

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

(Vide paras 1641 to 1660 of the Enquiry Report)

2214) As observed in para 1641 of the Enquiry Report, in view of the provisions of Section 60 of the University Act read with Statute 77(3) of the Statutes framed thereunder it is obligatory upon the University as also admitted by it in para 1 of the affidavit dated 2.8.2007 (Ex.57) filed on its behalf that in making recruitment to the post of academic staff members specified in Statute-71 which include the posts of SRA/JRA, it has to follow the reservation policy for backward classes as directed by the State Govt. The general question whether the University followed the reservation policy as laid down by the State Government particularly in the light of the relevant Judgments of the Supreme Court or not is considered in detail in paras 865 to 906 of the Enquiry Report under the topic “Reservation Policy of the University” and it is held therein that the University did not follow the said policy properly in making recruitment to the posts of SRA (Agri.) and JRA (Agri.) till date.

2215) As regards the question of reservation for backward classes, the State Govt. had issued G.Rs. from time to time prescribing the percentages of reservation for each category of backward classes such as S.C., S.T., O.B.C. etc. and laying down the procedure for implementing it for which the last relevant G.R. issued was G.R. dated 16.3.1999 (Ex.703) annexed as Annexure-34 of the Enquiry Report and also reproduced in para 883 of the Enquiry Report. Perusal of para 865 of the Enquiry Report, however, shows that the State Legislature had passed the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jati), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act 2001, Maharashtra Act No. VIII of 2004, which came into force w.e.f 29.1.2004. The said Act is applicable to Dr.PDKV, Akola, as the expression “Public Services and Posts” as defined in section 2 (i) of the said Act includes the services and posts in an University “established by or under the Maharashtra Act”. The percentage of reservation of posts for each of the backward classes is laid down under section 4(2) of the said Act which is the same as laid down in the aforesaid G.R. dated 16.3.1999 (Ex. 703).

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

2216) The said question is considered in paras 868 to 871 of the Enquiry Report, and the finding rendered in para 871 is that since the Selection Committee for selection of the candidates for the posts of SRA/JRA is a statutory committee constituted under Statute 76

of the Statutes, the Government circulars referred to in the said paras about association of the officer of the Social welfare department in the Selection Committee, which are administrative in nature are not applicable to it.

ii) 100 point roster for direct recruitment admittedly not followed to implement the reservation policy of the State Government.

(Vide paras 872 to 875 and para 1642 of the Enquiry Report)

2217) Vide para 872 of the Enquiry Report, with its affidavit dated 2.8.2007 (Ex.57), the University filed the G.R. dated 29.3.1997 (Ex.57-B) in this enquiry which would show that to implement its reservation policy, the State Govt. had prescribed 100 point roster for direct recruitment. By subsequent G.R. dated 18.10.1997 (Ex.57-A) filed with its aforesaid affidavit dated 2.8.2007 (Ex.57), the State Govt. had prescribed 100 point roster for appointment by promotion instead of 50 point roster prescribed by it in the aforesaid G.R. dated 29.3.1997 (Ex.57-B). What is important to be seen in the said G.R. dated 18.10.1997 (Ex.57-A) is that after taking into consideration the guidelines / directions issued by the Central Government in its G.R. dated 2.7.1997 in the light of the judgment of the Supreme Court in R.K.Sabharwal and others –Vs- State of Panjab, AIR (1995) SC 1371, the State Government, in para 2 of its G.R. dated 18.10.1997 (Ex.57-A), issued the orders regarding recruitment and implementation of 100 point roster prescribed by it. The said orders/guidelines/ directions are extracted in para 873 of the Enquiry Report. It is necessary to see that as per guideline no.1 in para 2 of the said G.R. dated 18.10.1997 (Ex.57-A) the reservation of the posts for reserved category candidates has to be made according to the percentage prescribed for each reserved category taking into consideration the total number of posts in the cadre and not on the basis of the posts becoming vacant. According to it, the 100 point roster has to be followed till all the posts in the reserved category are filled according to its prescribed percentage but thereafter it is not necessary to follow it. If any post in any such reserved category then becomes vacant, it has to be filled by the candidate from that category only.

2218) As regards the question of following 100 point roster for direct recruitment in the posts of SRA (Agri.) and JRA (Agri.) pursuant to the advertisement dated 14.8.2004 (Ex.2), Dr.V.D. Patil, the Chairman of the Selection Committee, candidly admitted in para 8 of his additional affidavit dated 25.3.2008 (Ex.697) that they had not seen 100 point roster and did not calculate the categorywise break-up of these posts of SRA (Agri.) and JRA (Agri.) on the basis of the points in the said 100 point roster prescribed for direct recruitment taking into consideration the number of posts already filled at that time.

2219) Vide para 1642 of the Enquiry Report, it is therefore clear that 100% point roster laid down by the Government for direct recruitment is not followed in this case in implementing the reservation policy of the State Government. In this regard see paras 876

to 882 of the Enquiry Report, showing how to implement the reservation policy of the State Government by following 100 point roster about which B.C. Cell, Nagpur had submitted a note dated 6.5.2008 (Ex.740) which is considered therein.

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

(Vide paras 1642-A to 1651 of the Enquiry Report)

2220) Vide para 1642-A of the Enquiry Report, as admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, in para 8 of his additional affidavit dated 25.3.2008 (Ex.697), on 25.6.2005 i.e. the last day of interview, after he and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, decided to fill 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) by preparing the Selection Lists for them, the categorywise distribution of the said posts of SRA (Agri.) and JRA (Agri.) was made by Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee. In this regard Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, stated in para 27 of his affidavit dated 1.12.2007 (Ex.633) that he prepared the chart on computer showing the break-up of the above posts into various reserved categories i.e. S.C., S.T. etc. after calculating the number of posts in each reserved category according to the percentage prescribed for it in the relevant G.R. of the Government about reservation of the posts for backward classes supplied to him by his office

2221) Vide para 1643 of the Enquiry Report, in order to see whether the categorywise break-up of these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) was made according to the prescribed percentage of each reserved category or not, this office calculated the number of posts in each reserved category according to the prescribed percentage for it in the G.R. dated 16.3.1999 (Ex.703) and in open and prepared two separate charts regarding the said posts of SRA (Agri.) and JRA (Agri.) showing the prescribed percentage of each reserved category, the number of posts which should be reserved according to the percentage of each reserved category, the number of posts actually reserved by Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee, by appointment of the candidates in each category, and the difference between the two. The said charts separate for the posts of SRA (Agri.) and JRA (Agri.) marked collectively as Ex.712 were shown to Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee. He stated in para 9 of his additional affidavit dated 2.4.2008 (Ex.713) that he had seen the said categorywise charts prepared by this office for the posts of SRA (Agri.) and JRA (Agri.) (Ex.712) and after seeing them he admitted that the number of posts of SRA (Agri.) and JRA (Agri.) which they had actually filled were not

according to their prescribed percentages and in some categories the posts which they had filled were in excess of the prescribed percentage of that category and in some other categories they were less than the percentage prescribed for them. He further admitted that number of candidates which they had selected in each category in both these posts of SRA (Agri.) and JRA (Agri.) were shown in the office note of Shri D.P.Deshmukh, Section Assistant (Estt.) dated 6.9.2005 contained in the file Ex.35(O) where the categorywise distribution of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) was shown under the caption “vacancies now considered”.

2222) Vide para 1644 of the Enquiry Report, the contents of the above referred charts about the categorywise distribution of 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) collectively marked as (Ex.712) are tabulated therein. The said tables in para 1644 of the Enquiry Report, show the prescribed percentage in each reserved category and in open, the number of posts to be reserved according to the said percentage, the posts actually reserved by appointment of candidates therein and in open, and the difference showing whether the posts actually reserved by appointment of candidates were in excess or less than the prescribed percentage of each category and open.

2223) For ready reference the aforesaid charts (Ex.712) included in para 1644 of the Enquiry Report, are reproduced below :-

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

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

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

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

2224) Vide para 1645 of the Enquiry Report, perusal of the above Table prepared for categorywise distribution of 55 posts of SRA (Agri.) would show that in S.C. category there ought to have been 7 posts as per its prescribed percentage and 7 candidates selected but instead 11 candidates were selected in S.C. category thus allotting to it 11 posts out of 55. In S.T. category there ought to have been 4 posts reserved on the basis of its prescribed percentage but instead only 3 posts were reserved as 3 candidates were selected in the said category. In VJ (A) according to its prescribed percentage two posts should have been allotted but instead 3 candidates were selected thus allotting 3 posts in the said category. In NT (B) one post should have been reserved but instead two candidates were selected thus allotting 2 posts in the said category. In NT (C) category, according to its prescribed percentage two posts should have been allotted, but 5 candidates were selected thus allotting 5 posts in the said category. In NT (D) category only one post could be and was reserved as only one candidate was selected in the said category. In SBC one post could be reserved according to its prescribed percentage but no candidate was selected in the said category. In OBC category, according to its prescribed percentage 10 posts could be reserved but instead 14 candidates were selected thus allotting 14 posts in the said category. In open 27 posts could be allotted but instead only 16 candidates were selected thus allotting 16 posts in the said category.

2225) Vide para 1646 of the Enquiry Report, perusal of the above Table regarding categorywise distribution of 76 posts of JRA (Agri.) would show that in S.C. category there could be 10 posts allotted on the basis of its prescribed percentage but only 7 candidates were selected thus allotting only 7 posts in the said category. In S.T. category 5 posts could

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

2226) It is pointed out in para 1647 of the Enquiry Report, that as per the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.), the candidates were available in all reserved categories in both the posts for making appointment to the extent of their prescribed percentages except that there was dispute about availability of S.T. candidates in the Mark-sheet Ex.34(O)-A of S.T. category for the posts of SRA (Agri.) and JRA (Agri.) to be filled. There was, therefore, no reason for not selecting the candidates in each category of these posts to the extent of its prescribed percentage except the S.T. category which is separately considered hereinafter. However, where the required number of candidates were not available for selection in all the posts to be reserved according to the prescribed percentage of any reserved category, it would not mean that the candidate/s available should only be appointed in the said category and its remaining quota should be utilized for making selection in other categories or in open thus even exceeding quota of the posts as per the prescribed percentages of the said categories or open. After reserving the posts in each reserved category according to its prescribed percentage, if the candidates are not available for selection in all the posts in any reserved category, the posts remaining vacant after selection of available candidates have to be carried forward and filled at the time of the next recruitment in the said posts as per the Government circular dated 10.3.1999, vide Appendix-12 of the book containing Government orders on reservation, backlog, filling of backlog, roster etc. published by the Divisional Commissioner, Nagpur Division, Nagpur (Ex.78). If there is any other rule framed by the Government in this regard, the question of filling up of posts remaining vacant, after the selection of available candidates in the reserved category would be governed by the said rule.

2227) Vide para 1648 of the Enquiry Report, for instance the posts of SRA (Agri.) and JRA (Agri.) which could be reserved in S.T. category according to its prescribed percentage in 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) were 4 and 5 respectively and as shown in the charts of the posts of SRA (Agri.) and JRA (Agri.) reproduced above, the

candidates selected and appointed in the said posts were 3 and 2 respectively showing that only 3 posts of SRA (Agri.) and 2 posts of JRA (Agri.) were allotted in the said category, which would mean that one post of SRA (Agri.) and 3 posts of JRA (Agri.) as per their prescribed percentage were utilized for selection of the candidates in other categories or in open in which case the number of posts utilized in such other categories or open would even exceed their quota as per their prescribed percentages which is not permissible according to the reservation policy of the State Government except in accordance with the G.R. if any, issued in that regard.

2228) Vide para 1649 of the Enquiry Report, as regards the question whether the candidates were available in the Mark-sheet Ex.34(O)-A in S.T. category separate for the posts of SRA (Agri.) and JRA (Agri.) for making appointment to the extent of the prescribed percentage of the said S.T. category viz. 5 and 4 as referred to above, it may be seen that in the Mark-sheet Ex.34(O)-A for the post of SRA (Agri.) S.T. category, vide its page 59, there were 6 candidates and in the Mark-sheet Ex.34(O)-A for the post of JRA (Agri.) vide its page 8, there were 7 candidates besides one candidate of YCMOU whose name was separately shown on page 9.

2229) As regards the posts of SRA (Agri.) S.T. category, out of 6 candidates in the Mark-sheet Ex.34(O)-A for that category, 3 were absent at the time of the interview, and the remaining 3 were selected in the posts of SRA (Agri.) S.T. category. These 3 candidates included 2 candidates who had applied for the posts of JRA (Agri.) also. As regards the posts of JRA (Agri.) S.T. category, out of 7 S.T. candidates who had applied for the posts of JRA (Agri.) vide page-8 of the Mark-sheet Ex.34(O)-A for the posts of JRA (Agri.) S.T. category, 3 were absent at the time of the interview, and out of the remaining 4, 2 candidates were selected in the posts of SRA (Agri.) as stated above and, therefore, the remaining two were selected in the posts of JRA (Agri.) S.T. category. Dr.V.D. Patil, gave the above justification in para 76 of his affidavit dated 25.12.2007 for selecting only 2 candidates in the post of JRA (Agri.) S.T. category although he admitted that more than 3 posts which were allocated to that category in 37 posts which were advertised could be reserved in that category when the posts to be filled were increased from 37 to 76. He, however, admitted that at page-9 of the Mark-sheet Ex.34(O)-A for the post of JRA (Agri.) S.T. category, there was name of Solanki Dilip Singh P., who was YCMOU graduate and was available for selection in the said post of JRA (Agri.) S.T. category but according to him, he was not selected because he got only 30 marks out of total 100 marks for academic performance and interview. But after seeing the criteria for evaluation of SRA and JRA laid down in the meeting held on 31.5.2005, he admitted that there were no minimum marks (cut off marks) prescribed therein for selection and appointment of the candidates in the posts of SRA/JRA in question in the sense that if the candidate did not get the said

minimum marks, he would not be considered for selection and appointment in these posts of SRA (Agri.) and JRA (Agri.).

2230) Vide para 1650 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee, categorically admitted in para 78 of his aforesaid affidavit dated 25.12.2007 (Ex.645) that in the absence of cut-off marks being fixed for selection of the candidates, the name of Solanki Dilipsingh P., YCMOU graduate should have been recommended as 3rd candidate in the post of JRA (Agri.) S.T. category when the number of candidates which could be selected and appointed in these posts were more than 3 as per its prescribed percentage. Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, also admitted in para 7 of his additional affidavit dated 2.4.2008 (Ex.713) that although, according to him, over all performance of YCMOU graduates was poor since no cut off marks were fixed in the criteria of evaluation of SRA/JRA, the candidates who received low marks could also be selected if the posts were available for them according to descending order of merit. The YCMOU graduate Shri Dilipsingh Solanki, should have been therefore selected in the 3rd post of JRA (Agri.) S.T. category. Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, acted illegally in not selecting him in the posts of JRA (Agri.) S.T. category.

2231) Vide para 1651 of the Enquiry Report, in making selection and appointment in these 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.), Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee not only failed to implement the reservation policy of the State Govt. by implementing 100 point roster prescribed by it for direct recruitment but also failed to make appointments as per the prescribed percentage of each reserved category and open as professed by them and which they should have therefore scrupulously followed. Otherwise, their action is invalid, as held by the Supreme Court in Ramanna –Vs- International Airport Authority (1979) 3 SCC 489. The Selection Lists prepared by them for these posts of SRA (Agri.) and JRA (Agri.) are in breach of reservation policy of the State Govt. The selections were made in these posts in the most arbitrary manner because even though the candidates were available for making selection in all the posts to the extent of the prescribed percentage of each reserved category, still their selections were not made to the extent of their full quota as per their prescribed percentage and the remaining quota in such categories was used for selection of the candidates in other categories as shown above. It would also support the inference that it was done by them to select the favoured candidates. The selections made in these posts are thus violative of Articles 14, 16(1) and 16(4) of the Constitution of India.

iv) **Horizontal reservation not made : No candidate is selected in any category in horizontal reservation**

(Vide paras 883 to 897 & 1652 to 1660 of the Enquiry Report)

2232) Vide para 883 of the Enquiry Report, the Supreme Court has considered in its judgment in Anil Kumar Gupta –Vs- State of U.P. & Ors., J.T. 1995 (5) S.C. 505; (1995) 5 SCC 173, the question as to how the special reservation prescribed for special categories of employees should be implemented. It is in the light of the above judgment of the Supreme Court that the State Government issued the G.R. dated 16.3.1999 (Ex.703) in which it laid down the procedure and the guidelines to be followed in making vertical as well as horizontal reservation in direct recruitment by establishments mentioned therein including the University. It may be seen that the reservation of posts made by the State Govt. for backward classes being social reservation is called social or vertical reservation. Similarly, besides the reservation made for backward classes, there is special reservation made in regard to certain categories of employees which is called horizontal-reservation.

2233) Vide para 1652 of the Enquiry Report, the special reservation (Horizontal reservation) for recruitment in service prescribed in para 2 of the aforesaid G.R. dated 16.3.1999 (Ex.703) is extracted herein as follows:

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

Below the above horizontal reservation, it is stated that it is applicable only in direct recruitment. It is further stated that since it is within the social/ vertical reservation, it should not be considered as additional reservation which would mean that it has to be within the limits of the prescribed percentage of each category of social reservation and open. If the candidates in the said categories of horizontal-reservation are already included to the extent of their percentages on the basis of their merit in open or in any reserved category then it is not necessary to make any such reservation in the said category as is made clear in stage-A of para 5 of the aforesaid G.R. dated 16.3.1999 (Ex.703). In case their percentage is not satisfied then to the extent of their percentage or any short-fall in the same the candidates belonging to such categories of horizontal-reservation have to be

included in the selection Lists of open or reserved categories of social reservation as the case may be by excluding the last candidate/s in such selection Lists.

2234) It is then stated in para 4 of the aforesaid G.R. dated 16.3.1999 (Ex.703) that as held by the Supreme Court in Anil Kumar Gupta –Vs- State of U.P. & Ors. cited supra since the horizontal reservation is compartmentalized reservation, not only the number of posts in each category of social / vertical reservation should be mentioned but the number of posts to be reserved in horizontal reservation in each category of vertical reservation such as S.C., S.T., VJ(A), NT(B), NT(C), NT(D), SBC, OBC and Open should also be indicated in the advertisement. It is made clear in para 6 of the aforesaid G.R. dated 16.3.1999 (Ex.703) that since the horizontal reservation is compartmentalized reservation, it cannot be transferred from one category to another.

2235) Vide para 1653 of the Enquiry Report, perusal of the advertisement dated 14.8.2004 (Ex.2) issued for filling these posts of SRA (Agri.) and JRA (Agri.) amongst others would show that under the head “ Other Conditions” in clause-IV thereof it is mentioned that reservation of female candidates, physically handicapped, as per the Govt. policy would be observed subject to availability of suitable candidates. It, however, does not mention other categories of horizontal reservation viz. ex-Servicemen and Project affected/Earthquake affected persons for whom also the horizontal reservation has to be made in group-C and D posts as per the aforesaid G.R. dated 16.3.1999 (Ex.703). It may be seen that the said horizontal reservation for Ex-servicemen and Project affected/Earthquake affected persons is to be made only in the post of JRA which is group-C post and not in the post of SRA which is group-B post. As regards the category of physically handicapped persons besides group-C and D posts, the reservation has to be made in group-A and B posts by indicating some suitable posts therein for them. However, as regards the female candidates the reservation is in all the Groups of posts, whether - A, B, C or D.

2236) Vide again para 1653 of the Enquiry Report, the advertisement in question dated 14.8.2004 (Ex.2) is in breach of para 2 of the G.R. dated 16.3.1999 (Ex.703) in so far as it does not mention that the horizontal reservation has to be made in the categories of ex-servicemen and project affected/earthquake affected persons as provided therein. It is also in breach of para 4 of the aforesaid G.R. dated 16.3.1999 (Ex.703) since, as per its obligatory requirement, it does not indicate the number of posts to be reserved in horizontal reservation in each category of vertical reservation and open in 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) which were advertised. In order to show how the horizontal reservation should have been indicated in the said advertisement dated 14.08.2004 (Ex.2), this office has prepared a chart indicating the number of posts to be reserved in horizontal reservation in various categories of vertical reservation and open in 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) which were advertised in the advertisement dated 14.8.2004 (Ex.2). The said chart is incorporated in para 885 of the Enquiry Report. Vide paras 1654

and 1655 of the Enquiry Report, they enumerate the number of posts to be reserved in horizontal reservation as shown in the chart incorporated in para 885 of the Enquiry Report, in respect of 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) respectively which were advertised.

2237) However, since 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) were actually filled, a chart showing the number of posts to be filled by special categories of persons in horizontal reservation in each category of vertical reservation and in open in the said posts as required by para 2 read with para 4 of the G.R. dated 16.3.1999 (Ex.703) is also prepared by this office which is incorporated in para 897 of the Enquiry Report. The said chart is reproduced below:

Chart showing the vertical and horizontal reservation in the posts of SRA (Agri.) and JRA (Agri.) actually filled

SRA (Agri.)					JRA (Agri.)					
Category	No. of Posts	Physically Handicapped	Female	Actual posts filled of Female against the reservation	No. of Posts	Ex. Service Men	Project Affected	Physically Handicapped	Female	Actual posts filled of Female against the reservation
SC	11	-	3	2	7	1	-	-	2	1
ST	3	-	1	-	2	-	-	-	-	-
VJ (A)	3	-	1	-	2	-	-	-	-	-
NT (B)	2	-	-	-	3	-	-	-	1	1
NT (C)	5	-	1	-	2	-	-	-	-	-
NT (D)	1	-	-	-	1	-	-	-	-	-
SBC	-	-	-	-	2	-	-	-	-	-
OBC	14	-	4	2	21	3	1	1	6	4
OPEN	16	-	5	4	36	5	2	1	11	4
TOTAL	55	0	15	8	76	9	3	2	20	10

NOTE : 1) Horizontal reservation of each special category of persons as per its prescribed percentage is calculated in each category of vertical reservation and open on the basis of actual number of posts allotted to each category of vertical reservation and open by selection and appointment made therein.

2) Horizontal Reservation for Ex.- Servicemen and Project Affected Persons is not applicable to the post of SRA as it is a Grade - B post. Some post/s for physically handicapped in Grade-B i.e. for the said post of SRA needed to be but were not indicated by the University.

In para 1657 of the Enquiry Report, the details about the horizontal reservation to be made in various categories of vertical reservation and in open in 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) as per the above chart are discussed.

2238) Vide para 1657 of the Enquiry Report, in 55 posts of SRA (Agri.), out of 11 posts in S.C. category, 3 in S.T. category, 3 in VJ(A), 5 in NT(C), 14, in OBC, and 16, in open which were filled, 3,1,1,1,4 and 5 posts i.e. total posts 15 should have been filled respectively by the female candidates but only 2 posts in S.C. category, 2 in OBC and 4 in Open i.e. total posts 8 were filled by female candidates although the requisite number of female candidates were available as per the Mark-Sheet Ex. 34(O)-A for each of the said reserved categories and open for filling all the posts reserved for them. Thus, as shown in said chart out of 15 posts to be reserved for female candidates in various categories, only 8 were filled by the female candidates in the ordinary course i.e. in making appointment in descending order of merit. The remaining 7 posts should have been therefore filled from the Female candidates available in their respective categories in descending order of merit displacing the last male candidate/s appointed in the said categories.

