

July 2005. The statement of Dr.V.D. Patil, the Chairman of the Selection Committee, supported by Dr.S.A. Nimbalkar, the then Vice-Chancellor is not true to their own knowledge and cannot be believed because as shown hereinbefore the Selection Lists were not prepared and were not ready at that time. As already held Shri D.P. Deshmukh, Section Assistant (Estt.), prepared the Mark-Sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) and handed it over 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 and from the said Mark-Sheet Ex. 34(O)-A, the Selection Lists were prepared sometime thereafter by Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee. It appears that the Selection Lists were not ready till 6.9.2005 i.e. for about a long period of more than 2 months after the last date of interview i.e. 25.6.2005 and therefore, the above reasons are given to show that although the Selection Lists were ready on 26.6.2005, the Vice-Chancellor did not accept the same since he was otherwise very busy in other work as stated above. In fact, even on 6.9.2005, the Selection Lists and the Mark-Sheet Ex. 34(O)-A were not signed at least by two outside members of the Selection Committee as shown in the earlier topic relating thereto. The above reasons given by the then Vice-Chancellor for postponing the receipt of the Selection Lists till 6.9.2005 cannot therefore, be believed.

**b) Recording of office note dated 6.9.2005 contained in the file Ex. 35(O) at pages 17/C to 19/C with annexures I to XI thereof.**

**1485)** Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 54 of his affidavit dated 25.12.2007 (Ex.645), that before the Vice-Chancellor went to China, he had on 6.9.2005 asked him to hand over the Selection Lists to him and accordingly he went to him alongwith Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee and Dr.E.R. Patil, its senior most member and personally handed over to him the Selection Lists on that date. He further stated in the said para that Shri D.P. Deshmukh, Section Assistant (Estt.), wrote an office note on 6.9.2005 itself in which he stated that the Lists of 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 and in order of merit. The said office note was signed by him and finally by the Vice-Chancellor in token of its approval.

**1486)** After having seen the Selection Lists actually 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). Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 55 of his affidavit dated 25.12.2007 (Ex. 645) that they had not handed over to the Vice-Chancellor the said Selection Lists but had handed over to him the Selection Lists which were at pages 66 to

76 of the file relating to the proceedings of the meeting of the Selection Committee marked as Ex. 34(O), each page of which was signed by him and the members of the Selection Committee. He then stated that after the Selection Lists at pages 66 to 76 in the aforesaid file Ex. 34(O) were handed over by him to the Vice-Chancellor, he in turn, handed them over to the Member Secretary / Registrar for further action in that regard. He also stated that he would not be able to give any reason how the Selection Lists annexed to the office note dated 6.9.2005 did not contain their signatures. Realizing that the Selection Lists signed by him and the Members of the Selection Committee were included as Annexures-IX to XIX of the proceedings / minutes of the Selection Committee at pages 66 to 76 in the file Ex. 34(O), he stated in para 57 of his aforesaid affidavit that when the Vice-Chancellor demanded the Selection Lists, he had handed over to him the said file Ex. 34(O) itself which included the aforesaid Selection Lists.

**1487)** Dr.S.A. Nimbalkar, the then Vice-Chancellor, categorically denied in para 43 of his aforesaid affidavit dated 14.1.2008 (Ex. 658), that the whole file Ex. 34(O) as such was brought to him and was seen by him at that time. In fact, according to him, the said file Ex. 34(O) was not brought and shown to him at any time and he had not checked whether the Chairman of the Selection Committee had put the date while signing the Selection Lists and the Mark-Sheet Ex. 34(O)-A. As stated by him in para 41 of his aforesaid affidavit the Selection Lists marked as Annexure-IX to XIX 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 only shown to him. Further, as stated by him in para 42 of his aforesaid affidavit the aforesaid documents viz. the Selection Lists and the Mark-Sheet Ex.34(O)-A were annexed with the office note dated 6.9.2005 contained in the file Ex. 35(O) and not the Selection Lists actually annexed as Annexures-I to XI to the said office note dated 6.9.2005 in the said file Ex. 35(O) i.e. the Selection Lists which did not bear the signatures of the Chairman and the Members of the Selection Committee.

**1488)** Dr.Vandan Mohod, the Registrar / Member Secretary of the Selection Committee, however, stated in para 2 of his additional affidavit dated 2.4.2008 (Ex.713) that he had not accompanied Dr.V.D. Patil, the Chairman of the Selection Committee, when he had gone to hand over the Selection Lists to the Vice-Chancellor. He also stated therein reiterating his statement in para 30 of his original affidavit dated 1.12.2007 (Ex. 633), that the Selection Lists which were handed over to the Vice-Chancellor by Dr.V.D. Patil, the Chairman of the Selection Committee and which the Vice-Chancellor had sent to him for further action were the Selection Lists which were actually annexed as Annex. I to XI to the office note 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. According to him, the said office note

dated 6.9.2005 to which the above said Selection Lists were annexed was finally approved by the Vice-Chancellor on the same date. Although he had stated in the aforesaid para 30 of his original affidavit 1.12.2007 (Ex. 633), that the said Selection Lists were copies of the Selection Lists which they had signed, he stated in the aforesaid para 2 of his additional affidavit dated 2.4.2008 that they were also computer Lists and not the xerox copies of the original Selection Lists.

**1489)** 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 went to the Registrar's office to prepare the final Selection Lists but according to him in the hall in which they were sitting, they prepared on computer final Selection Lists in each category in descending order of merit for both the posts of SRA(Agri.) and JRA (Agri.) and then took out its print out upon which the Chairman and the Members of the Selection Committee including him put their signatures. He then stated that the said computer copies of the Selection Lists were kept by Dr.V.D. Patil and no other print out of the computer copy of the Selection Lists was taken out on that day. He further stated that he would not be able to tell why Dr.V.D. Patil, the Chairman of the Selection Committee handed over to the Vice-Chancellor on 6.9.2005 the Selection Lists which were not signed by him and the members of the Selection Committee when he had with him the Selection Lists signed by them.

**1490)** Shri D.P. Deshmukh, Section Assistant (Estt.), who had written the aforesaid office note dated 6.9.2005 stated in para 36 of his affidavit dated 15.11.2007 (Ex. 598), as well as para 1 of his additional affidavit dated 15.3.2008 (Ex. 695), that the Selection Lists which were annexed to the said office note dated 6.9.2005 as Annexures-I to XI were the same Lists which were handed over to him by the then Registrar before he wrote the office note on that date. He also stated therein that the said Selection Lists which were handed over to him by the then Registrar, did not contain the signatures of the Chairman and the Members of the Selection Committee and he would not be able to tell with whom were the Selection Lists which were signed by them. He reiterated in para 55 of his affidavit that the Selection Lists which were annexed to his office note dated 6.9.2005 as Annexure-I to XI were the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee. As already pointed out under the topic relating to preparation of Selection Lists, he stated in para 1 of his additional affidavit dated 15.3.2008 (Ex. 695), that he was not present at the place where the Selection Lists were prepared and the names of the candidates selected in the posts of SRA (Agri.) and JRA (Agri.) were not dictated to him by the Chairman and the Member Secretary of the Selection Committee. He further stated that after the Selection Lists were prepared, they were not handed over to him for taking out their computer copies or xerox copies and that he

had not prepared them. He also stated that he had not taken out computer copies/ xerox copies of the Selection Lists annexed to his office note dated 6.9.2005 which were not signed by the Chairman and the Members of the Selection Committee. After seeing the said Selection Lists, he stated that according to him, they were not xerox copies but were computer copies.

**1491)** As regards the question whether the file relating to the proceedings of the meeting of the Selection Committee (Ex. 34(O)) containing inter-alia the Selection Lists at pages 66 to 76 and the Mark-Sheet Ex.34(O)-A was shown to and approved by the Vice-Chancellor or not, 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 the said file Ex. 34(O) was with Dr.V.D. Patil, the Chairman of the Selection Committee, and therefore he would not be able to tell whether it was shown to the Vice-Chancellor or not. As already pointed out, Dr.S.A. Nimbalkar, the then Vice-Chancellor, denied in para 43 of his affidavit dated 14.1.2008 (Ex.658), that the whole file Ex. 34(O) as such was brought to and was seen by him at any time. Dr.Vandan Mohod, the Registrar/ Member Secretary then stated in the said para 8 of his above-referred affidavit dated 2.4.2008 (Ex. 713) that the aforesaid file Ex. 34(O) was received in the Registrar's office after the 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) i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee. According to him, in making placement of the candidates for suitable posts in the Movement Register Ex. 644(O) with a view to give them appointment the Selection Lists before them were the aforesaid Selection Lists annexed as Annexure-I to XI to the office note dated 6.9.2005.

**1492)** The above statement of Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, that the aforesaid file Ex. 34(O) was received in the Registrar's office after the appointment orders were issued on 16.9.2005 and 17.9.2005, is corroborated by Shri D.P. Deshmukh, Section Assistant (Estt.), who stated in para 55 of his affidavit dated 15.11.2007 (Ex. 598) that the proceedings of the meeting of the Selection Committee and the Annexures annexed to it contained in the file Ex. 34(O) which included the Selection Lists signed by the Chairman and the Members of the Selection Committee at pages 66 to 76 thereof were not received by him at that time (i.e. at the time of writing the office note dated 6.9.2005) and even thereafter till the appointment orders were issued on 16.9.2005 and 17.9.2005 but were received by him on or about 15.10.2005. He, however, stated in para 1 of his additional affidavit dated 15.3.2008 (Ex.695), that he received from the then Registrar, Dr.Vandan Mohod, the Selection Lists signed by the Chairman and the Members of the Selection Committee and the Mark-Sheet Ex. 34(O)-A in November or December 2005 with the

proceedings / minutes of the meeting of the Selection Committee contained in the file Ex. 34(O) when the persons concerned started making applications under the Right to Information Act demanding the Selection Lists.

**c) Selection Lists signed by the Chairman and all the Members of the Selection Committee not ready on 6.9.2005 or otherwise the office note dated 6.9.2005 is ante-dated**

**1493)** In appreciating the stand of the then Registrar, Dr.Vandan Mohod, and the dealing Section Assistant (Estt.), Shri D.P. Deshmukh, that the Selection Lists which were sent to them by the then Vice-Chancellor were the Selection Lists annexed to the office note dated 6.9.2005 i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee, it must be seen that had the Selection Lists signed by the Chairman and the Members of the Selection Committee included at pages 66 to 76 in the file relating to the proceedings of the meeting of the Selection Committee Ex. 34(O), been sent to them with or without the said file Ex. 34(O), it was possible for them to state that since the said Selection Lists were annexed ( or to be annexed) to the said proceedings in the file Ex. 34(O), there was another computer copy of the said Selection Lists prepared by them which was annexed to the office note dated 6.9.2005 but instead of saying so they firmly stated that the Selection Lists which were sent to them and which were annexed to the office note dated 6.9.2005 were the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee. Even otherwise, the Selection Lists which were at pages 66 to 76 in the file Ex. 34(O) were not signed at least by two outside members of the Selection Committee Dr.G.N. Dake, and Dr.N.D. Pawar, on or before 6.9.2005 on which date it is alleged that they were handed over by Dr.V.D. Patil, the Chairman of the Selection Committee to Dr.S.A. Nimbalkar, the then Vice-Chancellor.

**1494)** It is also pertinent to see that according to the then Registrar, Dr.Vandan Mohod, as stated by him in para 8 of his additional affidavit dated 2.4.2008 (Ex.713), the appointment orders were issued to the candidates on 16.9.2005 and 17.9.2005 as per the Selection Lists annexed as Annexures-I to XI to the aforesaid 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 Even in giving them placement in the Movement Register (Ex. 644 (O)) for their posting, the Selection Lists before them were the aforesaid Selection Lists in the file Ex. 35(O). It is thereafter that according to him, the aforesaid file Ex. 34(O) relating to the proceedings/minutes of the meeting of the Selection Committee containing the Selection Lists at pages 66 to 76 and the Mark-Sheet Ex. 34(O)-A at pages 77/1 to 92 thereof signed by the Chairman and the Members

of the Selection Committee was received in the Registrar's office. As already pointed out, Shri D.P. Deshmukh, Section Assistant (Estt.) corroborated him in this regard when he stated in para 55 of his affidavit dated 15.11.2007 (Ex.598), that the said proceedings of the meeting of the Selection Committee with its annexures which included the Selection Lists at pages 66 to 76 thereof were not received by him till the appointment orders were issued on 16.9.2005 and 17.9.2005 but were received by him thereafter on or about 15.10.2005. In fact, in para 1 of his additional affidavit dated 15.3.2008 (Ex.695), he stated that the Selection Lists signed by the Chairman and the Members of the Selection Committee with the Mark-Sheet Ex. 34(O)-A and the proceedings of the meeting of the Selection Committee contained in the file Ex. 34(O) were received by him from the then Registrar, Dr.Vandan Mohod, in November or December-2005 when the concerned persons, started making applications under the Right to Information Act demanding the said Selection Lists.

**1495)** It is thus clear that the Selection Lists signed by the Chairman and all the members of the Selection Committee and even the Mark-Sheet Ex. 34(O)-A signed by all of them included in the file Ex. 34(O) were not ready till the appointment orders were issued on 16.9.2005 and 17.9.2005. The above inference is supported by the fact that just before the said dates of issue of the appointment orders, the Selection Lists and the Mark-Sheet Ex. 34(O)-A contained in the file Ex.34 (O) were signed on 14.9.2005 by Dr.G.N. Dake, outside member of the Selection Committee, and perhaps also by Dr.N.D. Pawar, another outside member of the Selection Committee who stated that he signed them on one of the three dates i.e. 14.9.2005, 27.10.2005, and 15.12.2005. It therefore, clearly shows that on 6.9.2005 if any Selection Lists were handed over by Dr.V.D. Patil, the Chairman of the Selection Committee to Dr.S.A. Nimbalkar, the then Vice-Chancellor, who, in turn, handed them over to the then Registrar for further action, they would be the Selection Lists not signed by the Chairman and the Members of the Selection Committee as stated by Dr.Vandan Mohod, the then Registrar/ Member Secretary of the Selection and Shri D.P. Deshmukh, Section Assistant (Estt.) in their affidavits referred to above. If it was true that Dr. V.D. Patil, the Chairman of the Selection Committee handed over to the Vice-Chancellor the Selection Lists which were signed by him and all the Members of the Selection Committee then no office note could have been written on 6.9.2009 regarding the same because the said Selection Lists were at any rate signed by the two outside members of the Selection Committee after 6.9.2005 as shown hereinbefore or otherwise it would mean that the said office note dated 6.9.2005 is antedated.

**D. APPOINTMENT OF THE SELECTED CANDIDATES IN THE POSTS OF SRA (Agri.) AND JRA (Agri.)**

(Vide Paras 629 to 864 and 986 to 1022 of the Enquiry Report)

**i) Appointment of Dr.V.D. Patil, Dean/ D.I./Chairman of the Selection Committee as Acting Vice-Chancellor**

**1496)** Dr.S.A. Nimbalkar, the then Vice-Chancellor had gone on visit to China for about 15 days from 8.9.2005 to 24.9.2005 after he approved the Selection Lists on 6.9.2005 vide office note of Section Assistant (Estt.) dated 6.9.2005 contained in the file relating to interviews Ex. 35(O). As stated by him in para 55 of his affidavit dated 14.1.2008 (Ex. 658), Dr. S. A. Nimbalkar, the then Vice Chancellor had issued an order on 6.9.2005 itself (Ex. 657) appointing Dr.V.D. Patil, Dean /D.I./ the Chairman of the Selection Committee, as Acting Vice-Chancellor to look after the day-to-day work of the office of the Vice-Chancellor and to attend to the important and emergency works / meetings if any called during the aforesaid period of his absence from 8.9.2005 to 24.9.2005. In appointing Dr.V.D. Patil, as Acting Vice-Chancellor, he exercised the power conferred upon him by the proviso to Section 17 (9) of the University Act.

**1497)** As regards the objection raised to the appointment of Dr.V.D.Patil, Dean/D.I., Dr.PDKV, Akola, as Acting Vice-Chancellor in the affidavit of Dr.B.S.Phadnaik and Dr.B.S. Chimurkar, dated 24.9.2007 (Ex.529) on the ground that as per the normal convention the senior most Director out of 3 Directors viz. Director of Instruction, Director of Research, and Director of Extension Education, the senior most Director viz. Dr.S.V. Sarode, Director of Research , should have been appointed as Acting Vice-Chancellor. Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, in para 1 of his additional affidavit dated 29.4.2008 (Ex.731) stated that he had rightly handed over the charge of his office to Dr.V.D. Patil, the Chairman of the Selection Committee, as Acting Vice-Chancellor, during his temporary absence because firstly according to him seniority was not the criteria for entrusting the duties of the Vice-Chancellor to any Director or Dean during his temporary absence for less than 2 months as laid down in the proviso to Section 17 (9) of the University Act and secondly, according to him, if, as per the practice followed in the four Agricultural Universities in the State, the service of Dr.V.D.Patil, the Chairman of the Selection Committee, as Dean in Marathwada Agricultural University was taken into consideration, he would be senior to Dr.S.V. Sarode. Even otherwise, according to him, since Dr.V.D. Patil, was Dean/Director of Instructions, he exercised direct control over the colleges and the students and was therefore properly given the charge of his office during his temporary absence.

**1498)** Be that as it may, the question to be considered would of propriety of appointment of Dr.V.D. Patil, as Acting Vice-Chancellor by the then regular Vice-Chancellor, Dr.S.A. Nimbalkar on 6.9.2005 before he went on his tour to China. It is pertinent to see that Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee had themselves increased the number of posts of SRA (Agri.) to be filled from 24 as advertised to 55 and the posts of JRA (Agri.) from 37 as advertised to 76 and had prepared the Selection Lists for the said posts, vide para 1413 of the Enquiry Report. Although it is stated in the office note dated 6.9.2005 approved by the regular Vice-Chancellor, Dr.S.A. Nimbalkar that the appointments of the Select List candidates were made subject to availability of vacancies, it would only be an eye-wash as both viz. Dr.V.D. Patil, as Acting Vice-Chancellor and Dr.Vandan Mohod, as Registrar who had on their own increased the number of posts to be filled and prepared their Selection Lists, would be keen to make appointments of all the selected candidates as per the Selection Lists particularly when they included the favoured candidates which is clear from the fact that for giving appointments to all the candidates in the Selection Lists, they had decided to utilize the posts in promotion quota vide the office notes dated 16.9.2005 of the Deputy Registrar Shri S.S.Suradkar, and the Registrar Dr.Vandan Mohod, approved by Dr.V.D. Patil, the Acting Vice-Chancellor contained in the file Ex. 42(O) referred to earlier although the recommendations of Shri D.P. Deshmukh, Section Assistant (Estt.), and Shri P.V.Behare, the Asst. Registrar (Estt.) were in respect of the vacancies in nomination quota only, the former pointing out in his note dated 15.9.2005 that 10% posts in nomination quota should not be filled for making adjustment in the event of closure of ICAR Scheme and the latter pointing out in his note dated 16.9.2005 that if all the posts in nomination quota were filled there would be no posts available for nomination in next two years.

**1499)** It was therefore necessary to give the charge of the office of the Vice Chancellor during the temporary absence of the regular Vice Chancellor, Dr. S. A. Nimbalkar to some other Dean or Director not directly associated with the selection of candidates in these posts who would have dispassionately considered the question whether all the candidates in the Selection Lists of these posts should be appointed by utilizing the posts in promotion quota. The first and for most question which needed consideration was whether it was necessary to place the matter before the Executive Council, which laid down the nomination and promotion quota for these posts. The appointment of an independent Dean or Director as Acting Vice Chancellor i.e. one who was not involved in selection of candidates in these posts was necessary particularly when the then Registrar who was ex-officio Member Secretary of the Selection Committee could not be changed. Such independent Acting Vice Chancellor, who had to look after day to day work of the office of the Vice Chancellor as per the order dated 06.09.2005 (Ex. 657) i.e. to



discharge routine duties of the said office might have, if at, all made appointments as per the Selection Lists to the extent of the vacancies available in nomination quota only.

ii) **Note-sheet of the Registrar's office showing vacancy position for making appointment of the Selected Candidates in the posts of SRA(Agri.) and JRA (Agri.) contained in the file Ex. 42(O).**

(Vide paras 634 to 646 of the Enquiry Report)

**1500)** After the Selection Lists of the posts of SRA (Agri.) and JRA (Agri.) were sent on 06.09.2005 by the then Vice-Chancellor to the Registrar who in turn, handed them over to Shri D.P. Deshmukh, Section Assistant (Estt.), he wrote an office note on 15.9.2005 contained at pages N/1 to N/5 in the file relating to the "Position of filling the posts of SRA (Agri.) and JRA (Agri.)" marked as Ex. 42(O) in this enquiry giving vacancy position of the posts of SRA (Agri.) and JRA (Agri.) in nomination as well as in promotion quota. Perusal of the office note of Shri D.P. Deshmukh, Sectional Assistant (Estt.), dated 15.09.2005 at page N/1 of the file Ex. 42(O) shows that he has worked out the number of vacant posts of SRA (Agri.) which could be filled as 40 although the vacant posts shown are 43 (it should be 42 since 1 post has to be shown in nomination quota. He pointed out in his remarks below Table II on page N/1 of the said file Ex.42(O) that 10% of the posts in nomination quota should not be filled for making adjustment, in the event of closure of ICAR Scheme. On the next page N/3 he has given its categorywise break-up. On the same page i.e. N/3, he has shown the vacant posts of SRA (Agri.) in promotion quota as 10 which, according to him, could be filled by promotion gradually on availability of the candidates within one or two years i.e. on completion of the condition of experience. As regards the posts of JRA (Agri.) he has worked out the vacancy position as of 50 posts in nomination quota on page N/5 of the said file Ex. 42(O). In promotion quota of the said post of JRA (Agri.), he has shown on the same page N/5 38 vacant posts in which, according to him, since only 25 eligible candidates were available for promotion in the next below posts of Agricultural Assistant, 13 posts of JRA (Agri.) would remain vacant till the eligible candidates in the post of Agricultural Assistant were available for promotion. His aforesaid office note dated 15.09.2005 was forwarded to the Assistant Registrar Shri P.V. Behare, on 16.9.2005. He stated in his office note dated 16.09.2005 at pages N/5 to N/7 of the said file Ex. 42(O) that there were 40 - 43 vacant posts of SRA (Agri.) in its nomination quota as against 24 posts advertised and 50 posts of JRA (Agri.) available in its nomination quota as against 37 posts advertised for being filled. He pointed out that if it was decided to fill all the posts, there would be no available vacancy in nomination quota in these posts for being filled in the next 2 years. Thus, according to him, it was necessary to decide as

to how many vacant posts out of the total number of the above referred vacant posts should be filled as per the advertisement dated 14.8.2004 (Ex.2).

