Mark-Sheet Ex. 112(O) who received also the benefit of the marks for Ph.D./Ph.D. thesis/RP/PA acquired/submitted/ published after the last date of application. The said chart is enclosed with this Enquiry Report as **Annexure-51**. The candidates in both the charts annexures 50 and 51 are favoured candidates as explained in the explanatory note in para X-1 of the Enquiry Report).

**1343)** Shri D.P. Deshmukh, Section Assistant (Estt.), who admittedly recorded entries in pencil about the marks for academic performance, interview and the total marks of each candidate for both the posts and in all the categories such as S.C., S.T. etc. in the consolidated alphabetical Mark-Sheet Ex. 112 (O) was shown the above chart about overwriting in interview and total marks of some candidates in the Mark-Sheet Ex. 112(O) (Annexure-23 of the Enquiry Report). He verified the overwriting against the interview and total marks of each and every candidate in the said chart with the aid of magnifying glass. He, thereafter, stated in his affidavit dated 22.06.2009 (Ex. No. 945) that the said chart about over-writing in interview and total marks in the Mark-Sheet Ex. 112 (O) was correctly prepared and wherever the original interview and /or total marks i.e. before overwriting were not clear it was so stated in the said chart. According to him, Dr. V.D. Patil, the Chairman of the Selection Committee, had again dictated the interview marks of the above candidates to him. As the original interview marks dictated by him about them had changed, he stated that he erased the original interview marks by using rubber and made entry about the interview marks dictated to him again. Further, according to him, since the interview marks had changed, he had to change the total marks of the above candidates also by erasing earlier total marks. Shri D.P. Deshmukh, Section Assistant (Estt.), who prepared the said Mark-Sheet Ex. 112 (O) had thus verified the correctness of the above chart about over-writing in interview and total marks of some candidates in the Mark-Sheet Ex. 112 (O) (Annexure-23 of the Enquiry Report). Dr. V. D. Patil, the Chairman of the Selection Committee, also admitted the correctness of the said chart about overwriting in interview and total marks of some candidates in the consolidated Mark-Sheet Ex. 112(O), vide para 4 of his recent affidavit dated 24.06.2009 (Ex. 946). As regards the reason for making the changes in interview and total marks of the said candidates in the chart (Annexure-23 of the Enquiry Report), Dr. V. D. Patil, the Chairman of the Selection Committee, stated in para 4 of his recent affidavit dated 24.06.2009 (Ex. 946), referred to above that since the total of the interview marks of the said candidates given by him and the members of the Selection Committee was found wrong when it was checked again the average of the interview marks received by them had changed and hence the changes had to be made in their interview and total marks in the Mark-Sheet (Ex. 112(O))

**1344)** The cases of the candidates whose interview and consequently total marks were raised but who were not selected may first be noticed. The name of Shri Bhongle Santosh A., an OBC candidate, appears at serial no.4 of the said chart about overwriting in the Mark-Sheet Ex. 112(O) (Annexure-23 of the Enquiry Report). The Remarks column in it would show that originally he had received 20 marks for interview and his total was 41.2 but, by overwriting, his interview marks were changed to 30 and his total to 51.2. His name is at S.No. 112 in the alphabetical Mark-Sheet Ex.112 (O) which would show that the above changes in his interview and total marks were made therein by overwriting. His original total marks in the Mark-Sheet Ex. 112 (O) were 41.2 (i.e. around 40) but after the Mark-Sheet Ex. 112(O) was prepared, his interview and total marks were increased as stated above. Since he thus got 0.2 marks more than the last three candidates in the Selection List of JRA ( Agri.) OBC candidates who received total marks 51 each, he should have been selected in the said post in place of any of them in the saidList. His name appears to have been not included in preparing the aforesaid Selection List for the post of JRA(Agri.) OBC category either through oversight or perhaps because his brother Bhongle Sudhir A. was selected in the Selection list of JRA (Agri.) Open Category, or at any rate for reasons better known to those who prepared the said Selection List of JRA (Agri.) OBC category. Dr.V.D. Patil, the Chairman of the Selection Committee, in para 102 of his affidavit dated 25.12.2007 (Ex.645) and Dr.Vandan Mohod, the Registrar/ its Member Secretary, in para 57 of his affidavit dated 1.12.2007 (Ex.633). Dr.E.R. Patil, its senior most member in para 40 of his affidavit dated 16.11.2007 (Ex.599), Dr.N.D. Pawar, outside member of the Selection Committee in para 32 of his affidavit dated 1.11.2007 (Ex.590), and Shri D.P. Deshmukh, Section Assistant (Estt.), who made the entries in the Mark-Sheet Ex. 112 (O) in para 92 of his affidavit dated 15.11.2007 (Ex.598) admitted their mistake in not selecting him in the post of JRA (Agri.) OBC category.

