

all the candidates” the said Mark-Sheets Ex.112(O) and Ex.34(O)-A were not placed before any meeting of the Selection Committee for its approval which would mean that the said Mark-Sheets were not verified by the and approved of Selection Committee in its formal meeting to find out whether the marks shown in the said Mark-Sheets were really the average of the interview marks awarded by them.

1361-A) In the absence of the original-sheets in the proforma Ex. 434-A and also the consolidated sheets in the same proforma in which the marks given by the Chairman and each member of the Selection Committee, their total and their average entered, as they were destroyed, the average of the interview marks alleged to be entered in the Mark-Sheets Ex.112(O) and Ex.34(O)-A could not be verified. There was thus no transparency in award of interview marks to the candidates which were open to the charge of arbitrariness and lack of bonafides (See para 1317 of the Enquiry Report). All the facts referred to in the above topics about Manipulation of interview marks, List of some favoured candidates ready, and Changes made in interview marks, vide paras 1323 to 1336, 1337 to 1340 and 1341 to 1356 of the Enquiry Report respectively, would show that the marks for interview shown in the consolidated Mark-Sheet Ex. 112(O) and the final Mark-Sheet Ex. 34(O)-A do not reflect the average of the marks for interview given by the Chairman, and the members of the Selection Committee to each candidate but are the marks awarded to him by them with a view to select the favoured candidates by giving them higher marks in interview although they had received low marks in academic performance and vice-versa not to select the candidates even though they had very good marks in their academic performance by giving them low marks in interview. In this regard the next topic about “Preparation of the Mark-Sheets of all the candidates” may also be seen.

viii) Preparation of the Mark-sheets of all the candidates

(Vide Paras 358 to 377-A of the Enquiry Report about collection of data)

1362) It is made clear at the outset that as regards the actual entries about the academic performance and the interview and total marks entered in the consolidated alphabetical Mark-Sheet Ex. 112(O) and the categorywise Mark-Sheet Ex. 34(O)-A, the said entries are considered under the previous topics about “Award of marks for academic performance”, vide paras 1267 to 1297 of the Enquiry Report, and “Award of marks for interview of the candidates” vide paras 1298 to 1361-A of the Enquiry Report.

a) Version of Dr.V.D. Patil, the Chairman of the Selection Committee

1363) After some confusing statement about preparation of Mark-sheets in earlier paras of his affidavit dated 25.12.2007 (Ex.645) Dr. V. D. Patil, stated in para 47 thereof that he now remembered that there were two data sheets prepared by the Registrar's office; one was the Mark-Sheet Ex. 34(O)-A which was categorywise and separate for the posts of SRA (Agri.) and JRA (Agri.), prepared in alphabetical order in each category, and another was consolidated Mark-Sheet for both the posts and in all the categories such as S.C., S.T.etc. prepared in alphabetical order at the same time marked as Ex. 112 (O) in this enquiry. According to him, on each day of interview after the work of the Assistant Professors/Associate Professor was over, the marks for academic performance given by them were first entered in pencil in the consolidated Mark-Sheet Ex. 112 (O) and thereafter from it in the categorywise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.).Further according to him, from the 2nd day of interview i.e. 14.6.2005 after the interviews on each day were over, the average of the marks for interview received by each candidate from the Chairman and the Members of the Selection Committee were dictated by him or the Registrar to Shri D.P. Deshmukh, Section Assistant (Estt.), who entered them in the aforesaid Mark-Sheets in the same manner i.e. first in the consolidated Mark-Sheet Ex. 112 (O) and thereafter in the categorywise and postwise Mark-Sheet Ex. 34(O)-A. He then stated that if any work of any day remained to be done, it was done on the next day and in this manner the consolidated Mark-Sheet Ex. 112 (O) and the categorywise Mark-sheet Ex. 34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) were prepared. He further stated in para 48 of his aforesaid affidavit that after entering the average of the marks for interview of the candidates at night on the last day of interview i.e. 25.6.2005, he himself and each member of the Selection Committee, put his signature upon each page of the said Mark-Sheet Ex.34(O)-A at night on the same day. He however, admitted that no date was put either by him or any member of the Selection Committee below his signature on any page of the said Mark-Sheet Ex. 34(O)-A. He, however, stated that he would not be able to assign any reason for the same. As regards the consolidated Mark-Sheet of SRA/JRA Ex. 112 (O) in which the entries were made in pencil, he stated that it was a sort of rough Mark-Sheet and therefore it was not signed by him or any member of the Selection Committee. According to him, he treated it as rough Mark-Sheet since simultaneously the final Mark-Sheet Ex. 34(O)-A was prepared which they had signed. Vide paras 24, 25 and 31 of the affidavit of Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, dated 1.12.2007 (Ex.633), he has more or less, corroborated the above facts about the preparation of the Final Mark-Sheet Ex. 34(O)-A.

1364) Dr.E.R. Patil, senior most member of the Selection Committee, initially stated in para 16 of his affidavit dated 16.11.2007 (Ex.599) that on each day of interview, the Registrar / Member Secretary of the Selection Committee, prepared the list of the candidates appearing for interview on that day in descending order of merit on the basis of the marks received by each of them out of 100 and then stated in para 18 of his aforesaid affidavit, that on the last day of interview i.e. 25.6.2005, from the aforesaid lists prepared by him in descending order of merit on each day of interview, he prepared the consolidated list of all the candidates for both the posts i.e. the merit list in descending order of merit. According to him, after the said merit List was prepared, another list was prepared by the Chairman and the Registrar in descending order of merit in which all the candidates from 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. Further, according to him, the said categorywise List was the Selection List which the Selection Committee had prepared on the last day of its meeting i.e. 25.6.2005. He further stated that all the Lists referred to by him including the Selection Lists were prepared by them on computer. However, no such Lists alleged to be prepared on computer except the Selection Lists are filed in this enquiry.

1365) Perusal of the above affidavit of Dr.E.R. Patil, senior most member of the Selection Committee, would show that he had gone out of his way to justify the Selection process by stating that two merit lists in descending order of merit, one consolidated list and another category wise list i.e. S.C., S.T. etc, were prepared on the last day of interview i.e. 25.06.2005 in the meeting of the Selection Committee but after being confronted with the Selection Lists at pages 66 to 76 in the file Ex. 34(O) and in particular the column "Serial number as per annexure" therein he stated in para 33 of his aforesaid affidavit that he did not know whether the above referred consolidated list and categorywise list separately for the posts of SRA/JRA in descending order of merit were prepared on the last day of interview i.e. 25.6.2005 in the meeting of the Selection Committee or not. According to him, he now thought that in the Mark-Sheet Ex. 34(O)-A the marks obtained by each candidate for his performance in his interview were entered on each day of the interviews and on the last day of interview after entering the said marks of the candidates appearing for interviews on that day, the Selection Lists at pages 66 to 76 of the file Ex. 34(O) were prepared on that day i.e. 25.6.2005 itself. He has also thus corroborated the version of Dr.V.D. Patil, the Chairman of the Selection Committee.

b) The remaining members of the Selection Committee do not know how the categorywise Mark-Sheet Ex. 34(O)-A was prepared and who prepared it and when:

1366) Dr.B.N. Dahatonde, local member of the Selection Committee, stated in para 11 of his affidavit dated 10.12.2007 (Ex.636), that after awarding the marks to the candidates on each day of interview, in the chart in the proforma Ex. 434-A, they would hand over the said Chart along with the Chart about the particulars of the candidates (Ex. 45(O)) to the Chairman of the Selection Committee after which the meeting on that day was over. He then stated that on 25.6.2005 i.e. the last day of interview also after the interviews of all the candidates were over and he handedover to the Chairman of the Selection Committee the said chart in the proforma Ex. 434-A in which he had given marks to the candidates appearing for their interviews on that day and also the Chart relating to the particulars of the candidates Ex. 45(O), the meeting was over and he returned home. According to him, there was no meeting of the Selection Committee held thereafter for selection of the candidates for the posts of SRA/JRA. Further, according to him, he did not know how the Mark-Sheet and the Selection Lists were prepared thereafter and who prepared them. Dr.N.D. Jogdande, another local member of the Selection Committee stated in para 7 of his affidavit dated 5.11.2007 (Ex. 596) that on each day after the interviews of the candidates were over, they handed over to the Registrar the chart in the proforma Ex. 434-A given to them in which they had awarded marks out of 10 to each candidate for his interview and the meeting of the Selection Committee was then over. He then stated that he did not know what the Registrar did after collecting all such charts from them. On the last day of interview i.e. 25.6.2005, according to him, after they had handed over such Charts to him, the meeting was over and nothing else was done in their presence in the said meeting on that day.

1367) After seeing the consolidated alphabetical Mark Sheet for SRA/JRA Ex. 112(O) and the categorywise Mark-Sheet (Ex.34(O)-A in this enquiry, Dr.N.D. Pawar, outside member of the Selection Committee, stated in para 21 of his affidavit dated 1.11.2007 (Ex.590) that the consolidated alphabetical Mark-Sheet of SRA/JRA Ex. 112(O) which shows the marks in pencil was prepared first and thereafter the categorywise Mark-Sheet Ex. 34(O)-A was prepared. However, according to him, he would not be able to tell when the said Mark-Sheets Ex. 112 (O) and Ex. 34(O)-A were prepared and who prepared them except that the said Mark-Sheets were prepared in the Registrar's office. As regards Dr. G.N. Dake, another outside member of the Selection Committee, he stated in para 6 of his affidavit dated 23.11.2007 (Ex. 600) that after he handed over to the Registrar/ Member Secretary of the Selection Committee the chart in the proforma Ex. 434-A in which on each day of interview, he had given the marks

to the candidates appearing for interview on that day, he did not know what further action was taken by him in regard to the same. Further, according to him, on the last day of interview i.e. 25.6.2005, as stated by him in para 7 of his aforesaid affidavit, after they had handed over to the Member Secretary, the chart in which they had given the marks to the candidates appearing for interviews on that day, they were told by the Chairman of the Selection Committee that for finalizing the selection of the candidates, there would be another meeting of the Selection Committee held for which due notice would be given to them and the meeting on 25.6.2005 was thus over without preparation of the Selection Lists of SRA/JRA and he therefore, went back to Rahuri on the same day at about 10.00 PM at night.

1368) As regards the question of signing the categorywise Mark-Sheet Ex.34(O)-A and the Selection Lists by the Members of the Selection Committee, the said question is considered hereinafter under a separate topic. Suffice it to state that according to the aforesaid remaining members of the Selection Committee, their signatures could not have been taken and were not made upon the said categorywise Mark-sheet Ex. 34(O)-A and also the Selection Lists at night on 25.6.2005 but were taken/made sometime afterwards as according to them, the meeting of the Selection Committee was over on that day i.e. 25.6.2005 after they had handed over to the Chairman or the Member Secretary of the Selection Committee the chart in the proforma Ex. 434-A in which they had given interview marks to the candidates appearing for interview on that day and they had thereafter left the meeting, vide paras 13 and 11 respectively of the aforesaid affidavits of Dr. B.N. Dahatonde and Dr. N.D. Jogdande dated 10.12.2007 (Ex. 636) and dated 5.11.2007 (Ex. 596), and additional affidavits of Dr. N.D. Pawar dated 2.1.2008 (Ex. 647) and dated 20.2.2008 (Ex. 668), and the additional affidavit of Dr. G.N. Dake dated 5.3.2008 (Ex. 685) read with paras 8 and 13 of his aforesaid affidavit dated 23.11.2007 (Ex. 600).

c) Different Version about preparation of consolidated alphabetical Mark-sheet Ex.112(O) and Categorywise Mark-Sheet Ex. 34(O)-A given by Shri D.P. Deshmukh, Section Assistant (Estt.)

1369) Dr.V.D. Patil, the Chairman of the Selection Committee stated in para 42 read with paras 46 & 47 of his affidavit dated 25.12.2007 (Ex.645) that the average of the marks given by him and the Members of the Selection Committee to each candidate were entered in his own hand writing by Shri D.P.Deshmukh, Section Assistant (Estt.) in the consolidated Mark-sheet for these posts of SRA (Agri.) / JRA (Agri.) Ex.112(O), and the categorywise Mark-sheet Ex.34(O)-A, separate for the said posts (See also para 4 of his affidavit dated 24.6.2009 (Ex.946)). Dr.Vandan Mohod, the Registrar/ its Member Secretary also stated in para 31 of his affidavit dated 1.12.2007 (Ex.633) that the entries in the categorywise Mark-sheet Ex.34(O)-A

were in the handwriting of Shri D.P.Deshmukh, Section Assistant (Estt.). Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 32 of his affidavit dated 15.11.2007 (Ex.598), that he had prepared the format of the Mark-sheet Ex.34(O)A which format is reproduced in para 373 of the Enquiry Report. He then admitted therein that all entries in the said Mark-sheet Ex.34(O)-A were in his handwriting. As regards the entries relating to degrees and experience of the candidates, he stated in para 33 thereof that the said entries were made by him 3 or 4 days before the commencement of the interviews for these posts on the basis of the charts Ex.45(O) about the particulars of the candidates. As regards the entries in pencil in the Mark-sheet Ex.112(O), he stated in para 2 of his recent affidavit dated 22.6.2009 (Ex.945) that they were made by him. There is thus no dispute that the entries in the Mark-sheets Ex.112(O) and Ex.34(O)-A are made by Shri D.P.Deshmukh, Section Assistant (Estt.) in his handwriting.

1370) As regards the preparation of the said Mark-Sheet Ex. 34(O)-A, Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 33 of his affidavit dated 15.11.2007 (Ex. 598) that 3 or 4 days before the commencement of interviews of the candidates, he had entered in the said Mark-Sheet Ex. 34(O)-A only the marks about their degrees and experience in the columns meant for them therein after seeing the particulars of the candidates given in the charts Ex. 45(O). As regards the Ph.D. degree, he stated that before the interviews commenced, he entered the marks about the same in the said Mark-Sheet Ex.34(O)-A of only such candidates who had annexed certificates of Ph.D. degree to their applications for these posts. In para 3 of his recent affidavit dated 22.6.2009 (Ex. No.945), he however, stated that before making the said entries in the categorywise Mark-Sheet Ex. 34(O)-A, he made them in the consolidated alphabetical Mark-Sheet (Ex.112(O) in pencil.

1371) As regards the marks given by the Assistant Professors/ Associate Professor in the chart Ex. 38(O) for academic performance of the candidates on each day of interview, Shri D.P.Deshmukh, Section Assistant (Estt.) stated in the said para 33 of his aforesaid affidavit that he received the said chart Ex. 38(O) in the evening on 25.6.2005 i.e. the last day of interview and thereafter from the next day, he started entering in the said Mark-Sheet Ex. 34(O)-A, the marks given to the candidates by the Assistant Professors/ Associate Professor in the chart Ex. 38(O) for Ph.D. degree, thesis submission, research paper / popular article and Significant contribution. He also stated that he then made the total of the marks received by each candidate for his educational qualification, experience, thesis submission, research papers/ popular article and significant contribution i.e. the marks for his academic performance out of total marks 40 in the column meant for it in the said Mark-Sheet. He however stated in para 2 of his recent affidavit dated 22.6.2009 (Ex.945) referred to above that he made similar entries about academic performance from the Chart Ex.38(O) first in the consolidated

alphabetical Mark-Sheet for SRA/JRA Ex. 112(O) in pencil and then in ink in the categorywise Mark-Sheet(Ex. 34(O)-A. According to him, he took 3 or 4 days time to complete the said work. It may be seen that he categorically stated in para 12 of his additional affidavit dated 15.3.2008 (Ex.695) that he did not fill the marks in the category wise Mark-Sheet Ex. 34(O)-A on each day of interview but as told by him earlier filled them therein after the last date of interviews i.e. 25.6.2005, first the marks for academic performance given by the Assistant Professors/Associate Professor in the Chart Ex. 38(O) and thereafter the marks for interview as dictated by Dr.V.D. Patil, the Chairman of the Selection Committee. He categorically stated therein that the categorywise Mark-sheet Ex.34(O)-A was not ready on 25.6.2005.

1372) Shri D.P. Deshmukh, Section Assistant (Estt.), further stated in para 34 of his affidavit dated 15.11.2007 (Ex. 598), read with para 2 of his recent affidavit dated 22.6.2009 (Ex.945) that he thereafter sat with Dr.V.D. Patil, the Chairman of the Selection Committee who dictated him from his additional chart in the proforma Ex. 434-A, the average of the marks received by each candidate for his interview which he entered in the consolidated alphabetical Mark-Sheet Ex. 112 (O) first as it was easier to do so since the Additional Charts with Dr. V.D. Patil, the Chairman of the Selection Committee, from which he dictated the average of the interview marks to him were in the same alphabetical order in which the Mark-Sheet Ex. 112(O) was and as the interview marks for both the posts were common. According to him, he then made the total of the marks for academic performance out of 40 and the marks for interview out of 60 and recorded the said total of the marks out of 100 in the said Mark-Sheet Ex. 112 (O). He thereafter prepared from it the Mark-Sheet Ex. 34(O)-A first for the posts of JRA (Agri.) and then for the posts of SRA (Agri.). He then stated in para 35 of his affidavit dated 15.11.2007 (Ex. 598) and also in para 3 of his recent affidavit dated 22.6.2009 (Ex.945) that after he completed the work of entering the marks of all the candidates for the posts of JRA (Agri.) and SRA (Agri.), in 8 or 10 days time he handed over both the Mark-Sheets Ex. 112(O) and Ex. 34(O)-A to Dr.V.D. Patil, the Chairman of the Selection Committee. He had however, not put any date upon them. He then stated in the said Para 3 of his recent affidavit dated 22.6.2009 (Ex.945) that the Mark-Sheet Ex. 112(O) was returned back to him by him after about 8 or 10 days.

- d) **Version of Shri D. P. Deshmukh, Section Assistant (Estt.) credible and acceptable. The consolidated alphabetical Mark-sheet Ex. 112(O) and category-wise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA(Agri.) and JRA(Agri.) were not prepared in the meeting of the Selection Committee and were not ready at Night on 25.6.2005 i.e. the last date of interview.**

1373) According to Dr.V.D. Patil, the Chairman of the Selection Committee on each day of interview, the work of entering marks in the said two data-sheets i.e. the consolidated alphabetical Mark-Sheet Ex. 112 (O) and the categorywise Mark-Sheet Ex. 34(O)-A was done after the interviews were over and the interview marks were entered in the said Mark-sheets Ex. 112(O) and Ex. 34(O)-A on that day and on the last day of interview i.e. 25.6.2005, after the interviews were over, the meeting of the Selection Committee was not over, but continued till the Selection Lists were prepared and the categorywise Mark-Sheet Ex. 34(O)-A and the categorywise Selection Lists for both the posts were signed by the Chairman and all the members of the Selection Committee, vide paras 46, 48 and 51 of his affidavit dated 25.12.2007 (Ex.645). According to Dr. Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, and Dr. E. R. Patil, its Seniormost member, on the last day of interview, the work of Selection Committee continued till the Selection Lists were prepared and the categorywise Mark-sheet Ex. 34(O)-A and the categorywise Selection Lists for both the posts were signed by the Chairman and the Members of the Selection Committee, vide paras 23, 29 and 31 of the affidavit of the former dated 01.12.2007 (Ex. 633), and paras 29, 31 and 33 of the affidavit of the latter dated 16.11.2007 (Ex. 599).

1374) However, as stated by other members of the Selection Committee Viz. Dr.B.N. Dahatonde, and Dr.N.D. Jogdande, both local members, and Dr.N.D. Pawar and Dr. G.N. Dake, both outside members, vide earlier paras 1366 and 1367 of the Enquiry Report, the meeting of the Selection Committee was over after they had handed over their charts in the proforma Ex. 434-A in which they had given marks for interview to the candidates on each day of interview and thereafter they had left the meeting. In fact, according to Dr. G.N. Dake, vide para 7 of his affidavit dated 23.11.2007 (Ex.600), he went back to Rahuri on the same day at about 10.00 P.M. at night. According to them, they did not know when and how the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared and who prepared them, except that according to Dr. N. D. Pawar, outside member, the Mark-sheets Ex. 112(O) and Ex. 34(O)-A were prepared in the Registrar's office. Further, according to them, their signatures were not taken on the Mark-Sheet Ex. 34(O)-A and the Selection Lists on the last day of interview i.e. 25.6.2005. As already stated hereinbefore, it would be shown in a separate topic hereinafter that the Mark-Sheet Ex. 34(O)-A and the Selection Lists were not

signed on 25.6.2005 but were signed much later thereafter by the members of the Selection Committee.

1375) The version of Shri D.P. Deshmukh, Section Assistant (Estt.), who admittedly prepared the Mark-sheets Ex. 112(O) and Ex.34(O)-A shows that he received the chart Ex. 38(O) relating to marks for academic performance awarded by the Assistant Professors/ Associate Professor in the evening on 25.6.2005 i.e. the last date of interview and from the next day onwards he started filling the marks therein for academic performance of the candidates, their marks for interview as dictated by Dr. V.D. Patil, the Chairman of the Selection Committee, and the total marks out of 100 received by them in the said Mark-Sheets Ex. 112(O) and Ex. 34(O)-A. According to him after 25.6.2005 i.e. the last day of interview, it took him about 8 or 10 days time to complete the said work. He categorically stated in para 12 of his affidavit dated 15.3.2008 (Ex.695) that the categorywise Mark-sheet Ex.34(O)-A was not ready on 25.6.2005.

1376) It may also be seen that there was before the Selection Committee a heavy schedule of interviews of candidates on each day as the interviews of about 120 candidates were fixed on each day out of whom about 110 remained present for interview as stated by Dr.V.D. Patil, the Chairman of the Selection Committee in para 44 of his affidavit dated 25.12.2007 (Ex.645). As stated by him therein, the interviews commenced at about 9.00 A.M. in the morning and were completed at about 8.30 P.M. to 9.00 PM at night on each day of interview whereafter, according to him, the work of calculation of the total and the average of the marks awarded by him and each member of the Selection Committee for interview of each candidate was done and then marks awarded by him and each member of the Selection Committee to each candidate, their total, and their average were entered in the additional chart with him. It is, thereafter, that according to him, he dictated the average of the marks for interview of each candidate to Shri D.P. Deshmukh, Section Assistant (Estt.), who entered the same in his data-sheet and thus on each day of interview, his work was completed at about 10 or 10.30 PM starting at about 9.00 AM in the morning with 1 hour lunch interval. Further, according to him, on the last day of interview i.e. 25.6.2005, the work, according to him, was not completed till the Selection Lists were prepared by him. Looking to enormous nature of the work it is difficult to believe that on the last day of interview. Dr.V.D. Patil the Chairman and Dr.Vandan Mohod, the Member Secretary, worked ceaselessly from the morning till the Selection lists were prepared by them late at night on that day.