2238-A) In 76 posts of JRA (Agri.) filled, out of 7 posts in S.C. category, 21 posts in OBC, and 36 posts in open, 1, 3 and 5, posts respectively, their total being 9, should have been filled by Ex-Servicemen, if available in the said categories. Similarly, out of 21 posts of JRA (Agri.) in OBC category, and 36 in Open category, 1 and 2 posts respectively, their total being 3, should have been filled by the Project Affected Persons, if available in the said categories. However, since the said categories of horizontal reservation viz., Ex-Servicemen and project affected/Earthquake affected persons were not included in the advertisement in question dated 14.08.2004 (Ex. 2) it is most unlikely that any such candidate would apply for the said post. As regards physically handicapped candidates, out of 21 posts of JRA (Agri.) in OBC category, and 36, in Open category, one post each should have been filled by them, if the candidates were available in the said category. As regards horizontal reservation for female candidates, in 7 posts of S.C. category, 2, in 3 posts of NT (B) category, 1, in 21 posts of OBC category, 6, and in 36 posts of Open category, 11 posts, the candidates for which were available as per the Mark-Sheet (Ex. 34(O)-A) of each of the said categories, should have been filled by them. However, against the quota of 2 posts in S.C. category, 1 post in NT (B), 6 posts in OBC, and 11 posts in Open, only 1, 1, 4, and 4 posts were filled by female candidates. Thus, as shown above, out of 20 posts to be filled by female candidates, only 10 were filled by them in ordinary course i.e. in making appointment in the said categories in descending order of merit. The remaining 10 posts should have been therefore filled from the Female candidates available in their respective categories in descending order of merit displacing the last male candidate/s appointed in the said categories. It is made clear that there are female candidates appointed in other categories of vertical reservation in JRA (Agri.), such as 1 in

S.T. category, 2 in NT (B) i.e. 1 in excess of its quota, and 1 in NT (C) category but the same cannot be counted in their 30% quota of horizontal reservation in which there is compartmentalized reservation made in each category of vertical reservation and in Open and it can not be transferred from one category to another as stated above.

2239) Vide para 1656 of the Enquiry Report, it is clear from the affidavit of Dr.V.D. Patil, dated 25.12.2007 (Ex.645) and his additional affidavit dated 25.3.2008 (Ex.697) that he and the members of the Selection Committee had not applied their mind to the question of horizontal reservation i.e. selection of the candidates from the categories of horizontal reservation mentioned in the G.R. dated 16.3.1999 (Ex.703) although as referred to above the advertisement dated 14.8.2004 (Ex.2) had taken notice of reservation for atleast female and physically handicapped candidates in Clause-IV under the head “Other Conditions”.

2240) Vide para 1658 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 9 of his aforesaid additional affidavit dated 25.3.2008 (Ex.697) that, according to him, there were no physically handicapped candidates who had applied for the posts of SRA (Agri.) and JRA (Agri.). If it is so, the question of their selection and appointment would not arise. As regards the female candidates, although, initially, he stated that in the Selection Lists there must have been female candidates to the extent of their reservation, when it was pointed out to him that in the horizontal reservation there is compartmentalized reservation i.e. distribution of posts in reserved categories and in open in accordance with their prescribed percentages, he stated that he was aware of such compartmentalized reservation but he would not be able to tell whether the same was observed or not in making selection of the candidates in this case. However, as shown above, in the light of the discussion in para 1657 of the Enquiry Report, the horizontal reservation in favour of special categories of persons as per G.R. dated 16.03.1999 (Ex. 703) was not observed in this case.

2241) Vide para 1659 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee, was confronted with the case of Ku. Archana Bipte who was VJ(A) candidate and in which category, 3 male candidates were selected in the posts of SRA (Agri.) and 2 male candidates in the posts of JRA (Agri.). As shown in the chart reproduced above from para 897 of the Enquiry Report regarding horizontal reservation to be made, one post out of 3 posts of SRA (Agri.) in VJ(A) category ought to have been filled by the female candidate in horizontal reservation as per the G.R. dated 16.3.1999 (Ex.703). However, as per its prescribed percentage since there were only two posts of JRA (Agri.) filled in VJ(A) category, no post of JRA (Agri.) needed to be reserved for female candidate.

2242) Dr.V.D.Patil, the Chairman of the Selection Committee, stated in this regard in para 10 of his additional affidavit dated 25.3.2008 (Ex.697) that all three male candidates were selected in the posts of SRA (Agri.) in VJ (A) category according to their merit i.e. in

descending order of merit. He however, admitted that they had not given any thought to horizontal reservation in favour of female candidates while making selection in the said category. He further admitted that since there were no cut off marks laid down by them in the criteria for evaluation of candidates for the posts of SRA (Agri.) and JRA (Agri.), she should have been selected in the post of SRA (Agri.) in VJ(A) category although the total marks she received were 44 i.e. less than the marks received by the aforesaid male candidates who were selected. It is however, made clear that the number of posts of SRA (Agri.) VJ(A) category filled are 3 out of 55 posts of SRA (Agri.) which is in excess of its quota which is actually 2 according to its prescribed percentage as shown in the chart (Ex.702) in which case there would not have been any need for reservation for female candidates in that category. However, when the appointment of three candidates in this category is made thus reserving three posts in that category the horizontal reservation to be made as per G.R. dated 16.3.1999 (Ex.703) would require that one post should be filled by female candidate.

2243) Vide para 1660 of the Enquiry Report, since no selection and appointment was made in horizontal reservation in making selection and appointment in 55 vacancies of SRA (Agri.) and 76 vacancies of JRA (Agri.) and when there is no application of mind in fact to the question of horizontal reservation to be made which is obligatory as per the aforesaid G.R. dated 16.3.1999 (Ex.703) the selection Lists of these posts of SRA (Agri.) and JRA (Agri.) prepared by the Chairman and the Member Secretary of the Selection Committee are vitiated for non-compliance with the mandatory requirement of the aforesaid G.R. dated 16.3.1999 (Ex.703) in making selection and appointment in 55 vacancies of SRA (Agri.) and 76 vacancies of JRA (Agri.)

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

(Vide paras 1661 to 1698 of the Enquiry Report)

i) Selection Lists of these posts of SRA (Agri.) and JRA (Agri.) should have been prepared according to the procedure and the guidelines laid down in the G.R. dated 16.3.1999 (Ex.703) (Annexure No.34 of the Enquiry Report)

(Vide paras 1661 to to 1664 of the Enquiry Report)

2244) The procedure for preparation of the Selection Lists of the candidates for appointment by direct recruitment is implicit in para 5 of the G.R. dated 16.3.1999 (Ex.703) which provides the procedure for making special or horizontal-reservation as per the guidelines given in 3 stages-A, B & C in the said para 5 which, according to it, are to be taken into consideration in filling the posts by direct recruitment so as to ensure in each reserved category of social/vertical reservation and open the share of the posts to be allotted to the candidates in horizontal reservation as per their prescribed percentages. The stages A to C in para 5 of the aforesaid G.R. dated 16.3.1999 (Ex.703) to be followed in preparation of the Selection Lists are described in para 1662 of the Enquiry Report.

2245) Vide sub-paras a to d of para 1663 of the Enquiry Report, it is shown therein how the Selection Lists in this case are not prepared according to the procedure laid down in para 5 of the G.R. dated 16.3.1999 (Ex.703). It is pointed out that as implicit in the said para 5 of the G.R. dated 16.3.1999 (Ex.703), the common i.e. single continuous Mark-sheet of all eligible candidates of all the categories i.e. S.C., S.T. etc. and open, separately for each post of SRA (Agri.) and JRA (Agri.) in descending order of merit should have been prepared from which then the categorywise Selection Lists as per the procedure prescribed in stages A, B and C of the said para 5 of the aforesaid G.R. dated 16.3.1999 (Ex.703) should have been prepared. Stage-A of the said para 5 requires that the Selection List of open category candidates should be first prepared on the basis of the criteria of merit i.e. in descending order of merit. In preparing such Selection List of open category candidates it should include the candidates in reserved categories also, irrespective of whether they had given their choice or applied for open category or not, if they are eligible for selection on the basis of their merit i.e. in descending order of merit. It is thereafter that the Selection List of each of the reserved categories should be prepared as provided in Stage-B of the said para 5 excluding those who are selected in open category. Stage C of the said para 5

then provides for making horizontal reservations in each of the reserved categories of social/vertical reservation to the extent of but within the limits of its prescribed percentage.

2246) The University had affirmed the said procedure in the affidavit of Shri S.S.Suradkar, Deputy Registrar (Estt.) dated 14.3.2008 (Ex.691) filed on its behalf in which it is stated that “the University makes it clear that if the candidate had applied for one reserved category only but competes in merit in open category, he can be selected in open category as per the law laid down by the Supreme Court as well as the G.R. dated 16.3.1999 (Ex.703), if he is eligible for selection in open category by reason of his merit **although he had not applied for the post in the said category.**

2247) In the absence of such common Mark-Sheet separate for each post of SRA (Agri.) and JRA (Agri.) irrespective of the reserved categories of the candidates i.e. single continuous Mark List of all eligible candidates in each post, the work of preparation of Selection Lists from the categorywise Mark-sheet Ex.34(O)-A was labourious and susceptible of mistakes being committed while preparing the Selection Lists in descending order of merit particularly, when the names of all the candidates irrespective of their reserved categories had to be included in open category, whether they had applied for it or not, if they were eligible for selection in the said category in descending order of merit which is the procedure envisaged by para 5 of the aforesaid G.R. dated 16.3.1999 (Ex.703).

2248) As regards the actual procedure followed in preparation of the Selection Lists in this case, vide sub-para b of para 1663 of the Enquiry Report, Dr.V.D. Patil, the Chairman of the Selection Committee, in para 99 of his affidavit dated 25.12.2007 (Ex.645) and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, in para 28 of his affidavit dated 1.12.2007 (Ex.633), stated that if the candidate had applied in any reserved category besides open category he was selected in open category if he was eligible for selection in that category on the basis of his merit i.e. in descending order of merit but if he had not applied for open category then his name was not included in the Selection List of open category candidates even though he was eligible for selection therein on the basis of his merit but was included in the Selection List of his reserved category if he was eligible for selection in the said category on the basis of his merit i.e. in descending order of merit.

2249) Vide para 1664 of the Enquiry Report, the procedure followed by Dr.V.D. Patil, the Chairman and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee in preparation of the Selection Lists in question, for the posts of SRA (Agri.) and JRA (Agri.) is contrary to the procedure and the guidelines laid down by the State Government in its G.R. dated 16.3.1999 (Ex.703) issued in the light of the judgment of the Supreme Court in the case of Anil Kumar Gupta –Vs- State of UP & Ors., J.T. 1995 (5) SC 505, although as shown above, the University admitted in para 1 of the affidavit dated

14.3.2008 (Ex.691) filed on its behalf that as per the aforesaid G.R. dated 16.3.1999 (Ex.703) the reserved category candidates should be selected in open category if they were eligible for selection in the said category in descending order of merit, even though they had not applied for the said category. They did not follow the said procedure in preparation of the Selection Lists of these posts, by preparing common Mark-Sheet in each post of SRA (Agri. and JRA (Agri.) in descending order of merit irrespective of the reserved categories to which the candidates belonged.

2250) As shown in the subsequent topic, even the procedure which Dr. V. D. Patil, the Chairman, and Dr. Vandan Mohod, the Member Secretary, of the Selection Committee, alleged that they had decided to follow was not followed by them, viz. that if the candidate had applied for open category besides any reserved category, he was selected in open category, if he could be selected in that category on merit i.e. in descending order of merit, but he was still selected in his reserved category, if he was eligible for selection in that category on merit i.e. in descending order of merit. The above referred procedure adopted by them or its breach as shown above would show that such reserved category candidates, whether they had applied in open category or not were not selected in that category even though they were eligible for selection in that category on the basis of their merit i.e. in descending order of merit. It appears that it had been done with a view to select the favoured candidates in the Selection Lists of open category in these posts of SRA (Agri.) and JRA (Agri.). Even otherwise it has clearly resulted in injustice to the reserved category candidates because if such reserved category candidates who were eligible for selection in open category were selected in that category, additional candidates could be selected in the reserved category.

ii) Selection Lists of open category candidates not prepared first in descending order of merit irrespective of the reserved category as per para 5 of the G.R. dated 16.3.1999 (Ex.703) (Annexure-34 of the Enquiry Report)

(Vide paras 1665 to 1675 of the Enquiry Report)

2251) Vide para 1666 of the Enquiry Report, referring to para 1662 of thereof, it is held therein that the Selection Lists of these posts were not prepared by preparing first the Selection Lists of open category by including therein the candidates on merit i.e. in descending order of merit irrespective of the reserved category to which they belonged even though they had not given their choice or applied for open category and thereafter by preparing the Selection Lists of the reserved categories in descending order of merit from amongst the candidates eligible for selection in that category excluding the candidates who were already included in the Selection List of open category.

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

(Vide paras 1667 to 1669 of the Enquiry Report)

2252) Vide para 1667 of the Enquiry Report, had the Selection List of SRA (Agri.) open category been prepared in descending order of merit as per para 5 of the G.R. dated 16.3.1999 (Ex.703), the names of 10 candidates belonging to various reserved categories whose names should have been included in the existing Selection List of SRA (Agri.) open category irrespective of whether they had applied for open category or not are given in the said para. They are :

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

2253) Vide paras 1668 and 1669 of the Enquiry Report, they are about consequential re-shuffling of some Selection Lists by reason of inclusion of the names of 10 candidates belonging to various reserved categories given in the above referred para 1667 of the Enquiry Report in the Selection List of SRA (Agri.) open category. If the names of the said 10 candidates are included in the Selection List of SRA (Agri.) open category, the last 10 candidates in the Selection List of 16 SRA (Agri.) open category candidates will have to make room for them. They are :

Sr. No.	Name of the Candidate	Category	Total Marks
1.	Bhuyar Sanjay A.	OBC	74
2.	Jadhao Satishchandra M.	Open	73.6
3.	Ghatod Prakash U.	OBC	73
4.	Farkade Bharat K.	OBC	72
5.	Warade Sangita V.	Open	71.2
6.	Wasule Dhiraj L.	OBC	71

7.	Paulkar Prashant K.	Open	70
8.	Bhopale Amar A.	Open	68
9.	Dethe Amol M.	Open	60.4
10.	Jagtap Ku.Amrपालि P.	Open	64

2254) As regards the said last 10 candidates whose names stand excluded from the Selection List of SRA (Agri.) open category, all of them except Warade, Ku. Sangita V. at Sr. No. 11 in the said List find place in the other Selection Lists of SRA (Agri.) or JRA (Agri.). To be precise, 4 of them at Sr. Nos. 1, 3, 4 and 6 of the above list find place in the revised Selection List of SRA (Agri.) OBC category, given in para 1669 of the Enquiry Report and 5 of them at Sr. Nos. 2 and 7 to 10 of the above list find place in the revised Selection List of JRA (Agri.) open category given in para 1673 thereof. As regards the remaining candidate out of the said 10 candidates viz., Warade Sangita V., since she had applied only in SRA (Agri.) open category, she would not be eligible for selection in any other category in the said post or in the post of JRA (Agri.) open or reserved categories and her name, therefore, cannot be included in any Selection Lists whether of SRA (Agri.) or JRA (Agri.) as a result of consequential reshuffling of some Selection Lists.

2255) As regards 10 candidates whose names are given in the para 1667 of the Enquiry Report and whose names are to be included in the Selection List of SRA (Agri.) open category, it has to be seen that they belonged to various reserved categories and therefore the vacant posts in said categories would have to be filled resulting in reshuffling of some Selection Lists. Vide para 1668-A of the Enquiry Report, 7 such candidates whose names are to be included in the Selection List of SRA (Agri.) open category, are from the Selection List of SRA (Agri.) OBC category. As a result of such reshuffling of the Selection List of SRA (Agri.) open category, 4 candidates from SRA (Agri.) open category, 1 candidate from JRA (Agri.) open category and 2 candidates from JRA (Agri.), OBC category would find place in the Selection List of SRA (Agri.) OBC category given in para 1669 of the Enquiry Report.

2256) Vide para 1669 of the Enquiry Report, as regards the other reserved categories, since one candidate viz. Ku. Gajbhiye Vandana R, at S.N. 1 in the Selection List of SRA (Agri.) S.C. category is included in the Selection List of SRA (Agri.) open category, the name of one candidate at serial no.2 in the Selection List of JRA (Agri.) S.C. Category would be included in the Selection List of SRA (Agri.) S.C. category, as the candidate at S.No.1 in the said Selection List of JRA (Agri.), S.C. category can not be included therein because he had applied only for the post of JRA (Agri.). Similarly, in the Selection List of SRA (Agri.) VJ (A) and NT (C) categories since one candidate each therein is included in the Selection List of SRA (Agri.) Open category, one candidate each at serial no.1 of JRA

(Agri.), VJ(A) and JRA (Agri.) N.T.(C) categories will have to be included in the Selection Lists of their respective categories in the post of SRA (Agri.).

The revised Selection Lists of some categories of SRA (Agri.) prepared as per para 5 of GR dated 16.03.1999 (Ex. 703) are included in the said para 1669 of the Enquiry Report.

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

(Vide paras 1670 to 1675 of the Enquiry Report)

2257) Topic (ii-b) deals with flaws in Selection List of JRA (Agri.) to be prepared in accordance with para 5 of the aforesaid G.R. dated 16.3.1999 (Ex.703). Vide para 1670 of the Enquiry Report, the names of 10 candidates belonging to reserved categories which should have been included in the Selection List of JRA (Agri.) open category while preparing it in descending order of merit are given therein. They are:

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

2258) Vide para 1671 of the Enquiry Report, it is pointed out therein that the name of Pawar Ravi V. whose name has to be included in the Selection List of JRA (Agri.) open category is shown at S.no.1 in the Selection List of JRA (Agri.) OBC category with total marks 60 but he could not have been at S.no.1 in the said Selection List of JRA (Agri.) OBC category because the candidates at S.nos.2 to 10 received more marks than him. As regards the candidates at S.nos. 3 and 4 in the said Selection List of JRA (Agri.) OBC category, their names are omitted in the above List of the names of the reserved category candidates which are to be included in the Selection List of JRA (Agri.) open category because they are already included at S.nos.13 and 14 of the revised Selection List of the

post of SRA (Agri.) OBC category given in para 1669 of the Enquiry Report prepared on consequential reshuffling of some Selection Lists of SRA (Agri.)

2259) Vide para 1672 of the Enquiry Report, it is stated therein that the names of 10 candidates of reserved categories given in para 1670 thereof, (See the above List) and the names of 5 candidates from the Selection List of SRA (Agri.) open category at Sr. Nos. 2 and 7 to 10 of the List given in para 1668 of the Enquiry Report, which stand excluded from the said Selection List have to be included in the Selection List of JRA (Agri.) open category if the said List is properly prepared in descending order of merit in accordance with the requirement of para 5 of the G.R. dated 16.3.1999. As a result of such inclusion, the names of the last 15 candidates from the existing Selection List of JRA (Agri.) open category consisting of 36 candidates would ordinarily stand excluded from the said List but since one candidate at S.no.1 in the said Selection List of JRA (Agri.) open category is already shown as selected in the post of SRA (Agri.) OBC category, vide, its revised Selection List in para 1669 of the Enquiry Report, the names of the last 14 candidates only will have to be excluded from the said Selection List of JRA (Agri.) open category vide para 1672 of the Enquiry Report. As stated therein, out of these 14 candidates, 6 would be included in the revised Selection List of JRA (Agri.) OBC category in preparing the said List in descending order of merit. Vide para 1673 of the Enquiry Report, they are:

Sr. No.	Name of the Candidates	Cat.	Total Marks
1.	Parshuramkar Shubhangi G.	OBC	59
2.	Metarunge Kiran K.	“	58
3.	Kadam Sandip R.	“	57.2
4.	Mohod Prashant V.	“	54
5.	Bhoyar Shashikant S.	“	54
6.	Wankhede Rajendra S.	“	54

2260) The remaining 8 candidates would not be eligible for selection in any post in any category. The names of such candidates from the List of JRA (Agri.) open category who do not find place in any selection List as shown in para 1674 of the Enquiry Report, are:

Sr. No	Name of the Candidates	Total Marks
1.	Bharambe Atul P.	60
2.	Gawali Santosh M.	59
3.	Joshi Milindkumar S.	58
4.	Wankhade Vishal R.	55
5.	Thakre Pradeep D.	55

6.	Tiwari Vijay A.	55
7.	Munnarwar Subhash R.	55
8.	Hiwrale Jagdish S.	54

2261) On inclusion of the names of 10 reserved category candidates and 5 candidates from the Selection List of SRA (Agri.) Open category in the Selection List of JRA (Agri.) open category prepared as per para 5 of the G.R. dated 16.3.1999 (Ex.703) some Selection Lists of JRA (Agri.) will have to be reshuffled. Vide para 1673 of the Enquiry Report, the said question of consequential reshuffling of some Selection Lists of JRA (Agri.) is discussed in detail with the names of the candidates which are included in the Selection Lists of various categories of JRA (Agri.). In some categories, the names of new entrants from the categorywise Mark-sheet Ex.34(O)-A of JRA (Agri.) are also included. The contents of the said para 1673 except the revised Selection Lists are reproduced below in the next para.

2262) Extract of para 1673 of the Enquiry Report.

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

The revised Selection Lists of JRA (Agri.) prepared as per para 5 of the G.R. dated 16.3.1999 (Ex.703) are included in the said para 1673 of the Enquiry Report.

c) **Candidates who do not find place in any Selection List.**

2263) Vide para 1675 of the Enquiry Report, the net result is that if the Selection Lists are properly prepared as shown above in accordance with para 5 of the G.R. dated 16.3.1999 (Ex.703), one candidate from the existing Selection List of SRA (Agri.) open category viz. Warade Ku. Sangita V. (S.No.11) and 8 candidates in the existing Selection List of JRA (Agri.) open category whose names are given in para 2260 of the Enquiry Report could not have been selected and appointed in these posts of SRA (Agri.) and JRA (Agri.).

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

(Vide paras 1676 to 1687 of the Enquiry Report)

2264) Vide para 1676 of the Enquiry Report, after showing in the above sub-topic ii how the Selection Lists of the posts of SRA (Agri.) and JRA (Agri.) were not prepared as per para 5 of the G.R. dated 16.3.1999 (Ex.703) which contained the procedure for preparation of the Selection Lists, it is shown in this sub-topic-iii how Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary of the Selection Committee, did not even follow the procedure for preparation of the Selection Lists, which, they had adopted, vide para 1676 of the Enquiry Report. According to them, if any candidate had applied in open category besides the reserved category, he would be selected in open category, if he was eligible for selection in the said category on the basis of his merit i.e. in descending order of merit. But, according to them, if he had not applied in open category and had applied only for the reserved category, then he would not be selected in open category, even though eligible on merit i.e. in descending order of merit, but would be selected in his reserved category in which his name would be included in preparing the Selection List of the said category in descending order of merit.

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

(Vide paras 1677 to 1681 of the Enquiry Report)

2265) Vide para 1677 of the Enquiry Report, 8 candidates whose names are given therein are selected and their names are included in the Selection List of SRA (Agri.) OBC category although they had applied also for the posts of SRA (Agri.) open category in which also they were eligible for selection on merit i.e. in descending order of merit and therefore they should have been selected and their names included in the Selection List of SRA (Agri.) open category as per the aforesaid norm adopted by Dr. V. D. Patil, the Chairman and Dr. Vandan Mohod, the Member Secretary, of the Selection Committee, for preparation of Selection Lists of the candidates selected in these posts.

The names of the said candidates given in para 1677 of the Enquiry Report are:

SRA (Agri.) OBC category

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

2266) It is shown in para 1678 of the Enquiry Report, that although Chinchmalatpure Umesh R. at S.no.7 in the Selection List of SRA (Agri.) OBC category received 74 marks and was therefore eligible to be selected in the post of SRA (Agri.) open category, his name cannot be included in the Selection List of the said category because according to the above norm he had not applied for the said post in that category but had applied only for the said post in OBC category. Similarly, Shri Konde Nitin M. at S.no. 9 of the Selection List of SRA (Agri.) OBC category had received 73.6 marks which are more than the marks received by Bhagat Ganesh J. at S.no.10 of the said Selection List SRA (Agri.) OBC category. His name also cannot be included in the Selection List of SRA (Agri.) open category because he had also not applied for the said post in open category but had applied for the said post in OBC category only.