**1345)** As regards the candidates Lande Gajanan K. and Mahatale Pravin V. at serial nos. 14 and 15 of the said chart about overwriting in the Mark-Sheet Ex.112(O) (Annexure-23 of the Enquiry Report), both OBC candidates, their interview marks were raised from 20 each to 29 and 27 respectively making the total of their marks 49 each. The said chart about overwriting in the Mark-Sheet Ex. 112 (O) would show that their serial nos. in the said Mark-Sheet Ex. 112 (O) are 733 and 761 respectively. The Remarks column in the said chart would show that originally the interview marks of Lande Gajanan K. were 20 and total marks 40 and as regards Mahatale Pravin V. his interview marks were 20 but the original total marks awarded to him were not clear although from 22 marks he received for his academic performance, it is clear that his original total marks would be 42. Their original total marks 40 and 42 respectively would show that initially their marks were kept around 40 but after the Mark-Sheet Ex. 112 (O) was prepared, their interview marks were raised to 29 and 27 respectively. As regards Lande Gajanan K., it is clear from serial no.733

of the Mark-Sheet Ex. 112 (O) that the digit “0” was converted into “9” in ink in his interview and total marks so as to show the same as 29 and 49 respectively. In the case of Mahatale Pravin V., it is clear from the serial no. 761 in the Mark-Sheet Ex. 112 (O) that in the original marks for interview and his total marks the digit “0” in interview marks was converted to “7” making his interview marks as “27” ( i.e. 7 more ) and converting the digit “2” to “9” in the total marks making it “49”. It however, appears that although their marks were thus increased, they could not still find place in the Selection List of the said post of JRA (Agri.) OBC category as the last candidate in the said list had received 51 marks.

**1346)** The name of the candidate Hussain Irfan Razak Z. is at serial no.10 in the chart about over-writing in interview and total marks in the Mark-Sheet Ex. 112 (O) (Annexure-23 of the Enquiry Report). It is at serial no.493 in the Mark-Sheet Ex. 112(O) in which the changes were made in his interview and total marks. In the Remarks column of the said chart about overwriting (Annexure-23 of the Enquiry Report), against his name, his original interview marks shown were 20 and total marks 30 on the basis of which he could not have been selected in any post. The said interview and total marks were however, by overwriting, changed / increased to 43 (23 marks more) and 53 respectively at serial no. 493 in the Mark-Sheet Ex. 112 (O). It thus, appears that initially, it was intended to select him in the post of JRA (Agri.) Open category but he could not find place in the Selection List of the said post and category because later on it appears that Wankhade Rajendra S., serial no.29 in the said chart about overwriting (Annexure-23 of the Enquiry Report) was intended to be selected in the said post.