1377) For these reasons, the version of Shri D.P. Deshmukh, Section Assistant in this regard is credible and has to be accepted. It shows that the Mark-sheets Ex. 112(O) and Ex. 34(O)-A were not prepared in the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005

and 20.6.2005 to 25.6.2005 and were not ready on 25.6.2005, much less signed by the members of the Selection Committee on that day. As stated by Shri D. P. Deshmukh, (Section Assistant), vide para 1372 of the Enquiry Report, they were ready in 8 or 10 days time after the last date of interview i.e. 25.06.2005 and he then handed them over to Dr. V. D. Patil, the Chairman of the Selection Committee who returned back to him the Mark-Sheet, Ex. 112(O) in 8 or 10 days thereafter Dr. V. D. Patil, the Chairman of the Selection Committee thus retained with him the categorywise Mark-sheet Ex. 34(O)-A on the basis of which the Selection Lists were for these 14 posts were prepared. It is however, pertinent to see that no Mark-Sheet of the candidates, in descending order of merit, separate for the posts of SA (Agri.) and JRA (Agri.) was prepared by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the member Secretary of the Selection Committee or at their instance by Shri D.P. Deshmukh, Section Assistant (Estt.) for the purpose of preparation of Selection Lists of the candidates for these posts of SRA (Agri.) and JRA (Agri.) in descending order of merit as envisaged by Statute 77 (1)(iv) of the Statutes.

- e) **No meeting of the Selection Committee was called for considering the marks shown in the categorywise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) as also the Consolidated Mark-Sheet Ex. 112 (O) for both the posts and in all categories.**

1378) As shown above both the consolidated Mark-Sheet Ex. 112 (O) and the categorywise Mark-Sheet Ex. 34(O)-A were not prepared during the continuance of the meeting of the Selection Committee from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 but were prepared thereafter as stated by Shri D.P. Deshmukh, Section Assistant (Estt.). There was, however, no meeting of the Selection Committee called for considering the marks given to each candidate for his academic performance, for calculating the average of the marks given to him by the Chairman and each member of the Selection Committee, and for preparation of the Selection List as specifically stated by Dr.N.D. Pawar, outside member of the Selection Committee in para 15 of his affidavit dated 1.11.2007 (Ex.590). Dr.V.D. Patil, the Chairman of the Selection Committee, and its other members also admitted that no meeting of the Selection Committee was called after 25.6.2005 to transact any business relating to selection of candidates in these posts of SRA (Agri.) and JRA (Agri.), vide para 51 of the affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee dated 25.12.2007 (Ex.645), para 50 of the affidavit of Dr. Vandan Mohod dated 1.12.2007 (Ex. 633), para 11 of the affidavit of Dr.B.N. Dahatonde dated 10.12.2007 (Ex. 636), para 8 of the affidavit of Dr.G.N. Dake dated 23.11.2007 (Ex.600) and para 35 of the affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.11.2007 (Ex. 598). The members of the said Committee had put their

signatures upon the Category-wise Mark-Sheet Ex.34(O)-A and the Selection Lists not in its meeting but on some other date or dates after 25.6.2005 as would be shown in the separate topic hereinafter relating thereto.

- f) **Consolidated Mark-Sheet Ex. 112 (O) and Categorywise Mark-Sheet Ex. 34(O)-A prepared by Shri D.P. Deshmukh, Section Assistant (Estt.), in which the marks for academic performance were entered by him as per particulars in Ex. 45 (O) and from Ex. 38(O) and the marks for interview were entered by him as dictated by the Chairman and / or Member Secretary of the Selection Committee**

1379) Once it is held that the above Mark-Sheets viz. Ex.112 (O) and Ex. 34(O)-A, were not prepared or approved by the Selection Committee, it has to be held that they were prepared by Shri D.P. Deshmukh, Section Assistant (Estt.), who entered therein the marks for academic performance of the candidates from the charts Ex. 45(O) relating to their particulars and from the chart Ex. 38(O) titled “Marks of thesis / publication” in which the Assistant Professors/Associate Professor had given them marks for Ph.D. degree acquired or Ph.D. thesis submitted after the last date of application, Research papers/Popular articles published, whether before or after the last date of application, and the significant contribution made if any by them. As regards their interview marks, they were dictated to him by Dr.V.D. Patil, the Chairman of the Selection Committee or Dr.Vandan Mohod, the Registrar/ its Member Secretary as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 47 of his affidavit dated 25.12.2007 (Ex. 645), and accordingly he entered them, first in the consolidated Mark-Sheet Ex. 112 (O) and thereafter in the categorywise Mark-Sheet Ex. 34(O)-A. Dr. V.D. Patil, the Chairman of the Selection Committee, emphasized in para 4 of his affidavit dated 24.6.2009 (Ex. 946) that the Registrar was associated and had participated with him in dictating the interview marks to Shri D.P. Deshmukh, Section Assistant (Estt.), for being recorded in the Mark-Sheet Ex. 112 (O). It is however, pertinent to see that as shown in the topic relating to “List of some favoured candidates ready”, vide paras 1337 to 1340 of the Enquiry Report, the entries in respect of the interview and total marks of 45 candidates who were selected in the post of SRA (Agri.) were made by Dr.V.D. Patil, the Chairman of the Selection Committee, himself, in pencil in his own handwriting in the Mark-sheet Ex.112(O) and that it was a List of selected candidates as admitted by him in para 3 of his affidavit dated 24.6.2009 (Ex.946). The interview and total marks of the said candidates were then entered in the Mark-sheet Ex.34(O)-A on the basis of which the selections were made in these posts of SRA (Agri.) and JRA (Agri.). Vide para 1361-A of the Enquiry Report relating to the topic, “Award of marks for interview of the candidates”, the marks for interview recorded in the consolidated Mark-Sheet Ex. 112 (O) and the categorywise Mark-Sheet Ex. 34(O)-A do not

reflect the average of the marks awarded by the Chairman and the Members of the Selection Committee to each candidate, but they are marks given by the Chairman and the Registrar/ its Member Secretary in their discretion to select or not to select him.

g) Discrepancies, Mistakes and over-writing / applying white ink in the Mark-sheets Ex.34(O)-A and Ex.112(O) and the chart Ex.38(O) in which the Assistant Professors/Associate Professor awarded marks to the candidates after verification of the certificates/ publications / documents produced before them

(Vide paras 563 to 585-B of the Enquiry Report)

1380) The discrepancies, mistakes and over-writing / applying white ink in the entries regarding some candidates in the category-wise Mark-Sheet Ex. 34(O)-A and the Chart Ex. 38(O) titled “Marks of thesis / publication” in which the Assistant Professors/Associate Professor had awarded marks to the candidates for Ph.D. degree acquired or Ph.D. thesis submitted after the last date of application, Research papers/Popular articles published, whether before or after the last date of application, and the significant contribution made if any are referred to in detail in paras 563 to 584 of the Enquiry Report and to avoid repetition they should be read herein also. As stated in para 563 of the Enquiry Report, a chart about the discrepancies / mistakes, and overwriting in the Mark-sheet Ex. 34(O)-A by applying white ink to the earlier marks awarded to some candidates and changing them prepared by this office is annexed to this Enquiry Report as Annexures-21. Similarly, after perusal of the chart Ex. 38(O) another chart about the discrepancies/mistakes committed by the Assistant Professors/Associate Professor, in awarding marks to some candidates after verification of their certificates/ publications documents prepared by this office is also filed with the Enquiry Report as Annexure-22, vide para 563-A of the Enquiry Report.

1381) As regards the cases of over-writing and applying white ink to the marks of some candidates in the Mark-Sheet Ex. 34(O)-A, regarding their marks for academic performance, interview and total marks as shown in the chart (Annexure 21 of the Enquiry Report), Dr.V.D. Patil, the Chairman of the Selection Committee, admitted such cases in paras 98 to 104 and then stated in para 105 of his affidavit dated 25.12.2007 (Ex. 645), vide para 570 of the Enquiry Report, that there were such cases of over-writing after applying white ink to the interview marks of the candidates originally shown against their names but according to him by such overwriting there were corrections made therein because there were mistakes in the earlier marks shown against their names. He however, would not be able to tell how many marks were earlier awarded to them in which the corrections were made. As regards the discrepancies/ mistakes in the chart Ex. 38(O) committed by the Assistant Professors/ Associate Professor, as shown in the chart (Annexure-22 of the Enquiry Report, vide its para

571), he admitted in para 106 of his aforesaid affidavit that there were such discrepancies / mistakes therein in awarding marks to some candidates under the heads “ Ph.D. degree acquired or Ph.D. thesis submitted after the last date of application, research papers/ popular articles, published by them, whether before or after the last date of application and significant contribution made by them”. He also admitted that even the total of the marks awarded by them in some cases was not correct. He further admitted that it was possible that because of the said discrepancies some candidates obtaining higher marks than some other candidates who were selected might not have been selected by them. He then admitted that as already stated by him in para 67 of his aforesaid affidavit the marks given by the officer of the Registrar’s office for degree and experience and by the Assistant Professors for the above matters as per the chart Ex. 38(O) were not verified by them. Similar statements were also made by Dr.Vandan Mohod, the Member Secretary of the Selection Committee, in paras 53 to 61 of his affidavit dated 1.12.2007 (Ex.633), and Dr.E.R. Patil, senior most member of the Selection Committee, in paras 36 to 44 of his affidavit dated 16.11.2007 (Ex.599).

1382) Since Dr. N.D. Pawar, outside member of the Selection Committee had stated in para 27 of his affidavit dated 1.11.2007 (Ex.590) that he had verified the category-wise Mark-Sheet Ex. 34(O)-A, the above referred discrepancies/ mistakes/overwriting/applying white ink therein were brought to his notice in this enquiry which he admitted in paras 28 to 34 of his aforesaid affidavit. He then stated in para 35 thereof that he would not be able to explain how the above discrepancies/mistakes had occurred in preparation of the Mark-Sheet Ex.34(O)-A for the posts of SRA/JRA. He, however, admitted that the said discrepancies and mistakes have resulted in injustice to the candidates concerned except Deth Amol M. who was selected for the post of SRA in the open category instead of the candidates who got higher marks than him but were selected in the post of JRA causing injustice to them. As regards the other members of the Selection Committee, vide paras 574 to 576 of the Enquiry Report, it was clear from their affidavits that they did not know anything about the preparation of the Mark-Sheet Ex. 34(O)-A and the chart Ex. 38(O) in which the marks were awarded by the Assistant Professors/Associate Professor as stated above.

1383) When questioned about the changes made in the marks of some candidates entered in the Mark-sheet Ex.34(O)-A by applying white ink to their earlier marks entered therein, Shri D.P. Deshmukh, Section Assistant (Estt.) who had made entries therein about the marks for academic performance, interview and total marks received by the candidates who were called for interview and had thus prepared it, stated in paras 87 and 88 of his affidavit dated 15.11.2007 (Ex.598) that in regard to the candidates whose names were mentioned therein he committed mistakes in noting their marks for either academic performance or for their

interview and had therefore applied white ink to the said marks and also to their total. All the candidates, referred to therein, according to him, were not selected in any of the posts of SRA (Agri.) and JRA (Agri.), vide para 577 of the Enquiry Report. He then stated in para 89 of his aforesaid affidavit, vide para 578 of the Enquiry Report, that he committed mistakes in writing the interview marks of the candidates named therein for correcting which he had used white ink. He also stated that he committed mistake in writing the total marks of the candidate Metange Kiran K. (JRA) S.no.247 (OBC) for his academic performance for correcting which he had used white ink.

1383-A) Vide para 579 of the Enquiry Report, Shri D.P.Deshmukh, Section Assistant (Estt.) admitted in para 90 of his affidavit dated 15.11.2007 (Ex.598) that through mistake he wrongly mentioned the total marks of the non-selected candidate Shri Narwade Shankar G., SRA (Open) Sr. No. 271 as 40 in the Mark-sheet Ex.34(O)-A instead of 40.4 as he received 24.4 marks in academic performance and 16 marks in interview.

1383-B) Vide para 580 of the Enquiry Report, Shri D. P. Deshmukh, Section Assistant (Estt.), in para 91 of his affidavit dated 15.11.2007 (Ex.598), admitted his mistake that the total marks received by the candidate Shri Bidwe Kishor U., selected in the post of JRA OBC category S.no.44, in the Mark-sheet Ex.34(O)-A for the said post and category should have been shown therein as 61.2 and not 61 only. He also admitted his mistake that although 10 marks were given to him for Ph.D. degree by the Assistant Professors as shown in their chart Ex.38(O) as also against his name in the categorywise Mark-Sheet Ex. 34(O)-A for SRA, OBC and Open categories, they were not taken into consideration while calculating the total marks received by him. Perusal of Sr. No. 44 in the Mark-Sheet Ex. 34(O)-A for JRA OBC category would show that by applying white ink 10 marks for Ph.D. degree originally entered against him name were erased. He however, stated that he would not be able to tell how there was such difference in the Mark-sheet Ex.34(O)-A about him, but he admitted that had the above 10 marks been taken into consideration, his name would have been included in the Selection List of SRA, either in OBC or Open category.

1383-C) Vide para 581 of the Enquiry Report, Shri D. P. Deshmukh, Section Assistant (Estt.) admitted in para 92 of his affidavit dated 15.11.2007 (Ex. 598) that there was a mistake committed in not selecting Bhongle Santosh A. in the post of JRA (Agri.) OBC category as he had received total marks 51.2, vide S.no.34 in the categorywise Mark-sheet (Ex.34(O)-A for JRA OBC Category whereas the last candidate in the Selection List of the said post had received 51 marks only.

1383-D) Vide paras 581 to 583 of the Enquiry report, as regards the candidate Gadge Ramesh M., Shri D. P. Deshmukh, Section Assistant, (Estt.) admitted in para 93 of his affidavit

dated 15.11.2007 (Ex. 598) that at Sr. No. 189 in the Mark-Sheet Ex. 34(O)-A for JRA (Agri.) Open category (in which post he was selected), his interview and total marks shown are 59 (i.e. one less) and 68 respectively but in the post of SRA (Agri.) Open category in which also he had applied, by applying white ink his interview and total marks were shown as 50 and 59 respectively. He then explained that as per the correction suggested by Dr. V. D. Patil, the Chairman of the Selection Committee, the correction was made by him in the Mark-Sheet (Ex. 34(O)-A) for the post of SRA (Agri.) Open category but it remained to be made in the Mark-sheet (Ex.34(O)-A for the post JRA (Agri.) Open category because according to him he first filled the marks in the Mark-Sheet for the post of JRA (Agri.).

1383-E) Vide para 583 of the Enquiry Report, Shri D.P.Deshmukh, Section Assistant (Estt.), further admitted in para 93 of his aforesaid affidavit that similar thing had happened in the case of Wankhade Rajendra S. selected in the post of JRA (Agri.) open category. According to him, in the Mark-sheet Ex.34(O)-A for the said post of JRA (Agri.) open category where his name was included at S.no.609, his interview and total marks were changed as 37 and 54 respectively by applying white ink whereas in the said Mark-sheet Ex.34(O)-A for the post of JRA OBC category in which also he had applied his interview and total marks were shown as 23 and 40 respectively and were not changed by applying white ink. He also stated that he received 17 marks for academic performance which were unchanged. It may be seen that he had also applied for the post of SRA (Agri.) in OBC and open categories where in the Mark-sheets Ex.34(O)-A for the said post in the said categories, there was no change made in his interview and total marks by applying white ink and they were shown as 23 and 40 respectively. He was thus shown 14 marks more for his interview in the Mark-sheet Ex.34(O)-A for the post of JRA (Agri.) open category in which he was selected.

1383-F) Vide para 584 of the Enquiry Report, as regards Dethé Amol M. selected in the post of SRA (Agri.) Open category, his name is at S.no.94 in the Mark-sheet Ex.34(O)-A, for the said post and category. Shri D.P. Deshmukh, Section Assistant (Estt.) admitted in para 94 of his affidavit dated 15.11.2007 (Ex.598) that he received total marks 60.4 but there were candidates in the Selection List of JRA (Agri) Open category who had received more marks than him. He therefore, admitted that there was a mistake committed in not selecting any of them in the post of SRA (Agri.) Open category instead of the said Dethé Amol M. which mistake, according to him, must have been committed at the time of preparation of the Selection List.

g-1) Overwriting in the interview and total marks of some candidates in the consolidated alphabetical Mark-Sheet (Ex. 112(O)).

1383-G) Vide para 585 to 585-B of the Enquiry Report, this office had prepared the chart (Annexure 23 of the Enquiry Report) of 32 candidates from the consolidated alphabetical Mark-Sheet Ex. 112(O) whose interview and total marks were changed therein by erasing the original entries by using rubber and by overwriting in the said entries their changed marks. The correctness of the said chart (Annexure-23 of the Enquiry Report) is admitted by Shri D. P. Deshmukh, Section Assistant (Estt.) who had prepared the said Mark-Sheet (Ex. 112(O)) and had made entries therein about interview marks as dictated to him by Dr. V. D. Patil, the Chairman of the Selection Committee, vide para 4 of his affidavit dated 22.06.2009 (Ex. 945). Similarly Dr. V. D. Patil, the Chairman of the Selection Committee, who dictated him the said marks for interview also admitted in para 4 of his affidavit dated 24.06.2009 (Ex. 946) the correctness of the said chart (Annexure 23 of the Enquiry Report). Vide para 585-B of the Enquiry Report, the reason given by Dr. V. D. Patil, the Chairman of the Selection Committee, for making changes in the interview and total marks of the said 32 candidates in the chart (Annexure-23 of the Enquiry Report) is that the total of the marks for interview given to them by him and the Members of the Selection Committee was found wrong when it was checked again and therefore since the average of the interview marks received by them had changed, changes had to be made in their interview and total marks.

g-2) Selection of candidates adversely affected by the discrepancies/ mistakes in the chart Ex. 38(O).

1383-H) The discrepancies /mistakes in awarding marks to the candidates for these posts of SRA/JRA in the chart Ex.38(O), (see the chart Annexure 22 of the Enquiry Report), are dealt with in detail in paras 1280 to 1286 of the Enquiry Report under the topic “Award of Marks for academic performance”. The said discrepancies/mistakes also appeared in the Mark-sheets Ex.34(O)-A, and Ex.112(O) as they contained entries relating to the marks awarded to the candidates for their academic performance as per the criteria laid down for their academic evaluation in these posts of SRA/JRA and thus included therein the entries in the chart Ex. 38(O). As regards separate chart about the illegal benefits received by some candidates on account of acquiring Ph.D. degree or submitting Ph.D. thesis, after the last date of application for which the marks were awarded by the Assistant Professors/Associate Professor in the chart Ex.38(O), the chart of 31 such candidates was already annexed as Annexure-42 to the Enquiry Report, vide its para 1238. As regards the illegal additional benefits received by some candidates in the posts of SRA/JRA by filing more research papers/popular articles at the time of their interviews, their separate charts for the posts of SRA/JRA were annexed as

Annexures-13 and 14 respectively, to the Enquiry Report, vide its para 295-A. All the cases of the candidates in the above charts in Annexures-42, 13 and 14 of the Enquiry Report are considered in detail in the paras 1276 to 1279 of the Enquiry Report.

1383-I) As regards the discrepancies/mistakes committed by the Assistant Professors/Associate Professor in awarding marks to some candidates under the heads “Ph.D. degree or Ph.D. thesis submitted after the last date of application, research papers/popular articles published, whether before or after the last date of application, and significant contribution if any made by them, as shown in the chart (Annexure-22 of the Enquiry Report) prepared by this office, apart from the Assistant Professors/Associate Professor, Dr. V. D. Patil, the Chairman of the Selection Committee and its other members whose affidavits are referred to above, except those who did not know anything about preparation of the Mark-Sheet Ex. 34(O)-A and the chart Ex. 38(O) (vide para 1382 of the Enquiry Report), admitted the discrepancies/mistakes in the chart Ex. 38(O) because of which, according to the Chairman and the above referred members of the Selection Committee, it was possible that selection of the candidates would be affected. It may be seen that the entries in the chart (Ex. 38(O)) are included in the categorywise Mark-sheet Ex. 34(O)-A on the basis of which selection of candidates is made in various categories. There is no manner of doubt that selection of candidates in these posts of SRA (Agri.) and JRA (Agri.) would be adversely affected if the total marks of the candidates changed due to the above referred discrepancies and mistakes.

g-3) Applying white ink in the Mark-sheet Ex.34(O)-A to the entries of some candidates relating to their marks for academic performance and interview, and total.

1383-J) As regards the question of applying white ink to the earlier entries about the marks for academic performance in the Mark-sheet Ex.34(O)-A as shown in the chart (Annexure-21 of the Enquiry Report), vide para 567 of the Enquiry Report, the glaring case is of Bidwe Kishor U. who had applied for the post of JRA (Agri.) OBC, and SRA (Agri.) OBC and open categories. He was selected in the post of JRA (Agri.) OBC category. Vide the Mark-sheet Ex.34(O)A for the post of JRA (Agri.) OBC category, SRA (Agri.) OBC and SRA (Agri.) open category, his name therein is at S.nos.44, 31 and 42 respectively. Perusal of the entry no.44 in the Mark-sheet Ex.34(O)-A for JRA (Agri.) OBC category would show that white ink is applied in the columns relating to marks for Ph.D. degree, significant contribution, total marks out of 40, marks for interview, and total marks out of 100. Although white ink is applied in the column therein about “Marks for Ph.D. degree”, 10 marks for the same earlier given to him clearly appear in the said column. His total marks out of 100 shown therein are 61. Perusal of the entries about SRA (Agri.) OBC and SRA (Agri.) open categories at S.nos. 31

and 42 respectively would show that there is no white ink applied in the column therein relating to "Marks for Ph.D. degree and 10 marks for the same are shown therein which fact is admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, and others whose affidavits are referred to above. However, the said 10 marks for Ph.D. degree are not taken into account and his total shown therein is also 61 which is why perhaps there is horizontal line below the said 10 marks for Ph.D. degree. In consolidated Mark-sheet Ex.112(O) his name is at S.no.134 and although the entries in the said Mark-sheet are in pencil which can be erased by using rubber, white ink is applied in the column for award of marks for Ph.D. degree, total out of 40, interview marks and total marks. Surprisingly, his interview marks 50 are written in ink and the total shown therein is also 61. Thus in all the three categories in the Mark-sheet Ex. 34(O)-A and also in the Mark-sheet Ex. 112(O), his total marks shown are 61.