2267) Vide para 1679 of the Enquiry Report, as regards Sonune Bhagwan A. at S.no.2 in the Selection List of SRA (Agri.) OBC category whose name is included in para 1677 of the Enquiry Report, (See the above list) for being included in the Selection List of the post of SRA (Agri.) open category, it is interesting to see that there were changes made in his original interview and total marks as held in para 1124 of the Enquiry Report under the topic “Changes made in the consolidated alphabetical Mark-sheet Ex.112(O)” .As held therein, his original total marks were 80 which were changed to 77. On the basis of his total marks 80 he would have topped the existing Selection List of SRA (Agri.) not only of OBC category but also of open category.

2268) Vide paras 1680 and 1681 of the Enquiry Report, they deal with the question of consequential reshuffling of some Selection Lists. As stated in para 1680 of the Enquiry Report, if the names of 8 candidates in the Selection List of SRA (Agri.) OBC category given in para 1677 of the Enquiry Report (See the above list) are included in the Selection List of SRA (Agri.) open category since they are eligible for selection in the said category while preparing its Selection List in descending order of merit, ordinarily the last 8 candidates in the Selection List of SRA (Agri.) open category would stand excluded from it. They are:

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

2269) However, except Warade Ku. Sangita V. who had applied for the post of SRA (Agri.) in open category only and whose name cannot therefore be included in the revised Selection List of any other categories of SRA (Agri.) or any category of JRA (Agri.), the other 7 candidates in the Selection List of SRA (Agri.) open category who get excluded from the said Selection List because of inclusion therein of the aforesaid 8 candidates from the Selection List of SRA (Agri.) OBC category would find place in the Selection List of either SRA (Agri.) OBC category or JRA (Agri.) open category. Perusal of the revised Selection List of SRA (Agri.) OBC category included in para 1681 of the Enquiry Report would show that 3 candidates at Sr. Nos. 1, 2 and 4 out of 8 in the above list of candidates included in the Selection List of SRA (Agri.) open category who get excluded from the said Selection List as stated above would find place in the revised Selection List of SRA (Agri.) OBC category as shown therein and the remaining 4 candidates at Sr. Nos. 5 to 8 in the above list of 8 candidates would find place in the revised Selection List of JRA (Agri.) open category included in subsequent para 1683 of the Enquiry Report.

2270) Vide para 1681 of the Enquiry Report, as a result of such re-shuffling of the Selection Lists, Chinchmalatpure Umesh R. who received 74 marks and Konde Nitin M. who received 73.6 marks would be at serial nos.1 and 2 in the revised Selection List of SRA (Agri.) OBC category. The next three places in the said revised Selection List would

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

As a result of consequential reshuffling of Selection Lists, revised Selection Lists of SRA(Agri.) open and OBC categories are given in the said para 1681 of the Enquiry Report.

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

(Vide para 1682 to 1684 of the Enquiry Report)

2271) 7 candidates whose names are given in para 1682 of the Enquiry Report, had applied for the post of JRA (Agri.) in open category also besides their reserved category of OBC. Since, they were eligible for selection in the post of JRA (Agri.) open category on merit i.e. in descending order of merit, their names should have been included in the Selection Lists of JRA (Agri.) open category and not JRA (Agri.) OBC category according to the aforesaid norm adopted by Dr. V. D. Patil, the Chairman, and Dr. Vandan Mohod, the Member Secretary, of the Selection Committee. The names of the said 7 candidates are :

Sr. No. in the Selection list of JRA (Agri.) OBC category	Name of the Candidate	Cat.	Marks
1.	Ravi Pawar V.	OBC	60
5.	Dandge Ramesh S.	“	62.2
6.	Ku. Dhomne Madhuri B.	“	62
7.	Raut Ujwal A.	“	62
8.	Ingle Yogesh V.	“	62
9.	Dangre Satish T.	“	62
10.	Bidwe Kishor U.	“	61

2272) Vide para 1683 of the Enquiry Report, the names of the above 7 candidates from the Selection List of JRA (Agri.) OBC category, and the names of 4 selected candidates which stand excluded from the Selection List of SRA (Agri.) open category as shown in para 1680 of the Enquiry Report (See Sr. Nos.5 to 8 of the List given in the above para 2268 under the topic iii-a) will have to be included in the Selection List of JRA (Agri.) open category while preparing its revised Selection List in descending order of merit. The names of the last 11 candidates from the said Selection List of JRA (Agri.) Open category will have ordinarily to be excluded from it but since the candidate at Sr. No. 1 in the said list is already included in the revised Selection List of SRA (Agri.) OBC category, only the last 10 candidates would stand excluded from the said Selection List of JRA (Agri.) Open category. The Selection List of JRA (Agri.) OBC category will have to be consequently reshuffled and revised since some candidates from the said list are included in SRA (Agri.) OBC category and same in JRA (Agri.) open category. Accordingly the revised Selection List of JRA (Agri.) open and OBC categories are given in the said para 1683.

2273) Vide para 1684 of the Enquiry Report, it is stated therein that perusal of the revised Selection List of JRA (Agri.) OBC category, would show that it includes 4 candidates from the Selection List of JRA (Agri.) open category, and 7 candidates from the Mark-sheet of JRA (Agri.) OBC category, i.e. new entrants. As regards S.no.12 Bhongle Santosh A. in the said revised Selection List of JRA (Agri.) OBC category, his name was wrongly not included in its existing Selection List, although he received more marks than the last 3 candidates in the said List.

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

2274) Vide para 1685 of the Enquiry Report, the names of 7 candidates who do not find place in any revised Selection Lists whether of SRA (Agri.) or JRA (Agri.) are given therein out of whom Warade, Ku. Sangita V. is from the post of SRA (Agri.) open category. The said 7 candidates are:

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

- iv) **The names and particulars of the candidates in the reserved categories who also applied in open category but could not be selected in the said open category in the post in which they were selected in their reserved category.**

(Vide para 1686 and 1687 of the Enquiry Report)

2275) Vide para 1686 of the Enquiry Report, it gives the chart of reserved category candidates, who had applied for the posts of SRA / JRA in open category also but who were not eligible for selection in open category in the post in which they were selected in their reserved category on the basis of their marks i.e. in descending order of merit as shown therein. Vide para 1687 of the Enquiry Report, it is pointed out therein that the marks of 3 candidates in the aforesaid chart viz. Morey Suresh D., Peshettiwar Prashant B., and Rathod Rajesh R. who were selected in the post of SRA (Agri.) in their reserved category were reduced as discussed in the topic relating to “Changes made in the original interview and total marks of some candidates in the Mark-sheet Ex.112(O).” As held in para 1349 of the Enquiry Report under the said topic, if the original total marks received by them were considered they would have found place in the Selection List of SRA (Agri.) open category. It appears that their marks were reduced so that favoured open category candidates could be selected in the Selection List of SRA (Agri.) open category.

- v) **Additional infirmities in the existing Selection Lists**

(Vide paras 1688 to 1698 of the Enquiry Report)

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

(Vide paras 1688 to 1690 of the Enquiry Report)

2276) Vide para 1688 of the Enquiry Report, perusal of the Selection Lists of the posts of SRA (Agri.) and JRA (Agri.) at pages 66 to 76 of the file Ex.34(O) would show that the total marks awarded to each candidate are not shown therein. It is therefore, difficult to verify whether the said Selection Lists are prepared in descending order of merit or not. Instead of showing their total marks, the column in the Selection Lists is “Sr. No. as per annexure” which means the S. Nos. of the selected candidates in the lengthy 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, the said column was included so as to refer all the relevant particulars about the marks received by the selected candidates including their marks for academic performance and interview which appeared in the said Mark-sheet Ex.34(O)-A from which in descending order of merit the Selection Lists were prepared. It is pointed out in the said para 1688 of the Enquiry Report, that had their total marks on the basis of which the Selection Lists in descending order of merit were prepared been shown in the Selection Lists in addition to the above column relating to S. Nos. of the

selected candidates in the Mark-sheet Ex.34(O)-A the infirmities pointed out in this topic might not have occurred.

2277) Vide para 1689 of the Enquiry Report, there are mistakes committed in giving S. Nos. of the selected candidates in the categorywise Mark-sheet Ex.34(O)-A and in particular OBC category in the Selection List of JRA (Agri.). Instead of showing their S. Nos. in the Mark-sheet Ex.34(O)-A of JRA (Agri.) OBC category, their Serial nos. in the Mark-sheet Ex.34(O)-A of JRA (Agri.) open category are shown. A chart of such candidate is included in the said para.

2278) Vide para 1690 of the Enquiry Report, since the marks received by the candidates were not actually shown in the Selection Lists of these posts of SRA (Agri.) and JRA (Agri.), the University was directed to file the categorywise Selection Lists showing the marks received by the candidates in their academic performance, interview and the total marks received by them. Accordingly, the University filed in this enquiry the Selection Lists titled by it "Categorywise Lists of candidates as selected by the Selection Committee for the posts of SRA/JRA, their qualifications, category, Sex, marks acquired for Bio-data and personal interview" (Ex.25) which is annexed to this Enquiry Report as Annexure No.52.

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

(Vide paras 1691 to 1695 of the Enquiry Report)

2279) A chart of such candidates who are not shown their proper places as per their merit i.e. in descending order of merit is included in para 1691 under the said topic. The said chart is as under:

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

Selection list	Sr. No.	Name	Selected as	Category	Total	Sr. No. as per existing selection list	Revised Sr. No. which should be in the selection list	Remarks
SRA (SC category)	1	Wankhade Ku. Bhavna R.	SRA	SC	68.8	7	4	She should be at Sr. No. 4 In SRA S.C. Category and Sr. No. 4, 5 and 6 should be 5, 6 and 7.
SRA (Open Category)	2	Dethe Amol M.	SRA	Open	60.4	15	16	He should be at Sr. No. 16 in SRA - Open Category (See note ★1)

Continued...

	3	Jagtap Ku. Amrapali P.	SRA	Open	64	16	15	She should be at Sr. No. 15 in SRA, Open category.
JRA (OBC Category)	4	Pawar Ravi V.	JRA	OBC	60	1	10	He should be at Sr. No. 10 in JRA-OBC category and now Sr. No. 2 to 10 should be 1 to 9
JRA (Open category)	5	Ghadge Ramesh M.	JRA	Open	68	24	1	He should be at Sr. No. 1 in JRA-Open Category and Sr. No. 1 to 23 should be at 2 to 24 (See note ★2)

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

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

The cases of the candidates whose names are included in the said chart are discussed in paras 1692 and 1693 of the Enquiry Report. They are as under:

2280) In the Selection List of SRA (Agri.) S.C. Category, the name of Wankhede Ku. Bhavna R. is shown at S.no.7, when in fact she should have been shown at S.no.4 in the said list on the basis of her total marks 68.8. In the Selection List of SRA (Agri.) open category, the candidate Dethe Amol M. at S.no.15 is shown to have received 60.4 marks and the last candidate at serial no.16 Ku. Jagtap Amrapali P. is shown to have received 64 marks when as per descending order of merit, she should have been shown at S.no.15 and Dethe Amol M. if at all at S. No. 16. As stated in the note below the chart he could not have been selected in the post of SRA (Agri.) but should have selected in the post of JRA (Agri.) open category, at S.no.17 in the existing Selection List of that category. In the Selection List of JRA (Agri.) OBC Category, the name of Pawar Ravi V. who received 60 marks is shown at Sr.No.1 although the candidates shown below him from S.No.2 to 10 received more marks than him. Therefore, the names of the said candidates should have been shown at S. nos. 1 to 9 and his name should have been shown at S.no.10 in preparing the Selection List of JRA (Agri.) OBC Category in descending order of merit. Lastly, in JRA (Agri.) open category, the name of Gadge Ramesh M. is shown at S.no.24 although he is shown to have received 68 marks on the basis of which his name should have been shown at S.no.1 in the said Selection List of JRA (Agri.) open category and the names of the candidates at S.Nos. 1 to 23 thereafter i.e. at S. Nos. 2 to 24 (See next para about him). It is pertinent to see that the serial numbers i.e. the places in the Selection Lists are important because the

appointments are made according to the serial numbers in the Selection Lists and in regard to the candidates appointed on the same date, their seniority is determined according to their places in the Selection Lists.

2281) As regards Ghadge Ramesh M. his is a special case. He had applied for both the posts of SRA and JRA in open category. As pointed out hereinbefore there are changes made in his interview and total marks in these posts. As seen in the topic relating to change in interview and total marks, it was pointed out that initially, in the consolidated Alphabetical Mark-Sheet Ex. 112 (O) from which the categorywise Mark-Sheet Ex. 34(O)-A was prepared, he was shown to have received 50 marks in interview and total Marks 59 which were changed to 59 and 68 respectively by erasing his earlier marks, vide S.no.9 of the chart regarding “overwriting in interview and total marks in the Mark-Sheet Ex. 112(O)” (Annexure-23 of the Enquiry Report). However, in the categorywise Mark-Sheet of SRA (Agri.) open category by applying white ink, his aforesaid interview and total marks were changed and shown again as 50 and 59 respectively. But in the categorywise Mark-Sheet of JRA (Agri.) open category his interview and total marks were shown as 59 and 68 as in the Mark-Sheet Ex. 112 (O). The University itself, in the Selection Lists (Ex.25) which it has filed in this enquiry, has shown his interview and total marks as 59 and 68, vide S.no.24 of the categorywise Selection List of JRA (Agri.) open category in which he is selected. On the basis of the said marks 68 shown to have been awarded to him, he should have been selected in the post of SRA (Agri.) and his name should have been included at S. no.15 in the Selection List of SRA (Agri.) open category since common marks were awarded in common interview for both these posts.

2282) Vide para 1694 of the Enquiry Report, if the total marks received by two or more candidates are equal then how their places in preparing the Selection Lists in descending order of merit should be determined is considered therein. If the total marks received by two or more candidates are equal, it is stated that according to accepted norms, vide para 5.5.1 of the written statement (Ex.530) of Dr.B.G.Bathkal & Ors. who held very high academic posts in the University, their marks for academic performance should be seen and the candidate having higher marks for academic performance should be placed above the candidate who received lower marks therein. Further, if the marks for academic performance are also equal then in that case alphabetical orders in surnames should be followed

2283) Vide para 1695 of the Enquiry Report, particularly the chart therein showing the proper places (S.nos.) in the Selection Lists of the candidates who had equal total marks, the said chart would show that in the case of some candidates the above norms are followed and in case of some others shown by (*) they are not followed in some Selection Lists of these posts of SRA (Agri.) and JRA (Agri.). As a result, such candidates against whose

names there is asterik (*) mark are arbitrarily deprived of their proper places in the Selection Lists.

c) Eligible candidates could not find place in the Selection Lists

(Vide paras 1696 to 1698 of the Enquiry Report)

2284) A chart of the candidates who were admittedly eligible for selection but were not selected and as such their names were not included in any Selection Lists of these posts is included in para 1696 of the Enquiry Report. It is as under :-

Eligible candidates who were not selected in the posts of SRA (Agri.) /JRA(Agri.)

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

The cases of the said candidates are discussed in paras 1696 to 1698 of the Enquiry Report.

2285) The additional infirmities pointed out above in the sub-topic-(vi) would show that the Selection Lists of the candidates in these posts of SRA (Agri.) and JRA (Agri.) were not prepared carefully by following accepted norms in that regard.

**G. SELECTING IN THE POSTS OF SRA (AGRI.) AND JRA (AGRI.)
FAVOURED CANDIDATES AS UNDERSTOOD IN THIS ENQUIRY
REPORT**

(Vide paras 1699 to 1807 of the Enquiry Report)

Explanatory Note

2286) Vide para 1699 of the Enquiry Report, it explains the meaning of the expression “favoured candidates” which is understood in this Enquiry Report in a wider sense. As explained therein, the said expression “favoured candidates” shall include all the candidates who are benefitted by the illegal and improper actions/decisions of the concerned officers of the University such as the Vice-Chancellor, the Chairman of the Selection Committee, and the Registrar/its Member Secretary etc. as such illegal and improper actions / decisions are taken by them principally in order to facilitate recruitment of the candidates who are related to the University officers/employees, present or retired, or who are recommended by VIP’s by letter or on phone, or are favoured for any other reason. It is because of such illegal and improper actions / decisions taken by them that the other candidates are also benefitted. All such candidates are treated as “favoured candidates” in this Enquiry Report. Some principal topics about them and some glaring individual cases of favoured candidates are as follows :

i) Short-listing of candidates for the purpose of making selection of proper candidates in the posts of SRA (Agri.) and JRA (Agri.)

(Vide paras 1700 to 1703-A read with paras 1083 to 1138 of the Enquiry Report. Also see findings in its paras 1821 to 1849)

2287) Vide paras 1700 and 1701 of the Enquiry Report, pursuant to the advertisement dated 14.8.2004 (Ex.2) which required separate applications to be made for each post and each category such as Open, SC, S.T. etc., large number of applications were received by the University from the candidates many of whom made applications for both these posts and in more than one category such as open, S.C., S.T., etc. although the posts of SRA (Agri.) and JRA (Agri.) which were advertised were only 24 and 37 respectively. It was therefore, necessary that there should have been proper short-listing of candidates for making selection of the most suitable candidates in the said posts as per the selection procedure to be followed in that regard. The criteria for short-listing of candidates laid down by Dr.V.D. Patil, the Chairman of the Selection Committee, as per his office note dated 29.4.2005 contained in the file Ex.35(O) relating to interview was that for the post of JRA (Agri.), the candidates possessing B.Sc. degree in first division and above, and for the post of SRA (Agri.) the candidates possessing the post-graduate degree and above, should be called for common interview of these posts.

2288) As shown in the List contained in the file Ex.36(O), the number of candidates who were eligible to be called for interview for one or both these posts as per the above criteria for short-listing of candidates laid down by him was 1335 besides 7 candidates of YCMOU who were eligible to be called for interview for the posts of JRA (Agri.) only. On the basis of 1342 candidates including 7 candidates of YCMOU eligible for the posts of JRA (Agri.) to be called for common interview for these 61 posts i.e. 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) which were advertised, the ratio of the candidates to be called for interview worked out to 22 candidates per post. As stated in para 1701 of the Enquiry Report, when the file Ex.35(O) containing the aforesaid office note of Dr.V.D.Patil, the Chairman of the Selection Committee, dated 29.4.2004 was received by Shri P.V.Behare, the Assistant Registrar (Estt.), he took into consideration the expected increase of 35 posts in 61 posts of SRA (Agri.) and JRA (Agri.) which were advertised and worked out the ratio of the candidates to be called for these posts as 13-14 candidates per post in his office note dated 4.5.2005 contained in the said file Ex.35(O) which, according to him as well as the Vice-Chancellor was proper. It is however, pertinent to see that as shown therein the expected increase of 35 posts in 61 posts of SRA (Agri.) and JRA (Agri.), which were advertised, was based upon the chart at page C/15 of the said file Ex.35(O) prepared by Shri D.P.Deshmukh, Section Assistant (Estt.), who admitted in para 61 of his affidavit dated 15.11.2007 (Ex.598) that the said chart was wrongly prepared by him and therefore the expected increase in these posts calculated by him was wrong.

2289) Vide para 1701-A of the Enquiry Report, obviously, the said ratio of 22 and even 13-14 candidates per post was very much on the higher side and was against the norms laid down by the Govt. in its G.R. dated 2.5.1995 (Ex.588) for short-listing of candidates according to which the candidates were to be called for interview in the ratio of 1:3 i.e. 3 candidates per post where the number of candidates was 6 and above. As regards the posts of JRA (Agri.) which were group-C posts, the selection procedure followed in this case was itself in contravention of the G.R. dated 9.6.2004 (Ex.589) in which the test of written examination of 75 marks and interview of 25 marks was laid down for selection in the said posts. Further, even where the written examination was held, if the number of successful candidates therein was 6 or more then as per the G.R. dated 2.5.1995 (Ex.588), the number of candidates to be called for interview was to be restricted in the ratio of 1:3. The above G.Rs. dated 2.5.1995 (Ex.588) and 9.6.2004 (Ex.589) were applicable to the University as admitted by it in the affidavit dated 28.5.2008 (Ex.758) filed on its behalf. Although at the time when Dr.V.D. Patil, the Chairman of the Selection Committee, laid down the criteria for short-listing of candidates on 29.4.2005 as stated above, it was not in his mind that the posts of SRA (Agri.) and JRA (Agri.) to be filled could be increased to more than double i.e. 55 posts of SRA (Agri.) and 76 posts of JRA (Agri.) from 24 and 37 respectively as advertised, even if the ratio of the candidates to be called for interview was calculated on

the basis of the same it was in breach of the aforesaid G.R. dated 2.5.1995 (Ex.588) as shown in para 1125 of the Enquiry Report.

2290) Vide para 1702 of the Enquiry Report, in pointing out the advantages of proper short-listing of candidates in para 1138 of the Enquiry Report, relying upon the judgment of the Supreme Court in the case of B. Ramkicheamin –Vs- Union of India (2008) 1 SCC 362, it is observed that by reducing the number of candidates to a reasonable number by adopting some rational or objective criteria, only such candidates would appear for interview who are most qualified amongst the candidates applying for the job from amongst whom the most suitable candidate/s can then be selected. Another advantage of proper short-listing of candidates pointed out therein is that there is less scope for selection of undeserving and less meritorious candidates by manipulation, favouritism and other mal-practices etc. in selection of the candidates. In fact, larger the number of candidates appearing for interview, which is subjective, greater is the scope for it being abused by reason of the above factors playing a major role in selection of candidates for the job. In this regard, it may be seen that in para 1254 of the Enquiry Report relating to the topic about weightage to be given to the criteria of interview read with paras 1323 to 1336 of the Enquiry Report relating to manipulation of marks for interview by making changes even by erasing the interview and consequently total marks of some candidates originally shown against their names in the alphabetical consolidated Mark-Sheet Ex.112(O) i.e. for both the posts of SRA (Agri.) and JRA (Agri.) and also in the categorywise Mark-Sheet Ex.34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.), it is shown how the criteria of interview is abused or misused by manipulation of interview marks of some candidates because there is no proper shortlisting of candidates by adopting rational or objective criteria for it resulting in large number of candidates being called for interview.

2291) Vide para 1703 of the Enquiry Report, it may however, be seen in this regard that apart from the aforesaid G.Rs. dated 2.5.1995 (Ex.588) and 9.6.2004 (Ex.589) which were binding upon the University as admitted by it in its affidavit dated 28.5.2008 (Ex.758), at the time of advertisement itself, the Assistant Registrar, Shri P.V.Behare, had suggested in his office note dated 16.7.2004 contained in the file Ex.40(O) relating to advertisement that as in Rahuri University which followed the test of written examination for short-listing of candidates, the said test should also be adopted for short-listing of candidates in these posts of SRA/JRA in which the number of applications could be very large which suggestion was not accepted by the Vice-Chancellor as per his note dated 17.7.2004 contained in the said file Ex.40(O). It is pertinent to see that the Rahuri University followed the aforesaid G.Rs. dated 9.6.2004 (Ex.589) and 2.5.1995 (Ex.588) for short-listing of candidates in these posts vide its affidavits dated 26.10.2007 (Ex.587) and 28.1.2008 (Ex.665). Even the letter of MPSC dated 22.3.2005 included by the Section Assistant (Estt.), Shri D.P.Deshmukh, at page C/13 of the file Ex.35(O) relating to interviews according to which the criteria of 1:3

was applied by it for short-listing of candidates where the number of candidates was 11 or above was also ignored by the Chairman of the Selection Committee and the Vice-Chancellor although the said information was sought from it by the University.