**1501)** The said file Ex. 42(O) was then forwarded to the Deputy Registrar, S.S. Suradkar, on the same date i.e. 16.9.2005. He stated in his office note dated the same i.e. 16.09.2005 that the said question of the number of posts to be filled was discussed by him with the Assistant Registrar (Estt.), the Registrar and the Hon'ble Vice-Chancellor, and according to him in order to give effect to the merit List prepared by the Selection Committee for the posts of SRA (Agri.) and JRA (Agri.), it was absolutely necessary to utilize the vacant posts in their promotion quota for the time being for making appointment of the candidates selected in the said posts by nomination since according to him, some posts of SRA (Agri.) and JRA (Agri.) would be lying vacant for non-availability of qualified candidates in the next below cadre. Further, according to him, the excess strength in nomination quota because of utilization of the posts in promotion quota could be easily adjusted within 3 years duration because during the said period, the new recruits in the next below cadres would be eligible for promotion in the said posts, the period of 3 years being the minimum period of experience required for promotion. He therefore, gave an opinion that if some posts of SRA (Agri.) / JRA (Agri.) in promotion quota, were utilized for making appointment of the candidates selected in nomination quota of these posts, no injustice would be caused to any existing employees. When the said file Ex. 42(O) was forwarded to the Registrar, Dr.Vandan Mohod, on the same date i.e. 16.09.2005, he approved the aforesaid office note of the Deputy Registrar, dated 16.09.2005 giving an additional reason that it would not be proper to keep the posts in promotion quota vacant for longer duration of 3 years. Therefore, according to him it would be in the fitness of things to tag the said vacancies in promotion quota to the vacancies in nomination quota which vacancies in promotion quota can be gradually restored within a period of 3 years. The Hon'ble Acting Vice-Chancellor, Dr.V.D. Patil, Dean/DI, who was the Chairman of the Selection Committee signed the said office note on the same day i.e. 16.9.2005 in token of his approval.

**1501-A)** The affidavits of all the above officers/ employees of the University about their aforesaid note-sheets in the file Ex. 42(O) are referred to in paras 634 to 646 of the Enquiry Report. It is, however, necessary to see that although no separate/additional reason was given by Dr. V. D. Patil, the then Acting Vice Chancellor in approving the aforesaid office notes of the Deputy Registrar and the Registrar dated 16.09.2005 contained in the file Ex. 42(O) relating to appointments, separate/additional reason given by him in para 80 of his affidavit, dated 25.12.2007 (Ex. 645) was that apart from the fact that no qualified candidate was available in the lower cadre for promotion at that time, there was necessity to fill these posts

since they were lying vacant for a long time because of which they would have lapsed (vide para 646 of the Enquiry Report).

**a) Actual issue of appointment orders to the selected candidates**

**1502)** Accordingly, as stated in para 647 of the Enquiry Report, on the same date i.e. 16.09.2005 the appointment orders containing their postings were issued to all the 55 candidates selected in the posts of SRA (Agri.). The said orders are included at pages C/3 to C/11 of the said file Ex. 42(O). On the next day, i.e. 17.09.2005, the orders of appointment with their postings were issued also to 76 candidates selected in the posts of JRA (Agri.) which are included at pages C/218 to C/365 of the said file Ex. 42(O).

**b) Appointments made in the posts of SRA (Agri.) and JRA (Agri.) are highly irregular.**

**1503)** It is held in the topic relating to “Handing over the Selection Lists to the then Vice-Chancellor”, that as stated by the then Registrar, Dr.Vandan Mohod, in para 2 of his additional affidavit dated 2.4.2008 (Ex.713), it is the Selection Lists annexed to the office note dated 6.9.2005 as Annexures I to XI 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 which were handed over by Dr.V.D. Patil, the Chairman of the Selection Committee, to the then Vice-Chancellor who, in turn sent them to him for further action. Shri D.P. Deshmukh, concerned Section Assistant (Estt.), corroborated him in this regard, vide para 1 of his additional affidavit dated 15.3.2008 (Ex.695). Further, according to both of them, the placement in the Movement Register Ex. 644(O) for posting of the Selected Candidates in these posts of SRA (Agri.) and JRA (Agri.) was made and their actual appointment orders were also issued on the basis of the aforesaid Selection Lists Annexures-I to XI annexed to the aforesaid office note dated 6.9.2005 contained in the file Ex. 35(O) i.e. the Selection Lists which did not bear the signatures of the Chairman and the Members of the Selection Committee vide para 8 of the aforesaid affidavit of Dr.Vandan Mohod, the then Registrar, and para 55 of the affidavit of Shri D.P. Deshmukh, dated 15.11.2007 (Ex.598). They also stated therein that the proceedings/minutes of the Selection Committee to which were annexed the Selection Lists as Annexures IX to XIX at pages 66 to 76 and the Mark-Sheet Ex. 34-A as Annexure XX at pages 77/1-92 signed by the Chairman and the Members of the Selection Committee contained in the file Ex. 34(O) were received in the Registrar’s office after the appointment orders were issued on 16.9.2005 and 17.9.2005 i.e. on or about 15.10.2005 as stated by Shri D. P. Deshmukh, Section Assistant (Estt.).

**1504)** Apart from the fact that the Selection Lists of these posts of SRA (Agri.) and JRA (Agri.) were not prepared by the Selection Committee as shown hereinbefore, vide paras 1442 to 1446 of the Enquiry Report, the Acting Vice-Chancellor, Dr. V. D. Patil, who was the Chairman of the Selection Committee and the then Registrar, Dr. Vandan Mohod, its Member Secretary, who prepared them, (vide para 1413 of the Enquiry Report), did not wait till the said Selection Lists signed by the Chairman and all the Members of the Selection Committee were available for issuing the actual appointment orders to the Selected candidates. The Acting Vice-Chancellor and the then Registrar thus acted in highly irregular manner in issuing the said appointment orders to the candidates selected in the posts of SRA (Agri.) and JRA (Agri.) on the basis of the Selection Lists annexed to the office note dated 6.9.2005 contained in the file Ex. 35(O) i.e. the Selection Lists which did not bear the signatures of the Chairman and the Members of the Selection Committee.

**iii) Utilization of posts in promotion quota for making appointment by nomination is illegal and improper**

**1505)** As pointed out above, the Acting Vice-Chancellor Dr.V.D. Patil, decided to utilize the posts in nomination quota of SRA (Agri.) and JRA (Agri.) by approving the office notes of the Deputy Registrar and the Registrar dated 16.9.2005 for making appointment by nomination of all the candidates in the Selection Lists of the said posts. It may be seen in this regard that as per the first proviso in Statute 77(2) the power to fix the promotion quota above 25% of the total number of posts in any category in Statute 71 upto 50% of the total number of the said posts is with the Executive Council of the University. It is the Executive Council of the University which by its Resolution dated 18.3.1991 (Ex. 595) annexed to the affidavit dated 2.11.2007 (Ex. 591) filed on behalf of the University fixed the quota of 50 : 50 by nomination and promotion in these posts of SRA (Agri.) and JRA (Agri.). It was, therefore, necessary that if any vacancies in promotion quota of these posts were to be utilized for appointment by nomination thus increasing the number of posts in nomination quota vis-à-vis promotion quota, it was necessary for the Acting Vice-Chancellor to obtain sanction of the Executive Council for utilization of the posts in promotion quota in making appointment of the candidates by nomination in the said posts. Had the said matter been placed before the Executive Council for its sanction, it would have considered the question whether any qualified candidate was available for promotion in these posts in promotion quota or not and if not how long they would remain vacant and also the total number of posts in promotion quota which could be utilized for making appointment by nomination in these posts. All other relevant questions could also be considered by the Executive Council before giving its sanction for utilization of the posts in promotion quota. The decision in this regard should have been thus left to the

Executive Council of the University. The Acting Vice-Chancellor was not competent to take decision in this matter.

a) **Whether the decision to utilize the posts in promotion quota for making appointment by nomination was a policy decision or not**

**1506)** As regards the question whether the decision about the utilization of the posts in promotion quota for making appointment of all the selected candidates in the posts of SRA (Agri.) and JRA (Agri.) was a policy decision or not, Dr. S. A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 55 of his affidavit dated 14.1.2008 (Ex.658) that it was not a policy decision and it need not have waited till his return from China and therefore according to him the Acting Vice-Chancellor Dr.V.D. Patil, could take such decision in consultation with the Assistant Registrar, Deputy Registrar and the Registrar. However, particularly when the quota was fixed by the Executive Council by its resolution dated 18.3.1991 (Ex.595), the decision on the question whether the post/s in promotion quota should be utilized for making appointment by nomination which would disturb the quota prescribed by the Executive Council would be a policy decision to be taken, as shown above, by the Executive Council which fixed the said quota. Even assuming that the Vice-Chancellor could take such decision, it was not a decision about carrying out the day-to-day routine work of the office of the Vice-Chancellor. It was also not such important or emergency work, which could not wait till the regular Vice-Chancellor would resume his duties. In the instant case, Dr. S.A. Nimbalkar, the regular Vice-Chancellor was to resume his duties in about 8 days time after 16.9.2005 when the decision to utilise the posts in promotion quota was taken and therefore, the appointments which were already delayed for one reason or another could have easily waited for 8 days more. Even otherwise, had Dr.V.D. Patil, the Acting Vice-Chancellor followed the routine procedure in the University of calling for the office notes of the officers concerned to find out suitable posts for the selected candidates for their posting which question is considered in the next topic relating to the procedure followed in making appointments, it would have easily consumed period of 8 or 10 days.

**1507)** Therefore, such decision could not have been taken by the Acting Vice-Chancellor during the temporary absence of the regular Vice-Chancellor. It appears that the Acting Vice-Chancellor and the then Registrar were bent upon making appointment of all the candidates in the Selection Lists for these posts of SRA (Agri.) / JRA (Agri.) before the regular Vice-Chancellor would return back from his tour of China and resume his duties and therefore without placing the question of utilisation of posts in promotion quota for making appointment by nomination before the Executive Council for its decision, and without following the above referred routine procedure for making appointment in these posts or waiting for the regular

Vice-Chancellor to come, to take decision in this matter, they had themselves taken the decision to utilize the posts in promotion quota and make appointment of all the candidates selected by them in these posts.

**1508)** Even assuming that, as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 75 of his affidavit dated 25.12.2007 (Ex. 645), on 6.9.2005, the date on which the then Vice-Chancellor Dr.S.A. Nimbalkar, had approved the Selection Lists, he had orally told him that he was going to visit China and that he should issue appointment orders according to the Selection Lists, it would not mean that he should issue appointment orders to all the candidates in the Selection Lists by utilizing the posts in promotion quota but would mean that he should issue appointment orders to the candidates in the posts available in nomination quota as is clear from the office note dated 6.9.2005 itself approved by him and contained in the file Ex. 35(O) in which it is stated that the appointment of the candidates in the Selection Lists should be made subject to availability of vacancies.

**1509)** Shri S.S. Suradkar, the Deputy Registrar (Estt.), stated in para 17 of his affidavit dated 1.12.2007 (Ex.634) that there was no rule framed by the University as per his knowledge that the promotion quota could not be utilized for appointment by nomination. It appears that there is misconception about quota rule in his mind. When the quota is fixed, it would mean that the same has to be adhered to and used for the purpose for which it is fixed. In other words the posts in promotion quota have to be utilized for appointment of candidates by promotion and similarly the posts in nomination quota have to be utilized for appointment by nomination. If the said quota is to be used for some other purpose, the competent authority fixing the quota has to take decision in that regard by considering all its pros and cons including the question as to how many posts in the said quota should be allowed to be used for other purpose and how and the period in which the said quota can be restored.

**b) Whether no candidates were available in the lower cadre for promotion to the next higher post.**

**1510)** Shri S.S.Suradkar, Dy. Registrar (Estt.), stated in para 17 of his aforesaid affidavit dated 1.12.2007 (Ex.634) that the appointment by direct recruitment cannot be made in the posts in promotion quota if, as per the channel of promotion, the candidate is available in the lower cadre for promotion to the higher post. According to him if an appointment by nomination is made in the post in promotion quota, even though, the candidate eligible for promotion is available in the lower cadre in the channel of promotion, such appointment by direct recruitment will not be proper because it will result in injustice to the person in the next below cadre who is eligible for promotion to the post in the next higher cadre. As regards the question of availability of eligible candidates in the lower post for promotion to the higher post

although it is stated in his office note dated 16.9.2005 and also in the office note of the Registrar dated the same that no candidate in the lower cadre was available for promotion to these posts of SRA (Agri.) and JRA (Agri.), it may be seen that they had not taken into consideration the eligibility of YCMOU graduates in regard to their promotion from the posts of Agricultural Assistant to the posts of JRA (Agri.) because their names were illegally not included in the seniority list of the candidates in the posts of Agricultural Assistant eligible for promotion to the posts of JRA (Agri.) In fact, as held in para 1216 of the Enquiry Report relating to the topic about “Non-Selection of YCMOU graduates” the YCMOU graduates were eligible for selection by nomination and promotion as their graduate decree was equivalent to the graduate degree of the Agricultural Universities in the State as per the G.R. dated 24.9.2003 (Annexure-20 of the Enquiry Report).

**1511)** Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University admitted in para 53 of his affidavit dated 14.1.2008 (Ex. 658) that as there was no decision taken by the MCAER on the question of equivalence of YCMOU graduate degree with the graduate degree of the Agricultural Universities in the State, the names of YCMOU graduates who fulfilled the criteria for promotion from the post of AA to JRA (Agri.) should have been included in the Seniority List of Agricultural Assistant eligible for promotion to the post of JRA (Agri.). Dr.V.D. Patil, the Chairman of the Selection Committee, had also given 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. which opinion according to him was approved by the legal advisor of the University on 16.6.2005, vide para 77 of his affidavit dated 25.12.2007 (Ex.645). Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee clearly admitted in para 6 of his additional affidavit dated 2.4.2008 (Ex.713) that the G.R. dated 24.9.2003 (Annexure-20 of the Enquiry Report) making the graduate degree of the YCMOU in agriculture equivalent to the graduate degree of all the Agricultural Universities in the State, was binding upon all including the said Agricultural Universities in the State, unless and until the Govt. accepted the decision / recommendations of any Committee or MCAER and issued fresh G.R. superseding the same. The YCMOU graduates in agriculture working in the posts of A.A. were thus eligible for being considered for promotion to the posts of JRA (Agri.) and their names therefore, should have been included in the Seniority List of the candidates eligible for promotion to the post of JRA (Agri.). Had the legitimate claims of the YCMOU graduates working in the posts of AA for promotion to the posts of JRA (Agri.) been not ignored, the vacancies in the posts of JRA (Agri.) in its promotion quota which could be filled by promotion of such eligible YCMOU graduates working as AA could not have been utilised for making appointment by nomination of the candidates in the Selection Lists of the posts of JRA (Agri.).

**iv) Procedure followed in making appointment**

(Vide paras 539 to 548 of the Enquiry Report)

**a) Routine procedure for making appointment in the University not followed**

**1512)** After approving as Acting Vice-Chancellor of the University, the office notes of the Dy. Registrar (Esstt.), and the then Registrar dated 16.9.2005 about utilization of the vacancies in promotion quota for making appointment of the selected candidates in the posts of SRA (Agri.) and JRA (Agri.) as stated in para 80 of his affidavit dated 25.12.2007 (Ex.645). Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 81 thereof that as regards the question of making actual appointment as per the Selection Lists, there was no routine procedure followed before making such appointment viz. that the Registrar's office should give a note showing the department/s and the vacancy/cies therein available for making appointment as per the Selection Lists and indicating also which candidate was suitable for which post therein. According to him, the Registrar's office had only given them information about the total number of vacancies available for making appointment and accordingly in the instant case the Registrar had made appointment of the selected candidates in these posts of SRA (Agri.) and JRA (Agri.). In this regard, he also stated that the format of appointment order for making appointment in these posts was ready and the only information to be filled therein was to mention the name of the candidate, his address, officer under whom posted to work, category i.e. S.C., S.T. etc. and the remarks about the vacant post (i.e. the post in which his posting was made). He further stated that the appointment orders signed by him and the Registrar were issued to 55 candidates selected in the posts of SRA (Agri.) on 16.9.2005 and as regards 76 candidates in the posts of JRA (Agri.), their appointment orders were issued on 17.9.2005 i.e. on the next day.

**1513)** As regards the procedure followed in the University in making appointment Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, stated in para 44 of his affidavit dated 1.12.2007 (Ex.633) that there was no such procedure in the University that the Registrar's office should put-up a note showing where the vacancies were and in which department/s appointment/s can be made and of whom and also the number of vacancies available for making appointment. According to him, when the appointments were to be made as per the Selection Lists, the Section Assistant, who maintained the Movement Register Ex. 644(O) would bring it to the Registrar to apprise him of the departments/establishments where the vacancies were available and then after deciding where the postings of the selected candidates could suitably be made the appointment orders were issued to them. He then stated in para 45 of his aforesaid affidavit that the Movement Registrar (Ex. 644(O)) was maintained



in regard to the appointment, posting, transfer, retirement death etc. of the appointees in the posts of SRA (Agri.) / JRA (Agri.) and that they had issued appointment orders to 55 candidates selected in the posts of SRA (Agri.) on 16.9.2005 after seeing the department and the vacant posts in the said Movement Register (Ex.644(O)) and after taking into consideration the suitability of the candidates for particular posts therein. He then stated that similar procedure was followed for issuing on the next day i.e. 17.9.2005 the orders of appointment to 76 candidates selected in the posts of JRA (Agri.).

**1514)** Apart from Dr.V.D. Patil, the Chairman of the Selection Committee, who in para 81 of his aforesaid affidavit dated 25.12.2007 (Ex. 645) referred to the routine procedure followed in the University in making appointment. Dr.S.A. Nimbalkar, the then Vice-Chancellor, and Shri S.S. Suradkar, Deputy Registrar (Estt.) also referred to the said routine procedure followed in the University in making appointment. Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, stated in para 44 of his affidavit dated 14.1.2008 (Ex.658) that as per the normal practice in the University before making actual appointment, an office note was prepared to show the vacancy position at that time such as office note dated 15.9.2005 prepared in this case contained in the file Ex. 42(O). According to him, even as regards the actual appointment of each candidate, the department/s concerned would place its/their requirement/s in the Registrar's office and accordingly taking into consideration such requirement/s a note was prepared as per normal practice by the Registrar's office showing which candidate could be appointed in which post and/or where his posting could be made. Further, according to him, such office notes showing the vacancy position and containing the above information for making actual appointment in various departments in the University were forwarded to the Vice-Chancellor for his approval whereafter the orders of appointment were prepared and signed by the Vice-Chancellor and the Registrar.

**1515)** Shri S.S.Suradkar, the Deputy Registrar (Estt.) who had long experience of working in the said post, stated in para 18 of his affidavit dated 1.12.2007 (Ex.634) that according to the official routine, after the decision to fill-up the post was taken, an office note was submitted by the concerned Section Assistant in writing mentioning therein the designation / description of each vacancy in the establishment/ department which was available for appointment and also showing which candidate should be appointed in which post. He then stated that alongwith such note were enclosed the proceedings of the meeting of the Selection Committee containing the Selection Lists of the candidates. He also stated that the said note was then sent through proper channel i.e. the Assistant Registrar, Deputy Registrar and the Registrar to the Hon'ble Vice-Chancellor for his approval and it was after his approval that the appointment and posting orders were issued according to the vacancies in the establishment / department in the

University or its various schemes. In support of the above procedure followed in the University and as stated by him in para 24 of his aforesaid affidavit dated 1.12.2007 (Ex. 634) the University produced two office notes, one dated 13.8.2007, and another dated 29.8.2007, marked as Ex. 638 and 640 in this Enquiry annexed to the affidavit of the Assistant Registrar (Estt.) Shri G.G. Tonde dated 8.12.2007 (Ex.637), vide paras 656 and 657 of the Enquiry Report for details of the said notes. Dr. Vandan Mohod, the then Registrar, was therefore not right in stating that there was no such routine procedure followed in the University in making appointments.

**b) Reason why no such routine procedure was followed in making appointment in these posts of SRA (Agri.) and JRA (Agri.)**

**1516)** It appears that the above routine procedure was not followed in the instant case because Dr.V.D. Patil, the Acting Vice-Chancellor and also the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/ its Member Secretary, who themselves decided to increase the number of posts to be filled from 24 posts of SRA (Agri.) as advertised to 55 and from 37 posts of JRA (Agri.) as advertised to 76 and prepared the Selection Lists for the said posts were in a hurry to issue appointment orders to all the candidates selected by them before the then Vice-Chancellor Dr.S.A. Nimbalkar, would return from his tour of China on 24.9.2005. Although Dr.V.D. Patil, the Dean/ D.I. was appointed as Acting Vice-Chancellor on 6.9.2005 as per the order dated the same (Ex. 657), they could not start the process of making appointment as per the Selection Lists immediately thereafter since, as already pointed out, at least two outside members of the Selection Committee viz. Dr.G.N. Dake and Dr.N.D. Pawar, had not signed the said Selection Lists at that time. However, as it appears, when Dr. V. D.Patil, the Chairman and Dr. Vandan Mohod, the Registrar/Member Secretary of the Selection Committee returned to Akola from Parbhani at about 12.45 pm on 15.9.2005 (vide entry in the log book at page-60 Ex. 660) after obtaining the signatures of Dr. G. N. Dake and perhaps of Dr. N. D. Pawar on 14.09.2005 at Rahuri and Parbhani respectively, the process of making appointment was started by them immediately because on 15.9.2005 itself an office note was written by Shri D.P. Deshmukh, Section Assistant (Estt.), showing the vacancy position for making appointment contained in the file Ex. 42(O). Thereafter, hurriedly on 16.9.2005, the Assistant Registrar, Shri P.V.Behare, the Deputy Registrar S.S.Suradkar, and the Registrar Dr.Vandan Mohod, wrote their office notes and the office notes of the Deputy Registrar and the Registrar about utilization of the posts in promotion quota were approved on the same day by the Acting Vice-Chancellor Dr.V.D. Patil. Not only the office notes were recorded and approved on 16.9.2005, but on the same day, the orders of appointment were also issued to all the 55 candidates selected in the posts of SRA (Agri.) and on the next day i.e.

17.9.2005 the appointment orders were issued to all the 76 candidates selected in the posts of JRA (Agri.).