1383-K) Perusal of S.no.134 of the chart Ex.38(O) would show that he was awarded 10 marks for Ph.D. degree by the Assistant Professors / Associate Professor, which fact Shri D.P. Deshmukh, Section Assistant (Estt.) would know since he made entries in the Mark-sheet Ex. 34(O)-A and Ex. 112(O) from the chart Ex. 38(O) about the marks awarded by them for the Certificates/Publications/documents produced before them. But without taking into consideration the said 10 marks for Ph.D. degree awarded to him, his total marks shown by him were 61 which he is not able to explain. Even his total 61 shown is wrong because it is actually 61.2. However, the said difference in total would not make any difference in his selection in the post of JRA (Agri.) OBC category. But if 10 marks awarded to him for Ph.D. degree are taken into account, his total would become 71.2 in which case it is admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, and all others whose affidavits are referred to above in paras 1381, 1382 and 1383 (B) of the Enquiry Report that he would be eligible for selection in the post of SRA (Agri.), whether in open or OBC category. Dr.V.D. Patil, the Chairman of the Selection Committee, admitted that the Selection Committee did not verify whether he had Ph.D. degree or not, and whether he received 10 marks for Ph.D. degree as shown in the chart Ex.38(O) and without verifying it, he was selected in the post of JRA (Agri.) OBC category.

1383-L) Vide para 569 of the Enquiry Report, Dr.V.D.Patil, the Chairman of the Selection Committee, admitted in para 103 of his affidavit dated 25.12.2007 (Ex.645) that in the case of some candidates named therein who were non-selected candidates, the marks awarded to them appeared to have been changed by applying white ink on the total marks, marks for interview and/or marks for academic performance. Perusal of the said entries in the Mark-sheet Ex.34(O)-A would show that after application of white ink, their original marks cannot be seen. It is possible that as stated by him in para 105 of his aforesaid affidavit, and

also by Shri D.P.Deshmukh, Section Assistant (Estt.) in para 87 of his affidavit dated 15.11.2007 (Ex.598), there might have been mistakes in writing earlier marks which were thus corrected.

g-4) Overwriting and Changing interview and total marks in the Mark-sheets Ex.34(O)A and Ex.112(O).

1383-M) As regards some entries regarding interview and total marks in the categorywise Mark-sheet Ex.34(O)-A which were changed by applying white ink and by overwriting as shown in the chart (Annexure-21 of the Enquiry Report) and also about some such entries in the consolidated Mark-sheet Ex.112(O) which were changed by erasing earlier entries by using rubber as shown in the chart (Annexure-23 of the Enquiry Report), the said question is considered in detail in the topic relating to “Manipulation of Interview Marks of some candidates by making changes therein and consequently their total marks”, vide paras 1323 to 1336 of the Enquiry Report, and in the topic relating to “Changes made in the consolidated Mark-sheet Ex.112(O) and categorywise Mark-sheet Ex.34(O)-A by overwriting in interview and total marks of some candidates”, vide paras 1341 to 1352 of the Enquiry Report under the principal head “Award of Marks for performance in interview”.

g-5) Reasons given by Dr.V.D. Patil, the Chairman of the Selection Committee, for changing interview marks and consequently total marks of some candidates in the Mark-sheet Ex.34(O)-A and also the Mark-sheet Ex.112(O) are rejected

1383-N) Vide para 1381 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee, had given reason in para 105 of his affidavit dated 25.12.2007 (Ex.645) that there were mistakes committed in the Mark-sheet Ex. 34(O)-A in the interview marks of some candidates (See annexure-21 of the Enquiry Report), originally shown against their names and therefore, by applying white ink and by overwriting, the corrections had to be made therein as also in their total marks although he would not be able to tell what their original marks were. As regards the Mark-sheet Ex.112(O), vide para 1383-G of the Enquiry Report, there were also changes made therein in the interview and total marks of 32 candidates as shown in the chart (Annexure-23 of the Enquiry Report), the reason given by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 4 of his affidavit dated 24.6.2009 (Ex.946) is that the total of the marks for interview given to them by him and the Members of the Selection Committee, was found wrong, when it was checked again and therefore, since the average of the interview marks received by them had changed, changes had to be made in their interview and total marks.

1383-O) The above reasons given by Dr. V. D. Patil, the Chairman of the Selection Committee are considered in paras 1357 to 1360 of the Enquiry Report in the topic “No need to make so many corrections in the Mark-Sheets Ex. 112(O) and Ex. 34(O)-A”, the principal topic being “Award of Marks for performance in interview” and are rejected. They need not be considered herein again. The conclusion drawn in paras 1361 and 1361-A of the aforesaid principal topic is that the interview marks of the candidates shown in the Mark-Sheets Ex.112(O) and Ex.34(O)-A do not reflect the average of the interview marks given to them 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 of the Selection Committee with a view either to select or not to select them, particularly when as shown herein before the said Mark-Sheets Ex. 112(O) and Ex. 34(O)-A were not placed before any meeting of the Selection Committee so that they could be verified by the Members of the Selection Committee, vide para 1378 of the Enquiry Report. As observed in para 1379 of the Enquiry Report, it is pertinent to see in this regard that as shown in the topic relating to “List of some favoured candidates ready”, vide paras 1337 to 1340 of the Enquiry Report, the entries in respect of the interview and total marks of 45 candidates (Vide Annx-49 of the Enquiry Report) who were selected in the posts of SRA (Agri.) were made by Dr.V.D. Patil, the Chairman of the Selection Committee, himself in pencil in his own handwriting in the Mark-sheet Ex.112(O) and that it was a List of selected candidates as admitted by him in para 3 of his affidavit dated 24.6.2009 (Ex.946). The said marks were thereafter entered in the Mark-sheet Ex.34(O)-A on the basis of which selections were made in these posts of SRA (Agri.) and JRA (Agri.).

ix) Preparation of the Selection Lists

(Vide Paras 378 to 409-C of the Enquiry Report)

a) Determination of number of posts to be filled

(Vide paras 378 to 388 of the Enquiry Report) :

1384) In considering the question of preparation of Selection Lists the first question which needs consideration is about the determination of the number of posts to be filled because as per the advertisement dated 14.8.2004 (Ex.2) the posts of SRA (Agri.) and JRA (Agri.) which were advertised for being filled were 24 and 37 respectively. However, the Selections and appointments were actually made were in 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.). It is true that as per the condition no.2 in the aforesaid advertisement dated 14.8.2004 (Ex.2), the number of posts and reservation thereof was subject to change i.e. it might increase or decrease. However, apart from the interpretation and scope of the said condition no. 2 in the advertisement dated 14.08.2004 (Ex. 2), the question is whether the

decision to increased and fill-up 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) instead of 24 and 37 respectively as advertised was taken by the Vice-Chancellor, who is the appointing authority so far as the posts in question are concerned by following office/routine procedure in the University or whether it was taken on their own by Dr. V. D. Patil, the Chairman and Dr. Vandan Mohod, the Registrar and the Member Secretary of the Selection Committee.

1385) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 49 of his affidavit dated 25.12.2007 (Ex. 645) that since there were selections made by nomination and promotion in the higher post of Assistant Professor from the posts of SRA (Agri.) and JRA (Agri.) at the time of the interviews of the candidates for these posts, he knew that there would be more vacancies available in the posts of SRA (Agri.) and JRA (Agri.). According to him, he, therefore, discussed the said matter with the Vice-Chancellor just before the interviews for these posts commenced or during the period of these interviews but although the Vice-Chancellor indicated to him that the number of posts could be increased, he did not tell him the exact number of posts of SRA (Agri.)/ JRA (Agri.) to be filled. Dr. Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, however, stated in this regard in para 26 of his affidavit dated 1.12.2007 (Ex.633) that there was no office note before them forwarded through proper channel and approved by the Vice-Chancellor to show that there was increase in the number of vacancies to be filled in these posts, muchless their exact number.

1386) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 50 read with para 73 of his aforesaid affidavit dated 25.12.2007 (Ex. 645) that on 13.6.2005, while explaining the criteria for evaluation of candidates to the Members of the Selection Committee, he had told them that the number of vacancies in these posts had increased and were more than the posts which were advertised and therefore they might be required to fill more posts than those which were advertised. He then stated that on the last date of interview i.e. 25.6.2005, he and the Registrar/Member Secretary of the Selection Committee, had orally taken the decision to prepare categorywise Selection Lists for filling 55 posts of SRA (Agri.) and 76 Posts of JRA (Agri.). Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, corroborated him in this regard in para 26 of his affidavit dated 1.12.2007 (Ex.633). It is however, clear from the affidavits of the other members of the Selection Committee, that they were never told by Dr.V.D. Patil, the Chairman of the Selection Committee, about the exact number of posts of SRA (Agri.) and JRA (Agri.), to be filled for which they had to make recommendations and prepare Selection Lists vide para 18 of the affidavit of Dr.E.R. Patil, senior-most member of the Selection Committee dated 16.11.2007 (Ex. 599), para 9 of the affidavit of Dr.N.D. Jogdande, local member of the Selection Committee dated 5.11.2007 (Ex. 596), para 14 of the affidavit of Dr.B.N. Dahatonde, another local member of the Selection

Committee dated 10.12.2007 (Ex. 636), para 15 of the affidavit of Dr.N.D. Pawar, outside member of the Selection Committee dated 1.12.2007 (Ex. 590), and also para 15 of the affidavit of Dr.G.N. Dake, another outside member of the Selection Committee dated 23.11.2007 (Ex. 600).

1387) As regards the question of the exact number of posts of SRA (Agri.) and JRA (Agri.) to be filled, Dr.S.A. Nimbalkar the then Vice-Chancellor of the University, categorically stated in para 33 of his affidavit dated 14.1.2008 (Ex. 658) that no decision was taken by him in that regard. at any time either before or during the period of interview, or just before the Selection Lists were prepared, muchless by following the office procedure i.e. the Registrar's office forwarding an office note to him through the proper channel i.e. the Section Assistant (Estt.) writing a note and forwarding it to him through the Assistant Registrar, Deputy Registrar, and the Registrar for his approval. According to him, he did not direct the Selection Committee that it should prepare the Selection Lists of the candidates for any exact number of posts of SRA (Agri.) and JRA (Agri.). He, however, stated that although no such decision was taken there was discussion in various bodies or Committees of the University that if there were more vacancies available in the above posts they should be filled since there was need in the University for the staff in the said posts.

1388) Shri D.P. Deshmukh, concerned Section Assistant (Estt.) stated in para 28 of his affidavit dated 15.11.2007 (Ex. 598) that as per practice in the University, the decision about increasing the number of posts to be filled was taken by following the office procedure i.e. the officer concerned, submitting an office note to be forwarded through proper channel i.e. the Assistant Registrar, Dy. Registrar and the Registrar to the Vice-Chancellor for consideration and approval. He then stated that no such decision was taken and the Chairman of the Selection Committee was not informed about recommending the names of the candidates for 55 posts of SRA (Agri.) instead of 24 and 76 posts of JRA (Agri.) instead of 37. Shri S.S. Suradkar, Dy. Registrar (Estt.), also corroborated him in para 19 of his affidavit dated 1.12.2007 (Ex. 634) about the said procedure followed in the University for increasing the number of posts to be filled. He then stated that no such procedure was followed in regard to these appointments made in the University and no such decision was taken for filling 55 posts of SRA (Agri.) instead of 24 and 76 posts of JRA (Agri.) instead of 37 which were advertised. The University also stated in para 2 of its affidavit dated 4.9.2007 (Ex.196) that there was no communication made to the Selection Committee conveying to it any increase in the number of posts of SRA/JRA to be filled.

1389) It may be seen that the power to determine the number of posts to be filled does not vest in the Selection Committee, muchless in its Chairman and/or the Member Secretary. In the

absence of any provisions in any statute, it is the power of the appointing authority to decide how many posts and which posts should be filled. The Vice-Chancellor being the appointing authority regarding the posts of SRA/JRA, it was for him to decide how many such posts in the University should be filled. In fact, it is a policy decision and it is not necessary that because there are more vacancies available all such vacancies must be filled. Filling-up a vacancy in a post involves consideration of the factors such as its financial implication, its comparative need etc. The Vice-Chancellor would therefore ordinarily take such decision by following the office / routine procedure observed in the University in such matters. Dr.V.D.Patil, the Chairman of the Selection Committee, infact, admitted in para 50 of his affidavit dated 25.12.2007 (Ex.645) that the decision to increase the number of posts to be filled has to be taken by the Vice-Chancellor who is the appointing authority and ordinarily he takes such decision by following the routine procedure viz. by getting proposal through proper channel for his approval from the Registrar's office. He further admitted that no such routine procedure was followed either before or during the period of interviews to determine the exact increase in the number of posts of SRA (Agri.) and JRA (Agri.) to be filled. He also stated in the said para 50 of his aforesaid affidavit that the decision about the increased number of posts to be filled taken by him and the Registrar was not in writing and was not communicated by them to the Vice-Chancellor and the Registrar's office.

1390) It is clear from Statute 77 (1) (i) of the Statutes that it is the Vice-Chancellor who causes the posts to be advertised for being filled, he being an appointing authority. That he takes such decision by following the office procedure is clear from the fact that before the advertisement for these posts (Ex. 2) was issued, such office procedure was followed i.e. the concerned Section Assistant (Estt.) had recorded the office note in that regard which was forwarded for his approval to the Vice-Chancellor through the Assistant Registrar, Deputy Registrar and the Registrar, vide office note of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 15.7.2004 approved by the Vice-Chancellor on 17.7.2004 contained in the file Ex.40(O). Perusal of the said office note of the Section Assistant (Estt.) dated 15.7.2004 considered by the above officers of the Registrar's office would show that the question of availability of vacancies in nomination and promotion quota of these posts was considered by them in detail on the basis of which the decision was taken by the Vice-Chancellor about the exact number of these posts in the University to be advertised for being filled by direct recruitment.

1391) The decision taken by the Chairman of the Selection Committee and the Registrar/ Member Secretary on their own to fill-up 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) thus exceeding about more than double the number of posts advertised i.e. 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) was without any authority of law and was therefore, illegal

and improper. The decision to fillup 76 posts of JRA (Agri.) was per se in breach of the quota rule since nomination and promotion in the said post as on 25.06.2005 i.e. last day of interview when they took the above decision was 57:57, they could not have therefore decided to fill up more than 57 posts of JRA (Agri.) in its nomination quota. Merely, because as stated by Dr.V.D. Patil, the Chairman of the Selection Committee in para 49 of his aforesaid affidavit dated 25.12.2007 (Ex. 645), the Vice-Chancellor indicated to him that the number of these posts to be filled could be increased and even assuming that as stated by Dr. S.A. Nimbalkar, the then Vice Chancellor in para 33 of his affidavit dated 14.01.2008 (Ex. 658) there was need in the University for these posts as discussed in its various bodies or committees, it would not give any authority to the Selection Committee, much less to its Chairman and the Member Secretary to increase the number of vacancies to be filled and recommend the names of the candidates for more posts than those which were advertised although it would be open to it to recommend additional candidates in their wait lists for near future vacancies in these posts as was stated in the advertisement for these posts dated 14.8.2004 (Ex. 2). The Chairman and the Member Secretary of the Selection Committee who actually prepared the Selection Lists, however, did not give any waiting Lists but directly recommended candidates for appointment in these posts by increasing themselves the number of vacancies therein to be filled as stated above which would show that they wanted to accommodate in these posts as many of their favoured candidates as possible.

1391-A) Apart from the fact that the action of Dr. V. D. Patil, the Chairman of the Selection Committee, and Dr. Vandan Mohod, the Registrar and Member Secretary of the Selection Committee had no power to increase the number of posts to be filled as the said power is of the Vice Chancellor as shown above, their action in increasing the number of posts to be filled is violative of Articles 14 and 16(1) of the Constitution of India because as held by the Supreme Court in para 7 of its latest judgment in Rakhi Ray and others Vs High Court of the Delhi and others (2010) 2 SCC 637 the recruitment of the candidates in excess of the notified/advertised vacancies is denial and deprivation of the constitutional right under Articles 14 and 16(1) of the Constitution of those persons who acquired eligibility for the posts in question in accordance with the statutory rules subsequent to the date of notification/advertisement of the vacancies. It further held that it amounts to improper exercise of power and that only in a rare and exceptional circumstance and in emergent situation such a rule can be deviated. It also held that such deviation is permissible only after adopting policy decision based on some rational. Therefore, in view of the above judgment although the advertisement dated 14.08.2004 (Ex. 2) provides that the posts can increase or decrease, looking to the above constitutional guarantee, it can be done only in exceptional circumstances and that too on taking policy decision based on some rational. As regards preparation of

Waiting-lists for near future vacancies, vide para 8 of the judgment cited Supra, similar view is taken by relying upon its judgment in *Sunder Singh Vs State of Punjab* (1997) 8 SCC488, Paras 14 & 16.

1391-B) Law summarised in para 12 of the judgment cited supra is that any appointment made beyond the number of vacancies advertised is without jurisdiction being violative of Arts 14 and 16(I) of the constitution of India and in case the vacancies notified/advertised are filled up, the process of selection comes to an end. Select List/Waiting List etc. can not be used for filling the vacancies which come into existence after the notification/ advertisement is issued. The action of the Chairman and the Member Secretary of the Selection Committee to increase the number of posts of SRA(Agri.) from 24 as advertised to 55 and of JRA (Agri.), from 37 as advertised to 76 is not only illegal and unjustified but is constitutionally invalid also. For filling more posts than advertised, the University should have issued fresh advertisement after determining the exact number of vacancies to be filled and after making categorywise distribution of the said vacancies particularly when so much time had elapsed from the date of the advertisement dated 14.8.2004 (Ex.2) issued for advertising these posts during which many candidates who were not earlier eligible might have become eligible for these posts.

b) Categorywise distribution of the posts of SRA (Agri.) and JRA (Agri.)

(Vide Paras 389 to 393 and 891 to 894 of the Enquiry Report relating to this topic under “Data collection” and the topic about “Reservation policy of the University” respectively)

1392) As regards the question of categorywise distribution of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.), Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 51 of his affidavit dated 25.12.2007 (Ex. 645) that in preparation of the Selection Lists of these posts the Registrar/ its Member Secretary calculated as to how many posts would fall in each category i.e. S.C., S.T. etc. out of these posts. He then stated in para 73 thereof that no such categorywise break-up of the said posts was determined by following the office / routine procedure i.e. the office note of the concerned officer/employee being forwarded through proper channel to the Vice-Chancellor for his approval as was done at the time of the advertisement of these posts when the break-up of 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) which were advertised was given in the office note of the concerned Section Assistant (Estt.), dated 15.7.2004 which was approved by the Vice-Chancellor and was shown in the advertisement of these posts dated 14.8.2004 (Ex.2) itself. Had the posts to be filled been increased by the Vice-Chancellor in consultation with the concerned officers/ employees of the Registrar’s office, a categorywise break-up of the increased number of these posts would have

been given in the office note of the Registrar's office and communicated to the Selection Committee affidavits approval by the Vice Chancellor. In this regard, it can be seen that, Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in the above-referred para 73 of his aforesaid affidavit that the decision to fill-up the exact number of posts of SRA (Agri.) and JRA (Agri.) and their categorywise break-up could have been taken properly and officially by the Vice-Chancellor by following the office/ routine procedure described above and there was no emergency for not following such procedure and obtain official sanction in this matter and instead take such decision orally themselves.

1393) As regards the question as to who made the categorywise break-up of these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) and how, although in paras 51 and 73 of his original affidavit dated 25.12.2007 (Ex. 645), Dr.V.D. Patil, stated that the Registrar who was the Member Secretary calculated the break-up of these posts such as S.C., S.T. etc. with the assistance of the Assistant Registrar Shri P.V. Behare, which he had denied in his affidavit dated 6.11.2007 (Ex. 597) in answer to question no.15, and in particular in his additional affidavit dated 9.1.2008 (Ex. 648) in answer to additional question no.1. Dr.V.D. Patil, admitted in para 8 of his additional affidavit dated 25.3.2008 (Ex. 697) that the said categorywise break-up was prepared by Dr.Vandan Mohod, the Registrar/its Member Secretary and that he only told him to prepare cautiously proper chart showing the categorywise break-up so that there should not be any grievance made by anybody. He then admitted that he had not verified the said chart to see whether it was proper or not. He also admitted that they had not seen 100 point roster and did not calculate the categorywise break-up of these posts on the basis of the points in the said 100 point roster taking into consideration the number of categorywise posts already filled at that time.

1394) Turning, to para 27 of the affidavit of Dr.Vandan Mohod, the Registrar/ its Member Secretary dated 1.12.2007 (Ex.633), he stated therein that they prepared on computer the chart showing the categorywise break-up of the above vacancies in these posts i.e. S.C., S.T. etc. and open on the basis of the percentage of each reserved category prescribed in the relevant G.Rs. about reservation of the posts for backward classes supplied to them by the Registrar's office. In other words, they had calculated the number of posts reserved for each category i.e. S.C. , S.T. etc. according to its prescribed percentage in the relevant G.R. of the Government and in open and had shown them in the said chart. He reiterated the same thing in para 5 of his additional affidavit dated 2.4.2008 (Ex. 713). As regards the question as to how many posts were reserved in each reserved category and in open according to their prescribed percentages and how many candidates were actually appointed in each category and in Open, the said

question is considered while considering the general question whether the University legally and properly followed the reservation policy of the State Government or not.

