

E. RESERVATION POLICY OF THE GOVERNMENT NOT FOLLOWED BY THE UNIVERSITY

(Vide paras 865 to 906 of the Enquiry Report)

1641) In view of the provisions of Section-60 of the University Act read with Statute 77 (3) of the Statutes framed thereunder, it is obligatory upon the University as also admitted by it in para 1 of the affidavit dated 2.8.2007 (Ex. 57) filed on its behalf that in making recruitment to the posts of academic staff members specified in Statute-71 it has to follow the Reservation Policy for backward classes as directed by the State Government. The general question whether the University followed the reservation policy as laid down by the State Government particularly in the light of the relevant judgments of the Supreme Court or not is considered in detail in paras 865 to 906 of the Enquiry Report under the topic “Reservation policy of the University” and it is held therein that the University did not follow the said policy properly in making recruitment to the posts of SRA (Agri.) and JRA (Agri.) till date muchless by following 100 point roster prescribed by the Government separately for direct recruitment and promotion.

1641-A) As regards the question of reservation for backward classes, the State Govt. had issued G.Rs. from time to time prescribing the percentages of reservation for each category of backward classes such as S.C., S.T., O.B.C. etc. and laying down the procedure for implementing it for which the last relevant G.R. issued was G.R. dated 16.3.1999 (Ex.703) reproduced in para 883 of the Enquiry Report. Perusal of para 865 of the Enquiry Report, however, shows that the State Legislature had passed the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jati), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act 2001, Maharashtra Act No. VIII of 2004, which came into force w.e.f 29.1.2004. The said Act is applicable to Dr.PDKV, Akola, as the expression “Public Services and Posts” as defined in section 2 (i) of the said Act includes the services and posts in an University “established by or under the Maharashtra Act”. The percentage of reservation of posts for each of the backward classes is laid down under section 4(2) of the said Act which is the same as laid down in the aforesaid G.R. dated 16.3.1999 (Ex. 703).

i) **Whether the Selection of the candidates in the posts of SRA (Agri.) and JRA (Agri.) is vitiated for not associating in the Selection Committee officer from the Social welfare department of the State Government.**

1641-B) The said question is considered in paras 868 to 871 of the Enquiry Report, and the finding rendered in para 871 is that since the Selection Committee for selection of the candidates for the posts of SRA/JRA is a statutory committee constituted under Statute 76 of the Statutes, the Government circulars referred to in the said paras about association of the officer of the Social welfare department in the Selection Committee are not applicable to it.

ii) **100 point Roster for direct recruitment admittedly not followed to implement the Reservation policy of the State Government**

1642) In order to implement its reservation policy the State Government prescribed 100 point roster for direct recruitment (Ex. 57-B) and by its subsequent G.R. dated 18.10.1997 (Ex. 57-A) 100 point roster for promotion. It is necessary to bear in mind that in the orders/ guidelines issued by the State Government in para 2 of its G.R. dated 18.10.1997 (Ex.57-A) issued after taking into consideration the guidelines/directions issued by the Central Government in its GR dated 02.02.1997 in the light of the Judgment of the Supreme Court in the case of R.K. Sabarwal & Ors. –Vs- State of Punjab and Ors. AIR (1995) S.C. 1371 for implementing its reservation policy through 100 point roster prescribed by it, it is directed that the reservation of the posts for reserved category candidates should be made according to the percentages prescribed for them on the basis of the total number of posts in the cadre and not on the basis of the posts becoming vacant and 100 point roster should be followed till all the posts in the reserved categories are filled according to their prescribed percentages but thereafter it is not necessary to follow it. Further, according to it, after all the posts in the reserved categories according to their prescribed percentages are filled, if the post in any category becomes vacant then it should be filled by the candidate from that category only. As regards 100 point roster laid down by the Government for direct recruitment. Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in para 8 of his additional affidavit dated 25.3.2008 (Ex. 697) that they had not seen the 100 point roster and did not calculate the categorywise break-up of these posts of SRA (Agri.) and JRA (Agri.) on the basis of the said 100 point roster prescribed for direct recruitment taking into consideration the number of posts already filled at that time. It is therefore, clear that the 100 point roster laid down by the Government for direct recruitment in these posts is not followed in making reservation of the posts for various backward classes such as S.C., S.T. etc. on the basis of the roster points for them after taking into consideration the number of posts in each reserved category and in open which were

already filled till then. See in this regard paras 876 to 882 of the Enquiry Report showing how to implement the reservation policy of the Government by following 100 point roster as per the note (Ex. 740) submitted by B.C. Cell, Nagpur annexed as Annexure-33 of the Enquiry Report.

iii) Reservation of posts for backward classes (Social/Vertical Reservation) not made according to their prescribed percentages as per the relevant G.Rs. as claimed by the Chairman and the Member Secretary of the Selection Committee

1642-A) Dr. V.D. Patil, the Chairman of the Selection Committee, stated in para 51 of his aforesaid affidavit dated 25.12.2007 (Ex.645) that for preparation of Selection Lists of these posts of SRA (Agri.) and JRA (Agri.) the Registrar calculated the categorywise break-up of these posts i.e. how many posts would fall in each category i.e. S.C., S.T. etc. Although he gave discrepant version about it in the said para 51 and para 73 of his aforesaid affidavit, it is clear from para 8 of his additional affidavit dated 25.3.2008 (Ex. 697) referred to earlier that the chart showing categorywise break-up of these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) was actually prepared by Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee and that he had only told him to prepare cautiously the proper chart showing the categorywise break-up so that there should not be any grievance made by anybody. He however, admitted that he did not verify the said chart to see whether it was proper or not. Perusal of para 27 of the affidavit of Dr.Vandan Mohod, dated 1.12.2007 (Ex. 633), would show that he prepared the chart on computer showing the categorywise break-up of the above posts i.e. S.C., S.T. etc. after calculating the number of posts in each reserved category according to the percentage prescribed for it in the relevant G.Rs. of the Government about reservation of posts for backward classes supplied to him by the office. The question, therefore, to be considered is whether the categorywise distribution of these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) was made according to the prescribed percentage of each reserved category and Selection Lists prepared accordingly or not.

1643) The percentage prescribed by the Government for each category of backward classes which is called social or vertical reservation, as laid down in its G.R. dated 16.3.1999 (Ex. 703) is reproduced in para 883 of the Enquiry Report. In order to see whether the categorywise break-up of these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) was made according to the prescribed percentage of each reserved category or not, this office calculated the number of posts in each reserved category according to the percentage prescribed for it in the said G.R. dated 16.3.1999 (Ex. 703) and in open and prepared two separate charts regarding 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) showing the prescribed percentage of each reserved

category, the number of posts which should be reserved according to the said percentage of that reserved category, and the number of posts actually reserved by appointment of candidates in that category and the difference between the two. The said charts separate for the posts of SRA (Agri.) and JRA (Agri.) marked collectively as Ex.712 in this Enquiry report were shown to Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee. He stated in para 9 of his additional affidavit dated 2.4.2008 (Ex.713) that he had seen the said categorywise charts, separate for the posts of SRA (Agri.) and JRA (Agri.) prepared by this office in accordance with his statement i.e. on the basis of the percentage of reservation prescribed for each category by the relevant G.Rs (See para 27 of his affidavit dated 1.12.2007 (Ex. 633)). He further stated that he had also seen the number of posts in the said charts (Ex. 712) which could be allotted to each category according to the percentage prescribed for it and the posts filled by them in each category as given in the said charts (Ex.712). He then admitted that the number of posts of SRA (Agri.) and JRA (Agri.) which they had actually filled were not according to their prescribed percentage and in some categories the posts were in excess of the prescribed percentage of that category and in some other categories they were less than the percentage prescribed for them. He made it clear that the number of candidates which they had selected in each category in both these posts of SRA (Agri.) / JRA (Agri.) were shown in the office note of Shri D.P. Deshmukh, Section Assistant (Estt.), dated 6.9.2005 contained in the file Ex. 35(O) vide Page 17/C of the said file Ex. 35(O) where the categorywise distribution of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) is shown under the caption “vacancies now considered”.

1644) For ready reference, the contents of the aforesaid charts (Ex. 712) are tabulated as follows :

Reservation Status Calculated on the basis of 55 posts of **SRA (Agri.)** as per GR, dated 16.03.1999

1	Category	S.C.	S.T.	V.J.(A)	NT (B)	NT(C)	NT(D)	SBC	OBC	Open
2	Prescribed percentage as per GR dated 16.03.1999	13	7	3	2.5	3.5	2	2	19	48
3	Number of posts to be reserved according to the above percentage	7	4	2	1	2	1	1	10	27
4	Posts actually reserved by appointment of candidates therein	11	3	3	2	5	1	0	14	16
5	Difference	-4	1	-1	-1	-3	0	1	-4	11

Reservation Status Calculated on the basis of 76 posts of **JRA (Agri.)** as per GR, dt. 16.03.1999

1	Category	S.C.	S.T.	V.J.(A)	NT (B)	NT(C)	NT(D)	SBC	OBC	Open
2	Prescribed percentage as per GR dated 16.03.1999	13	7	3	2.5	3.5	2	2	19	48
3	Number of posts to be reserved according to the above percentage	10	5	2	2	3	2	2	14	36
4	Posts actually reserved by appointment of candidates therein	7	2	2	3	2	1	2	21	36
5	Difference	3	3	0	-1	1	1	0	-7	0

1645) Perusal of the above Table prepared for categorywise distribution of 55 posts of SRA (Agri.) would show that in S.C. category there ought to have been 7 posts as per its prescribed percentage and 7 candidates selected but instead 11 candidates were selected in S.C. category thus allotting to it 11 posts out of 55. In S.T. category there ought to have been 4 posts reserved on the basis of its prescribed percentage but instead only 3 posts were reserved as 3 candidates were selected in the said category. In VJ (A) category, according to its prescribed percentage, two posts should have been allotted but instead 3 candidates were selected thus allotting 3 posts in the said category. In NT (B) one post should have been reserved but instead two candidates were selected thus allotting 2 posts in the said category. In NT (C) category, according to its prescribed percentage two posts should have been allotted, but 5 candidates were selected thus allotting 5 posts in the said category. In NT (D) category only one post could be and was reserved as only one candidate was selected in the said category. In SBC one post could be reserved according to its prescribed percentage but no candidate was selected in the said category. In OBC category, according to its prescribed percentage 10 posts could be reserved but instead 14 candidates were selected thus allotting 14 posts in the said category. In open 27 posts could be allotted but instead only 16 candidates were selected thus allotting 16 posts in the said category.

1646) Perusal of the above Table regarding categorywise distribution of 76 posts of JRA (Agri.) would show that in S.C. category there could be 10 posts allotted on the basis of its prescribed percentage but only 7 candidates were selected thus allotting only 7 posts in the said category. In S.T. category 5 posts could be allotted according to its prescribed percentage, but

only 2 candidates were selected thus allotting only 2 posts in the said category. In VJ (A) category, two posts could be and were allotted as two candidates were selected in the said category. In NT (B) 2 posts could be allotted but 3 candidates were selected thus allotting 3 posts in the said category. In NT (C) 3 posts could be reserved but only two candidates were selected thus allotting two posts in the said category. In NT (D) category 2 posts could be reserved but only one candidate was selected thus allotting 1 post in the said category. In SBC category 2 posts could be and were reserved as 2 candidates were selected in the said category. In OBC 14 posts could be reserved but 21 candidates were selected thus allotting 21 posts in the said category. In open 36 posts could be and were reserved as 36 candidates were selected in the said category.

1647) It is necessary to bear-in-mind that as per the categorywise Mark-Sheet Ex. 34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.), the candidates were available in all the aforesaid categories for both the posts for making appointment to the extent of their prescribed percentages except that there was dispute about the availability of S.T candidates in the categorywise Mark-Sheet Ex. 34(O)-A for the posts of SRA (Agri.) and JRA (Agri.) to be filled. There was, therefore, no reason for not selecting the candidates in each category of these posts to the extent of its prescribed percentage except the S.T. category which is separately considered hereinafter. However, where the required number of candidates were not available for selection in all the posts to be reserved according to the prescribed percentage of any reserved category, it does not mean that the candidate/s available should only be appointed in the said category and its remaining quota should be utilized for making selection in other categories or in open thus even exceeding the quota of the posts as per the prescribed percentages of the said categories or open. After reserving the posts in each reserved category according to its prescribed percentage, if the candidates are not available for selection in all the posts in any reserved category, the posts remaining vacant after selection of available candidates have to be carried forward and filled at the time of the next recruitment in the said posts vide Govt. circular bearing no.BCC-1095/966/Ch.No.-5/95/16-B dated 10.3.1999, extracted from Appendix-12 of the book containing Govt. orders on reservation, backlog, filling of backlog, roster, etc. published by Divisional Commissioner, Nagpur Division Nagpur, marked as Ex.78 in this enquiry filed by Shri Himmatrao Sukhdeorao Bache, with his writ petition no. 342/2006. If there is any other rule framed by the Govt. in this regard, the question of filling-up of the posts remaining vacant after selection of available candidates in the reserved category would be governed by the said rule.