**1517)** Had the routine procedure of the Registrar's office putting up an appropriate office note recovered by its Section Assistant pointing out suitable posts and department/s for appointment and posting of the selected candidates forwarded through proper channel i.e. the Assistant Registrar, Deputy Registrar and the Registrar to the Vice-Chancellor for his approval been followed, it would have consumed more time and the said process of the appointment of all the selected candidates would not have been over before the return of the Vice-Chancellor from his tour of China in which case it was possible that he might have taken the view not to utilize the posts in promotion quota and not to appoint all the selected candidates on the ground that as stated in the office note dated 6.9.2005 contained in the file Ex. 35(O), there were no posts available for them, considering only the nomination quota of these posts, resulting in some favoured candidates not getting appointment in these posts. It is for this reason that it appears that the above referred routine procedure was not followed in making appointment of the selected candidates in the posts of SRA (Agri.) and JRA (Agri.).

**c) Actual procedure followed in making appointments in the posts of SRA (Agri.) and JRA (Agri.) as per their Selection Lists**

**1518)** As regards the actual procedure followed in making appointments of the candidates in these posts of SRA (Agri.) and JRA (Agri.) as per their Selection Lists, Shri D.P. Deshmukh, Section Assistant (Estt.), described the said procedure in para 95 of his affidavit dated 15.11.2007 (Ex.598) (Vide Para 651 of the Enquiry Report). He stated therein that as per the oral orders of the then Registrar, he was present on 16.9.2005 in the meeting of the then Acting Vice Chancellor, Dr.V.D. Patil, the then Registrar Dr.Vandan Mohod, and the Deputy Registrar (Estt.) Shri S.S.Suradkar, to assist them in showing from his Movement Register (Ex.644(O)), the department/s and the vacant posts of SRA (Agri.) therein for making appointment and posting of the candidates selected in the posts of SRA (Agri.). He then stated that the said work started in the Morning at 11.30 A.M. on 16.9.2005. He also stated that for giving appointment and posting, he had with him the Movement Register Ex. 644(O) in which there was upto date position about the departmentwise sanctioned posts of SRA/JRA, the incumbents working therein, and also the posts which were vacant at that time.

**1519)** It appears from the aforesaid para 95 of the affidavit of Shri D. P. Deshmukh, Section Assistant (Estt.), dated 15.11.2007 (Ex. 598) that they took up on 16.09.2005 the question of making appointments in the posts of SRA (Agri.) as per the Selection Lists. Shri D. P. Deshmukh, Section Assistant (Estt.) stated in this regard that he would show to the then Registrar Dr.Vandan Mohod, the sanctioned posts in the department/s concerned, the names of

SRA.s. who were working in the said department/s and the number of posts vacant therein. He further stated that taking into consideration the subject in which the selected candidate was post graduate the then Registrar, Dr.Vandan Mohod, would in consultation with the Hon'ble Acting Vice-Chancellor, Dr.V.D. Patil, give him appointment and posting as far as possible in the same department i.e. the department relating to his subject and instruct him ( i.e. Shri D.P. Deshmukh) accordingly. He then stated that he would take entries in the Movement Register (Ex. 644(O)) about the appointment and posting of the candidates as per their instructions. He also stated that he had already prepared a proforma of the order of appointment to be issued to the selected candidates by giving necessary instructions to the computer operator. According to him, he told him, the name of the selected candidate, his address, category and also department in which he was posted, about which he took entries in the said proforma whereafter by giving the copy paste command to computer, they copied the earlier order and pasted the same order by deleting the name of the earlier candidate and filled the information about the next selected candidate in the said proforma. Further, according to him, he thus prepared the orders of 55 candidates selected in the posts of SRA (Agri.) and issued to them the said orders. He then stated that the said work consumed about 2 to 3 hours. He also stated that the said orders of appointment of the candidates in the posts of SRA (Agri.) were approved by the then Acting Vice-Chancellor and the then Registrar. As regards the candidates selected in the posts of JRA (Agri.), he stated that on the next day i.e. 17.9.2005, their appointment orders were prepared and issued in similar manner.

**v) Total number of posts of SRA/JRA as shown in the Movement Register (Ex. 644(O))**

**1520)** Perusal of para 44 of the affidavit of Dr. Vandan Mohod, the then Registrar, dated 01.12.2007 (Ex. 633) and para 60 of the affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 15.11.2007 (Ex. 598) would show that according to them, the Movement Register (Ex.644(O)) maintained by the Section Assistant (Estt.), contained all the relevant information about the appointment, posting, transfer, retirement etc. of SRA/JRA/AA and was therefore, the basis for making appointment of the candidates selected in the said posts. Shri D.P. Deshmukh, Section Assistant (Estt.), stated in the said para 60 of his aforesaid affidavit that he had prepared the aforesaid Movement Register Ex. 644(O) and all the entries therein relating to appointment, posting, promotion, transfer and retirement etc. were in his handwriting. According to him, on pages A to G of the said Register, which appears to be its index, he had mentioned the number of posts of SRA/JRA/AA in each department/scheme which were sanctioned posts. Further, according to him, on the said pages A to G, he had mentioned the designation of the posts of SRA which were of Agricultural Engineering and of computer.

Similarly, he had also mentioned the designation of the posts of JRA which were of computer. What is important to be seen is that, according to him, all the remaining posts of SRA/JRA, although not specifically designated, were of Agriculture. He then stated that according to his Movement Register (Ex.644(O)), excluding the farm group posts, the total number of posts of SRA was 159 out of which 148 were of SRA (Agri.), 7 were of SRA (Agril.Engg.), and 4 were of SRA (Computer). The above statement about the posts of SRA (Agri.) and SRA (Agril.Engg.) made by him is not actually borne out by the entries made by him in his Movement Register (Ex. 644(O)) as shown in para 1617. As stated by Shri D. P. Deshmukh, in para 60 of his aforesaid affidavit dated 15.11.2007 (Ex. 598) as shown in his Movement Register, excluding the farm group posts, there were 99 posts of JRA (Agri.) and 4 posts of JRA (Computer), the total posts thus of JRA (Agri.) being 103. He however, corrected the above calculation in regard to the posts of JRA (Agri.) in para 62 of his aforesaid affidavit in which while referring to his office note dated 15.9.2005 in the file Ex.42(O) relating to vacancy position at the time of appointment in these posts of SRA (Agri.) and JRA (Agri.), he stated that through oversight he had not included 15 posts of JRA (Agri.) created in Krushi Vigyan Kendra on 25.8.2004 including which the total number of posts of JRA (Agri.) would thereafter be 114. However, the above total number of posts of JRA i.e. 103 does not tally with the total number of sanctioned posts of JRA as per the revised Akrutibandh 2003 (Ex. 724). Perusal of the chart Ex. 756 filed by the University with the affidavit of its then Registrar, Shri G. K. Bhusare dated 17.09.2008 (Ex. 768) prepared from the said Akrutibandh, 2003 (Ex. 724) would show that the total number of posts of JRA were earlier 94 and remained the same as they were not reduced in the revised Akrutibandh 2003. After excluding 4 posts of JRA (Computer), the total number of posts of JRA (Agri.) would be 90. Adding to them 15 posts of JRA (Agri.) created in Krushi Vigyan Kendras on 25.08.2004, the total number of posts of JRA (Agri.) would be 105 from that day which would mean at the time of interview and appointment also. Although, at page 2 of the revised Akrutibandh, 2003 (Ex. 724), the total number of sanctioned posts of JRA are shown as 96, the total of the said posts sanctioned in each department/scheme would come to 94 posts as shown in the said chart (Ex. 756) and not 96.

**a) Whether the vacancy position is correctly shown in the office note dated 15.9.2005 in the file Ex.42(O)**

**1521)** It is material to see that Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee who had written the office note dated 16.9.2005 contained in the file Ex. 42(O) recommending utilization of the posts in promotion quota for issuing appointment orders to the selected candidates in the posts of SRA (Agri.) and JRA (Agri.), stated in para 45 of his

affidavit dated 1.12.2007 (Ex. 633), that after perusing the office note of Shri D.P. Deshmukh, Section Assistant dated 15.9.2005 contained in the said file Ex. 42(O) showing the vacancy position in the posts of SRA (Agri.) and JRA (Agri.) available for making appointment in the said posts as per the Selection Lists, it did not appear to him that there were 55 vacancies of SRA (Agri.) and 76 vacancies of JRA (Agri.) available for making appointment of all the candidates selected in the said posts even after taking into consideration the total number of vacancies shown by him in nomination and promotion quota. Further, according to him, if the recommendations of the Selection Committee about promotion from the post of AA to JRA and JRA to SRA included in the file Ex. 34(O) relating to the proceedings of the meeting of the Selection Committee were taken into consideration then the lesser number of vacancies would be available for making appointment of the candidates as per the Selection Lists. He, however, stated in the said para 45 of his aforesaid affidavit that they had given the appointment and posting orders to all the selected candidates after seeing the vacancy position of these posts in the aforesaid Movement Register Ex. 644(O).

**1522)** It therefore appeared that there was some difference in the calculation of the vacant posts of SRA (Agri.) and JRA (Agri.) made by Shri D. P. Deshmukh, Section Assistant (Estt.) in his office note dated 15.09.2005 contained in the file Ex. 42(O) and the vacancy position in these posts as actually seen in the said Movement Register Ex. 644(O) while making placement of the selected candidates in the vacant posts in the said Register although Shri D. P. Deshmukh, Section Assistant (Estt.) had based his calculations in his aforesaid office note dated 15.09.2005 upon the vacant posts shown in the said Register itself. The University was therefore, directed to file the proper affidavit showing the vacancy position in these posts on the date of the advertisement dated 14.9.2004, the date of interview i.e. 13.6.2005, and the dates of appointments i.e. 16.9.2005 and 17.9.2005. The said question about the actual vacancy position in these posts of SRA (Agri.) and JRA (Agri.) however, would be considered hereinafter in a separate topic relating thereto. Suffice it to say at this stage that Shri D.P. Deshmukh, Section Assistant (Estt.), after referring to all the relevant affidavits filed on behalf of the University showing therein the vacancy position in these posts as on the above dates admitted that the vacancy position shown by him in the file Ex. 40(O) i.e. at the time of advertisement and in the file Ex.42 (O) i.e. at the time of appointment is approximate while in the affidavits filed on behalf of the University in this regard , the said vacancy position in each department is shown accurately.

**b) Movement Registers not maintained properly**

**1523)** Perusal of the aforesaid Movement Register Ex. 644(O) would show that the said Movement Register and in fact all the Movement Registers produced in this enquiry are not

properly maintained. Some entries therein are in ink and some in pencil. There are many erasers and it is difficult to understand the service particulars of the employees given therein in regard to their service matters such as appointment, promotion, transfer, retirement etc. As regards the Movement Register (Ex.644(O)) some posts in some departments are not shown therein. For instance two posts of Sr. Technical Assistant in the independent estate unit under the control of the University Engineer are not shown therein. Instead, he showed therein two posts of SRA although no post of SRA was created in the office of the University Engineer. Similarly, 3 posts Biotechnology in the independent centre of Bio-Technology under the Head of the Department of Botany are also not shown therein. The above topic is considered in detail while considering the question of the University set up of these posts, vide paras 712 to 864 of the Enquiry Report.

**c) Appointment of the selected candidates in appropriate posts not made**

**1524)** It is pertinent to see that in making appointments of all the selected candidates in these posts of SRA (Agri.) and JRA (Agri.) some of the candidates were appointed in such posts which were not meant for them or the duties of which they could not discharge for which reason some of them were given physical posting in other departments/schemes where they could work. For instance, the post of Senior Technical Assistant, did not exist previously in the office of the University Engineer, vide University Circular dated 27.2.1997(Ex. 723) which also shows that there was no post of even SRA also in the said office. By office order dated 25.6.2001 (Ex. 780), issued with the approval of the Vice-Chancellor, an independent Estate Unit was established under the control of the University Engineer with the posts mentioned therein with effect from 1.7.2001. The said office order dated 25.6.2001 (Ex. 780) was approved by the Executive Council in the meeting held on 17.7.2001 (Ex. 800). Perusal of the said order dated 25.6.2001 (Ex.780) would show that two posts of Senior Technical Assistant sanctioned as per revised Akrutibandh in the office of University Engineer (Ex. 724) were created in the independent Estate Unit by deployment of two surplus posts of SRA, as shown therein. The said post of Senior Technical Assistant was not evaluated as to its duties and responsibilities after its creation in independent Estate Unit under the control of the University Engineer as per the order dated 25.6.2001 (Ex. 780). Merely because the said posts of Senior Technical Assistant, are created in the said independent Estate Unit by deployment of the surplus posts of SRA it would not mean that they are posts of SRA muchless of SRA (Agri.) unless they are created as the posts of SRA (Agri.) in the said unit or are shown as equivalent to the said posts. In the set-up of the office of the University Engineer including the independent Estate Unit shown in the revised Akrutibandh (Ex. 724), the said posts are not shown as posts of SRA or equivalent to the said post, muchless SRA (Agri.). The University

also did not evaluate it and show it as the post of SRA (Agri.). The above question is further considered in the subsequent topic about the set-up of the posts of SRA (Agri.)/ JRA (Agri.) in the University.

**1525)** It may, however, be seen that Shri Bagde Ashish D. who was M.Sc. (Botany) and who was selected in the post of SRA (Agri.) was appointed in the post of Senior Technical Assistant by the order dated 16.9.2005 but was given physical or actual work in the Department of Horticulture Dr.PDKV, Akola, which would show that he was not meant as per his qualification for discharging the duties of the said post of Senior Technical Assistant. In fact, Shri D.P. Deshmukh, Section Assistant (Estt.), admitted in para 5 of his additional affidavit dated 15.3.2008 (Ex. 695) that as there was no work for him in the office of the University Engineer according to his qualification, he was actually given work in the department of Horticulture.

**1526)** It is interesting to see that in another vacant post of Senior Technical Assistant in the office of the University Engineer, Ku. K.J. Morey, who was M.Sc. A.H.D.S. and was working in the post of SRA (Agri.) in the College of Agriculture Nagpur since 21.7.2002, (See page 7 of the Movement Register Ex. 644(O)) was shown as transferred to the post of Senior Technical Assistant in the office of the University Engineer on paper only as she continued to work physically in the college of Agriculture, Nagpur (See pages 1 and 7 of the above Movement Register Ex. 644(O) and also paras 740 and 741 of the Enquiry Report). The reason clearly appears to be that Dr.V.D. Patil, the then Acting Vice-chancellor and Dr.Vandan Mohod, the then Registrar, who made these appointments did not want to show the appointment of Pravin Patil, son of Dr.V.D. Patil, in the said post of Senior Technical Assistant, which was not evaluated but wanted to appoint him in a post which was clearly of Agriculture, for which reason his appointment was made by order dated 16.9.2005 in the post of SRA (Agri.) in the College of Agriculture, Nagpur occupied by Ku. K.J. Morey, who was shown a day before on 15.9.2005 as transferred on paper only to the said post of Sr. Technical Assistant wrongly shown in the said Movement Register Ex. 644(O) as the post of SRA in the office of the University Engineer. That the appointment of Pravin V. Patil is in the post occupied by Ku. K. J. Morey is clear from the entry at page 7 of the Movement Register Ex. 644(O) where the name of Pravin Patil is shown at the same Sr. No. 3 where the name of Ku. K. J. Morey is shown.

**1527)** As regards the Agricultural Engineering graduates, Shri Dhongade Sanjay M. who was B.Tech. in Agricultural Engineering was appointed in one of the 3 posts of JRA (Agri.) by order dated 17.9.2005 in L.R.M. Project under the University Department of Agricultural Chemistry and Soil Science Dr.PDKV, Akola, which department as such did not have any post



of JRA (Agri.), vide para 85 of the affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.11.2007. He was however, directed to work physically at CSPO CDF Wanirambapur, which would show that there was no work for him according to his qualifications in the post of JRA (Agri.) in LRM Project in which he was appointed. Shri A.D. Deogirikar, M.E. Farm Power and Machinery was also appointed in another post of JRA (Agri.) in the L.R.M. Project under the Head of the Department of Agricultural Chemistry and Soil Science Dr.PDKV, Akola. Perusal of his affidavit dated 28.9.07 (Ex. 561), vide para 1021 of the Enquiry Report also would show that the duties he was assigned in the said department were mostly of clerical nature except the duties in the Soil Testing Laboratories which were not meant for the post graduate in Farm Power and Machinery, a technical subject in the faculty of Agricultural Engineering but were concerned with a graduate in Agriculture having knowledge in Agricultural Chemistry & Soil Science.

**1527-A)** Ku. M.S.Supe, who was M.Tech. in Farm Power & Machinery was given appointment by the order dated 17.9.2005 in the post of JRA (Agri.) in Oil Seed Research Centre, (Safflower) Dr.PDKV, Akola and was given work under the Junior Breeder of the said unit to look after the breeding activities of SORP under his guidance and also to look after computer unit as its Incharge person vide para 1006 of the Enquiry Report. As regards the work she was given under the Junior Breeder and also as the Incharge of Computer Unit, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 97 of his affidavit dated 25.12.2007 (Ex. 645) that the above work was not the work to be allotted to an Agricultural Engineering graduate, although, according to him, there was work for such a graduate in the said Centre. Shri D.P. Deshmukh, Section Assistant (Estt.) who assisted the Registrar with his Movement Register Ex.644(O) for proper placement and posting of the selected candidates therein, stated in para 9 of his additional affidavit dated 15.3.2008 (Ex.695) that he knew that she was an Agricultural Engineering graduate but as there was no other post available which was suitable according to her educational qualifications, she was given appointment in the aforesaid post in Oil Seed Research Centre which was not suitable according to her qualifications. He also stated that he did not know why she was selected. If there was no other post available which was suitable according to her qualifications, it would mean that although it was not necessary she was appointed only because she was daughter of former Associate Dean in the University.

**1528)** The other examples of appointment and posting in the posts which were not meant for appointees as per their qualifications were of Shri A.D. Thakre and Shri P.V.Singrup who were M.Sc. in Agronomy but were given appointments in the posts of JRA (Agri.) in the Dept. of Agril. Economics. Shri A.A. Bhople, who was M.Sc. in Economics was appointed as JRA

(Agri.) in the Department of Extension Education. Shri A.P. Khandare, M.Sc. (Economics) was appointed as SRA (Agri.) in Beetlevine Research station, Ramtek.

**1528-A)** Shri S. M. Jadhao, Ph.D. in chemistry whose name was included in Selection List of SRA (Agri.) was appointed by the order dated 16.09.2005 in the post of SRA in the independent publication and printing unit created in the University as per the order dated 25.06.2001 (Ex. 783) under the control of Director of Extension Education, Dr. PDKV, Akola. Vide paras 743 to 746 of the Enquiry Report, it may be seen that prior to the aforesaid University order dated 25.6.2001 (Ex.783), the Publication and Printing Unit functioned as part of department of Extension Education. The only change made by the aforesaid order dated 25.6.2001 (Ex.783) being that it was established as an independent Unit under the control of the Director of Extension Education with additional staff as given therein including one post of SRA. Perusal of the staff position Register (Ex.881) and also the affidavit of Dr.Vijay K. Mahorkar, dated 14.12.2008 (Ex.824) clarified by his subsequent affidavit dated 18.11.2009 (Ex.963) would show that SRA working in the said Printing and Publication Unit was a person having qualification in Extension Education whether pooled from the said department or appointed after the said independent Unit had come into existence as in the case of Dr.M.A.Sagne, M.Sc. (Agricultural Extension), SRA in the said Printing and Publication Unit who was doing the work of editing material sent for printing. SRA working in the said Unit needed to have qualification of M.Sc. (Extension Education) as stated by Dr. D. L. Sale, Dean (Agri.) having additional charge as Director Extension Education, in his affidavit dated 14.12.2008 (Ex. 824) because it was a specialised job for which knowledge of Extension Education was necessary. At any rate the said post of SRA in the Printing and Publication Unit can not be said to be an appropriate post for a person who was Ph.D. in Chemistry.

A chart of the above candidates is reproduced below for ready reference.

Sr. No.	Name	Category	Selected as	Qualification	Sex	Officer under whom posted to work	Remarks
1	Bagade Ashish D.	S.C.	SRA	M.Sc. (Bot.)	M	University Engineer, Dr. PDKV, Akola	Physically working in the Department of Horticulture, Dr. PDKV, Akola
2	Dhongade Sanjay M.	S.T.	JRA	B.Tech (Engg.)	M	Head, Univ. Deppt. Of Agril. Chemistry and Soil Science, Dr.PDKV, Akola	Physically working in CSPO, CDF, Wanirambhapur
3	Deogirikar A. D.	Open	JRA	M.R. (FPM)	M	Head Deptt. Of Agricultural Chemistry (LRM), Dr. PDKV, Akola	
4	Supe Ku. M. S.	Open	JRA	M.Tech.(FPM)	F	AICR Project of Safflower Oilseed, SRS, Dr. PDKV, Akola	
5	Thakare A. D.	OBC	JRA	M.Sc. (Agro.)	M	Head, Deptt. Of Agril. Economics, Dr.PDKV, Akola	
6	Singrup P.V.	Open	JRA	M.Sc. (Agro.)	M	Head, Deptt. Of Agril. Economics, Dr.PDKV, Akola	
7	Bhopale A. A.	Open	SRA	M.Sc. (Econ.)	M	Head, Deptt. Of Agril. Extension, Dr.PDKV, Akola	
8	Khandare A. P.	SC	SRA	M.Sc. (Econ.)	M	Beetlevine Research Station, Ramtek	
9	Jadhao S. M.	Open	SRA	Ph.D. (Chem.)	M	Publication and Printing Unit, Director of Ext. Edu. Dr. PDKV, Akola	

**1529)** The above chart would show that there were no appropriate posts available in the University for all the candidates who were selected in these posts of SRA (Agri.) /JRA (Agri.) because the candidates were not actually selected by looking into the posts available for them and particularly because the advertisement itself was not given departmentwise/ schemewise by looking into the vacant posts in each department / scheme. But then it was not necessary for the appointing authority to make appointment of such candidates for whom there were no appropriate posts in the University since, as stated in the office note dated 6.9.2005 in the file Ex. 35(O) approved by the Vice-Chancellor, the appointment of the candidates in the Selection Lists were subject to availability of vacancies. The said question would be further considered while considering the topic relating to the vacancy position in these posts of SRA/JRA alongwith the University set-up of the said posts.