(Vide Paras 865 to 906 and 1641 to 1698 of the Enquiry Report about collection of data and its appreciation under the topics, “Reservation policy of the University”) and Reservation policy of Government not followed by the University” respectively.

c) Actual preparation of the Selection Lists

c-1) Selection Lists of SRA (Agri.) and JRA (Agri.) are prepared on computer

(Vide paras 394 to 413 of the Enquiry Report)

1395) Unlike the lengthy Mark-Sheets Ex. 112 (O) and Ex.34(O)-A which the entries were made in pencil and in ink respectively, the Selection Lists of SRA (Agri.) and JRA (Agri.) were prepared on computer. The Selection Lists of the posts of SRA (Agri.)/ JRA (Agri.) prepared on computer are contained at pages 66 to 76 in the file relating to the proceedings of the meeting of the Selection Committee Ex. 34(O). The true copies of the said Selection Lists for the posts of SRA (Agri.) and JRA (Agri.) are already collectively annexed to this Enquiry Report as Annexure-25. Dr.V.D. Patil, the chairman of the Selection Committee, stated in para 56 of his affidavit dated 25.12.2007 (Ex.645), that the said Selection Lists were prepared on computer by Shri D.P. Deshmukh, Section Assistant (Estt.), after they had finalized the selection in each category of these posts of SRA (Agri.)/ JRA (Agri.). He stated in para 59 thereof that they had prepared the Selection Lists in descending order of merit in each category of the posts of SRA (Agri.) and JRA (Agri.) by dictating the names of the Selected candidates to Shri D.P. Deshmukh, Section Assistant (Estt.), who wrote the said names in each category in his own hand-writing. According to him, after such hand-written Lists in each category of the posts of SRA (Agri.) and JRA (Agri.) were thus prepared by him, he prepared the said Selection Lists on computer in the Registrar’s office. However, when questioned in this regard, Shri D.P. Deshmukh, Section Assistant (Estt.), denied in para 1 of his additional affidavit dated 15.3.2008 (Ex.695) that he was present at the place where the Selection Lists were prepared. He also denied that the Chairman and the Member Secretary of the Selection Committee had orally dictated to him the names in the Selection Lists of the posts of SRA (Agri.) and JRA (Agri.) and that they had asked him to take them down in writing. He further denied that the said written Selection Lists were handed over to him for making their computer copies or xerox copies and that he had made such copies. Dr.Vandan Mohod, the Registrar/ its member Secretary, stated in para 5 of his additional affidavit dated 2.4.2008 (Ex.713) that it was not true that they had gone to the Registrar’s office to prepare the final Selection Lists but

according to him they prepared the said Lists on computer in the same hall in which they were sitting, although, the computer they used was from the Registrar's office.

c-2) The Selection Lists could not have been and were not prepared at Night on 25.6.2005 i.e. the last day of interview

1396) Dr.V.D.Patil, the Chairman of the Selection Committee, stated in para 46 of his affidavit dated 25.12.2007 (Ex.645) that on the last day of interview i.e. 25.6.2005 the work of the Selection Committee was not over after the average marks of the candidates appearing for interview on that day and also on earlier day/s was not over on that date since they were told by the Registrar that the entire process of selection should be completed on the last day. Hence according to him, the meeting of the Selection Committee continued thereafter also to complete the said process of selection i.e. to prepare finally the Selection Lists of these posts. It may then be seen that as stated by Dr.V.D.Patil, the Chairman of the Selection Committee, in para 48 of his aforesaid affidavit, the categorywise Mark-Sheet Ex. 34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) was ready at about 11.30 P.M. at night on 25.6.2005 and thereafter as stated by him in para 51 thereof the work of selection of candidates in each category of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) and preparation of the Selection Lists in descending order of merit in each such category took about 3 or 4 hours time.

1397) As regards the question whether the Selection Lists must be prepared after the interviews of all candidates were over. Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 71 of his aforesaid affidavit that there was no such rule. After seeing Statute-53, he stated therein and also in para 72 thereof that the said Statute, according to which the selection of candidates should be finalized as soon as the interviews of the candidates for particular posts are over and the decision of the Selection Committee should be recorded and signed by the Chairman of the Selection Committee and the members present was applicable to the posts of Professor and above and was not in terms applicable to the posts of SRA/JRA in question. Further, according to him, the said rule cannot be made mandatory because in certain contingencies or exigencies such as where the number of candidates appearing for interview is very large and even the number of posts to be filled is very large, it would not be possible to prepare the Selection Lists after the interviews are over because much time would be consumed in taking interviews and much time would be also necessary for making Selection Lists. He then stated in para 72 of his aforesaid affidavit that according to him, the Selection Lists have to be prepared carefully so that no injustice is caused to any candidate and the meeting of the Selection Committee can therefore be called as early as possible after the interviews are over for preparation of Selection Lists i.e. on the next day or any other day suitable to its members. He reiterated therein that the Selection Lists cannot be

prepared carefully by the Selection Committee if they are prepared in haste immediately after the interviews are over when the number of candidates appearing for interview and the number of posts to be filled is very large. He stated that they prepared the Selection Lists in haste immediately after the interviews were over on the last day i.e. 25.6.2005. However, he himself, the Registrar/ Member Secretary, Dr.E.R. Patil, senior-most member, and one or two other members (not the outside members), thought that they should immediately prepare the Selection Lists, and therefore, they prepared them immediately after the interviews were over on 25.6.2005 i.e. on the last day of interview.

1398) Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, also stated in para 23 of his affidavit dated 1.12.2007 (Ex. 633) that the work of the Selection Committee was not over on the last day of interview i.e. 25.6.2005 after the average marks of each candidate for his interview were entered in the additional chart by the Chairman of the Selection Committee but then all the members of the Selection Committee including the Chairman came out of interview hall and sat in the adjacent hall where the officers of the Registrar's office were sitting. He, however, stated that actually all the members of the Selection Committee were not sitting continuously in the adjacent hall and two outside members of the Selection Committee had infact gone to their room where they stayed and the other members were going out for tea and pan etc. What is important to be seen in the said para 23 is that according to him the Selection Lists were thus prepared by them i.e. the Chairman and he himself. He further stated in para 32 of his aforesaid affidavit that the work of preparation of Selection Lists was completed at about 1 to 1.30 a.m. Dr.E.R. Patil, stated in para 33 of his affidavit dated 16.11.2007 (Ex.599) that the Selection Lists at pages 66 to 76 of the file Ex. 34(O) were prepared on the last day of interview i.e. 25.6.2005.

1399) Vide Paras 410 to 412 of the Enquiry Report, the other members of the Selection Committee, however, do not corroborate them about the meeting of the Selection Committee, being continued on the last date of interview i.e. 25.6.2005 after they had handed over to the Chairman or the Registrar/the Member Secretary of the Selection Committee, the charts in which they had given marks to the candidates appearing for interview on that date and the Selection Lists of the candidates for the posts of SRA (Agri.) and JRA (Agri.) being prepared in the said meeting. Dr.B.N. Dahatonde, stated in para 11 of his affidavit dated 10.12.2007 (Ex. 636) that like the previous days of interview, on 25.6.2005 i.e. the last date of interview also after the interviews of all the candidates were over, he had handed over the chart in which he had given marks to the candidates for their interview on that date and the chart about their particulars Ex. 45(O) to the Chairman of the Selection Committee and the meeting of the Selection Committee was thereafter over and he returned home. He then stated in the said para

11 of his aforesaid affidavit that no meeting of the Selection Committee was held after 25.6.2005 for selection of the candidates for the posts of SRA/JRA and he did not know how the Mark-Sheet and the Selection Lists were prepared thereafter and who prepared them.

1400) Similarly, Dr.N.D.Jogdande, also stated in para 7 of his affidavit dated 5.11.2007 (Ex. 596) that on the last day of interview i.e. 25.6.2005 after they handed over to the Registrar their charts in which they had given marks to each candidate appearing for interview on that day, the meeting of the Selection Committee was over on that day and nothing else was done in their presence in the said meeting on that day i.e. 25.6.2005. He then stated in para 8 of his aforesaid affidavit that there was no discussion in any of the meeting of the Selection Committee to decide the criteria and the Chairman had also not told them about any criteria on the basis of which the candidate were to be selected for the posts of SRA/JRA except that they had to select the candidates on the basis of the marks given to them for their interviews. He also stated therein that he did not know anything as to how the selection of the candidates for the posts of SRA/JRA was made and the Selection Lists prepared and by whom. After seeing the Selection Lists at pages 66 to 76 in the file Ex. 34(O) and particularly the date 25/06 put by the Chairman and the Member Secretary of the Selection Committee below their signatures, he stated in para 11 of his aforesaid affidavit that according to him, on 25.6.2007 i.e. the last date of interview no selection Lists were and could be prepared in the meeting of the Selection Committee which, in fact, according to him, as stated by him earlier, was over after they had handed over to the Registrar their charts about the marks of the candidates appearing for interview on that day.

1401) Although Dr.N.D. Pawar, outside member of the Selection Committee, did not clearly state when the Meeting of the Selection Committee was over on the last day of interview i.e. 25.6.2005, reading of para 14 of his affidavit dated 1.11.2007 (Ex. 590) would show that according to him also, the meeting of the Selection Committee was over on that day after the marks given by the Chairman and each member of the Selection Committee to the candidates for their interviews on each day were written in the consolidated Sheet i.e. the additional chart in the proforma Ex. 434-A with the Chairman of the Selection Committee and their total made on that day because he immediately stated thereafter in para 15 of his aforesaid affidavit that there was no meeting of the Selection Committee called for considering the marks given to each candidate for his academic performance, for calculating the average of the marks given to him by the Chairman and each member of the Selection Committee and for preparation of the Selection Lists. Had the same been done on the last day of interview i.e. 25.6.2005 in the meeting of the Selection Committee, he would not have stated that no meeting of the Selection Committee was called for the said purpose. He further stated in the said para 15 that they were

not even told on the last date of meeting i.e. 25.6.2005 how many candidates were to be selected for the posts of SRA/JRA and whether the waiting List should be prepared for each category of the said posts. After seeing the categorywise Selection Lists at pages 66 to 76 in the file Ex. 34(O)-A and particularly the date 25/6 below the signatures of Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/ its member Secretary, he categorically stated in para 24 of his aforesaid affidavit that the said date put by them is completely wrong because on that date the Selection Lists could not have been prepared by the Selection Committee, muchless categorywise. He reiterated that the categorywise Selection Lists at pages 66 to 76 in the file Ex. 34(O) could not have been prepared and were not ready on 25.6.2005 i.e. the last day of the meeting of the Selection Committee, and therefore, it could not have been signed on that day by any member of the Selection Committee including its Chairman and Member Secretary i.e. the Registrar.

1402) Dr.G.N. Dake, another outside member of the Selection Committee, stated in para 7 of his affidavit dated 23.11.2007 (Ex. 600), that on 25.6.2005 i.e. the last date of interview, after the members of the Selection Committee had handed over to the member Secretary the charts in which they had given marks to the candidates appearing for interview on that day, they were told by the Chairman of the Selection Committee that for finalizing the selection of the candidates, there would be another meeting of the Selection Committee held for which due notice would be given to them and the meeting of 25.6.2005 was thus over without preparation of Selection Lists for the posts of SRA/JRA. According to him, since the meeting of the Selection Committee was thus over on the last day of interview i.e. 25.6.2005, he went back to Rahuri on the same day at about 10.00 P.M. at night. He then stated in para 8 of his aforesaid affidavit that no meeting of the Selection Committee was held after 25.6.2005 for finalizing the selection of the candidates and preparation of Selection Lists for the posts of SRA/JRA.

1403) The statement of Dr.V.D. Patil, the Chairman of the Selection Committee, in para 72 of his affidavit dated 25.12.2007 (Ex. 645) that "One or two "other members" (not the out side members) meaning thereby Dr.B.N. Dahatonde, and/or Dr.N.D. Jogdande amongst others mentioned therein thought that they should immediately prepare the Selection Lists after the interviews were over on 25.6.2005 i.e. the last date of interview cannot be believed because the said Members had left the meeting hall and returned home as, according to their affidavits referred to above, the meeting of the Selection Committee on that day i.e. 25.6.2005 was over. Similarly, the statement of Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee in para 23 of his affidavit dated 1.12.2007 (Ex. 633) that after the work of interviews and of entering the average marks for interview of each candidate was over, the meeting on the last day of interview i.e. 25.6.2005 was not over and all the members of the

Selection Committee including its Chairman came out of the interview hall and were sitting in the adjacent hall although not continuously cannot also be believed because according to them as stated above, the meeting on that day was over and they had returned home. According to Dr.G.N. Dake, in fact, he had left Akola at about 10.00 P.M. at night on 25.6.2005 itself for going to Rahuri since as stated by him in para 7 of his aforesaid affidavit, the meeting of the Selection Committee on that day was over after they had given to the Member Secretary their charts about the interview marks of the candidates appearing for interview on that day and the Chairman had told them that another meeting of the Selection Committee would be called for finalization of Selection of Candidates.

1404) It is thus clear from the affidavits of Dr.B.N. Dahatonde, Dr.N.D. Jogdande, Dr.N.D. Pawar, and Dr.G.N. Dake, the members of the Selection Committee, referred to above, that the Selection Lists were not prepared at night on the last date of interview i.e. 25.6.2005, much less in the meeting of the Selection Committee because on that day also, like the previous days, the meeting of the Selection Committee was over and they had left the meeting hall after they had handed over to the Chairman or the Member Secretary of the Selection Committee, the charts in which they had given interview marks to the candidates appearing for interview on that day.

c-3) Categorywise Mark-Sheet Ex. 34(O)-A from which Selection Lists were prepared, itself not ready at night on 25.6.2005 i.e. the last day of interview

1405) It is necessary to see that admittedly the Selection Lists for the posts of SRA (Agri.) and JRA (Agri.) in question, were prepared from the categorywise Mark-Sheet Ex. 34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.), vide para 51 of the affidavit of Dr.V.D. Patil, dated 25.12.2007 (Ex. 645) and para 31 of the affidavit of Dr.Vandan Mohod, dated 1.12.2007 (Ex.633). In fact, Dr.V.D. Patil, the Chairman of the Selection Committee, in para 70 of his aforesaid affidavit, and Dr.Vandan Mohod, in the aforesaid para 31 of his aforesaid affidavit, categorically stated that unless the categorywise Mark-Sheet Ex. 34(O)-A was ready on 25.6.2005, the Selection Lists could not have been prepared on that day and they could be prepared only after the said categorywise Mark-Sheet Ex. 34(O)-A was ready. The previous topic in this Enquiry Report is about "Preparation of the Mark-Sheet of all the Candidates" vide paras 1362 to 1383-0of the Enquiry Report. It is held in para 1377 of the said topic that the categorywise Mark-Sheet Ex. 34(O)-A from which the Selection Lists were prepared was not ready at night on 25.6.2005 i.e. the last day of interview but as stated by Shri D.P. Deshmukh, Section Assistant (Estt.), who admittedly made the entries in ink therein, it was prepared in 8 or 10 days time after 25.6.2005 i.e. the last date of interview whereafter it was handed over to Dr.V.D. Patil, the Chairman of the Selection Committee.

1406) It is therefore clear that the Selection Lists of the Candidates for the posts of SRA (Agri.) and JRA (Agri.) could not have been prepared and were not ready at night on 25.6.2005 i.e. the last date of interviews. They could not have therefore been and were not signed by the members of the Selection Committee at night on that day or in the morning on the next day i.e. 26.6.2005, as stated by Dr.V.D. Patil, in para 70 of his affidavit dated 25.12.2007 (Ex. 645). As regards the question of signing the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists by the members of the Selection Committee, the said question is considered hereinafter under the separate topic relating thereto.

c-4) Procedure followed in the actual preparation of Selection Lists

1407) In considering the question of actual preparation of the Selection Lists, it is necessary to see that no Mark-Sheet of the candidates in descending order of merit was prepared in this case as is usually done for preparation of Selection Lists in descending order of merit, vide in this regard GR dated 16.03.1999 (Ex. 703) also considered in paras 1661 to 1666 of the Enquiry Report. Even Statute-52 applicable to the posts of Professor and above, whose pattern of 40:60 i.e. 40 marks for past performance (i.e. academic performance) and 60 marks for interview is adopted for academic evaluation of SRA/JRA has provided for preparation of Mark-Sheet in descending order of merit. Neither the Consolidated Mark-Sheet Ex. 112(O) nor the categorywise Mark-Sheet Ex. 34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) prepared in this case is in descending order of merit for the purpose of selection of the candidates in these posts of SRA (Agri.) and JRA (Agri.) and for preparation of their categorywise Selection Lists in descending order of merit. According to para 51 read with para 70 of the affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee, dated 25.12.2007 (Ex. 645), and para 31 of the affidavit of Dr.Vandan Mohod, the Registrar/ its member Secretary dated 1.12.2007 (Ex.633), the Selection Lists were prepared from the categorywise Mark-Sheet Ex.34 (O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.). If the Selection Lists were prepared from the aforesaid lengthy categorywise Mark-Sheet Ex. 34(O)-A which is not in descending order of merit, the said procedure would at any rate be time consuming and the said Selection Lists could not have been prepared at night from the said categorywise Mark-Sheet Ex.34 (O)-A as stated by them.

1408) As regards the actual work of preparation of the categorywise Selection Lists from the categorywise Mark-Sheet Ex. 34(O)-A, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 68 of his aforesaid affidavit that he had formed two groups to do the said work in none of which he was personally involved. He further stated that he only supervised the work done by them. He then stated that except him, Dr.Vandan Mohod, the Member Secretary and Dr.E.R. Patil, the senior- most member, no other member of the

Selection Committee was present in the Committee room throughout the night but the other members kept coming and going out of the said room. However, according to him, atleast one or two members were available to do the aforesaid work of preparation of the Selection Lists. He further stated in para 69 of his aforesaid affidavit that the Registrar and one Member of the Selection Committee who was available had formed one group and Dr.E.R. Patil, the senior-most member and one other member of the Selection Committee who would be available had formed another group. He then stated that he had entrusted the work of preparation of Selection Lists of major categories in the sense where the number of candidates was large i.e. Open and OBC categories to the Registrar/the Member Secretary of the Selection Committee who helped him in the said work and as regards the work of preparation of Selection Lists of the other categories such as S.C.T, S.T. etc. in which the number of candidates was small, he had entrusted the said work to the other group of Dr.E.R. Patil, senior-most member, and one other member of the Selection Committee who helped him in the said work.

1409) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in the aforesaid para 69 of his affidavit dated 25.12.2007 (Ex. 645) that in preparing the Selection Lists of open category candidates the Registrar scrutinized the list of open category candidates in the Mark-Sheet Ex. 34(O)-A and found out from it the candidates who had secured highest number of marks. He then wrote down in his own hand-writing the names of such candidates in the open category in descending order of merit to the extent of the number of candidates to be selected in that category. According to him, after finishing the work of preparation of Selection List of open category, he undertook and completed in his own hand-writing the work of preparation of Selection List of the OBC category in descending order of merit from the list of the OBC category candidates in the Mark-Sheet Ex. 34(O)-A. He then stated that in similar manner Dr.E.R. Patil, with the help of one other member of the Selection Committee who was available prepared the Selection Lists in his own hand-writing in descending order of merit of the other categories such as S.C., S.T. etc. He also stated that in this manner, the Selection Lists for all categories in the posts of SRA (Agri.) were first prepared and thereafter the Selection Lists of the posts of JRA (Agri.) were prepared. He further stated that after the Registrar and Dr.E.R. Patil, had prepared the Selection Lists in their own hand-writing as referred to above, they dictated to Shri D.P. Deshmukh, Section Assistant (Estt.) the names in the said Selection Lists prepared by them. According to him, the work of preparation of the Selection Lists of all the categories took about 3 to 4 hours time and after these hand-written categorywise Selection Lists of both the posts were prepared, he had handed them over to the Registrar and Shri D.P. Deshmukh, who took them in the car to the Registrar's office and brought the computerized copies of the said lists which process took about one hour's time. He

then stated that all these hand-written Selection lists were destroyed after their computerized copies were prepared.

1410) As regards the procedure for finalization of selection of the candidates in various categories of the posts of SRA (Agri.) and JRA (Agri.), Dr.Vandan Mohod, the Registrar / Member Secretary of the Selection Committee, in para 28 of his affidavit dated 1.12.2007 (Ex. 633) mostly corroborated the above procedure described by Dr.V.D. Patil viz of filling in the categorywise chart the names of the candidates securing highest number of marks in each category in descending order of merit first in the posts of SRA (Agri.) and thereafter from the remaining candidates in the posts of JRA (Agri.). What is material to be seen in para 28 of his aforesaid affidavit is that, according to him, since the candidates had applied in more than one category, they took up first the open category and included the names of the candidates in the said category in descending order of merit even though he had applied in more than one Category i.e. besides open in some other reserved category. However, according to him, if he had not applied in Open Category, then they did not include his name in the Open Category. A similar statement is also made by Dr.V.D. Patil, the Chairman of the Selection Committee in para 99 of his affidavit dated 25.12.2007 (Ex.645).

1411) Dr. Vandan Mohod, the Registrar/Member Secretary of the Selection Committee has, however, not corroborated Dr. V.D. Patil, the Chairman, on the question of the work of preparation of Selection Lists being entrusted to two groups as described by him, in paras 68 & 69 of his affidavit dated 25.12.2007(Ex.645). Perusal of para 23 of his aforesaid affidavit would on the contrary show that the Selection Lists were prepared by the Chairman and he himself. Perusal of para 35 of the affidavit of Dr. E.R. Patil, the senior-most member of the Selection Committee, dated 16.11.2007 (Ex. 599) would show that he had not seen the Categorywise Mark-Sheet Ex. 34(O)-A at the time of interviews and also on the last day of interview i.e. 25.6.2005 which would clearly show that he had not participated in preparation of Selection Lists for the posts of SRA(Agri.) and JRA (Agri.) as stated by Dr. V.D. Patil, in para 69 of his affidavit dated 25.12.2005 (Ex. 645) since the Selection Lists were admittedly prepared from the categorywise Mark-Sheet Ex. 34(O)-A. As regards the other members of the Selection Committee viz. Dr. B.N. Dahatonde, Dr.N.D. Jogdande, Dr. N.D. Pawar and Dr. G.N. Dake, it is clear from their affidavits that they did not participate in the process of preparation of the Selection Lists vide paras 1399 to 1404 A of the Enquiry Report.