1648) For instance, the posts of SRA (Agri.) and JRA (Agri.) which could be reserved in the S.T. category according to its prescribed percentage in 55 posts of SRA (Agri.) and 76 posts of

JRA (Agri.) were 4 and 5 respectively and the candidates selected in these posts were 3 and 2 only on the ground that no other suitable candidate was available for selection in these posts in the Mark-Sheet Ex. 34(O)-A for S.T. Category in the said posts. It is clear that the Selections and appointments are made in all 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) which would mean that by making selection of 3 and 2 candidates in S.T. category, only 3 posts of SRA (Agri.) and 2 posts of JRA (Agri.) were allotted in the said category and the remaining posts in the said category according to its prescribed percentage i.e. 1 post of SRA (Agri.) and 3 posts of JRA (Agri.) were utilized for selection of the candidates in other categories or in open in which case the number of posts utilized in the said categories or open would even exceed their quota determined as per their prescribed percentages which is not permissible according to the reservation policy of the State Government.

1649) In justifying why only two candidates were selected in the posts of JRA (Agri.) S.T. category, Dr.V.D. Patil, stated in para 76 of his affidavit dated 25.12.2007 (Ex. 645), that although the posts which could be reserved for JRA (Agri.) S.T. Category in 76 posts of JRA (Agri.) were more than 3 which were allocated to it in 37 posts of JRA (Agri.) to be filled as per the advertisement dated 14.8.2004 (Ex. 2), in their Selection Lists of the said posts, they had recommended 2 S.T. candidates only because according to him out of 7 S.T. candidates who had applied for the post of JRA (Agri.), vide page 8 of the Mark-Sheet for the post of JRA (Agri.) S.T. category Ex.34(O)-A, 3 were absent at the time of interview and out of the remaining 4 S.T. candidates, 2 candidates were selected in the posts of SRA (Agri.) and the remaining 2 candidates in the posts of JRA (Agri.). He admitted that at page-9 of the Mark-Sheet Ex. 34(O)-A for the posts of JRA (Agri.) the name of Solanki Dilip Singh P. who was a graduate from YCMOU i.e. Yashwantrao Chavan Maharashtra Open University was shown and that he was available for selection in the post of JRA (Agri.) S.T. category but according to him, he was not selected because he got only 30 marks out of total 100 marks for academic performance and interview. He however, further admitted after again seeing the criteria for evaluation of SRA/JRA laid down in the meeting held on 31.5.2005 that there were no minimum marks (cut off marks) prescribed therein for selection and appointment in the posts of SRA/JRA in question in the sense that if any candidate did not get the said minimum number of marks out of 100, he would not be considered for selection and appointment in the posts of SRA (Agri.) /JRA.(Agri.). As regards the question of prescribing the minimum qualifying marks for written test (in this case instead academic performance) and interview the Supreme Court has held in para 27 of its judgment in K. Manjusree –Vs- State of A.P. & Ors. (2008) 3 SCC 512 (Para 27) that the minimum qualifying marks for them can be prescribed but that has to be done in advance. In the said case, although the minimum qualifying marks for

written test were laid down before the selection process started, the cut-off marks for interview were given after the selection process was over which according to it was not permissible.

1650) Dr.V.D. Patil, the Chairman of the Selection Committee, himself categorically admitted in para 78 of his aforesaid affidavit dated 25.12.2007 (Ex. 645) that in the absence of the cut-off marks being fixed the name of Solanki Dilip Singh P., a YCMOU candidate should have been recommended as a third candidate when the number of posts of JRA (Agri.) which could be reserved in JRA (Agri.) S.T. category were more than 3 since the total number of the said posts to be filled had increased from 37 to 76. Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, also admitted in para 7 of his additional affidavit dated 2.4.2008 (Ex. 713) that although, according to him, the overall performance of YCMOU graduates was poor, since no cut off marks were fixed in the criteria for evaluation of SRA (Agri.) and JRA (Agri.), the candidates who received low marks could also be selected if the posts were available for them according to descending order of merit.

1651) It is thus clear that even as professed by them i.e. Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Member Secretary of the Selection Committee, they had not made reservation in each category of the posts of SRA (Agri.) and JRA (Agri.) according to its prescribed percentage and had failed to follow legally and properly the reservation policy of the Government. In this regard, it is necessary to see that as laid down by the Supreme Court in Ramanna-Vs- International Airport Authority (1979) 3 SCC 489 it is a well settled rule of administrative law that an Executive authority must be rigorously held to the standards by which it professes its action to be judged and it must scrupulously observe the said standards on pain of invalidation of an act in their violation, a rule firmly established in administrative law. The Selection Lists prepared by them for these posts of SRA (Agri.) and JRA (Agri.) are thus in breach of reservation policy of the State Govt. The Selections were made in these posts in the most arbitrary manner because even though the candidates were available for making selection in all the posts to the extent of the prescribed percentage of each reserved category, still their selections were not made to the extent of their full quota as per their prescribed percentages and the remaining quota in such categories was used for selection of candidates in other categories as shown above. It would also support the inference that it was done by them to select the favoured candidates. The selections made in these posts are thus violative of Articles, 14, 16 (1) and 16 (4) of the Constitution of India.

iv) **Horizontal reservation not made : no candidate of the categories in**
Horizontal Reservation selected

(Vide paras 883 to 897 of the Enquiry Report regarding the topic of “Reservation policy of the University”.)

1652) In para 2 of the G.R. of the State Government dated 16.3.1999 (Ex.703) besides mentioning the percentages of social / vertical reservation, the following special reservation (horizontal reservation) for recruitment in service was also prescribed.

- I) Ex-Servicemen : 15% Only in Group-C and D
- II) Project Affected Person / Earth : 5% Only in Group-C and D
Quake Affected Person
- III) Physically handicapped : 3% for some posts in Group-A
and B and for Posts in
Group-C and D
- IV) Women : 30%

Below the above horizontal reservation it is stated that it is applicable only in direct recruitment and since it is within the social / vertical reservation it should not be considered as additional reservation. What is important to be noticed is that in view of the Judgment of the Supreme Court in Anil Kumar Gupta –Vs- State of U.P. and ors. J.T. 1995 (5) S.C. 505 it is stated in para 4 of the aforesaid G.R. dated 16.3.1999 (Ex. 703) that the horizontal reservation being compartmentalized reservation, before the posts are filled, while determining their number and advertising them not only the number of posts in each category of social / vertical reservation should be mentioned but the number of posts to be reserved in horizontal reservation in each category of vertical reservation such as S.C., S.T., VJ(A), NT (B), NT(C), NT(D), SBC, OBC and open should also be indicated in the advertisement.

1653) Perusal of the advertisement dated 14.8.2004 (Ex.2) issued for filling these posts of SRA (Agri.) and JRA (Agri.) amongst others, would show that under the head “Other Conditions” in clause-IV thereof, it is mentioned that Reservation of female candidates, physically handicapped, as per the Government policy would be observed subject to availability of suitable candidates. It, however, does not mention two other categories of horizontal reservation viz. Ex-Servicemen and Project Affected / Earthquake Affected Persons

for whom also horizontal reservation has to be made in the posts in Group C and D as per the aforesaid G.R. dated 16.3.1999 (Ex. 703). The said advertisement dated 14.8.2004 (Ex.2) is thus in breach of the aforesaid provisions of the G.R. dated 16.3.1999 (Ex.703). As stated above, it is obligatory under it to indicate the number of posts reserved in horizontal reservation in each category of vertical reservation and open but although the number of posts in each category of vertical reservation is indicated therein, the horizontal reservation in the aforesaid categories is not, for which reason the aforesaid advertisement is violative of the mandatory requirement of para 2 of the aforesaid G.R. dated 16.3.1999 (Ex.703). This office has, therefore, calculated the number of posts to be reserved in horizontal reservation in each category of vertical reservation and open which should have been indicated in the aforesaid advertisement in question dated 14.8.2004 (Ex.2) in 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) which were advertised. The said chart is incorporated in para 885 of the Enquiry Report.

1654) Perusal of the said chart would show that as regards the horizontal reservation in 24 posts of SRA (Agri.) which were advertised, since the post of SRA (Agri.) is group-B post, there would not be any reservation for “Ex-Servicemen” and “Project-Affected Persons” in the said post. As regards “Physically Handicapped Persons” also there would not be any reservation in the said post of SRA (Agri.) as “some posts in group-A & B” in which horizontal reservation could be made for them were not indicated in the advertisement. The horizontal reservation in the posts of SRA (Agri.) is therefore shown as follows in the said chart for “Women” only as per its prescribed percentage. In 3 posts reserved for NT (C), in 6 posts reserved for OBC, and, in 7 posts reserved for open category, 1, 2, and 2 posts respectively should have been reserved for female candidates in horizontal reservation. Thus, in 24 total posts of SRA (Agri.) which were advertised, 5 posts in NT (C), 2 in OBC, and 2 in Open, should have been reserved in horizontal reservation for female candidates as shown in the said chart.

1655) As regards the horizontal reservation in 37 posts of JRA (Agri.) which were advertised in the advertisement in question dated 14.8.2004 (Ex.2), it must be seen that since it is a Group C post, horizontal reservation has to be made for ex-servicemen, project affected persons and handicapped persons besides women as per the prescribed percentages shown above. Perusal of the said chart in para 885 of the Enquiry Report would show that in S.C. category, out of 5 posts of JRA (Agri.) advertised, one post should have been reserved for Ex-Servicemen and 2 for female candidates as per their prescribed percentages. In S.T. category, out of 3 posts of JRA (Agri.) advertised, 1 should have been reserved for female candidate. In VJ, N.T. category (which clubs together VJ (A), NT (B), NT(C) and NT (D) categories), out of

4 posts of JRA (Agri.) advertised, one post should have been reserved for female candidate. In OBC category, out of 7 posts of JRA (Agri.) advertised, one should have been reserved for Ex-Servicemen, and two for female candidates. Lastly, in open category, in 17 posts of JRA (Agri.) advertised, two posts should have been reserved for Ex-servicemen, one, for Project Affected person, one, for Physically handicapped, and 5, for female candidates. Thus, out of 37 posts of JRA (Agri.) advertised, 4 posts should have been reserved for Ex-servicemen, one, for Project Affected Person, one, for physically handicapped, and 11 for female candidates.

1656) It is clear from the affidavit of Dr.V.D. Patil, dated 25.12.2007 (Ex. 645) and his additional affidavit dated 25.3.2008 (Ex. 697) that he and the members of the Selection Committee had not applied their mind to the question of horizontal reservation i.e. selection of candidates from the categories of horizontal reservation mentioned in the aforesaid G.R. dated 16.3.1999 (Ex.703) although as referred to above, the advertisement had taken notice of reservation for atleast female and physically handicapped candidates in clause-IV thereof under the head "Other Conditions" .In fact, the number of posts which were filled were more than number of posts which were advertised i.e. 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) in which according to the percentages prescribed for each category of horizontal reservation in the aforesaid G.R. dated 16.3.1999 (Ex.703) more posts should have been available to the candidates in the said categories. A chart showing horizontal reservation in each category of vertical reservation and open in these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) which were filled is prepared by this office and is included in para 897 of the Enquiry Report.

1657) In 55 posts of SRA (Agri.), out of 11 posts in S.C. category, 3, in S.T. category, 3 in VJ(A), 5 in NT(C), 14, in OBC, and 16, in open which were filled, 3,1,1,1,4 and 5 posts i.e. total posts 15 should have been filled respectively by the female candidates but only 2 posts in S.C. category, 2 in OBC and 4 in Open i.e. total posts 8 were filled by female candidates although the requisite number of female candidates were available as per the Mark-Sheet Ex. 34(O)-A for each of the said reserved categories and open for filling all the posts reserved for them. Thus, out of 15 posts to be reserved for female candidates only, 8 were filled by the female candidates in ordinary course i.e. in descending order of merit. In 76 posts of JRA (Agri.) filled, out of 7 posts in S.C. category, 21 posts in OBC and 36 posts in open , 1, 3 and 5, posts respectively their total being 9, should have been filled by Ex-Servicemen, if available in the said categories. Similarly, out of 21 posts of JRA (Agri.) in OBC category, and 36 in Open category, 1 and 2 posts respectively, their total being 3, should have been filled by the Project Affected Persons, if available in the said categories. As regards physically handicapped candidates, out of 21 posts of JRA (Agri.) in OBC category, and 36, in Open category, one post

each should have been filled by them, if available in the said categories. As regards horizontal reservation for female candidates, in 7 posts of S.C. category, 2, in 3 posts of NT (B) category, 1, in 21 posts of OBC category, 6, and in 36 posts of Open category, 11 posts, the candidates for which were available as per the Mark-Sheet (Ex. 34(O)-A) of each of the said categories, should have been filled by them. However, against the quota of 2 posts in S.C. category, 1 post in NT (B), 6 posts in OBC, and 11 posts in Open, only 1, 1, 4, and 4 posts were filled by female candidates. Thus out of 20 posts to be filled by female candidates, only 10 were filled by them. It is made clear that there are female candidates appointed in other categories of vertical reservation in JRA (Agri.), such as 1 in S.T. category, 2 in NT (B) i.e. 1 in excess of its quota, and 1 in NT (C) category but the same cannot be counted in their 30% quota of horizontal reservation in which there is compartmentalized reservation made in each category of vertical reservation and in Open.