2292) Vide para 1703-A of the Enquiry Report, had the G.Rs. dated 2.5.1995 (Ex.588) and 9.6.2004 (Ex.589) which were followed by the Rahuri University, vide paras 1130 to 1137 of the Enquiry Report, been strictly applied for short-listing of candidates, many candidates who would include the candidates who were related to the University Officers/Employees, present or retired, or the candidates recommended by VIPs, or otherwise favoured for any other reason, would have stood excluded from the zone of consideration and therefore keeping their interests in mind, it appears that large number of candidates including them were kept within the zone of consideration by applying for short-listing of candidates, the liberal criteria of minimum qualification of B.Sc. in First Division and above for JRA (Agri.) and M.Sc. (Agri.) and above for SRA (Agri.). All such candidates, whether they were related to the University officers/ employees or not, whether they were recommended by VIPS or not, or otherwise favoured for any other reason or not, are treated as favoured candidates in this Enquiry Report, as they were benefitted by the above liberal criteria of short-listing of candidates.

ii) Criteria for academic evaluation of SRA/JRA laid down on 31.5.2005

(Vide paras 1704 and 1705 read with paras 1214 to 1243 of the Enquiry Report. Also see findings in its paras 1868 to 1912.)

2293) Vide para 1704 of the Enquiry Report, as per the criteria for academic evaluation of SRA/JRA laid down on 31.5.2005, for Ph.D. complete, 10 marks were to be awarded to the candidates and for thesis submission 8 marks. It was held in para 1233 of the Enquiry Report that thesis submission for Ph.D. degree was not a criteria which was definite or certain like the qualification of degree, diploma, certificate, etc. because it was incomplete and defeasible as there was possibility of thesis being rejected thereby adversely affecting the selection process because of which award of marks for thesis submission was unjust and improper and was of no value as admitted by Dr. V. D. Patil, the Chairman of the Selection Committee, himself, in para 28 of his affidavit dated 25.12.2007 (Ex. 645). No such incomplete criteria of thesis submission which is defeasible is even thought to be fixed for assessment/evaluation of candidates. It was, however, held in para 1234 of the Enquiry Report that the thought of fixing such criteria could occur in the mind of the person fixing it when he found that there were candidates for the posts in question who were close to him or other University officers or VIPs, who therefore mattered but who had not acquired Ph.D. degree before the last date of application i.e. 15.9.2004 but had submitted their thesis for the same thereafter. It is to enable them to enhance their merit by getting marks for the same that such criteria of thesis submission is fixed and the illegal marking system of

giving marks to the certificates/documents submitted after the last date of application i.e. 15.9.2004 introduced so that if any candidate produced at the time of his interview thesis submitted by him for Ph.D. or proof showing acquisition of Ph.D. degree at that time, he would get marks for the same and could thus enhance his merit.

2294) As pointed out in para 1235 of the Enquiry Report, although as per the advertisement dated 14.8.2004 (Ex.2) the last date of application was 15.9.2004, the criteria for academic evaluation of the candidates for the posts of SRA/JRA was fixed on 31.5.2005 i.e. about 9 months after the last date of application i.e. 15.9.2004 and there were such candidates in this case who mattered and who had submitted their thesis for Ph.D. after the last date of application i.e. 15.9.2004. The names of such candidates as pointed out in para 1235 of the Enquiry Report, were Pravin V. Patil, son of Dr.V.D. Patil, the Chairman of the Selection Committee, Ku. Swati G. Bharad, daughter of former Vice-Chancellor of the University, Pavan Kulwal, son of Dr.L.V. Kulwal, Head of the Department of Horticulture, Shri Vikas Goud, son of V.R. Deshmukh, the Assistant Professor in the University, and Ujwal Raut son of Raut, Senior Clerk. They had filed their thesis for Ph.D. after the last date of application i.e. 15.9.2004 and it appeared that the criteria of thesis submission in academic evaluation of SRA/JRA was laid down for their benefit. Similarly, the illegal marking system of awarding marks for Ph.D. degree acquired, thesis submitted, research papers/popular articles published and / or significant contribution made, after the last date of application which is considered independently in the next topic was also adopted so as to enable them to enhance their merit for getting 10 marks for Ph.D. degree acquired after the last date of application i.e. 15.9.2004 but before date of their interview and, if not, at any rate 8 marks for thesis submission by fixing the said marks for it in the criteria for academic evaluation of SRA/JRA.

2295) Vide para 1236 of the Enquiry Report, it is a different thing that although the said criteria of thesis submission and the aforesaid illegal marking system for awarding marks to the certificates/documents filed after the last date of application i.e. 15.9.2004 was adopted for them, the other candidates were also benefitted by the aforesaid criteria and illegal marking system. As referred to in para 1277 of the Enquiry Report, there were about 31 candidates who were benefitted by the aforesaid criteria of thesis submission and the illegal marking system and a chart of such 31 candidates is prepared by this Enquiry office which is already filed as Annexure-42 of the Enquiry Report. The said chart of 31 candidates included those who had submitted thesis or acquired Ph.D. degree after the last date of application i.e. 15.9.2004. All such candidates are treated as favoured candidates in this Enquiry Report, vide explanatory note in its para 1699, whether they were related to the University Officers/Employees or not, or whether they were recommended by VIPs or not, or whether they were favoured for any other reason or not as they were all benefitted by the aforesaid criteria of thesis submission and illegal marking system.

iii) **Candidates who were illegally benefitted by the marks awarded to them for Ph.D. degree acquired, Ph.D. thesis submitted, research papers/popular articles published and / or significant contribution made after the last date of application i.e. 15.9.2004**

(Vide paras 1706 to 1708 read with paras 1276 to 1279 of the Enquiry Report. Also see findings in its paras 1914 to 1923.)

2296) It was held in the topic about “Cut off date for awarding marks for academic performance” considered in paras 1217 to 1228 of the Enquiry Report that the award of marks under the above head about giving marks to the certificates/ documents submitted after the last date of application was illegal, improper, biased and unjustified and was violative of Articles 14 and 16 of the Constitution of India particularly when, in the absence of publicity to the said marking system, the same was only known to the candidates who were related to or close to the University officers/employees besides the fact that it was contrary to the condition laid down in the advertisement dated 14.8.2004 (Ex.2) that the applications received with incomplete information and documents and received after the last date of application, shall not be considered under any situation and circumstances. The said condition clearly shows that the marks could not have been awarded to the certificates/ documents submitted after the last date of application i.e. 15.9.2004 as stated in para 1236 of the Enquiry Report. As pointed out in para 1227 read with para 1235 of the Enquiry Report, the said marking system was adopted so as to primarily benefit the candidates related to or close to the University officers/employees See the names given in the above para 2294 of the Enquiry Report regarding the criteria of thesis submission.

2297) Vide para 1707 of the Enquiry Report, relying upon para 1277 of the Enquiry Report about the illegal marking system of giving marks to the certificates/documents submitted after the last date of application i.e. 15.09.2004, a chart of 31 candidates who had either acquired Ph.D. degree or submitted their thesis for Ph.D., after the last date of application i.e. 15.9.2004 and who were awarded marks for the same annexed to this Enquiry Report as Annexure-42 is referred to therein. It is pointed out in the said para 1707 of the Enquiry Report that out of these 31 candidates, 23 were selected for these posts of SRA (Agri.) and JRA (Agri.) out of whom 15 were selected in the posts of SRA (Agri.) and 8, in the posts of JRA (Agri.).

2298) Para 1277 of the Enquiry Report regarding illegal marking system also refers to the charts titled “Chart of selected candidates showing their marks for RP/PA at the time of application based on Ex.45(O) and at the time of interview based on Ex.38(O)” separately for the posts of SRA (Agri.) and JRA (Agri.) annexed as Annexure Nos.13 and 14 of the Enquiry Report respectively. Perusal of the said charts (Annexures-13 and 14 of the Enquiry Report) shows that the candidates whose names were included therein had illegally

received benefit of additional marks for documents relating to RP/PA published after the last date of application i.e. 15.9.2004, one of them in JRA chart (Annexure no.14 of the Enquiry Report) receiving as many as 9.2 additional marks as shown in its last column. The said charts (Annxs-13 and 14 of the Enquiry Report) contained respectively the names of 15 candidates selected in the posts of SRA (Agri.) and 24 candidates selected in the posts of JRA (Agri.). Thus, as shown in the above referred para 1277 of the Enquiry Report, because of illegal marking system, the total number of candidates who illegally received benefit of additional marks for RP/PA selected in both the posts of SRA (Agri.) and JRA (Agri.) was 39 besides 23 candidates referred to above in the chart Annexure-42 of the Enquiry Report, who illegally received benefit of either 8 marks for submission of Ph.D. thesis, or 10 marks for acquiring Ph.D. degree, after the last date of application i.e. 15.9.2004. Thus, the total number of candidates in both these posts who received benefit of illegal marking system was 62 out of 131 selected candidates in both these posts.

2299) As regards the question as to how many selected candidates in each of these two posts received benefit of the illegal marking system, vide para 1708 of the Enquiry Report, as shown in its para 1278, out of 55 candidates selected in the posts of SRA (Agri.) 30 candidates, and out of 76 candidates selected in the posts of JRA (Agri.), 32 candidates, received benefit of illegal marking system referred to above. Thus out of the total number of 131 candidates selected for both the posts of SRA (Agri.) and JRA (Agri.) there were 62 candidates who received the benefit of the said illegal marking system. Perusal of the said charts annexures-42, 13 and 14 of the Enquiry Report would however show that there were 6 SRA/JRA candidates (3 each) whose names were given in said para 1708 of the Enquiry Report, common in the said charts i.e. in the chart about Ph.D. degree and Ph.D. thesis (annexure-42) and in the charts about R.P./P.A. (annexures-13 and 14), and therefore actually 56 candidates whose names were included in the said charts received benefit of the above illegal marking system. Thus, actually 56 candidates, whose names are included in the charts (Annexure nos.42, 13 and 14 of the Enquiry Report), referred to in para 1277 of the Enquiry Report, are treated as favoured candidates whether they are related to the University officers/employees or not, or whether they are recommended by the VIPs or not, or whether they are favoured for any other reason or not.

- iv) **Manipulation of marks for interview by making changes even by erasing marks of some candidates originally shown against their names in the consolidated alphabetical Mark-sheet Ex.112(O) and also the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.)**

(Vide para 1709 read with paras 1323 to 1336 of the Enquiry Report; also see findings in its paras 1937 to 1945 of the Enquiry Report)

2300) As observed in para 1709 of the Enquiry Report, it is shown in paras 1323 to 1336 of the Enquiry Report, how the marks of some candidates were manipulated with a view to select them by giving them higher marks in interview although they had low marks in their academic performance and also how the manipulation was done for not selecting the candidates who had received very high marks in their academic performance by giving them low marks in interview. It was particularly pointed out therein that in the absence of the original-sheets in which the marks given for interview to each candidate by the Chairman and each Member of the Selection Committee and their average were shown since they were destroyed and were not therefore available, it was not possible to verify whether the interview marks actually given to them as shown in the alphabetical consolidated Mark-sheet Ex.112(O) and the categorywise Mark-sheet Ex.34(O)-A reflect the average of the interview marks given to them by the Chairman and the Members of the Selection Committee. The said topic about “Manipulation of interview marks is considered in detail in paras 1937 to 1945 of the Enquiry of the Enquiry Report relating to findings about the said topic under the head “Award of Marks for performance in interviews”. Vide para 1938 of the Enquiry Report, it refers to the chart (Annexure-43 of the Enquiry Report) containing the names of 37 selected candidates in the posts of SRA/JRA who received low marks for academic performance but received high marks for interview. The individual glaring cases of such candidates are discussed in further paras 1939 and 1940 of the Enquiry Report. The other charts referred to in the said topic relating to Manipulation of marks for interview are relating to the candidates who had high marks for academic performance but were not selected in these posts of SRA/JRA by awarding them low marks in their interviews so as to enable the selection of the candidates who had low marks in their academic performance by giving them high marks in interview, vide paras 1941 to 1943 of the Enquiry Report. The candidates whose names appear in the said chart (Annexure-43 of the Enquiry Report) referred to in para 1324 of the Enquiry Report, who were thus selected by manipulation of interview marks as shown therein were clearly favoured candidates, whether they were related to the University officers/employees or not, or whether they were recommended by the VIPs. or not, or whether they were favoured for any other reason or not.

v) **List of favoured candidates ready**

(Vide paras 1710 and 1711 read with paras 1337 to 1340 of the Enquiry Report; also see findings in its paras 1946 to 1948)

2301) As stated in para 1946 of the Enquiry Report relating to findings on this topic, it is not in dispute that the alphabetical consolidated Mark-sheet i.e. common Mark-sheet for both the posts of SRA (Agri.)/JRA (Agri.) Ex.112(O) was prepared by Shri D.P.Deshmukh, Section Assistant (Estt.) to whom interview marks which were common in the said posts were dictated by Dr.V.D. Patil, the Chairman of the Selection Committee. The entries were made in the said Mark-sheet Ex.112(O) in pencil by Shri D.P.Deshmukh, Section Assistant (Estt.) in his own handwriting and it was treated as rough Mark-sheet by Dr. V.D. Patil, the Chairman of the Selection Committee, as stated by him in para 48 of his affidavit dated 25.12.2007 (Ex.645). After careful scrutiny of the Mark-sheet Ex.112(O) it was found that all entries therein were not in the handwriting of Shri D.P.Deshmukh, Section Assistant (Estt.). This office, therefore, prepared the List of such entries in the said Mark-sheet Ex.112(O) which were not in his handwriting. The said List annexed as Annexure 49 to the Enquiry Report, consisted of 45 candidates who were selected in the posts of SRA (Agri.). After issuing notices for enquiry about the same to Shri D.P.Deshmukh, Section Assistant (Estt.) and Dr.V.D. Patil, the Chairman of the Selection Committee, it was revealed that the said entries in the Mark-sheet Ex.112(O) about the interview and total marks of the candidates whose names were included in the said List of 45 candidates selected in the posts of SRA (Agri.) were in the handwriting of Dr.V.D. Patil, the Chairman of the Selection Committee, as admitted by him in para 3 of his affidavit dated 24.6.2009 (Ex.946). Dr.V.D. Patil, the Chairman of the Selection Committee, in the said para 3 of his aforesaid affidavit, and Shri D.P.Deshmukh, Section Assistant (Estt.), in para 5 of his affidavit dated 22.6.2009 (Ex.945), admitted that it was the List of selected candidates.

2302) Vide paras 1947 and 1948 of the Enquiry Report, relating to findings on this topic, according to the usual procedure followed in selection of the candidates, Selection Lists of the posts of SRA (Agri.) and JRA (Agri.) would be prepared after preparing the Mark-sheet of all the candidates in descending order of merit separate for the posts of SRA (Agri.) and JRA (Agri.). At any rate, as stated by Dr.V.D. Patil, the Chairman of the Selection Committee, in paras 63 and 68 of his affidavit dated 25.12.2007 (Ex. 645) and by Dr.Vandan Mohod, the Registrar/ its Member Secretary, in paras 25, 28 and 31 of his affidavit dated 01.12.2007 (Ex. 633) it is clear that they prepared the Selection Lists from the categorywise Mark-sheet Ex.34(O)-A, separate for the posts of SRA (Agri.) and JRA (Agri.). According to them after the said categorywise Mark-sheet Ex. 34(O)-A was ready, they prepared from it the selection lists of Open and each of the reserved categories separately for each of these posts in descending order of merit. It is surprising that the names of 45 candidates out of as many as 1335 candidates for both the posts of SRA (Agri.)

and JRA (Agri.) contained in alphabetical consolidated Mark-sheet Ex.112(O) were marked out by Dr.V.D. Patil, the Chairman of the Selection Committee, for selection in the posts of SRA (Agri.) by making entries about their interview and total marks in his own handwriting in the said consolidated Mark-sheet Ex.112(O) which is not prepared in descending order of merit. It is thus clear that the said 45 candidates were favoured candidates, whether they were related to the University officers/employees or not, or whether they were recommended by the VIPs. or not, or whether they were favoured for any other reason or not, as they were selected bypassing the usual procedure referred to above for selection of the candidates in descending order of merit in each post and in each category i.e. S.C., S.T. etc. from the final Mark-sheet.

vi) Changes made in the consolidated alphabetical Mark-sheet Ex.112(O) and the categorywise Mark-sheet Ex.34(O)-A separate for the posts of SRA (Agri.) and JRA (Agri.) by overwriting in the marks awarded to some candidates for their interviews and consequently changing also the total marks awarded to them

(Vide paras 1712 to 1715 read with paras 1341 to 1356 of the Enquiry Report; also see findings in its paras 1949 to 1964)

2303) Vide para 1712 of the Enquiry Report, it refers to the chart of 32 candidates (Annexure-23 of the Enquiry Report) whose interview marks in the consolidated alphabetical Mark-sheet Ex.112(O) and consequently their total marks were changed by erasing the marks originally shown therein against their names. Shri D. P. Deshmukh, Section Assistant (Estt.) who had made entries in pencil in the said Mark-sheet Ex.112(O) admitted overwriting made in the entries in the said Mark-Sheet Ex. 112(O) about the interview and total marks of the said 32 candidates as shown in the chart (Annexure-23 of the Enquiry Report). However, in spite of their marks being increased by overwriting, 8 candidates from the said List (Annexure 23 of the Enquiry Report) could not still find place in the Selection Lists of these posts as shown in para 1950 of the Enquiry Report relating to the findings upon the aforesaid topic under the head “Award of marks for performance in interview”. The cases of specific candidates are discussed in paras 1952 to 1955 of the Enquiry Report. But so far as the case of Santosh A. Bhongle, an OBC candidate was concerned, his name should have been included in the Selection List of JRA (Agri.) OBC category since he received 0.2 marks more than the last 3 candidates in the said Selection List, vide findings in para 1952 of the Enquiry Report under the above topic. Injustice was thus done to him.

2304) As regards the said chart of 32 candidates (Annexure-23 of the Enquiry Report) after scrutiny of the said chart, this office has prepared further two charts annexed as Annexures-50 and 51 of the Enquiry Report. The chart (Annexure-50) contains the names

of the candidates who were either related to the University officers/employees or were recommended by VIPs. The chart (Annexure-51 of the Enquiry Report) is prepared by this office from the said chart of 32 candidates (Annexure-23 of the Enquiry Report) regarding the candidates who illegally received the benefit of the marks for Ph.D. degree, Ph.D. thesis, and/or RP/PA, acquired /submitted/published after the last date of application i.e. 15.9.2004. The cases of the selected candidates whose interview and total marks originally given to them were changed as shown in the aforesaid chart of 32 candidates (Annexure-23 of the Enquiry Report) are discussed in detail in paras 1955 to 1958 of the Enquiry Report relating to the findings on the said question.

2305) Vide para 1714 of the Enquiry Report, it refers to para 1351 of the Enquiry Report dealing with the changes made in interview and total marks of some candidates in the categorywise Mark-sheet Ex.34(O)A by applying white ink and by overwriting in interview and total marks received by them as stated therein. Vide para 1959 of the Enquiry Report relating to the finding on the said question, there is a chart of such candidates prepared by this office from the said categorywise Mark-sheet Ex.34(O)-A annexed as Annexure-21 of the Enquiry Report. The specific cases of overwriting in respect of the candidates in the said chart (Annexure-21 of the Enquiry Report) are discussed in detail in subsequent paras 1960 to 1963 of the Enquiry Report.

2306) Vide para 1715 of the Enquiry Report, all the candidates in the chart (Annexure-21 of the Enquiry Report) and all 32 candidates in the chart (Annexure-23 of the Enquiry Report) except 8 candidates whose cases are discussed in paras 1952 to 1955 of the Enquiry Report, are favoured candidates, whether they were related to the University officers/employees or not, or whether they were recommended by the VIPs or not, or whether they were favoured for any other reason or not.

vii) Canvassing in any form prohibited

(Vide paras 1716 to 1720 of the Enquiry Report)

2307) Vide para 1716 of the Enquiry Report, as per the terms and conditions laid down in the advertisement dated 14.8.2004 (Ex.2) “Canvassing in any form could disqualify the candidates applying for the posts which were advertised”. The list of selected candidates who were related to the University officers/employees, present or retired, including Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.B.N.Dahatonde, its member, is annexed as Annexure-17 and the List of candidates who were selected in these posts of SRA (Agri.) and JRA (Agri.) and whose names were recommended by VIPs including Ministers, MLAs and MPs is annexed as Annexure-19 to the Enquiry Report, both the Lists being prepared by this office on the basis of the information supplied by the University as shown in the said para 1716 of the Enquiry Report. It is particularly pointed out therein that

the name of Shri Pravin V. Patil, son of Dr.V.D. Patil, the Chairman of the Selection Committee, was recommended by Shri Balasaheb Thorat, the then Minister for Agriculture.

2308) Vide para 1717 of the Enquiry Report, as regards the candidates who were related to the University employees, present or retired, Dr.V.D. Patil, the Chairman of the Selection Committee, stated in para 88 of his affidavit dated 25.12.2007 (Ex.625) that some of them had seen him personally canvassing for appointment of their wards. As regards the candidates whose names were recommended by VIPs, he stated therein that, apart from their letters, there were phone calls from them including Dr.B.G.Bathkal, the former Vice-Chancellor of the University, recommending their candidates for appointment in these posts of SRA/JRA. He admitted that he had himself received some such phone calls at the time of interview but he did not pay any heed to the canvassing made by the employees of the University, present or retired, or to the recommendations of the VIPs including the Minister for Agriculture and that the Selection Committee made its recommendations for appointment in these posts only on the basis of merit of each candidate.

2309) Vide para 1718 of the Enquiry Report, although Dr.Vandan Mohod, the then Registrar/ Member Secretary of the Selection Committee, admitted in para 51 of his affidavit dated 01.12.2007 (Ex. 633) that there were candidates for the posts of SRA/JRA who were relations of the University employees, present as well as retired, including the son of Dr.V.D. Patil, the Chairman of the Selection Committee, and Dr.B.N.Dahatonde, its Member, he, denied that they either telephoned him or approached him for selection of their wards. He then admitted in para 52 of his aforesaid affidavit that there were letters received from the Ministers, and other VIPs such as MLAs, MPs etc. and at the time of interview there were also phone-calls received from them but, according to him, after receiving one or two such phone calls, they did not attend to them deliberately. He then stated that the candidates were selected by them on merit and not on the basis that they were relations of the Chairman, and the Member, of the Selection Committee or of the employees of the University or because they were recommended by VIPs. Similar is the statement of Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University, in paras 50 and 51 of his affidavit dated 14.1.2008 (Ex.658) except that according to him, it was not new that sons and the daughters of the University employees, present or retired, applied for the posts of SRA (Agri.) and JRA (Agri.) particularly when most of them were working on farms in the villages where agriculture was the principal occupation.

2310) Vide para 1719 of the Enquiry Report, the clause in the advertisement dated 14.8.2004 (Ex.2) about canvassing referred to above would show that canvassing in any form entailed disqualification of the candidates which would mean that such candidates could not compete for selection in the post for which they had applied and their applications had straightway to be rejected. There was therefore, no question of their claims for selection being considered on merit and their applications had straightway to be

rejected. In case of the candidates who indulged in canvassing for their appointment, it was not open for Dr.V.D. Patil, the Chairman, and Dr.Vandan Mohod, the Registrar/Member Secretary, of the Selection Committee to say that the Selection Committee had made its recommendations solely on the basis of merit of each candidate and not on the basis of any recommendation of the VIPs and/or because they were related to the University employees, present or retired. Similarly, Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University also could not have justified the appointment of the candidates who indulged in canvassing as being made on merit of each candidate. When the candidate incurred disqualification because of canvassing as per the term in the advertisement dated 14.8.2004 (Ex.2) referred to above, the question is not whether the Selection Committee was influenced by canvassing of the candidate for his appointment or not. It is enough to disqualify the candidate if he has indulged in canvassing for his appointment.

