

Exs.112(O) and 34(O)-A were not placed before any meeting of the Selection Committee for its approval which would mean that the said Mark-sheets were not verified by the Members of the Selection Committee in its formal meeting to find out whether the marks shown were really the average of the interview marks awarded by them. Even the Selection Lists were prepared by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Member Secretary of the Selection Committee, as held in para 1413 of the Enquiry Report under the topic-C “Actual preparation of the Selection Lists” and not by the Selection Committee (See paras 1425 and 1442 of the Enquiry Report). The conclusion therefore is that the Mark-sheets Ex.112(O) and Ex.34(O)-A do not reflect the average of the interview marks given to the candidates by the Chairman and the Members of the Selection Committee but they reflect the marks given to them in their discretion by the Chairman and the Member Secretary of the Selection Committee with a view to select or not to select them.

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

(Vide paras 1362 to 1383-O of the Enquiry Report)

**a) Different versions about preparation of the Mark-sheets of all the candidates given by Dr.V.D. Patil, the Chairman of the Selection Committee, and Shri D.P.Deshmukh, concerned Section Assistant (Estt.) who prepared them**

(Vide paras 1363 to 1372 of the Enquiry Report)

**1971)** After some confusing statements made in their affidavits by Dr.V.D. Patil, the Chairman of the Selection Committee, Dr.Vandan Mohod, its Member Secretary and Dr.E.R. Patil, its senior most Member (Vide paras 1363 to 1365 of the Enquiry Report), it ultimately emerged that there were two Mark-sheets prepared in which admittedly, there were entries made by Shri D.P.Deshmukh, concerned Section Assistant (Estt.). One was consolidated Mark-sheet i.e. for both these posts and in all the categories i.e. S.C., S.T., etc. prepared in alphabetical order Ex.112(O) and another was Categorywise Mark-sheet Ex. 34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) treated by the University as the final Mark-sheet on the basis of which the Selection Lists were prepared. As regards the question of preparation of the said Mark-sheets Ex.112 (O) and Ex.34(O)-A, there are different versions given by Dr.V.D. Patil, the Chairman of the Selection Committee, and Shri D.P.Deshmukh, concerned Section Assistant (Estt.), who prepared them. Vide para 1369 of the Enquiry Report, there is no dispute that the entries in the Mark-sheets Ex.112(O)-A and Ex.34(O)-A are in the handwriting of Shri D.P.Deshmukh, Section Assistant (Estt.).

**1972)** The version of Dr.V.D. Patil, the Chairman of the Selection Committee, is referred to in para 1363 of the Enquiry Report. As stated by him in para 47 of his affidavit dated 25.12.2007 (Ex.645), on each day of interview including the last day i.e. 25.6.2005 the

marks for academic performance of the candidates i.e. the marks for Ph.D. degree acquired or Ph.D. thesis submitted after the last date of application, research papers/popular articles published, whether before or after the last date of application, and significant contribution made if any awarded by the Assistant Professors/Associate Professor, as per the criteria laid down for academic evaluation of SRA/JRA were first entered in pencil in the consolidated Mark-sheet Ex.112(O) and thereafter from it in the Categorywise Mark-sheet Ex.34(O)-A, separate for the posts of SRA (Agri.)/ JRA (Agri.) by Shri D.P. Deshmukh, Section Assistant (Estt.) who had before the commencement of the interviews entered the marks of the candidates for their degrees and experience on the basis of their particulars in the charts marked as Ex.45 (O) in the Enquiry. Further, according to him, from the 2<sup>nd</sup> day of interview i.e. 14.6.2005, after the interviews were over on each day, the average of the marks received by each candidate from the Chairman and the Members of the Selection Committee, was worked out by him and the Registrar and the same was dictated by either of them to Shri D.P.Deshmukh, Section Assistant (Estt.), who first entered the same in the consolidated Mark-sheet Ex.112(O) and thereafter in the postwise and categorywise Mark-sheet Ex.34(O)-A.

**1973)** Dr. V. D. Patil, the Chairman of the Selection Committee, stated in para 46 of his aforesaid affidavit dated 25.12.2007 (Ex. 645) that on the last day of interview after the average of the interview marks of each candidate was dictated by him or the Registrar to Shri D.P.Deshmukh, Section Assistant (Estt.), who entered them in the Mark-sheets in the same manner i.e. first in the consolidated Mark-sheet Ex.112(O) and thereafter in the post-wise and categorywise Mark-sheet Ex.34(O)-A, the meeting of the Selection Committee was not over and it continued till the Selection Lists were prepared. As stated by him in para 48 of his aforesaid affidavit, after the average of the interview marks of the candidates were entered in the said Mark-sheets Ex.112(O) and Ex.34(O)-A at night on the last day of interview i.e. 25.6.2005, he and each member of the Selection Committee had put his signature upon each page of the Mark-sheet Ex.34(O)-A at night on the same day. The above version of Dr.V.D. Patil, the Chairman of the Selection Committee is corroborated by Dr.Vandan Mohod, the Registrar/its Member Secretary and as regards Dr.E.R. Patil, its senior most member, although he initially tried to justify the selection process by going out of the way and stating that two merit lists in descending order of merit, one consolidated List and another Categorywise List were prepared on the last date of interview i.e. 25.6.2005 in the meeting of the Selection Committee, he ultimately corroborated the above version given by Dr.V.D. Patil, the Chairman of the Selection Committee about "Preparation of the aforesaid Mark-sheets" vide para 1365 of the Enquiry Report.

**1974)** As regards the remaining members of the Selection Committee viz. Dr.B.N. Dahatonde and Dr.N.D. Jogdande, its local Members, and Dr.G.N.Dake and Dr.N.D. Pawar, its outside Members, vide para 1366 of the Enquiry Report, they did not know how

the Mark-sheet Ex.34(O)-A was prepared and who prepared it and when, except that according to Dr.N.D.Pawar, vide para 1367 of the Enquiry Report, both the Mark-sheets Ex.112(O) and Ex.34(O)-A were prepared in the Registrar's office. However, what is important to be seen in their affidavits is that according to them, vide para 1368 of the Enquiry Report, the said Mark-sheets could not have been prepared in the meeting of the Selection Committee and were not ready at night on the last day of interview i.e. 25.6.2005 and their signatures could not have been therefore taken or were made upon the Mark-sheet Ex. 34(O)-A and the Selection Lists at night on that day i.e. 25.06.2005 because, according to them, on each day of interview including the last day i.e. 25.6.2005, the meeting of the Selection Committee was over after they had handed over to either the Chairman or the Registrar, the charts in the proforma Ex.434-A in which they had given interview marks to the candidates appearing on each day for interview and that thereafter they had left the meeting. In fact, according to Dr.G.N.Dake, its outside member, on the same day i.e. 25.6.2005, he had gone back to Rahuri at about 10.00 p.m. at night.

**1975)** As regards the version given by Shri D.P.Deshmukh, Section Assistant (Estt.), regarding the preparation of the Mark-sheets Ex.112(O) and Ex.34(O)-A, vide para 1370 of the Enquiry Report, Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 33 of his affidavit dated 15.11.2007 (Ex.598) read with para 3 of his recent affidavit dated 22.6.2009 (Ex.945) that 3 or 4 days before the commencement of interview of the candidates, he had entered in the said Mark-sheets Ex.112(O) and Ex.34(O)-A only the marks about their degrees and experience in the columns meant for them therein from their particulars given in the chart Ex.45(O). However, as regards the marks given on each day of interview by the Assistant Professors/Associate Professor in the chart Ex.38(O) to the candidates appearing for interview on that day for Ph.D. degree acquired or Ph.D. thesis submitted after the last date of application, research papers/ popular articles published, whether before or after the last date of application, and the significant contribution if any, made by them, he stated in the said para 33 of his aforesaid affidavit dated 15.11.2007 (Ex.598) that he received the said chart Ex.38(O) in the evening on 25.6.2005 i.e. the last day of interview and thereafter from the next day he started entering in the said Mark-sheets Ex.112(O) and Ex.34(O)-A the marks given by them to the candidates as per their chart Ex.38(O). According to him, he completed the said work in or about 3 or 4 days time. He then stated in para 34 of his aforesaid affidavit read with para 2 of his recent affidavit dated 22.06.2009 (Ex. 945) that he thereafter sat with Dr.V.D. Patil, the Chairman of the Selection Committee, and entered in the said Mark-sheets i.e. first in the consolidated Mark-sheet Ex.112(O) in pencil and from it in ink in the categorywise Mark-sheet Ex.34(O)-A first for the post of JRA (Agri.) and thereafter for the post of SRA (Agri.) the marks for interview as dictated to him by Dr.V.D. Patil, the Chairman of the Selection Committee. According to him, he first entered the interview marks in the consolidated alphabetical Mark-sheet Ex.112(O) because it was

easier for him to enter them in the said Mark-sheet Ex.112(O) since the additional charts with Dr.V.D. Patil, the Chairman of the Selection Committee, from which he dictated the average of the interview marks to him were in the same alphabetical order in which the said Mark-sheet Ex.112(O) was and as the interview marks for both the posts were common. Shri D. P. Deshmukh, Section Assistant (Estt.) categorically denied in para 12 of his additional affidavit dated 15.3.2008 (Ex.695) that he filled the marks in the categorywise Mark-sheet Ex.34(O)A on each day of interview but as told by him earlier filled them therein after the last date of interview i.e. 25.6.2005 first the marks for academic performance given by the Assistant Professors/Associate Professor in the chart Ex.38(O) and thereafter marks for interview as dictated to him by Dr.V.D. Patil, the Chairman of the Selection Committee because, according to him, he received the said chart Ex.38(O) in the evening on the last day of interview i.e. 25.6.2005. He then stated that he took 8 or 10 days time to enter in the said Mark-sheets Ex.112(O) and Ex.34(O)-A the marks for interview dictated to him by Dr.V.D. Patil, the Chairman of the Selection Committee, vide para 1372 of the Enquiry Report. According to him, he then handed over to Dr.V.D. Patil, the Chairman of the Selection Committee, both the Mark-sheets out of which he returned back to him Mark-sheet Ex.112(O) after about 8 or 10 days.

- b) **Version of Shri D.P.Deshmukh, Section Assistant (Estt.), credible and acceptable. The consolidated alphabetical Mark-sheet Ex.112(O) and categorywise Mark-sheet Ex.34(O)-A were not prepared in the meeting of the Selection Committee and were not ready at night on 25.6.2005 i.e. the last day of interview**

(Vide paras 1373 to 1377 of the Enquiry Report)

**1976)** Vide paras 1373 to 1377 of the Enquiry Report, the above version given by Shri D.P. Deshmukh, Section Assistant (Estt.) about “Preparation of the Mark-sheets Ex.112(O) and Ex.34(O)-A is credible and is accepted for the following amongst other reasons:

- i) Although Dr.V.D. Patil, the Chairman of the Selection Committee, stated in his affidavit that the meeting of the Selection Committee, continued on the last date of interview i.e. 25.6.2005 till the Selection Lists were prepared at night on that day and the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists were signed by the Chairman and all the Members of the Selection Committee and is corroborated in this regard by Dr.Vandan Mohod, the Registrar/its Member Secretary and Dr.E.R.Patil, the senior most member of the Selection Committee, its other members viz. Dr.B.N. Dahatonde and Dr.N.D. Jogdande both local members, and Dr.N.D. Pawar and Dr.G.N. Dake, both outside members did not support him in this regard. According to them, the meeting of the Selection Committee was over not only on each day of interview but also on the last day i.e. 25.6.2005 after they had handed over to the Chairman or the Registrar the charts in the

proforma Ex.434-A in which they had given marks for interview to the candidates on each day and that they had left the meeting thereafter. In fact, according to Dr.G.N.Dake, he went back to Rahuri on the same day i.e. 25.6.2005 at about 10.00 p.m. at night. Further, according to them, they did not know when and how the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists were prepared and who prepared them except that according to Dr.N.D. Pawar, outside Member of the Selection Committee, the Mark-sheets Ex.112(O) and Ex.34(O)-A were prepared in the Registrar's office. They had categorically stated in their affidavits that the Mark-sheet Ex.34(O)-A and the Selection Lists were not signed by them on 25.6.2005 but were signed by them much later thereafter. "Signing the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists" is treated and considered as an independent topic after the topic relating to "Preparation of Selection Lists".

ii) Shri D.P.Deshmukh, Section Assistant (Estt.), had admittedly prepared the said Mark-Sheets Ex.112(O) and Ex.34(O)-A and according to him, he had received in the evening on 25.6.2005 i.e. the last day of interview the chart Ex.38(O) in which the Assistant Professors/Associate Professor had given to the candidates marks for certificates/publications / documents produced by them before them and from the next day onwards he started filling the said marks for academic performance from the said chart Ex. 38(O), for interview as dictated by Dr.V.D. Patil, the Chairman of the Selection Committee, and the total marks out of 100 to each candidate in the said Mark-sheets Ex.112(O) and Ex.34(O)-A. According to him, after 25.6.2005 i.e. the last date of interview, he took about 8 or 10 days time to complete the said work.

iii) As pointed out in para 1376 of the Enquiry Report, there was a heavy schedule of interview of the candidates before the Selection Committee, which was itself tiring because as stated by Dr.V.D. Patil, in para 44 of his affidavit dated 25.12.2007 (Ex.645) the work of taking interviews started from 9.00 A.M. in the morning and the interviews of about 120 candidates fixed on each day out of whom about 110 remained present for interview was completed at about 8.30 p.m. to 9.30 p.m. at night. According to him, after the interviews were over on each day, the work of calculation of total and the average of the marks awarded by him and each member of the Selection Committee was done and then the marks awarded by him and each member of the Selection Committee to each candidate, their total and their average were entered in the additional chart in the same proforma Ex.434-A which was with him. Further, according to him, he dictated the average of the marks for interview of each candidate to Shri D.P.Deshmukh, Section Assistant (Estt.) who entered the same in his data-sheet. Thus, according to him, his work was completed at about 10 or 10.30 p.m. starting at about 9.00 a.m. in the morning with 1 hour lunch interval. Further, according to him, on the last day of interview i.e. 25.6.2005, the work was not completed till the Selection Lists were prepared by him. As observed in para 1376 of the Enquiry Report looking to the enormous nature of the work, it is difficult to believe that on the last

day of interview i.e. 25.6.2005, Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/its Member Secretary, worked ceaselessly from the morning till the Selection Lists were prepared late at night on that day.

iv) Vide para 1376-A of the Enquiry Report, when Dr.V.D. Patil, the Chairman of the Selection Committee, was himself of the view that there was no rule that the Selection Lists must be prepared immediately on the same day after the interviews of all the candidates were over, it is difficult to believe that looking to the heavy schedule of interviews of the candidates, the meeting of the Selection Committee would be continued after the interviews of the candidates were over on the last day to prepare the Mark-sheet Ex.34(O)-A and the Selection Lists. As stated by Dr.B.N.Dahatonde, and Dr.N.D. Jogdande, both local members, and Dr.G.N. Dake and Dr.N.D. Pawar, both outside members of the Selection Committee, its meeting was over on each day of interview including the last day i.e. 25.6.2005, after they had handed over to the Chairman or the Registrar, the charts in which they had given interview marks to the candidates appearing for interview on each day. In fact, according to them, they left the meeting thereafter.

1977) For all these reasons, vide para 1377 of the Enquiry Report, the version of Shri D. P. Deshmukh, Section Assistant (Estt.) is credible and has to be accepted. As stated by him, the Mark-sheets Ex. 112(O) and Ex. 34(O)-A were prepared in about 8 or 10 days time after the last day of interview i.e. 25.06.2005 and the Selection Lists must have been therefore prepared some time thereafter. The Mark-sheet Ex. 34(O)-A and the Selection Lists could not have been therefore signed on 25.06.2005, the last day of interview. Once the version of Shri D.P.Deshmukh, Section Assistant (Estt.), is accepted, it has to be held that the Mark-sheets Ex.112(O) and Ex.34(O)-A and the Selection Lists were not prepared in the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 and were not ready on the last day of interview i.e. 25.6.2005. The Mark-sheet Ex.34(O)-A and the Selection Lists could not have been and were not signed on that day i.e. 25.6.2005. Signing the Mark-sheet Ex.34(O)-A and the Selection Lists is however considered in an independent topic relating to it.

c) **No meeting of the Selection Committee was called for considering the Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) as also for considering the consolidated Mark-sheet Ex.112(O) for both the posts and in all the categories**

(Vide para 1378 of the Enquiry Report)

1978) Vide para 1378 of the Enquiry Report, it is held that the Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) as well as the consolidated Mark-sheet Ex.112(O) for both the posts and in all the categories were not prepared in the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to

25.6.2005 and were not ready on the last day of interview i.e. 25.6.2005, muchless signed by the Chairman and the Members of the Selection Committee on that day but they were prepared thereafter by Shri D.P.Deshmukh, Section Assistant (Estt.), as per his version given in paras 1369 to 1372 above and accepted thereafter in paras 1373 to 1377 of the Enquiry report. After 25.6.2005, there was no meeting of the Selection Committee, called for consideration and approval of the categorywise Mark-sheet Ex.34(O)-A and the consolidated Mark-sheet Ex.112(O) prepared by Shri D.P.Deshmukh, Section Assistant (Estt.) in which the marks for interview were entered by him as dictated by Dr.V.D. Patil, the Chairman of the Selection Committee or by the Registrar. This is admitted even by Dr.V.D. Patil, the Chairman, and the Members of the Selection Committee who stated in their affidavits referred to in para 1378 of the Enquiry Report that no meeting of the Selection Committee was called after 25.6.2005 to transact any business relating to selection in these posts of SRA (Agri.) and JRA (Agri.). Dr.N.D. Pawar, outside member of the Selection Committee, categorically stated in para 15 of his affidavit dated 1.11.2007 (Ex.590), no meeting of the Selection Committee was called for considering the marks given to each candidate for his academic performance, for calculating the average of the marks given to him by the Chairman and each Member of the Selection Committee, and for preparation of the Selection Lists.