1658) As regards the question of horizontal reservation, Dr.V.D.Patil, the Chairman of the Selection Committee, stated in para 9 of his aforesaid additional affidavit dated 25.3.2008 (Ex.697) that, according to him, there were no physically handicapped candidates, who had applied for the posts of SRA (Agri.) and/ or JRA (Agri.). If it is so, the question of their selection and appointment would not arise. As regards the female candidates although initially he stated that in the Selection Lists perhaps there must have been female candidates to the extent of their reservation, when it was pointed out to him that in the horizontal reservation there is compartmentalised reservation i.e. distribution of the posts in reserved categories and open in accordance with their prescribed percentages, he stated that, he was aware of such compartmentalised reservation but he would not be able to tell whether the same was observed or not in making selection of candidates in this case. Even as regards vertical reservation, he would not be able to tell whether the number of candidates selected in each category of posts was according to the prescribed percentage for the said category in 55 vacancies of SRA (Agri.) and 76 vacancies of JRA (Agri.) which they filled since, according to him the break-up of the said posts in the said categories i.e. S.C., S.T. etc. was calculated by Dr.V.K. Mohod, the Member Secretary.

1659) Dr. V.D.Patil, the Chairman of the Selection Committee, was confronted with the case of Ku. Archana Bipte, one of the petitioners in writ petition no. 905/2007, who was VJ (A) candidate and in which category, 3 male candidates were selected in the posts of SRA (Agri.) and 2 male candidates in the posts of JRA (Agri.). As shown in the chart in para 897 of the Enquiry Report, one post out of 3 posts of SRA (Agri.) in VJ(A) category filled ought to have been filled by a female candidate in horizontal reservation as per the aforesaid GR, dated 16.03.1999 (Ex. 703). However, since there were only 2 posts of JRA (Agri.) filled in VJ (A)

category. no post of JRA (Agri.) could be reserved for and filled by female candidate in the said category of VJ(A). Dr.V.D. Patil, the Chairman of the Selection Committee, stated in this regard in para 10 of his additional affidavit dated 25.3.2008 (Ex.697) that all three male candidates were selected in the post of SRA (Agri.) in VJ (A) category according to their merit i.e. the total marks which they received. He, however, admitted that they had not given any thought to horizontal reservation in favour of female candidates while making selection in the said category. He further admitted that since there were no cut off marks laid down by them in the criteria for evaluation of candidates who applied for the posts of SRA (Agri.) and JRA (Agri.), she should have been selected in the post of SRA (Agri.) in VJ(A) category although the total marks she received were 44 i.e. less than the marks received by the aforesaid male candidates who were selected. It may however be seen that the number of posts, i.e. 3 filled by them in VJ (A) category in 55 posts of SRA (Agri.) is in excess of the quota of the posts in the said category which is actually 2 according to its prescribed percentage as shown in the chart (Ex. 702) in which case there would not have been any reservation for female candidates in that category. However, when the appointment of the third candidate in this category is made, thus reserving 3 posts in that category, horizontal reservation would require that one post should be filled by female candidate.

1660) It is thus, clear that no selection was made in horizontal reservation in making selection and appointment in 55 vacancies of SRA (Agri.) and 76 vacancies of JRA (Agri.) as shown above. Infact, there is no application of mind to the question of horizontal reservation to be made which is obligatory under the aforesaid G.R. dated 16.3.1999(Ex. 703). The Selection Lists are vitiated because there is thus non-compliance with the mandatory requirement of the aforesaid G.R. dated 16.3.1999 (Ex. 703) in making selection and appointment in 55 vacancies of SRA (Agri.) and 76 vacancies of JRA (Agri.).

F. ILLEGALITIES, FLAWS, CONSEQUENTIAL RESHUFFLING OF SELECTION LISTS AND OTHER INFIRMITIES IN PREPARATION OF SELECTION LISTS OF THESE POSTS OF SRA (Agri.) AND JRA (Agri.)

i) Selection Lists not prepared according to the procedure and the guidelines laid down in the G.R. dated 16.3.1999 (Ex. 703) (Annexure-34 of the Enquiry Report).

1661) The reservation of posts for backward classes in public services and posts is known as Social reservation or vertical reservation and the reservation of posts for some special categories of persons is known as special reservation or horizontal reservation. The procedure for making vertical as well as horizontal reservation and the guidelines regarding the same to be followed by the establishments mentioned therein including the University are laid down by the Government in its aforesaid G.R. dated 16.3.1999 (Ex. 703) in the light of the Judgment of the Supreme Court in Anil Kumar Gupta –Vs- State of U.P. & Ors. J.T. 1995 (5) S.C. 505 ; (1995) 5 SCC 173. After prescribing in para 2 the percentages for each category of social / vertical reservation and also for each category of horizontal reservation it is stated that the horizontal reservation is applicable in direct recruitment only, and since it is within the social reservation, it should not be treated as additional reservation. It is then stated in para 4 of the said G.R. dated 16.3.1999 (Ex. 703) that the horizontal reservation, according to the aforesaid Judgment of the Supreme Court, is compartmentalized reservation. i.e. the reservation in each category of vertical reservation such as S.C., S.T., VJ (A), NT (B), NT(C), NT(D) , SBC, OBC, and open to the extent of the prescribed percentage of each category in horizontal reservation which, as already pointed out, should be indicated in the advertisement itself while indicating the number of posts in each category of vertical reservation and open. Para 5 of the said G.R. dated 16.3.1999 (Ex. 703) provides for three stages to be taken into consideration in filling the posts by direct recruitment so as to ensure their share of the posts to the candidates in horizontal reservation as per their prescribed percentages in each reserved category of social/vertical reservation and open category. Although the said stages are meant for making horizontal reservation they cover the whole procedure for preparation of the Selection Lists.

1662) Stage “A” would show that there should be a common Mark-Sheet of the candidates i.e. of all categories separately for each post in descending order of merit from which the Selection Lists of open category candidates should be first prepared. The bracketed portion in stage “B” would show that all reserved category candidates who can be included in open category according to their merit i.e. in descending order of merit, should be excluded from the list of their reserved categories, which would mean that they have to be included in the list of open

category candidates. If so, the additional candidates in such category of vertical reservation could be selected to the extent of its prescribed percentage. After thus preparing the Selection Lists of open category candidates in descending order of merit, the Selection Lists of each category of social / vertical reservation in descending order of merit should be prepared as stated in stage “B”. Thereafter the horizontal reservation can be made in each category of vertical reservation and open as stated in stage “C” and stage “A” of the said para 5 of the G.R. dated 16.3.1999 (Ex.703). It is clear from what is stated in stage “A” that if there are enough number of candidates of each category of horizontal reservation i.e. to the extent of its percentage included while making selection of candidates in descending order of merit in open and each category of vertical reservation, the question of including such candidates therein would not arise but if there are not enough number of such candidates of each category of horizontal reservation included therein i.e. to the extent of their prescribed percentage, they will have to be included therein to the extent of the short fall in their prescribed percentage. It is, however, made clear in para 6 of the said G.R. dated 16.3.1999 (Ex. 703) that the horizontal reservation would remain within the ambit of each category of vertical reservation and open i.e. within the number of posts therein and it can not be transferred from one such category to another.

1663) As regards the procedure followed in preparation of the Selection Lists in this case there are following infirmities in the said procedure which is not consistent with the procedure laid down in the aforesaid G.R. dated 16.3.1999 (Ex. 703).

a) The requirement in the advertisement dated 14.8.2004 (Ex.2) issued for these posts amongst others would show that under the head “ How to apply” it is stated that separate application should be submitted for each category in each post which is itself contrary to the procedure to be followed for the selection of the candidates and preparation of the Selection Lists as laid down in the aforesaid G.R. dated 16.3.1999 (Ex. 703) because even though a candidate had applied in any reserved category, he had to be selected in open category if he is eligible for selection in the said category in descending order of merit for which reason the Selection Lists of open category has to be prepared first as per para 5 of the aforesaid G.R. dated 16.3.1999 (Ex.703). The advertisement should have therefore required candidate to submit only one application indicating his caste therein and filing the relevant documents in support thereof.

(b) Dr.V.D. Patil, the Chairman of the Selection Committee, in para 99 of his affidavit dated 25.12.2007 (Ex. 645) and Dr. Vandan Mohod, the Registrar/its Member Secretary, in para 28 of his affidavit dated 1.12.2007 (Ex.633), stated that if the candidate had applied in the reserved category besides the open category, he was selected in open category

but if he had not applied for open category then his name was not included in the Selection List of open category candidates but was included in the Selection List of his reserved category, if he was eligible for selection in open or reserved category, as the case may be, therein in descending order of merit. As already stated, irrespective of whether he had applied for open category or not if he was eligible for selection in open category in descending order of merit, he had to be selected in the said category as per para 5 of the aforesaid G.R. dated 16.3.1999 (Ex. 703). In fact, the University had affirmed this procedure in the affidavit of Shri S.S. Suradkar, Deputy Registrar (Estt.), dated 14.3.2008 (Ex. 691) filed on its behalf in which it is stated that “ the University makes it clear that if the candidate had applied for one reserved category only but competes in merit in open category, he can be selected in open category as per the law laid down by the Supreme Court as well as the G.R. dated 16.3.1999 (Ex.703), if he is eligible for Selection in open category by reason of his merit **although he has not applied for the post in the said category.**

(c) It is implicit in the procedure laid down in para 5 of the said G.R. dated 16.3.1999 (Ex.703) that for preparation of the Selection Lists there should have been common Mark-Sheet of all the eligible candidates of all categories i.e. S.C., S.T. etc. and open separately for the posts of SRA (Agri.) and JRA (Agri.) in descending order of merit from which then the Selection Lists as per the procedure described in the said para 5 of the said G.R. dated 16.3.1999 (Ex.703) should have been prepared. No such Mark-Sheet in descending order of merit was prepared separately for these posts of SRA(Agri.) and JRA (Agri.). Admittedly, what was prepared was the categorywise Mark-Sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) from which admittedly the Selection Lists were prepared allegedly in descending order of merit. In the absence of the common Mark-Sheet irrespective of the reserved categories of the candidates i.e. continuous List in descending order of merit of all the eligible candidates, the work of preparation of Selection Lists from the categorywise Mark-Sheet Ex. 34(O)-A was labourious and susceptible of the mistakes being committed while preparing the Selection Lists in descending order of merit particularly when the names of all the candidates irrespective of their reserved category had to be included in open category whether they had applied for it or not, if they were eligible for selection in the said category in descending order of merit.

In not preparing first the Selection Lists of open category in the posts of SRA (Agri.) and JRA (Agri.) in descending order of merit of the candidates irrespective of their reserved categories, there is breach of the procedure laid down in the aforesaid G.R. dated 16.3.1999 (Ex. 703) with the result that injustice was done to some candidates whose names could be included in the Selection Lists of the reserved categories if the names of candidates belonging

to the said reserved categories were included in the Selection Lists of open category on their merit i.e. in descending order of merit. Even otherwise, in preparation of the Selection Lists of open category of the posts of SRA (Agri.) and JRA (Agri.), Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee did not even follow the procedure alleged to be actually followed by them viz. that they selected the candidate in open category if he had applied for the said category, besides his reserved category with the result that injustice was done to the reserved category, candidates as stated above. Specific cases of such injustice are considered in the subsequent topic relating to it.