**vi) Charts filed by the University showing vacancy position in the posts of SRA (Agri.) and JRA (Agri.) at the time of the advertisement i.e. as on 31.7.2004, at the time of interview i.e. as on 12.06.2005, and at the time of appointment i.e. as on 15.09.2005**

**1530)** It is clear from the office notes of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.9.2005 and the Assistant Registrar (Estt.) Shri P.V. Behare, dated 16.9.2005 contained in the file Ex. 42(O) that 55 vacant posts of SRA (Agri.) and 76 posts of JRA (Agri.) were not available in nomination quota of these posts to accommodate all the candidates in the Selection Lists of these posts for which reason the Deputy Registrar (Estt.), Shri S.S.Suradkar, and the then Registrar Dr.Vandan Mohod, by their office notes dated 16.9.2005, had recommended the utilization of vacant posts in promotion quota of these posts to accommodate all the candidates selected in these posts. Their office notes were approved by the then Acting Vice-Chancellor Dr.V.D. Patil on the same day i.e. 16.9.2005. Even then, the then Registrar Dr.Vandan Mohod, stated in para 44 of his affidavit dated 1.12.2007 (Ex. 633) that after perusing the note-sheet of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.9.2005 contained in the file Ex. 42(O) regarding the vacancies available for making appointment of SRA (Agri.) and JRA (Agri.) as per their Selection Lists, it did not appear to him that there were 55 vacancies of SRA (Agri.) and 76 vacancies of JRA (Agri.) available for making appointment as per the Selection Lists taking into consideration the vacancies in their nomination as well as promotion quota. Further, according to him, after perusal of the statements about promotion of JRA (Agri.) to SRA (Agri.) and AA to JRA (Agri.) which they had recommended and which were included as Annexures-3 and 4 in the file Ex. 34(O) there would be even lesser number of vacancies available in these posts. He however, stated that they had given appointment and posting orders to all the selected candidates in the said posts after finding out vacant suitable posts for them in the Movement Register (Ex.644(O)) maintained by the Section Assistant. The University was therefore, directed to file an affidavit showing the vacancy position on the dates of advertisement, interview and appointment of the candidates selected in these posts. It is however, surprising that the office notes contained in the file Ex. 40(O) relating to advertisement and in the file Ex. 42(O) relating to appointment, placement of the selected candidates for issuing appointment and posting orders to them, and the charts relating to vacancy position as on the aforesaid dates filed with its affidavits by the University are all based upon the Movement Register (Ex. 644(O)).

**1531)** As regards the charts relating to vacancy position in these posts as on the dates of advertisement, interview, appointment, the University filed four affidavits viz. the affidavit dated 17.7.2007 (Ex.48), 20.8.2007 (Ex.100), 30.8.2007 (Ex.180), and 4.9.2007 (Ex. 196).

After removing the deficiencies in their affidavits, dated 17.7.2007 (Ex. 48) and 20.8.2007 (Ex. 100), the University filed the affidavit dated 30.8.2007 (Ex.180) showing the vacancy position as on the dates of advertisement and interview and the affidavit dated 4.9.2007 (Ex. 196) showing the vacancy position as on the dates of appointment in these posts. It is, therefore, necessary to refer to the said charts enclosed with the affidavits dated 30.8.2007 (Ex. 180) and 4.9.2007 (Ex. 196). True copies of the charts Exs. 181 to 192 about vacancy position as on 31.07.2004 and 12.06.2005 in the posts of SRA (Agri.) and JRA (Agri.) annexed to the affidavit of the University dated 30.08.2007 (Ex. 180) and similar charts Exs. 197 to 202 relating to the said posts as 15.09.2005 annexed to the affidavit of the University dated 04.09.2007 (Ex. 196) are filed herewith as Annexures 54 to 71 of the Enquiry Report.

**1532)** The charts enclosed with the affidavit of the University dated 30.8.2007 (Ex. 180), are discussed in paras 689 to 692 of this Enquiry Report. The chart marked as Ex. 181 is about the departmentwise vacancy position of SRA (Agri.) at the time of advertisement dated 14.8.2004 (Ex.2) and the chart marked as Ex. 182 is about similar departmentwise vacancy position of SRA (Agri.) at the time of interview i.e. as on 12.6.2005. Below the said charts, the total sanctioned posts of SRA (Agri.), the filled in posts and the vacant posts are shown as 148, 112, and 36 respectively. The total number of the sanctioned posts include 5 posts of Bio-Technology which were separately advertised in the advertisement dated 14.8.2004 (Ex.2). Excluding them the total sanctioned posts shown in the said charts (Exs. 181 and 182) were 143, filled in posts 112, and the vacant posts 31. The next 2 charts enclosed with the affidavit of the University dated 30.8.2007 (Ex.180) marked as Exs. 183 and 184 are about the departmentwise vacancy position of JRA (Agri.) as on 31.7.2004 i.e. at the time of the advertisement dated 14.8.2004 (Ex.2) and as on 12.6.2005 i.e. before the date of interview. The total sanctioned posts of JRA (Agri.), the filled in posts, and the vacant posts shown in the chart Ex. 183 as on 31.7.2004 i.e. at the time of advertisement were 99, 39 and 60 respectively. In the chart Ex.184 relating to the vacancy position as on 12.6.2005 i.e. the date of interview, the total sanctioned posts of JRA (Agri.) filled in posts, and the vacant posts shown were 114, 38 and 76 respectively. There is increase in the total number of the sanctioned posts of JRA (Agri.), at the time of interview from 99 to 114 because 15 posts of JRA (Agri.) were sanctioned for Krushi Vigyan Kendra, Sindewahi, Yavatmal, Sonapur, Hiwra and Sakoli, on 25.8.2004. Further, there was one more vacancy at that time since the incumbent of one of the filled in posts had died.

**1533)** The University has also enclosed with its aforesaid affidavit dated 30.8.2007 (Ex. 180), 4 charts marked as Exs. 185 to 188, in which it has given the names of SRA (Agri.) appointed by promotion and by direct recruitment as on 31.7.2004 i.e. the date of advertisement and as on

12.6.2005 i.e. just before the date of interview. Perusal of the said charts Exs. 185 to 188 would show that as on 31.7.2004 as also on 12.6.2005, there were 81 SRA (Agri.) appointed by promotion and 28 by direct recruitment.

**1534)** As regards the posts of JRA (Agri.) there were again 4 charts filed by the University marked as Exs. 189 to 192 respectively in this enquiry, the first two charts Exs. 189 and 190 giving the names of the incumbents of the posts of JRA (Agri.) filled by promotion and by way of direct recruitment as on 31.7.2004 i.e. at the time of advertisement and the next two charts Exs. 191 and 192 giving the names of such incumbents as on 12.6.2005 i.e. just before the interview. Perusal of the said charts Exs. 189 to 192, would show that the position of appointees by promotion and by direct recruitment was the same as on 31.7.2004 and 12.6.2005 i.e. 28 by promotion and 7 by direct recruitment.

**1535)** It is however, material to see that there is discrepancy in the total number of filled in posts of SRA (Agri.) i.e. 112 shown in the departmentwise charts as on 31.07.2004 and 12.06.2005 (Ex. 181 and 182) and the total number of appointees as per their names given in the charts as on the said dates (Exs.185 to 188) i.e. 81 by promotion and 28 by direct recruitment, their total number being 109 i.e. less than the total number of filled in posts 112 shown in the charts Exs. 181 and 182. There is also mistake in showing S.Nos. in the chart (Ex. 187) as on the date of interview i.e. 12.6.2005, as Shri P.A. Nahate at Sr. No.23 in the chart of promotees at the time of advertisement i.e. 31.7.2004 (Ex.185) had retired on 31.3.2005. Thus, the total number of promotees at the time of interview in the chart (Ex. 187) would be 80 and not 81. Similarly, as regards the posts of JRA (Agri.) also there is discrepancy in the total number of filled in posts shown in the departmentwise charts Exs. 183 and 184 i.e. 39 and 38 respectively, and the total number of appointees, as per their names given in the charts Exs. 189 to 192 as on 31.7.2004 and 12.6.2005 i.e. 28 by promotion and 7 by direct recruitment whose total comes to 35 and not 39 or 38 as shown in the departmentwise chartes Exs. 183 and 184. In fact, there is mistake in giving Sr.Nos. in the List of promotees in the posts of JRA (Agri.) as on 12.6.2005 (Ex.191) and the total number of promotees in the said posts as on the said date is 27 since Shri R.M. Talokar JRA (Agri.) at Sr. No.1 in the List of promotees as on 31.7.2004 (Ex.189) had retired on 31.8.2004. Thus, the total number of promotees and direct recruits in the posts of JRA (Agri.) as on 12.6.2005 would be 34 and not 35. The affidavit dates 30.08.2007 (Ex. 180) filed on behalf of the University has not given any explanation for the above discrepancies in the filled in posts of SRA (Agri.) and JRA (Agri.) as on 31.7.2004 and 12.6.2005.

**1536)** The University filed additional affidavit dated 4.9.2007 (Ex. 196) to show the vacancy position in these posts of SRA (Agri.) and JRA (Agri.) as on 15.9.2005 i.e. just before the dates

of appointment in these posts which is discussed in paras 693 and 694 of the Enquiry Report. It has enclosed with the aforesaid affidavit dated 4.9.2007 (Ex.196) 6 charts marked as Exs. 197 to 202 showing the vacancy position at the time of appointment. Perusal of the chart marked as Ex. 197 shows the departmentwise sanctioned posts, filled in posts, and vacant posts of SRA (Agri.) as on 15.9.2005 and at the bottom of the said chart, the total sanctioned posts, filled in posts and the vacant posts shown are 148, 91 and 57 respectively inclusive of 5 posts of Bio-Technology which were separately advertised in the advertisement dated 14.8.2004 (Ex.2). Hence, after excluding them, their total number would be 143, 91 and 52 respectively. The next two charts marked as Exs. 198 and 199 contained the departmentwise Lists of the names of the appointees in the posts of SRA (Agri.) as on 15.9.2005 by promotion and by direct recruitment respectively. The total number of promotees and direct recruits in the posts of SRA (Agri.) shown therein is 70 and 21 respectively. The next 3 charts enclosed with the affidavit dated 4.9.2007 (Ex. 196) marked as Exs. 200 to 202 are similar charts about the posts of JRA (Agri.). The chart Ex. 200 shows the sanctioned posts, filled in posts, and the vacant posts in each department as on 15.9.2005 i.e. at the time of appointment and their total number given below the said chart (Ex. 200) is 114, 33 and 81 respectively. Perusal of the next two charts i.e. Exs. 201 and 202 shows the names of the appointees in these posts of JRA (Agri.) as on 15.9.2005 by promotion and by direct recruitment respectively, their total number being 29 by promotion and 4 by direct recruitment.

**1536-A)** After perusing the above referred charts, regarding the vacancy position in the posts of SRA (Agri.) and JRA (Agri.) at the time of advertisement i.e. as on 31.7.2004, at the time of the interview i.e. as on 12.6.2005, and at the time of appointment i.e. as on 15.9.2005, the following tabular statement about the vacancy position as in the light of the above discussion in the said posts is prepared and is as follows:

**Departmentwise vacancy position**

**Re. SRA (Agri.)**

<b>Date</b>	<b>Ex.No.</b>	<b>Total no. of posts</b>	<b>Filled in posts</b>	<b>Vacant posts</b>
31.7.2004	Ex.181	148	112	36
After excluding 5 posts of Bio-technology		143	112	31
12.6.2005	Ex.182	Same Vacancy postion As on 31.7.2004		
15.9.2005	Ex.197	148	91	57
After exluding 5 Posts of Bio-technology		143	91	52

**Re. JRA (Agri.)**

<b>Date</b>	<b>Ex. No.</b>	<b>Total no. of posts</b>	<b>Filled in posts</b>	<b>Vacant posts</b>
31.7.2004	Ex.183	99	39	60
12.6.2005	Ex.184	114	38	76
15.9.2005	Ex.200	114	33	81

**Names of SRA (Agri.) candidates appointed by promotion/ Direct Recruitment**

<b>Date</b>	<b>Chart about promotion Exh.No.</b>	<b>Promotion</b>	<b>Chart about Nomination Exh.No.</b>	<b>Nomination</b>	<b>Total filled in posts</b>	<b>Total vacant posts</b>
31.7.2004	Ex.185	81	Ex. 186	28	109	34 (39)**
12.6.2005	Ex.187	81 *(80)	Ex. 188	28	109 *(108)	34 (39)**
15.9.2005	Ex.198	70	Ex. 199	21	91	52 (57)**

\*For bracketed figures see previous para

\*\* Vacant posts after including 5 posts of Bio-Technology

**Names of JRA (Agri.) candidates appointed by promotion and direct recruitment**

<b>Date</b>	<b>Chart about promotion Exh.No.</b>	<b>Promotion</b>	<b>Chart about nomination Exh.No.</b>	<b>Direct Recruitment</b>	<b>Total filled in posts</b>	<b>Total vacant posts</b>
31.7.2004	189	28	190	7	35	64
12.6.2005	191	28 *(27)	192	7	35 *(34)	79
15.9.2005	201	29	202	4	33	81

\*For bracketed figures see previous para

N.B. However, see the revised charts about the post of SRA (Agri.) in para 1549-B of the Enquiry Report relating to the topic about after verification of the aforesaid lists of promotees and direct recruits in the said posts for revised chart about JRA (Agri.) in paras 1590 and 1591.



**vii) Verification of the charts about vacancy position filed by the University referred to in the previous topic to see whether due to selection of some SRA (Agri.) and JRA (Agri.) in the posts of Assistant Professors, 55 vacant posts of SRA (Agri.) and 76 posts of JRA (Agri.) were available**

**1537)** As regards the question of the increase in the number of posts of SRA (Agri.) and JRA (Agri.) to be filled as per the advertisement dated 14.8.2004 (Ex.2), 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 he was associated as Member of the Selection Committee for selection of the candidates in the posts of Assistant Professors/ Associate Professor whose Selection Lists were ready a few months prior to the date of interviews for these posts of SRA (Agri.) and JRA (Agri.), he knew that due to selection of some SRAs (Agri.) in the posts of Assistant Professors either by nomination or promotion there would be more vacancies in the posts of SRA (Agri.) and also in the posts of JRA (Agri.) because some JRAs. (Agri.) were also selected by nomination in the posts of Assistant Professors. He therefore thought that more posts of SRA (Agri.) and JRA (Agri.) could be filled. Accordingly, as stated by him in para 50 read with para 73 of his aforesaid affidavit, on the last day of interview, i.e. 25.6.2005, he and the Registrar/Member Secretary of the Selection Committee, decided on their own to increase the number of posts of SRA(Agri.) to be filled from 24 as advertised to 55 posts and 37 posts of JRA (Agri.) as advertised to 76 posts.

**1538)** In order to find out whether 55 vacant posts of SRA (Agri.) and 76 posts of JRA (Agri.) were available due to selection of some existing SRAs (Agri.) and JRAs (Agri.) in the posts of Assistant Professors, as they were about double the number of the said posts which were advertised, the University was directed to produce the list of the names of the candidates who were appointed as Assistant Professors with their dates of interview and appointment. Accordingly, the University filed with its affidavit dated 14.9.2007 (Ex. 432) the subjectwise List of 94 candidates selected in the posts of Assistant Professors with their dates of interview and appointment. Perusal of the statements about the selection and appointment of the said candidates as Assistant Professors would show that their dates of interview and selection were much prior to 13.6.2005 i.e. the date on which the interviews for these posts of SRA (Agri.) and JRA (Agri.) commenced and their dates of appointment were after the last date of interviews of the said posts of SRA (Agri.) and JRA (Agri.) i.e. 25.6.2005, their dates of appointment being either 27.6.2005, 29.6.2005 or 12.9.2005.

**1539)** The University stated in its affidavit dated 14.9.2007 (Ex. 432) that out of the said 94 candidates selected by nomination and promotion in the posts of Assistant Professors, 47 were from the posts of SRA/JRA. Perusal of the said list would show that out of 47 candidates

selected and appointed in the posts of Assistant Professors, one candidate Shri S.N. Potkile appointed as Assistant Prof. (Agronomy) was from the posts of JRA (Agri.) and the remaining 46 appointed as Assistant Professors were from the posts of SRA (Agri.). Amongst these 46 SRAs, Shri D.P. Bundhe, and Shri P.P. Kolhe, were appointed as Assistant Professors in Computer Science by nomination and by promotion respectively. Further, Shri R.R. Shelke, appointed as Assistant Professor in A.H. & Dairy was wrongly shown as “SRA” selected by nomination in the above post of Assistant Professor in the List annexed to the affidavit of the University dated 14.9.2007 (Ex.432) because when the University was bifurcated and an independent Veterinary University was established to which some employees of the University including Shri R.R. Shelke were allocated w.e.f.1.4.2001, such employees including Shri R.R. Shelke, on their allocation to the new Veterinary University, ceased to be employees of this University vide para 1 of the affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 12.10.2009 (Ex.960). Shri R.R. Shelke was, therefore, not SRA in the University but was a fresh candidate who had applied for the said post of Assistant Professor in A.H. & Dairy and was selected and appointed by nomination in the said post.

**a) Re. Whether 55 vacant posts of SRA (Agri.) were available due to selection and appointment of some SRAs (Agri.) as Assistant Professor.**

**1540)** Excluding the names of the above three candidates viz. Shri D.T. Bundhe, Shri P.P. Kolhe, and Shri R.R. Shelke, the candidates in the posts of SRA (Agri.) who were appointed by nomination or promotion in the higher posts of Assistant Professors were 43, a list of which is given below :

<b>Sr. No.</b>	<b>Name</b>	<b>Department</b>	<b>Nomination/ promotion</b>	<b>Date of order</b>
1	S. G. Gubbawar	A.H.D.S.	Promotion	27.6.2005
2	A. S. Ingole	A.H.D.S.	Promotion	27.6.2005
3	N. K. Chopde	Horticulture	Promotion	27.6.2005
4	R. W. Gawande	Entomology	Promotion	27.6.2005
5	V. N. Nandanwar	Entomology	Promotion	27.6.2005
6	P. V. Yadgirwar	Entomology	Promotion	27.6.2005
7	R. K. Mahajan	Entomology	Promotion	27.6.2005
8	N. M. Kale	Agril. Extension	Promotion	27.6.2005
9	D. B. Fulzele	Agril. Extension	Promotion	27.6.2005
10	M. A. Sagne	Agril. Extension	Promotion	27.6.2005
11	A. P. Karunakaran	Agronomy	Promotion	27.6.2005
12	V. V. Tapre	Agronomy	Promotion	27.6.2005
13	A. B. Chore	Agronomy	Promotion	27.6.2005

14	W. N. Kapse	Agronomy	Promotion	27.6.2005
15	B. A. Sakhare	Botany	Promotion	27.6.2005
16	S. S. Lande	Botany	Promotion	27.6.2005
17	A.W. Thorat	Botany	Promotion	27.6.2005
18	Beena Nair	Botany	Promotion	27.6.2005
19	H. U. Waghmare	Botany	Promotion	27.6.2005
20	V. P. Babhulkar	Agril. Chemistry	Nomination	29.6.2005
21	P.W. Deshmukh	Agril. Chemistry	Promotion	27.6.2005
22	S. S. Balpande	Agril. Chemistry	Promotion	27.6.2005
23	R. G. Deshmukh	Agril. Economics	Promotion	27.6.2005
24	D. P. Wahile	Agril. Economics	Nomination	29.6.2005
25	P. P. Khode	Agril. Economics	Promotion	12.9.2005
26	R. M. Zinzarde	A.H.D.S.	Nomination	26.6.2005
27	H. R. Bhagwat	A.H.D.S.	Promotion	27.6.2005
28	A. K. Sadawarte	Entomology	Promotion	27.6.2005
29	W. P. More	Horticulture	Promotion	27.6.2005
30	P. P. Bhopale	Agril. Extension	Nomination	29.6.2005
31	P. C. Pagar	Agronomy	Promotion	27.6.2005
32	J. P. Deshmukh	Agronomy	Promotion	27.6.2005
33	R. S. Thakare	Agril. Chemistry	Nomination	29.6.2005
34	G. D. Mate	Plant Patho.	Nomination	29.6.2005
35	O. V. Ingole	Plant Patho.	Nomination	29.6.2005
36	M. H. Dahale	Horticulture	Nomination	29.6.2005
37	R. N. Jane	Entomology	Nomination	29.6.2005
38	P. M. Dawane	Entomology	Nomination	29.6.2005
39	S. S. Tayade	Agronomy	Nomination	29.6.2005
40	M. W. Marawar	Agril. Botany	Nomination	12.9.2005
41	G. S. Lahariya	Agril. Chemistry	Nomination	29.6.2005
42	R. J. Nikesar	Agril. Chemistry	Nomination	29.6.2005
43	S. B. Bhoyte	Agril. Chemistry	Nomination	29.6.2005

**1541)** Perusal of the said list of 43 appointees as Assistant Professor by nomination or promotion would show that it included the names of 32 candidates who were appointed on regular basis in the post of SRA (Agri.). The said 32 candidates whose names are at Sr. Nos. 1 to 33 of the said List of 43 appointees except the name of Shri P.P. Khode at Sr. No.25 in the said list are appointed on regular basis in the posts of SRA (Agri.) as is clear from the seniority list of SRA as on 31.12.2003 (Ex.671) filed by Shri D.P. Deshmukh, Section Assistant (Esst.) with his additional affidavit dated 15.3.2008 (Ex.695). The 11 remaining appointees as Assistant Professors in the said list whose names are at Sr. Nos. 25, 34 to 43 in the said List of

43 SRAs were amongst 77 candidates who were temporarily promoted on officiating basis to the posts of SRA (Agri.) from their original posts of JRA (Agri.) on 5.11.2004 vide Annexure III at pages 28 to 35 of the file Ex. 34(O).

**1542)** Since 43 SRAs (Agri.) were appointed by nomination or promotion in the posts of Assistant Professor, prior to 15.09.2005 there should have been ordinarily these 43 vacancies in the posts of SRA (Agri.) amongst others if any, on 15.09.2005 i.e. at the time of their appointment i.e. 15.9.2005. Although their names need not have been included in the lists of promotees and direct recruits as on 15.09.2005 i.e. on the date of appointment (Exs 198 and 199) of these candidates since they were appointed in the posts of Assistant Professor prior to that date, their names ought to have been included in the lists of 81 promotees and 21 direct recruits as on 31.7.2004 i.e. at the time of advertisement, and as on 12.6.2005 i.e. at the time of interview (Exs. 185 to 188) since they were appointed by nomination or promotion in the higher posts of Assistant Professor much later as shown above i.e. either on 27.6.2005, 29.6.2005 or 12.9.2005. However, out of the list of 43 SRAs (Agri.) appointed as Assistant Professors given in para 1540 of the Enquiry Report, the said Lists of promotees and direct recruits as on 31.7.2004 and 12.6.2005 (Exs. 185 to 188) included the names of 10 SRAs only from amongst 32 SRAs (Agri.) appointed on regular basis as stated in the above para 1542 of the Enquiry Report.