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

(Vide para 1379 of the Enquiry Report)

**1979)** As it is held that the above Mark-sheets Ex.112(O) and Ex.34(O)-A were not prepared or considered and approved by the Selection Committee, it has to be held that they were prepared by Shri D.P.Deshmukh, Section Assistant (Estt.), who entered therein the marks for academic performance of the candidates from the chart Ex.45(O) relating to their particulars and from the chart Ex.38(O) in which the Assistant Professors/Associate Professor had given them marks for Ph.D. degree acquired or Ph.D. thesis submitted, after the last date of application, research papers/ popular articles published whether before or after the last date of application, and significant contribution made by them if any. As regards their interview marks they were entered by him in the said Mark-sheets as dictated to him by Dr.V.D. Patil, the Chairman of the Selection Committee or Dr.Vandan Mohod, the Registrar/its Member Secretary as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 47 of his affidavit dated 25.6.2005 (Ex.645) read with para 4 of his recent affidavit dated 24.6.2009 (Ex.946) except that as shown in the topic relating to

“List of some favoured candidates ready” vide paras 1337 to 1340 of the Enquiry Report, the entries in the Mark-sheet Ex.112(O) in respect of interview and total marks of 45 candidates (Annexure-49 of the Enquiry Report), who were selected in the posts of SRA (Agri.) were made by Dr.V.D. Patil, the Chairman of the Selection Committee, himself, in pencil in his own handwriting and that it was a List of selected candidates, as admitted by him in para 3 of his aforesaid affidavit dated 24.6.2009 (Ex.946). It is pertinent to see that the said interview and total marks of such candidates (Annexure-49 of the Enquiry Report), were then entered in the Mark-sheet Ex.34(O)-A on the basis of which the selections were made in these posts of SRA (Agri.) and JRA (Agri.).

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

(Vide paras 1380 to 1383-O of the Enquiry Report)

- e-1) **Re: Discrepancies / mistakes committed by the Assistant Professors/ Associate Professor in awarding marks to the candidates in the chart Ex.38(O) as shown in the chart prepared by this office (Annexure-22 of the Enquiry Report)**

(Vide paras 1380 to 1381-F of the Enquiry Report)

**1980)** Vide paras 1380 and 1381 of the Enquiry Report the discrepancies/ mistakes committed by the Assistant Professors/Associate Professor in awarding marks to the candidates in the chart Ex.38(O) for Ph.D. degree acquired or Ph.D. thesis submitted after the last date of application, research papers/ popular articles published whether before or after the last date of application and significant contribution made by them if any as shown in the chart (Annexure-22 of the Enquiry Report) prepared by this office are admitted by Dr.V.D.Patil, the Chairman of the Selection Committee, Dr.Vandan Mohod, its Member Secretary and Dr.E.R. Patil, its senior most member, vide para 1381 of the Enquiry Report. As shown in para 1382 of the Enquiry Report, the other members of the Selection Committee do not know anything about the chart Ex.38(O) in which the marks were awarded by the Assistant Professors/Associate Professor as stated above. It is necessary to state that the said discrepancies / mistakes in the chart Ex.38(O) also appeared in the Mark-sheets Ex.34(O)-A and Ex.112(O) as they contained entries relating to the marks awarded to the candidates for their academic performance as per the criteria laid down for their academic evaluation in these posts of SRA/JRA and thus included therein the entries in the chart Ex.38(O). Vide para 1383-H of the Enquiry Report, the said discrepancies/mistakes are considered in detail in paras 1280 to 1286 of the Enquiry Report relating to the topic “Award of marks for academic performance” and the finding in that regard is contained in



paras 1917 to 1919 of the Enquiry Report. As even admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, Dr.Vandan Mohod, the Registrar/its Member Secretary, and Dr.E.R. Patil, its senior most member in their affidavits referred to above, there is no manner of doubt that the selection of candidates in these posts of SRA (Agri.) and JRA (Agri.) would be adversely affected if the total marks of the candidates changed due to above referred discrepancies/ mistakes, vide para 1383-I of the Enquiry Report.

**e-2) Re:candidates who were illegally benefitted by the marks awarded to them for certificates/ publications/ documents produced for the first time after the last date of application at the time of their interviews.**

(Vide paras -1383-H and 1383-I of the Enquiry Report)

**1981)** Vide para 1383-H of the Enquiry Report, there were 31 candidates as shown in the chart (Annexure-42 of the Enquiry Report), who were illegally benefitted by the marks awarded to them for Ph.D. degree acquired by them or Ph.D. thesis submitted by them after the last date of application as shown in the chart (Annexure-42 of the Enquiry Report, vide its para 1238). Some candidates were also illegally benefitted as they had produced additional research papers/ popular articles before the Assistant Professors/Associate Professor at the time of their interviews for which they had received marks from the Assistant Professors/Associate Professor as shown in the charts Annexures-13 and 14 of the Enquiry Report relating to the posts of SRA (Agri.) and JRA (Agri.) respectively. The cases of all such candidates who were illegally benefitted by the marks awarded to them for certificates/ publications/ documents produced by them after the last date of application for the first time at the time of their interviews as shown in the chart (Annexures-42, 13 and 14 of the Enquiry Report) are considered in paras 1276 to 1279 of the Enquiry Report and the finding in that regard is rendered in its paras 1914 to 1916. As pointed out in para 1279 of the Enquiry Report, it is held in para 1916 of the Enquiry Report relating to the finding in this regard that because of the illegal marking system of awarding marks to the additional certificates/ publications/ documents filed for the first time after the last date of application at the time of their interviews, the total number of selected candidates in both these posts of SRA (Agri.) and JRA (Agri.) who received illegal benefit of such marks were actually 56, 27 out of 55 selected in the posts of SRA (Agri.) and 29 out of 76 selected in the posts of JRA (Agri.) since SRA/JRA 3 each were common in the lists of Ph.D. candidates (Annexure-42) and R.P./P.A. candidates (Annexures-13 and 14) resulting in injustice and discriminatory treatment to those candidates who were not aware of the above illegal marking system and had not produced any additional certificates/publications/ documents at the time of their interviews and had therefore, received lesser marks on the basis of the certificates/ publications/documents submitted by them with their applications.

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

(Vide Paras 1383-J to 1383-L of the Enquiry Report)

**1982)** As regards the question of applying white ink in the Mark-sheet Ex.34(O)-A to the entries about the marks received by some candidates for their academic performance such cases are included in the Chart (Annexure-21 of the Enquiry Report), prepared by this office. The glaring case in this regard is of Bidwe Kishor U. considered in paras 1383-J and 1383-K of the Enquiry Report. As shown therein apart from the fact that his total marks were wrongly shown as 61 instead of 61.2, 10 marks awarded to him for Ph.D. degree by the Assistant Professors/Associate Professor in the chart Ex.38(O) were not taken into consideration in calculating the total marks received by him which would have been then 71.2 in which case he would have been eligible for selection in the post of SRA (Agri.), OBC or open category instead of JRA (Agri.) OBC category in which he was selected on the basis of total marks 61. It is interesting to see that even in the column for Ph.D. degree in the Mark-sheet Ex.34(O)-A for the post of JRA (Agri.) OBC category in which he was selected, although white ink is applied therein, 10 marks earlier shown therein can clearly be seen in the said column. As regards the Mark-sheet Ex.34(O)-A for the post of SRA (Agri.) OBC and Open categories in which he had applied 10 marks for Ph.D. degree are recorded in the column relating thereto but for the reasons better known to the persons concerned, the said 10 marks are not taken into account in calculating the total marks received by him. Dr.V.D. Patil, the Chairman of the Selection Committee and all others, whose affidavits are referred to in paras 1381, 1382 and 1383(B) of the Enquiry Report, admitted that even according to them, he would be eligible for selection in the post of SRA (Agri.), if 10 marks awarded to him for Ph.D. degree were taken into consideration but without verification of the question whether he was Ph.D. or not and whether he received 10 marks for Ph.D. or not in the chart Ex. 38(O) and without verifying it as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, he was selected in the post of JRA (Agri.) OBC category instead of SRA (Agri.) whether OBC or open category vide para 1383-K of the Enquiry Report. It is thus a clear case of injustice to him because as per the marking system adopted by Dr.V.D. Patil, the Chairman of the Selection Committee, he should have been selected in the post of SRA (Agri.) in OBC or Open category.

**1983)** Vide para 1383 of the Enquiry Report, in the Mark-sheet Ex. 34(O)-A since white ink is applied to the marks for academic performance, interview or total marks of some candidates, who are non-selected candidates, and whose names are mentioned in para 103 of his affidavit dated 25.12.2007 (Ex.645) by Dr.V.D. Patil, the Chairman of the Selection Committee, since their earlier marks cannot be known as stated by Dr.V.D. Patil, the Chairman of the Selection Committee in para 105 of his aforesaid affidavit and also by Shri D.P. Deshmukh, Section Assistant (Estt.) in para 87 of his affidavit dated 15.11.2007

(Ex.598), there might have been mistakes in recording the earlier marks shown against their names which mistakes were corrected by applying white ink.

**e-4) Overwriting and changing interview and total marks in the Mark-sheets Ex.34(O)-A and Ex.112(O).**

(Vide para 1383-M of the Enquiry Report)

**1984)** Vide para 1383-M of the Enquiry Report, as regards some entries regarding the interview and total marks in the categorywise Mark-sheet Ex.34(O)-A which were changed by applying white ink and by overwriting as shown in the chart (Annexure-21 of the Enquiry Report), and as regards the entries in the consolidated Mark-sheet Ex.112(O), which were changed by erasing earlier entries by using rubber as shown in the chart (Annexure-23 of the Enquiry Report), the said question is considered in two topics viz. “Manipulation of Interview Marks of some candidates by making changes therein and consequently their total marks in the Mark-sheet Ex. 112(O) and Ex. 34(O)-A” as discussed in paras 1323 to 1336 of the Enquiry Report and “Changes made in the consolidated Mark-sheet Ex.112(O) and categorywise Mark-sheet Ex.34(O)-A by overwriting in interview and total marks of some candidates”, vide paras 1341 to 1356 of the Enquiry Report, under the principal head “Award of marks for performance in interview”. The finding about “Manipulation of interview marks” in paras 1937 to 1945 and the finding about the changes made by overwriting in the Mark-sheets Ex.112(O) and Ex.34(O)-A in paras 1949 to 1964 of the Enquiry Report.

**1985)** As regards “Manipulation of interview marks of some candidates, the conclusion in para 1945 of the Enquiry Report is that the interview marks were manipulated with a view to select the favoured candidates by giving them higher marks for interview although they had low marks in academic performance and vice-versa manipulation was also done for not selecting the candidates who had higher marks in their academic performance by giving them low marks in interview.

**1986)** As regards the topic relating to “Changes made in interview marks by overwriting”, the finding in para 1964 is that the Mark-sheet of the candidates needs to be carefully prepared without any mistake as the selection of the candidates depends upon it. They should, therefore, be precise and not dubious. The entries regarding the marks of some candidates made in the Mark-sheet Ex.34(O)-A and the consolidated alphabetical Mark-sheet Ex.112(O) would show that the marks are awarded and the changes are made in the marks of the candidates with a view to select or not to select them. In the absence of the relevant charts in the proforma Ex-434-A in which the marks given to each candidate by the Chairman and each member of the Selection Committee, the total of their marks, and their average are recorded, as the said charts are destroyed, it is difficult to believe that there were mistakes in the interview marks of some candidates earlier awarded to them as

shown against their names in the said Mark-sheets Exs. 112 (O) and 34(O)-A and hence the changes were made therein in their interview and total marks. Even assuming that the mistakes were committed in preparation of the said Mark-sheets by the persons concerned it would show serious negligence on their part when utmost care needed to be taken in preparing them as there was keen competition for selection in these posts where even the small mistake would affect the selection process adversely. The conclusion from all the facts referred to in the above topics about “Manipulation and changes in interview marks of the candidates” is that the marks recorded in the Mark-sheets Ex.112(O) and Ex.34(O)-A, were not really the average of the marks for interview received by the candidates from the Chairman and the Members of the Selection Committee.

**e-5) Re: List of some favoured candidates ready (Annexure 49 of the Enquiry Report)**

(Vide paras 1337 to 1340 of the Enquiry Report)

**1987)** The said topic is considered in paras 1337 to 1340 of the Enquiry Report, under the principal head “Award of marks for performance in interview” and the finding in that regard is rendered in paras 1946 and 1948 of the Enquiry Report. It is material to see that vide para 1946 of the Enquiry Report, the entries about the interview and total marks of 45 candidates who were selected in the post of SRA (Agri.) were made in pencil in his own handwriting by Dr.V.D. Patil, the Chairman of the Selection Committee, in the consolidated Mark-sheet Ex.112(O) and that it was the List of selected candidates as admitted by him in para 3 of his recent affidavit dated 24.6.2009 (Ex.946). The said interview and total marks were then entered in the Mark-sheet Ex.34(O)-A on the basis of which the selections were made in these posts. The said List (Annexure-49 of the Enquiry Report) is not an exhaustive List of favoured candidates because there were other favoured candidates selected not only in the post of SRA (Agri.) but also in the post of JRA (Agri.) by manipulation of or by changing their interview and total marks in the Mark-sheets Ex.112(O) and Ex.34(O)-A as shown in the topic relating to them.

**1988)** The conclusion thus in the light of the facts disclosed under the topics relating to manipulation of interview marks, List of some favoured candidates ready, and changes made in interview marks, vide paras 1323 to 1356 of the Enquiry Report is that the marks for interview awarded to the candidates as shown in the consolidated Mark-sheet Ex.112(O) and the categorywise Mark-sheet Ex.34(O)-A were not the average of the marks awarded to them by the Chairman and the Members of the Selection Committee and it appeared that they were marks awarded in their discretion by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, who prepared the Selection Lists of these posts, vide para 1379 of the Enquiry Report relating to

“Preparation of the Mark-sheets of the candidates” and its para 1413 relating to “Preparation of the Selection Lists of the candidates”.

**e-6) Reasons given by Dr.V.D. Patil, the Chairman of the Selection Committee, for changing interview marks and consequently total marks of some candidates in the Mark-sheet Ex.34(O)-A and also the Mark-sheet Ex.112(O) are rejected**

(Vide paras 1383-N and 1383-O of the Enquiry Report)

**1989)** The reasons given by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 105 of his affidavit dated 25.12.2007 (Ex.645) that there were mistakes committed in the Mark-sheet Ex.34(O)-A in the interview marks of some candidates (See Annexure-21 of the Enquiry Report), originally shown against their names and therefore by applying white ink and by overwriting the corrections had to be made therein as also in their total marks. He would not however, be able to tell what their original marks were. As regards the Mark-sheet Ex.112 (O), vide para 1383-G of the Enquiry Report, there were also changes made therein in interview and total marks of some candidates as shown in the chart (Annexure-23 of the Enquiry Report) for which the reason given by Dr.V.D.Patil, the Chairman of the Selection Committee, in para 4 of his affidavit dated 24.6.2009 (Ex.946) is that the total of the marks for interview given to them by him and the members of the Selection Committee was found wrong, when it was checked again and therefore since the average of the interview marks received by them had changed, changes had to be made in their interview and total marks. As stated in para 1383 (O) of the Enquiry Report, the above reasons given by Dr.V.D. Patil, the Chairman of the Selection Committee, are considered in paras 1357 to 1360 of the Enquiry Report in the topic “No need to make so many corrections in the consolidated Mark-sheets Ex.112(O) and the categorywise Mark-sheet Ex.34(O)-A” under the principal head “Award of marks for performance in interview”, and are rejected. The finding in that regard is rendered in paras 1965 to 1968 of the Enquiry Report. In paras 1969 and 1970, the conclusion drawn is that the marks entered in the Mark-sheets Ex.112(O) and Ex.34(O)-A do not reflect the average of the marks for interview given to the candidates by the Chairman and the Members of the Selection Committee but are the marks given to them in their discretion by its Chairman and the Member Secretary with a view to select or not to select them. The same conclusion is drawn in para 1383 -O of the Enquiry Report in this topic relating to “Preparation of the Mark-sheets of all the candidates.

**ix) Preparation of the Selection Lists**

(Vide Paras 1389 to 1414 of the Enquiry Report)

**a) Determination of the number of posts to be filled**

(Vide paras 1384 to 1391 of the Enquiry Report)

**1990)** Although, as per the advertisement dated 14.8.2004 (Ex.2), 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) were advertised, actually selections and appointments were made in 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.), i.e. more than double, as is clear from the said paras 1384 to 1391 of the Enquiry Report. The decision to make recommendations for and to fill up 55 posts of SRA (Agri.) instead of 24, and 76 posts of JRA (Agri.) instead of 37 was admittedly taken by Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, its Member Secretary on their own on 25.6.2005 i.e. the last day of interview, vide para 50 read with para 73 of the affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee, dated 25.12.2007 (Ex.645) and para 26 of the affidavit of Dr. Vandan Mohod, the Registrar/its Member Secretary dated 1.12.2007 (Ex.633). According to them, vide para 49 of the aforesaid affidavit of Dr. V. D. Patil, the Chairman of the Selection Committee, and the said para 26 of the aforesaid affidavit of Dr. Vandan Mohod, the Registrar/its Member Secretary, they knew that there would be more vacancies in the posts of SRA (Agri.) and JRA (Agri.) due to selection of some SRAs (Agri.) and JRAs (Agri.) in the posts of Assistant Professor whose Selection Lists were ready few months prior to interviews in these posts. However, vide para 1386 of the Enquiry Report, according to the other members of the Selection Committee they were never told by Dr.V.D. Patil, the Chairman of the Selection Committee, about the exact number of posts of SRA (Agri.) and JRA (Agri.) to be filled for which they had to make recommendations and prepare the Selection Lists.