1412) Dr. Vandan Mohod, the Registrar/Member Secretary has not corroborated Dr. V.D. Patil also regarding the preparation of hand-written lists and then preparation of computerised lists by going to the Registrar's office as he categorically denied in para 5 of his additional affidavit dated 2.4.2008 (Ex. 713), that they went to the Registrar's office to prepare the final

Selection Lists. According to him, they prepared the Selection Lists in each category in descending order of merit on computer in the hall in which they were sitting after tick-marking in the Mark-Sheet Ex. 34(O)-A the names of the candidates in each category who received highest number of marks in the said category starting the said process with open category in SRA (Agri.) followed by OBC, S.C., S.T. categories etc. in the said post. He then stated in para 5 of his aforesaid affidavit that, they thus prepared the Selection Lists in descending order of merit of various categories in the posts of SRA (Agri.) and thereafter proceeded in the same manner and prepared the Selection Lists in descending order of merit of various Categories in the posts of JRA (Agri.). As already pointed out Shri D.P. Deshmukh, Section Assistant (Estt.), had denied in para 1 of his additional affidavit dated 15.3.2008 (Ex. 695) that he was present at the place where the Selection Lists were prepared and that he had prepared hand-written Selection Lists which, as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, were dictated to him. He had also denied that he had then taken them to the Registrar's office and prepared computerized or xerox copies of the same.

c-5) Selection Lists prepared by Dr. V. D. Patil, the Chairman and Dr. Vandan Mohod, the Member Secretary of the Selection Committee.

1413) The affidavits of Dr.E.R. Patil, Dr. B.N. Dahatonde, Dr.N.D.Jogdande, Dr.N.D. Pawar and Dr.G.N. Dake, the members of the Selection Committee referred to hereinbefore, would clearly show that it cannot be true that the Selection Lists were prepared by two groups formed by Dr.V.D.Patil, the Chairman of the Selection Committee as stated by him in paras 68 and 69 of his affidavit dated 25.12.2007 (Ex. 645) but as stated by Dr.Vandan Mohod, the Registrar/its Member Secretary, in para 23 of his affidavit dated 1.12.2007 (Ex. 633), the Selection Lists were prepared by him and Dr.V.D. Patil, the Chairman of the Selection Committee. However, as pointed out earlier, the said Selection Lists could not have been prepared by them on 25.06.2005 i.e. the last day of its interviews, much less in the meeting of the Selection Committee and they were not ready on that day. But they must have been prepared by them much later because as stated by Shri D.P. Deshmukh, Section Assistant (Estt.), in 8 or 10 days time after 25.06.2005 i.e. the last day of interview the categorywise Mark-Sheet Ex. 34(O)-A was prepared and was handed over by him to Dr.V.D.Patil, the Chairman of the Selection Committee as held in para 1377 of the Enquiry Report relating the topic "Preparation of Mark-Sheet of all the candidates" from which sometime thereafter the categorywise Selection Lists must have been and was prepared by the Chairman and the Member Secretary of the Selection Committee.

1414) As regards the lacunae, deficiencies, or illegalities and improprieties etc. committed in preparation of the Selection Lists, the said questions are considered in paras 1661 to 1698 of

the Enquiry Report under the topic “Illegalities, flaws, consequential reshuffling of Selection Lists and other infirmities in preparation of Selection Lists of these posts of SRA (Agri.) and JRA (Agri.).”

x) **Non-Selection of YCMOU graduates**

(Vide Paras 518 to 530 of the Enquiry Report)

1415) As regards non-selection of YCMOU graduates, the main reason appears to be that as stated by Dr.Vandan Mohod the Registrar/Member Secretary of the Selection Committee, in para 47 of his affidavit dated 1.12.2007 (Ex. 633), considering the nature of instructions and the courses in YCMOU, the graduate degree of YCMOU in agriculture is not equivalent to the graduate degree of the Agricultural Universities in the State relying upon the report of the Dean’s Committee. However, no such report of the Dean’s Committee is filed in this enquiry although Dr.Vandan Mohod had undertaken to do so. Be that as it may, none of the YCMOU graduates were selected in the post of JRA (Agri.) either by direct recruitment or by promotion and their names were not even included in the Seniority List of the post of Agricultural Assistant for promotion to the post of JRA (Agri.) because according to the Registrar’s office, as stated by him in para 48 of his aforesaid affidavit, they were not eligible for promotion to the post of JRA (Agri.)

1416) According to YCMOU graduates who had applied for the posts of JRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex.2), their graduate degree in agriculture was held as equivalent to the graduate degree of the Agricultural Universities in the State by the Government as per its G.R. No. AGU-2199/Ch.No.167/18-A dated 24.9.2003 and the YCMOU graduates were therefore eligible to apply for any of the suitable posts in the Agricultural Universities in the State. They therefore, made representation to the University that they were eligible for the posts of JRA (Agri.)/AA. Vide para 52 of the affidavit of Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University dated 14.1.2008 (Ex.658), he stated therein that he had at that time discussed the said question with Dr.V.D. Patil, Director of Instructions in the University and had orally asked him to consider the G.Rs. and other documents filed by the said YCMOU graduates in that regard and follow the proper procedure in selection of candidates for the posts of JRA (Agri.). According to him, he had also directed him to take legal opinion but no such directions were given by him in this regard in writing. In view of the above directions given by him orally, a file was opened for considering the aforesaid representation of YCMOU graduates marked as Ex.37(O) in this enquiry containing the relevant G.Rs. and other relevant documents for consideration by Dr.V.D. Patil, the Chairman of the Selection Committee/ D.I., which file inter-alia included at pages C/51 to C/53 the

aforesaid G.R. dated 24.9.2003 about the equivalence of the graduate degree of YCMOU in agriculture with the graduate degree of the Agricultural Universities in the State annexed as Annexure-20 of the Enquiry Report

1417) Dr. S.A. Nimbalkar, the then Vice-Chancellor of the University, in para 52 of his affidavit dated 14.1.2008 (Ex.658), and Dr.V.D. Patil, the Chairman of the Selection Committee in para 76 of his affidavit dated 25.12.2007 (Ex. 645) categorically admitted that no decision was taken by the University or any of its committee or by the Vice-Chancellor that the YCMOU candidates were not to be considered as eligible for the posts of JRA (Agri.). However, according to Dr.S.A. Nimbalkar, the then Vice-Chancellor, the question of equivalence of the graduate degree of YCMOU in agriculture with the graduate degree of the Agricultural Universities in the State was pending for consideration before MCAER whose final decision was awaited in this regard but, till then according to him, the YCMOU graduates should be treated as eligible for appointment and promotion in the posts of JRA (Agri.). As the question of eligibility of YCMOU graduates to apply for the post of JRA (Agri.) / AA was referred to Dr.V.D. Patil, the Chairman of the Selection Committee, he considered the said question and as stated by him in para 71 of his affidavit dated 25.12.2007 (Ex. 645), gave the opinion on 4.6.2005 that the YCMOU graduates should be considered for being called for interview and promotion as per the rules / G.Rs. vide page 1/C of the file Ex. 37(O). The said opinion given by him was approved by the legal adviser of the University as per his letter dated 16.5.2005 included at page 43/C of the said file Ex. 37(O), vide para 414 of the Enquiry Report. Accordingly Dr.V.D. Patil, the Chairman of the Selection Committee, as stated by him in para 78 of his aforesaid affidavit, called the YCMOU graduates for interview of the posts of JRA (Agri.) on 24.6.2005 observing that the matter was still under consideration by MCAER for final approval / modification of the G.R. about the equivalence of YCMOU graduate degree with the graduate degree of the Agricultural Universities in the State, vide para 523 of the Enquiry Report. All the 7 YCMOU graduates who had applied for the posts of JRA (Agri.) were therefore interviewed on 24.6.2005 and their names were included in the categorywise Mark-Sheet Ex.34(O)-A for the post of JRA (Agri.) but were shown separately in the Lists of the reserved categories and open in which they had applied. Admittedly, the Selection Lists were prepared from the categorywise Mark-Sheet Ex. 34(O)-A.

1418) When Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee was questioned about the G.R. dated 24.9.2003 (Annexure-20 of the Enquiry Report), he stated in para 6 of his additional affidavit dated 2.4.2008 (Ex.713), that the said G.R. dated 24.9.2003 regarding equivalence of YCMOU graduate degree in agriculture to the graduate degree of Agricultural Universities in the State is binding upon all the Agricultural Universities

in the State and if any Committee is constituted again for considering the said decision of the Government, the decision of the said Committee in this regard would be put before the Government and till it accepts it and issues fresh G.R. accordingly, the previous G.R. of the Government dated 24.9.2003 (Annexure-20 of the Enquiry Report) upon the question of equivalence is binding upon them.

1419) It is thus clear that the YCMOU graduates in agriculture were eligible for selection and appointment in the posts of JRA (Agri.) by nomination and promotion unless and until the aforesaid G.R. dated 24.9.2003 (Annexure-20 of the Enquiry Report) was superseded and cancelled by the Govt. by issuing fresh G.R. in that regard. Dr.V.D. Patil, the Chairman of the Selection Committee, in para 78 of his aforesaid affidavit dated 25.12.2007 (Ex. 645) and Dr.Vandan Mohod, the Registrar / its Member Secretary, in para 7 of his additional affidavit dated 2.4.2008 (Ex.713), therefore, admitted that as the YCMOU graduates were eligible for selection in the post of JRA (Agri.) and as no cut-off marks were fixed in the criteria for evaluation of SRA (Agri.) and JRA (Agri.), the YCMOU graduates, even though they received low marks, could also be selected in the posts of JRA (Agri.), if the posts were available for them in descending order of merit. Dr.V.D. Patil, the Chairman of the Selection Committee, categorically admitted in the said para 78 of his aforesaid affidavit that the name of Dilip Solanki S.T., YCMOU graduate in agriculture should have been therefore recommended for the third post of JRA (Agri.) in S.T. category. For full discussion see paras 1648 to 1650 of the Enquiry Report under the principle need Reservation policy of the Government not followed by the University.

xi) Waiting Lists not prepared for reasons better known to Dr.V.D.Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee

(Vide Paras 531 to 536 of the Enquiry Report)

1420) It is trite to say that in Selection List of any post, wait List of the Candidates is always given by the Selection Committee to tide over the exigencies such as a selected candidate not joining his post or the posts becoming vacant in near future after the advertisement is issued. But in this case, no waiting Lists were prepared by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, who prepared the Selection Lists of the posts of SRA (Agri.) and JRA (Agri.) although the advertisement in question dated 14.8.2004 (Ex.2) issued for these posts amongst others specifically provided for wait Lists to be prepared for near future vacancies.

1421) It is clear from para 50 of the affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee dated 25.12.2007 (Ex.645), that although there was increase in the number of vacancies in the posts of SRA (Agri.) and JRA (Agri.) as stated by him in para 49 of his aforesaid affidavit, there was no decision taken by the Vice-Chancellor, who was the appointing authority, determining the exact number of the increased number of posts to be filled, muchless by following the routine procedure of getting the views of the Registrar and the concerned officers / employees of his office through their office notes as described therein. He then stated in para 52 of his aforesaid affidavit that even though the exact number of posts to be increased was not decided by the Vice-Chancellor, they had not still given any waiting Lists while preparing the Selection Lists of these posts as is normally done so that if any candidate did not join his post as per the appointment order or in case any vacancies occurred in near future as stated in the advertisement in question dated 14.8.2004 (Ex.2), the candidates in the Waiting Lists could be given appointment in such posts. He sought to justify his action of not giving the waiting Lists on the ground that, according to him, it was for the Vice-Chancellor to fill the posts according to the vacancies available in these posts in the University. The above justification given by him is not rational because, filling the posts according to the available vacancies has nothing to do with the question of preparation of waiting Lists which are prepared not only for filling the vacancies occurring in near future but also in other exigencies such as where the candidate does not join his post as per the appointment order given to him.

1422) Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, clearly admitted in para 33 of his affidavit dated 1.12.2007 (Ex. 633), that when they did not know the exact position of the vacancies at the time of preparation of the Selection Lists for these posts of SRA/JRA, they should have thought of giving waiting List in the Selection List of each of these posts instead of giving Selection Lists of the exact number of candidates for 55 vacancies in the posts of SRA (Agri.) and 76 vacancies in the posts of JRA (Agri.). Dr.G.N. Dake, outside member of the Selection Committee also expressed similar view in para 16 of his affidavit dated 23.11.2007 (Ex.600). Dr.E.R. Patil., senior most member of the Selection Committee, stated in para 35 of his affidavit dated 16.11.2007 (Ex. 599) that the Selection Committee, committed a mistake in not giving waiting Lists of the Candidates in preparation of the Selection Lists for these posts of SRA/JRA. Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University also stated in para 45 of his affidavit dated 14.1.2008 (EX.658) that although the waiting List was given almost in every Selection List prepared for any post by any Selection Committee, he did not know why the waiting Lists were not given in the Selection Lists prepared by the Selection Committee for these posts of SRA (Agri.) and JRA

(Agri.) particularly when it was stated in the advertisement dated 14.8.2004 (Ex.2) itself that the waiting Lists should be prepared by the Selection Committee for near future vacancies.

1423) It appears that Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, had not deliberately chosen the usual method of preparing the Selection Lists for the number of posts which were advertised and to give, in addition the waiting Lists which could be operated in the case of unforeseen exigencies such as candidate not joining his post or filling the post becoming vacant in near future as mentioned in the advertisement dated 14.8.2004 (Ex.2) because had they followed such a procedure, they would not have been able to give appointment to all the candidates included in the Selection Lists. It is for this reason that it appears that as admitted by Dr.V.D. Patil, the Chairman of the Selection Committee in para 50 of his affidavit dated 25.12.2007 (Ex. 645) that he, and the Registrar/ Member Secretary had themselves decided on the last day of interview i.e. 25.6.2005 orally to prepare the categorywise Selection List of 55 candidates for the posts of SRA (Agri.) instead of 24 as advertised and the Selection List of 76 candidates for the posts of JRA (Agri) instead of 37 as advertised, so that all favoured candidates could be accommodated in the Selection Lists of these posts. Although, he stated in para 52 of his aforesaid affidavit that it was for the Vice-Chancellor to fill-up the posts as per the vacancies available in these posts in the University as also mentioned in the office note dated 6.9.2005, actually at the time of issuing appointment orders, the Acting Vice-Chancellor was Dr.V.D. Patil, himself as per the order issued by the then Vice-Chancellor on the same date i.e. 6.9.2005 (Ex. 657) who with the Registrar Dr.Vandan Mohod, decided to utilize the vacancies in the promotion quota of these posts for issuing appointment orders to all the candidates including the favoured candidates in the Selection Lists prepared by them.

1424) Had the waiting Lists been given in preparing the Selection Lists for 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) as advertised, they would not have included the names of many candidates so that more than double the number of these posts as advertised could be filled. It would not have been then possible to give appointment to all the 55 candidates in the posts of SRA (Agri.) and 76 candidates in the posts of JRA (Agri.) included in these Selection Lists. It may be seen that the Waiting List is not a regular Selection List and is used only to meet some unforeseen exigencies. It would have been therefore used in filling the posts in nomination quota only because of some unforeseen exigencies and no decision would or could have been taken to utilize the posts in promotion quota for appointment of candidates from the Waiting Lists.

- xii) **Signing the Categorywise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) and Selection Lists of the said posts by the Chairman and the Members of the Selection Committee.**

(Vide Paras 537 to 562 of the Enquiry Report)

- a) **Selection Lists could not have been and were not signed on 25.06.2005 i.e. the last day of interview as they were not prepared on that day, muchless in the meeting of the Selection Committee on that day**

(Vide Paras 1396 to 1404 of the Enquiry Report)

1425) As pointed out in paras 1396 to 1398 read with para 1373 of the Enquiry Report relating to preparation of Selection Lists and preparation of Mark-sheet, respectively, according to Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/ its Member Secretary, the categorywise Mark-Sheet Ex. 34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) was ready at night on 25.6.2005 i.e. the last day of interview and from the said Mark-Sheet Ex. 34(O)-A, the Selection Lists of these posts were prepared at night on the same date in the meeting of the Selection Committee. As regards the categorywise Mark-Sheet Ex. 34(O)-A, Dr.V.D.Patil, the Chairman of the Selection Committee, stated in para 48 of his affidavit dated 25.12.2007 (Ex.645), that after the said Mark-Sheet Ex. 34(O)-A was ready at night on 25.6.2005, he himself and each member of the Selection Committee signed each page of the said Mark-Sheet on the same day at night. Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee in para 31 of his affidavit dated 1.12.2007 (Ex.633) and Dr.E.R. Patil, senior most member of the Selection Committee in para 29 of his affidavit dated 16.11.2007 (Ex.599), have corroborated him in that regard. As regards the signatures upon the Selection Lists, Dr.V.D. Patil, the Chairman of the Selection Committee in paras 51,53, and 70 of his aforesaid affidavit dated 25.12.2007 (Ex.645) stated that the said Selection Lists were signed by him and some members of the Selection Committee at night on 25.6.2005 and by other members in the morning on 26.6.2005. Dr.Vandan Mohod, the Registrar/ its Member Secretary, in para 29 of his aforesaid affidavit dated 1.12.2007 (Ex.633) and Dr.E.R. Patil, senior most member in para 31 of his aforesaid affidavit dated 16.11.2007 (Ex. 599) corroborated him in this regard.

1426) However, the other members of the Selection Committee viz. Dr.B.N. Dahatonde, Dr.N.D. Jogdande, Dr.G.N. Dake and Dr.N.D. Pawar, did not corroborate them in this regard. According to them, vide paras 1399 to 1402 and para 1374 of the Enquiry Report relating to preparation of Selection Lists and preparation of Mark-sheet respectively, the categorywise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) was not

prepared in the meeting of the Selection Committee on 25.6.2005 i.e the last day of interview and was not ready at night on that day because, according to them, the meeting of the Selection Committee, like the previous days, was over and they had left the meeting after they had handed over to the Chairman or the Registrar/ its Member Secretary the charts in which they had given interview marks to the candidates who appeared for interview on that date. In fact, according to Dr.G.N. Dake, vide para 7 of his affidavit dated 23.11.2007 (Ex.600) he went back to Rahuri on the same day at about 10.00 P.M. What is most important to be seen is that Mark-sheet 34(O)-A was admittedly prepared by Shri D. P. Deshmukh, Section Assistant (Estt.) according to whom as stated in para 1375 of the Enquiry Report he completed the work relating to categorywise Mark-sheet (Ex. 34(O)-A) in 8 or 10 days time after the last day of interview i.e. 25.06.2005. Thus, as held in paras 1396 to 1404 of the Enquiry Report relating to “Preparation of the Selection Lists”, the Selection Lists could not have been and were not prepared at night on 25.6.2005 i.e. the last date of interview (vide particularly para no.1404 of the Enquiry Report). The said Selection Lists, therefore could not have been and were not signed at night on 25.6.2005 or in the morning on 26.6.2005 as stated by Dr.V.D. Patil, the Chairman of the Selection Committee in paras 51, 53 and 70 of his affidavit dated 25.12.2007 (Ex.645), by Dr.Vandan Mohod, the Registrar/ Member Secretary, in para 29 of his affidavit dated 1.12.2007 (Ex.633), and by Dr.E.R. Patil, in para 31 of his affidavit dated 16.11.2007 (Ex.599).

- b) **Selection Lists could be and were prepared by the Chairman and the Member Secretary of the Selection Committee sometime after the categorywise Mark-Sheet Ex.34(O)-A was prepared by Shri D.P. Deshmukh, Section Assistant (Estt.) and was handed over by him to the Chairman whereafter only they could be and were signed by the Chairman and the Members of the Selection Committee.**

1427) It is held in para 1377 of the Enquiry Report under the topic relating to “Preparation of the Mark-Sheet of all the candidates” that as per the version of Shri D.P. Deshmukh, Section Assistant (Estt.), which was held credible and was accepted, the categorywise Mark-Sheet Ex. 34(O)-A, as also the consolidated alphabetical Mark-Sheet Ex. 112 (O) were not prepared in the meeting of the Selection Committee on 25.6.2005 i.e. the last day of interview, muchless signed by the members of the Selection Committee on that day and they were prepared in 8 or 10 days time thereafter. If the categorywise Mark-Sheet Ex. 34(O)-A from which the categorywise Selection Lists were prepared as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 51 of his affidavit dated 25.12.2007 (Ex.645), and by Dr.Vandan Mohod, in para 31 of his affidavit dated 1.12.2007 (Ex.633), was not ready at night on 25.6.2005 and was prepared in 8 or 10 days time thereafter the Selection Lists could not have

been prepared at night on 25.6.2005 as admitted even by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 70 of his aforesaid affidavit and by Dr.Vandan Mohod, in the said para 31 of his aforesaid affidavit. They, therefore, could not have been signed by the Chairman and the Members of the Selection Committee at night on that date or in the morning on the next day i.e. 26.6.2005 as stated by Dr.V.D. Patil in the said para 70 of his affidavit dated 25.12.2007 (Ex.645). It is thus clear that the Selection Lists were prepared by Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/its Member Secretary sometime after the categorywise Mark-Sheet Ex. 34(O)-A was prepared by Shri D.P. Deshmukh, Section Assistant (Estt.), in 8 or 10 days time after the last date of interview i.e. 25.6.2005 and was handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee. It is only after the categorywise Mark-Sheet Ex. 34(O)-A and the Categorywise Selection Lists were thus prepared that they could be signed by the Chairman and the Members of the Selection Committee.

c) When were the categorywise Mark-Sheet Ex. 34(O)-A and the Categorywise Selection Lists signed by the Chairman and the Members of the Selection Committee ?

1428) As regards the question when the categorywise Mark-Sheet Ex.34(O)-A and the Categorywise Selection Lists were signed by the Chairman and the Members of the Selection Committee, Dr.N.D. Jogdande, local member of the Selection Committee, after seeing the signatures upon each page of the said documents, stated in para 11 of his affidavit dated 5.11.2007 (Ex.596) that they had put the said signatures on one day, 10 to 15 days after the last date of interview i.e. 25.6.2005 when they were called on that day to put their signatures upon the aforesaid documents and also the statements regarding promotion from the posts of AA to JRA and JRA to SRA which were all included in the file relating to the proceedings of the meeting of the Selection Committee marked as Ex. 34(O) in this enquiry. Dr.B.N. Dahatonde, another local member of the Selection Committee, corroborated him in this regard, vide para 13 of his affidavit dated 10.12.2007 (Ex.636). He further stated therein that although 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, it was not possible for him to scrutinize the whole Mark-Sheet Ex. 34(O)-A and the Selection Lists in the file Ex. 34(O) and he, therefore, just had a glance over the said documents whereafter he signed them. He admitted that he had not carefully seen the said Mark-Sheet Ex. 34(O)-A and as regards the Selection Lists he stated that he had read only the names of the candidates who were selected but had not tried to see any deficiencies in their selection. He also admitted that he did not verify from the Mark-Sheet Ex. 34(O)-A the marks received by each candidate in the Selection

Lists. He further admitted that since he had not examined the categorywise Mark-Sheet Ex. 34(O)-A, critically he did not know whether there were any deficiencies in the marks shown against the names of the candidates in the Mark-Sheet Ex. 34(O)-A and if so, whether the Selection Lists also suffered from the same vice.