(d) As regards the actual procedure followed in preparation of Selection Lists from the Mark-Sheet Ex.34(O)-A there is some difference in the version of Dr.V.D. Patil, the Chairman of the Selection Committee, and the version of Dr.Vandan Mohod, the Registrar/its Member Secretary. As stated by Dr.V.D. Patil, the Chairman of the Selection Committee in para 69 of his affidavit dated 25.12.2007 (Ex.645), he had constituted two groups assigning the work of preparation of Selection Lists of open and OBC categories to the group headed by Dr.Vandan Mohod, the Registrar/ Member Secretary and the work of preparation of Selection Lists of the other categories such as S.C., S.T. etc. to the group headed by Dr.E.R. Patil, the senior most member of the Selection Committee which would show that the Selection Lists of open category candidates were not prepared first because it would appear that both the groups did the work of preparation of Selection Lists simultaneously. Dr.Vandan Mohod, however, stated in para 28 of his affidavit dated 1.12.2007 (Ex. 633) that since the candidates had applied for more than one category in the posts of SRA (Agri.) and JRA (Agri.), in preparation of the Selection Lists they first took up the open category and included the names of all the candidates in the said category if they could be selected in it in descending order of merit even though they had applied in reserved category besides the said open category but, according to him, if the candidates had not applied in open category then they did not include their names in open category. As regards the above procedure alleged to be followed by them, as would be shown in the subsequent topic they did not follow the said procedure also and did not include in the open category the names of the reserved category candidates even though they had also applied in open category and could be selected therein on merit i.e. in descending order of merit.

1664) The procedure thus followed in preparation of the Selection Lists in question for the posts of SRA (Agri.) and JRA (Agri.) is thus contrary to the procedure and guidelines laid down by the State Govt. in its G.R. dated 16.3.1999 (Ex. 703) issued in the light of the judgment of the Supreme Court in the case of Anil Kumar Gupta.Vs. State of UP and ors. J.T. 1995 (5) SC 505 although the University admitted in para 1 of the affidavit dated 14.3.2008

(Ex.691), referred to above, filed on its behalf by Shri S.S. Suradkar, Deputy Registrar (Estt.), that as per the said G.R. dated 16.3.1999 (Ex.703), the reserved category candidate should be selected in open category, even though he had not applied in the said category, if on merit i.e. in descending order of merit he could be selected in the said category. Dr.V.D.Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/its Member Secretary, in preparation of the Selection Lists of these posts, did not even follow the procedure described by them viz. that if a candidate had applied for open category besides any reserved category, he was selected in open category if he was eligible on the basis of his merit i.e. in descending order of merit which would show that such reserved category candidates were not selected in open category with a view to select the favoured candidates in the Selection List of open category. Such Selection List of Open category was not prepared in each of these posts of SRA (Agri.) and JRA (Agri.)

ii) Selection Lists of Open category candidates not prepared first in descending order of merit irrespective of the reserved category to which the candidate belongs as required by para 5 of the G.R. dated 16.3.1999 (Ex.703) (Annexure-34 of the Enquiry Report)

1665) It is necessary to see that since the Selection Lists of the posts of SRA (Agri.) and JRA (Agri.) included at pages 66 to 76 of the file relating to the proceedings of the meeting of the Selection Committee marked as Ex. 34(O) in this enquiry merely refer to the Sr. Nos. in the categorywise Mark-Sheet Ex. 34(O)-A and do not give the marks received by the candidates, the Selection Lists referred to in this topic are the categorywise lists of candidates selected by the Selection Committee in the posts of SRA / JRA with their category, qualification, sex and marks acquired for bio-data and personal interview filed by the University and marked as Ex. 25 in this enquiry (Annexure-52 of the Enquiry Report) which contain them. For the purpose of this and the next topic, a chart showing whether the Selected candidate has applied in one or both the posts and the categories in which he had applied is relevant. It is therefore prepared from the consolidated Mark-Sheet in alphabetical order (Ex. 112(O)) and is enclosed with this Enquiry Report as **Annexure-53.**

1666) As described in para 1662 of the earlier topic, the procedure and the guidelines laid down in para 5 of the G.R. dated 16.3.1999 (Ex. 703) (Annexure-34 of the Enquiry Report), would show that the Selection List of open category has to be prepared first as stated in the Stage-A given therein and in preparing the said Selection List of open category all the candidates irrespective of their reserved category are to be included in it according to their merit i.e. in descending order of merit to the extent of the number of posts to be filled and it is thereafter that the Selection List of each reserved category has to be prepared in descending

order of merit from amongst the candidates eligible for selection in that category excluding the candidates who are already included in the open category. Such Selection List of Open category was not prepared in each of these posts of SRA (Agri.) and JRA (Agri.)

a) Flaws in the Selection List of SRA (Agri.) open category

1667) The Selection List of SRA (Agri.) open category consists of 16 candidates. While preparing the said Selection List of SRA (Agri.) open category in descending order of merit irrespective of the reserved categories to which the candidates belonged as per para 5 of the G.R. dated 16.3.1999 (Ex.703), the names of the following candidates in the Selection Lists of their reserved categories should have been included therein.

Selection List of the Reserved Category	Sr. No. as per the said Selection List	Name of the Candidate	Marks
SRA (Agri.) S.C. Category	1	Ku. Gajbhiye Vandana R.	76
SRA (Agri.) VJ (A) category	1	Rajput Hitendrasingh P.	75.2
SRA (Agri.) NT (C) Category	1	Bhalkare Sunil	76.8
SRA (Agri.) OBC category	1	Ku. Kadam Preeti M.	77
	2	Sonune Bhagwan A.	77
	3	Nagpure Dr. Shivaji C.	77
	4	Warade Atul D.	77
	5	Brahmankar Shrikant B.	76
	6	Gawande Praful P.	76
	7	Chinchamaltpure Umesh R.	74

a-1) Consequential reshuffling of some Selection Lists

1668) There are thus 10 candidates of the various reserved categories, referred to above, whose names should have been included in the Selection List of SRA (Agri.) open category while preparing it in descending order of merit. If it was so done, then out of 16 candidates in the said Selection List of SRA (Agri.) open category, vide Selection Lists Ex. 25, (Annexure-52 of the Enquiry Report), the last 10 candidates in the said List would stand excluded from it. They are:

Sr. No.	Name of the Candidate	Category	Total Marks
1.	Bhuyar Sanjay A.	OBC	74
2.	Jadhao Satishchandra M.	Open	73.6
3.	Ghatod Prakash U.	OBC	73
4.	Farkade Bharat K.	OBC	72
5.	Warade Sangita V.	Open	71.2
6.	Wasule Dhiraj L.	OBC	71
7.	Paulkar Prashant K.	Open	70
8.	Bhopale Amar A.	Open	68
9.	Dethe Amol M.	Open	60.4
10.	Jagtap Ku.Amrapali P.	Open	64

However, except Warade Ku. Sangita V. (S.no.11), with the marks they received, 4 of them would find place either in the Selection List of SRA (Agri.) OBC category as shown in the revised Selection List of SRA (Agri.) OBC category given in the next para 1669 of the Enquiry Report and 5 of them in the Selection List of JRA (Agri.), open category as shown in the revised Selection List of JRA (Agri.) open category given in subsequent para 1673 of the Enquiry Report. Since some candidates in the said Selection Lists had received marks lower than their marks. As regards Warade Ku. Sangita , S.no.11, in the said Selection List of SRA (Agri.) open category, since she had applied only in SRA (Agri.) open category, she would not be eligible for selection in any other category in the said post or in the post of JRA (Agri.) open or any reserved category. She cannot, thus, be selected and appointed in the post of SRA (Agri.) although she received 71.2 total marks.

1668-A) As regards 10 candidates whose names are given in the above para 1667 of the Enquiry Report and whose names are to be included in the Selection List of SRA (Agri.) open category, it has to be seen that they belong to various reserved category and therefore vacant posts in said categories would have to be filled resulting in reshuffling of Selection Lists. 7 such candidates whose names are to be included in Selection List of SRA (Agri.) open category, are from the Selection List of SRA (Agri.) OBC category. As a result of such reshuffling of the Selection Lists, 4 candidates from SRA (Agri.) open category, 1 candidate from JRA (Agri.) open, 2 candidates from JRA (Agri.), OBC categories would find place in the Selection List of SRA (Agri.) OBC category.

1669) As regards the other reserved categories, since one candidate viz. Ku. Gajbhiye Vandana R, at S.N. 1 in the Selection List of SRA (Agri.) S.C. category is included in the Selection List of SRA (Agri.) open category, the name of one candidate at serial no.2 in the

Selection List of JRA S.C. Category would be included in the Selection List of SRA (Agri.) S.C. category, as the candidate at S.No.1 in the said Selection List of JRA (Agri.), S.C. category can not be included therein because he had applied only for the post of JRA (Agri.). Similarly, in the Selection List of SRA (Agri.) VJ (A) and NT (C) categories since one candidate each therein is included in the Selection List of SRA (Agri.) Open category, one candidate each at serial no.1 of JRA (Agri.), VJ(A) and JRA (Agri.) N.T.(C) categories will have to be included in the Selection Lists of their respective categories in the post of SRA (Agri.).

Revised Selection Lists of some categories of SRA (Agri.) prepared as per para 5 of the GR, dated 16.03.1999 are as follows :-

Sr. No.	Name	Category	Total Out of 40	Total out of 60	Total	Remarks
Open						
1	Nagpure Dr.Shivaji C.	OBC	35	42	77	SRA, OBC, Sr. No. 3
2	Sonune Bhagwan A.	OBC	33	44	77	SRA, OBC, Sr. No. 2
3	Joshi Prashant S.	Open	30	47	77	
4	Kadam Ku. Priti M.	OBC	30	47	77	SRA, OBC, Sr. No. 1
5	Warade Atul D.	OBC	30	47	77	SRA, OBC, Sr. No. 4
6	Patil Pravin V.	Open	29	48	77	
7	Bhalkare Sunil K.	NT(C)	29.8	47	76.8	SRA, NT (C), Sr. No. 1
10	Bharad Ku. Swati G.	Open	30	46	76	
8	Bramhankar Shrikant B.	OBC	30	46	76	SRA, OBC, Sr. No. 5
9	Gawande Prafull P.	OBC	30	46	76	SRA, OBC, Sr. No. 6
11	Raut Prashant D.	Open	30	46	76	
12	Gajbhiye Ku.Vandana R.	S.C.	29	47	76	SRA, SC, Sr.No. 1
13	Rajput Hitendrasing J.	V.J. (A)	29.2	46	75.2	SRA, VJ(A), Sr. No. 1
14	Nemade Ku.Devyanee K.	Open	29	46	75	
15	Khadse Vinod A.	Open	25	50	75	
16	Chinchmalatpure Umesh R.	OBC	29	45	74	SRA, OBC, Sr. No. 7
O.B.C.						
1	Wandhare Madan R.	OBC	29	45	74	
2	Bhuyar Sanjay A.	Open	24	50	74	SRA, Open Sr. No. 7
3	Konde Nitin M.	OBC	26.6	47	73.6	
4	Bhagat Ganesh J.	OBC	28	45	73	
5	Ghatod Prakash U.	Open	23	50	73	SRA, Open Sr. No. 9
6	Farkade Bharat K.	Open	25	47	72	SRA, Open Sr. No. 10
7	Wasule Dhiraj L.	Open	23	48	71	SRA, Open Sr. No. 12
8	Ladole Manish Y.	OBC	24	45	69	
9	Sable Yogesh R.	OBC	18	50	68	
10	Shinde Sachin M.	OBC	17.4	49	66.4	
11	Ku.Barabde Neeta P.	OBC	22	44	66	

Continued...

Sr. No.	Name	Category	Total Out of 40	Total out of 60	Total	Remarks
12	Nichal Satish S.	Open	27.4	36.4	63.8	JRA, Open Sr. No. 1
13	Kakade Sanjay. U.	OBC	23	40	63	JRA, OBC Sr. No. 4
14	Wakode Manish M.	OBC	24	39	63	JRA, OBC Sr. No. 3
SC						
1	Mane Prashant N.	S.C.	24	47	71	
2	Kankal Dnyaneshwar S.	S.C.	26.4	44	70.4	
3	Parde Vijay D.	S.C.	22	44	66	
4	Bagade Ashish D.	S.C.	20	46	66	
5	Khandare Arvind P.	S.C.	19.2	46	65.2	
6	Ku.Wankhade Bhavna R.	S.C.	24.8	44	68.8	
7	Kolage Avinash K.	S.C.	25	40	65	
8	Shambharkar Vishal D.	S.C.	18	45	63	
9	Morey Suhas D.	S.C.	18	45	63	
10	Bagade Anmol B.	S.C.	14	47	61	
11	Meshram Milind P.	S.C.	21	38	59	JRA SC Sr. No. 2
V.J. (A)						
1	Rathod Rajesh R.	V.J. (A)	29	33	62	
2	Suradkar Dnyanshwar D.	V.J. (A)	26	36	62	
3	Rathod Navin G.	V.J. (A)	20	40	60	JRA VJ(A) Sr. No. 1
N.T. (C)						
1	Kote Ganpat M.	NT(C)	20	44	64	
2	Vaidkar Rajesh D.	NT(C)	21	42	63	
3	Nage Sanjiv P.	NT(C)	14	46	60	
4	Wavare Shivaji H.	NT(C)	12	46	58	
5	Ku.Ugade Jayshree D.	NT(C)	14	40	54	JRA NT-C, Sr. No. 1

N.B. : If the total marks of two or more candidates are equal, the following procedure is followed in preparing the Selection List in descending order of merit as per the following norms referred to as accepted norms in para 5.5.1 of the written statement (Ex.530) of Dr.B.G. Bathkal and Ors. who held very high academic posts in the University.