**1991)** Vide para 1389 of the Enquiry Report, as regards the question of power to determine the number of posts to be filled, in the absence of any provision in statute, it is the power of the appointing authority to decide how many and which posts should be filled. As stated therein, it is a policy decision and it is not necessary that because there are more vacancies available, all such vacancies must be filled as filling up a vacancy in a post involves consideration of the factors such as its financial implications, its comparative need etc. Being the appointing authority regarding the posts of SRA/JRA, it was for the Vice-Chancellor to decide how many such posts in the University should be filled. The Vice-Chancellor would ordinarily take decision in this regard by following the office procedure observed in the University in such matters viz. the officer concerned in the Registrar's office recording an office note in this regard showing the availability of vacancies in the said posts which office note would be forwarded to the Vice-Chancellor for his approval

through proper channel i.e. the Assistant Registrar, Deputy Registrar, and the Registrar, who would also give their remarks/opinion about it.

**1992)** Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in the said para 50 of his affidavit dated 25.12.2007 (Ex.645) that the decision to increase the number of posts to be filled has to be taken by the Vice-Chancellor who is the appointing authority and that he ordinarily takes such decision by following the routine office procedure viz. by getting proposal through proper channel from the Registrar's office for his approval. He further admitted that no such routine office procedure was followed to determine the exact increase in the number of posts of SRA (Agri.) and JRA (Agri.) to be filled. He also admitted that the decision about the increased number of posts to be filled taken by him and the Registrar, was not in writing and was not communicated by them to the Vice-Chancellor and the Registrar's office. Vide paras 1387 and 1388 of the Enquiry Report, no such decision to determine the exact increase in the number of posts of SRA (Agri.) and JRA (Agri.) to be filled was taken by the Vice-Chancellor much less by following the above office procedure and there was no communication made to the Selection Committee by the Vice Chancellor's or Registrar's office communicating to it any increase in the number of posts of SRA / JRA to be filled.

**1993)** Vide para 1390 of the Enquiry Report, statute-77 (1) (i) of the Statutes shows that it is the Vice-Chancellor who causes the posts to be advertised for being filled, he being an appointing authority. That, he takes such decision by following the above office procedure is clear from the fact that before the advertisement for these posts dated 14.08.2004 (Ex.2) was issued, the concerned Section Assistant (Estt.) Shri D.P. Deshmukh, had recorded an office note dated 15.7.2004 in the file Ex.40(O), explaining the existence of vacancies in these posts in their nomination and promotion quota which office note was forwarded for his approval to the Vice-Chancellor through the Assistant Registrar, Deputy Registrar and the Registrar and after its approval by the Vice-Chancellor on 17.7.2004, the advertisement dated 14.8.2004 (Ex.2) for advertising these posts was issued.

**1994)** Neither the Selection Committee nor its Chairman and/or its Member Secretary, has any power to increase the number of posts to be filled. The aforesaid action of the Chairman of the Selection Committee and its Member Secretary to increase the number of posts to be filled by about more than double is illegal and without jurisdiction. The decision to fill up 76 posts of JRA (Agri.) was per se in breach of the quota rule since nomination and promotion quota in the said post as on 25.06.2005 i.e. the last day of interview when they took the above decision was 57:57. They could not have therefore decided to fill up more than 57 posts of JRA (Agri.) in its nomination quota. It may be seen that it would have been a different thing if the Selection Committee and in the instant case the Chairman and the Member Secretary of the Selection Committee who prepared the Selection Lists were to prepare them for the exact number of these posts which were advertised and then

give wait lists for near future vacancies therein as stated in the advertisement dated 14.8.2004 (Ex.2) itself. The Chairman and the Member Secretary of the Selection Committee, who actually prepared the Selection Lists as would be shown later on in para 1413 of the Enquiry Report, did not give any wait lists but directly recommended the candidates for appointment in these posts by increasing themselves the number of vacancies therein to be filled as stated above which would show that they wanted to accommodate as many favoured candidates as possible.

**1995)** Apart from the fact that the action of Dr. V. D. Patil, the Chairman of the Selection Committee, and Dr. Vandan Mohod, the Registrar and Member Secretary of the Selection Committee had no power to increase the number of posts to be filled as the said power is of the Vice Chancellor as shown above, their action in increasing the number of posts to be filled is violative of Articles 14 and 16(1) of the Constitution of India because as held by the Supreme Court in para 7 of its latest judgment in *Rakhi Ray and others Vs High Court of the Delhi and others* (2010) 2 SCC 637 the recruitment of the candidates in excess of the notified/advertised vacancies is denial and deprivation of the constitutional right under Articles 14 and 16(1) of the Constitution of those persons who acquired eligibility for the posts in question in accordance with the statutory rules subsequent to the date of notification/ advertisement of the vacancies. It further held that it amounts to improper exercise of power and that only in a rare and exceptional circumstance and in emergent situation such a rule can be deviated. It also held that such deviation is permissible only after adopting policy decision based on some rational. Therefore, in view of the above judgment although the advertisement dated 14.08.2004 (Ex. 2) provides that the posts can increase or decrease, looking to the above constitutional guarantee, it can be done only in exceptional circumstances and that too on taking policy decision based on some rational. As regards preparation of Waiting-lists for near future vacancies, vide para 8 of the judgment cited *Supra*, similar view is taken by relying upon its judgment in *Sunder Singh Vs State of Punjab* (1997) 8 SCC488, Paras 14 & 16.

**1996)** Law summarised in para 12 of the judgment cited *supra* is that any appointment made beyond the number of vacancies advertised is without jurisdiction being violative of Arts 14 and 16(I) of the constitution of India and in case the vacancies notified/advertised are filled up, the process of selection comes to an end. Select List/Waiting List etc. can not be used for filling the vacancies which come into existence after the notification/ advertisement is issued. The action of the Chairman and the Member Secretary of the Selection Committee to increase the number of posts of SRA (Agri.) from 24 as advertised to 55 and of JRA (Agri.), from 37 as advertised to 76 is not only illegal and unjustified but is constitutionally invalid also. For filling more posts than advertised, the University should have issued fresh advertisement after determining the exact number of vacancies to be filled and after making categorywise distribution of the said vacancies particularly when



so much time had elapsed from the date of the advertisement dated 14.8.2004 (Ex.2) issued for advertising these posts during which many candidates who were not earlier eligible might have become eligible for these posts.

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

(Vide paras 1392 to 1394 of the Enquiry Report)

**1997)** Vide para 1392 of the Enquiry Report, as regards the question of categorywise distribution of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.), which were to be filled according to Dr.V.D. Patil, the Chairman of the Selection Committee, vide para 51 of his affidavit dated 25.12.2007 (Ex.645), in preparation of the Selection Lists for these posts, the Registrar/Member Secretary of the Selection Committee calculated as to how many posts would fall in each category i.e. S.C., S.T. etc. out of these posts. He then admitted in para 73 of his aforesaid affidavit that no such break-up of the said posts was determined by following the office/routine procedure i.e. the office note of the concerned Officer/employee of the University being forwarded through proper channel to the Vice-Chancellor for his approval as was done at the time of advertisement of these posts when the break-up of 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) which were advertised was also given in the office note of the concerned Section Assistant (Estt.) dated 15.7.2004 which was approved by the Vice-Chancellor and was shown in the advertisement of these posts dated 14.8.2004 (Ex.2) itself. Had the decision to increase the number of posts to be filled been taken after following the aforesaid office procedure, the Registrar's office, alongwith the number of increased posts to be filled in, would have given in its office note the categorywise break-up of the said posts for approval of the Vice-Chancellor which decision, after its approval by him, could have been communicated to the Selection Committee. As stated in the said para 1392 of the Enquiry Report, Dr.V.D. Patil, admitted in para 73 of his aforesaid affidavit that the decision to fill-up the number of posts of SRA (Agri.) and JRA (Agri.) and their categorywise break-up could have been taken properly and officially by the Vice-Chancellor by following the office/routine procedure described above and that there was no emergency for not following such procedure and for not obtaining the official sanction in this matter and instead take such decision themselves.

**1998)** Vide para 1393 of the Enquiry Report, as regards the question as to who made the categorywise break-up of these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.), and how Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in para 8 of his affidavit dated 25.3.2008 (Ex.697) that the said categorywise-break was prepared by Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, and that he only told him to prepare cautiously proper chart showing categorywise break-up so that there should not be any grievance made by anybody. He then admitted that he had not verified the said chart to see whether it was proper or not. He also admitted that they had

not seen 100 point roster and did not calculate the categorywise break-up of these posts on the basis of the points in the said 100 point roster taking into consideration the number of posts already filled at that time. As regards the question of following 100 point roster, the said question is considered in para 1641 of the Enquiry Report under the topic “Reservation Policy of the Govt. not followed by the University”.

**1999)** As regards the categorywise break-up of these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.), Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, who prepared it, stated in para 27 of his affidavit dated 1.12.2007 (Ex.633) and also in para 5 of his additional affidavit dated 2.4.2008 (Ex.713) that they prepared on computer the chart showing the categorywise break-up of these posts i.e. S.C., S.T. etc. and open on the basis of the percentage of each reserved category prescribed in the relevant G.Rs. about the reservation of posts for backward classes supplied to them by the Registrar’s office. It is thus clear that they had calculated the number of posts reserved for each reserved category i.e. S.C., S.T. etc. according to its prescribed percentage by the Government and had shown them in the said chart and accordingly they had made appointments in these posts. The question whether the posts were reserved for each reserved category according to its prescribed percentage and in open and how many candidates were actually appointed in these posts in each category and in open, is considered in paras 893 and 894 and in paras 1642 to 1651 of the Enquiry Report about collection of data and its appreciation respectively under the topic about “Reservation Policy of the University”. In particular, it is shown in the said paras of the Enquiry Report that the reservation policy of the Government was not followed by the University and the categorywise distribution of the posts was not made according to the prescribed percentage for each reserved category as claimed by the Chairman and the Member Secretary of the Selection Committee.

**2000)** The said question is considered in detail in paras 1642 to 1651 of the Enquiry Report, referred to above. Suffice it to state that this office had prepared the chart (Ex.712) showing the prescribed percentage of each reserved category as per the G. R. dated 16.3.1999 (Ex. 703) and the number of posts falling therein according to its prescribed percentage, and in open which chart was admitted by Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee who, according to him, had calculated the prescribed percentage of posts for each reserved category as per the G.Rs. relating to the same. He was then shown the number of candidates selected and appointed in each reserved category and in open. He admitted that they were not according to their prescribed percentages. He also admitted that the number of posts of SRA (Agri.) and JRA (Agri.) filled by them were in some categories in excess of and in some other categories less than their prescribed percentages. The relevant charts in this regard reproduced in para 1644 of the Enquiry Report, were brought to his notice which he admitted.

**2001)** 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. It is thus held in para 1651 of the Enquiry Report 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 reserved category of the posts of SRA (Agri.) and JRA (Agri.) according to its prescribed percentage and in open and had failed to follow legally and properly the reservation policy of the Government and the Selection Lists prepared by them were in breach of the said policy.

**2002)** The Selection Lists in these posts were thus made in most arbitrary manner because even though the candidates were available for making selection in all these posts to the extent of the prescribed percentage of each reserved category, still their selection was not made to the extent of its full quota as per its prescribed percentage and the remaining quota in such categories was used in selection of the candidates for other categories as shown in the charts in para 1644 of the Enquiry Report which would support the inference that it was done by them to select the favoured candidates. The selections made in these posts were thus violative of Articles 14, 16 (1) and 16 (4) of the Constitution of India.

**c) Actual preparation of Selection Lists**

(Vide paras 1395 to 1413 of the Enquiry Report)

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

**2003)** Vide para 1396 of the Enquiry Report, although the lengthy consolidated mark-sheet Ex.112(O) and the categorywise Mark-sheet Ex.34(O)-A were prepared in pencil and in ink respectively, the categorywise Selection Lists of these posts of SRA (Agri.) and JRA (Agri.) which are at pages 66 to 76 of the file relating to the proceedings of the meeting of the Selection Committee Ex.34(O) were prepared on computer, the true copies of which are already annexed to the Enquiry Report as Annexure-25. It is not necessary to consider the contradictory statements in the affidavits of Dr.V.D. Patil, the Chairman, Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, and Shri D.P.Deshmukh, Section Assistant (Estt.) about preparation of Selection Lists on computer.

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

(Vide paras 1396 to 1406 of the Enquiry Report)

**2004)** Vide paras 1396 to 1398 of the Enquiry Report, according to Dr.V.D. Patil, the Chairman of the Selection Committee, Dr.Vandan Mohod, the Registrar/its Member

Secretary, and Dr.E.R. Patil, its senior most member, the categorywise Mark-sheet Ex.34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) and the categorywise Selection Lists for the posts of SRA (Agri.) and JRA (Agri.) were prepared at night on 25.6.2005 i.e. the last day of interview. However, vide paras 1399 to 1402 of the Enquiry Report, the other members of the Selection Committee viz. Dr.B.N.Dahatonde, and Dr.N.D. Jogdande, its local members and Dr.N.D. Pawar and Dr.G.N.Dake, its outside members stated in their affidavits that after they had handed over to the Chairman or the Registrar/Member Secretary of the Selection Committee, the charts in which they had given marks to the candidates appearing for interview on each day including the last day of interview i.e. 25.6.2005, the meeting of the Selection Committee was over on that day and neither the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) nor the categorywise Selection Lists for the said posts were prepared at night on the last day i.e. 25.06.2005, muchless in the meeting of the Selection Committee.

**2005)** Dr.V.D. Patil, the Chairman of the Selection Committee stated in para 71 of his affidavit dated 25.12.2007 (Ex.645) that there was no rule that the Selection Lists must be prepared immediately after the interviews were over. He then stated in para 72 of his aforesaid affidavit that the Selection Lists need to be prepared carefully and not in haste and therefore even if there is such rule it cannot be made mandatory because in certain contingencies or exigencies, particularly when the number of candidates to be interviewed is large and even the number of posts to be filled is also large, it would not be possible to prepare the Selection Lists immediately after the interviews are over because much time would be consumed in completing the interviews of all the candidates and much time would thereafter be required for preparing the Selection Lists. It may be seen that before the Selection Lists are prepared merit list or Mark-sheet of the candidates in descending order of merit has to be prepared. Be that as it may, he however, stated that since he himself, the Registrar/Member Secretary of the Selection Committee, Dr.E.R. Patil, its senior most member, and its one or two other members (not outside members) thought that they should immediately prepare the Selection Lists, they prepared them in haste immediately after the interviews were over on the last day i.e. 25.06.2005. His aforesaid statement that “one or two other members (not the outside members)” also thought that the Selection Lists should be prepared immediately after the interviews were over on the last day i.e. 25.06.2005 cannot be believed because as held in para 1404 of the Enquiry Report, according to Dr. B. N. Dahatonde and Dr. N. D. Jogdande, local members, and Dr. N. D. Pawar and Dr. G. N. Dake, outside members, of the Selection Committee, the Selection Lists were not prepared at night on 25.06.2005 i.e. the last day of interview because on that day also, like the previous days, the meeting of the Selection Committee was over and they had left the meeting hall and returned home after they had handed over to the Chairman or the

Registrar/Member Secretary of the Selection Committee their Charts in which they had given marks for interview to the candidates on that day.

**c-3) Categorywise Mark-sheet Ex. 34(O)-A from which Selection Lists were prepared, itself not ready at night on 25.06.2005 i.e. the last day of interview**

(Vide paras 1405 and 1406 of the Enquiry Report)

**2006)** Vide para 1405 of the Enquiry Report, relating to the topic “Categorywise Mark-sheet Ex.34(O)-A from which the Selection Lists were prepared, itself not ready at night on 25.06.2005 i.e. the last day of interview”,. Dr.V.D. Patil, the Chairman of the Selection Committee, in para 51 of his affidavit dated 25.12.2007 (Ex.645) and Dr.Vandan Mohod, the Registrar/ its Member Secretary, in para 31 of his affidavit dated 1.12.2007 (Ex.633) stated that the categorywise Selection Lists for the posts of SRA (Agri.) and JRA (Agri.) in question were prepared from the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.). Vide para 70 of the aforesaid affidavit of Dr.V.D.Patil, the Chairman, and the same para 31 of the aforesaid affidavit of Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee, they also admitted that unless the categorywise Mark-sheet Ex.34(O)-A was ready on 25.6.2005, the Selection Lists could not have been prepared on that day and that they could be prepared only after the said categorywise Mark-sheet Ex.34(O)-A was ready. As held in para 1377 of the Enquiry Report, the categorywise Mark-sheet Ex. 34(O)-A was prepared by Shri D. P. Deshmukh, Section Assistant (Estt.), in 8 or 10 days time after the last day of interview i.e. 25.06.2005 whereafter he handed it over to Dr. V. D. Patil, the Chairman of the Selection Committee.

**2007)** It is thus held in para 1406 of the Enquiry Report, that the Selection Lists of the candidates for the posts of SRA (Agri.) and JRA (Agri.) could not have been prepared and were not ready on 25.6.2005 i.e. the last day of interview and they could not have therefore been and were not signed by the Members of the Selection Committee at night on that day or in the morning on the next day i.e. 26.6.2005 as stated by Dr.V.D. Patil, in para 70 of his affidavit dated 25.12.2007 (Ex.645). As regards the question of signing the Mark-sheet Ex.34(O)-A and the Selection Lists by the Members of the Selection Committee, the said question is considered hereinafter under the separate topic relating thereto.

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

(Vide paras 1407 to 1412 of the Enquiry Report)

**2008)** Vide para 1407 of the Enquiry Report, it is made clear that the Mark-sheet of the candidates separate for the posts of SRA (Agri.) and JRA (Agri.) in descending order of merit was not prepared in this case as is usually done for preparation of the Selection List in descending order of merit. Vide paras 1661 to 1666 of the Enquiry Report, perusal of the

G.R. dated 16.3.1999 (Ex.703) which gives procedure for preparation of the Selection Lists and which is admittedly binding upon the University also requires the Mark-sheet of the candidates (merit list) to be prepared in descending order of merit from which the categorywise Selection Lists are prepared. As pointed out in the said para 1407 of the Enquiry Report, even Statute-52 which is applicable to the posts of professor and above, the pattern of 40 : 60 in which is adopted for academic evaluation of SRA/JRA, as it is not applicable in terms to the posts of SRA/JRA, also provides for preparation of the Mark-sheet (merit list) in descending order of merit from which the Selection List is prepared. Neither the consolidated Mark-sheet Ex.112(O) nor the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) and in particular the latter, since the categorywise Selection Lists are prepared from it, is in descending order of merit. As observed in para 1407 of the Enquiry Report, as the Selection Lists were prepared from the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) which was not in descending order of merit, the procedure followed in preparation of the categorywise Selection Lists was at any rate time consuming and the said categorywise Selection Lists for both these posts could not have been prepared at night from the said categorywise Mark-sheet Ex.34(O)-A as per the procedure described by Dr.V.D. Patil, the Chairman of the Selection Committee, in paras 1408 and 1409 of the Enquiry Report or by Dr. Vandan Mohod, the Registrar/its Member Secretary, in its para 1412.