2311) Vide para 1720 of the Enquiry Report, as admitted by Dr.V.D. Patil, the Chairman of the Selection Committee, if any University employee had approached him personally for appointment of his ward and if the names of any candidates were recommended by VIPs for appointment in these posts either by letters or by phone-calls such candidates should have been held disqualified for these posts as per the above term in the advertisement. It may be seen that if the Selection Committee or the appointing authority holds such candidates disqualified for the posts in question and rejects their applications without considering their merit, it would discourage the relations of such candidates from making any canvassing or the VIPs from making any recommendations for appointment of any candidate.

viii) Glaring instances of favoured candidates

(Vide para 1721 and findings in paras 1914 to 1916 of the Enquiry Report)

2312) Vide para 1721 and findings in paras 1914 to 1916 of the Enquiry Report, the specific instances of favoured candidates are mentioned in its paras 1277 and 1278 read with paras 1235 and 1236 of the Enquiry Report relating to the topic about the candidates who were illegally benefitted by marks awarded to them for Ph.D. degree acquired, Ph.D. thesis submitted, research papers/popular articles published and significant contribution made, after the last date of application i.e. 15.9.2004 and read with its paras 1235 and 1236 about the criteria of thesis submission for academic evaluation of SRA/JRA, findings in paras 1937 to 1945 of the Enquiry Report relating to topic about “Manipulation of marks for interview by making changes even by erasing the marks of some candidates originally shown against their names in the consolidated Mark-sheet Ex.112(O) and also the categorywise Mark-sheet Ex.34(O)-A, findings in paras 1946 to 1948 relating to topic about “List of favoured candidates ready” and, in particular, the List of 45 candidates in the posts of SRA (Agri.), and findings in paras 1949 to 1964 of the Enquiry Report relating to

“Changes made in the consolidated alphabetical Mark-sheet Ex.112(O) and the categorywise Mark-sheet Ex.34(O)-A by overwriting in the Marks awarded to some candidates for their interview and consequently changes also made in the total marks awarded to them”.

The following are, however, the glaring instances of the favoured candidates :

- a) Ku.Swati G. Bharad, daughter of former Vice-Chancellor of the University
- b) Pravin V. Patil, son of Dr.V.D. Patil, the Chairman of the Selection Committee
- c) Bhavna R. Wankhede, selected in the post of SRA (Agri.) S.C. category
- a) **Ku.Swati G. Bharad, daughter of former Vice-Chancellor of the University**

(Vide paras 1722 to 1802 read with paras 430 to 513 of the Enquiry Report)

2313) Vide para 1722 of the Enquiry Report, Ku. Swati G. Bharad, admitted in her affidavit dated 23.11.2007 (Ex.631) that she was daughter of Dr.G.M.Bharad, the former Vice-Chancellor of the University. She was thus high profile candidate who had applied for the post of SRA (Agri.) in question. She had submitted her thesis for Ph.D. on 1.11.2004 i.e. after the last date of application for these posts which was 15.9.2004 as per the advertisement. It is pertinent to see that she was one of the favoured candidates related to the University officers/employees for whom the criteria of thesis submission in academic evaluation of SRA/JRA was laid down and the illegal marking system of awarding marks for Ph.D. degree acquired, Ph.D. thesis submitted, research papers/popular articles published, and significant contribution made, after the last date of application i.e. 15.9.2004 adopted by Dr.V.D. Patil, the Chairman of the Selection Committee.

2314) Vide the said para 1722 of the Enquiry Report, as per the interview call letter received by Ku. Swati G. Bharad from the University, her interview for the said post of SRA (Agri.) was fixed on 13.6.2005 which was the first day on which the common interviews for the posts of SRA (Agri.) and JRA (Agri.) commenced. It may be seen that till that date i.e. 13.6.2005, the result of her Ph.D. degree Examination was not declared by the University. AS per her interview call letter, she remained present for interview of the said post of SRA (Agri.) at 8.00 A.M. on 13.6.2005 in the University Guest house. She had brought with her for verification the original degree certificates and 9 research paper publications which were verified by the clerks of the Registrar's office at the place of her interview between 11.30 A.M. to 12.15 P.M. According to her, her interview for the said post was held by the Selection Committee after about 4.00 p.m. in the afternoon. She stated in para 3 of her affidavit dated 9.3.2009 (Ex.865) that before verification of her original documents by the clerks of the Registrar's office, she had gone to the Examination Section in the office of the Deputy Registrar (academic) to enquire about the Result of her Ph.D. degree Examination where she was handed over the copy of its Result notification about

declaration of result but, according to her, she did not know the name of the person who was at the Enquiry counter or the person who handed over to her the copy of the Result notification of declaration of result of her Ph.D. degree Examination which she annexed to her aforesaid affidavit dated 29.3.2009 (Ex.865) marked as (Ex.864) in this Enquiry. She then stated that after she received it she came back to the place of her interview where she showed it to the verifying officers who awarded her 10 marks for Ph.D. degree as shown by them in the chart Ex.38(O).

2315) Vide para 1723 of the Enquiry Report, perusal of the chart Ex.38(O) would show that the team consisting of the Associate Professor, Shri K.B. Kale, and the Assistant Professors Anita B.Chore and Dr.A.P.Karunakaran had verified her documents/ certificates relating to Ph.D. degree and 9 research paper publications which she had brought. Perusal of the said chart (Ex.38(O)), however, shows that the said team did not refer to any document on the basis of which they awarded 10 marks to her for Ph.D. degree like the next team which did the work of verification of the aforesaid documents/ certificates from 20.6.2005 to 25.6.2005 referring to the provisional degree certificate of the candidate (PDC) whom they awarded 10 marks for Ph.D. degree.

2316) Vide para 1724 of the Enquiry Report, it is pertinent to see that the Result notification for declaration of result of her Ph.D. degree Examination (Ex.904-B) bore the date 13.6.2005. It appears that the original date put upon the said Result notification (Ex.904-B) was 14.6.2005 which was changed to 13.6.2005. The crucial question considered in subsequent paras is whether the Result notification for declaration of her result (Ex.904-B) bearing the date 13.6.2005 was issued on 13.6.2005 itself before the scrutiny/verification of her documents/ certificates/publications by the team of Associate Professor/ Assistant Professors referred to above and if so whether its copy was handed over to her on that day itself and by whom, particularly when it has come on record through the affidavits of all the concerned officers / employees in the Examination Section of the University that the copy of the Result notification is not given to any student as per the University rules and practice, vide para 1771 of the Enquiry Report.

a-1) Procedure followed in finalisation and declaration of Result of Ph.D. candidates Ku. Swati G. Bharad and Shri A.D.Warade

2317) Vide para 1725 of the Enquiry Report, all the concerned clerks and the officers in the Examination Section of the Registrar's office referred to the procedure followed in finalisation and declaration of result of the Ph.D. candidates in their affidavits filed in this Enquiry. Shri D.K.Bagde, Section Assistant (Examination Section), stated in his affidavit dated 13.4.2009 (Ex.910) that after the Chairman and the Members of the Result Committee verified the marks of the above candidates Ku. Swati G. Bharad and Shri A.D.Warade in their respective Registers of Marks (Exs. 885 and 886), the reports of

External Examiner/s about their thesis, and also reports about their viva-voce examination on 3.6.2005, he had obtained the signatures of the Chairman and two members of the Result Committee upon the Manuscript of their Result notification (Ex.904-A) which he had already prepared in the proforma fed in his computer which was in accordance with the provisions of paras 30B (vii) and 33 of the Regulation No.AC/8 (Ex.32). He had also obtained their signatures upon the relevant pages 103/C and 10 of the aforesaid Registers of Marks (Exs.884 and 885).

2318) Perusal of the said proforma of the Manuscript of the Result Notification showed that besides the Chairman and two members of the Result Committee, it also required the signatures of the Assistant Registrar (Examination), Deputy Registrar (academic), Registrar, (Dean (PGS)), and finally the Vice Chancellor who had to approve the Manuscript of the Result notification on recommendations of the Dean (PGS), by signing it before the Result of the candidates was declared by Deputy Registrar (academic)/ Registrar as per para 33 of the Regulation AC/8 (Ex.32). Shri D.K.Bagde, Section Assistant (Exam.Section), therefore, forwarded the said Manuscript of the Result notification (Ex.904-A) to Shri P.T.Muley, A.S.O. (Exam.Section) for further processing it i.e. for taking steps to obtain the signature of the Vice-Chancellor upon it in token of its approval.

2319) Vide para 1726 of the Enquiry Report, after receipt of the said Manuscript of the Result notification (Ex.904-A), Shri P.T.Muley, ASO (Exam. Section) kept it in the file relating to Result notification of Ph.D. candidates regular (Ex.904) (see page 67/C of the said file). He wrote an office note on 6.6.2005 which is at page N/37 of the file (Ex.904) which was forwarded to the Assistant Registrar (Examination), Deputy Registrar (academic), the Registrar, the Dean (PGS) and to the Vice-Chancellor for his approval of the said Manuscript of the Result notification of the above candidates (Ex.904-A). The Registrar approved his office note on 7-6-2005 and forwarded it to Dean (PGS) who by his office note thereunder recommended the above candidates for awarding them Ph.D. degree. The said file (Ex.904) was then returned back by his office to the office of the Registrar, on the same day i.e. on 7.6.2005.

2320) Vide para 1727 of the Enquiry Report, as shown therein, there were two other files (Exs. 931 and 932) relating to the Result Notifications of M.Tech. (Agril. Engg.) and M.Sc. (Agri.) candidates containing the Manuscript of the Result Notification of M.Tech. (Agril. Engg.) candidate (Ex. 916) and the Manuscript of the Result Notification of 3 M.Sc. (Agri.) candidates (Ex. 918) which had similar journey as the aforesaid file (Ex. 904) relating to Ph.D. candidates containing the Manuscript of the Result Notification of the above Ph.D. candidates (Ex. 904-A). When the said three files (Exs. 904,931,and 932) were received back on 07.06.2005 in the Registrar's office from the office of the Dean (PGS) after his recommendations of the said candidates therein for Ph.D. and PG degrees, as the case may be, all the said three files (Exs. 904, 931, and 932) were sent in the common closed cover

by the Registrar's office on 7.6.2005 itself to the Vice-Chancellor for his approval of the aforesaid Manuscripts of the Result Notifications (Exs. 904-A, 916, and 918) relating to the aforesaid candidates included therein.

2321) Vide para 1728 of the Enquiry Report, after receipt of the aforesaid files (Exs.904, 931 and 932) in the office of the Vice-Chancellor, on 7.6.2005, the said files were put-up before the Vice-Chancellor by his P.A. Shri V.S.Deshmukh on 8.6.2005 in the evening hours i.e. from 6.30 P.M. to 10.00 P.M. for his approval of the aforesaid Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) contained therein as he had come to Akola from Nagpur on that day i.e. 8.6.2005 in the evening at about 6.30 P.M. The Vice-Chancellor approved and signed the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) contained in the respective files (Exs.904, 931 and 932) in the evening hours on 8.6.2005 before he left Akola for Parbhani at 10.00 P.M. on the same day i.e. 8.6.2005, vide his tour diary (Ex.920).

2322) Vide para 1729 of the Enquiry Report, according to Shri V.S.Deshmukh, P.A. to the Vice-Chancellor on the next day i.e. 9.6.2005, he sent the aforesaid 3 files (Exs.904, 931, and 932) under the common closed cover to the office of the Dean (PGS), where as per para 1 of the affidavit of the Dean (PGS), Dr.V.D. Patil, dated 24.6.2009 (Ex.946), the said three files (Exs.904, 931 and 932) remained pending for his approval and signatures therein for 4 days as he was on tour to Parbhani from 8.6.2005 to 12.6.2005. It is pertinent to see that from 13.6.2005 to 25.6.2005, Dr.V.D. Patil, who was the Chairman of the Selection Committee, was busy in interviews of the candidates for these posts of SRA (Agri.) and JRA (Agri.). However, as regards the question about his signatures in the said files, (Exs.904, 931, and 932), he stated that he would not be able to tell whether he put-up his signatures therein on 13.6.2005 or 14.6.2005. It is however, clear that on 14.6.2005 in the morning, the said files (Exs. 904, 931 and 932) were collected from his office by the Peon of the office of the Deputy Registrar (Academic), Shri B.N.Kulkarni, and were brought by him to the Examination Section.

2323) Vide para 1730 of the Enquiry Report, after the said three files (Exs.904, 931, and 932) were received by Shri P.T.Muley, ASO (Exam.Section), the Result Notifications for declaration of Result of the aforesaid candidates (Exs. 904-B, 917, and 919), the Manuscripts of whose Result Notifications (Exs. 904-A,916, and 918) were approved by the Vice-Chancellor, were prepared as per the proforma fed in the Computer of Shri D.K. Bagde, Section Assistant (Exam.Section) bearing only the designation of the Registrar, whether by Shri D.K. Bagde, Section Assistant (Exam. Section), or by Shri P.T. Muley, ASO (Exam. Section), is immaterial. Thereafter, Shri P. T. Muley, ASO (Exam.Section), by his office notes recorded in the said files (Exs.904, 931, and 932), without putting any date below them, requested the Deputy Registrar (Academic)/Registrar to sign the said Result Notifications for declaration of Result (Exs.904-B, 917 and 919) for issuing them.

However, when the aforesaid office notes in the said files (Exs. 904,931, and 932) were placed before the Deputy Registrar (Academic) / Registrar for his signatures upon the said Result Notifications for declaration of result of the aforesaid candidates (Exs. 904-B, 917, and 919) as requested therein, he put the date 14.6.2005 below his signatures upon the said office notes in token of their approval. He also signed the original Result Notifications of the aforesaid candidates for declaration of Result (Exs.904-B, 917 and 919) simultaneously i.e. on 14.6.2005 itself.

2323-A) As stated by Shri P.T.Muley, ASO (Exam. Section), about the Ph.D. candidates Ku. Swati G. Bharad and Shri A. D. Warade in paras 12 and 13 of his affidavit dated 20.04.2009 (Ex. 914), the copies of their Result Notification prepared for declaration of Result (Exs.904-B) were forwarded on 15th or 16th June 2005 to the offices/officers as mentioned on their backside and also to the concerned tables in the Examination section including those of despatcher and the clerk who prepared the provisional degree certificates (PDC) of the successful candidates. It is pertinent to see that as stated in para 14 of his aforesaid affidavit, the candidates whose results are to be declared can not know their result unless the Result Notification prepared for declaration of result is signed by the Deputy Registrar (Academic)/Registrar and the copies thereof are forwarded to the officers/offices etc. as stated above. Therefore, according to him, the above candidates could know their result only when the copies of the Result Notification prepared for declaration of their result (Ex. 904-B) were circulated on 15th or 16th June, 2005 as stated above and not on 13.06.2005 which date the Result Notification for declaration of their result (Ex. 904-B) bore. In this regard, he stated therein that the Result Notification prepared for declaration of Result of the above Ph.D. candidates (Ex.904-B) was actually signed by the Deputy Registrar (academic)/Registrar on 14.06.2005 after the file (Ex. 904) containing its Manuscript (Ex. 904-A) approved and signed by the Vice Chancellor came back in the Examination Section on that day i.e. 14.06.2005 although he had put the date 13.06.2005 upon the said Result Notification for declaration of result (Ex. 904-B). He further stated therein that the reason why he put the date 13.06.2005 upon it (Ex. 904-B) was that, according to him, the Vice Chancellor signed its Manuscript (Ex. 904-A) on that day i.e. 13.06.2005, vide para 7 of his aforesaid affidavit also, and since, as per rule and practice in the University it (Ex. 904-B) would bear the same date as its Manuscript (Ex. 904-A).

a-2) Date which the Manuscript of the Result Notification and the Result Notification for declaration of Result should bear

(Vide paras 1731 and 1732 of the Enquiry Report)

2324) Vide para 1731 of the Enquiry Report, there is no rule, regulation or any statute in the university which prescribes that the Manuscript of the Result Notification must bear the

same date on which the Vice-Chancellor had signed it in token of its approval and, similarly, the Result Notification prepared for declaration of Result must also bear the same date which was on its Manuscript i.e. the date on which the Vice-Chancellor signed it as stated by the Assistant Registrar (Exam.Section) Shri A. S. Katre, and the Deputy Registrar (Academic)/Registrar, in paras 2 and 9 of their affidavits dated 12.6.2009 (Ex.944) and 11.6.2009 (Ex.943). However, as stated by them therein and also by the ASO Shri P.T.Muley, in para 4 of his affidavit dated 20.4.2009 (Ex.914), as per the practice and convention in the University, the Manuscript of the Result Notification approved and signed by the Vice-Chancellor bears the same date on which he signed it. However, as regards the practice and convention about the date which the Result Notification for declaration of Result bears, according to ASO (Exam.Section) Shri P.T.Muley, and the Assistant Registrar (Exam. Section) Shri A.S.Katre, as stated by them in paras 3 and 8 of their aforesaid affidavits respectively, the Result Notification for declaration of Result bears the same date as on its Manuscript i.e. the date on which the Vice-Chancellor signed it, but, according to Dr.Vandan Mohod, the Deputy Registrar (Academic) / Registrar, as stated by him in para 9 of the aforesaid affidavit dated 11.6.2009 (Ex.943), the Result Notification prepared for declaration of Result bears the date on which it is issued by the Registrar.

2325) Vide para 1732 of the Enquiry Report, although the question which is relevant in this Enquiry is about the date/s which the Manuscript of the Result Notification of Ph.D. candidates Ku. Swati G. Bharad, and Shri Atul D. Warade (Ex.904-A) signed by the Vice-Chancellor and the Result Notification for declaration of their Result signed by the Deputy Registrar (academic)/ Registrar (Ex.904-B) bear, it is also relevant to see the dates upon such Result Notifications in regard to M.Tech. (Agril.Engg.) candidate (Exs.916 and 917), and 3 M.Sc. (Agri.) candidates (Exs.918 and 919) because they had identical journey from the office of the Deputy Registrar (academic) to the office of the Vice-Chancellor and back under the common closed cover and the office notes of the ASO (Exam.Section) therein for approval of the Manuscripts of the Result Notifications by the Vice Chancellor and for the signatures of the Deputy Registrar (academic)/Registrar upon their Result notifications for declaration of Result were written on the same day i.e. 06.06.2005 and 14.6.2005 respectively as is clear from the said files (Exs.904,931 and 932).

a-3) Date upon the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) approved and signed by the Vice-Chancellor

(Vide paras 1733 to 1748 of the Enquiry Report)

2326) Perusal of the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) would show that they bear the following dates :-

- (i) Manuscript of the Result Notification of the Ph.D. candidates in question Ku.Swati G. Bharad and Shri A.D.Warade (Ex.904-A) contained in the file (Ex.904) bears the date 13.06.2005.
- (ii) Manuscript of the Result Notification of M.Tech. (Agri.) candidate (Ex.916) contained in the file (Ex.931) also bears the date 13.06.2005.
- (iii) However, Manuscript of the Result Notification of 3 M.Sc. (Agri.) candidates (Ex.918) contained in the file (Ex.932) bears the date 09.06.2005.

2327) As regards the question of putting the date upon the Manuscript of the Result Notification, Shri P.T.Muley, ASO (Exam.Section), admitted in para 4 of his affidavit dated 20.4.2009 (Ex.914) that after the file is received from office of the Vice-Chancellor after his approval to the Manuscript of the Result Notification, he, in his own handwriting, puts the same date upon the said Manuscript on which the Vice-Chancellor had signed it. He admitted in paras 2, 3 and 4 of his affidavit dated 30.4.2009 (Ex.939) that he had put the above dates in ink upon the aforesaid Manuscripts of the Result Notifications (Exs.904-A, 916 and 918). It may be seen that initially he had put the date 14.6.2005 upon the Manuscript of the Result Notification of the aforesaid M.Tech. (Agril.Engg.) candidate (Ex.916) and then corrected it to 13.6.2005. As regards the date upon the Manuscript of the Result Notification of the Ph.D. candidates (Ex. 904), and the Manuscript of the Result Notification M.Sc. (Agri.) candidates (Ex.918) there is no correction in the dates 13.06.2005 and 9.6.2005 respectively put upon them by him.

2328) Vide para 1733 of the Enquiry Report, as regards the date 13.6.2005 put by him upon the Manuscript of the Result Notification of the aforesaid Ph.D. candidates (Ex. 904-A), he stated initially in para 7 of his affidavit dated 20.4.2009 (Ex.914) that he had himself made enquiries about the date on which the Vice-chancellor had signed it or perhaps on 13.6.2005 either he, the Assistant Registrar (Exam. Section), or the Deputy Registrar (academic), might have taken the aforesaid file Ex.904 to the Vice-Chancellor and obtained his signature on the same date and therefore he had put the said date upon the said Manuscript (Ex.904-A). However, after finding that it has come on record in this enquiry that the Vice-Chancellor had actually signed the said three Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) in the evening hours on 8.6.2005, he changed his above version in his subsequent affidavit dated 30.4.2009 (Ex.939) filed in this Enquiry. He stated in paras 2, 3 and 4 therein that he had put the date 13.6.2005 upon the Manuscripts of the Result Notifications (Exs.904-A and 916) and the date 9.6.2005 upon the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) as told to him by the Assistant Registrar (Exam. Section) Shri A.S.Katre, and that he did not make any enquiry about it.

2329) However, vide para 1734 of the Enquiry Report, Shri A.S.Katre, the Assistant Registrar (Exam.Section) denied in para 3 of his additional affidavit dated 12.6.2005

(Ex.944) that he made any enquiry about the date on which the Vice-Chancellor had signed the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) and that he instructed Shri P.T.Muley, ASO (Exam. Section), to put the said dates upon the said Manuscripts (Exs. 904-A, 916 and 918). According to him, since the concerned ASO, (Exam. Section) has to put the date upon the Manuscript of the Result Notification when the file is received back by him with the approval and the signature of the Vice Chancellor it is Shri P. T. Muley, the concerned ASO (Exam. Section) who must have made enquiry about the same and put the dates accordingly upon the said Manuscripts of the Result Notifications (Exs. 904-A, 916, and 918). When the relevant facts were brought on record in this Enquiry showing that the Vice-Chancellor signed the Manuscripts of the aforesaid Result Notifications (Exs.904-A, 916 and 918) in the evening hours on 8.6.2005, it appears that Shri P.T.Muley, ASO (Exam. Section), has tried to shift the responsibility upon the Assistant Registrar, (Exam.Section), Shri A.S.Katre, about the dates put by him upon the aforesaid Manuscripts stating that he did not make any enquiry about the same.

2330) As regards the Manuscript of the Result Notification of 3 M.Sc. (Agri.) candidates (Ex.918) contained in the file (Ex.932), vide para 1736 of the Enquiry Report, since it bears different date i.e. 9.6.2005 and not 13.06.2005, when questioned in this regard, Shri P.T.Muley, ASO (Exam.Section) stated in para 3 of his affidavit dated 30.04.2009 (Ex. 939) that he was on leave on 09.06.2005 and had put the said date actually on 14.06.2005 as told to him by the Assistant Registrar (Exam. Section), Shri A. S. Katre. When questioned about the different date upon the said Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex. 918), Shri A. S. Katre, Assistant Registrar, (Exam. Section) stated in para 5 of his affidavit dated 12.06.2009 (Ex. 944) that it was not possible for him to tell why a different date 9.6.2005 was put upon the Manuscript of the said Result Notification (Ex.918).