(i) The candidate who received higher marks in academic performance is placed higher in merit rank.

and (ii) if the marks in academic performance are also equal, the alphabetical order in surnames is followed in giving the merit rank.

b) Flaws in the Selection List of JRA (Agri.) open category

1670) The Selection List of JRA (Agri.) open category consists of 36 candidates. While preparing the said Selection List of JRA (Agri.) open category in descending order of merit

irrespective of the reserved categories to which the candidates belonged, the names of the following candidates in the Selection Lists of their reserved categories should have been included therein.

Selection List of the Reserved Category	Sr. No. as per the said Sel.List	Name of the Candidate	Marks
JRA (Agri.) S.C.	1	Kamble Anil K.	64
JRA (Agri.) NT (D)	1	Kayande Navinchandra V.	64
JRA (Agri.) OBC Category	1	Pawar Ravi V.	60
	2	Sarap Prashant A.	63
	5	Dandge Mangesh S.	62.2
	8	Ingle Yogesh V.	62
	7	Raut Ujwal A.	62
	9	Dangore Satish T.	62
	6	Dhomne Madhuri B.	62
	10	Bidwe Kishor V.	61

1671) Although the name of Pawar Ravi V. is shown at S.No.1 in the Selection List of JRA (Agri.) OBC category, his name cannot be at serial no.1 in the said List because the candidates below him at serial nos. 2 to 10 have received more marks than him. As regards the candidates at S.Nos.3 and 4 in the said Selection List of JRA (Agri.), OBC category, their names are omitted in the above chart since they are included at S. Nos. 13 & 14 of the revised Selection List of the post of SRA (Agri.), OBC category reproduced above.

1672) Thus, 10 candidates from the Selection Lists of JRA (Agri.), S.C., NT (D), and OBC categories referred to above and 5 candidates from the Selection List of SRA (Agri.) open category Jadhao Satishchandra M., Paulkar Prashant K., Bhopale Amar A.; Jagtap Ku. Amrapali P. and Dethe Amol M. who are excluded from the said Selection List have to be included in the Selection List of JRA (Agri.) open category on their merit i.e. in descending order of merit. Hence, from the Selection List of 36 candidates in JRA (Agri.) Open category, the last 15 candidates in the said Selection List will have to be excluded but since one candidate at S. No.1 in the said Selection List of JRA (Agri.) open category is already shown as selected in the post of SRA (Agri.) OBC category, 14 candidates i.e. the candidate at S.

No.17 Bharambe Atul P. and the candidates from S. Nos. 23 to 36 excluding S. No.24 Ghadge Ramesh M. from the Selection List of JRA (Agri.) open category would be excluded from the said List. The reason why Sr. No.17 Bharambe Atul P. is excluded and not Sr. No.22 Sarnaik Shailesh D. is that the candidates at Sr. Nos. 17 to 22 in the said List of JRA (Agri.) open category have equal total marks and since Sr. No.17 Bharambe Atul P. has lowest marks amongst them in academic performance he needs to be excluded if the said Selection List is properly prepared in descending order of merit. Out of these 14 candidates, 6 would be included in the Selection List of JRA (Agri.), OBC category on their merit i.e. in descending order of merit and the rest of them i.e. 8 candidates would not be eligible for selection in any post and in any category.

b-1) Consequential Re-shuffling of some Selection Lists

1673) As one candidate from the Selection List of JRA (Agri.) S.C. category is included in the Selection List of SRA (Agri.) open category and another is included in the Selection List of JRA (Agri.), open category, two candidates from the categorywise Mark-Sheet Ex. 34(O)-A of JRA (Agri.) S.C. category in descending order of merit will have to be included in the said Selection List of JRA (Agri.) S.C. category. Since one candidate from the Selection List of SRA (Agri.) VJ(A) category is included in the Selection List of SRA (Agri.) Open category the candidate at serial no.1 in the Selection List of JRA VJ(A) category will have to be included in the Selection List of SRA, VJ(A) category on the basis of his marks. Consequently, one candidate from the categorywise Mark-Sheet Ex. 34(O)-A of JRA (Agri.) VJ(A) category who is next in descending order of merit viz. Bipte Archana R., the petitioner in writ petition No.905/2006 will have to be included in the said List of JRA (Agri.) VJ(A) category in descending order of merit. For similar reason, one candidate in descending order of merit from the categorywise Mark-Sheet Ex.34(O)-A of JRA (Agri.) NT(C) category will have to be included in the Selection List of JRA (Agri.), NT(C) category. Since the candidate in the Selection List of JRA (Agri.) NT (D) category viz. Kayande Navinchandra V. is included in the Selection List of JRA (Agri.) (Open category), the name of the candidate Gite Bharat D. next in descending order of merit from the categorywise Mark-Sheet Ex. 34(O)-A of JRA (Agri.) NT (D) category will have to be included in the Selection List of JRA NT (D) category.

Revised Selection Lists of JRA (Agri.) as per GR, dated 16.03.1999 are as follows :-

Sr. No.	Name	Category	Total Out of 40	Total out of 60	Total	Remarks
Open						
1	Jadhao Satishchandra M.	Open	21.6	52	73.6	SRA, Open, Sr. No. 8
2	Paulkar Prashant K.	Open	22	48	70	SRA, Open, Sr. No. 13
3	Bhopale Amar A.	Open	20	48	68	SRA, Open, Sr. No. 14
4	Ghadge Ramesh M.	Open	9	59	68	
5	Kamble Anil K.	S.C.	24	40	64	JRA, SC, Sr. No. 1
6	Kayande Navinchandra V.	NT(D)	14	50	64	JRA, NT (D), Sr. No. 1
7	Jagtap Ku.Amrपालि P.	Open	10	54	64	SRA, Open, Sr. No. 16
8	Nemade Prashant W.	Open	28	35	63	
9	Deshmukh Anant Janrao	Open	24	39	63	
10	Bhongale Sudhir A.	Open	23	40	63	
11	Sable Nitin H.	Open	23	40	63	
12	Sarap Prashant A.	OBC	23	40	63	JRA, OBC, Sr. No. 2
13	Shinde Sachin V.	Open	23	40	63	
14	Deogirkar Amit A.	Open	21	42	63	
15	Supe Ku.Mittal S.	Open	20.8	42	62.8	
16	Goud Vikas V.	Open	25.6	37	62.6	
17	Kale Sameer N.	Open	18.4	44	62.4	
18	Dandge Mangesh S.	OBC	23.2	39	62.2	JRA, OBC, Sr. No. 5
19	Pillai Ku.Tinni S.	Open	30	32	62	
20	Ingle Yogesh V.	OBC	28	34	62	JRA, OBC, Sr. No. 8
21	Raut Ujwal A.	OBC	28	34	62	JRA, OBC, Sr. No. 7
22	Dangore Satish T.	OBC	23	39	62	JRA, OBC, Sr. No. 9
23	Dhomne Ku. Madhuri B.	OBC	22	40	62	JRA, OBC, Sr. No. 6
24	Patinge Shyam P.	Open	21	41	62	
25	Ujjainkar Vaibhav V.	Open	20	42	62	
26	Dahatonde Ku.Shilpa B.	Open	18	44	62	
27	Panchbhai Pramod R.	Open	23	38	61	
28	Shingrup Parikshit V.	Open	19	42	61	
29	Bidwe Kishor U.	OBC	11	50	61	JRA, OBC, Sr. No. 10
30	Dethe Amol M.	Open	10.4	50	60.4	SRA, Open, Sr. No. 15
31	Parmar Jagdish N.	Open	24	36	60	
32	Pawar Ravi V.	OBC	24	36	60	JRA, OBC, Sr. No. 1
33	Goramnagar Hitendra B.	Open	22	38	60	
34	Mohd. Sajid Abdul Hamid	Open	20	40	60	
35	Dikkar Mayur G.	Open	16	44	60	
36	Sarnaik Shailesh D.	Open	14	46	60	
OBC						
1	Gomashe Anil S.	OBC	17.2	42	59.2	
2	Sarode Sanjay S.	OBC	22	37	59	
3	Parshuramkar Subhangi G.	Open	9	50	59	JRA, Open, Sr. 23
4	Metange Kiran K.	Open	18	40	58	JRA, Open, Sr. 26
5	Kadam Sandip R.	Open	17.2	40	57.2	JRA, Open, Sr. 28
6	Mohariya Ku.Anjali D.	OBC	22	35	57	

Continued...

Sr. No.	Name	Category	Total Out of 40	Total out of 60	Total	Remarks
7	Thakare Abhijeet D.	OBC	20	37	57	
8	Kolte Ku.Harsha S.	OBC	11.4	45	56.4	
9	Nalage Dilip N.	OBC	13	42	55	
10	Dorkar Amit R.	OBC	15	40	55	
11	Mohod Prashant V.	Open	9	45	54	JRA, Open, Sr. 33
12	Bhoyar Shashikant S.	Open	5	49	54	JRA, Open, Sr. 34
13	Wankhade Rajendra S.	Open	17	37	54	JRA, Open, Sr. 36
14	Dange Narendra R.	OBC	12	40	52	
15	Bhongale Santosh A.	OBC	21.2	30	51.2	Marksheet JRA, OBC, Sr. No. 34
16	Katole Ku.Aruna S.	OBC	9	42	51	
17	Khan Feeroz	OBC	9	42	51	
18	Gathe Ajay G.	OBC	10	41	51	
19	Lande Gajanan K.	OBC	20	29	49	Marksheet JRA, OBC, Sr. No. 224
20	Mahatale Pravin V.	OBC	22	27	49	Marksheet JRA, OBC, Sr. No. 235
21	Atkare Vilas G.	OBC	34	11	45	Marksheet JRA, OBC, Sr. No. 13
S.C.						
1	Ku.Chandan Premlata M.	S.C.	20	38	58	
2	Patil Vinod M.	S.C.	23	35	58	
3	Choudhari Balu N.	S.C.	20	38	58	
4	Khobragade Hitendra M.	S.C.	22	34	56	
5	Yadgirwar Bhusham M.	S.C.	16.2	38	54.2	
6	Bhaladhare Ku. Nisha P.	S.C.	9	32	41	Marksheet JRA, SC, Sr. No. 20
7	Ramteke Narendra H.	S.C.	23.4	17	40.4	Marksheet JRA, SC, Sr. No. 128
V.J. (A)						
1	Thakur Shailendra B.	V.J. (A)	21	32	53	
2	Bipte Archana R.	V.J. (A)	16	28	44	Marksheet JRA, VJ-A, Sr. No. 1
N.T. (C)						
1	Dange Anil M.	NT(C)	15	37	52	
2	Bobade Rupesh M.	NT(C)	12	28	40	Marksheet JRA, NT (C) , Sr. No. 5
N.T. (D)						
1	Gite Bharat D.	NT(D)	35	7	42	Marksheet JRA,, NT (D), Sr. No. 5

N.B. : If the total marks of two or more candidates are equal, the following procedure is followed in preparing the Selection List in descending order of merit as per the following norms referred to as accepted norms in para 5.5.1 of the written statement (Ex.530) of Dr.B.G. Bathkal and Ors. who held very high academic posts in the University.

(i) The candidate who received higher marks in academic performance is placed higher in merit rank.

and (ii) if the marks in academic performance are also equal, the alphabetical order in surnames is followed in giving the merit rank.

1674) The names of such candidates from the Selection List of JRA (Agri.) open category who do not find place in any Selection Lists are as follows :-

Sr. No. as per the said Selection List	Name of the Candidates
17	Bharambe Atul P.
25	Gawali Santosh M.
27	Joshi Milindkumar S.
29	Wankhade Vishal R.
30	Thakre Pradeep D.
31	Tiwari Vijay A.
32	Munnarwar Subhash R.
35	Hiwrale Jagdish S.