**2009)** Vide paras 1408 and 1409 of the Enquiry Report, as regards the actual work of preparation of categorywise Selection Lists from the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.), according to Dr.V.D. Patil, the Chairman of the Selection Committee, he had formed two groups to do the said work headed by Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, and Dr.E.R.Patil, its senior-most member. Further, according to him, although other members of the Selection Committee, were not continuously present in the Committee room but were coming in and going out of the said room, at least one or two members who were available in the Committee room assisted them in doing the said work. He then stated that he entrusted the work of preparation of the Selection Lists of major categories in the sense where the number of candidates was large i.e. open and OBC to the group headed by the Registrar/ Member Secretary of the Selection Committee and the work of preparation of the Selection Lists of other categories such as S.C., S.T. etc. in which the number of candidates was small, to other group headed by Dr.E.R. Patil, its senior-most member.

**2010)** Vide para 1409 of the Enquiry Report, 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), in preparing the Selection List of open category, the Registrar scrutinized the List of open category

candidates in the Mark-sheet Ex.34(O)-A and found out from it the candidates who scored highest number of marks. He then wrote down in his own handwriting the names of such candidates in the Open category in descending order of merit to the extent of the number of candidates to be selected in that category. According to him, after finishing the work of preparation of Selection List of open category candidates, he undertook and completed in his own handwriting in similar manner the work of preparation of Selection List of OBC category in descending order of merit from the List of OBC category candidates in the Mark-sheet Ex.34(O)-A. He then stated that in similar manner, Dr.E.R. Patil, also completed the work of preparation of the Selection Lists in his own handwriting of the candidates of other categories such as S.C., S.T. etc. in descending order of merit from the categorywise Mark-sheet Ex.34(O)-A of the said categories. According to him, both of them first prepared the Selection Lists for all categories in the post of SRA (Agri.) and thereafter prepared the Selection Lists for the post of JRA (Agri.). Lastly, according to him, all these handwritten Selection Lists for the posts of SRA (Agri.) and JRA (Agri.) were handed over to the Registrar and Shri D.P.Deshmukh, Section Assistant (Estt.) who took them to the Registrar's office and prepared the computerized copies of the said Lists whereafter all these handwritten Selection Lists were destroyed.

**2011)** However, vide paras 1411 of the Enquiry Report, Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, did not corroborate, Dr.V.D. Patil, its Chairman, in regard to the above procedure alleged to be followed for preparation of the categorywise selection lists in these posts of SRA (Agri.) and JRA (Agri.). What is important to be seen is that in para 23 of his affidavit dated 1.12.2007 (Ex.633), he categorically stated that the Selection Lists were prepared by the Chairman and he himself. As stated in the said para 1411 of the Enquiry Report, his aforesaid statement stands supported by the other Members of the Selection Committee, viz. Dr.E.R. Patil, Dr.B.N.Dahatonde, Dr.N.D. Jogdande, Dr.N.D. Pawar and Dr.G.N.Dake, whose affidavits would clearly show that they did not participate in the process of preparation of the Selection Lists, vide paras 1399 to 1404 of the Enquiry Report.

**2012)** Vide para 1412 of the Enquiry Report, Dr. Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, contradicted to Dr.V.D.Patil, its Chairman, regarding preparation of the handwritten lists and then computerized lists by him and Shri D.P.Deshmukh, Section Assistant (Estt.) by going to the Registrar's office. According to him, they prepared the Selection Lists in each category in descending order of merit on computer in the hall in which they were sitting after tick marking in the Mark-sheet Ex.34(O)-A the names of the candidates in each category who received highest number of marks in the said categories starting the process with open category in SRA (Agri.) followed by OBC, S.C. , S.T. categories etc. in the said post. Further, according to him, in similar manner thereafter, they prepared the Selection Lists for all the above category in the

post of JRA (Agri.). The reason he gave in para 28 of his aforesaid affidavit for starting the process of preparation of Selection List with Open category candidates was that according to him many candidates had applied in more than one category i.e. besides Open, in some other reserved category. He, however, stated that if a candidate had not applied in Open category, they did not include his name in the said category although he was eligible to be selected in the said category because of the marks received by him. A similar statement is made by Dr. V. D. Patil, the Chairman of the Selection Committee, in para 99 of his affidavit dated 25.12.2007(Ex. 645).

**c -5) Selection Lists of these posts of SRA (Agri.) and JRA (Agri.) prepared by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Member Secretary of the Selection Committee but they were neither considered nor approved in any meeting of the Selection Committee**

(Vide para 1413 of the Enquiry Report)

**2013)** Vide para 1413 of the Enquiry Report, as held above, it is not true that the Selection Lists were prepared by two groups formed by Dr.V.D. Patil, the Chairman of the Selection Committee, as stated by him in paras 68 and 69 of his affidavit dated 25.12.2007 (Ex.645) but as stated by Dr.Vandan Mohod, the Registrar/its Member Secretary, in para 23 of his affidavit dated 1.12.2007 (Ex.633), the Selection Lists were prepared by him and Dr.V.D. Patil, the Chairman of the Selection Committee. It is however, clear that as pointed out in paras 1393 to 1406 of the Enquiry Report (vide findings in paras 2004 to 2007 of the Enquiry Report), the said Selection Lists could not have been and were not prepared by them on 25.6.2005 i.e. the last day of interview much less in the meeting of the Selection Committee and they were not ready on that day. In fact, as held in para 1377 of the Enquiry Report, relating to “Preparation of the Mark-sheet of all the candidates”, the categorywise Mark-sheet Ex.34(O)-A from which the Selection Lists were prepared, was itself not prepared and was not ready on 25.06.2005 i.e. the last day of interview because as stated by Shri D.P.Deshmukh, Section Assistant (Estt.), the said Mark-sheet Ex. 34(O)-A was prepared by him in 8 or 10 days time after that day i.e. 25.6.2005 whereafter it was handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee. It is, therefore, clear that the Selection Lists must have been prepared by them i.e. Dr. V. D. Patil, the Chairman and Dr. Vandan Mohod, the Member Secretary sometime thereafter and not on 25.6.2005 i.e. the last day of interview. As already pointed out in para 1405 of the Enquiry Report, unless the categorywise Mark-sheet Ex.34(O)-A was ready, the Selection Lists could not have been prepared as they were prepared from it only. As held in the provision topic about “Preparation of the Mark-Sheet”, the Selection Lists for these posts of SRA/JRA were neither prepared, nor considered muchless approved by the Selection Committee whose meeting was admittedly not called after 25.06.2005.



**c-6) Lacunae, deficiencies, or illegalities, and irregularities committed in preparation of the Selection Lists**

(Vide para 1414 of the Enquiry Report)

**2014)** Vide para 1414 of the Enquiry Report, the above questions are considered in paras 1661 to 1698 of the Enquiry Report under the topic “Illegalities, flaws, consequential reshuffling of Selection Lists and other infirmities in preparation of Selection Lists of these posts of SRA (Agri.) and JRA (Agri.)” and the findings in that regard are rendered in subsequent paras 2244 and 2285 of the Enquiry Report.

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

(Vide Paras 1415 to 1419 of the Enquiry Report)

**2015)** Vide para 1415 of the Enquiry Report, as regards the non-selection of YCMOU graduates, the main reason for their non-selection in the posts of JRA (Agri.) was that as stated by Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, in para 47 of his affidavit dated 1.12.2007 (Ex.633), considering the nature of instructions and the courses in YCMOU, the graduate degree of YCMOU in agriculture was not considered as equivalent to the graduate degree in the Agricultural Universities in the State. It is principally for this reason that none of the YCMOU graduates who had applied for the post of JRA (Agri.) were selected in the said post, although they had acquired graduate degree in agriculture from YCMOU.

**2016)** Vide para 1416 of the Enquiry Report, according to YCMOU graduates, who had applied for the post of JRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex.2), their graduate degree in Agriculture was held as equivalent to the graduate degree in the Agricultural Universities in the State by the Government as per its G.R. dated 24.9.2003 (Annexure-20 of the Enquiry Report). They, therefore, made representation to the University that they were eligible for the posts of JRA (Agri.)/AA and therefore they should be considered for selection and appointment in the said posts. As orally directed by the then Vice-Chancellor Dr.S.A. Nimbalkar, Dr.V.D. Patil, the Director of Instructions/Chairman of the Selection Committee, considered their representation about equivalence of their graduate degree in agriculture with the graduate degree of the Agricultural Universities in the State. The file which was opened in that regard marked as Ex.37(O) in this Enquiry Report contained all the relevant G.Rs. and other documents for consideration by Dr.V.D. Patil, the Chairman of the Selection Committee/ D.I. It also included at pages C/51 to C/53 of the said file Ex.37(O), the aforesaid G.R. dated 24.9.2003 (Annexure-20 of the Enquiry Report).

**2017)** Vide para 1417 of the Enquiry Report, Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, as well as Dr.V.D. Patil, the Chairman of the Selection Committee/D.I.

admitted that no decision was taken by the University or any of its Committee or by the Vice-Chancellor that the YCMOU candidates were not to be considered as eligible for the posts of JRA (Agri.). However, according to Dr. S.A.Nimbalkar, the then Vice-Chancellor of the University, the question of equivalence of graduate degree of YCMOU in Agriculture with the graduate degree of the Agricultural Universities in the State was pending for consideration before MCAER whose final decision was awaited in that regard but till then according to him the YCMOU graduates should be treated as eligible for appointment and promotion in the post of JRA (Agri.). It may be seen in this regard that perusal of the aforesaid GR dated 24.06.2005 (Annexure 20 of the Enquiry Report) would show that it is issued after considering the Report of the Committee of MCAER (vide Sr. No. 4 under the caption "Read" in the said GR dated 24.06.2005). After considering all the relevant documents/G.Rs. and in particular the G.R. dated 24.6.2005 (Annexure-20 of the Enquiry Report), and after taking legal advice in the matter, Dr.V.D. Patil, the Chairman of the Selection Committee, called all the 7 YCMOU graduates who had applied for the posts of JRA (Agri.) for interview of the said post on 24.6.2005. Accordingly, they were interviewed and their names were included in the Mark-sheet Ex.34(O)-A for the posts of JRA (Agri.) categorywise but their names were shown separately in the Lists of reserved categories and open in which they had applied.

**2018)** Vide paras 1418 and 1419 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/its Member Secretary, admitted that the aforesaid G.R. dated 24.9.2003 (Annexure-20 of the Enquiry Report) regarding equivalence of YCMOU graduate degree in Agriculture with the graduate degree of the Agricultural Universities in the State was binding upon all the Agricultural Universities in the State and unless the said G.R. was cancelled, superseded or changed, it would continue to be binding upon the question of equivalence of YCMOU graduate degree in agriculture with the graduate degree of the Agricultural Universities in the State. They thus admitted that YCMOU graduates were eligible for selection in the posts of JRA (Agri.) and since no cut off marks were fixed in the criteria for the academic evaluation of SRA (Agri.) and JRA (Agri.), the YCMOU graduates even though they received low marks could also be selected in the posts of JRA (Agri.) if the posts were available for them in selecting them in descending order of merit.

**2019)** It appears that because the high officers in the University considered the YCMOU graduates who had graduate degree in agriculture from the said University as below standard as compared to the graduates in agriculture from the Agricultural Universities in the State, the YCMOU graduates were not considered in the University for appointment and promotion in the posts of JRA (Agri.) / AA, and their names were not even included in the Seniority List of the post of Agricultural Assistant on the basis of which promotions were made to the posts of JRA (Agri.). However, the question of their promotion is not the

subject matter of the Enquiry. As regards the question of direct recruitment to be made pursuant to the advertisement dated 14.8.2004 (Ex.2), it appeared that injustice was done to Shri Dilip Solanki, S.T., YCMOU graduate in agriculture because even as admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, he should have been recommended for the third post of JRA (Agri.) in S.T. category. Vide para 524 of the Enquiry Report in "Data collection" about "Non-selection of YCMOU graduates", Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in para 76 of his affidavit dated 25.12.2007 (Ex.645) that when there were 37 posts of JRA (Agri.) advertised, 3 posts were allocated out of them to JRA (Agri.) S.T. category, and therefore, when 76 posts of JRA (Agri.) were filled, the number of posts to be reserved for JRA (Agri.) S.T.category should have been more than three. However, according to him, in their Selection List of the posts of JRA (Agri.) S.T. category, they had recommended two S.T. candidates only because there were 7 S.T. candidates (not including YCMOU candidates) who had applied for the posts of SRA (Agri. ) and JRA (Agri.) out of whom at the time of interview, three were absent and out of the remaining 4 S.T. candidates, two candidates were selected for the posts of SRA (Agri.) and therefore the remaining two were selected for the posts of JRA (Agri.). Although he initially stated that Shri Dilip Solanki, S.T. category, candidate who was YCMOU graduate was not selected since he got low marks i.e. only 30 marks out of 100, after he found that in the criteria for evaluation of SRA/JRA laid down in the meeting dated 31.5.2005, there were no minimum marks laid down for being considered for selection and appointment in the said post he admitted that he was eligible to be selected in the said post of JRA (Agri.) S.T. category after being considered for selection in descending order of merit for the said post if the said post was available for him. He then categorically admitted in para 78 of his aforesaid affidavit vide para 525 of the Enquiry Report, that the name of Shri D.P.Solanki, YCMOU graduate should have been recommended as a third candidate for the post of JRA (Agri.) in S.T. category, in the absence of the cut off marks being laid down by them for selection of any candidate in these posts.

**xi) Waiting Lists not given in preparation of the Selection Lists for the posts of SRA (Agri.) and JRA (Agri.)**

(Vide paras 1420 to 1424 of the Enquiry Report)

**2020)** Although the advertisement dated 14.8.2004 (Ex.2) specifically provided for wait list to be prepared for near future vacancies, no wait lists were prepared by Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/its Member Secretary, in preparing the Selection Lists for these posts of SRA (Agri.) and JRA (Agri.). It is trite to say that whenever the Selection List is prepared for any post, the wait list of the candidates is always given by the Selection Committee, to tide over the situations

such as the selected candidate not joining his post after his appointment or the post becoming vacant in the near future after the advertisement is issued as specifically provided in the advertisement dated 14.8.2004 (Ex.2).

**2021)** Vide para 1421 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee, sought to justify his action of not giving waiting list on the ground that according to him, it was for the Vice-Chancellor to fill-up the post looking to the vacancies available in these posts in the University. As stated in the said para 1421 of the Enquiry Report, the above justification given by him is not rational because filling up the available vacancies in the post has nothing to do with the question of preparation of the waiting list which is prepared primarily to tide over the situation when any candidate appointed in any post does not join it as per the appointment order given to him.

**2022)** Vide para 1422 of the Enquiry Report, Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, clearly admitted in para 33 of his affidavit dated 1.12.2007 (Ex.633) that when they did not know the exact position of the vacancies at the time of preparation of the Selection Lists for these posts of SRA/JRA, they should have thought of giving waiting list in the Selection List of each of these posts instead of giving the Selection Lists of the exact number of candidates for 55 vacancies in the posts of SRA (Agri.) and 76 vacancies in the posts of JRA (Agri.). Dr.G.N.Dake, outside Member of the Selection Committee also expressed similar view in para 16 of his affidavit dated 23.11.2007 (Ex.600), Dr.E.R. Patil, senior-most member of the Selection Committee, stated in para 35 of his affidavit dated 16.11.2007 (Ex.599) that the Selection Committee, committed a mistake in not giving waiting list of candidates in preparation of the Selection Lists for these posts of SRA/JRA. According to Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, vide para 45 of his affidavit dated 14.1.2008 (Ex.658), although the wait list was given by the Selection Committee, in every Selection List prepared by it for any post, he did not know why the waiting lists were not given in the Selection Lists prepared for these posts of SRA (Agri.) and JRA (Agri.) particularly when it was stated in the advertisement dated 14.8.2004 (Ex.2) that the waiting list should be prepared by the Selection Committee for near future vacancies. For further discussion about Selection Lists and waiting lists, see paras 1391-A and 1391-B of the Enquiry Report in which the judgment of the Supreme Court is referred to.

**2023)** Vide paras 1423 and 1424 of the Enquiry Report, had the waiting lists been given in preparation of the Selection Lists for these posts of SRA (Agri.) and JRA (Agri.) which were advertised such waiting lists could not have been for more than double the number of posts which were advertised. The waiting lists would have included only few candidates as they were meant to be used in exceptional circumstances such as a candidate not joining his post as per his appointment order or when it would become necessary and urgent to fill-up near future vacancies i.e. when it would not be possible to wait for fresh advertisement of

such posts. Further, since the posts which were filled in this recruitment were the posts in nomination quota, the waiting lists would have been for filling the posts in the said quota i.e. to the extent of the number of posts in the said quota. It is, therefore, clear that by following the said procedure, Dr.V.D. Patil, the Chairman, and Dr. Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee, would not have been able to give appointment to all the favoured candidates included in the Selection Lists because of which instead of giving the Selection Lists for the posts which were advertised and giving waiting list for unforeseen vacancies in the near future or other exigencies they had chosen to increase the number of posts themselves and recommend candidates for 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) which was more than double the number of the said posts which were advertised. Although Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 52 of his affidavit dated 25.12.2007 (Ex.645) that it was for the Vice-Chancellor to fill up these post as per the vacancies available therein in the University as mentioned in the office note dated 6.9.2005 approving the Selection Lists contained in the file (Ex. 35(O)) actually at the time of issuing the appointment orders, he was himself the Acting Vice-Chancellor who with the Registrar Dr.Vandan Mohod, decided to utilize the vacancies in promotion quota of these posts for issuing the appointment orders to all the candidates in the Selection Lists prepared by them. It thus appears that the waiting lists were not prepared but the number of posts were increased to more than double to accommodate all the candidates including the favoured candidates in the Selection Lists of these posts.