**1543)** The names of the said 10 SRAs appointed on regular basis whose names are included in the List of promotees and direct recruits as on 31.7.2004 and 12.6.2005 (Exs. 185 to 188) are as follows :-

Sr. No.	Name	Particulars about their appointment in the posts of Assistant Professor			Particulars about their appointment in the post of SRA (Agri.) by promotion/nomination shown in the list of promotees/direct recruits at the time of advertisement i.e. as on 31/07/2004 (Ex. No. 185 & 186)		
		Subject	Promotion/ Nomination	Date	Ex. No.	Sr. No.	Promotion/ nomination
1	R. G. Deshmukh	Agril. Economics	Promotion	27.06.2005	186	2	Nomination
2	D. P. Wahile	Agril. Economics	Nomination	29.06.2005	186	8	Nomination
3	R. M. Zinzarde	A.H.D.S.	Nomination	29.06.2005	185	52	Promotion
4	H. R. Bhagwat	A.H.D.S.	Nomination	27.06.2005	186	24	Nomination
5	A. K. Sadawarte	Entomology	Promotion	27.06.2005	186	6	Nomination
6	W. P. More	Horticulture	Promotion	27.06.2005	185	81	Promotion
7	P. P. Bhopale	Agril. Extension	Nomination	29.06.2005	186	25	Nomination
8	P. C. Pagar	Agronomy	Promotion	27.06.2005	186	3	Nomination
9	J. P. Deshmukh	Agronomy	Promotion	27.06.2005	186	26	Nomination
10	R. S. Thakare	Agril. Chemistry	Nomination	29.06.2005	186	9	Nomination

**1544)** As regards 11 SRAs (Agri.) at S. Nos. 25, and 34 to 43 of the above List of 43 SRAs (Agri.) appointed as Assistant Professors, they were from the category of JRA (Agri.) who were promoted on officiating basis in the posts of SRA (Agri.) and whose names were included in the List of 77 officiating SRAs (Agri.) recommended by the Selection Committee for regular promotion to the posts of SRA (Agri.) in its meeting held on 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 vide Annexure No. III at pages 28 to 35 of the file Ex. 34(O). Except the name of Dr.M.H.Dahale, the names of the other 10 SRAs are included in the Lists of promotees as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187).

The names of these 11 officiating SRAs (Agri.) appointed as Assistant Professors are as follows :-

Sr. No.	Name of officiating SRA (Agri.) appointed as Assistant Professor	Subject of his appointment	Sr. No. in the List of 77 officiating SRAs (Agri.) recommended for regular promotion in the said post.	Sr. No. in the List of promotees in the posts of SRA (Agri.) at the time of advertisement i.e. as on 31.7.2004 (Ex. No.185)	Remarks
1	P. P. Khode	Agril. Economics	39	20	
2	Dr. G. D. Mate	Plant Pathology	44	62	
3	Shri O. V. Ingle	Plant Pathology	17	43	
4	Dr. M. H. Dahale	Horticulture	65		Not included in the lists of promotees and direct recruits (Ex.185 to 188) i.e. as on 31.7.2004 and 12.6.2005.
5	Shri R. N. Jane	Entomology	26	29	
6	Shri P. N. Dawane	Entomology	50	10	
7	Shri S. S. Tayade	Agronomy	77	4	
8	Shri M. W. Marawar	Agril. Botany	45	73	
9	Dr. G. S. Lahariya	Agril. Chemistry	41	24	
10	Dr. R. J. Nikesar	Agril. Chemistry	34	27	
11	Shri S. B. Bhoyte	Agril. Chemistry	14	48	

**1545)** It is thus clear that the aforesaid Lists of promotees and direct recruits as on 31.7.2004 and 12.6.2005 Exs. 185 to 188 included the names of 20 SRAs only out of the aforesaid List of 43 SRAs who were appointed by nomination or promotion in the posts of Assistant Professors but they did not include the names of the remaining 23 SRAs in the aforesaid List of 43 SRAs out of which 22 at S.Nos. 1 to 22 were appointed on regular basis in the said posts of SRA (Agri.) and one i.e. Dr.M.H. Dahale, at Sr. No.36 of the said List on officiating basis, vide the list of 43 SRAs (Agri.) appointed as Assistant Professors in para 1540 of the Enquiry Report.

**1546)** A notice was therefore, issued to Shri D.P. Deshmukh, Section Assistant (Estt.) to appear in this enquiry and explain on affidavit why the names of the aforesaid 23 SRAs (Agri.) did not find place in the aforesaid Lists of promotees and direct recruits Exs. 185 to 188 enclosed with the affidavit of the University dated 30.8.2007 (Ex.180). He was also directed to file the List of SRAs who were working as Assistant Professors at the time of the advertisement dated 14.8.2004 (Ex.2) since he stated in his office note dated 15.7.2004 written at the time of the aforesaid Advertisement contained in the file Ex. 40(O) that at least 15 SRAs were working temporarily as Assistant Professors at that time and would be regularized resulting in 15 vacancies in the posts of SRA which could be advertised in addition to 20 clear vacancies. Accordingly, he appeared in this Enquiry on 04.09.2009 and submitted the copies of three orders dated 31.7.2004 marked as Exs. 947, 948, and 949, order dated 15.9.2004 marked as Ex. 950, two orders dated 1.11.2004 and 24.12.2004 marked as Exs. 951 and 951-A. He then appeared on 11.09.2009 and filed the order dated 15.11.2003 marked as Ex.952. By the above orders, the SRAs whose names were mentioned therein were temporarily promoted on officiating basis as Assistant Professors for a period of one year. It appears that the earliest order issued in regard to such officiating appointment for one year in the posts of Assistant Professor is dated 12.7.2002 submitted in this enquiry on 11.09.2009 and marked as Ex. No.953. Since the name of Shri A.S. Ingole at S. No.2 in the List of 43 SRAs (Agri.) reproduced above was not included in the aforesaid orders (Exs. 947 to 953), a query was made about it to Shri D.P. Deshmukh, Section Assistant (Estt.), who filed the copy of the order dated 13.9.2003 (Ex.957) regarding temporary promotion of SRAs mentioned therein including Shri A.S. Ingole on ad-hoc basis as Assistant Professor. It contains the names of 34 SRAs who were temporarily promoted for a period of one year on officiating basis. It further appears that such orders were issued from time to time with the result that the SRAs appointed as per the said orders continued to work in the said posts of Assistant Professors on temporary basis till they were regularized therein as per the orders dated 27.6.2005, 29.6.2005, or 12.9.2005 referred to in the affidavit of the University dated 14.9.2007 (Ex.432). Except Shri V.P. Babhulkar at Sr. No.20 and Ku. M. H. Dahale, at Sr. No. 36, the names of the remaining 21 SRAs in the List of 43 candidates reproduced in para 1540 of the Enquiry Report find place amongst others in the aforesaid orders of appointment (Exs. 947 to 953 and 957) referred to above. It is pertinent to see that all these 21 SRAs at S. Nos. 1 to 19, 21 and 22 of the List of 43 SRAs referred to working temporarily on ad-hoc basis in the posts of Assistant Professors and Shri V. P. Babhulkar at S. No.20 in the said List were appointed as SRAs on regular basis as is clear from the Seniority List of SRA as on 31.12.2003 (Ex.671) filed by Shri D.P. Deshmukh, Section Assistant (Estt.), with his affidavit dated 15.3.2008 (Ex.695). The names of the said 21

regular SRA (Agri.) are given by Shri D. P. Deshmukh, Section Assistant (Estt.) in para 6 of his affidavit dated 12.10.2009 (Ex. 960).

**1547)** As regards Shri V.P. Babhulkar at serial No.20 in the said List of 43 SRAs appointed in the posts of Assistant Professors, he was working on regular basis in the post of SRA (Agri.) and was not promoted on temporary basis as Assistant Professor any time before but was for the first time appointed by the order dated 29.6.2005 as Assistant Professor in Agril. Chemistry by nomination after his selection as shown in the subject-wise list of the Assistant Professors annexed to the affidavit of the University dated 14.9.2007 (Ex. 432). Similar is the case of Ku. M. H. Dahale, Sr. No. 36 Assistant Professor (Horticulture) except that she was working temporarily on officiating basis in the post of SRA (Agri.) Shri D.P. Deshmukh, Section Assistant (Estt.), admitted in his aforesaid affidavit dated 12.10.2009 (Ex.960) that since the above two candidates viz. Ku. M. H. Dahale and Shri V. P. Babhulkar were never appointed temporarily as Assistant Professors, their names should have been shown in the lists of promotees and direct recruits respectively in the posts of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 185 to 188) annexed to the affidavit of the University dated 30.8.2007 (Ex. 180). It may however, be seen that their names were rightly not included in the Lists of promotees / direct recruits in the posts of SRA (Agri.) as on the date of appointment i.e. 15.9.2005 Exs. 198 and 199 annexed to the affidavit of the University dated 4.9.2007 (Ex. 196) because as shown above they were already appointed by nomination in the posts of Assistant Professor on 29.6.2005.

**1548)** As regards the remaining 21 SRAs at S.Nos. 1 to 19, 21 and 22 in the said List of 43 SRAs who were first appointed on temporary officiating basis in the posts of Assistant Professors although they were appointed on regular basis in the posts of SRA (Agri.), their names were not shown in the Lists of the promotees and direct recruits in the said posts as on 31.7.2004 i.e. at the time of advertisement and 12.6.2005 i.e. at the time of interview ( Exs 185 to 188) i.e. before their regular appointment in the posts of Assistant Professors on 27.6.2005. Perusal of the Movement Register (Ex.881) which was prior to the Movement Register (Ex. 644(O)) maintained by Shri D.P. Deshmukh, Section Assistant (Estt.) would show that they were working in the posts of Assistant Professors on temporary basis since 2002. The said Movement Register (Ex. 881) as well as the Movement Register (Ex.644 (O)) would further show that all their sanctioned posts of SRA (Agri.) in the departments in which they were working were occupied by JRA(Agri.) who were promoted in the posts of SRA (Agri.) temporarily on officiating basis and whose names were recommended by the Selection Committee for regular appointment from 05.11.2004, vide Annexure III at pages 28 to 35 of the files Ex. 34(O). It is the names of these officiating SRAs (Agri.) which are given in the



Lists of promotees as on 31.7.2004 (Ex.185) and 12.6.2005 (Ex.187) instead of these 21 SRAs although they were working on temporary officiating basis in the posts of Assistant Professors at that time. Shri D.P. Deshmukh, Section Assistant (Estt.) has given the aforesaid reason for not including their names in the aforesaid lists of promotees / direct recruits Exs. 185 to 188 in his additional affidavit dated 12.10.2009 (Ex.960).

**1549)** It may be seen that although the names of the above 21 regular SRAs working on temporary basis in the higher posts of Assistant Professor needed to be included in the Seniority List of SRAs, prepared before their regularisation in the said posts of Assistant Professors, their non-inclusion in the list of promotees and direct recruits prepared for showing the vacancy position as on 31.7.2004 and 12.6.2005 i.e. at the time of Advertisement and interview (Exs. 185 to 188) is understandable since their posts of SRA (Agri.) were occupied by the JRAs who were promoted as SRAs on temporary officiating basis at least from 5.11.2004 (some were even prior to the said date) and were to be appointed on regular basis in the said posts of SRA (Agri.) as per the recommendations of the Selection Committee in its meeting held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005. However, as shown above, there was mistake committed in not including in the lists of promotees as on 31.07.2004 (Ex. 190) and 12.07.2005 (Exs. 185 to 187) the name of Ku. M.H. Dahale and in not including in the lists of direct recruits as on the aforesaid dates (Ex. 186 and 188) the name of Shri V.P. Babhulkar. Their names are as S.No.36 and S.No.20 in the Lists of 43 SRAs (Agri.) given in para 1540 of the Enquiry Report.

**1549-A)** Thus, after inclusion of the aforesaid name of Ku. M.H. Dahale, in the List of promotees in the posts of SRA (Agri.) as on 31.7.2004 i.e. at the time of advertisement (Ex. 185) the total number of promotees would be 82 and not 81 as shown therein. As regards the List of promotees at the time of interview i.e. as on 12.6.2005 (Ex.187), there is mistake in the Sr. Nos. therein and since Shri P.A. Nahate at Sr. No.23 in the List of promotees as on 31.7.2004 (Ex. 185) had retired on 31.3.2005, the total number of promotees at the time of interview i.e. as on 12.6.2005 (Ex. 187) should have been shown as 80 and not 81 but after addition of the name of Ku.M.H. Dahale referred to above the total no. of promotees as on 12.6.2005 would be 81 as shown therein. Similarly, as shown in paras 1554 to 1559 of the next topic relating to "Vacancy position in the posts of SRA (Agri.) at the time of appointment i.e. as on 15.9.2005", the names of three officiating SRAs which are included in the List of promotees as on 15.9.2005 (Ex.198) viz., Shri D. S. Gahane, Ku. M. S. Gaikwad and Shri V. D. Hedau, needed to be included in the Lists of promotees as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187). Similarly, as shown in para 1559 of the Enquiry Report, the names of Sau.V.B.Kalamkar, Shri S.S.Tayade and Shri A.S.Tingre, which are shown in the List of their

substantive posts of JRA (Agri.) as on 31.7.2004 (Ex. 190) and 12.6.2005 (Exs. 192) have to be included in the Lists of promotees in the posts of SRA (Agri.) as on the aforesaid dates (Exs.185 and 187) and excluded from the aforesaid Lists of their substantive post of JRA (Agri.) as on the aforesaid dates (Exs.190 and 192). The total number of promotees as on 31.07.2004 at the time of advertisement and as on 12.6.2005 i.e. at the time of interview would be 88 and not 82 and 87 and not 81, respectively. As regards the List of direct recruits in the posts of SRA (Agri.) at the time of advertisement i.e. as on 31.7.2004 (Ex.186) and at the time of interview i.e. as on 12.6.2005 (Ex.188) the name of Shri V.P. Babhulkar will have to be added in the said Lists (Exs. 186 and 188) and therefore the total number of direct recruits on the said dates would be 29 instead of 28 as shown therein.

**1549-B)** Revised charts about vacancy position in the post of SRA (Agri.) as per the above discussion would be as follows:

**Revised chart of departmentwise vacancy position for the post of SRA (Agri.) after excluding 5 posts of Bio-technology**

Date	Ex.No.	Total no. of posts	Filled in posts	Vacant posts
31.7.2004	Ex.181	143	114	29
12.6.2005	Ex.182	143	113	30
15.9.2005	Ex.197	143	91	52

**Revised chart in the light of the finding in the above para 1549-A about the names of SRA (Agri.) to be included in the list of promotees and direct recruits.**

Date	Chart about promotion Exh.No.	Promotion	Chart about Nomination Exh.No.	Nomination	Total	Vacant posts
31.7.2004	Ex.185	88	Ex. 186	29	117	26
12.6.2005	Ex.187	87	Ex. 188	29	116	27
15.9.2005	Ex.198	70	Ex. 199	21	91	52

**b) Vacancy position in the posts of SRA (Agri.) as on the last day of interview i.e. 25.6.2005**

**1550)** As stated in para 50 of his affidavit dated 25.12.2007 (Ex.645), Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection

Committee calculated on the last day of interview i.e. 25.6.2005 the vacancy position as 55 posts of SRA (Agri.). For verifying the said vacancy position as on the last date of interview i.e. 25.6.2005 in the light of the above charts Exs. 182, 187 and 188, filed by the University, it may be seen that although the above-referred charts Exs. 182, 187 and 188 are as on 12.6.2005, there is no difference in vacancy position as on 12.6.2005 and 25.6.2005 i.e. the last date of interview as no new appointments were made in between the two dates. The total number of posts of SRA (Agri.) excluding 5 posts of Bio-technology as on 12.6.2005 is 143 as shown in the chart (See Ex. 182), as a result of which the quota of nomination and promotion is 71 and 72 respectively. As held in para 1549 of the Enquiry Report, the Lists of promotees and direct recruits (Exs. 187 and 188) would show that in promotion quota, the posts filled are 84 and in nomination quota the posts filled are 29. Since the promotion quota is of 72 posts, 12 posts in excess of that quota are filled which would mean that 12 posts in nomination quota are utilized for filling the posts in promotion quota. Since filled in posts of SRA (Agri.) in nomination quota are 29 and since the nomination quota is of 71 posts, the vacant posts therein are 42 and after deducting 12 posts utilized in promotion quota, actually the vacant posts in nomination quota are 30 which reflects the actual total vacancy position in nomination and promotion quota in the said posts of SRA (Agri.) as on 25.6.2005 i.e. the last date of interview since by promotion the posts in excess of its quota are filled. Even including 5 posts of SRA (Bio-Technology), which are admittedly utilized in filling the posts of SRA (Agri.) in question, the total number of vacant posts would be 35. Thus, actually 55 vacant posts of SRA (Agri.) were not available on the last date of interview i.e. 25.6.2005 and therefore the decision could not have been taken on its basis to raise the number of posts of SRA (Agri.) to be filled from 24 as advertised to 55, but Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee took into account the future vacancies which would be available in the said posts due to selection and appointment of some SRAs (Agri.) in the posts of Assistant Professor. It is therefore necessary to consider whether at the time of appointment of these candidates selected in the posts of SRA (Agri.) whether 55 vacant posts of SRA (Agri.) were available.

The vacancy position in the post of SRA (Agri.) as on 25.06.2005 i.e. the last day of interview which is the same as on 12.06.2005 is worked out as follows;

Total number of post of SRA (Agri.) as on 12.06.2005 – 143

Nomination and promotion quota – 71 : 72.

Promotees as on 12.6.2005	Vacant posts in promotion quota	Direct Recruits as on 12.6.2005	Vacant posts in nomination quota	Total vacant posts as on 12.6.2005
87	(-) 15	29	42	27 (32)*

\* After adding 5 posts of Biotechnology.

c) **Vacancy position in the posts of SRA (Agri.) as on 15.9.2005 i.e. at the time of appointment**

**1551)** It is necessary to see that the vacancy position in the posts of SRA (Agri.) as on 15.09.2005, reflects the vacancy position after the appointments were made to the posts of Assistant Professors from amongst the SRAs (Agri.). As already referred to, the total number of posts of SRA (Agri.) is 143 and as such the quota of nomination and promotion is of 71 and 72 posts respectively. The total number of posts filled in by promotion at the time of appointment i.e. on 15.9.2005 as per the chart (Ex.198) is 70 and the total number of posts filled by direct recruitment at that time is 21 as per the chart (Ex. 199). As regards verification of the List of promotees as on 15.9.2005 (Ex.198) i.e. at the time of appointment, it has to be compared with the list of promotees as on 12.6.2005 i.e. at the time of interview (Ex. 187) to see as to how many candidates in the said List (Ex.187) are left out in the List of promotees at the time of appointment (Ex.198) and why, and whether any new candidates are added in the said List of promotees as on 15.9.2005 (Ex. 198), if so, why. In considering the question as to how many SRAs (Agri.) included in the List of promotees as on 12.6.2005, i.e. at the time of interview (Ex.187) are left out in the List of promotees as on 15.9.2005 i.e. at the time of appointment (Ex.198) what should be seen is as to how many SRAs who were appointed as Assistant Professors prior to 15.9.2005 as seen from the List of 43 SRAs (Agri.) reproduced above were included in the List of promotees as on 12.6.2005 i.e. at the time of interview (Ex.187) since they were not at that time appointed as Assistant Professors. The List of promotees as on 12.6.2005 i.e. at the time of interview (Ex.187) filed by the University contains the names of 80 candidates as shown therein, the name of Ku. M.H. Dahale, officiating SRA (Agri.) appointed as Assistant Professor as shown above being not included therein. The said List of Promotees as on 12.06.2005 (Ex.187) however, includes the names of 10 SRAs (Agri.) given in the chart of officiating SRAs (Agri.) appointed as Assistant Professors reproduced above excluding the name of Dr.M.H.Dahale which, through mistake, is

not included in the said List of promotees at the time of interview i.e. 12.6.2005 (Exs.187). It also includes at S. No.51 and 80 (it should be 80 and not 81) the names Shri R.M. Zinzarde and Shri W.P. Morey, regular SRAs (Agri.) who were appointed by nomination and promotion respectively, in the posts of Assistant Professors before 15.9.2005 i.e. on 29.6.2005 and 27.6.2005 respectively (vide the chart of 10 Regular SRAs (Agri.) appointed as Assistant Professors reproduced above).

**1552)** Since the above 12 SRAs (Agri.) were appointed on regular basis as Assistant Professors before 15.9.2005, their names were rightly excluded from the List of promotees as on 15.9.2005 (Ex. 198) i.e. at the time of appointment of these SRAs (Agri.) in question. Similarly, the names of the 3 SRAs viz. H.R. Khwaja, P.V. Pharkade, and Shri N.R. Kotamwar, at S. Nos.1, 64 and 67 respectively in the aforesaid List of promotees as on 12.6.2005 i.e. at the time of interview (Ex.187) were rightly excluded in the List of promotees as on 15.9.2005 i.e. at the time of appointment (Ex.198) as they had retired on 30.6.2005, 30.6.2005 and 30.6.2004 respectively i.e. prior to 15.9.2005. Thus, the names of 15 SRAs referred to above in the List of promotees as on 12.6.2005 (Ex. 187) are rightly excluded in the List of Promotees as on 15.9.2005 i.e. at the time of appointment (Ex. 198).

**1553)** Since the name of Ku.M.H.Dahale is not included in the List of promotees as on 12.6.2005 (Ex.187) and since her name has to be excluded in the list of promotees as on 15.9.2005 (Ex.198) i.e. at the time of appointment of these SRAs (Agri.) in question as she was already appointed as Assistant Professor by nomination on 29.6.2005 i.e. prior to 15.9.2005, her name is not considered for the purpose of the above comparison of the List of 70 promotees as on 15.9.2005 (Ex. 198) with the List of promotees as on 12.6.2005 (Ex.187). Thus, for the purpose of the above comparison, the total number of promotees to be taken into consideration as on 12.6.2005 i.e. at the time of interview in the List of promotees (Ex.187) would be 80 and after deducting from it 15 promotees referred to above, the total number of common SRA (Agri.) (promotees) in the List of promotees as on 12.6.2005 (Ex.187) i.e. at the time of interview and as on 15.9.2005 (Ex.198), i.e. at the time of appointment would be 65. The List of promotees as on 15.9.2005 (Ex.198), is however, of 70 SRAs. Perusal of the said List (Ex.198) shows that the names of SRAs (Agri.) which are not included in the List of promotees as on 12.6.2005 (Ex.187) are included in the said List of promotees as on 15.9.2005 i.e. at the time of appointment (Ex.198).