**1347)** Wankhade Rajendra S. had applied for JRA, Open Category, serial no. 609, JRA OBC category serial no.378, SRA OBC category, serial no.313, and SRA Open category, serial no.414 as shown in the said categorywise Mark-Sheet Ex. 34(O)-A. His marks were changed/increased in the categorywise Mark-Sheet Ex. 34(O)-A in JRA (Agri.) Open category, S.No.609, applying white ink to the original interview and total marks therein changing/increasing 23 interview marks to 37 (14 more) and his total marks to 54. In other remaining three categories i.e. in the posts of JRA OBC, Sr. No. 378, SRA OBC Sr. No. 313, and SRA open Sr. No. 414, in the categorywise Mark-Sheet Ex. 34(O)-A, his interview and total marks were shown as 23 and 40 respectively i.e. were not changed although there were common interviews held for both the posts and in all categories such as S.C., S.T. etc. and common marks awarded to the candidates for the same. It is, thereafter, that the change / increase in interview and total marks appears to have been made in the consolidated alphabetical Mark-Sheet Ex. 112 (O) which is common for both the posts and in all the categories. It therefore, appears that since the decision to include the name of Wankhade Rajendra S. in JRA (Agri.) Open category was taken later on, the name of Hussain Irfan Razak Z. could not find place in the Selection List of the said category, as Wankhade Rajendra S. was given one mark more than him for his interview. However, as

per their original total marks which were 30 and 40 respectively it appears that both were not intended to be and could not have been selected in any category in these posts of SRA and JRA.

**1348)** Turning to the cases of the candidates who were selected by changing / increasing their interview and total marks, the name of Joshi Milind Kumar S. is at serial no.12, in the chart about overwriting in the Mark-Sheet Ex. 112 (O) (Annexure-23 of the Enquiry Report). He is selected in the post of JRA (Open). The original interview and total marks entered against his name at s. no. 553 of the Mark-Sheet Ex. 112 (O) were 30 and 40 respectively, vide also the Remarks' column in the above chart (Annexure-23 of the Enquiry Report) by which he would not have been selected in any post in any category. It however, appears that after the said Mark-Sheet Ex. 112 (O) was prepared, it was intended to include him in the Selection list of JRA (Agri.) open category for which his interview marks were increased from 30 to 48 and the total marks to 58. The next name is of Khobragade Hitendra M. at serial no.13 in the chart about overwriting in the Mark-Sheet Ex. 112 (O) ( Annexure-23 of the Enquiry Report). He is selected in the post of JRA S.C. Category. As shown in the Remarks' column, against his name in the said chart, his original interview marks were 30 and although his earlier total marks i.e. before overwriting were not clear, his earlier total marks would be 52 since his original interview marks were 30 and the marks for academic performance were 22. He could not have therefore, been selected in the post of JRA S.C. category in the Selection List of which the last candidate had received 54.2 marks. Therefore, in order to select him, his interview marks were increased from 30 to 34 so that the total marks he received were 56. As regards Tiwari Vijay A. serial no.25 in the said chart about over-writing in the Mark-Sheet Ex. 112 (O) (Annexure-23 of the Enquiry Report) it appears that after the Mark-Sheet Ex. 112 (O) was prepared it was decided to select him in JRA (Open Category) for which his interview marks were changed from 48 to 50 and consequently his total marks were changed from 53 to 55 since the last candidate in the said Selection List of JRA Open category had received 54 marks.

**1349)** There are then cases of the candidates whose interview marks and consequently total marks were reduced although they were still given good marks and were selected. Morey Suhas D. serial no.17 in the said chart about over-writing in the Mark-Sheet Ex. 112 (O) (Annexure-23 of the Enquiry Report) was selected in the post of SRA, S.C. category. The Remarks' column in the said chart (Annexure-23 of the Enquiry Report) would show that his interview marks were reduced from 47 to 45 and the total from 65 to 63. As regards Sonune Bhagwan A. at serial no.25 in the said chart about over-writing in the Mark-Sheet Ex. 112 (O) (Annexure-23 of the Enquiry Report) he was selected in the post of SRA OBC category. His original interview marks were 47 but were reduced to 44 and consequently, his total marks were reduced from 80 to 77. The candidates, Peshettiwar Prashant B., at serial no.22 and Rathod Rajesh R. VJ (A), at serial no. 23 of the said chart about