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

(Vide paras 1425 to 1441 of the Enquiry Report)

**a) Selection Lists could not have been and were not signed on 25.6.2005 i.e. the last day of interview as they were not prepared on that day in the meeting of the Selection Committee**

(Vide paras 1425 and 1426 of the Enquiry Report)

**2024)** It is held in the above paras 1425 and 1426 of the Enquiry Report, that although according to Dr.V.D.Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/its Member Secretary and Dr.E.R. Patil, its senior-most member, the Selection Lists of the candidates in these posts of SRA (Agri.) and JRA (Agri.) were prepared at night on 25.6.2005 i.e. the last day of interview in the meeting of the Selection Committee and were signed by the Chairman and the Members of the Selection Committee either at night on that day or in the morning on the next day i.e. 26.6.2005, the other members of the Selection Committee viz. Dr.B.N.Dahatonde, Dr.N.D. Jogdande, Dr.G.N.Dake, and Dr.N.D. Pawar, did not corroborate them in this regard. According to

them, even the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) from which admittedly the Selection Lists for these posts were prepared was not prepared and was not ready at night on 25.6.2005 i.e. the last day of interview and the meeting of the Selection Committee on that day, like the previous days, was over and they had left the meeting after they had handed over to the Chairman or the Registrar/ Member Secretary, of the Selection Committee the charts in which they had given interview marks to the candidates who appeared for interview on that date. It is pertinent to see that even Shri D.P. Deshmukh, Section Assistant (Estt.), who admittedly made entries in the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.)/JRA (Agri.) did not corroborate them in this regard as according to him, the said Mark-sheet Ex.34(O)-A was prepared by him in 8 or 10 days time after the last date of interview i.e. 25.6.2005 whereafter he handed it over to Dr.V.D. Patil, the Chairman of the Selection Committee. He therefore, stated in para 57 of his affidavit dated 15.11.2007 (Ex.598) that the Selection Lists could not have been prepared on 25.6.2005 i.e. the last day of interview. The above version of Shri D.P.Deshmukh, Section Assistant (Estt.) is held credible and is accepted in para 1377 of the Enquiry Report relating to "Preparation of the Mark-sheets". The categorywise Mark-sheet Ex.34(O)-A and the categorywise Selection Lists for these posts of SRA (Agri.) and JRA (Agri.) prepared from the aforesaid Mark-sheet Ex. 34(O)-A could not have been signed at night on 25.6.2005 or in the morning on 26.6.2005 as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/its Member Secretary.

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

(Vide para 1427 of the Enquiry Report)

**2025)** Vide para 1427 of the Enquiry Report, as stated in para 1377 of the Enquiry Report, the categorywise Mark-sheet Ex.34(O)-A was prepared by Shri D.P.Deshmukh, Section Assistant (Estt.) in 8 or 10 days time after the last day of interview i.e. 25.6.2005 and was thereafter handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee. It is sometime thereafter that the Selection Lists could be and were prepared by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Member Secretary of the Selection Committee from the aforesaid Mark-sheet Ex.34(O)-A. It is therefore, clear that the categorywise Mark-sheet Ex.34(O)-A and the categorywise Selection Lists could be signed by the Chairman and the Members of the Selection Committee, only after they were thus prepared and were ready for their signatures upon them.

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

(Vide paras 1428 to 1434 of the Enquiry Report)

**2026)** Vide para 1428 of the Enquiry Report, as regards the question when the categorywise Mark-sheet Ex.34(O)-A and categorywise Selection Lists for these posts of SRA(Agri.) and JRA (Agri.) were signed by the Chairman and the Members of the Selection Committee, according to Dr.N.D. Jogdande, and Dr.B.N.Dahatonde, both local members of the Selection Committee, 10 to 15 days after the last date of interview i.e. 25.6.2005, they were called on one day to put their signatures upon the statements regarding promotion of the candidates from the posts of AA to JRA and JRA to SRA, and their time-bound promotions,' the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.), and the categorywise Selection Lists for the said posts which were all included in the file relating to the proceedings of the meeting of the Selection Committee marked as Ex.34(O) in this enquiry. It is on that day, although they did not remember the specific date, that they signed each page of the aforesaid documents. As already pointed out, according to them, they did not put their signatures upon the categorywise Mark-sheet Ex.34(O)-A and the categorywise Selection Lists for these posts either at night on 25.6.2005 i.e. the last day of interview or in the morning on the next day i.e. 26.6.2005.

**2027)** Vide paras 1429 to 1431 of the Enquiry Report, the most significant affidavits considered on the question of signing the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) and the Selection Lists of the said posts are the affidavits of two outside members of the Selection Committee viz. Dr.G.N.Dake, the Head of the Department (Plant Pathology and Micro-biology), MPKV, Rahuri, and Dr.N.D. Pawar, the then Prof. of Agricultural Economics, College of Agriculture, Parbhani. According to Dr.G.N.Dake, vide para 1429 of the Enquiry Report, he signed each page of the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists on 14.9.2005 at MPKV, Rahuri on which date Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/its Member Secretary visited it. As regards Dr.N.D. Pawar, vide paras 1430 and 1431 of the Enquiry Report, according to him, although he was not sure about the exact date, he signed each page of the aforesaid categorywise-Mark-sheet Ex.34(O)-A and the Selection Lists on any of the following three dates i.e. 14.9.2005, 27.10.2005, or 15.12.2005, at Parbhani when Dr.V.D. Patil, the Chairman of the Selection Committee, visited it on the said dates. In all probabilities however, as shown in para 1431 of the Enquiry Report, he must have also signed them on 14.09.2005.

**2028)** Vide para 1432 of the Enquiry Report, in the light of the above affidavits of Dr.G.N.Dake, and Dr.N.D. Pawar, outside Members of the Selection Committee, Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/its Member Secretary, were again questioned in this regard pursuant to which they filed additional affidavits dated 25.3.2008 (Ex.697) and 2.4.2008 (Ex.713) respectively. Vide the said para 1432 of the Enquiry Report, after seeing the relevant entries in the log book of his vehicle (Ex.660) which bore his signatures and also the affidavit of the driver of the said vehicle Shri A.P.Bute, dated 31.1.2008 (Ex.664), Dr.V.D. Patil, the Chairman of the Selection Committee, admitted in his aforesaid additional affidavit dated 25.3.2008 (Ex.697) that he had visited MPKV, Rahuri, and Parbhani on the dates shown to him from the relevant entries in the said log-book (Ex.660) which bore his signatures. As regards his night halt at Parbhani on 15.12.2005 although not shown in the relevant entry in the said log book but in view of the aforesaid affidavit of the driver of his vehicle Shri A.P.Bute, dated 31.1.2008 (Ex.664), he admitted his visit to Parbhani for a night halt on 15.12.2005.

**2029)** Vide again the said para 1432 of the Enquiry Report, as regards the question whether he took the signatures of Dr.G.N.Dake and Dr.N.D.Pawar upon the said categorywise Mark-sheet Ex.34(O)-A and the Selection Lists when he visited MPKV Rahuri and Parbhani on any of the relevant dates shown to him from the said log book (Ex.660) and particularly on 14.9.2005 when according to Dr.G.N.Dake, his signatures were taken upon them, at MPKV, Rahuri, he stuck to his original statement in his earlier affidavit dated 25.12.2007 (Ex.645) that they signed them at night on 25.6.2005 or in the morning on 26.6.2005 and that their statements in this regard that they signed them at Rahuri and Parbhani respectively on the dates referred to by them were not correct. He however, admitted that he met them on the aforesaid dates when he visited Rahuri and Parbhani. He also admitted that his relations with them were cordial and that he in fact had suggested to the then Vice-Chancellor the name of Dr.N.D. Pawar, for being nominated as member of the Selection Committee in the present case.

**2030)** Vide para 1433 of the Enquiry Report, when confronted with the affidavits of Dr.G.N.Dake, and Dr.N.D. Pawar, outside members of the Selection Committee, referred to in paras 1429 to 1431 of the Enquiry Report, the relevant entries in the log book of the vehicle of Dr.V.D. Patil, the Chairman of the Selection Committee (Ex.660), and the affidavit of the driver of the said vehicle Shri A.P.Bute, dated 31.1.2008 (Ex.664), Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, admitted that he had accompanied Dr.V.D. Patil, the Chairman of the Selection Committee, when he visited MPKV Rahuri on 14.9.2005 and had night halt on the same day at Parbhani. However, as regards the signatures of Dr.G.N.Dake and Dr.N.D. Pawar, being taken upon the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists on that day i.e. 14.9.2005 at MPKV Rahuri and Parbhani respectively, he stuck to his original statement in his



affidavit dated 1.12.2007 (Ex.633) that they had put their signatures upon the Selection Lists at Akola when they were ready at night between 25.6.2005 and 26.6.2005. As regards the question of his relations with them, he stated that he did not know them because he never came in contact with them.

**2031)** Vide para 1434 of the Enquiry Report, since Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University, had stated in his original affidavit dated 14.1.2008 (Ex.658) that he had seen the Selection Lists signed by the Chairman and the Members of the Selection Committee when on 6.9.2005 they were brought to him for his approval, he was also questioned in this regard because the dates on which according to Dr.G.N.Dake and Dr.N.D. Pawar, their signatures were taken on the Selection Lists were after 6.9.2005 and as such on 06.09.2005 he could not been shown the said Selection Lists signed by them. He however, stuck to his stand in his original affidavit referred to above stating in para 2 of his additional affidavit dated 29.4.2008 (Ex.731) that the statements of Dr.G.N.Dake, and Dr.N.D. Pawar, in this regard in their additional affidavits referred to above were not correct.

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

(Vide paras 1435 to 1438 of the Enquiry Report)

**2032)** Although Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/its Member Secretary had in their additional affidavits referred to above stuck to their original stand that the Selection Lists were prepared during the night between 25.6.2005 and 26.6.2005 and the Chairman and all the Members of the Selection Committee had signed them either at night on 25.6.2005 or in the morning on 26.6.2005, their aforesaid affidavits cannot be believed for the following amongst other reasons.

- i) As held in para 1377 of the Enquiry Report about the topic relating to “Preparation of the Mark-sheets of all the candidates”, the categorywise Mark-sheet Ex.34(O)-A was itself not ready at night on 25.6.2005 i.e. the last day of interview and as per the version of Shri D.P.Deshmukh, Section Assistant (Estt.), which is accepted therein, the said Mark-sheet Ex.34(O)-A was prepared by him in 8 or 10 days time after 25.06.2005 i.e. the last day of interview and was then handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee. Admittedly, the Selection Lists were prepared from the said Mark-sheet Ex.34(O)-A and therefore they must have been prepared thereafter from the said Mark-sheet Ex.34(O)-A.

- ii) According to the affidavits of Dr.N. D. Jogdande, Dr.B. N. Dahatonde, Dr.G.N.Dake, and Dr.N.D. Pawar, the Members of the Selection Committee, the meeting of the Selection Committee, like the previous days, was over on 25.6.2005 i.e. the last day of interview and they had left the meeting after they had handed over to the Chairman or the Registrar the charts in which they had given interview marks to the candidates appearing for interview on that day. According to them, the categorywise Mark-sheet Ex.34(O)-A muchless the Selection Lists were prepared at night on 25.6.2005 in the meeting of the Selection Committee.
- iii) According to the affidavits of Dr.N.D. Jogdande and Dr.B.N.Dahatonde, local members of the Selection Committee, 10 to 15 days after the last date of interview i.e. 25.6.2005, they were called on one day for signing the Mark-sheet Ex.34(O)-A and the Selection Lists and that they signed them on that date.
- iv) As shown hereinbefore, according to Dr.G.N.Dake, outside Member of the Selection Committee, his signatures were obtained upon the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists at MPKV Rahuri on 14.9.2005 on which date Dr.V.D. Patil, the Chairman of the Selection Committee, accompanied by Dr.Vandan Mohod, the Registrar/its Member Secretary had visited it.
- v) As regards Dr.N.D.Pawar, another outside Member of the Selection Committee, although according to him, he did not recollect the exact date, his signatures were obtained upon the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists on any of the three dates viz. 14.9.2005, 27.10.2005 and 15.12.2005 at Parbhani on which dates Dr.V.D. Patil, the Chairman of the Selection Committee, had visited it.
- vi) As shown above, Dr.V.D.Patil, the Chairman of the Selection Committee, admitted that the relations with the above two outside members of the Selection Committee, were cordial and that in fact, he had recommended the name of Dr.N.D. Pawar, for being nominated upon the Selection Committee in this case. There is thus no reason why they should make statement in this regard against him.
- vii) As stated by Dr.V.D. Patil, the Chairman of the Selection Committee, apart from the fact that his relations with the aforesaid two outside members of the Selection Committee, were cordial, the said two members being from the University other than this University they had no interest in selection of any candidates in these posts in this University.

- viii) The statement of Dr.N.D.Jogdande and Dr.B.N.Dahatonde, local members of the Selection Committee, that they signed the categorywise Mark-sheet Ex. 34(O)-A and the Selection Lists, 10 to 15 days after the last date of interview i.e. 25.06.2005 when they were called on one day to sign them cannot also be disbelieved particularly when as shown above the categorywise Mark-sheet Ex.34(O)-A from which the Selection Lists were prepared was itself not ready on 25.6.2005 i.e. the last day of interview but was ready in 8 or 10 days time thereafter as per the version of Shri D. P. Deshmukh, Section Assistant (Estt.) which was accepted vide para 1377 of the Enquiry Report.
- ix) As shown hereinbefore in para 1413 of the Enquiry Report, relating to “Preparation of Selection Lists”, the Selection Lists for these posts of SRA (Agri.) and JRA (Agri.) were prepared by Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/its Member Secretary by increasing themselves the number of posts to be filled from 24 to 55 as regards SRA (Agri.) and 37 to 76 as regards JRA (Agri.) and not by the Selection Committee in any of its meeting. They had also dictated the average of the marks for interview to Shri D.P. Deshmukh, Section Assistant (Estt.) who had entered the same in the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) without reference to the Selection Committee. As would be shown hereinafter relating to topic about appointment of selected candidates in these posts, they were also associated as Acting Vice-Chancellor and the Registrar respectively in making appointment of the candidates selected in these posts. They were thus highly interested persons who would any how justify selection and appointment made by them in these posts.
- x) As regards Dr. E. R. Patil, senior most member of the Selection Committee, his affidavit dated 16.11.2007 (Ex. 599) would show that he is more enthusiastic than Dr. V. D. Patil, the Chairman of the Selection Committee, himself in anyhow justifying the selection process followed in selection of candidates in these posts. Vide paras 4 to 10 of his aforesaid affidavit he tried to justify as meeting of the Selection Committee the meeting held on 31.05.2005 by Dr. V. D. Patil, the Chairman of the Selection Committee with him and Shri R. B. Bali, the then Registrar/ Member Secretary of the Selection Committee in which the criteria for academic evaluation of SRA/JRA was determined by Dr. V. D. Patil, in consultation with them when Dr. V. D. Patil himself did not describe it as the meeting of the Selection Committee. Further, vide paras 15 and 18 of his aforesaid affidavit, when even according to Dr.V. D. Patil, the Chairman and Dr. Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, no merit lists i.e. Mark-sheets of all candidates in descending order of merit were

prepared, muchless in the meeting of the Selection Committee, in order to show that the selection process was legally carried out, he tried to state that such merit lists in descending order of merit were prepared in the meeting of the Selection Committee.

- xi) In the light of the above facts and circumstances, the statements of Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar of the Selection Committee supported by Dr. E. R. Patil, its senior most member that the selection lists were prepared at night on 25.6.2005 can not be accepted.

**2033)** As stated in para 1438 of the Enquiry Report, it is thus clear that the categorywise Mark-sheet Ex. 34(O)-A and the Selection Lists were not prepared and were not ready on 25.6.2005, muchless signed by the Chairman and the Members of the Selection Committee, on that day but were prepared thereafter and signed by them as stated above.

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

(Vide Paras 1439 to 1441 of the Enquiry Report)

**2034)** Once it is held that the categorywise Mark-sheet Ex.34(O)-A and the Selection List were not prepared and were not ready at night on 25.6.2005 and were not therefore signed by the Chairman and the Members of the Selection Committee on that day or in the morning on the next day i.e. 26.06.2005, it cannot be said on which exact date thereafter they were ready and were signed by them particularly in the light of the facts which have come on record in this Enquiry. Vide para 1439 of the Enquiry Report, it appears from the proceedings/minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 and from its annexures contained in its file Ex.34(O) that there is no practice in the University to put the date while signing any document showing on which date the said document was ready. To be precise, it appears that the date is put if it is convenient to do so. As regards the proceedings / minutes of the meeting of the Selection Committee, contained in the file (Ex.34(O)), they were signed by Dr. V. D. Patil, the Chairman and Dr. Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee but they did not put the date below their signatures. As regards the statements about the recommendations of the candidates for promotion from the posts of AA to JRA and JRA to SRA and their time-bound promotions and also the categorywise Mark-sheet Ex.34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.) contained as annexures in the said file Ex. 34(O), the Chairman and the Members of the Selection Committee, put their signatures upon them but they did not put the date below their signatures. As regards the categorywise Selection Lists for these posts except Dr.V.D.Patil, the Chairman, and Dr.Vandan Mohod, the Member Secretary, of the Selection Committee, its other members

did not put any date below their signatures. It appears that the Chairman and the Registrar/Member Secretary of the Selection Committee, had deliberately put the date 25/6 below their signatures upon the said Selection Lists to show that they were prepared and signed by the Chairman and the Members of the Selection Committee on that date. However, as held in para 1440 of the Enquiry Report, in the light of the affidavits of the other members of the Selection Committee, and also the affidavit of the concerned Section Assistant (Estt.) Shri D.P.Deshmukh, who had admittedly made the entries in the categorywise Mark-sheet Ex.34(O)-A, the date 25.6. put by them is completely wrong because according to them the Selection Lists could not have been prepared and were not ready at night on that date.