**1554)** The names of these 5 SRAs (Agri.) with their S. Nos. in the List of promotees as on 15.9.2005 (Ex.198), and in the List of 77 officiating SRAs (Agri.) recommended for regular promotion in the said post by the Selection Committee, vide pages 28 to 35 of the file Ex. 34(O), are as follows :

Names	As per list of promotees (Ex.198)	As per List of 77 officiating SRAs referred to above
Sau.V.B. Kalamkar	8	72
D.S. Gahane	10	4
Ku. M.S. Gaikwad	30	68
A.S. Tingre	38	52
V.D. Hedau	57	73

Their names were thus correctly shown in the list of promotees as on 15.09.2005 i.e. at the time of appointment. But the names of the above 5 SRAs (Agri.) are not included in the Lists of promotees in the posts of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187). However, the names of Sau.V.B. Kalamkar, and A.S.Tingre, are included in the Lists of direct recruits in their substantive posts of JRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 190 and 192).

**1555)** As regards Shri D.S. Gahane, his name is included at S. No.10 in the List of promotees as on 15.9.2005 (Ex.198) and also at S. No.4, in the aforesaid List of 77 officiating SRAs (Agri.) recommended for promotion in the said post by the Selection Committee but his name is not included in the Lists of promotees in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187) as also in the Lists of promotees or direct recruits in the post of JRA (Agri.) as on the aforesaid dates (Exs. 189 and 192) Shri D.P. Deshmukh, Section Assistant (Estt.), in para 23 of his additional affidavit dated 12.10.2009 (Ex. 960) admitted that there was mistake committed in not including his name in the Lists of promotees in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187) as he was officiating as SRA (Agri.) as shown at S.No.4, in the aforesaid List of 77 JRA (Agri.) officiating in the posts of SRA (Agri.) recommended for regular promotion in the said post by the Selection Committee in its meeting held on 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 vide pages 28 to 35 of the file Ex. 34(O).

**1556)** As regards Ku. M.S. Gaikwad, her name is included at S. No. 30 in the List of promotees in the post of post of SRA (Agri.) as on 15.9.2005 (Ex.198) and also at S.No. 68, in the aforesaid List of 77 officiating SRAs (Agri.) recommended for regular promotion in the said post by the Selection Committee but is not included in the List of promotees in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187) and also in the List of promotees or direct recruits in her substantive post of JRA (Agri.) as on the aforesaid dates (Exs. 189 to 192). Shri D.P. Deshmukh, Section Assistant (Estt.), admitted in para 24 of his aforesaid affidavit dated 12.10.2009 (Ex.960) that there was mistake committed in not showing her name in the List of promotees in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187) as she was officiating in the said post at that time as stated above.

**1557)** As regards Shri V.D. Hedau, his name is shown at S.No.18 in the Lists of promotees in the post of JRA (Agri.) as on 31.7.2004 i.e. at the time of advertisement and 12.6.2005 i.e. at the time of interview (Exs. 189 and 191). His name is also shown at S. No.57 in the List of promotees as on 15.9.2005 i.e. at the time of appointment (Ex.198). When questioned in this regard, Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 26 of his additional affidavit dated 12.10.2009 (Ex.960) that his name was wrongly shown in the Lists of promotees in the post of JRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 189 and 191) because he was not Agricultural Assistant promoted to the post of JRA (Agri.) but was by nomination directly appointed in the post of JRA (Agri.) and therefore if his name was to be shown in his substantive post, it should have been shown in the Lists of direct recruits in the post of JRA (Agri.) as on the aforesaid dates (Exs. 190 and 192). However, according to him, since he was officiating at that time in the post of SRA (Agri.) w.e.f. 5.11.2004 as shown at S.No.73 in the aforesaid Lists of 77 officiating SRAs (Agri.), recommended by the Selection Committee for regular promotion to the said post, vide pages 28 to 35 of the file Ex.34(O) relating to its proceedings, his name should have been shown in the Lists of promotees in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187). Further, according to him, his name was rightly shown at S.No.57 in the List of promotees in the post of SRA (Agri.) as on 15.9.2005 i.e. at the time of appointment (Ex.198). Since he was actually officiating in the post of SRA (Agri.) his aforesaid post was blocked and was not vacant for making any new appointment as per the Selection Lists, Shri D.P.Deshmukh, Section Assistant (Estt.), therefore, rightly stated that his name should have been included in the Lists of promotees in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs.185 and 187).

**1558)** As admitted by Shri D.P. Deshmukh, Section Assistant (Estt.), in his additional affidavit dated 12.10.2009 (Ex.960) if the names of Shri D.S. Gahane, Ku. M.S. Gaikwad and Shri V.D. Hedau are shown in the Lists of promotees in the posts of SRA (Agri.) as on

31.7.2004 and 12.6.2005 (Exs.185 and 187) the vacancy position of the said post which was before Dr.V.D. Patil, the Chairman, and Dr. Vandan Mohod, the Registrar /Member Secretary of the Selection Committee on 25.6.2005 i.e. the last date of interview on which date they decided to fill 55 posts of SRA (Agri.) as shown hereinbefore will get reduced by 3 and will become 35 at the time of interview i.e. as on 25.6.2005 inclusive of 5 posts of SRA (Bio-technology) as seen from para 1549-A and the revised chart in para 1549-B of the Enquiry Report, according to which excluding 5 posts of Bio-technology the total vacancy position as on 12.6.2005 is 30.

**1559)** It is pertinent to see that there is no uniform principle followed by the University in preparing the said Lists to show the vacancy position because sometimes the University had included the names of officiating SRAs in the List of promotees in the said post as in the cases of 10 officiating SRAs in the chart reproduced above who were appointed as Assistant Professors and whose names were included in the Lists of promotees in the posts of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 185 and 187) but sometimes as in the cases of Sau. V.B. Kalamkar , Shri S.S.Tayade, and A.S. Tingre, the names of officiating SRAs (Agri.) were shown in the Lists of their substantive posts of JRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 190 and 192). In this regard it is stated the names of the above officiating SRAs (Agri.) who were officiating in the said post w.e.f. 5.11.2004 were included in the List of 77 officiating SRAs (Agri.) whose names were recommended by the Selection Committee for regular promotion in the said post, vide pages 28 to 35 of the file Ex.35(O) relating to its proceedings. As stated by Shri D.P.Deshmukh, Section Assistant (Estt.) in para 19 of his aforesaid affidavit dated 12.10.2009 (Ex.960) their posts were also blocked and were not open for any appointment as per the Selection Lists. Hence, their names needed to be included in the Lists of promotees in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs.185 and 187) and not in the Lists of direct recruits in the post of JRA (Agri.) as on the aforesaid dates (Exs.189 and 191). Thus, the vacancy position in the post of SRA (Agri.) as on 25.6.2005 i.e. the last day of interview still further gets reduced by 3 and will become 32 on the last day of interview i.e. 25.6.2005 inclusive of 5 posts of Bio-technology and 27 excluding the said 5 posts. .

**1559-A)** However, the List of promotees in the post of SRA (Agri.) as on 15.9.2005 (Ex.198) rightly includes the names of Sau.V.B.Kalamkar, and Shri A.S.Tingre, as they were promoted on 15.9.2005 on regular basis to the post of SRA (Agri.) in which they were officiating w.e.f. 5.11.2004 as stated above. As regards Shri S.S.Tayade, he was already appointed by nomination in the post of Assistant Professor in Agronomy as per the order dated 29.6.2005 as shown at S.no.39 in the List of 43 SRAs appointed as Assistant Professors given



in para 1540 of the Enquiry Report. His name was therefore rightly not included in the List of promotees in the post of SRA (Agri.) as on 15.9.2005.

**1560)** Although as per the aforesaid analysis of the Lists showing vacancy position as on 31.7.2004, 12.6.2005, and 15.9.2005, the vacancy position at the time of interview i.e. on 25.6.2005 on which date Dr.V.D. Patil, and Dr.Vandan Mohod, the Chairman and the Member Secretary of the Selection Committee decided to fill in 55 posts of SRA (Agri.) gets reduced by 6, the vacancy position as on 15.9.2005 i.e. at the time of appointment remains the same i.e. there were 70 filled in posts of SRA (Agri.) by promotion at that time i.e. after there was selection and appointment of some SRAs in the posts of Assistant Professors as shown hereinbefore.

**1561)** As regards the List of 21 direct recruits as on 15.9.2005 i.e. at the time of appointment of these SRAs, the said List (Ex. 199) includes the name of H.R. Bhagwat at S.No.18 although he was appointed as Assistant Professor by promotion by order dated 27.6.2005 i.e. prior to 15.9.2005, vide S.No.27 of the List of 43 SRAs appointed as Assistant Professors reproduced hereinbefore. It is however, stated in his additional affidavit dated 12.10.2009 (Ex.960) by Shri D.P. Deshmukh, Section Assistant (Estt.) that Shri H.R. Bhagwat did not join the post of Assistant Professor and continued to work in his post of SRA (Agri.) and even retired from this post of SRA (Agri.), and therefore, his name was shown in the List of direct recruits as on 15.9.2005 although he was appointed as Assistant Professor prior to 15.9.2005. His name is thus rightly shown in the above-referred List of Direct recruits as on 15.9.2005 (Ex.199).

**1562)** There are also some mistakes committed by the University in preparing the Lists of direct recruits in the posts of SRA (Agri.) as on 31.7.2004, 12.6.2005 and/or 15.9.2005 filed with its affidavits dated 30.8.2007 (Ex.180), and 4.9.2007 (Ex.196). The name of Shri S.D. Chavan is included at S.No.7, in the Lists of direct recruits in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 186 and 188) but his name is not included in the List of direct recruits as on 15.9.2005 (Ex.199). When questioned in this regard, Shri D.P. Deshmukh, Section Assistant (Estt.), stated in his additional affidavit dated 12.10.2009 (Ex.960) that his name was wrongly included in the aforesaid Lists of direct recruits as on 31.7.2004 and 12.6.2005 (Exs. 186 and 188) because he was already appointed as Assistant Professor as per the order dated 1.4.2003 (Ex.959).

**1563)** The name of Ku. U.R. Dongarwar, is included at S. No.2 in the List of direct recruits in the post of SRA (Agri.) as on 15.9.2005 (Ex.199) i.e. at the time of appointment but is not included in the Lists of direct recruits in the said post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 186 and 188), Shri D.P. Deshmukh, Section Assistant (Estt.) admitted in para 27 of his affidavit dated 12.10.2009 (Ex. 960) that there was mistake committed in not

including her name in the said Lists of direct recruits (Exs. 186 and 188) as on the aforesaid dates because according to him, her name should have been included in the said Lists as she was appointed by nomination in the said post of SRA (Agri.) as shown in the Seniority List of SRA as on 31.12.2003 (Ex.671) filed by him with his affidavit dated 15.3.2008 (Ex.695).

**1564)** As regards the mistakes committed by the University in preparing the Lists of direct recruits as on 31.7.2004 and 12.6.2005, as referred to above, the said mistakes do not affect the total number of direct recruits as on the aforesaid dates, much less on 15.9.2005. The name of Shri S.D. Chavan has to be excluded from the Lists of direct recruits as on the aforesaid dates (Exs. 186 and 188) because he was already appointed as Assistant Professor by the order dated 1.4.2003 (Ex.959) but the name of Ku. U.R. Dongarwar, whose name is through mistake not included in the said Lists as on the aforesaid dates (Exs. 186 and 188) has to be included therein as shown above. The number of direct recruits in the List of 21 direct recruits as on 15.9.2005 i.e. at the time of appointment thus remains the same.

**d) Calculation of the actual vacancy position in the post of SRA (Agri.) at the time of appointment i.e. as on 15.9.2005**

**1565)** In order to work out the actual vacancy position at the time of appointment on the basis of the above filled in posts of 70 by promotion and 21 by direct recruitment, it may be seen that the total number of posts of SRA (Agri.), excluding 5 posts of Bio-technology is 143 and therefore the quota of nomination and promotion in the said posts is 71 and 72 respectively. Shri D.P. Deshmukh, Section Assistant (Estt.), stated in paras 40 and 71 of his affidavit dated 15.11.2007 (Ex. 598) that he has wrongly shown quota of nomination as 72 instead of 71 in his office note dated 15.9.2005 contained in the file Ex.42(O). In promotion quota, since the posts filled are 70, the vacant posts are 2, and in nomination quota, since the posts filled are 21, the vacant posts are 50. The vacant posts in nomination quota are 5 short of 55 posts of SRA (Agri.) to be filled and even the total vacant posts in nomination and promotion quota are 52 thus 3 short of 55 posts of SRA (Agri.) to be filled. However, since admittedly 5 posts of SRA (Bio-technology) were utilized vide paras 40 and 79 of the aforesaid affidavit of Shri D.P.Deshmukh, Section Assistant (Estt.), 55 candidates selected in the posts of SRA (Agri.) were accommodated in these posts without leaving any posts vacant for any future contingencies in nomination quota. However, as shown in para 1639 of the Enquiry Report, regarding the topic about "Utilization of other categories of the posts of SRA" such as SRA (Agril.Engg.), SRA (Bio-technology) and also two posts of Senior Technical Assistant, the University utilized 6 posts of other categories in making appointments of the candidates selected in the posts of SRA (Agri.). If the said posts are excluded, the University could not

have accommodated 55 candidates in the posts of SRA (Agri.) even if the posts in its promotion quota were utilized.

The vacancy position in the post of SRA (Agri.) as on 15.09.2005 i.e. at the time of appointment is worked out as follows;

Total number of post of SRA (Agri.) as on 15.09.2005 – 143

**Nomination and promotion quota – 71 : 72.**

Promotees as on 15.09.05	Vacant posts in promotion quota	Direct recruits as on 15.09.05	Vacant Posts in nomination quota	Total vacant posts as on 15.09.05
70	02	21	50	52 (57)*

\*After adding 5 posts of Biotechnology.

e) **Verification of the Lists of promotees and direct recruits in the posts of JRA (Agri.) as on 31.7.2004, 12.6.2005 and 15.9.2005 to see whether 76 posts of JRA (Agri.) were available at the time of interview and appointment**

**1566)** Dr.V.D. Patil, stated in para 50 read with para 73 of his affidavit dated 25.12.2007 (Ex.645) that he and the Registrar on their own increased the posts of JRA (Agri.) from 37 as advertised to 76 posts for being filled and prepared the categorywise Selection Lists for the said posts because there were some JRAs (Agri.) who were also selected by nomination as Assistant Professors. As regards the question of ascertaining the vacancy position in the posts of JRA (Agri.) as on 25.06.2005 i.e. the last date of interview, as shown hereinbefore, vide also the University affidavit dated 14.9.2007 (Ex.432), in 46 candidates from the posts of SRA/JRA selected and appointed by nomination or promotion in the posts of Assistant Professor, there was only one candidate Shri S.M. Potkile, appointed as Assistant Professor (Agronomy) who was officiating in the post of JRA (Agri.) and the remaining 45 candidates appointed as Assistant Professors were from the posts of SRA in which there were 43 SRAs (Agri.). It is thus clear that no substantial increase could be made in the number of posts of JRA (Agri.) to be filled on that ground because only Shri S.M. Potkile who was officiating in the post of JRA (Agri.) was selected in the post of Assistant Professor, vide para 1539 of the Enquiry Report.

**1567)** Although no substantial increase could be made in the posts of JRA (Agri.) on the basis of the above reason given by Dr. V. D. Patil, the Chairman of the Selection Committee, it is still necessary to consider the question whether 76 posts of JRA (Agri.) were available for accommodating the candidates selected in the said posts. It may be seen in this regard that there was office note of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 15.07.2004

showing the vacancy position available in the posts of JRA at the time of the advertisement dated 14.08.2004 (Ex. 2) contained in the file Ex.40(O). Perusal of the said office note dated 15.7.2004 would show that there was no vacant post in the nomination quota of the said posts which was 51. In fact, the posts of JRA which were filled were 53 i.e. 2 in excess of its quota. However, since there were certain JRAs promoted on temporary officiating basis in the posts of SRA, he estimated that because of regularization of such JRAs in the promotion quota of SRA there would be 40 vacancies available for appointment of JRAs by nomination out of which for filling 37 vacancies as per the advertisement dated 14.8.2004 (Ex.2) was issued. As regards its promotion quota of 52 posts, there were 36 filled in posts and the vacant posts as shown by him were 16 in which, according to him, 12 Agricultural Assistants who were working on officiating basis in the posts of JRA could be regularized and thus the available vacant posts in promotion quota of JRA were 4. It is thus clear from his aforesaid office note dated 15.07.2004 contained in the file Ex. 40(O) that there was no scope for making any substantial increase in the number of posts of JRA (Agri.) to be filled, much less 76 even after taking into consideration the vacancies available in its promotion quota as shown therein.

**1568)** It is however, pertinent to see that there were 15 additional posts of JRA (Agri.) allotted by ICAR on 25.8.2004 for Krishi Vigyan Kendra Sindewahi, Yavatmal, Sonapur, Hiwra, and Sakoli, thus, making the total number of posts of JRA (Agri.) 114 from 99. It is further pertinent to see that there were more vacancies available due to regularization of JRAs in the promotion quota of the posts of SRA (Agri.) at the time of interview, as it appears from the minutes of the meeting of the Selection Committee held on 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained in the file Ex. 34(O) that the Selection Committee in its resolution No. A/S 1/2005 passed in the said meeting recommended the names of 63 JRAs (Agri.) officiating in the posts of SRA (Agri.) for regular promotion in the said posts. But then these 63 posts of JRAs (Agri.) whose incumbents were officiating in the posts of SRA (Agri.) would not become vacant due to their regularization in the said posts of SRA (Agri.) because the subsequent resolution No. A/S 2/2005 in the said file Ex. 34(O) would show that 23 Agricultural Assistants officiating in the posts of JRA (Agri.) were recommended by the Selection Committee for regular promotion in the posts of JRA (Agri.). Thus, due to regularization of some JRAs (Agri.) in the posts of SRA (Agri.) in effect there would be only 40 vacancies available in the posts of JRA (Agri.) at the time of interview which means that the vacancy position was the same as at the time of advertisement as shown by Shri D.P. Deshmukh, in his aforesaid office note dated 15.7.2004 contained in the file Ex. 40 (O). Taking into account even 15 posts of JRA (Agri.) allotted to Krishi Vigyan Kendras as stated above, the vacancies available in the posts of JRA (Agri.) would be 55.

**1569)** It is possible that the above data may be available to Dr. V.D. Patil, the Chairman, and Dr. Vandan Mohod, the Registrar/ Member Secretary, of the Selection Committee on 25.6.2005 i.e. the last date of interview when they decided to increase the number of posts of JRA (Agri.) to be filled from 37 as advertised to 76, as stated by Dr. V.D. Patil, in para 50 read with para 73 of his affidavit dated 25.12.2007 (Ex.645) although he did not specifically refer to it in his aforesaid affidavit. It is, however, doubtful whether the data about allotment of 15 additional posts by ICAR on 25.8.2004 for the above referred Krishi Vigyan Kendras was before them or not on 25.06.2005, i.e. the last day of interview on which date they increased the number of posts of JRA (Agri.) to be filled from 37 to 76 because the office notes recorded thereafter by the concerned officers of the Registrar's office in the file relating to appointment Ex. 42(O) did not show that they were aware about it even at that time because the total number of posts of JRA (Agri.) taken into account at that time was 99 and not 114. The said vacancy position was not thus clear even at the time of appointment i.e. as on 15.9.2005 in regard to which Dr. Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee himself stated in para 45 of his affidavit dated 1.12.2007 (Ex.633) that after perusing the office note of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.9.2005 i.e. at the time of appointment contained in the file Ex. 42(O), he did not find that they could accommodate all the 55 candidates selected by them in the posts of SRA (Agri.) and all the 76 candidates selected by them in the posts of JRA (Agri.) much less after taking into consideration their recommendations about the promotions from the posts of JRA to SRA and from AA to JRA contained in the file Ex. 34(O). However, according to him, they had given appointment and posting orders to all the candidates selected in the posts of SRA (Agri.) and JRA (Agri.) after finding out the vacant posts for them in the Movement Register (Ex. 644(O)) maintained for these posts by Shri D.P. Deshmukh, Section Assistant (Estt.). The vacancy position shown by Shri D.P. Deshmukh, Section Assistant (Estt.) in his office notes recorded by him at the time of advertisement in the file Ex. 40(O) and at the time of appointment in the file Ex. 42(O) was also based upon his aforesaid Movement Register (Ex. 644(O)). The vacancy position in the posts of SRA (Agri.) and JRA (Agri.) thus being not clear, the University was directed to clarify the same.

**1570)** Therefore, in order to clarify the vacancy position at the time of advertisement i.e. as on 31.7.2004, interview i.e. as on 12.6.2005, and appointment i.e. as on 15.9.2005, the University, as directed, filed the affidavit dated 30.8.2007 (Ex.180) showing the departmentwise vacancy position of SRA (Agri.) and JRA (Agri.) as on 31.7.2004 i.e. at the time of advertisement and as on 12.6.2005 i.e. at the time of interview in the charts Exs 181 to 184 annexed to it. It also annexed to the aforesaid affidavit dated 30.8.2007 (Ex.180) the Lists of promotees and direct recruits in the posts of SRA (Agri.) and JRA (Agri.) as on 31.7.2004 i.e. at the time of

advertisement, and 12.6.2005 i.e. at the time of interview in the charts (Exs.185 to 192). Similar charts were annexed by it with its affidavit dated 4.9.2007 (Ex.196) marked as (Exs.197 to 202) to show the vacancy position at the time of appointment i.e. as on 15.09.2005.

**1571)** The departmentwise vacancy position in the posts of JRA (Agri.) shown as on 31.7.2004 i.e. at the time of advertisement, 12.6.2005 i.e. at the time of interview and 15.9.2005 i.e. at the time of appointment shown in the charts (Exs. 183, 184 and 200) is as follows :

<b>As on Ex.No.</b>	<b>Total number of posts</b>	<b>Filled in posts</b>	<b>Vacant posts</b>
31.7.04 (Ex.183)	99	39	60
12.6.05 (Ex.184)	114	38	76
15.9.05 (Ex.200)	114	33	81

**N.B.** 15 additional posts were allotted on 25.8.2004 for Krishi Vigyan Kendras as stated above and therefore at the time of interview the total number of posts of JRA (Agri.) was 114 as shown above from the chart (Ex.184).