1675) The net result is that if the Selection Lists are properly prepared as shown above in accordance with para 5 of the G.R. dated 16.3.1999 (Ex.703), one candidate from the Selection List of SRA (Agri.) open category viz. Warade Ku. Sangita V. (S.No.11) and the above 8 candidates in the Selection List of JRA (Agri.) open category could not have been selected and appointed in these posts of SRA (Agri.) and JRA (Agri.).

iii) Procedure adopted by the Chairman and the Member Secretary of the Selection Committee for preparation of the Selection Lists not followed by them

1676) Apart from the fact that in preparation of the Selection Lists, the procedure and guidelines laid down in para 5 of the G.R. dated 16.3.1999 (Ex.703) (Annexure-32 of the Enquiry Report) were not followed by the Chairman and the Member Secretary of the Selection Committee in preparation of the Selection Lists as shown above they did not follow even the procedure adopted by them for preparation of the Selection Lists as described in their affidavits. Dr.V.D. Patil, the Chairman of the Selection Committee in para 99 of his affidavit dated 25.12.2007 (Ex.645), and Dr.Vandan Mohod, the Registrar/ its Member Secretary, in para 28 of his affidavit dated 1.12.2007 (Ex.633), stated that if the candidate had applied for reserved category besides open category, he was selected in open category if he was eligible for selection in the said category on the basis of his merit i.e. in descending order of merit but if he had not applied in open category then his name was not included in open category but was

included in the Selection List of his reserved category if he was eligible for selection therein in descending order of merit. Perusal of the Selection Lists (Ex.25), would show that there are some candidates in the reserved categories who had applied in open category also and although they were eligible for selection in open category on the basis of their merit i.e. in descending order of merit, they were not selected in open category but were selected in their reserved category, obviously in breach of the above procedure which they had decided to follow in preparation of the Selection Lists. Had such candidates been included in the Selection List of SRA (Agri.) open category, there would have been reshuffling of Selection Lists of both the posts of SRA (Agri.) / JRA (Agri.) as a result of which some candidates in open category in both the said posts would not have found place in any Selection List.

a) Flaws in the Selection List of SRA (Agri.) open category

1677) The Selection List of SRA (Agri.) open category consists of 16 candidates. While preparing the said Selection List of SRA (Agri.) open category in descending order of merit according to the procedure alleged to be followed by the Chairman and the Member Secretary of the Selection Committee if a candidate had applied in open category besides his reserved category, he was to be selected in open category if he was eligible for selection in the said category in descending order of merit. However, the following candidates for the posts of SRA (Agri.) are selected in their OBC category although they had also applied for open category in which they should have been selected on their merit i.e. in descending order of merit. The names of the said candidates in the Selection List of SRA (Agri.) OBC category are as follows :-

SRA (Agri.) OBC category

Sr.No. as per the said Sel. List	Name of Candidate	Category	Marks
1	Ku. Kadam Preeti M.	OBC	77
2	Sonune Bhagwan A.	OBC	77
3	Nagpure Dr. Shivaji C.	OBC	77
4.	Warade Atul D.	OBC	77
5.	Brahmankar Shrikant B.	OBC	76
6.	Gawande Praful P.	OBC	76
8.	Wandhare Madan R.	OBC	74
10.	Bhagat Ganesh J.	OBC	73

1678) Although Chinchmaltpure Umesh R. at serial no.7 in the Selection List of SRA (Agri.) OBC category received 74 marks, his name cannot be included in the Selection List of SRA (Agri.) open category because he had not applied for the said post in that category but had applied for the said post only in OBC category. Similar is the case of Konde Nitin M. at serial no.9 in the said SRA (Agri.) OBC List. He received 73.6 marks i.e. marks more than Bhagat Ganesh J. at serial no. 10 but as he had applied for the said post in OBC category only his name can not be included in the Selection List of SRA (Agri.) open category .

1679) It is interesting to see that as regards Sonune Bhagwan A., at serial no.2 in the Selection List of SRA (Agri.) OBC category, whose name is included in the above para 1677 of the Enquiry Report, there were changes made in his original interview and total marks as held in para 1124 of the Enquiry Report under the topic “changes made in the consolidated alphabetical Mark-Sheet 112 (O)”. As held therein, his original total marks were 80 which were changed to 77. On the basis of his total marks 80, he would have topped the existing Selection List of SRA (Agri.) not only of OBC category but also of open category.

a-1) Consequential re-shuffling of some Selection Lists

1680) There are thus 8 candidates in the SRA (Agri.) OBC category referred to above, whose names should have been included in the Selection List of SRA (Agri.) open category while preparing it in descending order of merit as per the above procedure alleged to be followed by the Chairman and the Member Secretary of the Selection Committee. If the above 8 candidates are included in the Selection List of SRA (Agri.) open category, the last 8 candidates in the existing Selection List of the said category would stand excluded from the said Selection List. However, except Warade Ku. Sangita V., by reason of the marks which they received, the remaining 7 candidates in the said Selection List of SRA (Agri.) open category, would find place in the Selection Lists of either SRA (Agri.) OBC category or JRA (Agri.) open category as shown in their respective revised Selection Lists in subsequent paras 1681 and 1683. As regards Warade Ku. Sangita V. S. no.11, since she had applied only in SRA (Agri.) open category, she would not be eligible for selection in any other category in the said post or in the post of JRA (Agri.) open or reserved category. She cannot be selected and appointed in the post of SRA (Agri.) open category since she received 71.2 total marks which are less than 73 total marks received by the last candidate Bhagat Ganesh in the above List of SRA (Agri.) OBC candidates eligible for Selection in SRA (Agri.) open category.

1681) As a result of such re-shuffling of the Selection Lists, Chinchmaltpure Umesh R. who received 74 marks and Konde Nitin M. who received 73.6 marks would be at serial nos.1 and 2 in the revised Selection List of SRA (Agri.) OBC category. The next three places in the said revised Selection List would go to the candidates Ghatod Prashant U, S.no.9, Farkade Bharat

K. S. no.10, Wasule Dhiraj L., S.no.12 in the existing Selection List of SRA (Agri.) open category. At places 6 to 9 in the said revised Selection List of SRA (Agri.) OBC category would be the candidates from S. Nos. 11 to 14 in the existing Selection List of SRA (Agri.) OBC category. The places at S. Nos. 10 to 14 in the said revised Selection List of SRA (Agri.) OBC category would go to the candidates Nichal Satish S. at S.no.1 in the existing Selection List of JRA (Agri.) open category, Kakde Sanjay U. at S. no.4 in the existing Selection List of JRA (Agri.) OBC category, Wakode Manish M. at S. no.3 of the existing Selection List of JRA (Agri.) OBC category, Bhongale Sudhir A. at S. no.7 of JRA (Agri.) open category, and Sarap Prashant A. at S.no.2 in the existing Selection List of JRA (Agri.) OBC category.

Revised Selection Lists of SRA (Agri.) open and OBC categories are as follows :-

Sr. No.	Name	Category	Total Out of 40	Total out of 60	Total	Remarks
Open (SRA)						
1	Nagpure Dr.Shivaji C.	OBC	35	42	77	SRA, OBC, Sr. No. 3
2	Sonune Bhagwan A.	OBC	33	44	77	SRA, OBC, Sr. No. 2
3	Joshi Prashant S.	Open	30	47	77	
4	Kadam Ku. Priti M.	OBC	30	47	77	SRA, OBC, Sr. No. 1
5	Warade Atul D.	OBC	30	47	77	SRA, OBC, Sr. No. 4
6	Patil Pravin V.	Open	29	48	77	
7	Bharad Ku. Swati G.	Open	30	46	76	
8	Bramhankar Shrikant B.	OBC	30	46	76	SRA, OBC, Sr. No. 5
9	Gawande Prafulla P.	OBC	30	46	76	SRA, OBC, Sr. No. 6
10	Raut Prashant D.	Open	30	46	76	
11	Nemade Ku.Devyanee K.	Open	29	46	75	
12	Khadse Vinod A.	Open	25	50	75	
13	Wandhare Madan R.	OBC	29	45	74	SRA, OBC, Sr. No. 8
14	Bhuyar Sanjay A.	Open	24	50	74	
15	Jadhao Satishchandra M.	Open	21.6	52	73.6	
16	Bhagat Ganesh J.	OBC	28	45	73	SRA, OBC, Sr. No. 10
O.B.C. (SRA)						
1	Chinchmalatpure Umesh R.	OBC	29	45	74	
2	Konde Nitin M.	OBC	26.6	47	73.6	
3	Ghatod Prakash U.	Open	23	50	73	SRA, Open Sr. No. 9
4	Farkade Bharat K.	Open	25	47	72	SRA, Open Sr. No. 10
5	Wasule Dhiraj L.	Open	23	48	71	SRA, Open Sr. No. 12
6	Ladole Manish Y.	OBC	24	45	69	
7	Sable Yogesh R.	OBC	18	50	68	
8	Shinde Sachin M.	OBC	17.4	49	66.4	
9	Barabde Ku.Neeta P.	OBC	22	44	66	
10	Nichal Satish S.	Open	27.4	36.4	63.8	JRA, Open Sr. No. 1
11	Kakade Sanjay. U.	OBC	23	40	63	JRA, OBC Sr. No. 4
12	Wakode Manish M.	OBC	24	39	63	JRA, OBC Sr. No. 3
13	Bhongale Sudhir A.	Open	23	40	63	JRA, Open Sr. No. 7
14	Sarap Prashant A.	OBC	23	40	63	JRA, OBC, Sr. No. 2

N.B. : If the total marks of two or more candidates are equal, the following procedure is followed in preparing the Selection List in descending order of merit as per the following norms referred to as accepted norms in para 5.5.1 of the written statement (Ex.530) of Dr.B.G. Bathkal and Ors. who held very high academic posts in the University.

(i) The candidate who received higher marks in academic performance is placed higher in merit rank.

and (ii) if the marks in academic performance are also equal, the alphabetical order in surnames is followed in giving the merit rank.

b) Flaws in the Selection List of JRA (Agri.) open category

1682) The Selection List of JRA (Agri.) open category consists of 36 candidates. While preparing the said Selection List of JRA (Agri.) open category in descending order of merit as per the procedure alleged to be adopted by the Chairman and the Member Secretary of the Selection Committee, the names of the following candidates in the Selection List of JRA (Agri.) OBC category should have been included in the Selection List of JRA (Agri.) open category while preparing it.

JRA (Agri.) OBC Category

Sr. No. as per said Sel.List	Name of the Candidate	Category	Marks
1	Ravi Pawar V.	OBC	60
5	Dandge Ramesh S.	“	62.2
6	Ku. Dhomne Madhuri B.	“	62
7	Raut Ujwal A.	“	62
8	Ingle Yogesh U.	“	62
9	Dangre Satish T.	“	62
10	Bidwe Kishor U.	“	61

Although the name of Pawar Ravi V. is shown at S.no.1 in the Selection List of JRA (Agri.) OBC category, his name cannot be at serial no.1 in the said List because the candidates below him at S. nos.2 to 10, have received more marks than him.

1683) In revising the Selection List of JRA (Agri.) open category in descending order of merit, the names of the last 4 candidates in the Selection List of SRA (Agri.) open category who stand excluded from the said Selection List as shown above in para 1680 of the Enquiry

Report, and the names of 7 candidates from the Selection List of JRA (Agri.) OBC category referred to above have to be included while preparing the revised Selection List of the post JRA (Agri.) open category in descending order of merit. The names of last 11 candidates from the said Selection List of JRA (Agri.) Open category will have to be ordinarily excluded from it but since the candidate at Sr. No. 1 in the said list is already included in the revised Selection List of SRA (Agri.) OBC category, only the last 10 candidates would be excluded from the said Selection List of JRA (Agri.) Open category. The Selection List of JRA (Agri.) OBC category will have to be also reshuffled and revised since some candidates from the said Selection List are included in SRA (Agri.) OBC and JRA (Agri.) open categories.

Revised Selection Lists of JRA (Agri.) open and OBC categories are as follows :

Open (JRA)						
Sr. No.	Name	Category	Total Out of 40	Total out of 60	Total	Remarks
1	Paulkar Prashant K.	Open	22	48	70	SRA, Open, Sr. No. 13
2	Bhopale Amar A.	Open	20	48	68	SRA, Open, Sr. No. 14
3	Ghadge Ramesh M.	Open	9	59	68	
4	Jagtap Ku.Amrapali P.	Open	10	54	64	SRA, Open, Sr. No. 16
5	Nemade Prashant W.	Open	28	35	63	
6	Deshmukh Anant Janrao	Open	24	39	63	
7	Sable Nitin H.	Open	23	40	63	
8	Shinde Sachin V.	Open	23	40	63	
9	Deogirikar Amit A.	Open	21	42	63	
10	Supe Ku.Mittal S.	Open	20.8	42	62.8	
11	Goud Vikas V.	Open	25.6	37	62.6	
12	Kale Sameer N.	Open	18.4	44	62.4	
13	Dandge Mangesh S.	OBC	23.2	39	62.2	JRA, OBC, Sr. No. 5
14	Pillai Ku.Tinni S.	Open	30	32	62	
15	Ingle Yogesh V.	OBC	28	34	62	JRA, OBC, Sr. No. 8
16	Raut Ujwal A.	OBC	28	34	62	JRA, OBC, Sr. No. 7
17	Dangore Satish T.	OBC	23	39	62	JRA, OBC, Sr. No. 9
18	Dhomne Ku. Madhuri B.	OBC	22	40	62	JRA, OBC, Sr. No. 6
19	Patinge Shyam P.	Open	21	41	62	
20	Ujjainkar Vaibhav V.	Open	20	42	62	
21	Dahatonde Ku.Shilpa B.	Open	18	44	62	
22	Panchbhai Pramod R.	Open	23	38	61	
23	Shingrup Parikshit V.	Open	19	42	61	
24	Bidwe Kishor U.	OBC	11	50	61	JRA, OBC, Sr. No. 10
25	Dethe Amol M.	Open	10.4	50	60.4	SRA, Open, Sr. No. 15
26	Parmar Jagdish N.	Open	24	36	60	
27	Pawar Ravi V.	OBC	24	36	60	JRA, OBC, Sr. No. 1

Continued...