**2035)** From the material on record, although, it does not appear on which exact date/dates the categorywise Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared, it appears that as stated by Shri D.P. Deshmukh, the dealing Section Assistant (Estt.), the categorywise Mark-Sheet Ex. 34(O)-A was prepared in 8 or 10 days time after 25.6.2005 i.e. the last day of interview, and the Selection Lists must have been prepared sometime thereafter by the Chairman and the Member Secretary of the Selection Committee, at any rate before the members signed them. As regards the signatures of the Chairman and the Members of the Selection Committee upon the categorywise Mark-sheet Ex. 34(O)-A and the Selection Lists, once it is disbelieved that they were signed late at night on 25.06.2005 or in the morning on 26.06.2005, it can not be said on which exact date they signed them except for Dr. G. N. Dake who categorically stated in his additional affidavit that he signed them on 14.09.2005 at MPKV, Rahuri when Dr. V. D. Patil and Dr. Vandan Mohod visited it on that date which would show that sometime before the said date 14.09.2005, they were prepared and presumably signed by the local members of the Selection Committee.

**xii-A) Selection of candidates for the posts of SRA (Agri.) and JRA (Agri.) not finalized by the Selection Committee and it did not discharge any of its duties and responsibilities except taking common interviews of the candidates for these posts of SRA (Agri.) and JRA (Agri.)**

(Vide paras 1442 to 1446 of the Enquiry Report)

**2036)** Vide para 1442 of the Enquiry Report, since no meeting of the Selection Committee was called after 25.06.2005, no business relating to the Selection of candidates for the posts of SRA (Agri.) and JRA (Agri.) and preparation of the Selection Lists was transacted in any meeting of the Selection Committee as it is found that in its meeting held for taking interviews of the candidates from 13.06.2005 to 17.06.2005 and 20.06.2005 to 25.06.2005, neither the categorywise Mark-sheet Ex. 34(O)-A was prepared and was ready at night on 25.06.2005 i.e. the last day of its meeting for interview, and the Selection Lists which were

admittedly prepared from it could not have been and were not prepared on that day, muchless in the meeting of the Selection Committee.

**2037)** After examining the duties and responsibilities of the Selection Committee in paras 1443 to 1443-D of the Enquiry Report as admitted by the Chairman and its Members it is held that the Selection Committee had to carryout the whole selection process commencing after the receipt of the applications for these posts and ending with the handing over of the Selection Lists to the appointing authority i.e. the Vice Chancellor so far as these posts were concerned. It would however appear that the power to take decision in regard to some matters relating to selection process may be conferred upon some person/ authority other than the Selection Committee as referred to and discussed in this Enquiry Report. For instance, vide previous para 1824 of the Enquiry Report, the power about short-listing of candidates is conferred upon the Chairman of the Selection Committee under Statute- 77 (1) (iii) of the Statutes and as regards assessment of candidates, the Executive Council of the University has to frame rules as provided under Statute-76 (6) (a) of the Statutes, vide para 1870 of the Enquiry Report.

**2038)** The prominent stages in the selection process in Selection of candidates to these posts of SRA (Agri.) and JRA (Agril.) to be carried out by the Selection Committee were then pointed out in para 1445 of the Enquiry Report none of which were carried out by the Selection Committee as held in para 1446 thereof, which is reproduced below.

“1446) It is thus clear that neither the categorywise Mark-Sheet Ex. 34(O)-A was prepared or approved in any meeting of the Selection Committee, vide para 1378 of the Enquiry Report, nor as shown above the Selection of candidates for these posts of SRA (Agri.) and JRA (Agri.) finalized and the Selection Lists prepared or approved in any of its meeting but were prepared by Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee, as held in para 1413 of the Enquiry Report. Even as regards the marks awarded to the candidates for their academic performance and the performance in their interviews as per the criteria laid down in that regard, no chart relating to their academic performance including the chart Ex.38(O) was placed for approval in any meeting of the Selection Committee as held in paras 1290 to 1297 of the Enquiry Report, and as observed in para 1361 of the Enquiry Report, the average of the marks for interview awarded to each candidate as worked out by the Chairman and the Member Secretary of the Selection Committee after making the total of the said marks awarded by them and the other Members of the Selection Committee was not verified and approved by the Selection Committee in its properly convened meeting. Thus, none of the principal stages of the selection process for finalizing selection of candidates were carried out by the Selection Committee in this case”.

**2038-A)** The Selection Committee, therefore, could not have and did not make any recommendations to the Vice Chancellor for making appointments in these posts of SRA (Agri.) and JRA (Agri.) in the order of merit as arranged by it as required by Statute 77(I)(iv) of the Statutes since it did not prepare the Selection Lists of these posts in descending order of merit nor considered and approved them prepared by Dr. V. D. Patil, the Chairman, and Dr. Vandan Mohod, the Registrar/Member Secretary of the Selection Committee.

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

**2038-B)** It is clear that Dr.V.D. Patil, the Chairman of the Selection Committee, whose son Pravin V. Patil, was admittedly a candidate for these posts of SRA (Agri.) and JRA (Agri.), carried out himself or in participation with others all the principal stages of the selection process. He himself laid down the criteria for short-listing of candidates for these posts and in association with Dr.E.R.Patil, Associate Dean (PGI) and the Registrar, Shri R.B.Bali, evolved the criteria for academic evaluation of SRA/JRA. He also introduced himself the illegal marking system of awarding marks to the candidates for their certificates/publications/documents submitted by them after the last date of application for the first time at the time of their interviews. After he and each member of the Selection Committee awarded marks for interviews of the candidates, he and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee worked out the average of the marks for interview of each candidate awarded by them and the other members of the Selection Committee. What is important to be seen is that they also prepared the Selection Lists of the candidates for these posts by increasing them themselves i.e. 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) as advertised to 55 and 76 respectively on the basis of which he as the Acting Vice-Chancellor and Dr.Vandan Mohod as the then Registrar, issued appointment orders not only by utilizing posts in promotion quota of these posts but by utilizing some other posts also. The entire selection process therefore suffers from his bias and at any rate, there is reasonable likelihood of his bias in carrying out the said principal stages of the selection process. The entire selection process and the selection of candidates pursuant thereto is therefore, vitiated by his bias.

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

(Vide Paras 1447 to 1479 of the Enquiry Report)

**a) Actual preparation of the proceedings/minutes of the said meeting of the Selection Committee which were not confirmed by it; its Member did not know about it**

(Vide Paras 1447 to 1456 of the Enquiry Report)

**2039)** Vide para 1447 of the Enquiry Report, preparation of the proceedings/minutes of the meeting of any Committee or any Authority in the University is regulated by Statute 37 of the Statutes framed under the University Act. As provided in clause-(1) thereof, the minutes/proceedings of the meeting of the Selection Committee have to be recorded by its Member Secretary i.e. the Registrar. Vide then paras 1448 and 1449 of the Enquiry Report, according to Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, the proceedings/minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were drafted by the Assistant Registrar Shri P.V.Behare, in about 4 days time after the last date of interview i.e. 25.6.2005. Shri P.V.Behare, Assistant Registrar (Estt.), stated in para 2 of his additional affidavit dated 9.1.2008 (Ex.648) that they were drafted by him as per the briefing and the instructions received by him from the Registrar/Member Secretary of the Selection Committee. Vide para 1450 of the Enquiry Report, as stated by Dr.V.D.Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee, after the proceedings/ minutes of the aforesaid meeting of the Selection Committee were ready, each page of the said proceedings/minutes was signed by them but no date was put by them below their signatures. As observed in the said para 1450 of the Enquiry Report, on none of the documents annexed to the said proceedings/minutes in the file Ex.34(O), except the Selection Lists they had put the date below their signatures. As regards the Selection Lists, they had deliberately put the date 25.6. below their signatures to show that the Selection Lists were prepared on that day which was wrong because no Selection Lists could be and were prepared on 25/6 much less in the meeting of the Selection Committee as shown in the topic about "Preparation of Selection Lists".

**2040)** As regards the question of confirmation of the proceedings/minutes of the aforesaid meeting of the Selection Committee, it is provided in clause-2 of Statute-37 that the minutes/proceedings of the meeting of the Committee should be confirmed by it in its next meeting. It is, however, admitted by Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, in para 40 of his affidavit dated 1.12.2007 (Ex.633), vide para 1451 of the Enquiry Report, that after the proceedings of the aforesaid meeting of the Selection Committee were prepared they were not sent to any member of the Selection



Committee nor any meeting of the Selection Committee was held for confirmation of the said proceedings/minutes. Infact, as shown from their affidavits referred to in paras 1452 to 1455 of the Enquiry Report, vide para 1456 thereof, except the Chairman and the Member Secretary, no other member of the Selection Committee knew about it. The then Vice-Chancellor, Dr.S.A. Nimbalkar also did not know about it as is clear from para 43 of his affidavit dated 14.1.2008 (Ex.658).

**b) Proceedings/minutes of the aforesaid meeting of the Selection Committee not faithfully recorded**

(Vide Paras 1457 to 1468 of the Enquiry Report)

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

(Vide Paras 1457 to 1465 of the Enquiry Report)

**2041)** Vide para 1457 of the Enquiry Report, the wording on page-2 of the proceedings of the aforesaid meeting of the Selection Committee, contained in the file Ex.34(O) would show that before the interviews started on 13.6.2005, it is the Selection Committee which decided the criteria for evaluation of SRA/JRA viz. to give 40 marks for qualification, experience, etc. acquired by the applicant and 60 marks for personal interview. The break-up of the said 40 marks was reproduced on the said page. However, vide paras 1458 to 1464 of the Enquiry Report, the affidavits of the Chairman and the Members of the Selection Committee, referred to therein would show that as held in para 1465 of the Enquiry Report, the meeting held on 31.5.2005 in which the criteria for academic evaluation of SRA/JRA was determined was not the meeting of the Selection Committee and that the Selection Committee did not determine the said criteria in any of its meeting, much less in its meeting held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005. It is thus held therein that what is stated on page-2 of the said proceedings/minutes of the above-referred meeting of the Selection Committee contained in the file Ex.34(O) viz. “The Selection Committee on the analogy of provision under statute-52 decided and finalized the following (criteria) awarding the marks for educational qualification/experience and publication and that it decided to give 40 marks for qualification, experience etc. acquired by the applicant and 60 marks for personal interview .....” was not true.

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

**2042)** Vide Para 1466 of the Enquiry Report, as regards the question of selection of the candidates for the posts of SRA/JRA, Agriculture / Engineering in item-IV at pages 7-8 of the proceedings of the meeting of the Selection Committee in the file Ex.34(O), it is stated

that during the passage of time since the number of additional vacancies arose it was proposed to consider the additional vacancies of SRA/JRA shown categorywise in the chart on page-8 of the proceedings in the said file Ex.34(O). Vide paras 1384 to 1391B of the Enquiry Report, and in particular para 1386 thereof, as admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 52 of his affidavit dated 25.12.2007 (Ex.645), the decision regarding the exact additional vacancies to be filled was taken orally by him and Dr.Vandan Mohod, the Registrar/its Member Secretary on the last day of interview i.e. 25.6.2005. Accordingly, they themselves decided orally to fill-up 55 posts of SRA (Agri.) instead of 24 as advertised and 76 posts of JRA (Agri.) instead of 37 as advertised. Further, vide paras 1392 to 1394 of the Enquiry Report, the categorywise break-up of the aforesaid 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) as shown in the aforesaid chart at page-8 of the file Ex.34(O) was made on computer by Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee in accordance with the percentage of each reserved category as per the relevant G.Rs. as stated by him in para 27 of his affidavit dated 1.12.2007 (Ex.633). The Selection Committee had thus not considered the said question of filling the additional vacancies in the said posts of SRA (Agri.) and JRA (Agri.) and their categorywise break-up as stated on pages-7-8 of the proceedings of the meeting of the University in the file Ex.34(O), apart from the fact that it had no power to do so and it was for the appointing authority i.e. the Vice-Chancellor to decide the said question by following the office procedure.

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

**2043)** Vide para 1467 of the Enquiry Report, as regards the resolutions 4 and 5 of 2005 contained at pages 8 to 14 of the proceedings / minutes of the above referred meeting of the Selection Committee, contained in the file Ex.34(O) they are about the unanimous recommendations of the names of the candidates categorywise alleged to be made by the Selection Committee for appointment in the posts of SRA (Agri.) and JRA (Agri.) respectively. The said resolutions 4 and 5 cannot be said to be faithfully recorded because as discussed and as held in the topics relating to “Preparation of Mark-sheets of all candidates” and “the Preparation of the Selection Lists, the categorywise Mark-sheet Ex.34(O)-A itself was not prepared in the aforesaid meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 and was not ready on the last day of its meeting for interview i.e. 25.6.2005 and therefore the Selection Lists which were admittedly prepared from the said categorywise Mark-sheet Ex.34(O)-A could not have been and were not prepared on that day in the said meeting. As held in para 1377 of the Enquiry Report, the categorywise Mark-sheet Ex.34(O)-A was prepared by Shri

D.P.Deshmukh, Section Assistant (Estt.) in 8 or 10 days time after the last date of meeting of the Selection Committee for interview i.e. 25.6.2005 whereafter it was handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee. It was sometime thereafter that the Selection Lists must have been and were prepared by Dr.V.D. Patil, the Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/its Member Secretary as held in para 1413 of the Enquiry Report. As there was no meeting of the Selection Committee held after 25.6.2005 neither the categorywise Mark-sheet Ex.34(O)-A nor the Selection Lists were prepared or approved in any meeting of the Selection Committee, much less in its above-referred meeting.

Thus, as shown in the above paras, the proceedings / minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were not faithfully recorded.

**b-4) Resolution nos. 1 to 3 relating to promotion of the candidates from the posts of AA to JRA and JRA to SRA and their time bound promotions not considered.**

**2044)** It is not necessary to consider whether the said resolutions 1 to 3 were faithfully recorded or not since the question of legality or otherwise of the appointment of the candidates by promotion is not the subject matter of this enquiry. The limited question regarding promotion which needs consideration in this enquiry is about the legality or otherwise of utilization of the vacant posts in promotion quota of these posts of SRA (Agri.) and JRA (Agri.) for making appointment therein of the candidates in question selected in direct recruitment i.e. by nomination pursuant to the advertisement dated 14.8.2004 (Ex.2).

**c) Proceedings/minutes of the aforesaid meeting of the Selection Committee could not have been prepared in about 4 days time after the last date of its meeting i.e. 25.6.2005**

(Vide paras 1469 and 1470 of the Enquiry Report)

**2045)** Vide para 1449 of the Enquiry Report, according to Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, the proceedings/minutes of the aforesaid meeting of the Selection Committee, were prepared by the then Assistant Registrar, Shri P.V.Behare, in about 4 days time after the last date of interview i.e. 25.6.2005. It is held in the above-referred para 1469 of the Enquiry Report, that the proceedings/minutes of the aforesaid meeting of the Selection Committee could not have been prepared in about 4 days time after the last date of its meeting i.e. 25.6.2005 since as shown in the topics relating to “Preparation of the Mark-sheet of all the candidates” and “Preparation of the Selection Lists” neither the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) nor the Selection Lists were prepared and were ready on the last day of the meeting of the Selection Committee i.e. 25.6.2005 or

even in 4 days time thereafter. As held therein, the categorywise Mark-sheet Ex.34(O)-A was prepared by Shri D.P.Deshmukh, Section Assistant (Estt.) and was handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee, in 8 or 10 days time after the last date of interview i.e.25.6.2005 as held in para 1377 of the Enquiry Report and it is sometime thereafter that from the said categorywise Mark-sheet Ex.34(O)A, the categorywise Selection Lists must have been and were prepared by Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Member Secretary of the Selection Committee, as held in para 1413 of the Enquiry Report. The above documents viz. the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists were the basic documents required for preparing the proceedings/minutes about the work relating to selection of the candidates in the posts of SRA (Agri.) and JRA (Agri.) by nomination and until they were ready the proceedings/minutes could not have been prepared.

**2046)** Vide para 1470 of the Enquiry Report, perusal of the Selection Lists annexed as Annexures-IX to XIX at pages 66 to 76 and the Mark-sheet Ex.34(O)-A annexed as Annexure-XX at pages 77/1 to 92 to the proceedings/minutes contained in the file Ex.34(O) would show that they bear the signatures of the Chairman and all the Members of the Selection Committee. As shown in the topic relating to “Signing the Mark-sheet Ex.34(O)-A and the Selection Lists by the Chairman and the Members of the Selection Committee, according to the local members of the Selection Committee, viz Dr.N.D. Jogdande and Dr.B.N.Dahatonde, 10 to 15 days after the last date of interview i.e. 25.6.2005 they were called on one date to put their signatures upon the aforesaid documents i.e. the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists and they had signed them on that day. As regards the outside members of the Selection Committee, Dr.G.N.Dake, signed the aforesaid documents on 14.9.2005 and Dr.N.D. Pawar, on any of the three dates i.e. 14.9.2005, 27.10.2005 and 15.12.2005 but most probably on 14.9.2005 as held in para 1431-A of the Enquiry Report. They were thus signed much later than 4 days after the last day of interview i.e. 25.06.2005.

**2047)** It is thus clear from paras 1469 and 1470 of the Enquiry Report that the proceedings of the aforesaid meeting of the Selection Committee could not have been prepared and were not ready with signatures of the Chairman and the members of the Selection Committee in about 4 days time after the last day of interview i.e. 25.6.2005. It cannot therefore be believed that the proceedings/minutes of the above-referred meeting of the Selection Committee were prepared in about 4 days time after the last date of interview i.e. 25.6.2005 as stated by Dr. Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee.