2331) Considering the additional affidavit of Dr.Vandan Mohod, the Deputy Registrar (academic)/ Registrar dated 11.6.2009 (Ex.943) on the question about the dates upon the Manuscripts of the Result Notifications of Ph.D., M.Tech. (Agril.Engg.) and M.Sc. (Agri) candidates (Exs.904-A, 916 and 918) contained in their respective files (Exs.904, 931 and 932), vide para 1737 of the Enquiry Report, he stated in para 8 of his aforesaid affidavit that the date 13.6.2005 written in ink by Shri P. T. Muley, ASO (Exam.Section) upon the Manuscript of the Result Notification of the aforesaid Ph.D. candidates (Ex.904-A) contained in the file (Ex.904) was correct although in subsequent para 11 read with para 16 of his aforesaid affidavit, he stated that when he made enquiry on his mobile either in the evening on 8th or in the morning on 9th June, 2005 from the Vice Chancellor whether he had approved and put his signatures upon the Manuscripts of the Result Notifications of the aforesaid candidates (Ex. 904-A, 916, and 918) contained in the files (Ex. 904, 931, and 937) which were sent to him, he learnt that the said Manuscripts of the Result Notifications

(Ex.904-A, 916, and 918) were signed by the Vice-Chancellor in the evening hours on 08.06.2005. He however, did not categorically state anywhere in his aforesaid affidavit that the date 13.6.2005 put upon the said Manuscript of the Result Notification of the above Ph.D. candidates (Ex.904-A) was wrong. It is pertinent to see that even according to him, the Manuscript of the Result Notification approved by the Vice-Chancellor bears the same date on which he signed it.

2332) Vide para 1738 of the Enquiry Report, as regards the Manuscript of the Result Notification of M.Tech. (Agril.Engg.) candidate (Ex. 916) included in the file Ex.931, Dr. Vandan Mohod, the Deputy Registrar (academic)/Registrar stated in para 14 of his aforesaid affidavit dated 11.06.2009 (Ex. 943) that the earlier date upon the said Manuscript of the Result Notification (Ex.916) must have been 2nd June 2006 which was corrected to 13.6.2005, because according to him, as per the practice followed in the University, the Manuscript of the Result Notification was kept ready before the date on which the members of the Result Committee commenced their work of verification of marks of the concerned candidates and therefore, according to him, since the work of verification of the said M.Tech. (Agril.Engg.) candidates commenced on 3.6.2005, the date 2.6.2005 must have been put upon the said Manuscript (Ex.916) which was then corrected to 13.6.2005.

2333) Vide para 1739 of the Enquiry Report, the above explanation of Dr.Vandan Mohod, the Deputy Registrar (academic)/ Registrar, cannot be accepted because apart from the fact that the earlier date upon the Manuscript of the Result Notification (Ex.916) does not appear to be 2nd June 2005 particularly when as rightly stated by Shri A.S. Katre, the Assistant Registrar (Exam.Section) in para 4 of his aforesaid affidavit dated 12.6.2009 (Ex.944), the letters “nd” do not appear in the said date, Shri D.K.Bagde, who was at that time working as Section Assistant (Examination Section) was an experienced clerk and he knew very well that according to the procedure followed for finalization and declaration of Result in the University, after verification of the marks when he sent to the A.S.O. (Exam.Section), Shri P.T. Muley, Manuscript of the Result Notification for further processing it i.e. for obtaining the signature of the Vice-Chancellor in token of its approval it is he who puts the date upon the said Manuscript of the Result Notification after the file is received back by him with the signature of the Vice-Chancellor upon the said Manuscript in token of its approval. He would not therefore put any date upon the Manuscript of the Result Notification prepared by him in the proforma fed in his computer.

2334) Vide para 1740 of the Enquiry Report, as regards the Manuscript of the Result Notification of 3 M.Sc. (Agri.) candidates (Ex.918) contained in the file (Ex.932) which bears the date 9.6.2005 put by Shri P.T.Muley, ASO (Exam.Section) upon it, Dr.Vandan Mohod, the Deputy Registrar (Academic) / Registrar, stated in para 15 of his affidavit dated 11.6.2009 (Ex.943) that it bears the date 9.6.2005 because according to him, perhaps their office might have learnt that the Vice-Chancellor signed it on 8.6.2005 in the evening. If so,

the question is why the said date 09.06.2005 was not put upon the Manuscripts of the Result Notification of the aforesaid Ph.D. and M.Tech (Agril. Engg.) candidates (Exs. 904-A and 916) when all the three files (Exs. 904, 913 and 932) were similarly treated and the Manuscripts of the Result Notifications (Exs. 904-A, 916 and 918) contained therein were all signed by the Vice Chancellor in the evening hours on 08.06.2005.

a-4) Criticism of the dates which the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918 bear)

(Vide paras 1741 to 1748 of the Enquiry Report)

2335) Vide para 1741 of the Enquiry Report, there is no dispute amongst the concerned officers of the Examination Section in the University, Shri P.T.Muley, ASO, Shri A.S. Katre, the Assistant Registrar and Dr.Vandan Mohod, the Deputy Registrar (Academic)/Registrar, that as per the convention / practice in the University, the date put upon the Manuscript of the Result Notification is the date on which the Vice-Chancellor signed it. However, the dates put upon the said three Manuscripts of the Result Notifications of the concerned candidates (Exs.904-A, 916 and 918) have raised the controversy about their correctness or otherwise. It may be seen that the Manuscripts of the Result Notifications of Ph.D. and M.Tech. (Agril.Engg.) candidates (Exs.904-A and 916) bear the date 13.6.2005 while the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) bears the date 9.6.2005 and not 13.6.2005 although, as shown in subsequent para 1743 of the Enquiry Report, all the three Manuscripts (Ex.904-A, 916, and 918) were signed by the Vice-Chancellor on the same day.

2336) Vide para 1742 of the Enquiry Report, it is clear from the additional affidavit of Shri P.T.Muley, ASO (Exam.Section) dated 30.4.2009 (Ex.939) that he had put the said dates upon the Manuscripts of the said Result Notifications (Exs.904-A, 916 and 918) actually on 14.6.2005 on which date he had received the files (Exs.904, 931 and 932) containing them as is also clear from the signature of D.M.Kulkarni, Peon of the office of the Dy. Registrar (academic) upon the file Movement Register of the office of the Dean (PGS) (Ex.924) from which he had personally collected and brought back the said files (Exs.904, 931 and 932) to his office on that day. Shri A.S.Katre, the Assistant Registrar (Exam. Section) also corroborated him in that regard viz. that he had actually put the dates upon the said Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) on 14.6.2005 i.e. after the said files (Exs.904, 931 and 932) containing them came back to their office on that day.

2337) As regards the signatures of the Vice-Chancellor upon the said Manuscripts of the Result Notifications of the above candidates (Exs.904-A, 916 and 918), vide para 1743 of the Enquiry Report, it is clear from the affidavit of Shri V.S. Deshmukh, PA to the then Vice-Chancellor, dated 23.4.2009 (Ex.946) read with the material brought on record that

the signatures were put by the Vice-Chancellor upon the files received in common closed confidential cover, in the evening hours i.e. from 6.30 P.M. to 10.00 P.M. at his residence office on 8.6.2005. As stated by Shri P.T.Muley, ASO (Exam.Section) in para 1 of his additional affidavit dated 30.4.2009 (Ex.939), the said closed confidential cover contained the aforesaid three files (Exs.904, 931 and 932) which included the Manuscripts of the Result Notifications of the above candidates (Exs. 904-A, 916 and 918) for signatures of the Vice-Chancellor thereon. As stated in his aforesaid affidavit by Shri V.S.Deshmukh, PA to the Vice-Chancellor, after the signatures of the Vice-Chancellor upon the said Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) in the evening hours on 8.6.2005, on the next day i.e. 9.6.2005, he sent under the closed confidential cover the said three files (Exs.904, 931 and 932) containing the aforesaid Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) to the office of the Dean (PGS). It is from the office of the Dean (PGS) that on 14.6.2005 the said confidential cover containing the said three files (Exs.904, 931 and 932) was personally brought back to the office of the Deputy Registrar (academic) by its Peon. The dates were then put on that day i.e. 14.6.2005 upon the said three Manuscripts therein (Exs.904-A, 916 and 918) by Shri P.T.Muley, ASO (Exam. Section), vide para 1741 of the Enquiry Report.

2338) As stated above, when all the aforesaid three Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) were signed by the Vice-Chancellor in the evening hours on 8.6.2005 i.e. after the regular office hours, either the said date i.e. 8.6.2005, or the next date i.e. 9.6.2005 ought to have been put upon the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) as per the convention / practice in the University i.e. the Manuscript of the Result Notification “bears the date on which the Vice-Chancellor had signed it” referred to by all the three concerned officers/employees in the Examination Section of the University, vide para 1741 of the Enquiry Report. However, for reasons better known to the above concerned officers/employees in the Examination Section, except the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) which bears the date 9.6.2005, the Manuscripts of the other two Result Notifications of Ph.D. and M.Tech. (Agril.Engg.) candidates (Exs.904-A, 916) bear the date 13.6.2005.

2339) Vide para 1744 of the Enquiry Report, perusal of the aforesaid files relating to the Result Notifications of the concerned candidates (Exs.904, 931 and 932) would show that while approving and signing the said Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) contained in the said files (Exs.904, 931 and 932), the Vice-Chancellor did not put any date below his signatures either upon the office notes in that regard and / or the Manuscripts of the Result Notifications approved by him. It was, therefore, necessary for the concerned officers in the Examination Section to make enquiry and find out on which date the Vice-Chancellor had signed the said three Manuscripts of the Result Notifications (Exs.904-A, 916 and 918). Since the dates upon the Manuscripts of the Result Notifications

are admittedly put by Shri P.T.Muley, ASO (Exam.Section), it was primarily his duty to make enquiry about it. However, it would not mean that the other concerned officers in the Examination Section i.e. the Assistant Registrar (Exam.Section) and the Deputy Registrar (Academic) need not and would not make any enquiry about it because it is equally their responsibility to see that the Results of the concerned candidates are declared after following proper procedure in that regard.

2340) Vide paras 1745 to 1747 of the Enquiry Report, it is clear from paras 11 and 16 of his additional affidavit dated 11.6.2009 (Ex.943) that Dr.Vandan Mohod, the Deputy Registrar (academic), had himself made enquiry about the approval and signatures of the Vice-Chancellor upon the Manuscripts of the above Result Notifications of the above-referred candidates (Exs. 904-A, 916 and 918) whose files (Exs. 904, 931 and 932) were sent to him. According to him, he had made such enquiries either in the evening hours on 8.6.2005 or in the morning on 9.6.2005 when he learnt that the Vice-Chancellor had signed the said Manuscripts (Exs.904-A, 916 and 918) in the evening hours on 8.6.2005 and therefore he had informed the officers concerned in the Examination Section about the same. Shri P.T.Muley, ASO (Exam.Section) would therefore know the date on which the Vice-Chancellor had signed the said Manuscripts of the Result Notifications (Exs.904-A, 916 and 918). Even otherwise, since it was his duty to put the date upon the said Manuscripts of the Result Notifications, it was primarily his responsibility to make enquiry about the same and it is difficult to believe that he would not do so although for some ulterior reason he had tried to shift the responsibility about it upon the Assistant Registrar (Exam. Section), Shri A.S.Katre, when he stated in paras 2, 3 and 4 of his additional affidavit dated 30.4.2009 (Ex.939) that he had put the dates upon the said Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) as told to him by him. Even if the Assistant Registrar (Exam.Section), Shri A.S.Katre, had made enquiries or whosoever might have made enquiries about the same from the office of the Vice-Chancellor, Shri P.T.Muley, ASO (Exam.Section) would know that the Vice-Chancellor had signed the said Manuscripts (Exs.904-A, 916 and 918) in the evening hours on 8.6.2005 as it was his duty to put the dates upon the said Manuscripts (Exs. 904-A, 916 and 918). It is difficult to see why he had put the date 9.6.2005 on the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) only and the date 13.6.2005 upon the Manuscripts of the other two Result Notifications of the aforesaid Ph.D. and M.Tech. (Agril.Engg.) candidates (Exs. 904-A and 916). However, as stated in para 1747 of the Enquiry Report, the principal question would be as to on which date the Result Notification for declaration of Result in the case of Ph.D. candidates in question. Ku. Swati G.Bharad and Shri A.D.Warade, (Ex.904-B) was prepared and issued which question is considered in the next topic.

2341) Vide para 1748 of the Enquiry Report, as observed in para 1748 of the Enquiry Report, in order to avoid any controversy about the date to be put upon the Manuscript of

the Result Notification after the file containing it comes back to the ASO concerned in the Examination Section, as it is a precious document regarding approval of the Result of the PG and Ph.D. candidates as provided in para 33 of the Regulation AC/8 (Ex.32), it is better that the Vice-Chancellor should himself put the date below his signature upon the Manuscript of the Result Notification and / or upon the office note regarding it showing on which date he had signed it in token of its approval which date can then be put upon it either by his PA or after the file comes back in the Examination Section by the ASO concerned.

a-5) Date upon the Result Notifications prepared for declaration of Result (Exs.904-B, 917 and 919) signed by the Deputy Registrar (academic)/ Registrar

(Vide paras 1749 to 1751 of the Enquiry Report)

2342) The Result Notifications for declaration of Result of the concerned Ph.D., M.Tech. (Agril.Engg.), and M.Sc. (Agri.) candidates (Exs.904-B, 917 and 919) signed by the Deputy Registrar (academic)/ Registrar included in their files (Exs. 904, 931 and 932) bear the dates as follows :-

- i) The Result Notification for declaration of result of the aforesaid two Ph.D. candidates (Exs.904-B) contained in its file (Ex.904) bears the date 13.6.2005.
- ii) The Result Notification for declaration of result of M.Tech. (Agril.Engg.) candidate (Ex.917) contained in its file (Ex.931) bears the date 13.6.2005
- iii) The Result Notification for declaration of Result of 3 M.Sc. (Agri.) candidates contained in its file (Ex.932) also bears the date 13.6.2005.

2343) Vide para 1749 of the Enquiry Report, Shri P.T.Muley, ASO (Exam.Section), and Shri A.S. Katre, the Assistant Registrar (Exam.Section), stated in their affidavits referred to in the said para that the printed date upon the aforesaid 3 Result Notifications for declaration of Result (Exs.904-B, 917 and 919) was 14.6.2005 which was corrected by Shri A.S.Katre, the Assistant Registrar (Exam.Section) in his own handwriting as 13.6.2005 because according to them, the Result Notification for declaration of Result had to bear the date as on its Manuscript i.e. the date on which the Vice-Chancellor signed it. According to Shri A. S. Katre, Assistant Registrar (Exam.Section), since the Manuscripts of the Result Notifications of the aforesaid Ph.D. candidates (Ex.904-A) and M.Tech. (Agril.Engg.) candidate (Ex.916) bore the date 13.6.2005 put upon them by Shri P. T. Muley, ASO (Exam.Section), he corrected the printed date 14.6.2005 upon their Result Notifications for declaration of Result (Exs.904-B and 917) as 13.6.2005. However, when questioned, as regards the printed date 14.6.2005 upon the Result Notification for declaration of Result of M.Sc. (Agri.) candidates (Ex.919) corrected as 13.6.2005 although its Manuscript bore the date 9.6.2005 put upon it by Shri P.T.Muley, ASO (Exam.Section), Shri A.S. Katre, the

Assistant Registrar (Exam.Section) stated in para 6 of his additional affidavit dated 12.6.2009 (Ex.944) that, through oversight, he corrected the printed date 14.6.2005 upon it as 13.6.2005, because he had before him the Manuscripts of the Result Notifications of the aforesaid Ph.D. candidates (Ex.904-A) and M.Tech. (Agril.Engg.) candidate (Ex. 916).

2344) Vide para 1750 of the Enquiry Report, although Shri A.S. Katre, the Assistant Registrar (Exam.Section) did not put any date below his signatures upon the office notes of Shri P. T. Muley, ASO (Exam.Section), in respect of the Result Notifications for declaration of result of the aforesaid Ph.D., and M.Sc. (Agri.) candidates (Ex.904-B, and 919) in their files (Exs.904, 932), he put the date below his signature upon his office note in respect of the Result Notification for declaration of Result of M.Tech. (Agril.Engg.) candidate (Ex.917) in its file (Ex.931) which date showed that there was correction made by him in the earlier date put below his signature upon the said office note in the file (Ex. 931). When questioned in this regard, he stated in para 7 of his additional affidavit dated 12.6.2009 (Ex.944) that after careful scrutiny he found that the original date put by him in his own handwriting below his signature upon the said office note written by Shri P.T. Muley, ASO (Exam.Section) was 9.6.2005 which was corrected by him to 14.6.2005, and not vice-versa. It appears that he realized that after the signature of the Vice-Chancellor upon the Manuscript of the said Result Notification (Ex. 916), the said file (Ex.931) was received in his office on 14.6.2005 whereafter the Result Notification for declaration of Result of the said M.Tech. (Agril. Engg.) candidate concerned therein (Ex. 917) was prepared and therefore he rightly corrected the said date 9.6.2005 below his signature upon the said office note in the file (Ex.931) to 14.6.2005.

2345) It may be seen that the relevance of the aforesaid date 9.6.2005 is that the Vice-Chancellor signed the Manuscripts of the aforesaid Result Notifications of the aforesaid Ph.D., M.Tech. (Agril.Engg.) and M.Sc. (Agri.) candidates in the evening hours on 8.6.2005 for which reason the date 9.6.2005 which was in the mind of the Assistant Registrar, (Exam.Section), Shri A.S. Katre appears to have been put by him below his signature upon the said office note of Shri P. T. Muley, ASO (Exam.Section) in the file (Ex. 931) relating to the Result Notification of M.Tech. (Agril.Engg.) candidate as shown above. Shri A.S.Katre, the Assistant Registrar (Exam. Section), however, tried to deny knowledge of the said date by stating in the said para 7 of his aforesaid affidavit (Ex. 944) that he did not personally make any enquiry from the office of the Vice-Chancellor regarding the dates on which he signed the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) and that nobody including the Deputy Registrar (academic), Dr.Vandan Mohod, told him that the Vice-Chancellor had signed the Manuscript of the Result Notification (Ex.916) on 9.6.2005. Be that as it may, the very fact that he had put the date 9.6.2005 through oversight below his signature upon the said office note of Shri P. T. Muley, ASO (Exam.Section) in the file Ex.931 about issuing the Result Notification for

declaration of the result of the concerned candidate (Ex. 917) would show that he was aware that the Vice-Chancellor had signed the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) contained in the files (Exs.904, 931 and 932) in the evening hours on 08.06.2005.

2346) Vide para 1751 of the Enquiry Report, as regards the dates put upon the Result Notifications prepared for declaration of Result of the concerned candidates (Exs. 904-B, 917, and 919) in the said files (Exs.904, 931 and 932), according to Dr.Vandan Mohod, the Deputy Registrar (academic)/Registrar, they would bear the date on which they were issued by the Deputy Registrar (academic)/Registrar, although according to Shri. P. T. Muley, ASO and Shri A. S. Katre, Assistant Registrar, in the Examination Section, the said notifications for declaration of result (Exs. 904-B, 917 and 919) would bear the date as on their Manuscripts. After seeing the Result Notification prepared for declaration of Result of the aforesaid Ph.D. candidates (Ex.904-B) in the file (Ex.904), Dr. Vandan Mohod, Deputy Registrar (academic)/Registrar admitted in para 13 of his affidavit dated 11.06.2009 (Ex. 943) that earlier there was some other date upon it which was corrected to 13.6.2005. He also admitted therein that if the said Notification for declaration of Result was prepared on 13.6.2005 itself, there was no reason to put a wrong date upon it. He, however, stated therein that it appeared that, it might have been prepared earlier on 9.6.2005 which date might have been put upon it, but as it was signed and issued by him on 13.6.2005, the said date might have been corrected as 13.6.2005. As shown in the next topic, the Result Notification for declaration of result is prepared only after the file containing its Manuscript signed by the Vice-Chancellor is received back in the Examination Section and the said file (Ex.904) containing the Manuscript of the Result Notification of the above Ph.D. candidates (Ex.904-A) was received back in the Examination Section on 14.6.2005 only. Vide para 1749 in this regard, it is pertinent to see that Shri A. S. Katre, Assistant Registrar (Exam.Section) categorically stated in para 3 of his additional affidavit dated 12.06.2009 (Ex. 944) that the printed date upon the said Result Notification for declaration of Result (Ex.904B) was 14.6.2005 i.e. the date on which its file (Ex.904) was received in their office and that he corrected it to 13.6.2005 because its Manuscript (Ex.904A) bore the said date 13.6.2005. Shri P. T. Muley, ASO (Exam.Section) corroborated him about the printed date 14.06.2005 upon the said Result Notification for declaration of result (Ex. 904-B) being corrected to 13.06.2005 by him. However, after seeing the Result Notifications for declaration of result of M.Tech. (Agril.Engg.) candidate and M.Sc. (Agri.) candidates (Ex.917 and 919) contained in their files (Exs.931 and 932), Dr. Vandan Mohod, the Deputy Registrar (academic)/Registrar stated in paras 14 and 15 of his aforesaid affidavit dated 11.06.2009 (Ex. 943) that although there was some other printed dates upon them which was corrected to 13.6.2005, it was not possible for him to tell what the earlier date put upon them was.

a-6) Date/s which the Result Notifications for declaration of Result of the concerned candidates (Exs.904-B, 916 and 919) issued by the Deputy Registrar (academic)/Registrar should bear

(Vide paras 1752 to 1767 of the Enquiry Report)

2347) Although there is no dispute between the concerned officers of the Examination Section in the University viz. Shri P.T.Muley, ASO (Exam.Section), Shri A.S.Katre, Assistant Registrar (Exam.Section), and Dr.Vandan Mohod, Deputy Registrar (academic), about the date which the Manuscript of the Result Notification should bear as per the convention / practice in the University viz. that it should bear the date on which the Vice-Chancellor signed it, there is dispute between them as regards the date to be put upon the Result Notification for declaration of Result, according to convention/practice in the University about it. According to Dr.Vandan Mohod, the Deputy Registrar (academic)/Registrar, as stated by him in para 9 of his affidavit dated 11.6.2009 (Ex.943), it would bear the date on which it is issued by the Deputy Registrar (academic)/ Registrar while, according to Shri P.T.Muley, ASO (Exam.Section), as stated by him in para 4 of his affidavit dated 20.4.2009 (Ex.914), and Shri A.S.Katre, the Assistant Registrar (Exam.Section), as stated by him in para 2 of his additional affidavit dated 12.6.2009 (Ex.944), the Result Notification for declaration of Result bears the same date as on its Manuscript i.e. the date on which the Vice-Chancellor signed it.

2348) Vide para 1753 of the Enquiry Report, in support of the practice that the Result Notifications prepared for declaration of Result would bear the date on which it is issued by the Registrar. Dr.Vandan Mohod, Deputy Registrar (academic)/Registrar, stated in para 4 of his aforesaid affidavit dated 11.6.2009 (Ex.943) that many times the Vice-Chancellor was on tour and it took sometime for the file to move back to ASO concerned in the Examination Section after his approval and signature upon the Manuscript of the Result Notification. According to him, many candidates including Ph.D. candidates rushed to the Examination Section to know their results and he therefore, continued to make enquiry about their results from the Vice-Chancellor or his office and if he came to know that the Results of the PG and Ph.D. candidates were ready for being declared in the sense that their Manuscripts were approved and signed by the Vice-Chancellor then without waiting for their files to come back to ASO concerned in the Examination Section and without waiting for his office notes and the Result Notifications prepared by him for declaration of Result which were forwarded to him for being issued the Results of such candidates were immediately declared by him by signing and issuing the Result Notifications prepared for declaration of their result. He however, made it clear that no results were declared unless the Vice-Chancellor had approved and signed the Manuscripts of the Result Notifications.

2349) Vide para 1754 of the Enquiry Report, in view of the above controversy between the concerned officers of the Examination Section relating to the date which the Result Notification for declaration of result signed by the Deputy Registrar (academic)/ Registrar should bear, two questions were framed for consideration as follows:

i) Whether the Result Notification for declaration of Result, can be prepared and issued without waiting for the file containing its Manuscript signed by the Vice-Chancellor in token of its approval to come back to the office of the Deputy Registrar (academic) i.e. to the concerned ASO in the Examination Section.

ii) Whether as per the convention / practice in the University, the Result Notification prepared for declaration of Result bears the date as on its Manuscript i.e. the date on which the Vice-Chancellor signed it or the date on which it is issued by the Deputy Registrar (academic)/Registrar.