**1572)** As regards verification of the Lists of promotees and direct recruits to ascertain the vacancy position in the posts of JRA (Agri.). It may be seen that since R. M. Talokar, JRA (Agri.) whose name is included at Sr. No. 1 in the list of promotees in the post of JRA (Agri.) as on 31.07.2004 (Ex. 189) had retired on 31.08.2004, his name is not included in the list of promotees in the post of JRA (Agri.) as on 12.06.2005 (Ex. 191) but still the total number of promotees shown therein is 28 when it should be 27. The mistake had occurred in the said list because instead of 16 the name of Shri V. T. Kogade is shown at Sr. 17 omitting Sr. 16. However, it is not necessary to consider the said lists at the time of advertisement and interview separately because there is no difference in the names in the Lists of promotees and direct recruits as on 31.7.2004 i.e. at the time of advertisement and 12.6.2005 i.e. at the time of interview (Exs. 189 to 192) except that the name of Shri R.M. Talokar is not included in the List of promotees at the time of interview i.e. as on 12.6.2005 (Ex. 191) since he had retired in the meanwhile on 31.8.2004. Moreover, the material stage to ascertain the same is the stage of interview as the decision to fill 76 posts of JRA (Agri.) instead of 37 as advertised was taken by Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee on the last day of interview i.e. 25.6.2005. It is necessary to notice in this regard that the Lists of promotees and direct recruits at the time of interview (Exs. 191 and

192) are filed as on 12.6.2005. However, the vacancy position as on that date and as on 25.6.2005 i.e. the last date of interview is the same. It is also necessary to verify the Lists of promotees and direct recruits in these posts of JRA (Agri.) (Exs. 201 and 202) at the material stage of appointment in the said posts i.e. as on 15.9.2005.

**1573)** In considering the question of verification of the Lists of promotees and direct recruits in the post of JRA (Agri.), it may be seen that the total number of appointees in the said post as on 12.6.2005 shown in the said Lists (Exs. 191 and 192) was 27 by promotion and 7, by nomination. Pursuant to the notice issued to Shri D.P. Deshmukh, Section Assistant (Estt.), to appear in this enquiry to explain the Lists of promotees and direct recruits in the posts of JRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 189 to 192) with a view to ascertain the vacancy position in the said post, he appeared in this enquiry on 11.9.2009. He had brought with him two Registers, one in which the copies of the orders relating to “In Service Training Schemes for Ph.D., M.Sc. (Agri.)” i.e. the Register in which the copies of the orders relating to the study leave of the candidates were pasted, and another, in which the “information regarding promotion and reversion of SRA/JRA/AA” was given by pasting the copies of the relevant orders therein. He also filed in this enquiry three orders dated 15.07.2003, 15.11.2003 and 16.08.2004 relating to temporary and officiating promotions of some Agricultural Assistants to the posts of JRA (Agri.). They were taken on record and marked as Exs. 954 to 956 in this enquiry. The above orders (Exs. 954 to 956) about temporary officiating promotion given to some Agricultural Assistants in the posts of JRA (Agri.) are included in the above Register relating to promotion and reversion of SRA /JRA/AA. In fact, all the orders relating to promotion, reversion and study leave referred to by him in his additional affidavit dated 12.10.2009 (Ex.960), whether filed in this enquiry or not, were included in the aforesaid Registers and were verified by this office from the same whereafter the said two Registers were returned to him, vide para 18 of his aforesaid affidavit.

**1574)** As regards JRA (Agri.), Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 11 of his additional affidavit dated 12.10.2009 (Ex.960) that in the list of 27 promotees as on 12.6.2005 i.e. at the time of interview (Ex.191), the name of Shri V.D. Hedau, was wrongly included therein as he was never appointed in the lower post of Agricultural Assistant and promoted to the post of JRA (Agri.) but was directly appointed by nomination in the post of JRA (Agri.) and if his name was to be shown in his substantive post it should have been shown in the list of direct recruits as on 12.6.2005 i.e. at the time of interview (Ex.192). Therefore, excluding his name there would be 26 promotees in the said lists as on 12.06.2005 (Ex. 191).

**1575)** Shri D. P. Deshmukh, Section Assistant (Estt.) stated in para 9 of his affidavit dated 12.10.2009 (Ex. 960) that out of the list of 28 JRA's as on 31.07.2004 i.e. at the time of

advertisement, 19 were working on officiating basis as per the University orders dated 15.06.2003, 15.11.2003 and 16.08.2004 (Ex. 954 to 956). The names of these 19 officiating JRAs (Agri.) were given by him in the said para 9 of his aforesaid affidavit. As regards remaining 9 JRAs (Agri.) shown in the lists of promotees as on 31.07.2004 (Ex. 189) he stated in para 10 of his affidavit that they were regular promotees. However, since the vacancy position which is being ascertained is as on 12.06.2005 i.e. at the time of interview the lists of regular JRA (Agri.) would be of 7 promotees only.

**1575-A)** The following lists show the names of the Regular and officiating promotees in the posts of JRA (Agri.) as on 12.6.2005.

**Regular promotees in the posts of JRA (Agri.) as on 12.6.2005 as per the List Ex. 191**

Sr.No.	Sr. No. as per JRA (Agri.) List of promotees (Ex. 191)	Name of JRA (Agri.)
1.	4	C.N. Mohod
2.	5	A.M. Thawri
3	13	H.B. Rathod
4.	14	O.S. Gajbhiye
5.	20	A.T. Fulzale
6.	24	S.J. Athawale
7	28	B.M. Rahangadia

**N.B.** The S.Nos. in the List of promotees (Ex. 191) from S.No.17 are wrongly given since instead of Sr. No. 16 Shri V.T. Kogde is given S.No.17 thus omitting S.No.16.



The names of the remaining 19 officiating promotees as on 12.6.2005 in the List (Ex.191) are as follows.

Sr. No.	Sr. No. as per JRA (Agri.) List of officiating promotees (Ex.191)	Name of JRA (Agri.)
1.	1	M.D. Yenprediwar
2.	2	S.A.Thakre
3	3	B.S.Kharat
4	6	Sau M.S. Deshmukh
5	7	P.S. Umbarkar
6	8	S.R. Deshmukh
7	9	B.Y.Borkar
8.	10	A.H.Khade
9.	11	W.V.Morey
10.	12	A.D. Makesar
11.	15	M.M.Ganvir
12	17	V.T. Kogade
13.	19	Ku. V.T. Nikhade
14.	21	M.B. Ingle
15.	22	M.A.Khan
16.	23	S.N. Potkile
17.	25	S.V. Gholap
18.	26	R.P. Khedkar
19.	27	G.S. Jeughale

**N.B.** S.nos. from S.no.17 are wrongly given since instead of 16, Shri V.T. Kogde is given S.No.17 thus omitting S.No.16.

**1575-B)** As regard the names of 7 regular promotees as shown in the chart in the above para 1575-A of the Enquiry Report, the fact that except C. N. Mohod, the remaining 6 were regular promotees was verified from the Seniority List of JRA (Agri.) as on 31.12.2003

(Ex. 675) annexed to the affidavit of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.03.2008 (Ex. 695). As regards C. N. Mohod, since there was no remark against his name in the aforesaid Seniority List whether he was appointed by nomination or promotion, when questioned, Shri D. P. Deshmukh, Section Assistant (Estt.) stated in para 11 of his affidavit dated 12.10.2009 (Ex. 960) that he was appointed by promotion in the post of JRA (Agri.). All the 7 promotees in the list given in the above para 1575-A of the Enquiry Report were thus regular promotees in the said post of JRA (Agri.).

**1576)** As regards the names of JRAs (Agri.) in the Lists of promotees as on 31.7.2004 (Ex. 189) and 12.6.2005 (Ex.191) who were appointed on temporary and officiating basis, Shri D.P. Deshmukh, Section Assistant (Estt.) stated in his additional affidavit, dated 12.10.2009 (Ex.960) that there was typing error and the name of Shri S.R. Deshmukh, mentioned at serial no.9 in the said list of promotees as on 31.7.2004 (Ex.189) was wrong and instead the name mentioned therein should have been of Shri S.N. Deshmukh in the said list (Ex. 189) and also at S. NO.8 in the List as on 12.6.2005 (Ex.191). According to him, it should be read as S.N. Deshmukh. Reading therefore the said name as S.N. Deshmukh, perusal of the aforesaid orders relating to officiating promotions of JRA (Agri.) dated 15.7.2003 (Ex.954) and 15.11.2003 (Ex.955) relating to the period 2003-04, would show that the names of the officiating JRAs (Agri.) in the said List of promotees as on 31.7.2004 (Ex. 189) were included in the said orders of temporary promotion except the names of B.Y. Borkar, V.T. Kogade and Shri S.V. Gholap at serial nos. 10, 17 and 25 of the said List (Ex. 189). Their names were, however, included in the third order of temporary promotion of JRA (Agri.) dated 16.8.2004 (Ex. 956) filed by Shri D.P. Deshmukh, Section Assistant (Estt.) which shows that they were promoted temporarily from 19.7.2004 to 18.7.2005. Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 9 of his aforesaid additional affidavit dated 12.10.2009 (Ex.960) that the above appointees were thus working on temporary and officiating basis in the above posts of JRA (Agri.) as on 31.7.2004 and 12.6.2005.

**1576-A)** As stated by Shri D. P. Deshmukh, Section Assistant (Estt.) in para 12 of his affidavit dated 12.10.2009 (Ex. 960) the names of the following JRA (Agri.) were not included in the lists of promotees of JRA (Agri.) as on 31.07.2004 and 12.06.2005 (Ex. 189 and 191). Their names given by him were as follows;

- 1) R. I. Khobragade
- 2) V. P. Deokar
- 3) K. T. Laharia
- 4) V. B. Iratkar
- 5) S. R. Deshmukh

According to him, their names were included in list of candidates recommended by the Selection Committee for promotion from the post of AA to JRA at pages 40 to 42 of the file Ex. 34(O) and also in resolution No. AS/2/2005 contained in the said file Ex. 34(O).

**1577)** As regards Shri R.I.Khobragade, who was temporarily promoted in the post of JRA (Agri.) as per the order dated 15.11.2003 (Ex.955), Shri D. P. Deshmukh, Section Assistant (Estt.) admitted in the above para 12 itself of his affidavit dated 12.10.2009 (Ex. 960) that there was mistake committed in not including his name in the aforesaid lists of promotees as on 31.7.2004 and 12.6.2005 (Exs. 189 and 191). As regards Shri V.P. Deokar who was promoted temporarily on ad hoc basis for the period from 19.7.2004 to 18.7.2005 by the order dated 16.8.2004 (Ex.956) but whose name was not included in the Lists of promotees as on 31.7.2004 and 12.6.2005 (Exs. 189 and 191), he admitted in para 13 of his aforesaid affidavit dated 12.10.2009 (Ex.960) that his name should have been included in the Lists of promotees as on 31.7.2004 and also as on 12.6.2005 (Exs. 189 and 191). However, as regards Shri K.T. Laharia and Shri V.B. Iratkar at Sr. Nos. 8 and 9 of the order of temporary promotion of JRA (Agri.) dated 15.11.2003 (Ex.955), he justified non-inclusion of their names in the said Lists of promotees as on 31.7.2004 and 12.6.2005 (Exs. 189 and 191).

**1578)** As regards Shri K.T. Laharia, the resolution No. AS/2/2005 of the Selection Committee relating to promotion of Agricultural Assistant to the post of JRA (Agri.) contained in the file Ex. 34(O) shows that he is given regular promotion in the post of JRA (Agri.) w.e.f. 20.7.2005 since as stated by Shri D.P. Deshmukh, Section Assistant, in para 14 of his aforesaid affidavit he was on study leave till then. According to him, when an employee in the University who is given officiating promotion goes on study leave, he is reverted to his original substantive post and therefore, Shri K.T. Laharia stood reverted to his substantive post of Agriculture Assistant by order dated 12.2.2004 effective from 4.1.2004 i.e. when he went on study leave. He however, admitted in his aforesaid affidavit that after completing his study leave he did not first joint duty in the post of Agriculture Assistant to which he was reverted but directly joined duty in the post of JRA (Agri.) on 20.7.2005, from which date he was given promotion in the said post of JRA (Agri.). He then stated in his aforesaid affidavit that since he was not thus officiating in the post of JRA (Agri.) as on 31.7.2004 and 12.6.2005, his name was not included in the Lists of promotees as on the aforesaid dates (Exs.189 and 191).

**1579)** Shri D.P. Deshmukh, Section Assistant (Estt.) further stated in para 15 of his aforesaid affidavit that similar was the case of Shri V.B. Iratkar, who was also reverted to his original substantive post of Agriculture Assistant when he went on study leave from 20.11.2003 to 31.1.2006 vide order dated 23.1.2004 and was given promotion in the post of JRA (Agri.) from the date he joined the said post after completion of his study leave. According to him, after

completion of his study leave, Shri V.B.Iratkar, without first joining the duties in the post of Agriculture Assistant to which he was reverted had directly joined the duties in the post of JRA (Agri.) on 1.2.2006 and was given promotion in the said post w.e.f. that date as per the order dated 29.4.2006 contained at page C/271 in the file Ex. 47 (O) relating to the orders of promotion of the candidates in these posts. He therefore stated that his name was also therefore, not rightly included in the said Lists of promotees as on 31.7.2004 and 12.6.2005 (Exs. 189 and 191).

**1580)** As regards Shri S.R. Deshmukh, Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 16 of his aforesaid additional affidavit dated 12.10.2009 (Ex.960) that his name was wrongly included in the List of promotees as on 31.7.2004 and 12.6.2005 (Exs. 189 and 191) and in his place the name of Shri S.N. Deshmukh, should be read in the said Lists (Exs. 189 and 191). He, however, admitted in his aforesaid affidavit that his name was included in the List of promotees from the post of Agriculture Assistant to the post of JRA (Agri.) recommended by the Selection Committee in its Resolution no. AS/2/2005 contained in the file Ex. 34(O) relating to its proceedings in which it was stated that his selection was from the date of joining the post of JRA (Agri.). According to him, he never worked in the post of JRA (Agri.) even in officiating capacity and pursuant to his order of regular promotion in the post of JRA (Agri.) issued on 15.9.2005 he joined his duties in the said post on 14.9.2006. Further, according to him, it was stated in the said order dated 15.9.2005 that his promotion to the post of JRA (Agri.) was effective from the date of his actual joining. He therefore, stated that his name was rightly not included in the aforesaid Lists of promotees as on 31.7.2004, 12.6.2005, and also as on 15.9.2005 (Exs. 189, 191 and 201).

**1581)** Shri D.P. Deshmukh, Section Asstt. (Estt.), however, admitted in para 19 of his affidavit dated 12.10.2009 (Ex. 960) that although the names of the above candidates viz. Shri V.P. Deokar, Shri K.T. Laharia, Shri V.B. Iratkar, Shri R.I. Khobragade and Shri S.R. Deshmukh, were not included in the Lists of promotees as on 31.7.2004 and 12.6.2005 (Exs. 189 and 191) their posts of JRA (Agri.) were blocked and were not vacant as on 31.7.2004, 12.6.2005 and 15.9.2005 for making any new appointment in these posts of JRA (Agri.) as per the Selection Lists. It may be seen that what is being examined is the vacancy position at the time when Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee took the decision on 25.6.2005 i.e. the last day of interview to fill the 76 posts of JRA (Agri.) and prepare the Selection Lists for the same and also the vacancy position in the said posts at the time of appointment i.e. 15.9.2005. If the posts of JRA (Agri.) of the above candidates except Shri S.R. Deshmukh were blocked and were not open for making any new appointment in the said posts, their names should have been shown

in the List of promotees as on 31.7.2004 and 12.6.2005 (Exs. 189 and 191) and as regards Shri S.R. Deshmukh, as on 15.9.2005 (Ex.201) since the said posts were reserved for their promotion from the dates when they would join the said posts.

**1582)** As already observed the vacancy position as on 12.6.2005 i.e. at the time of interview was the same as on the last date of interview i.e. 25.6.2005. The List of promotees in the posts of JRA (Agri.) as on 12.6.2005 is of 27 JRA (Agri.) from which the name of Shri V.D. Hedau at S.no.18 has to be excluded since his appointment in the post of JRA (Agri.) was by nomination and not by promotion. But then the names of the above candidates viz. Shri V.P. Deokar, Shri K.T. Laharia, Shri V.B.Iratkar and Shri R.I. Khobragade have to be added to the said List of promotees (Ex.191) to ascertain the proper vacancy position as on 12.6.2005. Thus, the List of promotees as on 12.6.2005 (Ex.191) would be of 30 instead of 27.

**1583)** As regards the Lists of direct recruits in the posts of JRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs.190 and 192) they contained the names of 7 JRAs (Agri.) including the names of Sau.V.B.Kalamkar, Shri S.S.Tayade, and Shri A.S.Tingre, who were officiating in the posts of SRA (Agri.) and whose names were included in the Lists of 77 officiating SRA (Agri.) recommended by the Selection Committee for regular promotion in the said posts w.e.f. 5.11.2004, vide pages 28 to 35 of the file Ex.34(O). As stated by Shri D.P.Deshmukh, Section Assistant (Estt.), in paras 21 and 25 of his additional affidavit dated 12.10.2009 (Ex.960) their names were not included in the Lists of promotees in the posts of SRA (Agri.) as on the aforesaid dates because they were included in the Lists of their substantive posts of JRA (Agri.) as on the aforesaid dates. As already observed, in preparing the Lists to show the vacancy position in these posts, the University has included the names of some officiating SRAs in the Lists of promotees in the said posts as on 31.7.2004, and 12.6.2005 (Exs. 185 and 187) and in case of some other candidates like the candidates referred to above, their names are shown by it in the Lists of direct recruits in their substantive posts of JRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 190 and 192) in which they were appointed. As rightly stated by Shri D.P.Deshmukh, Section Assistant (Estt.) in para 19 of his affidavit dated 12.10.2009 (Ex.960) even when there was temporary and officiating appointment in the post as in the case of JRAs (Agri.) referred to in the said para, their posts were blocked and were not vacant for making any new appointment in the said post as per the Selection Lists. In fact as regards the lists of promotees in the post of SRA (Agri.) as on 31.07.2004 (Ex. 185) and 12.06.2005 (Ex. 187) they included the names of 10 officiating SRAs who were later on appointed in the post of Assistant Professor vide para 1544 read with para 1540 of the Enquiry Report. Sau.V.B.Kalamkar, Shri S.S.Tayade, and Shri A.S.Tingre, were working on officiating basis in the posts of SRA (Agri.) at least w.e.f. 5.11.2004 as shown in the List of 77 officiating SRAs

(Agri.) who were recommended by the Selection Committee for regular promotion in the said posts, vide pages 28 to 35 of the file Ex.34(O). Their names should have been therefore included in the Lists of promotees in the posts of SRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs.185 and 187) as the purpose of the said Lists was to show whether the posts occupied by them were blocked or were vacant for making new appointment as per the Selection Lists. Their names should not have been included in the Lists of direct recruits as on the aforesaid dates (Exs.190 and 192).

**1584)** As regards the name of Shri V.D. Hedau, his name is already taken into consideration by including it in the Lists of promotees in the post of SRA (Agri.) (Exs. 185 and 187) as Shri D.P. Deshmukh, Section Assistant stated in para 26 of his aforesaid additional affidavit dated 12.10.2009 (Ex.960) that his name should have been included in the List of promotees in the post of SRA (Agri.) as on 31.7.2004 and 12.6.2005 as he was officiating in the post of SRA (Agri.) and his name was included at Sr. No.73 in the List of 77 officiating SRAs (Agri.) recommended by the Selection Committee for regular promotion in the said post of SRA (Agri.), vide pages 28 to 35 of the file Ex.34(O) excluding the names of Sau. V.V. Kalamkar, Shri S.S. Tayde and Shri A.S. Tingre as stated above. Thus, the Lists of direct recruits in the post of JRA (Agri.) as on 31.7.2004 and 12.6.2005 (Exs. 190 and 192) would of 4 JRAs (Agri.).

**1585)** As regards the question of verification of the Lists of promotees and direct recruits in the posts of JRA (Agri.) as on 15.9.2005 (Exs.201 and 202), the said Lists consist of 29 and 4 JRAs. (Agri.) respectively. Perusal of the list of promotees as on the aforesaid date (Ex.201), shows that it includes the names of R.I. Khobragade, V.B. Iratkar, K.T. Laharia and V.P. Deokar, but does not include the names of Shri V.T. Kogde, and Shri S.R. Deshmukh. It, however, wrongly includes the name of Shri V.D.Hedau, at Sr.No.17 who was appointed directly by nomination in the post of JRA (Agri.) and was not promoted to the said post from the post of Agriculture Assistant. Moreover, his name is also included at Sr. No. 57 in the List of promotees in the post of SRA (Agri.) as on 15.9.2005 (Ex.198).

**1586)** As regards Shri S.R. Deshmukh, as already pointed out hereinbefore, his name was recommended by the Selection Committee in its Resolution no. AS/2/2005 contained in the file Ex.34(O) relating to its proceedings, for promotion in the post of JRA (Agri.) from the post of Agricultural Assistant and it was stated in the said Resolution no. AS/2/2005 that his selection was from the date of joining the post of JRA (Agri.). Accordingly, the regular order of promotion in the post of JRA (Agri.) was issued to him on 15.9.2005 pursuant to which he joined his duties in the said post on 14.9.2006. Shri D.P. Deshmukh, Section Assistant (Estt.), stated in para 19 of his aforesaid affidavit dated 12.10.2009 (Ex.960) that his post was blocked

and was not open as on 31.7.2004, 12.6.2005 and 15.9.2005 for making any new appointment of JRA (Agri.) in these posts as per the Selection Lists. However, as stated by him therein since he never worked in the post of JRA (Agri.) before he joined the said post as per regular order of promotion dated 15.9.2005 his post was not blocked as on 31.7.2004 and 12.6.2005 but was blocked as on 15.9.2005 as admitted by him, vide ordersheet dated 28.06.2010. As the List of promotees in the posts of JRA (Agri.) as on 15.9.2005 (Ex.201), has to be prepared to show the vacancy position in the said posts as on 15.9.2005 i.e. at the time of appointment, and as his post was not open for making any appointment therein at that time, his name ought to have been included in the said List of promotees in the post of JRA (Agri.) as on 15.9.2005 (Ex.201).