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

(Vide paras 1471 to 1478 of the Enquiry Report)

- d-1) **Inconsistent / contradictory statement made by the concerned officers of the University about the file Ex.34(O)**

**2048)** Vide para 1471 of the Enquiry Report, according to Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, as stated by him in para 41 of his affidavit dated 1.12.2007 (Ex.633), the said file Ex.34(O) containing the proceedings/minutes of the aforesaid meeting of the Selection Committee held from 13.06.2005 to 17.06.2005 and 20.06.2005 to 25.06.2005 and its annexures was handed over by the staff of the Registrar's office to Dr.Vandan Mohod, sometime in the month of August 2005. However, according to Dr.V.D. Patil, the Chairman of the Selection Committee, as stated by him in para 57 of his affidavit dated 25.12.2007 (Ex.645), when the said file Ex.34(O) was sought to be handed over to him by some staff members of the Registrar's office, he asked them to keep the same in the custody of the Registrar. Further, according to him, the said file Ex.34(O) was received by him from the Registrar's office just before 6.9.2005 when the then Vice-Chancellor asked him to hand over the Selection Lists to him. He then stated in the said para 57 of his aforesaid affidavit that he had handed over the said file Ex.34(O) to the then Vice-Chancellor Dr.S.A.Nimbalkar, on 6.9.2005 although in earlier para 55 of his aforesaid affidavit he stated that he had handed over to him the Selection Lists which are at pages 66 to 76 of the said file Ex.34(O). According to him, after the said file Ex.34(O) was handed over by him to the Vice-Chancellor, he, in turn, handed it over to the Registrar for taking further action in that regard. However, according to Dr.S.A. Nimbalkar, the then Vice Chancellor, as stated by him in para 43 of his affidavit dated 14.1.2008 (Ex.658), the whole file Ex.34(O) was as such not brought to him and was not seen by him at that time when Dr.V.D. Patil, came to him for handing over to him the Selection Lists for the posts of SRA (Agri.) and JRA (Agri.). In fact, according to him, he did not see the said file at any time.

**2049)** Vide para 1472 of the Enquiry Report, after having seen the said file Ex.34(O) in this enquiry, according to Dr.S.A. Nimbalkar, the then Vice-Chancellor, as stated by him in the aforesaid para 42 of his affidavit dated 14.1.2008 (Ex.658), on 6.9.2005 only the Selection Lists at pages 66 to 76 and the Mark-sheet Ex.34(O)-A at pages 77/1 to 92 of the said file Ex.34(O) were brought and shown to him. Further, according to him, after he approved them orally, he sent them to the Registrar's office and on the same day the above referred Selection Lists and the Mark-sheet Ex.34(O)-A annexed to the office note dated

6.9.2005 contained in the file relating to interviews marked as Ex.35(O) were brought to him for his approval and not the Selection Lists which were actually shown as annexed as Annexure-I to XI to the said office note dated 6.9.2005 in the said file Ex.35(O) and which did not bear the signatures of the Chairman and the Members of the Selection Committee.

**2050)** Vide para 1473 of the Enquiry Report, when questioned in regard to the above statement of Dr.S.A.Nimbalkar, the then Vice-Chancellor, Dr.Vandan Mohod, the then Registrar/ Member Secretary of the Selection Committee, stated in para 2 of his additional affidavit dated 2.4.2008 (Ex.713) that the Selection Lists which were sent to him by the Vice-Chancellor on 6.9.2005 for further action were the same Selection Lists which were annexed as Annexure-I to XI to the office note of Shri D.P.Deshmukh, Section Assistant (Estt.), dated 6.9.2005 and which did not bear the signatures of the Chairman and the Members of the Selection Committee including himself. He also contradicted the Vice-Chancellor and Dr.V.D. Patil, the Chairman of the Selection Committee, by stating therein that he had not gone with Dr.V.D. Patil, the Chairman of the Selection Committee to hand over the Selection Lists to the Vice-Chancellor. He therefore did not know whether the said file Ex.34(O) which was with the Chairman of the Selection Committee, Dr.V.D. Patil, was shown to the Vice-Chancellor on 6.9.2005 and was approved by him.

**2051)** Vide para 1474 of the Enquiry Report, Shri D.P.Deshmukh, Section Assistant (Estt.) who recorded the office note dated 6.9.2005 for approval of the Vice Chancellor to the Selection Lists contained in the file about interviews Ex. 35(O) corroborated the above statement of the Registrar when he stated in para 55 of his affidavit dated 15.11.2007 (Ex.598) read with para 36 thereof and also para 1 of his additional affidavit dated 15.3.2008 (Ex.695) that he had received on 6.9.2005 from the Registrar the Selection Lists annexed as Annexure-I to XI to his aforesaid office note dated 6.9.2005 contained in the aforesaid file Ex.35(O) which Selection Lists were not signed by the Chairman and the Members of the Selection Committee. The above version of the Registrar and the concerned Section Assistant (Estt.) finds support from the fact that the Selection Lists and the Mark-sheet Ex.34(O) contained in the file Ex.34(O) about the proceedings of the meeting of the Selection Committee were not signed till 06.09.2005 at least by its outside Members as shown in the earlier topic relating to “Signing the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists by the Chairman and the Members of the Selection Committee.”

**2052)** Vide paras 1475 and 1476 of the Enquiry Report, it is pertinent to see that according to Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, and also the concerned Section Assistant (Estt.) Shri D.P.Deshmukh, for giving appointment to the candidates as per the Selection Lists when suitable posts were found for them from the Movement Register (Ex.644(O)), the Selection Lists with them were the lists which were annexed as Annexure-I to XI to the aforesaid office note dated 6.9.2005 contained in the

file Ex.35(O) i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee. It is further pertinent to see that according to Dr.Vandan Mohod, the Registrar, the aforesaid file Ex.34(O) must have been received in the Registrar's office after the appointment orders were issued to the selected candidates on 16.9.2005 and 17.9.2005 as per the aforesaid Selection Lists annexed to the office note dated 6.9.2005 contained in the file Ex.35(O) i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee. In this regard, Shri D.P.Deshmukh, Section Assistant (Estt.), stated in para 57 of his affidavit dated 15.11.2007 (Ex.598), that he received the file Ex.34(O) containing the Selection Lists annexed at its pages 66 to 76 on or about 15.10.2005 which would show that the appointment orders of the selected candidates in the posts of SRA (Agri.) and JRA (Agri.) were issued on the basis of the Selection Lists annexed to his office note dated 6.9.2005 as Annexures-I to XI which did not bear the signatures of the Chairman and the Members of the Selection Committee. As regards his above statement about the receipt of the file Ex.34(O) on or about 15.10.2005, he modified it by stating in para 1 of his additional affidavit dated 15.3.2008 (Ex.695) that he received from the Registrar, the proceedings of the meeting of the Selection Committee with the Selection Lists and the Mark-sheet Ex.34(O)-A signed by the Chairman and the Members of the Selection Committee in November or December 2005 when the concerned persons demanded the Selection Lists by making applications under the Right to Information Act.

**2053)** Vide para 1477 of the Enquiry Report, in appreciating the above contradictory Statement of the concerned officers of the University, it is necessary to bear-in-mind that as shown in the topics relating thereto, the Mark-sheet Ex.34(O)-A and the Selection Lists which were prepared from it were not ready on 25.6.2005 much less signed by the Chairman and the Members of the Selection Committee on that day and even thereafter in about 4 days time when as alleged by Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, the proceedings/ minutes of the aforesaid meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were prepared. In fact, as shown hereinbefore when the basic documents viz. the Mark-sheet Ex.34(O)-A and the Selection Lists were prepared much later than 25.6.2005 i.e. the last day of the meeting of the Selection Committee, there was no question of preparing its minutes in about 4 days time after 25.06.2005 i.e. the last day of interview as stated by him.

**2054)** As shown hereinbefore, according to two local members of the Selection Committee viz. Dr.B.N.Dahatonde, and Dr.N.D. Jogdande, they signed the Mark-sheet Ex. 34(O)-A and the Selection Lists 10 to 15 days after the last day of interview i.e. 25.6.2005, when they were called on one day to sign them. Further, according to two outside Members of the Selection Committee, Dr.G.N.Dake signed them on 14.9.2005 and Dr.N.D. Pawar on any of the three days i.e. 14.9.2005, 27.10.2005 and 15.12.2005, probably on 14.9.2005 i.e. after 6.9.2005. It is, therefore, clear that when two outside members of the Selection

Committee signed the Mark-sheet Ex.34(O)-A and the Selection Lists after 06.09.2005, neither the said documents signed by the Chairman and all the Members of the Selection Committee on different dates nor the file Ex.34(O) including the said documents as annexures to the proceedings of the meeting of the Selection Committee could have been handed over by Dr.V.D. Patil, the Chairman of the Selection Committee, to the Vice-Chancellor on 6.9.2005, which he, in turn, could hand over to the Registrar for further action. The Selection Lists and the Mark-sheet Ex.34(O)-A signed by the Chairman and all the Members of the Selection Committee could not have therefore been annexed to the office note of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 6.9.2005 contained in the file Ex.35(O). The statement in para 42 of the affidavit of Dr.S.A.Nimbalkar, the then Vice-Chancellor dated 14.1.2008 (Ex.658) that the Selection Lists and the Mark-sheet Ex.34(O)-A signed by the Chairman and all the Members of the Selection Committee were annexed to the office note dated 6.9.2005 contained in the file Ex.35(O) cannot therefore be believed.

**2055)** Vide para 1478 of the Enquiry Report, all the above facts would show that as rightly stated by the then Registrar, Dr.Vandan Mohod, and the Section Assistant (Estt.), Shri D.P.Deshmukh, the Selection Lists which were received by them from the Vice-Chancellor on 06.09.2005 were the Selection Lists annexed as Annexures-I to XI to the aforesaid office note dated 6.9.2005 contained in the file Ex.35(O) i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee. Further, if according to them, the appointment orders were issued to the selected candidates on the basis of the said Selection Lists annexed to the office note dated 6.9.2005 contained in the file Ex.35(O) i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee and that the said file Ex.34(O) containing the said Mark-sheet Ex.34(O)-A and the Selection Lists signed by the Chairman and all the Members of the Selection Committee was received by them after the appointment orders were issued to the selected candidates on 16.9.2005 and 17.9.2005 it would mean that in all probability the proceedings of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 were prepared thereafter only, particularly when, according to Shri D. P. Deshmukh, Section Assistant (Estt.), he received the said file Ex. 34(O) on or about 15.10.2005 which statement he modified in his subsequent affidavit by stating that he received it in November or December, 2005 when the candidates started making applications under the R.I. Act, vide para 2052 of the Enquiry Report. At any rate, it would not have been possible to compile the file Ex.34(O) containing the Selection Lists and the Mark-sheet Ex.34(O)-A signed by the Chairman and all the Members of the Selection Committee, before the appointment orders were issued on 16.09.2005 and 17.09.2005 because Dr.G.N.Dake outside member of the Selection Committee signed the said Mark-sheet Ex. 34(O)-A and the Selection Lists on 14.09.2005 at Rahuri and Dr.N.D. Pawar, its



another outside member on any of the following dates i.e. 14.9.2005, 27.10.2005 and 15.12.2005 at Parbhani.

- e) **Proceedings / Minutes of the meeting of the Selection Committee held from 13.06.2005 to 17.06.2005 and 20.06.2005 to 25.06.2005 contained in the file Ex. 34(O) cannot be relied upon to show as to what transpired in the said meeting.**

**2056)** As shown hereinbefore, the proceedings / minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 contained in the file Ex. 34(O) are not faithfully recorded, are not truthful and are not also confirmed by it by holding its meeting thereafter. In fact, as already shown, no member of the Selection Committee except its Chairman and the Member Secretary knows about the proceedings/minutes of its aforesaid meeting. The said proceedings / minutes cannot therefore be relied upon to hold as to what actually transpired in the aforesaid meeting of the Selection Committee and how and when the Mark-Sheet Ex. 34(O)-A and the Selection Lists were prepared and by whom.

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

(Vide paras 1480 to 1495 of the Enquiry Report)

- a) **Delay of more than 2 months in handing over the Selection Lists to the then Vice-Chancellor if they were prepared and were ready on 26.6.2005**

(Vide paras 1480 to 1484 of the Enquiry Report and also the earlier topic relating to signing the Mark-sheet Ex.34(O)-A and the Selection Lists)

**2057)** Vide para 1480 of the Enquiry Report, according to Dr.V.D. Patil, the Chairman of the Selection Committee, after the Selection Lists for these posts of SRA (Agri.) and JRA (Agri.) were prepared at night on 25.6.2005 and were ready on 26.6.2005 in the sense that they were signed by him and the Members of the Selection Committee either at night on the same day or in the morning on the next day i.e. 26.6.2005, he kept them in an envelop and went to hand them over to Dr.S.A.Nimbalkar, the then Vice-Chancellor, either on the same day or on the next day i.e. 27.6.2005 accompanied by Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee, but the Vice-Chancellor told him to keep the confidential Selection Lists with him and hand them over to him when he demanded them. Vide para 1481 of the Enquiry Report, Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University, admitted that he had asked Dr.V.D.Patil, the Chairman of the Selection Committee, to keep the Selection Lists with him when they had come to him to hand them over to him sometime in July 2005 as, according to him, he was very busy at that time with the work relating to centenary celebration of the College of Agriculture, Nagpur, to be held from 15.10.2005 to 17.10.2005, the meeting of Joint Agresco, National Seminar on value addition, and the work relating to Kharif season which had already

commenced. It was thereafter on 6.9.2005 that according to Dr.S.A.Nimbalkar, the then Vice-Chancellor, Dr.V.D. Patil, the Chairman of the Selection Committee and others had come and handed over the Selection Lists to him.

- b) **Reasons given by Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University for not receiving the Selection Lists when Dr.V.D. Patil, and Dr.Vandan Mohod, the Registrar/its Member Secretary, had come to him towards the end of June or in July 2005 to hand them over to him are not convincing**

**2058)** Vide para 1483 of the Enquiry Report, it may be seen that according to the Vice-Chancellor, as stated by him in paras 8 and 33 of his affidavit dated 14.1.2008 (Ex.658), there was need for the staff in the posts of SRA (Agri.) and JRA (Agri.) which were lying vacant due to ban on recruitment imposed by the Govt. and therefore when the said ban was withdrawn by the Govt. and the advertisement (Ex.2) was issued as far back as on 14.8.2004 for filling-up the vacancies in the said posts, he should have taken urgent steps to fill up the said vacancies particularly when the appointments in these posts were already inordinately delayed from the date of their advertisement issued on 14.8.2004 (Ex.2). If, as alleged by Dr.V.D. Patil, the Chairman of the Selection Committee, he and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, had come to him either at the end of June or in July 2005 to hand over the Selection Lists to him, he should have received them at that time so as to make appointments in the said posts immediately instead of further delaying them.

**2059)** As regards the reasons given by Dr.S.A.Nimbalkar, the then Vice-Chancellor, for not receiving the Selection Lists when Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.Vandan Mohod, the Registrar/its Member Secretary had come to him at the end of June or in July 2005 to hand them over to him, there was lot of time for the centenary celebration of the College of Agriculture, Nagpur, which were to be held from 15.10.2005 to 17.10.2005. At any rate, it is difficult to see why he should not have received the said Selection Lists and kept them with him in his office or with the Registrar who is responsible for the due custody of the record under section 19 (2) of the University Act particularly when he makes appointments of the selected candidates in these posts with the help of the Registrar because all the relevant information for placement of the selected candidates in suitable posts is with his office and is supplied to him by it. All the spade work in relation to making appointments of the selected candidates in suitable posts is, in fact, done by the Registrar and his office and except making some suggestions he has only to sign the appointment orders. As regards the question of verification of the Selection Lists and of making enquiry into fairness of the selection of candidates made by the Selection Committee, perusal of para 40 of his aforesaid affidavit would show that he had not taken much time for making such verification or enquiry and approved the Selection Lists

immediately on the same day i.e. 6.9.2005. If he was very busy in the work of centenary celebration of the College of Agriculture, Nagpur, and with his other preoccupations as stated by him in his aforesaid affidavit vide para 1481 of the Enquiry Report, the said preoccupations did not come in his way in going on tour to China for 15 days from 8.9.2005 to 24.9.2005. If all the spade work relating to the question of making appointments of the selected candidates in suitable posts is done by the Registrar and his office, the said work would not have affected his other preoccupations. Even otherwise, looking to the need of the staff in these posts in the University and inordinate delay in filling-up these vacancies, he should have given priority to the said work. The reasons given by him for not receiving the said Selection Lists if they were brought to him at the end of June or in July 2005 are thus not at all convincing.

- c) **The Chairman of the Selection Committee and its Member Secretary, could not have and did not go to the then Vice-Chancellor on 26<sup>th</sup> or 27<sup>th</sup> June 2005 or in July 2005 to hand over the Selection Lists to him**

**2060)** As shown hereinbefore in the topics relating to “Preparation of the Categorywise Mark-sheet Ex.34(O)-A” and “Preparation of the Selection Lists”, the Categorywise Mark-sheet Ex.34(O)-A was not prepared and was not ready at night on 25.6.2005 and was prepared in 8 to 10 days thereafter by Shri D.P.Deshmukh, Section Assistant (Estt.) and was then handed over by him to Dr.V.D. Patil, the Chairman of the Selection Committee, vide para 1377 of the Enquiry Report. It was sometime thereafter that Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, prepared the Selection Lists from the said Mark-sheet Ex.34(O)-A vide para 1413 of the Enquiry Report. As regards the question of signing the said categorywise Mark-sheet Ex.34(O)-A and the Selection Lists, it is held in the topic relating thereto that according to two local members of the Selection Committee viz. Dr.B.N.Dahatonde, and Dr.N.D.Jogdande, they signed them when, 10 to 15 days after the last date of interview i.e. 25.6.2005 they were called on one day to sign them. As regards two outside members of the Selection Committee it is pertinent to see that Dr.G.N.Dake, signed them at Rahuri on 14.9.2005 and as regards as Dr.N.D. Pawar he signed them at Parbhani on any of the three dates i.e. 14.9.2005, 27.10.2005 or 15.12.2005, probably on 14.9.2005, vide para 1441 of the Enquiry Report. It is therefore clear that as the Selection Lists were not ready with the signatures of the Chairman and all the Members of the Selection Committee on 26<sup>th</sup> June 2005, they could not have been and were not taken to the Vice-Chancellor for his approval on 26<sup>th</sup> or 27<sup>th</sup> June, 2005 as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, or sometime in July 2005 as stated by the Vice-Chancellor. The said affidavit of Dr.V.D. Patil, the Chairman of the Selection Committee and also the aforesaid affidavit of the Vice-Chancellor which supported him in this regard, vide paras 1480 and 1481 of the Enquiry Report, cannot therefore be believed. It appears that the above statement about

going to the Vice-Chancellor for handing over the Selection Lists to him at the end of June or in July 2005 is falsely made to show that the Selection Lists were prepared and were ready at night on 25.6.2005 i.e. the last day of interview or in the morning on 26.6.2005 with the signatures of the Chairman and all the Members of the Selection Committee.