1429) The most significant affidavits on the question of signing the categorywise Mark-Sheet Ex. 34(O)-A and the Categorywise Selection lists are the affidavits of the two outside members of the Selection Committee. Dr.G.N. Dake, the Head of the Department (Pl. Pathology and Agricultural Micro-biology) M.P.K.V. Rahuri, stated in paras 8 and 9 of his affidavit dated 23.11.2007 (Ex.600) read with his additional affidavit dated 5.3.2008 (Ex.685) that he signed the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists at Rahuri on 14.9.2005 when Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/its Member Secretary visited MPKV, Rahuri and had taken his signatures upon the said documents (vide para 556 of the Enquiry Report). Vide para 540 of the Enquiry Report, as stated by him in para 8 of his aforesaid affidavit dated 23.11.2007 (Ex.600), when they met him at Rahuri on the said date they told him that they had finalized the Selection Lists and he should sign the same. He protested and pointed out to them that the Selection Lists could not be finalized in such manner and that it was in the meeting of the Selection Committee properly convened that the Selection of the candidates had to be finalized and the Selection Lists prepared in descending order of merit. They, however, assured him that the Selection of the candidates made by them was fair. After he had cursorily gone through the Selection Lists, he pointed out to them that Dr.Dhole, one of the candidates for the post of SRA (Agri.) / JRA (Agri.) was a meritorious candidate and had fared well in his interview also. He had therefore, asked them why his name was not included in the Selection List. He further told them that he knew him since he had acquired his Ph.D. degree from MPKV, Rahuri and that he was a deserving candidate was clear from the fact that he was thereafter selected for the post of Associate Scientist in BARC. He however, stated that, because of their persuasion and since they were the Chairman and the Member Secretary of the Selection Committee and as such very much responsible for selection of proper candidates in the University, he reluctantly put his signatures upon the said documents.

1430) Dr.N.D. Pawar, the then Professor, Agricultural Economics, College of Agriculture, Parbhani another outside member of the Selection Committee, had initially in his original affidavit dated 1.11.2007 (Ex.590) tried to avoid the question when and where he signed the Mark-Sheet Ex. 34(O)-A and the Selection Lists at pages 66 to 76 of the file Ex.34(O) at pages 77/1 to 92. In para 21 of his aforesaid affidavit, he stated that he would not be able to tell when the Mark-Sheet Ex.34(O)-A was signed by them. As regards his signatures upon the Selection

Lists, he stated in para 24 of his aforesaid affidavit dated 1.11.2007 (Ex.590) that although he had signed each categorywise list but had not put the date below his signatures, he would not be able to tell on which date he signed each page of the said Selection Lists. However, according to him, each member of the Selection Committee signed the same on separate date; at least, when he signed each page of the said Selection Lists no other member of the Selection Committee was present. He, however, categorically stated in the said para 24 of his aforesaid affidavit that although Dr.V.D. Patil, the Chairman, and Dr.Vadan Mohod, the Registrar / the Member Secretary of the Selection Committee had put the date 25/6 below their signatures upon the Selection Lists, the said date put by them was completely wrong. He then stated that on that date the Selection Lists could not have been prepared by the Selection Committee muchless categorywise. He reiterated that the categorywise Selection Lists at pages 66 to 76 in the file Ex. 34(O) could not have been prepared and were not ready on 25.6.2005 i.e. the last date of interview and therefore they could not have been signed on that date by any member of the Selection Committee including its Chairman and Member Secretary. (vide para 542 of the Enquiry Report)

1431) As regards the date and the place where he signed the said Mark-Sheet Ex. 34(O)-A and the Selection Lists, when he was specifically questioned about it again, Dr.N.D. Pawar, outside member of the Selection Committee, stated in his additional affidavit dated 2.1.2008 (Ex. 647) that Dr.V.D.Patil, the Chairman of the Selection Committee had come to Parbhani one and half to two months after the last date of interview i.e. 25.6.2005 and had met him. According to him, it was at Parbhani that he obtained his signatures on each page of the Mark-Sheet Ex. 34(O)-A and each page of the Selection Lists, stating that he had finalized the Selection Lists and that he should sign the same. Although he protested and pointed out to him that the Selection Lists could not be finalized without meeting of all the members of the Selection Committee, he told him that the selection of the candidates made by them was fair. With a view to elicit from him the exact date on which he signed the aforesaid documents, he was confronted with three dates on which Dr.V.D.Patil, the Chairman of the Selection Committee, visited Parbhani i.e. 14.9.2005, 27.10.2005, and 15.12.2005 on the basis of the log book of his vehicle (Ex. 660) and the affidavit of its driver Mr. A.P. Bute dated 31.01.2008 (Ex. 664) in regard to which he stated in his further affidavit dated 20.2.2008 (Ex. 668), that although Dr.V.D. Patil, visited Parbhani on the aforesaid three dates, he was not sure as to on which of the above 3 dates, he had taken his signatures upon the aforesaid documents. (vide para 568 of the Enquiry Report)

1431-A) It is thus clear from his affidavits referred to above that he signed the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists at Parbhani on any of the above

three dates 14.9.2004, 27.10.2005 or 15.12.2005. It however, appears that probably he signed them on 14.9.2005 because, apart from the fact that Dr.G.N. Dake, signed the said documents at Rahuri on that date, the note-sheets about making appointments of the selected candidates were written immediately on 15.9.2005 and accordingly the appointments order were also issued to them on 16.9.2005 and 17.9.2005.

1432) Vide paras 559 to 561 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/ its Member Secretary, who had stated that all the members of the Selection Committee including Dr.G.N. Dake and Dr.N.D. Pawar, outside members of the Selection Committee had signed the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists at night on 25.6.2005 or in the morning on 26.6.2005 were confronted with the aforesaid additional affidavits of Dr. G. N. Dake and Dr. N. D. Pawar, outside members of the Selection Committee, the log book of the vehicle of Dr. V. D. Patil, then D.I./Dean marked as Ex.660 in this enquiry, and also the affidavit of the driver of the said Vehicle Shri Arjun Pralhad Bute dated 31.1.2008 (Ex.664) and were questioned again as to when the aforesaid two outside members of the Selection Committee signed the said categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists. In this regard, Dr. V. D. Patil, the Chairman of the Selection Committee admitted in paras 1 to 4 of his additional affidavit dated 25.3.2008 (Ex.697) that he had visited MPKV, Rahuri, and Parbhani on the dates as shown in the entries in the log book Ex.660 which bore his signatures. As regards his visit to Parbhani on 15.12.2005 although there was no such entry in the log book, he admitted that while returning from Pune to Akola on 14.12.2005, he had taken a night halt at Parbhani on 15.12.2005. However, as regards the question on which date Dr.G.N. Dake and Dr.N.D.Pawar, made their signatures upon the said documents i.e. the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists, he stuck to his original statement in his earlier affidavit dated 25.12.2007 (Ex.645), that they signed the said documents at night on 25.06.2005 or in the morning on 26.06.2005 and that the statements made by them in their aforesaid additional affidavits that they signed the Mark-Sheet Ex.34(O)-A and the Selection Lists at Rahuri and Parbhani respectively were not correct. He, however, admitted that he met them on the aforesaid dates when he visited Rahuri and Parbhani. He also admitted that his relations with them were cordial and that he, in fact, had suggested to the then Vice-Chancellor the name of Dr.N.D. Pawar for being nominated as member of the Selection Committee in the present case. Vide paras 1 to 4 of his additional affidavit dated 02.04.2008 (Ex. 713).

1433) Vide para 562 of the Enquiry Report, Dr.Vandan Mohod, the Registrar was also confronted with the aforesaid additional affidavits of Dr.G.N. Dake, and Dr.N.D. Pawar, two outside members of the Selection Committee, who stated that they had signed the categorywise

Mark-Sheet Ex. 34(O)-A and the Selection Lists at Rahuri, and Parbhani respectively when Dr.V.D. Patil, the Chairman of the Selection Committee visited the said places. He was also confronted with the above referred log book of vehicle of Dr.V.D. Patil, Ex.660 and the affidavit of its driver, Shri A. P. Bute dated 31.1.2008 (Ex.664). As per the additional affidavit of Dr. G. N. Dake datd 05.03.2008 (Ex. 685) and also the log book of the vehicle (Ex. 660) and the affidavit of its Driver (Ex. 664), Dr. Vandan Mohod as admitted by him in para 1 of his affidavit dated 02.04.2008 (Ex. 713) had accompanied Dr. V. D. Patil when he visited MPKV, Rahuri on 14.09.2005 and had night halt on the same day at Parbhani. However, even after seeing the aforesaid additional affidavits of Dr.G.N. Dake and Dr.N.D. Pawar, he stuck to his original statement in his affidavit dated 1.12.2007 (Ex.633) that they had put their signatures on the Selection Lists at Akola when they were ready during the night between 25.6.2005 and 26.6.2005. As regards the question of his relationship with them, he stated that he did not know them because he never came in contact with them.

1434) Vide para 625 of the Enquiry Report, when Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, was questioned again as to whether on 6.9.2005, he was shown the Selection Lists signed by the Chairman and all members of the Selection Committee as stated by him in his original affidavit dated 14.1.2008 (Ex.658) since it was clear from the aforesaid additional affidavits of Dr.G.N. Dake and Dr.N.D.Pawar, two outside members of the Selection Committee that they had made the signatures upon the categorywise Mark-sheet Ex. 34-(O)-A and the selection lists at Rahuri, and Parbhani respectively on the dates which are after 6.9.2005, he stated in para 2 of his additional affidavit dated 29.4.2008 (Ex.731) that the above statements of Dr.G.N. Dake and Dr.N.D. Pawar in their aforesaid affidavits were not correct.

d) Categorywise Mark-Sheet Ex. 34(O)-A and the Selection lists not signed by the Chairman and the Members of the Selection Committee at night on 25.6.2005 or in the morning on 26.6.2005 but were signed by them much after the said dates

1435) Although Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/ its Member Secretary, had stuck to their original stand that the Selection Lists were prepared during the night between 25.6.2005 and 26.6.2005 and the Chairman and all the Members of the Selection Committee had signed them either at night on 25.6.2005 or in the morning on 26.6.2005 in their additional affidavits referred to above, their aforesaid affidavits cannot be believed because as held hereinbefore under this topic the categorywise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) and the Selection Lists were not prepared and were not ready at night on 25.6.2005. They could not have therefore been signed by the Chairman and all the Members of the Selection Committee

at night on 25.6.2005 or in the morning on 26.6.2005. As already held in the topic relating to it the Categorywise Mark-Sheet Ex. 34(O)-A was prepared in 8 or 10 days time after the last day of interview i.e. 25.6.2005 by Shri D.P.Deshmukh, Section Assistant (Estt.), and was thereafter handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee. It is therefore, clear that the Selection Lists must have been prepared only thereafter by Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/ its Member Secretary. Even according to the local members of the Selection Committee, viz Dr.B.N. Dahatonde, and Dr.N.D. Jogdande, they signed the said categorywise Mark-Sheet (Ex. 34(O)-A and the Selection Lists on one day, 10 to 15 days after the last day of interview i.e. 25.6.2005 as shown earlier. Admittedly, no meeting of the Selection Committee was held after 25.6.2005 and therefore there was no occasion for the above-referred two outside members of the Selection Committee to come to Nagpur for signing the aforesaid documents. Further, Dr.V.D.Patil, the Chairman of the Selection Committee, admitted in his aforesaid additional affidavit that he had visited Rahuri, and Parbhani on the dates referred to by Dr.G.N.Dake and Dr.N.D. Pawar, respectively in their aforesaid additional affidavits and had met them.

1436) From all the above facts and circumstances, it is clear that the signatures of Dr.G.N. Dake must have been obtained on the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists at Rahuri on 14.9.2005 as stated by him when Dr.V.D. Patil, and Dr.Vandan Mohod, the Registrar / its member Secretary visited MPKV, Rahuri on that date. Similarly, although Dr.N.D.Pawar, does not remember the exact date on which he signed the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists at Parbhani, it is clear from his aforesaid affidavits that according to him, on one of the three dates i.e. 14.9.2005, 17.10.2005 and 15.12.2005 when Dr.V.D. Patil, visited Parbhani on the said dates, he must have signed the Mark-Sheet Ex. 34(O)-A and the Selection Lists. There is also no reason to disbelieve their affidavits in this regard as they could not have any interest in the Selection of the Candidates in this University being members of the Selection Committee from the other Agricultural Universities in the State. Dr.V.D. Patil, the Chairman of the Selection Committee, admitted that his relations with them were cordial; if, so, there was no reason for them to file any false affidavit against him.

1437) Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University stated in his additional affidavit dated 29.4.2008 (Ex.731), that the statement of Dr.G.N. Dake and Dr.N.D.Pawar, that they had made their signatures upon the Selection Lists at Rahuri and Parbhani respectively on the dates which are after 6.9.2005 were not correct, cannot also be accepted. The aforesaid affidavit of Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University would be

considered in detail when the topic relating to handing over of the Selection Lists to him by Dr.V.D. Patil, the Chairman of the Selection Committee is considered.

1438) It is thus, clear that the Categorywise Selection Lists Ex. 34(O)-A and the Selection Lists were not prepared and were not ready at night on 25.6.2005 muchless signed by the Chairman and the Members of the Selection Committee on that date but were prepared thereafter and signed by the Chairman and the Members of the Selection Committee as stated above.

e) **No exact date/ dates on which the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared and were signed by the Chairman and the Members of the Selection Committee except Dr. G. N. Dake**

1439) As regards the exact date/ dates on which the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists for these posts were signed by the Chairman and the Members of the Selection Committee it appears from the proceedings/minutes of the Meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 with its annexures contained in the file Ex. 34(O) that there is no practice in the University to put the date while signing any document showing on which date the said document was ready. As regards the proceedings/Minutes of the Meeting of the Selection Committee itself contained in the said file Ex. 34(O) although Dr.V.D.Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/ its Member Secretary, had put their signatures upon each page of the said proceedings/minutes, they had not put the date below their signatures showing on which date they signed the same. The statements about recommendations of the candidates for promotion from the posts of JRA to SRA, AA to JRA and their time bound promotions, and the categorywise Mark-Sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) also do not contain any date below the signatures thereon of the Chairman and the Members of the Selection Committee.

1440) As regards the Selection Lists, however, except Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/ its Member Secretary, no other member of the Selection Committee had put any date below their signatures. It appears that putting the date 25/6 below their signatures by Dr.V.D. Patil, the Chairman and Dr.V.D.Mohod, the Registrar/ its Member Secretary was deliberate because although the Selection Lists were not prepared and were not ready on that date, they wanted to show that they were so prepared on that date in the meeting of the Selection Committee itself. In the light of the the affidavits of the other members of the Selection Committee viz. Dr. B. N. Dahatonde, Dr. N. D. Jogdande, Dr. G.N. Dake and Dr. N. D. Pawar and also the affidavit of the concerned Section Assistant (Estt.), Shri D.P. Deshmukh, who had, according to Dr.V.D.

Patil, the Chairman, and Dr. Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee made entries in the categorywise Mark-Sheet Ex. 34(O)-A the date 25/6 put by them is completely wrong because according to them on the last date of interview, as held hereinbefore the Selection Lists could not have been prepared and were not ready. Dr.N.D. Pawar, had categorically stated in para 24 of his affidavit dated 1.11.2007 (Ex.590), that the date 25/6 put by them below their signatures was completely wrong because on that date the Selection Lists could not have been prepared by the Selection Committee muchless categorywise.

1441) From the material on record, although, it does not appear on which exact date/dates the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared, it appears that as stated by Shri D.P. Deshmukh, the dealing Section Assistant (Estt.), the categorywise Mark-Sheet Ex. 34(O)-A was prepared in 8 or 10 days time after 25.6.2005 i.e. the last day of interview, and the Selection Lists must have been prepared sometime thereafter by the Chairman and the Member Secretary of the Selection Committee. As regards the signatures of the Chairman and the Members of the Selection Committee upon the categorywise Mark-sheet Ex. 34(O)-A and the Selection Lists, once it is disbelieved that they were signed late at night on 25.06.2005 or in the morning on 26.06.2005, it can not be said on which exact date they signed them except for Dr. G. N. Dake who categorically stated in his additional affidavit that he signed them on 14.09.2005 at MPKV, Rahuri when Dr. V. D. Patil and Dr. Vandan Mohod visited it on that date. As held in para 1431-A of the Enquiry Report, in all probability, Dr. N. D. Pawar also must have signed them only 14.09.2005 at Parbhani when they visited it on that date.

xii-A) Selection of candidates for the posts of SRA (Agri.) and JRA (Agri.) not finalized and the Selection Lists not prepared by nor approved in the meeting of the Selection Committee.

1442) It is admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 51 of his affidavit dated 25.12.2007 (Ex.645), Dr.Vandan Mohod, the Registrar/ its Member Secretary in para 50 of his affidavit dated 1.12.2007 (Ex.633) and Shri D.P. Deshmukh, concerned Section Assistant (Estt.), dealing with service matters of SRA/JRA in para 35 of his affidavit dated 15.11.2007 (Ex.598) that no meeting of the Selection Committee was held after 25.6.2005 i.e. the last date of its meeting about interviews, for transacting any business relating to selection in the posts of SRA (Agri.) / JRA (Agri.). It is already held in paras 1399 to 1402 and para 1426 of the Enquiry Report, that the Selection Lists could not have been and were not prepared on the last day of interview i.e. 25.6.2005 muchless in the meeting of the Selection Committee on that day since as shown therein its meeting was over after its members 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 that day and that they had left the meeting thereafter. In fact, Dr.G.N. Dake, outside Member of the Selection Committee, left Akola at about 10.00 P.M. at night on the same day for going to Rahuri. It is, therefore, clear that since no meeting of the Selection Committee was called after 25.6.2005, no business relating to selection of candidates for the posts of SRA (Agri.) and JRA (Agri.) and preparation of their Selection Lists was transacted in the meeting of the Selection Committee.

1443) Section 58(1) of the University Act and also Statute-74 of the Statutes provide for making appointment of any member of the academic staff in the University only on the recommendations of the Selection Committee constituted for that purpose in accordance with the provisions of the Statutes made in that behalf. Statute 77 (1) (iv) of the Statutes then provides that the Vice-Chancellor should make appointment of a candidate or candidates strictly in the order of merit as arranged by the Selection Committee in other words, as per the order in the Selection List prepared by it. It is thus clear that the Selection Committee is not merely an interview committee but has to conduct the whole selection process in selection of the candidates and prepare the Selection Lists in descending order of merit. As shown below, the Chairman and the Members of the Selection Committee supported in their affidavits the said view about their duties and responsibilities.

1444) Dr.V.D. Patil, the Chairman of the Selection Committee, in para 85 of his affidavit dated 25.12.2007 (Ex.645), Dr.Vandan Mohod, the Registrar/its Member Secretary in para 35 of his affidavit dated 1.12.2007 (Ex.633), Dr.E.R. Patil, its senior-most member in para 34 of his affidavit dated 16.11.2007 (Ex.599), stated that it was duty and responsibility of the Selection Committee to conduct the whole selection process which commenced after the receipt of applications for these posts and ended when the Selection Lists were handed over to the appointing authority i.e. the Vice Chancellor so far as these posts were concerned.

1444-A) Dr.N.D. Pawar, outside member of the Selection Committee, categorically stated in para 15 of his affidavit dated 1.11.2007 (Ex.590), that no meeting of the Selection Committee was called for considering the marks given to each candidate for his academic performance, for calculating the average of the marks for interview given to him by the Chairman and each member of the Selection Committee, and for preparation of Selection Lists. He also categorically stated in para 24 thereof that the date 25/6 put below their signatures by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Member Secretary, of the Selection Committee was completely wrong because on that day the Selection Lists could not have been prepared by the Selection Committee muchless categorywise. According to him, as stated in

para 25 of his aforesaid affidavit, it was the duty and work of the Selection Committee to consider whether the marks awarded to the candidates for their academic performance were correctly given or not and thereafter add to them the marks received by them for their performance in their interviews. It is obviously done for preparing the merit list i.e. the Mark-sheet of all the candidates and for preparing from it the Selection Lists categorywise in descending order of merit. He however, stated that in the selection of the candidates for the posts of SRA/JRA except taking interviews and awarding marks for their performance in interviews no other work was done in the meeting of the Selection Committee although the Mark-sheet Ex-34(O)-A at pages 77/1 to 92 and the categorywise Selection Lists at pages 66 to 76 in the file Ex.34(O) were signed by them i.e. the Chairman and the Members of the Selection Committee.

1444-B) Dr.G.N.Dake, another outside member of the Selection Committee, stated in para 7 of his affidavit dated 23.11.2007 (Ex.600) that when the meeting of the Selection Committee was over on 25.6.2005 after its members had handed over to the Member Secretary the charts in which they had given interview marks to the candidates appearing for interview on that day, they were told by the Chairman of the Selection Committee that for finalizing Selection of the candidates, there would be another meeting of the Selection Committee called for which due notice would be given to them. He, however, stated in para 8 thereof that no meeting of the Selection Committee was held after 25.6.2005 for finalizing Selection of the candidates and for preparation of Selection Lists for these posts of SRA/JRA. He then stated in para 9 of his aforesaid affidavit that although Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, Registrar/its Member Secretary put the date 25/6 below their signatures upon the Selection Lists, they could not be and were not ready on that date.