2350) As regards the question no.(i), vide para 1755 of the Enquiry Report, Shri A.S.Katre, the Assistant Registrar (Exam.Section), stated in para 8 of his affidavit dated 12.6.2009 (Ex.944) that the Result of the candidate/s is in no case declared unless the file with the signature of the Vice-Chancellor upon the Manuscript of his/their Result Notification is received back in their office although the Result Notification for declaration of his/their result may bear the earlier date which is on its Manuscript i.e. the date on which the Vice-Chancellor approved and signed the Manuscript of his/their Result Notification. According to him, the Result Notification for declaration of Result is actually prepared after the file concerning it is received by them from the office of the Vice-Chancellor with his signature upon its Manuscript in token of its approval. Further, according to him, where there is urgency for declaration of Result of some candidates, the concerned clerk himself takes the file to the concerned officers and finally to the Vice-Chancellor and after he brings back the file with the signature of the Vice-Chancellor upon the Manuscript of the Result Notification about the concerned candidates, the Result Notification for declaration of their result is prepared and issued with the signature of the Deputy Registrar (academic)/ Registrar to declare their result, although, it bears the date as on its Manuscript as per the convention / practice in the University.

2351) Vide para 1756 of the Enquiry Report, as regards the above controversy between the above concerned officers in the Examination Section, Shri A.S.Katre, the Assistant Registrar (Exam.Section) and Shri P.T.Muley, ASO (Exam.Section) on one side and Dr.Vandan Mohod, the Deputy Registrar (academic)/Registrar on the other, the stand taken by the former is supported by the three files of the Result Notifications of the Ph.D. (Ex.904), M.Tech. (Agril.Engg.)(Ex.931), and M.Sc. (Agri.) candidates (Ex.932). Perusal of the said three files (Exs.904, 931 and 932) shows that all the Result Notifications therein prepared for declaration of Result bear the same date on their Manuscripts although the

dates upon the Result Notifications for declaration of Result were put after sometime when the files relating to them came back in the Examination Section after the signatures of the Vice-Chancellor upon their Manuscripts. It is after the receipt of the said files in the Examination Section that the Result Notifications for declaration of their Result were prepared and were put-up before the Deputy Registrar (academic)/Registrar for his signatures upon them for being issued.

2352) Vide para 1757 of the Enquiry Report, it includes the chart of some candidates in the said files (Exs.904, 931 and 932) to show that the Manuscripts of their Result Notifications and the Result Notifications for declaration of their Result bear the same date although the said date is put upon the Result Notifications for declaration of their Result sometime after their files are received back in the Examination Section of the University. The cases of some particular candidates referred to in the said chart are discussed in paras 1758 to 1763 of the Enquiry Report.

2353) Vide para 1764 of the Enquiry Report, the conclusion drawn therein from the said files (Exs.904, 931 and 932) is that according to the practice followed in the University, the Result Notification for declaration of Result bears the same date as on its Manuscript i.e. the date on which the Vice-Chancellor signed it as stated by Shri A.S. Katre, the Assistant Registrar (Exam.Section) and Shri P.T.Muley, ASO (Exam.Section), in their affidavits referred to therein and not the date on which it is issued by the Deputy Registrar (academic)/Registrar as stated by the Deputy Registrar (academic)/ Registrar, Dr.Vandan Mohod, in his affidavit referred to therein. It is particularly mentioned therein that many Result Notifications for declaration of Result contained in the files (Exs.904, 931 and 932) which bear the same date as on their Manuscripts are signed by Dr.Vandan Mohod, Deputy Registrar (academic)/Registrar himself although it is clear that he actually signed and issued them later on i.e. sometime after the date which they bear.

2354) Vide para 1765 of the Enquiry Report, as regards the question whether the Result Notifications for declaration of Result of the candidates concerned are prepared and issued after the files containing their Manuscripts signed by the Vice-Chancellor are received back in the Examination Section, perusal of the files (Exs.904, 931 and 932) submitted in this Enquiry would show that it is only after the said files are received back in the Examination Section after the approval and signature of the Vice-Chancellor upon their Manuscripts that the Result Notifications for declaration of their Result are prepared and issued. If there is any urgency then as stated by Shri A.S. Katre, the Assistant Registrar (Exam.Section), in para 8 of his affidavit dated 12.6.2005 (Ex.944) the concerned clerk from the Examination Section takes the file containing the Manuscript of the Result Notification of the concerned candidate/s to the officers concerned and brings it back after the signature of the Vice-Chancellor upon the said Manuscript and thereafter the Result Notification for declaration of Result of such candidate/s is prepared and the signature of the Deputy Registrar

(academic)/Registrar is taken upon it to declare his/their result but in no case according to him, the Results of the candidates are declared unless the file with the signature of the Vice-Chancellor upon the Manuscript of the Result Notification is received back in their office although it may bear the earlier date as on its Manuscript i.e. the date on which the Vice-Chancellor approved and signed its Manuscript.

2355) Dr.Vandan Mohod, the Deputy Registrar (academic)/Registrar himself stated in para 4 of his affidavit dated 11.6.2009 (Ex.943) that no Results were declared unless the Vice-Chancellor approved the Manuscripts of the Result Notifications by signing them. As stated by him in para 11 thereof, since as the Deputy Registrar (academic), he was authorized to issue the Result Notifications for declaration of Result, he would keep one enquiring from the Vice-Chancellor or his PA whether the Vice-Chancellor had approved and signed the Manuscripts of the Result Notifications whose files were sent to him because the students concerned would keep on asking him about their Results. If he thus learnt on phone that the Vice-Chancellor had approved the Manuscript of the Result Notification by signing it, there would be no difficult in bringing back the said file to his office immediately for preparation and issue of the Result Notification for declaration of Result of the concerned candidate/s by sending the Peon or the concerned clerk in his office to the office of the Vice-Chancellor. Therefore, as rightly stated by the Assistant Registrar (Exam. Section) Shri A.S. Katre, in his aforesaid affidavit dated 12.6.2009 (Ex.944), in no case the Result Notification for declaration of Result is issued unless the concerned file is received back in the Examination Section with the signature of the Vice-Chancellor upon its Manuscript.

2356) Vide para 1766 of the Enquiry Report, it is pointed out therein that the declaration of Result of examination of the candidates is a sensitive matter and when the Result of the candidates are to be declared, the Deputy Registrar (academic)/ Registrar must be sure that the Vice-Chancellor had signed the Manuscript of their Result Notification and there is no communication gap or any confusion about it in the sense that instead of the Manuscript of the Result Notification of the candidates in question, he signed the Manuscript of the Result Notification of some other candidates or he put signatures upon some other files not relating to the Result Notification particularly when as per para 33 of the Regulation AC/8 (Ex.32), it is only after the approval of the Vice-chancellor that the Registrar can declare the Result. He can be sure about it only when the file containing the Manuscript of the Result Notification comes back to his office and is actually examined by the officers/employees concerned. As observed in the said para they can have relook also before the declaration of Result to see that there is no defect in the preparation of the Manuscript of the Result Notification of the candidates concerned. It cannot therefore be accepted that the Result Notification for declaration of Result can be issued without receipt of the file containing its Manuscript signed by the Vice-Chancellor only on the basis of

having learnt on phone that the Vice-Chancellor had signed it. Whenever there is any urgency, if on telephonic enquiry being made, it is learnt from the Vice-Chancellor's office that he had signed the Manuscript of the Result Notification of the candidates in question then as stated by the Assistant Registrar (Exam. Section) Shri A.S. Katre, in his affidavit, the concerned clerk or peon in his office can bring back the file after the signature of the Vice-Chancellor upon the Manuscript of the Result Notification. In fact, the file (Ex.904) containing the Manuscript of the Result Notification of the Ph.D. candidates in question (Ex.904-A) was brought back in the office of the Deputy Registrar (Academic) by its peon on 14.6.2005 from the office of the Dean (PGS) after the signature of the Vice-Chancellor upon the said Manuscript (Ex.904) as shown hereinbefore

2357) Vide para 1767 of the Enquiry Report, two questions framed above on the basis of the affidavit of Dr.Vandan Mohod, the Deputy Registrar (academic)/Registrar are thus answered as follows :-

- i) The Result Notification for declaration of Result signed by Deputy Registrar (academic)/ Registrar cannot be prepared and issued unless the file containing its Manuscript signed by the Vice-Chancellor in token of its approval comes back to the office of the Deputy Registrar (academic) and / or concerned ASO in the Examination Section. It is only after the receipt of the said file in the Examination Section that the Result Notification for declaration of Result is prepared and issued
- ii) As regards the date to be put upon the Result Notification for declaration of result as per the convention / practice in the University, the Result Notification prepared for declaration of Result bears the same date as on its Manuscript i.e. the date on which the Vice-Chancellor signed it and not the date on which it is issued by the Registrar as stated by Dr.Vandan Mohod, the Deputy Registrar (academic)/ Registrar in para 9 of his additional affidavit dated 11.6.2009 (Ex.943).

a-7) The date on which the Result Notifications for declaration of Result (Exs.904-B, 917 and 919) were officially i.e. as per the rules and practice in the University prepared and issued

(Vide paras 1768 to 1777 of the Enquiry Report)

2358) Vide para 1768 of the Enquiry Report, as stated by Shri P.T.Muley, ASO (Exam. Section), and Shri A.S. Katre, the Assistant Registrar (Exam.Section), in their affidavits referred to in the said para, the Result Notifications for declaration of Result of the above candidates (Exs.904-B, 917 and 919) were prepared and issued on 14.6.2005 although the date 14.6.2005 printed upon them was corrected to 13.6.2005. As shown hereinbefore, the files (Exs.904, 931 and 932) containing the Manuscripts of the aforesaid Result

Notifications for declaration of Result (Exs.904-A, 916 and 918) signed by the Vice-Chancellor were brought back in the Examination Section by its Peon on 14.6.2005 and therefore the aforesaid Result Notifications for declaration of Result of the above candidates (Exs.904B, 917 and 919) could not have been officially i.e. as per the rules and practice in the University prepared and issued before 14.6.2005. Further, as stated by Shri P.T.Muley, ASO (Exam.Section), and Shri A.S.Katre, the Assistant Registrar (Exam.Section) in their aforesaid additional affidavits the dates on the Manuscripts of the Result Notifications (Exs.904, 916 and 918) and the Result Notifications for declaration of Result (Exs.904-B, 917 and 919) were written on 14.6.2005 itself. If the Result Notification for declaration of Result of the Ph.D. candidates Ku. Swati G. Bharad, and Shri A.D.Warade, was actually prepared and issued on 14.6.2005 although it bears the corrected dated 13.6.2005, its copy could not have been given to Ku. Swati G. Bharad on 13.6.2005 as stated by her.

2359) Vide para 1770 of the Enquiry Report, as regards the procedure followed in the University in actual declaration of Result of the candidates, Shri P.T.Muley, ASO (Exam.Section) stated in para 11 of his affidavit dated 20.4.2009 (Ex.914) that he had prepared 15 to 20 xerox copies of the Result Notification for declaration of Result (Ex.904B) signed by Dr.Vandan Mohod, and had handed them over to the despatcher on 15.6.2004 for being forwarded to the officers/offices as shown on their backside. He then stated in para 12 of his aforesaid affidavit that they were sent to the offices/officer on 15.6.2005 or 16.6.2005. According to him, as stated by him in para 13 of his aforesaid affidavit, the copies of the Result Notification for declaration of Result (Ex.904-B) were also handed over on each table in the Examination Section on 16.6.2005 including the table of the despatcher and the concerned clerk who issued provisional degree certificates (PDC). He however, categorically stated therein that the copy of the Result Notification (Ex.904-B) signed by Dr.Vandan Mohod, the Deputy Registrar (academic) /Registrar was never put upon the notice board in the Examination section.

2360) Vide para 1769 of the Enquiry Report, as stated by Shri P.T.Muley, ASO (Exam.Section) in para 14 of his aforesaid affidavit dated 20.4.2009 (Ex.914) the candidates whose results are declared cannot know their result unless the Result Notification prepared for declaration of their Result is signed by the Deputy Registrar (academic)/Registrar and the copies thereof are forwarded to the officers/offices etc. as stated above. Therefore, according to him, Ku. Swati G.Bharad, and Shri Atul D.Warade, could not have known their result on 13.6.2005 although according to him, on that day the Vice-Chancellor had approved and signed the Manuscript of their Result Notification (Ex.904-A) which date according to the practice/convention in the University was also put upon the Result Notification for declaration of Result (Ex.904B) although it was actually prepared and was signed by Dy. Registrar (academic)/ Registrar Dr.Vandan Mohod, on

14.6.2005. As stated by him therein, they could know their result only when the copies thereof were circulated on 15th or 16th June, 2005, vide paras 12 and 13 of his aforesaid affidavit.

2361) Vide para 1771 of the Enquiry Report, it is pertinent to see that as stated by Shri P.T.Muley, ASO (Exam.Section), in para 9 of his affidavit dated 20.4.2009 (Ex.914), and by Shri A.S.Katre, the Assistant Registrar (Examination Section), in para 7 of his affidavit dated 7.4.2009, the copy of the Result Notification for declaration of Result of the candidates is not given to any student but he can get either provisional degree certificate (PDC) if he needs his result urgently and / or transcript of Mark-sheet, vide para 33 of Regulation AC/8 in this regard. Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar, also stated in para 12 of his affidavit dated 11.6.2009 (Ex.943) that according to Regulation AC/8, the copy of the Result Notification is not given to any student.

2362) Vide para 1772 of the Enquiry Report, although Shri A.S.Katre, the Assistant Registrar (Examination Section) who made correction in the printed date upon the Result Notification for declaration of Result of the above Ph.D. candidates (Ex.904B) stated in para 9 of his affidavit dated 12.6.2009 (Ex.944) that the printed date upon the said Result Notification (Ex.904-B) was 14.6.2005 which was corrected by him to 13.6.2005 because the date put upon its Manuscript (Ex.904-A) was 13.6.2005, when Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar was questioned about it, he stated in para 13 of his affidavit dated 11.6.2009 (Ex.943) that the said Result Notification for declaration of Result (Ex.904-B) was signed by him on 13.6.2005 and therefore bears the said date. He however, admitted therein that had it been prepared on 13.6.2005, there was no need to make any correction therein but according to him, it might have been presumably prepared on 9.6.2005 and the date put upon it might have been 9.6.2005 but since it was signed and issued by him on 13.6.2005, the said date was corrected as 13.6.2005.

2363) Vide para 1773 of the Enquiry Report, as regards the above statement of Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar that the Result Notification for declaration of Result of the above Ph.D. candidates (Ex.904-B) was signed and issued by him on 13.6.2005, the said statement cannot be believed for the simple reason that the file (Ex.904) containing the Manuscript of the Result Notification of the above candidates (Ex.904-A) was itself brought back in the Examination Section by its peon on 14.6.2005 whereafter as stated by Shri P.T.Muley, ASO (Exam.Section) and Shri A.S.Katre, the Assistant Registrar (Exam.Section) the aforesaid Result Notification for declaration of Result of the above candidates (Ex.904-B) was prepared and was signed by Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar. In this regard it may be seen that after the said file (Ex.904) was received in the Examination Section on 14.6.2005, Shri P.T.Muley, ASO (Exam.Section) had written an office note in the said file (Ex.904) in which it is stated by him that the Notification meaning thereby the Result Notification for declaration of Result

of the above candidates (Ex.904-B) which was included by him in the said file (Ex.904) should kindly be signed for being issued. The said office note was forwarded to Dr.Vandan Mohod, the Deputy Registrar (academic)/ Registrar, who signed it on the same day putting the said date 14.6.2005 below his signature. As stated by Shri P.T.Muley, ASO (Exam.Section), he simultaneously signed the said Result Notification for declaration of Result (Ex.904B) on that date i.e. 14.6.2005. What is important to be seen is that while signing and putting the date 14.6.2005 below his signature, Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar did not state that since the Result Notification for declaration of Result of the above Ph.D. candidates was already signed and issued by him on 13.6.2005 i.e. on the previous day, there was no need to issue the said Result Notification for declaration of their Result (Ex.904-B) again on 14.6.2005. On the other hand, as stated by Shri P.T.Muley, ASO (Exam.Section), he signed the said Result Notification for declaration of Result (Ex.904B) simultaneously when he signed the said office note putting the date 14.6.2005 below his signature.

2364) Vide para 1774 of the Enquiry Report, therefore, as rightly stated by Shri P.T.Muley, ASO (Exam.Section) and Shri A.S.Katre, Assistant Registrar (Exam.Section), in paras 14 and 19 of their respective affidavits dated 20.4.2009 (Ex.914) and 12.6.2009 (Ex.944), the Result Notification for declaration of Result of the above Ph.D. candidates (Ex.904B) was officially i.e. as per the rules and practice in the University issued on 14.6.2005 whereafter as stated by Shri P.T.Muley, ASO (Exam.Section) in paras 12 and 13 of his aforesaid affidavit dated 20.4.2009 (Ex.914), the copies thereof were forwarded on 15th or 16th June, 2005 to the officers / offices mentioned on their backside and also to the concerned tables in the Examination Section and it is only then that, as stated by him in para 14 thereof, the above Ph.D. candidates Ku. Swati G. Bharad and Shri A.D.Warade could know their Result.

2365) Vide para 1775 of the Enquiry Report, as regards the date/s on which the Result Notifications for declaration of Result of the concerned candidates (Ex.904B, 917 and 919) in the files (Ex.904, 931 and 932) were signed by Dr.Vandan Mohod, the Deputy Registrar (academic)/ Registrar it is necessary to see that, as stated by him in para 16 of his aforesaid affidavit dated 11.6.2009 (Ex.943), after he learnt on his mobile phone that the Vice-Chancellor had approved and signed in the evening hours on 8.6.2005 the Manuscripts of the Result Notifications of the concerned candidates (Exs.904-A, 916 and 918) whose files (Exs. 904, 931 and 932) were sent to him, he attended his office only on 13.6.2005 as he was not in Akola but was out of station from 7.6.2005 to 11.6.2005 and 11.6.2005 and 12.6.2005 were holidays being 2nd Saturday and Sunday. Perusal of para 12 of his aforesaid affidavit dated 11.6.2009 (Ex.943) would show that on 13.6.2005 when he went to his office at about 9.30 or 9.45 A.M. in the morning, he received telephone call from the Technical Secretary to the Vice-Chancellor that he had to act as Registrar from that date

and had therefore, to attend as Ex-officio Member Secretary, the meeting of the Selection Committee which was scheduled to commence from that day for interviews of the candidates for these posts of SRA/JRA. According to him, at that time no officer or clerk in his office had come to him nor the candidates concerned including Ku. Swati G.Bharad for making enquiry about their Result but there were “files on his table presumably about the Result Notifications of the above candidates” in which he put signatures hurriedly and left for the meeting of the Selection Committee. Further, according to him, he did not know as to what happened in his office as regards the above Result Notifications after he signed them i.e. he did not know whether their copies were made out or not or whether they were sent to the officers/offices shown on their backside or not or whether the copy of the same was put-up upon the notice board or not. He however, improved his above version in para 16 of his aforesaid affidavit in which he stated that on 13.6.2005, alongwith the Result Notifications of the above candidates there were also other files and that he knew that the Result Notifications which were to be issued for declaration of Result and which were put-up on his table for his signatures were the Result Notifications of the above candidates. The above statement in para 16 of his aforesaid affidavit was made by him in this Enquiry on 11.6.2009 i.e. some time after he made the above statement in the aforesaid para 12 of his affidavit. The improvement made by him in para 16 of his affidavit seeking to state that he signed the Result Notifications for declaration of result of the above concerned candidates (Exs.904-B, 917 and 919) on 13.6.2005 in the morning cannot be believed as shown hereinafter.

2366) Vide para 1776 of the Enquiry Report, according to the statement of Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar, in para 12 of his affidavit dated 11.6.2009 (Ex.943) reproduced above he did not definitely know what the subject matter of the files upon his table was, muchless that they were about the Result Notifications of the above candidates since he had no time to go through them. He himself stated therein that he hurriedly put his signatures upon the said files and left for the meeting of the Selection Committee. His statement that he signed and issued the Result Notification of the above Ph.D. candidates (Ex.904B) on 13.6.2005 cannot be true also for the reason that the file (Ex.904) containing its Manuscript (Ex.904-A) alongwith the files (Exs.931 and 932) which contained the Manuscripts of the Result Notifications of the M.Tech. (Agril.Engg.) and M.Sc. (Agri.) candidates (Exs. 916 and 918) signed by the Vice-Chancellor were brought back in his office by its Peon on 14.6.2005 from the office of the Dean (PGS) as is clear from the file Movement Register (Ex.924) of the office of the Dean (PGS) which contained his signature in token of its receipt. The said files (Exs.904, 931 and 932) containing the Manuscripts of the Result Notifications of the above referred candidates signed by the Vice-Chancellor (Exs.904-A, 916 and 918) could not have therefore been placed upon his table on 13.6.2005 as stated by him in para 12 of his aforesaid affidavit. There was

therefore no question of putting his signatures upon the said files (Exs.904, 931 and 932) on 13.6.2005 as stated by him therein.

2367) Vide para 1777 of the Enquiry Report, as stated above, there was important improvement made by Dr.Vandan Mohod, the Deputy Registrar(Academic)/ Registrar in para 16 of his aforesaid affidavit dated 11.6.2009 (Ex.943) regarding his statement in para 12 referred to above because during the time lag in recording his statement in para 12 and his statement in para 16 in this enquiry, he realized that it had come on record in this enquiry that the files (Ex.904, 931 and 932) containing the Manuscripts of the Result Notifications of the above candidates signed by the Vice-Chancellor (Exs.904A, 916 and 918) were brought back in his office by its Peon on 14.6.2005 and they could not have been placed upon his table on 13.6.2005. However, in order to any how justify that he signed the Result Notifications for declaration of Result of the above candidates (Exs. 904-B, 917 and 919) on 13.6.2005 for reasons better known to him, he made categorical statement in para 16 of his aforesaid affidavit that alongwith the other files there were Result Notifications for declaration of Result placed upon his table on 13.6.2005 for his signatures which he knew were of the above candidates when what he stated earlier in para 12 of his aforesaid affidavit was that there were some files placed upon his table for his signatures presumably about the Result Notifications of the above candidates in which he put his signatures hurriedly and left for the meeting which would show that he did not know their contents particularly when according to him, no officer or clerk in his office had come to him at that time to apprise him about the contents of the said files nor the candidates including Ku. Swati G. Bharad had come to him for making enquiry about their Result.