**d) Handing over the Selection Lists to the Vice-Chancellor on 6.9.2005**

(Vide paras 1485 to 1495 of the Enquiry Report, and also earlier topics relating to “Signing the Mark-sheet Ex.34(O)A and the Selection Lists and “Preparation of the proceedings/minutes of the meeting of the Selection Committee”.)

**2061)** Vide para 1485 of the Enquiry Report, according to Dr.V.D. Patil, the Chairman of the Selection Committee, before the then Vice-Chancellor Dr.S.A.Nimbalkar, went on tour to China, he had on 6.9.2005 asked him to hand over the Selection Lists to him and accordingly, he went to him alongwith Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee and Dr.E.R. Patil, its senior-most-member and personally handed over to him the file Ex.34(O) pertaining to the proceedings/minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 which included the Selection Lists at its pages 66 to 76 signed by him and the Members of the Selection Committee. Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, however, denied that he went with him on 6.9.2005 to hand over the Selection Lists to the Vice-Chancellor, vide para 2 of his additional affidavit dated 2.4.2008 (Ex.713).

**2062)** Vide para 1487 of the Enquiry Report, Dr.S.A. Nimbalkar, the then Vice-Chancellor, categorically denied that the whole file Ex.34(O) as such was brought to him and was seen by him at that time. In fact, according to him the said file Ex.34(O) was never brought to him and was not seen by him at any time. According to him, the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists signed by the Chairman and the Members of the Selection Committee contained at pages 77/1 to 92 and 66 to 76 of the said file Ex.34(O) respectively were only brought and shown to him on 6.9.2005 and after making some enquiry about fairness of the Selection Lists made by them, he sent the said Selection Lists and the Mark-sheet Ex.34(O)-A to the Registrar’s office. Further, according to him, after preparing the office note dated 6.9.2005 contained in the file Ex.35(O), relating to interviews the said office note dated 6.9.2005 to which the said categorywise Mark-sheet Ex.34(O)-A and the Selection Lists signed by the Chairman and the Members of the Selection Committee were annexed was brought to him which he approved on the same day.

**2063)** Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee and the concerned Section Assistant (Estt.), Shri D.P. Deshmukh, contradicted the statement of Dr.V.D. Patil, and Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University that the

categorywise Mark-sheet Ex.34(O)-A and the Selection Lists signed by the Chairman and the Members of the Selection Committee were sent to the Registrar's office by the then Vice-Chancellor for taking further action. Perusal of the office note dated 6.9.2005 contained in the file Ex.34(O) relating to interviews would show that the Selection Lists annexed as Annexure-I to XI to the said office note dated 6.9.2005 in the file Ex.35(O) are the Selection Lists which are not signed by the Chairman and the Members of the Selection Committee. Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, categorically reiterated in para 2 of his additional affidavit dated 2.4.2008 (Ex.713) his statement in para 30 of his original affidavit dated 1.12.2007 (Ex.633) that the Selection Lists which were handed over to the Vice-Chancellor by Dr.V.D. Patil, the Chairman of the Selection Committee and which the Vice-Chancellor, in turn, sent to him for further action were the Selection Lists which were actually annexed as Annexures-I to XI to the office note dated 6.9.2005 contained in the file Ex.35(O) i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee. As stated by him in para 5 of his aforesaid additional affidavit dated 2.4.2008 (Ex.713), he is unable to explain why Dr.V.D. Patil, the Chairman of the Selection Committee, handed over to the Vice-Chancellor on 6.9.2005 the Selection Lists which were not signed by him and the Members of the Selection Committee when he had with him the Selection Lists signed by them.

**2064)** As stated by Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee in the above-referred para 2 of his additional affidavit dated 2.4.2008 (Ex.713), it is the said office note dated 6.9.2005 contained in the file Ex.35(O) to which the above referred Selection Lists not signed by the Chairman and the Members of the Selection Committee were annexed which was finally approved by the Vice-Chancellor on the same day. Shri D.P.Deshmukh, concerned Section Assistant (Estt.) who wrote the office note dated 6.9.2005 supported him in this regard when he stated in para 36 of his affidavit dated 15.11.2007 (Ex.598) as well as in para 1 of his additional affidavit dated 15.3.2008 (Ex.695) that the Selection Lists which were annexed to his office note dated 6.9.2005 as Annexures-I to XI were the same Selection Lists which were handed over to him by the then Registrar before he wrote the said office note on that day, i.e. the Selection Lists which did not bear the signatures of the Chairman and the Members of the Selection Committee.

e) **Selection Lists signed by the Chairman and all the Members of the Selection Committee could not have been and were not handed over to the Registrar's office on 6.9.2005 and were not therefore annexed to the office note of the Section Assistant (Estt.), Shri D.P.Deshmukh, dated 6.9.2005**

**2065)** It is clear from para 1441 of the Enquiry Report, that at least two outside members of the Selection Committee, viz. Dr.G.N.Dake and Dr.N.D. Pawar, signed the categorywise Mark-sheet Ex.34(O)-A and the Selection Lists after 6.9.2005 which would mean that the

Selection Lists bearing the signatures of the Chairman and all the Members of the Selection Committee were not ready on that day i.e. 6.9.2005. The statement of Dr.V.D. Patil, the Chairman of the Selection Committee, in para 57 of his affidavit dated 25.12.2007 (Ex.645) that when the Vice-Chancellor demanded the Selection Lists, he handed over to him on 6.9.2005 the whole file Ex.34(O) relating to the proceedings/minutes of the meeting of the Selection Committee held from 13.6.2005 to 17.6.2005 and 20.6.2005 to 25.6.2005 containing the Selection Lists at its pages 66 to 76 signed by him and the Members of the Selection Committee cannot be believed because as held in para 1478 of the Enquiry Report, the aforesaid file Ex.34(O) containing the said Selection Lists signed by them was not then compiled but was compiled after the appointment orders were issued to the selected candidates on 16.9.2005 and 17.9.2005 on the basis of the Selection Lists in the file Ex.35(O) which did not bear the signatures of the Chairman and the Members of the Selection Committee. As also held in earlier para 1477 of the Enquiry Report, by approving the said office note dated 6.9.2005 contained in the file Ex.35(O) the Selection Lists which were approved by the Vice-Chancellor were the Selection Lists annexed as Annexure-I to XI to the office note dated 6.9.2005 i.e. the Selection Lists which were not signed by the Chairman and the Members of the Selection Committee and were not the Selection Lists which were at pages 66 to 76 of the file Ex.34(O) relating to the proceedings/minutes of the meeting of the Selection Committee which Selection Lists were signed by the Chairman and the Members of the Selection Committee.

**f) Whether the Selection Lists annexed to the office note dated 6.9.2005 are computerized copies or Xerox copies prepared before they were signed by the Chairman and the Members of the Selection Committee**

**2066)** As regards the question whether the Selection Lists annexed as Annexures-I to XI to the office note dated 6.9.2005 contained in the file Ex.35(O) are computerized copies or xerox copies, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 58 of his affidavit dated 25.12.2007 (Ex.645) that they were Xerox copies which must have been prepared in the Registrar's office at the time the computerized copies of their handwritten Selection Lists were prepared in the said office i.e. before they signed the Selection Lists contained in the file Ex.34(O). As stated by him in para 56 of his aforesaid affidavit, the Selection Lists which they had signed and which were included at pages 66 to 76 in the file relating to the proceedings / minutes of the meeting of the Selection Committee Ex.34(O) were prepared on computer in the Registrar's office by Shri D.P.Deshmukh, Section Assistant (Estt.), after they had prepared the handwritten Selection Lists in each category of the posts of SRA (Agri.) and JRA (Agri.). Vide paras 1489 and 1490 of the Enquiry Report, Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, and Shri D.P.Deshmukh, Section Assistant (Estt.), contradicted him in this regard.

**2067)** Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, stated in para 5 of his additional affidavit dated 2.4.2008 (Ex.713) that it was not true that they went to the Registrar's office to prepare the final Selection Lists. According to him, in the hall in which they were sitting they prepared on computer final Selection Lists in each category in descending order of merit for both the posts of SRA (Agri.) and JRA (Agri.) and then took out its print out upon which the Chairman and the Members of the Selection Committee including him had put their signatures. He then stated that the said computer copies of the said Selection Lists were kept with him by Dr.V.D. Patil, the Chairman of the Selection Committee, and no other print out copy of the Selection Lists was taken out on that day.

**2068)** As regards the question of preparation of computer copies and / or Xerox copies of the Selection Lists, Shri D.P.Deshmukh, Section Assistant (Estt.), denied in para 1 of his affidavit dated 15.3.2008 (Ex.695) vide para 1490 of the Enquiry Report, that he was present at the place where the Selection Lists were prepared. He also denied that the names of the selected candidates in the posts of SRA (Agri.) and JRA (Agri.) were dictated to him by the Chairman or the Member Secretary of the Selection Committee. He further denied that after the hand-written Selection Lists were prepared they were handed over to him for taking out their computer copies or Xerox copies and that he had prepared them. He then denied that he had taken out computer copies / Xerox copies of the Selection Lists annexed to his office note dated 6.9.2005. After seeing the said Selection Lists, he stated that according to him, they were not Xerox copies but were computerized copies.

**2069)** As regards the statement of Dr.V.D. Patil, the Chairman of the Selection Committee, that the Selection Lists annexed to the office note dated 6.9.2005 which did not bear the signatures of the Chairman and the Members of the Selection Committee were Xerox copies prepared from the computer copies of the Selection Lists contained in the file Ex.34(O) before they had signed them, the said statement can hardly be believed because when according to him, the computer copies were already signed by the Chairman and the Members of the Selection Committee at night on 25.6.2005 or in the morning on 26.6.2005, there was no reason why the Xerox copies of the said signed Selection Lists would not be prepared for annexing them to the office note dated 6.9.2005 when the file Ex.34(O) containing the said signed Selection Lists was, according to him, handed over by him to the Vice-Chancellor on 6.9.2005 and which Selection Lists, according to the Vice-Chancellor, after his approval, were sent by him to the Registrar's office on the same day for preparing for his approval the office note dated the same i.e. 6.9.2005 about issuing appointment orders to the selected candidates subject to availability of vacancies categorywise and in order of merit.

**2070)** Had the original Selection Lists signed by the Chairman and all the Members of the Selection Committee been thus received in the Registrar's office, the Xerox copies would

have been prepared from the said signed original Selection Lists and would have been annexed to the said office note dated 6.9.2005 for issuing orders of appointment to the selected candidates as per the said Selection Lists. The Registrar's office would not have then annexed the unsigned Selection Lists to the said office note dated 6.9.2005, whether computer copies or Xerox copies, if the signed Selection Lists were sent to it. Since the Selection Lists were not signed on 6.9.2005 by all the Members of the Selection Committee, particularly its two outside members Dr.G.N.Dake and Dr.N.D. Pawar, as rightly stated by Dr.Vandan Mohod, the then Registrar, and Shri D.P.Deshmukh, the concerned Section Assistant (Estt.) in their affidavits referred to above, the unsigned Selection Lists were sent by the Vice-Chancellor to the Registrar's office for immediately preparing for his approval the office note dated 6.9.2005 so that the appointment orders could be issued to the selected candidates by Dr.V.D. Patil, the Acting Vice-Chancellor, and Dr.Vandan Mohod, the Registrar during his absence i.e. when he was on tour to China for 15 days from 8.9.2005 to 24.9.2005.

- g) **Selection Lists deliberately received by the Vice-Chancellor on 6.9.2005 because he did not want to be associated with making the appointments in question as per the Selection Lists but wanted the said question to be left to Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/ Member Secretary of the Selection Committee, who prepared the Selection Lists.**

2071) Vide para 1482 of the Enquiry Report, it is difficult to appreciate why the then Vice-Chancellor should receive the Selection Lists when he was about to leave on tour to China for about 15 days and was not thus available for making appointments according to the Selection Lists unless he himself did not want to be associated with making such appointments as per the Selection Lists for the reasons better known to him. In this regard, it may be seen that if the Selection Lists were ready on 25.6. / 26.6.2005 and he had already postponed their receipt from the Chairman Dr.V.D. Patil for more than 2 months their further postponement for about 15 days would not have made any difference. In fact, the Selection Lists were signed by the two outside members of the Selection Committee viz. by Dr.G.N.Dake, on 14.09.2005 and by Dr.N.D. Pawar, on 14.9.2005 or 27.10.2005 or 15.12.2005, vide para 1441 of the Enquiry Report, whereafter the note-sheets were recorded by the Registrar's office on 15.9.2005 and 16.9.2005 to show the vacancy position in these posts and immediately thereafter the orders of appointment to all the selected candidates were issued on 16.9.2005 and 17.9.2005 by deciding to utilize the posts in promotion quota for making appointments by nomination. Instead of taking such decision in a hurried manner the Acting Vice-Chancellor could have waited for the regular Vice-Chancellor to return on 24.9.2005 from his tour of China. Be that as it may, at any rate, immediately after he came back from China the said appointment orders could be issued by him. In fact, the Centenary celebration of the College of Agriculture, Nagpur were to be



held much later from 15.10.2005 to 17.10.2005 and there was ample time before it for the regular Vice-Chancellor to issue appointment orders even after his return from his tour of China.

**2072)** The time chosen for making appointment of the selected candidates in these posts would show that Dr.S.A. Nimbalkar, the then Vice-Chancellor of the University did not want to be associated with making appointments in question as per the Selection Lists but wanted the said question to be left to Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee, who prepared the Selection Lists of these posts. It is for this reason that after making some cursory enquiry about its fairness he hurriedly approved the Selection Lists on 6.9.2005 after receiving them on the same date because he was to leave for China on 8.9.2005. It is in order to enable Dr.V.D. Patil, the Dean/D.I./Chairman of the Selection Committee and Dr.Vandan Mohod, the Registrar/its Member Secretary to make appointment of the candidates selected by them that he appointed on the same day i.e. 6.9.2005 Dr.V.D. Patil, as Acting Vice-Chancellor although as shown in para 1498 of the Enquiry Report, relating to the topic about “Appointment of Dr.V.D. Patil, as Acting Vice-Chancellor, propriety required that he should have appointed another Dean/Director as Acting Vice-Chancellor since the team of Dr.V.D. Patil, and Dr.Vandan Mohod, who had prepared the Selection Lists would not have considered the question of appointment of the selected candidates in dispassionate manner as they would be interested in making appointment of all the selected candidates as per the Selection Lists which included the favoured candidates. Although, according to the office note dated 6.9.2005, the appointments of the selected candidates were subject to availability of vacancies categorywise and in order of merit, it was only an eye-wash as is clear from the following facts.

**2073)** It is pertinent to see that before preparation of the Selection Lists, Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee had themselves increased the number of posts of SRA (Agri.) to be filled from 24 as advertised to 55 and the posts of JRA (Agri.) from 37 as advertised to 76 and had prepared the Selection Lists for the said posts. They were thus interested in making appointment of all the selected candidates particularly when they included the favoured candidates as is clear from the fact that for giving appointment to all the candidates in the Selection Lists, they had decided to utilize the posts in promotion quota, vide office notes dated 16.9.2005 of the Deputy Registrar Shri S.S.Suradkar and the then Registrar Dr.Vandan Mohod, approved by the Acting Vice-Chancellor Dr.V.D. Patil, himself contained in the file Ex.42(O) in spite of the fact that the recommendations of the lower officers viz. Shri D.P.Deshmukh, Section Assistant (Estt.) and Shri P.V.Behare, the Assistant Registrar (Estt.) were in respect of the vacancies in nomination quota only as the appointments by direct recruitment were to be made in the said quota. It may be seen in this

regard that by the office note dated 6.9.2005 approved by Dr.S.A.Nimbalkar, the regular Vice-Chancellor contained in the file Ex.35(O), when the appointments of the selected candidates were made subject to availability of vacancies, ordinarily it meant the vacancies in nomination and not promotion quota as fixed by the Executive Council by its resolution dated 18.3.1991 (Ex.595) since the appointments to be made were by direct recruitment. However, in order to accommodate all the candidates selected by them, Dr.V.D. Patil, the Acting Vice-Chancellor and Dr.Vandan Mohod, the then Registrar, had not only utilized the posts in promotion quota but had utilized some posts of other categories of SRA also such as SRA (Agril.Engg.), SRA (Bio-technology) etc. and two posts of Senior Technical Assistant (STA) as shown in paras 1639 to 1640 of the Enquiry Report under the topic relating thereto.

**2074)** It is thus clear that although the then Vice-Chancellor Dr.S.A.Nimbalkar, could have himself considered the question of making appointment of the selected candidates after properly considering the question of fairness of the Selection Lists, and the question of availability of vacancies for making appointment of the selected candidates as per the Selection Lists, the time to make appointments was deliberately chosen, when he was not available because of his tour to China so as to enable Dr.V.D.Patil, the Chairman of the Selection Committee, and the Acting Vice-Chancellor, and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee to make appointments of all the selected candidates as per the Selection Lists prepared by them.