overwriting in the Mark-Sheet Ex. 112(O) (Annexure-23 of the Enquiry Report) were selected as SRA (Agri.) N.T.B category and SRA (Agri.) VJA category respectively. In the case of Peshettiwar Prashant B., his original interview and total marks were 45 and 76 which were reduced to 32 and 63 respectively. In the case of Rathod Rajesh R. his original interview and total marks were 47 and 76 which were reduced to 33 and 62 respectively. All the above candidates whose marks were reduced viz. Morey Suhas D., Sonune Bhagwan A., Peshettiwar Prashant B. and Rathod Rajesh R. had applied also in the post of SRA (Agri.) Open category. As stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 99 of his affidavit dated 15.12.2007 (Ex.645) if a candidate had applied in more than one category, he would be selected first in open category. The reason for reduction of their interview and thus total marks presumably appears to be that if their total marks were not reduced, they would have found place in the Selection List of SRA (Agri.) open category because of which the favoured open category candidates would have lost their places in the said Selection List of SRA (Agri.) ( Open Category.). As regards Sonune Bhagwan A. who was OBC candidate, he would have topped the Selection List, whether of SRA (Agri.) Open or OBC category.

**1350)** It appears that in the case of Wankhede Bhawna R., S.C. candidate, S. No. 28 in the said chart about overwriting in the Mark-Sheet Ex. 112 (O) (Annexure-23 of the Enquiry Report) her interview and total marks were changed from 40 and 64.4 to 44 and 68.8 respectively in order to ensure her selection and give her higher place in the Selection list of SRA (Agri.) S.C. category candidates but perhaps through mistake she was not shown the higher place in the said list which she should have got on the basis of 68.8 total marks. The genuine mistake appears to be only in regard to the total marks of Bhagat Ganesh J. S. No.3 in the said chart about over-writing in the Mark-Sheet Ex. 112 (O) (Annexure-23 of the Enquiry Report) in which the total was wrongly calculated as 83 which was therefore corrected to 73 by erasing the original total.

**1351)** There were also changes made in the interview and total marks of some candidates in the categorywise Mark-Sheet Ex. 34(O)-A by applying white ink to the earlier marks received by them. A chart prepared by this office of such over-writing in interview and total marks of some candidates in the said Mark-Sheet Ex. 34(O)-A is already annexed to this Enquiry Report as Annexure-21. The said changes in the interview and total marks of some candidates by applying white ink to the same were brought to the notice of Dr. V. D. Patil, the Chairman of the Selection Committee, Dr. Vandan K. Mohod, Registrar/its Member Secretary, Dr. E. R. Patil, its senior most member, Dr. N. D. Pawar, its outside member, and Shri D. P. Deshmukh, Section Assistant (Estt.) vide paras 98 to 104, 53 to 59, 36 to 42, 28 to 34 and 87 to 94, respectively of their affidavits dated 25.12.2007 (Ex. 645), 1.12.2007 (Ex.633), 16.11.2007 (Ex.599), 1.11.2007 (Ex.590) and 15.11.2007 (Ex.598), respectively. However, according to Dr. V. D. Patil, the Chairman, Dr. Vandan K. Mohod, the

Registrar/Member Secretary and Dr. E. R. Patil, Senior-most member, of the Selection Committee, vide paras 105, 60 and 43 of their aforesaid affidavits, there were cases of overwriting in interview marks of the candidates because there were mistakes in the earlier marks shown against their names and therefore the corrections were made therein. As regards Dr. N. D. Pawar, outside member of the Selection Committee, he stated in para 35 of his affidavit that he would not be able to explain how the discrepancies and mistakes occurred in preparation of Mark-Sheet Ex. 34(O)-A for the posts of SRA/JRA. The glaring cases of Ghadge Ramesh M. and Wankhede Rajendra M. are specifically discussed below;