1444-C) Dr.G.N.Dake, stated in para 13 of his aforesaid affidavit dated 23.11.2007 (Ex.600) that he attended the meeting of the Selection Committee on all the days of interview i.e. 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005. According to him, the only work he did in the selection of the candidates for the posts of SRA/JRA was of interviewing them and entering the marks for interview each day in the chart supplied to him for that purpose and handing over the said chart to the Member Secretary each day after the interviews were over. He, therefore, stated that he would not be able to say anything about the veracity of the 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 usual practice. At the time the said Mark-sheet and the Selection Lists were shown to him in Rahuri, there was no other way for him except to sign the same without any verification of the said Mark-sheet and the Selection Lists. He further stated in para 14 thereof

that the whole procedure of taking signatures merely upon the Mark-Sheet and the Selection Lists was illegal and improper because it was the duty of the Selection Committee to consider and select candidates for the posts of SRA/JRA in the meeting properly convened for that purpose. He also stated that the marks for academic performance should have been circulated to the members of the Selection Committee and should have been approved in its meeting and after the interviews were over the selection of candidates should have been finalized and the Selection Lists prepared in its meeting.

1444-D) Dr.B.N. Dahatonde, local member of the Selection Committee, stated in para 11 of his affidavit dated 10.12.2007 (Ex.636) that after 25/6 i.e. the last date of interview, no meeting of the Selection Committee was held for selection of candidates for the posts of SRA/JRA and he did not know how the Mark-Sheet and the Selection Lists were prepared thereafter and who prepared them. As regards Dr.N.D. Jogdande, another local member of the Selection Committee, as stated by him in para 8 of his affidavit dated 5.11.2007 (Ex.596), he did not know anything as to how the selection of candidates for the posts of SRA / JRA was made and the Selection Lists prepared, and as stated by him in para 13 thereof, he did not know anything about the Mark-Sheet Ex. 34(O)-A in which the marks for academic performance, interview and total marks were shown.

1445) Broadly speaking, in performing its duties and responsibilities the Selection Committee had to carryout in its properly convened meeting the following prominent stages in the selection process for selection of candidates in these posts of SRA (Agri.) and JRA (Agri.).

- (i) Verifying and approving the marks awarded to the candidates for their academic performance as per the criteria laid down for academic evaluation of SRA (Agri.) and JRA (Agri.) on 31.05.2005.
- (ii) Verifying and approving the average of the interview marks of each candidate worked out by the Chairman and the Member Secretary of the Selection Committee after making the total of the said marks awarded by them and the other Members of the Selection Committee.
- (iii) Verifying and approving the categorywise Mark-sheet of the candidates Ex. 34(O)-A prepared by Shri D. P. Deshmukh, Section Assistant (Estt.) as held in para 1379 of the Enquiry Report.
- (iv) Categorywise Selection of candidates and preparation of their categorywise Selection Lists in descending order of merit from the above categorywise Mark-sheet Ex. 34(O)-A.

1446) It is thus clear that neither the categorywise Mark-Sheet Ex. 34(O)-A was prepared or approved in any meeting of the Selection Committee vide para 1378 of the Enquiry Report, nor

as shown above the Selection of candidates for the posts of SRA (Agri.) and JRA (Agri.) finalized and the Selection Lists prepared or approved in any of its meeting but were prepared by Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee, as held in para 1413 of the Enquiry Report. Even as regards the marks awarded to the candidates for their academic performance and the performance in their interviews as per the criteria laid down in that regard, no chart relating to their academic performance including the chart Ex.38(O) was placed for approval in any meeting of the Selection Committee as held in paras 1290 to 1297 of the Enquiry Report, and as observed in para 1361 of the Enquiry Report, the average of the marks for interview awarded to each candidate as worked out by the Chairman and the Member Secretary of the Selection Committee after making the total of the said marks awarded by them and the other Members of the Selection Committee was not verified and approved by the Selection Committee in its properly convened meeting. Thus, none of the principal stages of the selection process for finalizing selection of candidates were carried out by the Selection Committee in this case.

xii-B) Entire selection process and selection of candidates pursuant thereto in these posts of SRA (Agri.) and JRA (Agri.) is vitiated by bias of Dr. V. D. Patil, the Chairman of the Selection Committee

1446-A) It is clear that Dr.V.D. Patil, the Chairman of the Selection Committee, whose son Pravin V. Patil, was admittedly a candidate for these posts of SRA (Agri.) and JRA (Agri.), carried out himself or in participation with others all the principal stages of the selection process. He himself laid down the criteria for short-listing of candidates for these posts and in association with Dr.E.R.Patil, Associate Dean (PGI) and the Registrar, Shri R.B.Bali, evolved the criteria for academic evaluation of SRA/JRA. He also introduced himself the illegal marking system of awarding marks to the candidates for their certificates/publications/documents submitted by them after the last date of application for the first time at the time of their interviews. After he and each member of the Selection Committee awarded marks for interviews of the candidates, he and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee worked out the average of the marks for interview of each candidate awarded by them and the other members of the Selection Committee. What is important to be seen is that they also prepared the Selection Lists of the candidates for these posts by increasing them themselves i.e. 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) as advertised to 55 and 76 respectively on the basis of which he as the Acting Vice-Chancellor and Dr.Vandan Mohod as the then Registrar, issued appointment orders not only by utilizing posts in promotion quota of these posts but by utilizing some other posts also. The entire selection process therefore suffers from his bias and at any rate, there is reasonable likelihood

of his bias in carrying out the said principal stages of the selection process. The entire selection process and the selection of candidates pursuant thereto is therefore, vitiated by his bias.

xiii) Preparation of the proceedings / minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005.

(Vide paras 586 to 608 of the Enquiry Report)

a) Actual preparation of the proceedings/minutes of the said meeting of the Selection Committee.

1447) Statute-37 of the Statutes framed under the University Act, deals with the question of recording the minutes / proceedings of the meeting of the Committee or any Authority in the University. Clause (1) thereof provides that the minutes or proceedings of the meeting of the Committee should be recorded by its Secretary and in his absence by any person authorized in this behalf by the Chairman and that they are subject to his approval. According to it, only the decision reached in the meeting with due regard to clarity and brevity have to be recorded in the minutes/ proceedings and not the discussions adverbium Clause-2 thereof then provides that the minutes / proceedings should be confirmed by the Authority or Committee in its next meeting. It also provides that when it is proved to the satisfaction of the Chairman that any decision was not recorded accurately or was recorded differently from the decision taken in the previous meeting, he can order appropriate modification of the minutes/ proceedings.

1448) As regards the question of preparation of the proceedings of the aforesaid meeting of the Selection Committee for selection of the candidates in the posts of SRA / JRA by nomination and promotion, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 57 of his affidavit dated 25.12.2007 (Ex.645) that he did not prepare its proceedings. According to him, all the relevant documents except the Selection Lists which they had prepared on 25/26-6-2005 were in the Registrar's office. Further, according to him, the Selection Lists were with him which also he handed over to the Registrar 2 or 3 days after the last date of interview i.e.25.6.2005. He then stated that the Registrar's office had prepared the proceedings/ minutes of the said meeting, and also the file Ex. 34(O) which contained at pages 1 to 14, the said proceedings/minutes and included inter-alia therein the original Selection Lists (Annexure-IX to XIX) at pages 66 to 76. He further stated that the whole file Ex. 34(O) was then sought to be handed over to him by some staff members of the Registrar's office but he asked them to keep it in the custody of the Registrar. In this regard, Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, stated in para 41 of his affidavit dated 1.12.2007 (Ex. 633) that he might have sent the said file to him sometime in the month of August 2005. Dr.V.D. Patil, the Chairman of the Selection Committee, however, stated in

the said para 57 of his aforesaid affidavit that when the Vice-Chancellor demanded the Selection Lists, he had asked the Registrar's office to give the said file Ex. 34(O) to him and it was the said file Ex. 34(O) which included the Selection Lists which was handed over by him to the Vice-Chancellor on 6.9.2005. He then stated in para 61 of his aforesaid affidavit that he did not himself check the aforesaid proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 but the Registrar had briefed him about its contents.

1449) Dr.Vandan Mohod, the Registrar/ its Member Secretary stated in para 36 of his affidavit dated 1.12.2007 (Ex.633) that the proceedings / minutes of the aforesaid meeting of the Selection Committee were prepared by the then Assistant Registrar, Shri P.V. Behare, in about 4 days time after the last date of interview i.e. 25.6.2005. He then stated that for preparing the said proceedings, there was discussion between him, the Chairman of the Selection Committee and the Assistant Registrar Shri P.V. Behare, in which he explained to him about the discussion and the decision taken in the meeting of the Selection Committee, and about annexures to be annexed to the said proceedings. He further stated that accordingly, the Assistant Registrar, Shri P.V. Behare, had prepared the proceedings / minutes of the said meeting. Shri P.V. Behare, the then Assistant Registrar(Estt.), admitted in para 2 of his additional affidavit dated 9.1.2008 (Ex.648) that the draft of the proceedings/ minutes of the said meeting was prepared by him as per the instructions and briefing received from the Registrar/ Secretary of the Selection Committee who was competent Authority to prepare the said proceedings under Statute-37. He also stated that at that time the dealing Assistant, Shri D.P. Deshmukh, was present and he provided the relevant record i.e. annexures etc. and assisted in the matter. However, according to him, he did not recollect the exact date on which he prepared the said proceedings / minutes.

1450) Dr.V.D. Patil, the Chairman of the Selection Committee, in para 57 of his affidavit dated 25.12.2007 (Ex. 645), and Dr.Vandan Mohod, the Registrar/ its Member Secretary, in para 39 of his affidavit dated 1.12.2007 Ex.633, stated that after the proceedings of the aforesaid meeting of the Selection Committee were ready, they signed each page of the said proceedings / minutes but had not put the date below their signatures. In fact, they admitted that they did not put any date below their signatures upon any document annexed to the said proceedings except the Selection Lists on which they had put the date 25/6 below their signatures. It is already shown hereinbefore that the date 25/6 put by them upon the Selection Lists was completely wrong because the Selection Lists could not have been prepared and were not ready at night on 25/6/2005 i.e. the last day of the meeting of the Selection Committee and

the said date 25/6 was deliberately put by them to falsely show that the Selection Lists were prepared at night on that day in the meeting of the Selection Committee.

b) Proceedings / minutes of the aforesaid meeting of the Selection Committee not confirmed by it nor any members except the Chairman and the Member Secretary know about the same

1451) Dr.Vandan Mohod, the Registrar/ the Member Secretary of the Selection Committee, admitted in para 40 of his affidavit dated 1.12.2007 (Ex.633), that after the proceedings of the meeting of the Selection Committee held on 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were prepared, they were not sent to any Member of the Selection Committee nor any meeting of the Selection Committee was held for placing them before it for its confirmation.

1452) As regards Dr.E.R. Patil, senior most member of the Selection Committee, he stated in para 30 of his affidavit dated 16.11.2007 (Ex. 599) that the proceedings of the meeting of the Selection Committee were not recorded on each day of interview or at any time thereafter to show as to what transpired in the meeting of the Selection Committee on each day of interview. According to him the said proceedings were not recorded on the last day of interview i.e. 25.6.2005 also. It does not appear from the relevant paras 30 to 32 of his aforesaid affidavit that he was aware of the said proceedings / minutes but it appears that he had seen the same for the first time when his statement was recorded in this enquiry on the lines of which he filed the aforesaid affidavit.

1453) Dr.N.D. Jogdande, local member of the Selection Committee, in para 10 of his affidavit dated 5.11.2007 (Ex. 596) and Dr.B.N. Dahatonde, another local member of the Selection Committee, in para 13 of his affidavit dated 10.12.2007 (Ex. 636), stated that they did not know as to when the proceedings of the meeting of the Selection Committee were prepared and by whom. Dr.B.N. Dahatonde, further stated in para 14 of his aforesaid affidavit that he did not read the proceedings of the aforesaid meeting of the Selection Committee which were at pages 1 to 14 of the file Ex. 34(O).

1454) Dr.G.N.Dake, outside member of the Selection Committee, stated in para 12 of his affidavit dated 23.11.2007 (Ex.600), that he had not seen the proceedings of the aforesaid meeting of the Selection Committee and that the said proceedings were never shown to him by the Chairman or the Member Secretary of the Selection Committee. He then stated that he did not know when the proceedings of the aforesaid meeting of the Selection Committee, categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists contained in the file Ex. 34(O) were prepared. What is important to be noticed is that he also stated therein that at the time

when he put his signatures upon the aforesaid Mark-Sheet Ex. 34(O)-A and the Selection Lists at Rahuri, the proceedings of the meeting of the Selection Committee were not brought and shown to him there.

1455) Dr.N.D. Pawar, another outside member of the Selection Committee, stated in para 71 of his affidavit dated 1.11.2007 (Ex. 590) that the proceedings of the said meeting of the Selection Committee were not written on 25.6.2005 after the meeting of the Selection Committee was over on the aforesaid date i.e. the last date of the said meeting and he had not seen the proceedings of the aforesaid meeting of the Selection Committee at any time nor they were sent to him also. After going through the aforesaid Resolutions recorded in the said proceedings of the meeting of the Selection Committee, he stated in para 23 of his aforesaid affidavit that he would not be able to vouchsafe for the correctness of the contents of the said proceedings because they were never shown to him.

1456) It is thus clear that the proceedings/minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 for selection of candidates for the posts of SRA/JRA were not confirmed by the Selection Committee as they were not placed before it by calling its meeting. In fact, except the Chairman and the Member Secretary no other member of the Selection Committee knew about it. Even, the then Vice-Chancellor, Dr.S.A. Nimbalkar, also did not know about it as is clear from para 43 of his affidavit dated 14.1.2008 (Ex. 658), in which he stated that the file Ex. 34(O) as such was not brought to him and seen by him and that the proceedings of the meeting of the Selection Committee were not shown to him.

c) Proceedings / minutes of the said meeting of the Selection Committee not faithfully recorded

c-1) Criteria for academic evaluation of SRA/JRA not decided by the Selection Committee

1457) On page-2 of the proceedings of the aforesaid meeting of the Selection Committee contained in the file Ex. 34(O), it is stated that before interviewing the candidates, the Selection Committee on the analogy of provision under statute-52 decided and finalized the following (criteria) awarding the marks for educational qualification/experience and publication. It is then stated that the Selection Committee decided to give 40 marks for qualification, experience etc. acquired by the applicant and 60 marks for personal interview. The break-up of 40 marks was also reproduced on the said page.

1458) As already shown under the topic relating to criteria for academic evaluation of SRA/JRA, vide paras 1185 to 1213 and in particular paras 1203 and 1212 of the Enquiry

Report, the Selection Committee did not frame the said criteria, but it was Dr.V.D. Patil, the Chairman / D.I. , Dr.E.R. Patil, Associate Dean (PGI) and the then Registrar Shri R.B. Bali, who in their meeting on 31.6.2005 framed the said criteria for academic evaluation of SRA/JRA. It is pertinent to see in this regard that Dr. V. D. Patil, stated in para 26 of his affidavit 25.12.2007 (Ex. 645) that the criteria for evaluation of SRA/JRA was determined by him as Chairman of the Selection Committee in consultation with the senior most member, Dr. E.R. Patil and the Registrar who was the Member Secretary of the Selection Committee by holding the meeting on 31.05.2005 in which they were present. However, slightly improving his version, Dr.V.D.Patil, stated in para 61 thereof that the Selection Committee as such by following the formal procedure of the “meeting” did not decide the criteria for evaluation of the candidates for the posts of SRA/JRA but he had informed the local member of the Selection Committee on phone to come for meeting on 31.5.2005 at 3.30 p.m. to consider the said question and decide the criteria to be applied in selection of candidates for the posts of SRA/JRA and accordingly the said criteria was fixed in the aforesaid meeting on 31.5.2005. He, however, stated that on 13.6.2005, at the outset, he briefed the members of the Selection Committee about the said criteria.

1459) It is only Dr. E. R. Patil, senior most member of the Selection Committee, who in his over enthusiasm stated in paras 4 to 10 of his affidavit dated 16.11.2007 (Ex. 599) that it was the meeting of the Selection Committee so as to show that the selection process was carried out legally although even Dr. V. D. Patil, the Chairman of the Selection Committee did not describe it as the meeting of the Selection Committee, vide paras 1190 and 1194 of the Enquiry Report.

1460) Shri R. B. Bali, the then Registrar, who was present in the said meeting on 31.05.2005 stated in para 8 to his affidavit dated 11.10.2007 (Ex. 585) that there was no notesheet showing how and who constituted the said Committee to frame the criteria for evaluation of SRA/JRA. He further, stated that he did not remember whether the meeting of the Selection Committee was called to approve the said criteria or whether it was put up before it for its approval. As regards the question of criteria for assessment of the candidates for the posts of SRA/JRA, Dr.Vandan Mohod, who became the Registrar/ Member Secretary of the Selection Committee after him stated in para 34 of his affidavit dated 1.12.2007 (Ex. 633) that it did not appear that the meeting of the Selection Committee was called for determination of criteria for their academic evaluation. He then categorically stated in the said para 34 of his aforesaid affidavit, that in the meeting of the Selection Committee on the first day of interview i.e. 13.6.2005, at the outset, Dr.V.D. Patil, the Chairman of the Selection Committee had only explained to them the criteria framed on 31.5.2005 by the Committee consisting of Dr.V.D. Patil, the Chairman /

D.I., Dr.E.R. Patil, Associate Dean (PGI), and the then Registrar Shri R.B.Bali, but no decision as such was taken by the Selection Committee on that day i.e. 13.6.2005 to affirm or approve the said criteria and the information given by Dr.V.D. Patil, was only about how they should proceed in the matter and what criteria they should apply in the Selection of the candidates in their meeting.

1461) Dr.N.D. Jogdande, local member of the Selection Committee, stated in para 8 of his affidavit dated 5.11.2007 (Ex. 596), that there was no discussion in any meeting of the Selection Committee to decide the criteria on the basis of which the candidates were to be selected for the posts of SRA/JRA. According to him, the Chairman of the Selection Committee had also not told them about any criteria on the basis of which the candidates were to be selected for the posts of SRA/JRA except that they had to select them on the basis of the marks given to them for their interviews. Further, according to him, neither the Selection Committee had decided nor had the Chairman told them how the candidates should be selected for the posts of SRA/JRA on the basis of the marks awarded to them by each member of the Selection Committee for their interviews which marks given by each member would be different.

1462) Dr.B.N. Dahatonde, another local member of the Selection Committee, stated in para 6 of his affidavit dated 10.12.2007 (Ex. 636), that he did not know whether any meeting was held on 31.5.2005 and also whether any criteria for academic evaluation of SRA/JRA was fixed in the said meeting if held. He then stated in para 8 of his aforesaid affidavit that at the outset, in the meeting on 13.6.2005, Dr.V.D.Patil, the Chairman of the Selection Committee, explained to them how the marking should be done and that they should give mark for interview out of 10.

1463) Dr.N.D. Pawar, outside Member of the Selection Committee, in para 6 of his affidavit dated 1.11.2007 (Ex.590), also stated that no meeting of the Selection Committee was held for determination of the criteria for academic evaluation of SRA/JRA as such or for its approval and on 13.6.2005, the first day of the meeting of the Selection Committee, at the outset, Dr.V.D. Patil, had orally explained to all the members of the Selection Committee, the criteria to be followed in evaluation of the candidates appearing for interviews. No document containing the said criteria for academic evaluation of each candidate for SRA/JRA was given to them.

1464) Dr.G.N. Dake, outside member of the Selection Committee, stated in para 5 of his affidavit dated 23.11.2007 (Ex. 600), that at the outset, before commencement of the interviews on 13.6.2005, all the members of the Selection Committee were told by its Chairman that for academic performance, the total marks were 40, and for interview, the total

marks 60 although, they had to give marks for interview out of 10 only. He then stated that as regards the marks relating to academic performance, they were not told how the marks were distributed for various qualifications, publications, experience etc. His affidavit, in particular para 5 thereof, does not show that any criteria for evaluation of SRA/JRA, was framed in the said meeting of the Selection Committee or any criteria framed on 31.5.2005 was approved therein. In fact, as stated by him in para 3 thereof, he did not know whether any meeting of the Selection Committee was held on 31.5.2005 as he was not informed of any such meeting either by any notice or by any phone call to him.

1465) It is thus clear that the meeting on 31.05.2005 in which the criteria for evaluation of SRA/JRA was determined was not the meeting of the Selection Committee and the Selection Committee did not determine the said criteria for academic evaluation of SRA/JRA in any its meeting muchless in its meeting held from 13.06.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005. It has therefore to be held that what is stated on page-2 of the said proceedings/ minutes in the file Ex. 34(O) viz. “The Selection Committee on the analogy of provision under statute-52 decided and finalized the following (criteria) awarding the marks for educational qualification/experience and publication and that it decided to give 40 marks for qualifications, experience etc. acquired by the applicant and 60 marks for personal interview,” was not true.

c-2) No decision taken by the Selection Committee about the exact number of additional vacancies to be filled, apart from the fact that it had no power to do so

1466) As regards the question of selection of candidates for the posts of SRA/JRA, Agriculture/Engineering in item-IV at pages 7 and 8 of the proceedings of the meeting of the Selection Committee in the file Ex. 34(O), it is stated that during the passage of time since the number of additional vacancies arose, it was proposed to consider the additional vacancies of SRA/JRA shown categorywise in the chart on page-8 of the proceedings in the said file Ex. 34(O). It is already held in the topic relating to determination of the number of posts to be filled vide paras 1384 to 1391-B of the Enquiry Report and in particular para 1386 thereof that as admitted by Dr.V.D. Patil, the Chairman of the Selection Committee in para 50 of his affidavit dated 25.12.2007 (Ex. 645), the decision regarding the exact additional vacancies to be filled was taken by him i.e. the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/ its Member Secretary orally. Accordingly, on the last day of interview i.e. 25.6.2005 they themselves decided orally to fill-up 55 posts of SRA (Agri.) instead of 24 as advertised and 76 posts of JRA (Agri.) instead of 37 as advertised. Further, vide paras 1392 to 1394 of the Enquiry Report the categorywise break-up of the aforesaid 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) as shown in the aforesaid chart at page-8 of the file Ex. 34(O) was

made on computer by Dr.Vandan Mohod, the Registrar/ the Member Secretary, in accordance with the percentage of each reserved category as per the relevant G.Rs. as stated by him in para 27 of his affidavit dated 1.12.2007 (Ex. 633). The Selection Committee, had thus not considered the said question of filling the additional vacancies in the said posts of SRA (Agri.) and JRA (Agri.) and their categorywise break-up as stated at pages 7-8 of the proceedings of the meeting of the Selection Committee in the file Ex. 34(O), apart from the fact that as held in para 1391 under the topic relating to “Determination of the number of posts to be filled” the Selection Committee had no power to do so and it was for the appointing authority to decide the said question by following the office procedure.

c-3) No resolution about the recommendations of the selected candidates in the posts of SRA (Agri.) and JRA (Agri.) could be and was passed in the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005

1467) As regards the resolutions 4 and 5 of 2005, contained at pages 8 to 14 of the proceedings / minutes of the above referred meeting of the Selection Committee contained in the file Ex. 34(O), they are about the unanimous recommendations of the names of the candidates categorywise alleged to be made by the Selection Committee for the posts of SRA (Agri.) and JRA (Agri.) respectively. The said Resolutions 4 and 5 cannot be said to be faithfully recorded because as discussed and as held in the topics relating to “Preparation of the Mark-sheets of all the candidates” and the “Preparation of the Selection Lists”, the categorywise Mark-Sheet Ex. 34(O)-A itself was not prepared in the aforesaid meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005, muchless the Selection Lists which were admittedly prepared from the said categorywise Mark-Sheet Ex. 34(O)-A. As held therein, the categorywise Mark-Sheet Ex. 34(O)-A, was prepared by Shri D.P. Deshmukh, Section Assistant (Estt.), and was handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee in 8 or 10 days time after the last date of the meeting of the Selection Committee i.e. 25.6.2005. It was sometime thereafter that the Selection Lists must have been prepared by Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/ its Member Secretary as held in para 1413 of the Enquiry Report. Admittedly, there was no meeting of the Selection Committee held at any time after 25.6.2005 i.e. the last date of its aforesaid meeting and the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists were therefore, neither prepared nor approved by it in any of its meeting.