Sr. No.	Name	Category	Total Out of 40	Total out of 60	Total	Remarks
28	Goramnagar Hitendra B.	Open	22	38	60	
29	Mohd. Sajid Abdul Hamid	Open	20	40	60	
30	Dikkar Mayur G.	Open	16	44	60	
31	Sarnaik Shailesh D.	Open	14	46	60	
32	Bharambe Atul P.	Open	9	51	60	
33	Sarode Sanjay S.	OBC	22	37	59	
34	Gawali Santosh M.	Open	11	48	59	
35	Parshuramkar Subhangi G.	Open	9	50	59	
36	Metange Kiran K.	Open	18	40	58	
OBC (JRA)						
1	Gomashe Anil S.	OBC	17.2	42	59.2	
2	Kadam Sandip R.	Open	17.2	40	57.2	JRA, Open, Sr. 28
3	Mohariya Ku.Anjali D.	OBC	22	35	57	
4	Thakare Abhijeet D.	OBC	20	37	57	
5	Kolte Ku.Harsha S.	OBC	11.4	45	56.4	
6	Nalage Dilip N.	OBC	13	42	55	
7	Dorkar Amit R.	OBC	15	40	55	
8	Mohod Prashant V.	Open	9	45	54	JRA, Open, Sr. 33
9	Bhoyar Shashikant S.	Open	5	49	54	JRA, Open, Sr. 34
10	Wankhade Rajendra S.	Open	17	37	54	JRA, Open, Sr. 36
11	Dange Narendra R.	OBC	12	40	52	
12	Bhongale Santosh A.	OBC	21.2	30	51.2	Marksheet JRA, OBC, Sr. No. 34
13	Katole Ku.Aruna S.	OBC	9	42	51	
14	Khan Feeroz	OBC	9	42	51	
15	Gathe Ajay G.	OBC	10	41	51	
16	Lande Gajanan K.	OBC	20	29	49	Marksheet JRA, OBC, Sr. No. 224
17	Mahatale Pravin V.	OBC	22	27	49	Marksheet JRA, OBC, Sr. No. 235
18	Atkare Vilas G.	OBC	34	11	45	Marksheet JRA, OBC, Sr. No. 13
19	Bhalerao Gajanan A.	OBC	30	14	44	Marksheet JRA, OBC, Sr. No. 27
20	Bhople Sachin R.	OBC	24	20	44	Marksheet JRA, OBC, Sr. No. 38
21	Changole Abhijeet S.	OBC	14	30	44	Marksheet JRA, OBC, Sr. No. 56

N.B. : If the total marks of two or more candidates are equal, the following procedure is followed in preparing the Selection List in descending order of merit as per the

following norms referred to as accepted norms in para 5.5.1 of the written statement (Ex.530) of Dr.B.G. Bathkal and Ors. who held very high academic posts in the University.

- (i) The candidate who received higher marks in academic performance is placed higher in merit rank.
- and (ii) if the marks in academic performance are also equal, the alphabetical order in surnames is followed in giving the merit rank.

1684) Perusal of the revised Selection List of JRA (Agri.) OBC category, would show that there are 4 candidates from the Selection List of JRA (Agri.) open category, and 7 candidates from the Mark-Sheet of JRA (Agri.) OBC category i.e. new enterents whose names are included therein. As regards S.No.12 Bhongle Santosh A. in the said Selection List, his name was wrongly not included in its existing Selection List although he received 51.2 marks i.e. marks more than the last 3 candidates in its existing list and therefore he finds place at S.no.12 in the revised Selection List of JRA (Agri.) OBC category prepared in descending order of merit. The other candidates in the revised Selection List of JRA (Agri.) OBC category are all included from the existing list of the said category in descending order of merit.

iv) Candidates who do not find place in any Selection List

1685) As a result of the aforesaid revision and reshuffling of Selection Lists of these posts of SRA (Agri.) and JRA (Agri.), the following candidates do not find place in any Selection List and therefore cannot be selected and appointed in these posts. A chart showing their particulars is as follows :

Candidate who do not find place in any revised selection List

Sr. No.	Name	Category	Total Out of 40	Total out of 60	Total	Remarks
1	Warade Ku.Sangita V.	Open	20.2	51	71.2	SRA, Open, Sr. No. 11
2	Joshi Milindkumar S.	Open	10	48	58	JRA, Open, Sr. No. 27
3	Wankhade Vishal R.	Open	5	50	55	JRA, Open, Sr. No. 29
4	Thakare Pradip D.	Open	15	40	55	JRA, Open, Sr. No. 30
5	Tiwari Vijay A.	Open	5	50	55	JRA, Open, Sr. No. 31
6	Munnarwar Satish R.	Open	9	46	55	JRA, Open Sr. No. 32
7	Hiwrale Jagdish S.	Open	9	45	54	JRA, Open Sr. No. 35

Re: The candidates in the reserved categories who also applied in open category but could not be selected in the said open category in the post in which they were selected in the reserved category

1686) The names and other particulars of the above-referred candidates in the reserved categories who had applied in open category besides their reserved category are as follows..

Sr. No.	Name	Category	Selected As	Applied for SRA		Applied for JRA		Total Out of 40	Total out of 60	Total
				Open	Category	Open	Category			
1	Peshattiwar Prashant D.	NT(B)	SRA	Open	NT(B)	Open	NT(B)	31	32	63
2	Morwal Bablu S.	NT(B)	SRA	Open	NT(B)	-	-	24	39	63
3	Jaybhaye Pralhad R.	NT(D)	SRA	Open	NT(D)	Open	-	23	40	63
4	Morey Suhas D.	S.C.	SRA	Open	SC	Open	SC	18	45	63
5	Rathod Rajesh R.	V.J. (A)	SRA	Open	VJ-A	Open	VJ-A	29	33	62
6	Suradkar Dnyanshwar D.	V.J. (A)	SRA	Open	VJ-A	Open	VJ-A	26	36	62
7	Mangre Prashant N.	S.T.	SRA	-	ST	Open	ST	11.6	44	55.6
8	Asalmol Ku.Prachi M.	S.B.C.	JRA	Open	-	Open	SBC	20	33	53
9	Thakur Shailendra B.	V.J. (A)	JRA	-	V.J. (A)	Open	VJ-A	21	32	53
10	Giri Ku. Jaya M.	NT(B)	JRA	Open	NT(B)	Open	NT(B)	19	32	51

1687) Perusal of the total marks received by the candidates in the above chart would show that they were not eligible for Selection in open category in the post in which they were selected in the reserved category on the basis of their marks in descending order of merit. However, it is interesting to see that there are some candidates in the aforesaid List viz. Morey Suhas D., Peshettiwar Prashant B., and Rathod Rajesh R., whose marks were reduced by erasing their original marks in the consolidated alphabetical Mark-Sheet Ex. 112(O) as discussed in the topic relating to “Changes made in the original interview and total marks of some candidates in the said Mark-Sheet Ex.112(O). As held in para 1349 of the Enquiry Report under the said topic, the changes made in the original interview and total marks of the above named candidates could be clearly seen. The original total marks of Morey Suhas D. were reduced from 65 to 63 and of Peshettiwar Prashant B. and Rathod Rajesh R. from 76 to 63. It is clear from para 1349 of the Enquiry Report that their original interview and total marks were deliberately reduced because otherwise on the basis of their original marks, they were eligible for selection in the existing Selection List of SRA (Agri.) open category in which

case the favoured open category candidates who were selected might have lost their places in the said Selection List.

v) Additional infirmities in the existing Selection Lists

a) Total marks of the Selected candidates not shown in the Selection Lists

1688) It is difficult to see why in preparing the Selection Lists of the candidates in these posts of SRA (Agri.) and JRA (Agri.) vide pages 66 to 76 of the file Ex. 34(O), the total marks awarded to each candidate are not shown. It is therefore not possible to verify whether the Selection Lists are prepared in descending order of merit or not. Instead of showing their total marks, the column in the Selection Lists is “Serial No. as per annexure” in which the serial number of the selected candidate in the lengthy categorywise Mark-Sheet Ex. 34(O)-A is mentioned against his name in the Selection List. When questioned in this regard, Dr.V.D.Patil, the Chairman of the Selection Committee, stated in para 63 of his affidavit dated 25.12.2007 (Ex.645) that the reason why such S.Nos. of the Mark-Sheet Ex.34(O)-A were given was that all the relevant particulars about the marks received by the selected candidates including the marks for academic performance and the marks for interview appeared in the said Mark-Sheet Ex. 34(O)-A from which in descending order of merit, the selection Lists were prepared. However, had their total marks on the basis of which the Selection Lists in descending order of merit were alleged to be prepared been shown in the Selection Lists, in addition to the column relating to serial numbers of the selected candidates in the Mark-Sheet (Ex. 34(O)) the infirmities pointed out in this topic might not have occurred,

1689) Even as regards the said serial numbers in the categorywise Mark-Sheet Ex. 34(O)-A there are mistakes committed in giving the serial numbers in the Selection List of JRA (Agri.), OBC category. In the case of the following selected candidates, in the Selection List of JRA (Agri.) OBC category, instead of showing their S.numbers in the Mark-Sheet Ex. 34(O)-A of JRA (Agri.) OBC category, their S. Nos. in the Mark-Sheet Ex. 34(O)-A of JRA (Agri.) open category are shown :

Sr. No.	Sr. No.as per selection list of JRA (OBC)	Name of the candidate	Sr. No. as per Annexure in the selection list	Correct Sr. No. as per Annexure i.e. in the Marksheet Ex. No. 34(O)-A JRA (OBC)
1	1	Pawar Ravi V.	459	296
2	3	Wakode Manish M.	604	373
3	7	Raut Ujwal A.	254	310
4	12	Sarode Sanjay S.	503	322
5	13	Ku.Mohariya Anjali D.	384	249
6	14	Thakare Abhijeet D.	562	349
7	16	Nalage Dilip N.	402	263

1690) The University was, therefore, asked to file the categorywise Selection Lists showing the marks received by the candidates in their academic performance and interview, and in particular, the total marks received by them so as to ascertain whether the said Selection Lists were properly prepared or not. Accordingly, the University filed the said Selection Lists titled by it as “Categorywise list of candidates as selected by the Selection Committee for the posts of SRA/JRA their qualifications, category, sex and marks acquired for Biodata and for personal interview”. It is marked as Ex.25 in this Enquiry. (Annexure-52 of the Enquiry Report). Total marks of the candidates shown in this topic are from the said Categorywise Selection Lists (Ex. 25).

b) Certain existing Selection Lists are not in descending order of merit i.e. proper places of the selected candidates are not shown therein.

1691) A chart relating to the same is given below :-

Certain existing Selection Lists are not in descending order of merit i.e. proper places of the selected candidates are not shown therein.

Selection list	Sr. No.	Name	Selected as	Category	Total	Sr. No. as per existing selection list	Revised Sr. No. which should be in the selection list	Remarks
SRA (SC category)	1	Wankhade Ku. Bhavna R.	SRA	SC	68.8	7	4	She should be at Sr. No. 4 In SRA S.C. Category and Sr. No. 4, 5 and 6 should be 5, 6 and 7.
SRA (Open Category)	2	Dethe Amol M.	SRA	Open	60.4	15	16	He should be at Sr. No. 16 in SRA - Open Category (see note ★1)
	3	Jagtap Ku. Amrapali P.	SRA	Open	64	16	15	She should be at Sr. No. 15 in SRA, Open category.
JRA (OBC Category)	4	Pawar Ravi V.	JRA	OBC	60	1	10	He should be at Sr. No. 10 in JRA-OBC category and now Sr. No. 2 to 10 should be 1 to 9
JRA (Open category)	5	Ghadge Ramesh M.	JRA	Open	68	24	1	He should be at Sr. No. 1 in JRA-Open Category and Sr. No. 1 to 23 should be at 2 to 24 (See note ★2)

N.B. ★1 : Infact on the basis of total marks 60.4 he cannot be selected in the post of SRA (Agri.) but can be selected in the post of JRA (Agri.) open category and shown at Sr. No. 17 in existing Selection List of JRA (Agri.) open category.