**1352)** As regards the candidate Gadage Ramesh M. at serial no.15 in the aforesaid chart about overwriting in interview and total marks in the categorywise Mark-Sheet Ex. 34(O)-A (Annexure-21 of the Enquiry Report), he had applied for the posts of JRA (Agri.) and SRA (Agri.) open categories and his name appears at serial no.189, in the categorywise Mark-Sheet of JRA (Agri.) open category and at serial no. 123 of the categorywise Mark-Sheet of SRA (Agri.) Open Category. In the Mark-Sheet of JRA (Agri.) Open category, the marks allotted to him are 9 for academic performance, 59 for interview and the total marks awarded to him are 68 while in the Mark-Sheet of SRA (Agri.) category, 9 marks are shown to him for academic performance and 50 marks for personal interview, total shown being 59. His name is included in the Selection List of JRA Open category. The entry at S.No.123 of the aforesaid categorywise Mark-Sheet Ex. 34(O)-A for SRA (Agri.) open category would show that in interview and total marks by applying white ink, the said marks are changed to 50 and 59 respectively. However, there is no such change made at S.No.189 in the Categorywise Mark-Sheet Ex.34(O)-A for the post of JRA (Agri.) open category, in which he is actually selected where, as already pointed out, the interview and the total marks shown are 59 and 68 respectively. What is important to be seen is that even in serial no.24 about him in the Selection List of the post of JRA (Agri.) open category, the reference in the column "Serial No. as per annexure" is to the above-referred serial no.189 in the categorywise Mark-Sheet Ex. 34(O)-A for the post of JRA (Agri.) open category where his interview and total marks shown are 59 and 68 respectively. Even the University itself has shown his interview and total marks as 59 and 68 at serial no. 24 in the categorywise List of candidates selected in the post of JRA (Agri.) open category which it filed alongwith other categorywise Lists of candidates selected in the posts of SRA (Agri.) and JRA (Agri.) at the time of commencement of this enquiry with its affidavit dated 18.7.2007 (Ex.1) showing interalia their Bio-data and interview marks marked as Ex. 25 in this enquiry. True copies of the said categorywise lists of candidates selected by the Selection Committee for the posts of SRA/JRA showing interalia their marks for bio-data and personal interview (Ex.25) are annexed collectively as **Annexure-52** of the Enquiry Report.

**1353)** According to Dr.V.D. Patil, the Chairman, Dr.Vandan Mohod, the Registrar/Member Secretary and Dr.E.R. Patil, the senior-most member of the Selection Committee and also Shri D.P. Deshmukh, Section Assistant (Estt.), there was mistake in noting his interview marks as 59 in the categorywise Mark-Sheet Ex. 34(O)-A which mistake was corrected in the Mark-Sheet of SRA (Agri.) open category but remained to be corrected in the Mark-Sheet of JRA (Agri.) open category. If awarding 59 marks to him for his interview was a mistake, it is difficult to see why the said correction/change was initially made against his name at serial no.419 of the consolidated alphabetical Mark-Sheet Ex. 112 (O). Careful scrutiny of the said entry at serial no. 419 regarding him in the Mark-Sheet Ex. 112 (O) would show that the original interview marks recorded therein were 50 which were erased and his interview marks were changed / increased to 59. Consequently, his original total marks 59 were also changed/ increased to 68 therein. If his correct interview marks were 50 there was no need to make any change/correction in the said marks. Even otherwise, after making change/ correction in interview and total marks at serial no.123 in the Mark-Sheet Ex. 34 (O)-A for the post of SRA ( Agri.) no change was made at serial no.419 of the consolidated alphabetical Mark-Sheet Ex. 112 (O) in which the interview and total marks shown were still 59 and 68 respectively. It appears that his interview marks were initially increased to 59 and consequently the total marks to 68 in the consolidated alphabetical mark-Sheet Ex. 112 (O) itself since at that time the intention was perhaps to select him in the post of SRA (Agri.) open category but when the question actually came for his selection in the said post on the basis of the total marks 68 awarded to him perhaps the intention was not to select him in the said post but to select him in the post of JRA (Agri.) open category and therefore his interview marks were changed/ reduced to 50 and consequently his total to 59.