1467-A) Thus as shown in the above paras 1457 to 1467 of the Enquiry Report, the proceedings/minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 are not faithfully recorded.

c-4) The Resolutions 1 to 3 relating to promotion and time bound promotion not considered

1468) The question whether the resolutions 1 to 3 relating to recommendations of the candidates for promotion from the post of JRA to SRA and AA to JRA and their time bound promotions are faithfully recorded or not is not considered since the question of legality or otherwise of appointment by promotion as such is not the subject matter of this enquiry except about the legality or otherwise of the utilization of the vacant posts in promotion quota of these posts of SRA/JRA for making appointment therein of the candidates in question selected in direct recruitment i.e. by nomination.

d) Proceedings / minutes of the aforesaid meeting of the Selection Committee could not have been prepared 3 or 4 days after the last date of its meeting i.e. 25.6.2005.

1469) As pointed out hereinbefore in the topics relating to “Preparation of the Mark-Sheets of all the candidates” and “Preparation of the Selection Lists” neither the categorywise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) nor the Selection Lists were prepared and were ready on the last day of the meeting of the Selection Committee i.e. 25.6.2005. They were also not ready in 3 or 4 days time thereafter because the categorywise Mark-Sheet Ex. 34(O)-A was prepared by Shri D.P. Deshmukh, Section Assistant (Estt.), and was handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee, in 8 or 10 days time after the last date of interview i.e. 25.6.2005 as held in Para 1377 of the Enquiry Report and it is sometime thereafter that the categorywise Selection Lists must have been and were prepared by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Member Secretary, of the Selection Committee as held in para 1413 of the Enquiry Report. The above documents viz. the categorywise Mark-Sheet Ex. 34 (O)-A and the Selection Lists, although not prepared in the meeting of the Selection Committee, were the basic documents required for preparation of the proceedings / minutes about the work relating to selection of candidates in the posts of SRA (Agri.) and JRA (Agri.) by nomination and until they were ready, the proceedings/minutes could not have been prepared.

1470) As the said Selection Lists annexed as Annexures IX to XIX at pages 66 to 76 and the Mark-Sheet Ex. 34(O)-A annexed as Annexure-XX at pages 77/1 to 92 to the proceedings / minutes contained in the file Ex. 34(O), were prepared and were thereafter signed by the Chairman and all the members of the Selection Committee much later as shown in the topic about” Signing the Category-wise Mark-Sheet Ex. 34(O) A and the Selection Lists” they could not have been annexed to the said proceedings/ minutes, if prepared in about 4 days time after the last date of interview i.e.25.6.2005 and the file Ex. 34(O) could not have been prepared at that time. In fact, as regards the outside Members of the Selection Committee,

Dr.G.N. Dake signed the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists on 14.9.2005 and Dr.N.D. Pawar, on any of the three dates 14.9.2005, 27.10.2005 and 15.12.2005 but most probably on 14.9.2005 as held in the topic relating to “Signing the Mark-Sheet Ex. 34(O)-A and the Selection Lists by the Chairman and the Members of the Selection Committee”.

- e) **The proceedings/ minutes of the meeting of the Selection Committee with its annexures contained in the file Ex. 34(O) were not ready on 6.9.2005 and were probably prepared after the appointment orders were issued on 16.9.2005 and 17.9.2005**

1471) It cannot be said with any certainty as to when the proceedings / minutes of the aforesaid meeting of the Selection Committee with its annexures contained in the file Ex. 34(O) were actually prepared and were ready. In this regard it is interesting to see the following inconsistent / contradictory statements about the file Ex. 34(O) made in the affidavits of the concerned officers of the University. Dr.Vandan Mohod, stated in para 41 of his affidavit dated 1.12.2007 (Ex.633) that the said file Ex.34(O) was with the Chairman of the Selection Committee which he might have sent to him sometime in the month of August 2005. However, according to Dr.V.D. Patil, as stated by him in para 57 of his affidavit dated 25.12.2007 (Ex.645), when the said file Ex. 34(O) was sought to be handed over to him by some staff members of the Registrar’s office he asked them to keep the same in the custody of the Registrar. Further, according to him, the said file Ex. 34(O) was then received by him from the Registrar’s office just before 6.9.2005 when the then Vice-Chancellor asked him to hand over the Selection Lists to him. He also stated in the said para 57 of his aforesaid affidavit that, he handed over the said file Ex. 34(O) to the Vice-Chancellor Dr.S.A. Nimbalkar, on 6.9.2005 although in earlier para 55 of his aforesaid affidavit, he stated that he handed over to him the Selection Lists which are at pages 66 to 76 of the said file Ex. 34(O) and which he, in turn, handed over to the Registrar for further action in that regard. As regards the question whether the file Ex. 34(O) itself was handed over to him on 6.9.2005 by Dr.V.D. Patil, the Chairman of the Selection Committee, Dr.S.A. Nimbalkar, the then Vice-Chancellor stated in para -43 of his affidavit dated 14.1.2008 (Ex. 658), that the whole file Ex. 34(O) was as such not brought to him and was not seen by him at the time when Dr.V.D. Patil, came for handing over to him the Selection Lists for the posts of SRA (Agri.) and JRA (Agri.). In fact, according to him, he did not see it at any time.

1472) After having seen the said file Ex. 34 (O) in this enquiry, Dr.S.A. Nimbalkar, the then Vice-Chancellor, stated in para 42 of his affidavit dated 14.1.2008 (Ex. 658) that the Selection Lists at pages-66 to 76 and the Mark-Sheet Ex. 34(O)-A, at pages 77/1 to 92 of the said file Ex.

34(O) were first shown to him on 6.9.2005 and after he approved them orally, he sent them to the Registrar's office and on the same day the above referred Selection Lists and the Mark-Sheet Ex. 34(O)-A annexed to the office note dated 6.9.2005 contained in the file relating to interview marked as Ex. 35(O) were brought to him for his approval and not the Selection Lists which were actually shown as annexed as Annexure-I to XI to the said office note dated 6.9.2005 in the said file Ex.35(O) which did not bear the signatures of the Chairman and the Members of the Selection Committee.

1473) When questioned in regard to the above statement of the then Vice-Chancellor, Dr.Vandan Mohod, the then Registrar/ Member Secretary of the Selection Committee stated in para 2 of his additional affidavit dated 2.4.2008 (Ex. 713) that the Selection Lists which were sent to him by the Vice-Chancellor on 6.9.2005 for further action were the same Selection Lists which were annexed as Annexures-I to XI to the office note of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 6.9.2005, which did not bear the signatures of the Chairman and the Members of the Selection Committee including himself. He also contradicted the Vice-Chancellor and also Dr.V.D. Patil, the Chairman of the Selection Committee, by stating therein that he had not gone with Dr.V.D. Patil, the Chairman of the Selection Committee, to hand over the Selection Lists to the Vice-Chancellor. He, then stated in para 8 of his aforesaid affidavit that he did not know whether the file relating to the proceedings of the meeting of the Selection Committee marked as Ex. 34(O) containing the Selection Lists and the Mark-Sheet Ex. 34(O)-A signed by the Chairman and the Members of the Selection Committee was shown to the Vice-Chancellor on 6.9.2005 and was approved by him, as according to him the said file Ex. 34(O) was with the Chairman, Dr.V.D. Patil.

1474) Shri D.P. Deshmukh, concerned Section Assistant, who recorded the office note dated 6.9.2005 contained in the aforesaid file Ex. 35(O) corroborated the above statement of the Registrar when he stated in para 55 of his affidavit dated 15.11.2007 (Ex. 598) read with para 36 thereof and also para 1 of his additional affidavit dated 15.3.2008 (Ex. 695), that he had received on 6.9.2005 from the Registrar, the Selection Lists annexed as Annexure-I to XI to his office note dated 6.9.2005 contained in the aforesaid file Ex. 35(O) which were not signed by the Chairman and the Members of the Selection Committee. The above version of the Registrar and the concerned Section Assistant (Estt.), would find support from the fact that although the Selection Lists and the Mark-Sheet Ex. 34(O)-A contained in the file Ex. 34(O) about the proceedings of the meeting of the Selection Committee were not signed till 06.09.2005 at least by its outside members as shown in the earlier topic relating thereto.

1475) It is pertinent to see that Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, stated in para 8 of his additional affidavit dated 2.4.2008 (EX.713), that

for giving appointments to the candidates as per the Selection Lists when they dictated the names of the candidates to give them placement in the Movement Register (Ex.644(O)) , the Selection Lists before them were the Lists which were annexed as annexures I to XI to the office note of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 6.9.2005 contained in the file Ex. 35(O) i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee. It is further pertinent to see that he also stated therein that according to him, the aforesaid file Ex. 34(O) must have been received in the Registrar's office after appointment orders were issued on 16.9.2005 and 17.9.2005 as per the Selection Lists annexed to the office note dated 6.9.2005 contained in the file Ex. 35(O).

1476) Dr. Vandan Mohod, the Registrar is corroborated in this regard by Shri D.P. Deshmukh, Section Assistant (Estt.), who stated in para 55 of his aforesaid affidavit dated 15.11.2007 (Ex.598), that what he received on 6.9.2005 were the Selection Lists annexed to his office note dated 6.9.2005 as annexures I to XI in the file Ex. 35(O) which did not bear the signatures of the Chairman and the Members of the Selection Committee and he had not received at that time the proceedings/ minutes of the Selection Committee and the annexures annexed to it contained in the file Ex. 34(O). In fact, according to him, they were not received till the appointment orders were issued to the candidates selected in the posts of SRA (Agri.) and JRA (Agri.) on 16.9.2005 and 17.9.2005 respectively and it was thereafter on or about 15.10.2005 that he received them, which would also show that the appointment orders of the selected candidates in the posts of SRA (Agri.) / JRA (Agri.) were issued on the basis of the Selection Lists annexed to his office note dated 6.9.2005 as annexures-I to XI which did not bear the signatures of the Chairman and the Members of the Selection Committee because the Selection Lists which were signed by the Chairman and the Members of the Selection Committee were included as annexures-IX to XIX at pages 66 to 76 of the said file Ex. 34(O) received in the Registrar's office on or about 15.10.2005. Although Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 55 of his aforesaid affidavit dated 15.11.2007 (Ex. 598), that he received the file Ex. 34(O) on or about 15.10.2005, he modified the said statement by stating in para 1 of his additional affidavit dated 15.3.2008 (Ex.695) that he received from the Registrar the proceedings of the meeting of the Selection Committee with the Selection Lists and the Mark-Sheet Ex.34(O)-A signed by the Chairman and the Members of the Selection Committee in November or December 2005 when the concerned persons started demanding the Selection Lists by making applications under the Right to Information Act.

1477) In appreciating the above contradictory statements, it is necessary to bear in mind that as shown hereinbefore when the Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared much later than the last day of the meeting of the Selection Committee i.e. 25.6.2005,

the proceedings/minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 could not have been prepared in about 4 days after the last date of its meeting i.e. 25.6.2005. Further, as shown hereinbefore the Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared much later and were prepared much later and were signed by Dr.G.N. Dake, outside member of the Selection Committee on 14.9.2005 and by Dr.N.D. Pawar, another outside member of the Selection Committee on any of the three dates 14.9.2005, 27.10.2005 and 15.12.2005, probably on 14.9.2005 i.e. after 6.9.2005. It is, therefore, clear that neither the Mark-Sheet Ex. 34(O)-A and the Selection Lists which were signed by the Chairman and all the Members of the Selection Committee on different dates nor the file Ex. 34(O) including the said documents as annexures to the proceedings of the meeting of the Selection Committee contained therein could have been handed over by Dr.V.D.Patil, the Chairman of the Selection Committee, to the Vice-Chancellor on 6.9.2005 which he, in turn, could send to the Registrar's office for further action. The Selection Lists and the Mark-Sheet Ex. 34(O)-A signed by the Chairman and all the Members of the Selection Committee could not have been therefore annexed to the office note of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 6.9.2005 contained in the file Ex. 35(O) which office note was approved by the Vice-Chancellor. The statement in para 42 of the affidavit of Dr.S.A. Nimbalkar, dated 14.1.2008 (Ex.658), that they were annexed to the aforesaid office note dated 6.9.2005 in the file Ex. 35(O) can not be believed.

1478) It would thus mean that the Selection Lists which were received from the Chairman of the Selection Committee by the Vice-Chancellor on 6.9.2005, if at all, were the Selection Lists which did not bear the signatures of the Chairman and the Members of the Selection Committee as stated by the then Registrar, Dr.Vandan Mohod, and the Section Assistant (Estt.), Shri D.P. Deshmukh, in their affidavits referred to above. In fact, when the appointment orders to the candidates selected in the posts of SRA (Agri.) and JRA (Agri.) were issued on 16.9.2005 and 17.9.2005 respectively on the basis of the Selection Lists annexed as Annexures-I to XI to the office note dated 6.9.2005 in the file Ex. 35(O), i.e. the Selection Lists not signed by the Chairman and the Members of the Selection Committee, it would mean that the file Ex. 34(O) relating to the proceedings of the meeting of the Selection Committee was not compiled till then and as stated by the Registrar and the Section Assistant (Estt.), if it was received on or about 15.10.2005 after the appointment orders were issued on 16.9.2005 and 17.9.2005, in all probability the proceedings of the meeting of the Selection Committee from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were drafted thereafter only. At any rate, the Selection Lists and the Mark-Sheet Ex. 34(O)-A annexed to it were ready and were included in the said file Ex. 34(O) after the appointment orders were issued as Dr.G.N. Dake, outside member of the Selection Committee signed them on 14.9.2005 and

Dr.N.D. Pawar, another outside member, on any of the following dates i.e. 14.9.2005, 27.10.2005 or 15.12.2005, probably on 14.9.2005.

f) Proceedings / Minutes of the meeting of the Selection Committee contained in the file Ex. 34(O) cannot be relied upon to show as to what transpired in the said meeting.

1479) As shown hereinbefore, the proceedings / minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained in the file Ex. 34(O) are not faithfully recorded, are not truthful and are not also confirmed by it by holding its meeting thereafter. In fact, as already shown, no member of the Selection Committee except its Chairman and Member Secretary knows about the said proceedings/minutes of its aforesaid meeting. The said proceedings / minutes cannot therefore be relied upon to hold as to what actually transpired in the aforesaid meeting of the Selection Committee and how and when the Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared and by whom.

xiv) Handing over the Selection Lists to the then Vice-Chancellor.

(Vide paras 609 to 628 of the Enquiry Report)

a) Selection Lists alleged to be prepared and ready on 26.6.2005, but handed over to the then Vice-Chancellor after about 2 months on 6.9.2005

1480) Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 52 of his affidavit dated 25.12.2007 (Ex.645), that after the Selection Lists for the posts of SRA/JRA were prepared and were ready on 26.5.2005 meaning thereby that they were signed by him and the Members of the Selection Committee either at night on 25.6.2005 after they were prepared or in the morning on the next day i.e. 26.6.2005 he kept them in an envelop and he himself and Dr.Vandan Mohod, the Member Secretary informed the Vice-Chancellor by going to him personally either on 26th or 27th June 2005 that the Selection Lists were ready and the procedure of the Selection was over. According to him, he, however, told him that he should keep the confidential Selection Lists with him and hand over the same to him after he demanded them. He then stated in para 54 of his aforesaid affidavit that it was before the then Vice-Chancellor went to China on 8.9.2005 that he asked them to hand over the Selection Lists to him on 6.9.2005 and, accordingly, he himself, the Registrar/ Member Secretary, and Dr.E.R. Patil, senior most member of the Selection Committee, went to him and personally handed over the Selection Lists to him on the said date. Further, according to him, on that date i.e. 6.9.2005, Shri D.P. Deshmukh, Section Assistant (Estt.), had written a note, stating therein that the Lists of the candidates selected categorywise were placed below the said note and that it

was proposed to issue orders of appointment to the candidates in the Selection Lists, subject to availability of vacancies categorywise and in order of merit. He stated in the said para 54 of his aforesaid affidavit that the said note was signed on the same day by him and finally by the then Vice-Chancellor, in token of its approval.

1481) The then Vice-Chancellor Dr.S.A. Nimbalkar, admitted in para 39 of his affidavit dated 14.1.2008 (EX. 658) that Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the then Registrar had come to him sometime in July 2005 to hand over to him the said Selection Lists for taking further steps in the matter i.e. for making appointment of the candidates in the Selection Lists, in the posts of SRA (Agri.) and JRA (Agri.). However, according to him, he was very busy at that time with the work of Centenary Celebration of the College of Agriculture, Nagpur, to be held from 15.10.2005 to 17.10.2005 in which Shri Sharad Pawar, Union Minister for Agriculture was to come as principal guest. Further, according to him, he was also very busy with the meeting of the Joint Agresco & National Seminar on value addition. Another reason why he postponed the said question of looking into the Selection Lists and making appointments accordingly was that since Kharif Season had already commenced, the inspection of Crop condition was necessary, particularly taking into consideration the drought season. He thus stated that he therefore, asked the Chairman of the Selection Committee, Dr.V.D. Patil, to keep the Selection Lists for the time being with him and told him that he would call him after sometime for looking into the said Selection Lists for making appointment in the posts of SRA (Agri.) and JRA (Agri.). He further stated in the said para 39 of his aforesaid affidavit that before he left for China on or about 8.9.2005, Dr.V.D. Patil, & Ors. came to him on or about 5.9. or 6.9.2005 to hand over the Selection Lists to him. He also stated that he returned from China on or about 22.9.2005 after a tour of about 15 days. It is clear from para 40 of his aforesaid affidavit that precisely on 6.9.2005, 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 had come to him for handing over the Selection Lists to him.

1482) It is difficult to appreciate why the then Vice-Chancellor, should receive the Selection Lists when he was about to leave for China on tour for about 15 days as he was not then available for making appointment according to the said Selection Lists unless he himself did not want to be associated with making the said appointments as per the Selection Lists for the reasons better known to him. He had already postponed the receipt of the Selection Lists from the Chairman, Dr.V.D. Patil, for more than 2 months and further postponement for about 15 days would not have made any difference. As regards the reasons given by him in para 39 of his affidavit dated 14.1.2008 (Ex. 658), for postponing the handing over of the Selection Lists

to him, i.e. about the Centenary Celebration of the College of Agriculture, Nagpur etc. the said reasons did not come in his way in going on tour to China. It, therefore, appears that deliberately the Selection Lists were received by him on 6.9.2005 when he was about to leave for China so that the appointments could be made by Dr.V.D. Patil, who was appointed as Acting Vice-Chancellor during his absence by his order issued on the same day i.e. 6.9.2005 (Ex.657) and Dr. Vandan Mohod, the Registrar, who were the Chairman and the Member Secretary of the Selection Committee respectively and had prepared the Selection Lists of these posts of SRA (Agri.) and JRA (Agri.) which were approved by him hurriedly on 6.9.2005 itself.

1483) As regards the reasons given by the then Vice-Chancellor Dr.S.A. Nimbalkar, in para 39 of his affidavit dated 14.1.2008 (Ex. 658) for not receiving the Selection Lists and taking further steps to make appointments in the posts of SRA (Agri.) /JRA (Agri.), when Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee were alleged to have gone to him earlier either at the end of June or in July 2005, they do not inspire any confidence to accept them. If the Selection Lists were ready on 25/26.6.2005, there was lot of time for the Centenary celebrations of the College of Agriculture, Nagpur, which were to be held from 15.10.2005 to 17.10.2005. At any rate it is difficult to see why he should not have accepted the said Selection Lists and kept them with him in his office or with the Registrar who is responsible for the due custody of the record of the University. In fact, it is the Registrar and the concerned staff of his office who would help him in making appointment of the Selected candidates in suitable posts. As regards the question of verification of the Selection Lists or making enquiry into the question of fairness of the selections perusal of para 40 of his affidavit would show that he had not taken much time in making such verification or enquiry and approved the Selection Lists on the same day i.e. 6.9.2005.

1484) It may be seen that in order to falsely show that the Selection Lists were prepared and were ready on 25.6.2005 i.e. the last day of interview, it is falsely stated by Dr.V.D.Patil, the Chairman of the Selection Committee in para 52 of his affidavit dated 25.12.2007 (Ex.645) that immediately on 26th itself on which date according to him, all the members had signed the Selection Lists or on 27th June, 2005, he went to Dr.S.A. Nimbalkar, the then Vice-Chancellor with Dr.Vandan Mohod, the then Registrar / Member Secretary, to hand over to him the Selection Lists but he told him to keep them with him and hand them over to him when he would demand the same as he was busy at that time in other work as stated by him in the above referred para 39 of his affidavit dated 14.1.2008 (Ex.658), Dr.S.A.Nimbalkar, the then Vice-Chancellor supported him in this regard except that according to him, they had come to him in