**2 : Vide para 1693 of the Enquiry Report, infact on the basis of his total marks 68 Ghadge Ramesh M. should have been included in existing Selection List of SRA (Agri.) open category at Sr. No. 15.*

1692) In the Selection List of SRA (Agri.) S.C. Category, the name of Wankhede Ku. Bhavna R. is shown at S.no.7, when in fact she should have been shown at S.no.4 in the said list on the basis of her total marks 68.8. In the Selection List of SRA (Agri.) open category, the candidate Dethe Amol M. at S.no.15 is shown to have received 60.4 marks and the last candidate at serial No.16 Ku. Jagtap Amrapali P. is shown to have received 64 marks when as per descending order of merit, she should have been shown at S.No.15 and Dethe Amol M. if at all at S. No. 16. As stated in the note below the chart, he could not have been selected in the post of SRA (Agri.) but should have selected in the post of JRA (Agri.) open category, at S.No.17 in the existing Selection List of that category. In the Selection List of JRA (Agri.) OBC Category, the name of Pawar Ravi V. who received 60 marks is shown at Sr.No.1 although the candidates shown below him from S.No.2 to 10 received more marks than him. Therefore, the names of the said candidates should have been shown at S. nos. 1 to 9 and his name should have been shown at S.no.10 in preparing the Selection List of JRA (Agri.) OBC Category in descending order of merit. Lastly, in JRA (Agri.) open category, the name of Gadage Ramesh M. is shown at S.no.24 although he is shown to have received 68 marks on the basis of which his name should have been shown at S.no.1 in the said Selection List of JRA (Agri.) open category and the names of the candidates at S.nos. 1 to 23 thereafter i.e. at S. Nos. 2 to 24 (See also the next para about him). It is pertinent to see that the serial numbers i.e. the places in the Selection Lists are important because the appointments are made according to the serial numbers in the Selection Lists and in regard to the candidates appointed on the same date, their seniority is determined according to their places in the Selection Lists.

1693) As regards Ghadge Ramesh M. his is a special case. He had applied for both the posts of SRA and JRA in open category. As pointed out hereinbefore there are changes made in his interview and total marks in these posts. As seen in the topic relating to change in interview and total marks, it was pointed out that initially, in the consolidated Alphabetical Mark-Sheet Ex. 112 (O) from which the categorywise Mark-Sheet Ex. 34(O)-A was prepared, he was shown to have received 50 marks in interview and total Marks 59 which were changed to 59 and 68 respectively by erasing his earlier marks, vide S.no.9 of the chart regarding “overwriting in interview and total marks in the Mark-Sheet Ex. 112(O)” (Annexure-23 of the Enquiry Report). However, in the categorywise Mark-Sheet of SRA (Agri.) open category by applying white ink, his aforesaid interview and total marks were changed and shown again as 50 and 59 respectively. But in the categorywise Mark-Sheet of JRA (Agri.) open category his

interview and total marks were shown as 59 and 68 as in the Mark-Sheet Ex. 112 (O). The University itself, in the Selection Lists (Ex.25) which it has filed in this enquiry, has shown his interview and total marks as 59 and 68, vide S.no.24 of the categorywise Selection List of JRA (Agri.) open category in which he is selected. On the basis of the said marks 68 shown to have been awarded to him, he should have been selected in the post of SRA (Agri.) and his name should have been included at S. no.15 in the Selection List of SRA (Agri.) open category since common marks were awarded in common interview for both these posts.

1694) As regards the selected candidates whose total marks are equal, ordinarily, in deciding the places of such candidates in preparing the Selection List, the candidate who received higher marks in academic performance is shown above the candidate whose marks for academic performance are lower than him. Apart from the total marks being equal, if their marks for academic performance are also equal, the accepted norm according to para 5.5.1 of the written statement (Ex.530) of Dr.Bathkal & Ors who held very high academic posts in the University, is that the alphabetical order in surnames is followed. The said written statement is annexed to the affidavit of Dr.B.G. Phadnaik and another dated 24.9.2007 (Ex.529).

1695) Perusal of the Selection Lists (Ex. 25) (Annexure-52 of the Enquiry Report) would show that there are some candidates therein whose total marks are equal. However, the above-referred norms where the total marks are equal are followed in regard to some candidates in some Selection Lists, but not all. The following chart shows how the said norms are not followed in regard to some candidates in some Selection Lists and also shows their appropriate places (Sr. Nos.) in their Selection Lists if the above norms are followed.

Chart showing proper places (Sr. Nos.) in the Selection Lists of the candidates who had equal total marks :

Selection list	Sr. No. as per existing list	Name of the candidate	Category	Academic marks (40)	Interview marks (60)	Total marks	Sr. no. which should be as per norms
1	2	3	4	5	6	7	8
SRA (Agri.) OBC	1	Kadam Ku. Priti M.	OBC	30	47	77	3
	2	Sonune Bhagwan A.	OBC	33	44	77	2
	3	* Nagpure Dr.Shivaji C.	OBC	35	42	77	1
	4	Warade Atul D.	OBC	30	47	77	4
SRA (Agri.) SC	9	Shambharkar Vishal D.	S.C.	18	45	63	10
	10	* Morey Suhas D.	S.C.	18	45	63	9
	2	Nemade Prashant W.	Open	28	35	63	2

Continued...

JRA (Agri.) Open	3	Deogirkar Amit A.	Open	21	42	63	7
	4	* Deshmukh Anant Janrao	Open	24	39	63	3
	5	Shinde Sachin V.	Open	23	40	63	6
	6	* Sable Nitin H.	Open	23	40	63	5
	7	* Bhongale Sudhir A.	Open	23	40	63	4
	11	Ku.Pillai Tinni S.	Open	30	32	62	11
	12	Ku.Dahatonde Shilpa B.	Open	18	44	62	14
	13	Ujjainkar Vaibhav V.	Open	20	42	62	13
JRA (Agri.) Open	14	* Patinge Shyam P.	Open	21	41	62	12
	15	Shingrup Parikshit V.	Open	19	42	61	16
	16	* Panchbhai Pramod R.	Open	23	38	61	15
	17	Bharambe Atul P.	Open	9	51	60	22
	18	Goramnagar Hitendra B.	Open	22	38	60	18
	19	Dikkar Mayur G.	Open	16	44	60	20
	20	* Parmar Jagdish N.	Open	24	36	60	17
	21	Mohd. Sajid Abdul Hamid	Open	20	40	60	19
	22	* Sarnaik Shailesh D.	Open	14	46	60	21
	23	Parshuramkar Subhangi G.	Open	9	50	59	25
	25	* Gawali Santosh M.	Open	11	48	59	23
	29	Wankhade Vishal R.	Open	5	50	55	32
	30	* Thakare Pradip D.	Open	15	40	55	29
	31	Tiwari Vijay A.	Open	5	50	55	31
	32	* Munnarwar Satish R.	Open	9	46	55	30
	33	Mohod Prashant V.	Open	9	45	54	35
	34	Bhoyar Shashikant S.	Open	5	49	54	36
	35	* Hiwarale Jagdish S.	Open	9	45	54	34
	36	* Wankhade Rajendra S.	Open	17	37	54	33
JRA (Agri.) OBC	2	Sarap Prashant A.	OBC	23	40	63	3
	3	* Wakode Manish M.	OBC	24	39	63	1
	4	* Kakade Sanjay U.	OBC	23	40	63	2
	6	Dhomne Ku.Madhuri B.	OBC	22	40	62	8
	7	* Raut Ujwal A.	OBC	28	34	62	6
	8	* Ingle Yogesh V.	OBC	28	34	62	5
	9	* Dangore Satish T.	OBC	23	39	62	7
	16	Nalage Dilip N.	OBC	13	42	55	17
	17	* Dorkar Amit R.	OBC	15	40	55	16
	19	Katole Ku.Aruna S.	OBC	9	42	51	20

	20	Khan Feeroz	OBC	9	42	51	21
	21	* Gathe Ajay G.	OBC	10	41	51	19
JRA (Agri.) SC	3	Chandan Ku.Premalata M.	S.C.	20	38	58	4
	4	* Patil Vinod M.	S.C.	23	35	58	3
	5	Choudhari Balu N.	S.C.	20	38	58	5

* The candidates whose proper places (Sr. Nos.) are not shown in their Selection Lists.

Since the above norms are not followed in regard to some candidates in preparing the said Selection Lists in descending order of merit as shown in the above chart, the said candidates are arbitrarily deprived of their proper places in their Selection Lists

c) Eligible candidates who do not find place in the Selection List

1696) A chart of the candidates who were admittedly eligible for selection but were not selected and as such their names were not included in any Selection List is as follows :

ELIGIBLE CANDIDATES WHO WERE NOT SELECTED IN THE POSTS OF SRA (Agri.) /JRA(Agri.)

Sr. No.	Name	Category	Sr. No. as per Ex. No. 34(O)-A	Sex	Total Out of 40	Total out of 60	Total	Remarks	Implications
1	Bipte Ku. Archana R.	VJ-A	SRA, VJ-A - 1	F	16	28	44	She should have been selected in horizontal reservation for women as SRA, VJ-A, category at Sr. No. 3 in the selection list,	If Bipte Ku. Archana R. would be selected as SRA, VJ-A, then Shri Suradkar D., SRA, VJ-A, at Sr.No.3 would be shifted to selection List of JRA, VJ-A at Sr. No. 1 and Shri Thakur Shailendra B. would be out of the selection list.
2	Solanke Dilipsingh P.	ST	JRA, ST-1	M	10	20	30	He should be selected as JRA in ST category at Sr. No. 3.	
3	Bhongle Santosh A.	OBC	JRA, OBC-34	M	21.2	30	51.2	He should be selected as JRA in OBC category at Sr. No. 19.	Shri Bhongle Santosh A. would be selected as JRA, OBC then Shri Gathe Ajay G. at Sr. No. 21, in JRA, OBC, would be out of list.

Bipte Ku. Archana R., the petitioner in writ petition no.905/2006, VJ(A) candidate should have been selected in horizontal reservation for women as the third candidate in place of Suradkar Dyaneshwar D. in the selection list of SRA (Agri.) VJ(A) category. Had she been

so selected as a third candidate, then Suradkar Dyaneshwar D., the third candidate in the said Selection List, would have been selected in the post of JRA (Agri.) and his name would have been included in the Selection List of JRA (Agri.), VJ(A) category at S. no.1 with the result that Shri Thakur Shailendra B. at S.no.2 in the said Selection List of JRA (Agri.) VJ(A) category would not have been selected in the said post and his name would have been excluded from the said Selection List.

1697) As pointed out hereinbefore, Solanki Dilip Singh P. , S.T. candidate was not selected in the post of JRA (Agri.), S.T. category on the ground that he received low marks but Dr.V.D. Patil, the Chairman of the Selection Committee, in para 78 of his affidavit dated 25.12.2007 (Ex.645) and Dr.Vandan Mohod, the Registrar/ its Member Secretary, in para 7 of his additional affidavit dated 2.4.2008 (Ex.713), admitted that as there were no cut-off marks laid down in the criteria for evaluation of SRA/JRA, he should have been selected in the post of JRA (Agri.) in S.T. category if it was available to him in descending order of merit. Dr.V.D. Patil, the Chairman of the Selection Committee, categorically admitted in the said para 78 of his aforesaid affidavit that since more posts could be allotted to JRA (Agri.) S.T. category when the total number of the posts of JRA (Agri.) increased from 37 as advertised to 76 which were actually filled, there was a post available to him in JRA (Agri.) S.T. category in which he should have been selected at serial no.3 in the Selection List of the said category. According to him, as no candidate except YCMOU graduate was available, more than 2 posts were not allotted to JRA (Agri.) S.T. category.

1698) Shri Bhongle Santosh A. an OBC candidate, had received 51.2 marks. He should have been therefore selected in place of the last candidate in the Selection List of JRA (Agri.) OBC category since the last candidate Ajay Gathe G. at serial no.21 in the said Selection List had received 51 marks only because of which he should not have been selected in the said post. At any rate, it appears that the last three candidates in the said Selection List received 51 marks and therefore any of them should have made room for selection of Bhongle Santosh A. The mistake committed in not selecting him is admitted by Dr.V.D. Patil, the Chairman of the Selection Committee in para 102 of his affidavit dated 25.12.2007 (Ex.645) by Dr.Vandan Mohod, the Registrar/ its member Secretary in para 57 of his affidavit dated 1.12.2007 (Ex.633), by Dr.E.R. Patil, its senior most member in para 40 of his affidavit dated 16.11.2007 (Ex.599), and by Dr.N.D. Pawar, its outside member, in para 32 of his affidavit dated 1.11.2007 (Ex.590).