**1354)** It is thus a clear case of manipulation of interview marks awarded according to choice and discretion of those who prepared the Selection Lists depending upon the post in which the candidate was to be selected. If not, it cannot lightly be assumed that there is mistake in awarding him 59 interview marks when the same is not borne out by the following crucial documents viz. (i) Sr. No.419 in the consolidated alphabetical Mark-Sheet Ex. 112(O), (ii) Serial no.189 of the categorywise Mark-Sheet Ex.34(O)-A for the post of JRA (Agri.) open category in which he is selected, and (iii) serial no.24 of the Selection List of JRA (Agri.) open category referring to serial no.189 of the Mark-Sheet Ex.34(O)-A for the post of JRA (Open category). As admitted by Dr. V. D. Patil, the Chairman, Dr. Vandan Mohod, the Registrar/Member Secretary, Dr. E. R. Patil, senior-most member, Dr. N. D. Pawar, outside member, of the Selection Committee and Shri D. P. Deshmukh, Section Assistant (Estt.) in paras 98, 53, 36, 28 and 93 of their affidavits referred to above in para 1351 of the Enquiry Report, if his interview marks are 59 and total marks 68, he should have been selected in the post of SRA (Agri.) open category since the last candidate

in the Selection List of SRA (Agri.) open category Ku. Jagtap Amrapali P. had received total marks 64 only. Even otherwise 50 marks out of 60 for interview to a low merit candidate who received only 9 marks out of 40 would also show manipulation of interview marks with a view to select him in the post of JRA (Agri.) open category, if not in the post of SRA (Agri.) open category by awarding him 59 marks for interview.

**1355)** Similarly, in the case of Wankhade Rajendra S. at serial no.17 of the said chart (Annexure-21 of the Enquiry Report) referred to in detail earlier in para 1347 of the Enquiry Report no change was made in his interview and total marks in the categorywise Mark-Sheet Ex. 34(O)-A in the post of JRA OBC, SRA OBC, and SRA open categories and they were shown as 23 and 40 respectively. But there was change/increase made in his interview marks in the categorywise Mark-Sheet Ex. 34(O)-A in JRA open category by applying white ink to the original interview marks increasing them from 23 marks to 37 (14 more). Consequently by applying white ink to his original total marks 40, they were increased to 54. No change/increase was, however, made in his interview and total marks in JRA (Agri.) OBC, SRA (Agri.) OBC and SRA (Agri.) Open categories because he was not to be selected in any of the said posts/categories but change was made only in JRA (Agri.) open category as he was to be selected in the said post as shown hereinbefore. Perusal of Sr.No. 1297 in the consolidated Mark-sheet Ex. 112(O) however shows that his earlier interview and total marks were erased and the above increased marks were shown as his interview and total marks.

**1356)** It is necessary to see that the Mark-Sheets of the candidates should be precise and not dubious. The corrections made in the entries regarding the marks of some candidates made in the categorywise Mark-Sheet Ex. 34(O)-A and also in the consolidated alphabetical Mark-Sheet Ex.112 (O) would show that the marks are awarded or changes are made in the marks of the candidates with a view to select or not to select them. In the absence of the relevant charts in the proforma Ex. 434-A in which the marks for interview given to each candidate by the Chairman and the members of the Selection Committee, the total of their marks, and their average are recorded as the said charts were destroyed, it is difficult to believe that there were mistakes in the interview marks of the candidates and hence corrections were made therein. At any rate, the said Mark-Sheets would show serious negligence on the part of the persons concerned, particularly when there is keen competition for selection in the posts where even small mistakes would affect the selection process adversely. All the above facts relating to the topics about Manipulation and/or change in interview marks would show that the marks recorded in the aforesaid Mark-Sheets were not really the average of the marks for interview received by the candidates from the Chairman and the members of the Selection Committee.