**1587)** As regards Shri V.T. Kogde, his name was included in the Lists of promotees as on 31.7.2004 and 12.6.2005 (Exs.189 and 191). His name was recommended by the Selection Committee for regular promotion in the post of JRA (Agri.) from the post of Agricultural Assistant w.e.f. 5.11.2004, vide S. No.17 at pages 40 to 42 of the file Ex. 34(O). Shri D.P. Deshmukh, Section Assistant (Estt.) stated in para 17 of his aforesaid affidavit dated 12.10.2009 (Ex.960) that he belonged to the reserved category of S.T. but since he did not submit his caste validity certificate, he was not issued any promotion order in the post of JRA (Agri.) although his name was recommended for regular promotion in the said post but, on the contrary, he was reverted by order dated 27.7.2006 with effect from 20.6.2006 to his original post of Agriculture Assistant from his officiating promotion in the post of JRA (Agri.) after which although he was given officiating promotion once from 23.6.2006 to 22.6.2007, he was never given such officiating promotion again after his reversion w.e.f. 22.5.2007 as per the order dated 31.5.2007. He therefore, justified non-inclusion of his name in the List of promotees in the post of JRA (Agri.) as on 15.9.2005 (Ex.201).

**1588)** Shri D.P. Deshmukh, Section Assistant (Estt.) however, admitted in para 19 of his aforesaid affidavit dated 12.10.2009 (Ex.960) his post of JRA (Agri.) was blocked and was not vacant as on 15.9.2005 for making any new appointment in the said post of JRA (Agri.) as per the Selection Lists. If his post of JRA (Agri.) was thus not open for making any new appointment as per the Selection Lists in these posts, his name should have been included in the list of promotees in the post of JRA (Agri.) as on 15.9.2005 (Ex.201), as his post was not available at that time for making any new appointment in the said post as is also clear from the fact that he was not reverted to his substantive post of Agriculture Assistant immediately before the appointments in question in these posts were made on 17.9.2005 but was given sufficient time to submit the caste validity certificate as is clear from his order of promotion dated 15.9.2005 included at page C/121 of the file Ex. 47(O) relating to the orders of

promotion of SRA/JRA. Thus, at the time of appointment of JRAs. (Agri.) in question on 17.9.2005 as per the Selection Lists, the post of JRA (Agri.) was occupied by V.T. Kogde, and was not available for making any new appointment at that time as is clear from the order of his reversion dated 31.5.2007 which would show that he was finally reverted from this post of JRA (Agri.) to the post of Agricultural Assistant w.e.f. 22.5.2007. His name, therefore, should have been included in the List of promotees in the post of JRA (Agri.) as on 15.9.2005 (Ex.201) which is prepared essentially to show the vacancy position in the said posts at the time of appointment i.e. as on 15.9.2005. In the light of the above finding the names of Shri V.T.Kogde and Shri S.R. Deshmukh, have to be included and the name of Shri V.D. Hedau, which is wrongly included has to be excluded from the List of promotees in the posts of JRA (Agri.) as on 15.9.2005 (Ex.201) and the said List therefore would consist of 30 JRAs (Agri.) instead of 29.

**1589)** As regards verification of the List of direct recruits in the posts of JRA (Agri.) as on 15.9.2005 i.e. at the time of appointment (Ex.202), the said list consists of 4 JRAs (Agri.). Even as regards the List of direct recruits as on 12.6.2005 i.e. at the time of interview (Ex.192) which consisted of 7 JRAs (Agri.). It is held in para 1559 of the Enquiry Report that the names of Sau. V.B.Kalamkar, A.S.Tingre, and Shri S.S.Tayade, should be excluded from the said List of direct recruits as on 12.6.2005 (Ex.192) and should be included in the List of promotees in the post of SRA (Agri.) as on that day i.e. 12.6.2005 (Ex.187) as they were officiating in the said post w.e.f. 5.11.2004 and their names were included in the List of 77 officiating SRAs (Agri.) who were recommended for promotion in the said post by the Selection Committee, vide pages 28 to 35 of the file Ex.34(O) and their posts were thus blocked and were not open for any new recruitment in their posts. As regards the names of Sau.V.B.Kalamkar and Shri A.S.Tingre, their names were correctly excluded in the List of direct recruits as on 15.9.2005 (Ex.202) as they were promoted on 15.9.2005 on regular basis to the post of SRA (Agri.) in which they were officiating w.e.f. 5.11.2004 as stated above. As regards Shri S.S.Tayade, he was already appointed by nomination in the post of Assistant Professor in Agronomy as per the order dated 29.6.2005 as shown at S.no.39 in the list of 43 SRAs appointed as Assistant Professors given in para 1540 of the Enquiry Report. Thus, the names of Sau.V.B.Kalamkar, Shri A.S.Tingre, and Shri S.S.Tayade, were rightly excluded thus showing only 4 direct recruits in the said List of direct recruits in the posts of JRA (Agri.) as on 15.9.2005 (Ex.202).

**f) Calculation of the vacancy position in the posts of JRA (Agri.) as on 25.6.2005 i.e. the last day of interview**

**1590)** The vacancy position in the post of JRA (Agri.) as on 25.6.2005 i.e. the last day of interview which, as already observed, is the same as on 12.6.2005 is worked out as follows :-



Total Number of posts of JRA (Agri.) as on 12.6.2005 - 114

Nomination and Promotion Quota - 57 : 57

Promotees as on 12.6.2005	Vacant posts in promotion quota	Direct Recruits as on 12.6.2005	Vacant posts in nomination quota	Total vacant posts as on 12.6.2005
30	27	4	53	80

The vacant posts in nomination quota can not but the vacant posts in nomination and promotion quota can accommodate all the 76 candidates selected in the posts of JRA(Agri.) without providing for any future contingencies. As per the office note of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 15.9.2005 contained in the file Ex.42(O) 10% vacancies should be maintained in case of closure of ICAR schemes and as observed by the Assistant Registrar, Shri P.V.Behare in his office note dated 16.9.2005 contained therein if all the posts in nomination quota are utilized for making appointment of the selected candidates, there would be no vacancies therein for the next two years. Further one post of JRA in the department of Agricultural Engineering under Dean, Agriculture, utilized in making appointments is actually of JRA (Agril.Engg.) and not of JRA (Agri.) as shown in para 1625 of the Enquiry Report relating to the topic about the number of posts of SRA (Agril.Engg.) and JRA (Agril.Engg.) utilized in making appointments of the candidates selected in these posts.

**f-1) Re : Calculation as per revised Akrutibandh-2003 (Ex.724)**

**1590-A)** Vide para 1520, of the Enquiry Report, as per the revised Akrutibandh-2003 (Ex.724), the total number of sanctioned posts of JRA (Agri.) are 94 out of which 4 posts are of Computer and 90 posts are of JRA (Agri.). (See chart Ex. 756 filed by the University) Adding to them 15 posts of JRA (Agri.) created on 25.8.2004 by ICAR for Krushi Vigyan Kendra's, the total number of posts of JRA (Agri.) would be 105 as on 12.6.2005.

Hence nomination and promotion quota would be 52 : 53.

Promotees as on 12.6.2005	Vacant posts in promotion quota	Direct Recruits as on 12.6.2005	Vacant posts in nomination quota	Total vacant posts as on 12.6.2005
30	23	4	48	71

Not only the vacant posts in nomination quota but even the total number of vacant posts included in nomination and promotion quota are not enough to accommodate all the candidates selected in the posts of JRA (Agri.) apart from the fact that one post of JRA as shown above is

wrongly treated and filled as the post of JRA (Agri.) although it is actually the post of JRA (Agril.Engg.)

**g) Calculation of the vacancy position in the post of JRA (Agri.) as on 15.9.2005 i.e. at the time of appointment.**

**1591)** Total No. of posts of JRA (Agri.) as on 15.9.2005 : 114

Nomination & Promotion quota : 57 : 57

Promotees as on 15.9.05	Vacant posts in promotion quota	Direct recruits as on 15.9.05	Vacant Posts in nomination quota	Total vacant posts as on 15.9.05
30	27	4	53	80

The vacant posts in nomination quota can not but the vacant posts in nomination and promotion quota can accommodate all the 76 candidates selected in the posts of JRA(Agri.) without providing for any future contingencies in nomination quota. As per the office note of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 15.9.2005 contained in the file Ex.42(O) 10% vacancies should be maintained in case of closure of ICAR schemes and as observed by the Assistant Registrar, Shri P.V.Behare in his office note dated 16.9.2005 contained therein if all the posts in nomination quota are utilized for making appointment of the selected candidates, there would be no vacancies therein for the next two years. Further one post of JRA in the department of Agricultural Engineering under Dean, Agriculture, utilized in making appointments is actually of JRA (Agril.Engg.) and not of JRA (Agri.) as shown in para 1625 of the Enquiry Report relating to the topic about the number of posts of SRA (Agril.Engg.) and JRA (Agril.Engg.) utilized in making appointments of the candidates selected in these posts.

**g-1) Re : Calculation as per revised Akrutibandh-2003 (Ex.724)**

**1591-A)** Vide para 1520, of the Enquiry Report, as per the revised Akrutibandh-2003 (Ex.724), the total number of sanctioned posts of JRA (Agri.) are 94 out of which 4 posts are of Computer and 90 posts are of JRA (Agri.) (See the chart Ex. 756 filed by the University). Adding to them 15 posts of JRA (Agri.) created on 25.8.2004 by ICAR for Krushi Vigyan Kendra's, the total number of posts of JRA (Agri.) would be 105 as on 15.9.2005.

Hence nomination and promotion quota would be 52 : 53.

Promotees as on 15.9.2005	Vacant posts in promotion quota	Direct Recruits as on 15.9.2005	Vacant posts in nomination quota	Total vacant posts as on 15.9.2005
30	23	4	48	71

Not only the vacant posts in nomination quota but even the total number of vacant posts included in nomination and promotion quota are not enough to accommodate all the candidates selected in the posts of JRA (Agri.) apart from the fact that one post of JRA as shown above is wrongly treated and filled as the post of JRA (Agri.) although it is actually the post of JRA (Agril.Engg.)

**viii) Need to make Enquiry to find out whether the posts in other than the posts of SRA (Agri.) and JRA (Agri.) were utilized for making appointment of all the candidates selected in the said posts**

**1592)** It appears from the vacancy position as on 12.6.2005 which is the same as on 25.6.2005 i.e. the last day of interview and as on 15.9.2005 i.e. at the time of appointment shown in the previous paras of the Enquiry Report after verifying the charts about the same submitted by the University with its affidavits dated 30.8.2007 (Ex.180) and 4.9.2007 (Ex.196) that when Dr.V.D.Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/ Member Secretary, of the Selection Committee decided on their own on 25.6.2005 i.e. the last day of interview to increase the number of posts of SRA (Agri.) to be filled from 24 to 55 and the number of posts of JRA (Agri.) to be filled from 37 to 76, as stated by Dr.V.D. Patil, the Chairman of the Selection Committee in para 50 read with para 73 of his affidavit dated 25.12.2007 (Ex. 645), the actual vacancy position after verification of the charts relating thereto filed by the University and considered in the previous topic in this Enquiry Report would not show that there were 55 vacant posts of SRA (Agri.) which could be filled by them because the total vacant posts of SRA (Agri.) as on 25.6.2005 (the same as on 12.6.2005) were 27, vide para 1559 read with para 1550 of the Enquiry Report, and after taking into consideration the posts of SRA (Agri.) becoming vacant due to selection and appointment of some of them in the posts of Assistant Professors the vacant posts in its nomination quota were 50, 5 short of 55 to be filled and even the total vacant posts in nomination and promotion quota together were 52, 3 short of 55 posts to be filled as shown in the vacancy position at the time of appointment i.e. on 15.9.2005 which is after the appointments of some SRAs/JRAs made in the posts of Assistant Professors, vide para 1565 of the Enquiry Report. As regards the question of vacancy position in the posts of JRA (Agri.) as on 25.6.2005, which is the same as on 12.6.2005, the verification of the lists of promotees and direct recruits in the said post of JRA (Agri.) as on 31.07.2004, 12.06.2005 and 15.09.2005 would show that in its nomination quota the vacant posts available on 25.06.2005 were 53, 23 short of 76 and the total posts in nomination and promotion quota together were 80, vide para 1590 of the Enquiry Report, and as on 15.9.2005 i.e. at the time of appointment, the vacancy position was the same, vide para 1591 of the Enquiry Report.

**1593)** It is clear that all the candidates selected by nomination in the posts of SRA (Agri.) and JRA (Agri.) could not be accommodated in their nomination quota. It is interesting to see that the decision taken on their own on 25.6.2005 i.e. the last day of interview by Dr.V.D.Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, to fill 76 posts of JRA (Agri.) was itself in breach of its nomination quota of 57 posts on the basis of 114 total posts of JRA (Agri.) at that time. For making appointment of all the candidates selected in these posts of SRA (Agri.) and JRA (Agri.), the decision was taken on 16.9.2005 by Dr.V.D. Patil, the Chairman of the Selection Committee, who was Acting Vice-Chancellor on that date to utilize also the posts in promotion quota of SRA (Agri.) and JRA (Agri.) in the light of the office notes of the Deputy Registrar (Estt.) Shri S.S.Suradkar, and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee dt. 16.9.2009 contained in the file Ex. 42(O) although the office note of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 6.9.2005 contained in the file Ex.35(O) approved and signed by the Regular Vice-Chancellor Dr.S.A. Nimbalkar, bearing signatures of Dr.V.D. Patil, as Dean (Agri.) and Dr.Vandan Mohod, as the Registrar showed that the appointments of the candidates selected in these posts were to be made subject to availability of vacancies which would ordinarily mean vacancies in their nomination quota as the appointments were to be made by direct recruitment. The decision to utilize promotion quota clearly shows that they wanted to accommodate all the candidates selected by them which included favoured candidates.

**1594)** It may be seen that the vacancy position shown in the charts submitted by the University alongwith its affidavit dated 30.8.2007 (Ex.180) and 4.9.2007 (Ex.196) referred to above is based upon the Movement Register (Ex.644(O)) maintained by Shri D.P.Deshmukh, Section Assistant (Estt.). Similarly, the vacancy position shown by Shri D.P.Deshmukh, Section Assistant (Estt.), in his office notes contained in the file Ex.40(O) relating to advertisement which position is almost the same at the time of interview and in the file Ex.42(O) relating to appointment is also based upon the said Movement Register Ex.644(O) but the vacancy position shown in the above referred charts filed by the University with its affidavit dated 30.8.2007 (Ex.180) and 4.9.2007 (Ex.196) and the above referred office notes recorded by Shri D.P.Deshmukh, Section Assistant (Estt.), do not tally with each other. It is however, surprising that according to Dr.Vandan Mohod, as stated by him in para 45 of his affidavit dated 1.12.2007 (Ex.633) they had given appointment and posting orders to all the candidates selected in these posts after finding out suitable and vacant posts for them from the said Movement Register Ex.644(O) although after perusing the note-sheets of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 15.9.2005 contained in the file Ex.42(O) about all the vacancies available in their nomination and promotion quota for making appointment of SRA (Agri.) and JRA (Agri.) as per their Selection Lists and after taking into consideration

their recommendations about promotion of JRA to SRA and AA to JRA contained in the file Ex.34(O), it did not appear to him that 55 vacancies of SRA (Agri.) and 76 vacancies of JRA (Agri.) were available for making appointment of all the selected candidates as per the Selection Lists.

**1595)** It thus appears that there was tight rope walking made in giving appointment to all the candidates selected in these posts of SRA (Agri.) and JRA (Agri.) as Dr.V.D. Patil, the Chairman of the Selection Committee, and the Acting Vice-Chancellor at the time of appointment of the candidates selected in these posts, and Dr. Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, wanted to accommodate any how all the candidates selected by them in these posts of SRA (Agri.) and JRA (Agri.) so that none of the favoured candidates was left out for non-availability of posts when ordinarily there was no need to make appointment in excess of the nomination quota of these posts even if the posts to be filled were suitably increased by leaving some posts in nomination quota vacant for future contingencies as pointed out in the office note of Shri D.P. Deshmukh, Section Assistant (Estt.) dated 15.9.2005 and the office note of the Assistant Registrar, Shri P.V. Behare dated 16.9.2005 contained in the file Ex.42(O).

**1596)** The above facts raised doubt whether in making appointment of all the candidates selected in these posts of SRA (Agri.) and JRA (Agri.) apart from the posts in their promotion quota, whether the posts other than the said post were utilized. In this regard it is pertinent to see that admittedly 5 posts of SRA (Bio-technology) which were advertised separately in the said advertisement dated 14.8.2004 (Ex.2) were utilized by the University in making appointment of the candidates selected in these posts of SRA (Agri.). Vide para 1520 of the Enquiry Report, the Movement Register maintained by the concerned Section Assistant which contained the information regarding the service particulars of SRA/JRA was the basis for making appointment of the candidates selected in the said posts. Shri D.P.Deshmukh, Section Assistant (Estt.) stated in para 60 of his affidavit dated 15.11.2007 (Ex.598) that in his Movement Register (Ex.644(O)), which was the basis for making appointments of the candidates selected in these posts, he had mentioned the designations of the posts of SRA (Agril.Engg.) and SRA (Computer) and as regards the post of JRA of the posts of JRA (Computer) and according to him, except the said posts, all the remaining posts were posts of SRA (Agri.) and JRA (Agri.) because of which in the absence of proper determination of the posts of other categories of SRA/JRA, they were treated as the posts of Agriculture. Some posts in the other categories of SRA/JRA particularly created in the independent centres/units as per the University orders dated 25.6.2001 (Exs. 777 to 783) were not shown with their proper designations in the said Movement Register (Ex. 644(O)). For instance, the posts of

SRA (Bio-technology) were not shown in his Movement Register (Ex.644(O)). Similarly, two posts of Senior Technical Assistant were not shown in the Movement Register (Ex.644(O)) by showing independent Estate Unit under the control of the University Engineer but instead two posts of SRA were shown in his office. Some departments in the University which had posts of SRA (Agril.Engg.) were not shown in the said Movement Register Ex.644 (O). The posts of SRA/JRA in the Dept. of Agril.Engineering were treated as the posts of SRA (Agri.) and JRA (Agri.). Hence detailed enquiry was made to find out whether the posts of other categories of SRA/JRA and also two posts of Senior Technical Assistant created in the Estate unit under the control of the University Engineer by order dated 25.6.2001 (Ex.781) were utilized and, if so, how many such posts were utilized for making appointment of all the candidates selected in these posts of SRA (Agri.) and JRA (Agri.).

**ix) Whether the posts other than the posts of SRA (Agri.) and JRA (Agri.) were utilized for making appointments of the candidates selected in the said posts if so, how many.**

(Vide paras 712 to 864 of the Enquiry Report)

**a) Re: Posts of SRA (Bio-Technology/Bio-Chemistry)**

(Vide paras 831 to 840 of the Enquiry Report).

**1597)** As regards 5 posts of SRA (Bio-Technology/Bio-Chemistry) which were separately advertised in the Advertisement in question, dated 14.08.2004 (Ex.2), with separate qualifications under the head “Qualifications”, according to the University, they were utilised in making appointments of these candidates selected in the posts of SRA (Agri.). See para 63 of the affidavit of Shri D. P. Deshmukh, Section Assistant (Estt.) dated 15.11.2007 (Ex. 598) read with the chart (Ex. 197) annexed to the affidavit of the University dated 04.09.2007 (Ex. 196), in which the total number of posts of SRA (Agri.) shown below the said chart (Ex. 197) are 148 including 5 posts of Bio-Technology/ Bio-Chemistry. It is, however, material to see that, vide para 831 of the Enquiry Report, by the University order dated 25.06.2001 (Ex. 781), an independent Bio-Technology Centre was established in the University under the control of the Head, Department of Agricultural Botany with the posts given in the Table therein which would show that two surplus posts of SRA, one each from S.T.R.U., Akola, (See N.B.in para 840 of the Enquiry Report), and ARS Sindewahi i.e. the posts of SRA (Agri.) were withdrawn and were allotted to the said centre thus creating 2 posts of SRA (Bio-Technology) therein. Perusal of the said order dated 25.06.2001 (Ex. 781) shows that the “Bio-Technology Centre” was already functioning in the University under the Head, Department of Agricultural Botany in which the staff working therein inter-alia included one SRA and that it was for effective

functioning of the said centre that the additional staff was provided to it as stated in the said order dated 25.06.2001(Ex. 781) itself. There were thus 3 sanctioned posts of SRA (Bio-Technology) in the said centre. That there were 3 posts of SRA (Biotechnology) in the said Biotechnology centre is admitted even by Dr. D. L. Sale, Dean (Agri.) in his affidavit dated 27.08.2008 (Ex. 764) and by the Registrar, Shri G. K. Bhusare in his affidavit dated 17.09.2008 (Ex. 768).

**1598)** Vide paras 832 and 833 of the Enquiry Report, Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University, in para 10 of his affidavit dated 14.1.2008 (Ex.658) and Dr.V.D. Patil, Dean (Agri.) and the Chairman of the Selection Committee, in para 24 of his affidavit dated 25.12.2007 (Ex.645) stated that there was no sanctioned strength for the posts of SRA (Bio-technology/Bio-chemistry) and these five posts of SRA (Bio-technology/Bio-chemistry) which were advertised for being filled were carved out from the sanctioned strength of SRA (Agri.) in order to develop the branch of Bio-technology. Similarly, Shri G.K.Bhusare, the Registrar, also stated in his affidavit dated 17.9.2008 (Ex.768) that there was no specific sanction to the new proposal for the unit of Bio-technology and that the posts required for it were to be made available by way of deployment from the existing available posts.

**1598-A)** As regards the question of sanction to the Bio-technology Centre and the posts created therein as per the University order dated 25.6.2001 (Ex.781), it is necessary to see how the University orders dated 25.6.2001 (Exs. 777 to 783) creating independent Centres/Units were issued. Shri S.S.Suradkar, the Deputy Registrar (Estt.) annexed to his affidavit dated 12.11.2008 (Ex.799), the resolution of the Executive Council dated 17.9.2001 (Ex.800) to which note prepared by the Registrar described as Schedule-48 and the above referred University orders dated 25.6.2001 (Exs. 777 to 783) contained in schedule-A were annexed. The subject of the note of the Registrar (Schedule-48) was about proper utilization of the surplus academic/non-academic posts in research schemes/stations/departments, by allotting them to new centres / units established in the University and also to the educational institutions where they were necessary. Perusal of the said note (Schedule-48) would show that each Agricultural University had sent the total number of such surplus posts in research schemes/stations/departments to MCAER, and the Agricultural Department of the State Govt. whereafter there was a meeting of the concerned officers of the Agriculture Department of the State Govt. including its Secretary, the concerned officers of MCAER, and the Vice-Chancellors of all the Agricultural Universities in the State on 14.1.2001 under the Chairmanship of the Chief Secretary in Mantralaya, Mumbai, in which the decision was taken to allow the Agricultural Universities in the State to utilize the surplus posts in research schemes/ stations/departments in the new centres/units established in the University and also in