**d-1) No need to make so many corrections in the consolidated alphabetical Mark-Sheet Ex. 112(O) and the Categorywise Mark-Sheet Ex. 34(O)-A**

**1357)** It may be seen that there should not have been any need for making so many corrections in the marks awarded to the candidates for their interviews for the posts of SRA(Agri.) and JRA(Agri.) if they really reflected the average of the marks for interview awarded to them by the Chairman and the Members of the Selection Committee because firstly they were put in black and white time and again and secondly because nobody can afford to commit any mistakes even bonafide in preparing the Mark-Sheets upon which in competitive selection process the future of the candidates depends. It may be seen that after the marks for interview of the candidates for both the posts were awarded by the Chairman and each member of the Selection Committee on each day of interview in the charts in the proforma Ex.434-A supplied to them, the total of the marks for interview awarded by them to each candidate, and its average was calculated by the Chairman and the Member Secretary of the Selection Committee. The marks for interview given to each candidate by the Chairman and each Member of the Selection Committee, the total of the marks given by them to each candidate, and their average were then on each day, after the interviews were over, entered in the additional charts in the same proforma Ex.434-A which were with the Chairman of the Selection Committee. The average of the interview marks of each candidate was then dictated by Dr. V.D. Patil, the Chairman of the Selection Committee to Shri D.P. Deshmukh, Section Assistant (Estt.) who first entered them in the consolidated alphabetical Mark-Sheet Ex.112(O) from which he thereafter entered them in the categorywise Mark-Sheet Ex.34(O)-A, first for the post of JRA(Agri.) and then for the post of SRA(Agri.), vide para 2 of the affidavit of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 22.6.2009 (Ex.945). If the average of the marks awarded by the Chairman and the members of the Selection Committee to each candidate was only to be entered in the consolidated alphabetical Mark-Sheet of all the candidates Ex.112(O) and in the final Mark-Sheet Ex.34(O)-A separate for these posts of SRA/JRA, it is difficult to see why there should be so many discrepancies, mistakes and therefore corrections made in the marks for interview of the candidates entered in the said Mark-Sheets. It is further difficult to see why, in spite of the corrections being made in the so-called rough Mark-Sheet Ex.112 (O) there were further corrections required to be made in the final categorywise Mark-Sheet Ex.34(O)-A prepared from it.

**1358)** As regards the reason for the changes in the interview and the total marks of the candidates as shown in the chart relating to over-writing in the Mark-Sheet Ex.112 (O) (Annexure-23 of the Enquiry Report), referred to hereinbefore, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 4 of his recent affidavit dated 24.6.2009 (Ex.946) that since the total of the interview marks of the said candidates given by him and the members of the Selection Committee was found wrong when it was

checked again, the average of the interview marks received by them had changed and therefore, the changes had to be made in their interview and total marks in the Mark-Sheet Ex. 112 (O). The above reason given by him is clearly an afterthought. In fact, it is open to doubt how he found that the interview and total marks given to the candidates shown in the said chart (Annexure-23 of the Enquiry Report) relating to overwriting in the consolidated Mark-Sheet Ex-112(O) were wrong when as stated by him in para 43 of his affidavit dated 25.12.2007 (Ex.645) the additional charts which were with him in the proforma (Ex.434-A) given to him on each day of interview and in which he had noted marks for interview given by him and each member of the Selection Committee, the total of the above marks and also their average were destroyed by Shri D.P. Deshmukh, Section Assistant (Estt.) after the average of the marks of each candidate was entered by him in the final Mark-Sheet (Ex.34(O)-A) which also means that the said additional charts were destroyed also after the aforesaid consolidated Mark-Sheet Ex.112(O) was prepared because as stated by him in para 47 of his aforesaid affidavit the said consolidated Mark-Sheet Ex.112(O) and the categorywise Mark-Sheet Ex.34(O)-A were prepared at the same time, in fact the entries in the Mark-Sheet Ex.34(O)-A were made from the Mark-Sheet Ex.112(O) as stated by Shri D.P.Deshmukh, Section Assistant (Estt.) in para 2 of his recent affidavit dated 22.6.2009 (Ex.945)

**1359)** It can hardly be believed that there can be a mistake in calculating the simple total of the interview marks given to each candidate by the Chairman and each member of the Selection Committee. As stated by him in para 41 of his affidavit dated 25.12.2007 (Ex. 645), the total of the marks for interview given to each candidate by him and each member of the Selection Committee was made every day after the interviews were over and their average taken. The said total and the average marks alongwith the interview marks received by each candidate from the Chairman and each member of the Selection Committee were then entered on each day of interview in the consolidated charts in the proforma Ex.434-A which were with him. Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 5 of his recent affidavit dated 24.6.2009 (Ex.946) that as regards the question of converting the interview marks out of 10 to out of 60, making the total of the said marks given by him and the Members of the Selection Committee, and then finding out its average, he and the then Member Secretary had initially made calculations manually but then verified them with the help of the calculator. If the total of the interview marks given by him and the Members of the Selection Committee to each candidate, and its average were verified with the help of the calculator after calculating them manually there would not be any mistake in entering the said marks firstly in the additional charts with him in the proforma Ex- 434-A and thereafter in the Mark-sheets Exs. 112(O) and 34(O)-A. It is pertinent to see that the work of entering interview marks in the Mark-sheet had to be done carefully as any mistake therein even if bonafide would adversely affect the selection

process. The above reason given by him does not thus inspire any confidence and cannot be accepted.

**1360)** It is difficult to see why, when the facility of the computer was available, which was convenient and time-saving also, the marks for interview of large number of candidates for both the posts were first entered in pencil in the alphabetical Mark-Sheet Ex. 112(O) which, according to Dr.V.D. Patil, the Chairman of the Selection Committee, was a rough Mark-Sheet as stated by him in para 48 of his aforesaid affidavit and thereafter in ink in the final Mark-Sheet Ex.34(O)-A unless the intention of those who prepared the above Mark-Sheets Ex. 112 (O) and Ex. 34(O)-A was to give the marks for interview to the candidates as per their discretion either to select them or not to select them. In fact, when the charts about the particulars of the candidates Ex. 45(O), the chart Ex.38(O) in which the marks were awarded by the Assistant Professors/ Associate Professor, and the charts with Dr.V.D. Patil, the Chairman of the Selection Committee about the average of the interview marks of each candidate were ready and available, the Mark-Sheet, whether consolidated alphabetical or categorywise or in descending order of merit, separate for the post of SRA (Agri.) and JRA (Agri.) could and should have been prepared on computer especially when it was a lengthy Mark-Sheet of as many as 1335 candidates for both the posts, besides 7 YCMOU candidates for the post of JRA (Agri.). The reason given by Shri D.P. Deshmukh, Section Assistant (Estt.) in para 3 of his recent affidavit dated 22.6.2009 (Ex.945) is that the then Assistant Registrar (Estt.) Shri P.V. Behare had told them not to use the computer in preparing the above Mark-Sheets Ex. 112(O) and Ex. 34(O) –A because since it was confidential work, the material regarding the marks of the candidates should not be fed to the computer and similar reason given by Dr.V.D. Patil, the Chairman of the Selection Committee in para 5 of his recent affidavit dated 24.6.2009 (Ex.946) needs to be stated for being merely rejected only particularly when the Selection Lists of the candidates for these posts which were more confidential in nature were prepared on computer.

**d-2) Marks entered in the Mark-Sheets Ex.112(O) and Ex.34(O)-A do not reflect the average of the marks for interview given to the candidates by the Chairman and the Members of the Selection Committee but are marks given to them in their discretion by the Chairman and the Member Secretary.**

**1361)** As shown in the topics hereinbefore and also in the next topic, the marks for interview of the candidates filled in the Mark-Sheets Ex. 112 (O) and Ex. 34(O)-A do not reflect the average of the marks for interview awarded by the Chairman and the members of the Selection Committee but are the marks for interview given in their discretion by the Chairman and the Member Secretary of the Selection Committee as entered in the said Mark-Sheets. Moreover, as shown in the next topic about “Preparation of Mark - Sheet of