2368) Be that as it may, as already held, it is difficult to believe that before the files (Exs.904, 931 and 932) containing the Manuscripts of the aforesaid Result Notifications signed by the Vice-Chancellor (Exs.904-A, 916 and 918) were received in the Examination Section, the Result Notifications for declaration of Result of the said candidates (Exs.904B, 917 and 919) could be officially i.e. as per the rules and practice in the University prepared and issued on 13.6.2005. As rightly stated by Shri P.T.Muley, ASO (Exam. Section) and Shri A.S.Katre, the Assistant Registrar (Exam. Section), in their affidavits referred to in para 1768 of the Enquiry Report, as per rules and practice in the University, the said Result Notifications for declaration of Result of the said candidates (Exs.904B, 917 and 919) were prepared and were signed by Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar on 14.6.2005 after their files (Exs.904, 931 and 932) were brought back in the Examination Section by its peon on that day and were issued thereafter by forwarding their copies to the officers/offices and the tables concerned as stated by Shri P.T.Muley, ASO (Exam.Section) in paras 12 and 13 of his affidavit dated 20.4.2009 (Ex.914) when only the above Ph.D. candidates Ku. Swati G.Bharad and Shri A.D.Warade could know their result as stated by him in para 14 thereof.

a-8) Copy of the Result Notification for declaration of Result (Ex.864) given to Ku. Swati G.Bharad in surreptitious manner

(Vide paras 1778 to 1781 of the Enquiry Report)

2369) Vide para 1778 of the Enquiry Report, as shown in the previous topic, the Result Notification for declaration of result of the Ph.D. candidates (Ex.904-B) was officially i.e. as per the practice and procedure followed in the University, prepared and issued on 14.6.2005 after the file (Ex.904) containing its Manuscript (Ex.904-A) signed by the Vice-Chancellor was brought back in the Examination Section by its Peon on that day i.e. 14.6.2005 and therefore its copy could not have been given to any candidate on 13.6.2005. The fact, however, remains that as stated by Ku. Swati G. Bharad in para 3 of her affidavit dated 9.3.2009 (Ex.865), she received from some person in the Examination Section whose name she did not know, the copy of the Result Notification for declaration of her Result in the morning on 13.6.2005 when she went to the said section to enquire whether her result was declared or not as she needed it for her interview for the post of SRA (Agri.) fixed on that day itself. She annexed the said copy of the Result Notification for declaration of Result to her aforesaid affidavit marked separately as Ex.864 in this Enquiry. According to her, she immediately went back to the place of her interview and showed the Verifying officers the said copy of the Result Notification for declaration of result (Ex.864) on the basis of which, according to her, she received 10 marks for acquiring Ph.D. degree as shown in the chart (Ex.38(O)). Perusal of the said chart Ex.38(O), however, shows that, no document was referred to by the Verifying officers on the basis of which they awarded her 10 marks for acquiring Ph.D. degree.

2370) Vide para 1779 of the Enquiry Report, if the copy of the Result Notification for declaration of her result (Ex.864) was handed over to Ku. Swati G. Bharad, on 13.6.2005 in the morning, although the Result Notification for declaration of Result of the Ph.D. candidates (Ex.904-B) was officially prepared and issued only on 14.6.2005, it would mean that the said copy of the Result Notification for declaration of her result (Ex.864) was prepared on that day i.e. 13.6.2005 from the Manuscript of the Result Notification fed in the computer of Shri D.K.Bagde, the then Section Assistant (Exam. Section) by deleting the names/ designations of all the concerned officers in the University feeding therein only the designation of the Registrar, Dr.PDKV, Akola. Otherwise, it would mean that even without showing the copy of the Result Notification for declaration of her result (Ex.864) she was awarded 10 marks by Verifying Officers particularly when in the chart Ex.38(O) no document was referred to by them on the basis of which they awarded her 10 marks and she might have received the said copy of her Result Notification (Ex.864) later on after the Result Notification for declaration of result of the concerned Ph.D. candidates (Ex.904-B) was prepared and issued on 14.6.2005 and its copies were circulated on 15th or 16th June 2005. Although Ku. Swati G.Bharad received the copy of her Result Notification (Ex. 864)

which she annexed to her aforesaid affidavit dated 9.3.2005 (Ex.865), none of the concerned officers viz. Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar, Shri A.S.Katre, Assistant Registrar (Exam. Section) and Shri P.T.Muley, ASO (Exam.Section) are ready to accept the responsibility about giving her the said copy (Ex.864). In fact they stated in their respective affidavits that Ku. Swati G.Bharad, had not approached them for making enquiry about her result and that they had not handed over the copy of the Result Notification for declaration of Result (Ex.864) to her on that day i.e. 13.6.2005. It thus appears that none of them is telling the truth.

2371) According to all the above-referred officers of the University viz. Dr.Vandan Mohod, Deputy Registrar (academic)/Registrar, Shri A.S.Katre, Asstt. Registrar (Exam.Section), and Shri P.T.Muley, ASO (Exam. Section), the copy of the Result Notification for declaration of result is not given to any student as per rules and practice in the University and if any student wants to know his result urgently, he is required to apply for getting P.D.C., transcript of Mark-sheet etc. as provided in para 33 of Regulation AC/8 (Ex.32) (See Para 1771 of the Enquiry Report). Vide para 1780 of the Enquiry Report, if the copy of the Result Notification for declaration of Result is not given to any student as per the University rules and practice, it is surprising how Ku. Swati G.Bharad, received the copy of the Result Notification for declaration of her result particularly when all the aforesaid 3 concerned officers of the University denied that they had given it to her. Although Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar, stated in para 16 of his affidavit dated 11.6.2009 (Ex.943) that the Result Notification for declaration of her result was signed by him on 13.6.2005, he is not forthright in stating that he or under his orders the copy of the Result Notification for declaration of Result (Ex.864) was given to her on that day i.e. 13.6.2005 as her interview was fixed on that day itself. On the other hand, he stated in para 12 of his aforesaid affidavit dated 11.6.2009 (Ex.943) that she had not come to him on that day. In other words, it means that the copy of the Result Notification for declaration of her result (Ex.864) was given to her in surreptitious manner particularly when as per the rules and practice in the University it is not given to any student and also when officially i.e. as per the practice and procedure followed in the University the Result Notification for declaration of Result of the said Ph.D. candidates Ku. Swati G. Bharad and Shri A. D.Warade (Ex.904-B) was officially prepared and issued on 14.6.2005.

2372) Vide para 1781 of the Enquiry Report, it is necessary to see that the Result of any Examination cannot be said to be declared merely when the Competent authority authorised to declare the result signed the Result Notification but it can be said to be declared only when it is notified / published thereafter in the prescribed manner. As regards the declaration of Result of PG and Ph.D. Examination, as per the practice and procedure followed in the University, after the signature of the Deputy Registrar (academic)/ Registrar

upon the Result Notification for declaration of Result, the copies thereof are forwarded to the offices/officers as mentioned on their back side and to the concerned tables in the Examination Section and are notified upon the notice-board in the Examination Section or the college concerned. In this regard, Shri P.T.Muley, ASO (Exam.Section) stated in para 14 of his affidavit dated 20.4.2009 (Ex.914) that the candidates whose results are to be declared cannot know their result unless the Result Notification prepared for declaration of Result is issued by the Deputy Registrar (academic)/ Registrar and the copies thereof are forwarded to the offices/officers etc. as described by him in paras 12 and 13 of his aforesaid affidavit. Therefore, according to him, the candidates Ku. Swati G. Bharad and Shri Atul D. Warade could not have known their result on 13.6.2005 but could know it only when the copies of the Result Notification for declaration of their result (Ex.904-B) actually signed by Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar on 14.6.2005 were circulated on 15th or 16th June 2005, vide paras 12 and 13 of his aforesaid affidavit. If Ku. Swati G. Bharad received the copy of the Result Notification for declaration of her Result (Ex.864) on 13.6.2005, although as per the University rules and practice in the University it is not given to any student, it means that the copy of the said notification (Ex.864) was handed over to her surreptitiously contrary to practice and procedure followed in the University.

a-9) Confusion about putting the dates upon the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) and the Result Notifications for declaration of Result (Exs. 904-B, 917 and 919) contained in the files (Exs. 904, 931 and 932)

(Vide paras 1782 to 1802 of the Enquiry Report)

2373) The Manuscripts of the Result Notifications of the concerned candidates (Exs.904-A, 916 and 918) bear the dates as follows :-

- i) The Manuscript of the Result Notification of the Ph.D. candidates in question Ku. Swati G.Bharad and Shri A.D.Warade, contained in the file (Ex.904) bears the date 13.6.2005
- ii) The Manuscript of the Result Notification of the M.Tech. (Agri.) candidate (Ex.916) contained in the file (Ex.931) also bears the date 13.6.2005.
- iii) However, the Manuscript of the Result Notification of the 3 M.Sc. (Agri.) candidates (Ex.918) contained in the file (Ex.932) bears the date 9.6.2005.

2374) As regards the dates upon the Result Notifications for declaration of Result of the above candidates (Exs.904-B, 917 and 919) contained in the files (Exs.904, 931 and 932), they all bear corrected date 13.6.2005.

2375) As regards the date to be put upon the Manuscript of the Result Notification signed by the Vice-Chancellor there is no dispute amongst the concerned officers of the Examination Section in the University viz. Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar, Shri A.S.Katre, the Assistant Registrar (Exam. Section), and Shri P.T.Muley, ASO (Exam.Section) that according to the practice in the University the date put upon it is the date on which the Vice-Chancellor signed it. There is also no dispute amongst them that the date upon the Manuscript of the Result Notification is put by Shri P.T.Muley, ASO (Exam.Section) in ink in his own handwriting after the file containing it is received back in the Examination Section from the office of the Vice-Chancellor after his signature upon it.

2376) As regards the date to be put upon the Result Notification for declaration of Result, vide para 1792 of the Enquiry Report, according to Shri P.T.Muley, ASO (Exam.Section), and Shri A. S. Katre, the Assistant Registrar (Exam.Section) who have long experience of this work, as per the practice in the University, the Result Notification for declaration of Result bears the same date as on its Manuscript i.e. the date on which the Vice-Chancellor signed it. In other words, both bear the same date. See paras 4, and 2 of their respective affidavits dated 20.4.2009 (Ex.914) and 12.6.2009 (Ex.944). However, Dr.Vandan Mohod, Deputy Registrar (academic)/Registrar, took the stand in this enquiry as stated by him in para 9 of his affidavit dated 11.6.2009 (Ex.943) that the Result Notification for declaration of Result bears the date on which it is issued by the Registrar. The said stand taken by him is false to his own knowledge as is clear from the files (Exs.904, 931 and 932) which contain many Result Notifications for declaration of Result signed and issued by him which would show that they bear the same date as on their Manuscripts although they were signed and issued by him later on when the files containing their Manuscripts were received back in the Examination Section whereafter the said Result Notifications for declaration of Result were prepared and issued. The Result Notifications for declaration of Result (Exs.904-B, 917 and 919) should have also therefore borne the same date i.e. the date on which the Vice-Chancellor signed their Manuscripts (Exs.904-A, 916 and 918).

2377) Thus, all the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) and the Result Notifications for declaration of Result (Exs.904-B, 917 and 919) contained in the files (Exs.904, 931 and 932) should have borne the date 9.6.2005 which is treated as the date on which the Vice-Chancellor signed the Manuscripts of the Result Notifications (Exs.904-A, 916 and 918) since he actually signed them in the evening hours on 8.6.2005. However, the Manuscripts of the Result Notifications of Ph.D. and M.Tech. (Agril.Engg.) candidates (Exs.904-A, and 916) and the Result Notifications for declaration of their Result (Exs.904-B, and 917) bear the date 13.6.2005 while the Manuscript of the Result Notification for declaration of Result of 3 M.Sc. (Agri.) candidates (Ex.918) bears the date 9.6.2005, although the Result Notification for declaration of their Result (Ex.919) bears the

date 13.6.2005. The question is why the date 13.6.2005 is put upon the aforesaid Manuscripts as well as the Result Notifications for declaration of Result when as per the practice followed in the University all of them should have borne the date 9.6.2005.

2378) The reason why instead of 9.6.2005 the date 13.6.2005 is written upon the Manuscripts and the Result Notifications for declaration of Result referred to above appears to be in the fact that contrary to the practice and procedure followed in the University in preparation and issue of the Result Notification for declaration of Result, the copy of the Result Notification for declaration of result of the Ph.D. candidates (Ex.864) was given to Ku. Swati G. Bharad on 13.6.2005 i.e. even before the file (Ex.904) containing its Manuscript (Ex.904-A) signed by the Vice-Chancellor was received back in the Examination Section on 14.6.2005. As already held, the Result Notification for declaration of result of the above Ph.D. candidates (Ex.904B) was officially prepared on 14.6.2005 after the file (Ex.904) containing its Manuscript signed by the Vice-Chancellor was received back in the Examination Section on that day and was issued thereafter. It is pertinent to see that there was printed date upon the said Result Notification for declaration of result (Ex.904-B), and the copy (Ex.864) handed over to Ku. Swati G. Bharad, which was changed by Shri A.S.Katre, Assistant Registrar (Exam.Section) in his own handwriting to 13.6.2005. Dr.Vandan Mohod, Deputy Registrar (academic)/ Registrar stated in para 13 of his affidavit dated 11.6.2009 (Ex.943) that on careful perusal of the said date, according to him, the printed date put upon the said Notification (Ex.904-B) was 9.6.2005, although according to Shri A.S.Katre, Assistant Registrar (academic)/Registrar it was 14.6.2005 i.e. the date on which it was prepared after its file (Ex.904) was received back in the Examination Section on that day. In all probabilities, however, as stated by Dr.Vandan Mohod, Deputy Registrar (academic)/Registrar, the earlier printed date upon the said Notification (Ex.904B) must have been 9.6.2005 not because it was prepared on that day as stated by him therein---in fact it was prepared on 14.6.2005 as stated above---but because according to the practice followed in the University the date put upon the Result Notification for declaration of Result is also the same date on which the Vice-Chancellor signed its Manuscript, vide para 1781 of the Enquiry Report. As held above, since the Vice-Chancellor actually signed the Manuscripts of the said Result Notifications (Exs.904-A), 916 and 918) in the evening hours on 8.6.2005 the date 9.6.2005 was treated as the date on which he signed them.

2379) The above printed date upon the said Result Notification for declaration of Result (Ex.904-B) was changed by Shri A.S.Katre, Assistant Registrar (Exam.Section) and the date 13.6.2005 was put upon it by him presumably at the instance of Dr.Vandan Mohod, Deputy Registrar (academic)/Registrar who, with an ulterior motive to cover up the action of handing over surreptitiously the copy of the Result Notification for declaration of Result of the Ph.D. candidates (Ex.864) to Ku. Swati G.Bharad on 13.6.2005 on which date her

interview was fixed so as to enable her to enhance her merit by getting 10 marks for acquiring Ph.D. degree, had taken the stand that the Result Notification for declaration of result bears the date on which it is issued by the Registrar. The above stand taken by him is false to his own knowledge because as held in para 1764 of the Enquiry Report, all the Result Notifications for declaration of Result without exception actually signed and issued by him as seen from the files (Ex.904, 931 and 932) bear the same date as on their Manuscripts although they were signed and issued by him later on after the files containing their Manuscripts were received back in the Examination Section whereafter they were prepared, signed and issued by him.

2380) However, putting the date 13.6.2005 upon the above Result Notification for declaration of result of Ph.D. candidates had created some dilemma before Shri P.T.Muley, ASO (Exam.Section) and Shri A.S.Katre, Asstt.Registrar (Exam.Section) who put the dates upon the Manuscripts (Exs. 904-A, 916 and 918) and the Result Notification for declaration of result (Exs. 904-B, 917 and 919) respectively on 14.6.2005 after their files (Exs. 904, 931 and 932) were received back in the Examination Section since, according to them, as per the practice and procedure followed in the University, the Result Notification for declaration of Result bears the same date as on its Manuscript. As the date put upon the Result Notification for declaration of Result of the above Ph.D. candidates (Ex.904-B) and its copy (Ex.864) was 13.6.2005. Shri P.T.Muley, ASO (Exam.Section) put the same date 13.6.2005 in his own handwriting upon the Manuscript of the Result Notification of Ph.D. candidates (Ex-904-A). However, while putting the date upon the Manuscripts of the other Result Notifications (Exs. 916 and 918) contained in the files (Exs.931 and 932) which were signed by the Vice-Chancellor on the same day as the Manuscript of the Ph.D. candidates (Ex.904-A) referred to above, he appears to be confused in his mind because of which there was some overwriting in putting the same date 13.6.2005 upon the Manuscript of the Result Notification of M.Tech. (Agril.Engg.) candidate (Ex.916) but as regards the Manuscript of the Result Notification of 3 M.Sc. (Agri.) candidates (Ex.918), he put the correct date 9.6.2005 which was in his mind.

2381) As regards the dates put upon the Result Notifications for declaration of Result of M.Tech. (Agril.Engg.) and M.Sc. (Agri.) candidates, (Exs.917 and 919), according to Shri A.S.Katre, Assistant Registrar (Exam.Section) who put the dates upon them in his own handwriting the printed date upon them was 14.6.2005 which he corrected to 13.6.2005. It is difficult to believe that the printed date upon the Result Notifications for declaration of Result (Exs.917 and 919) would be 14.6.2005 because all of them knew that the date to be put upon them would not be the date on which they were actually prepared but would be the same date as on their Manuscripts. Be that as it may, what is material to be seen is that according to him, he put the date 13.6.2005 because their Manuscripts contained the said date which would mean that the Result Notifications for declaration of Result bear the same

date as on their Manuscripts. However, the date upon the Manuscript of the Result Notification of M.Sc. (Agri.) candidates (Ex.918) was 9.6.2005 and therefore the Result Notification for declaration of their result (Ex.919) should have borne the same date but he explained it by stating that he had before him the Manuscripts of the other two Result Notifications (Exs.904-A, and 916) and therefore he put the date 13.6.2005 upon the said Result Notification for declaration of Result of M.Sc. (Agri.) candidates (Ex.919) also.

2382) Shri P.T.Muley, ASO (Exam.Section), who admittedly puts the date upon the Manuscript of the Result Notification after the file containing it is received by him in the Examination Section sought to justify the date 13.6.2005 put by him upon the Manuscript of the Result Notification of Ph.D. candidates (Ex.904-A) as the date on which the Vice-Chancellor signed the said Manuscript (Ex.904-A) initially by stating in para 7 of his affidavit dated 20.4.2009 (Ex.914) that since the Vice-Chancellor signed the said Manuscript (Ex.904-A) on 13.6.2005, he put the said date upon it. However, when it was revealed in this enquiry that the Vice-Chancellor actually signed the Manuscripts of all the aforesaid Result Notifications (Exs.904-A, 916 and 918) in the evening hours on 8.6.2005 and their files (Exs. 904, 931 and 932) were sent to Dean (PGS), on the next day i.e. 9.6.2005, he tried to shift the responsibility about putting the dates upon the Manuscripts of the Result Notifications of the above candidates (Ex.904-A, 916 and 918) upon the Assistant Registrar, Shri A.S.Katre (Exam.Section) by stating that he put the dates upon them as told to him by him, although according to Shri A.S.Katre, the Assistant Registrar (Exam.Section) since it was his duty to put the date upon the Manuscript of the Result Notification it was he who made enquiry about the date on which the Vice-Chancellor signed the said Manuscripts (Exs. 904-A, 916 and 918) and accordingly put the dates upon them. As regards the dates put by him upon the Result Notification for declaration of result (Exs.904-B, 917 and 919) he stated that he put the same dates upon them as on their Manuscripts.

2383) It may be seen that the whole confusion about putting the dates upon the Result Notifications of the concerned candidates (Exs.904-A, 916 and 918) and the Result Notifications for declaration of Result (Exs.904-B, 917 and 919) had occurred because instead of putting uniformly the date 9.6.2005 upon all of them which is treated as the date on which the Vice-Chancellor signed the Manuscripts Exs. 904-A, 916 and 918, the date 13.6.2005 was put upon the copy of the Result Notification which was handed over surreptitiously to Ku. Swati G. Bharad on 13.6.2005 to enable her to enhance her merit by getting 10 marks for acquiring Ph.D. degree although, according to the University rules and practice, the copy of the Result Notification for declaration of result is not given to any student. In fact it was illegally handed over to Ku. Swati G. Bharad in surreptitious manner on 13.6.2005 without waiting for her file (Ex.904) to come back in the Examination Section after the signature of the Vice-Chancellor upon the Manuscript of her Result Notification

(Ex.904-A). The said file (Ex.904) was received in the Examination Section on 14.6.2005 after which on that day not the true date on which the Vice-Chancellor signed the Manuscript (Ex.904-A) but the same date 13.06.2005 which the copy of her Result Notification (Ex.864) bore was put upon it by Shri P. T. Muley, ASO (Exam.Section) in order to show that the Result Notification for declaration of her Result bears the same date as on its Manuscript. As regards the Result Notification for declaration of result of the above Ph.D. candidates (Ex.904-B), after the file (Ex.904) containing its Manuscript (Ex.904-A) signed by the Vice-Chancellor was received back in the Examination Section on 14.6.2005, the said Result Notification (Ex.904-B) was prepared on 14.6.2005 as is clear from the office note of Shri P.T.Muley, ASO (Exam.Section) contained in the said file (Ex.904) signed by Dr.Vandan Mohod, the Deputy Registrar (academic)/ Registrar who put the date 14.6.2004 below his signature thereon. The said Result Notification (Ex.904-B) was then signed by him and was issued thereafter. In ordinary course, as stated by Shri P.T. Muley, ASO. Exam. Section, in para 14 read with paras 12 and 13 of his affidavit dated 20.4.2009 (Ex.914), officially i.e. as per the usual practice and procedure followed in the University, Ku. Swati G.Bharad and Shri A.D.Warade, the Ph.D. candidates concerned could have known their result only when the copies of the Result Notification for declaration of Result (Ex.904-B) were forwarded to the officers/offices as shown on their back side and to the tables concerned in the Examination Section on 15th or 16th June, 2005 whereafter if they needed their result urgently, they could get P.D.C. as provided in para 33 of Regulation AC/8 (Ex.32).

b) **Pravin V. Patil, son of Dr. V. D. Patil, the Chairman of the Selection Committee.**

2384) The criteria for academic evaluation of SRA/JRA including the criteria of awarding 8 marks for thesis submission was laid down by Dr.V.D. Patil, the Chairman of the Selection Committee, in consultation with Dr.E.R. Patil, Associate Dean (PGI) and the then Registrar, Shri R.B.Bali and as regards the marking system of awarding marks for Ph.D. degree acquired, thesis submitted, research papers/popular articles published and/or significant contribution made after the last date of application i.e. 15.09.2004, it was adopted by him on his own keeping in view the interests of the high profile candidates including Shri Pravin Patil, his son. The criteria for academic evaluation of SRA/JRA and in particular the criteria of awarding 8 marks for thesis submission and the adoption of the said marking system is therefore held to be vitiated by his bias (Vide paras 1264 to 1266 of the Enquiry Report).

2385) Vide para 1804 of the Enquiry Report, Shri Pravin Patil, the son of Dr. V. D. Patil, the Chairman of the Selection Committee, is further benefited by the more marks awarded to him by the team of the Assistant Professors who awarded him marks for thesis submitted by him after the last date of application i.e. 15.09.2004 and Research Paper/Popular articles

published by him. It is clear from the chart (Ex. 38(O)) that Shri Pravin V. Patil, whose Sr. No. is 955 therein was awarded 10 marks meant for acquiring Ph.D. degree although at the time of his interview he had not acquired Ph.D. degree but had produced only his thesis for which he should have been awarded 8 marks only. Similarly, although he produced at the time of interview 4 Research Papers, 1 Technical Bulletin, and 1 Popular Article, for which he should have been awarded 8.4 marks as per the criteria, he was awarded 10 marks for the same. It is thus a clear case of favoured candidate who was illegally benefited by 3.6 total marks as shown above. His name was even recommended by the then Agriculture Minister Shri Balasaheb Thorat, vide serial no.14 in the list candidates selected in the posts of SRA (Agri.) and JRA (Agri.) whose names were recommended by the VIPs. including the Ministers, MLAs and MPs (Annexure-19 of the Enquiry Report).

c) Ku. Bhavna R. Wankhede, selected in the post of SRA (Agri.) in S.C. category.

2386) Vide para 1805 of the Enquiry Report, as observed in para 1759 of the Enquiry Report while considering the case of Ku. Swati G. Bharad, it was pointed out that the case of Ku. Bhavna R. Wankhede was an unique case in which the concerned officers of the University acted with great promptitude and speed. On 15.09.2004, which was the last date of submission of applications for the posts of SRA (Agri./JRA (Agri.) as per the advertisement dated 14.08.2004 (Ex.2), Verification of her marks, thesis etc. was done by the Chairman and Members of the Result Committee and on the same day, the Manuscript of her Result Notification signed by them was forwarded to Shri P.T. Muley, ASO (Exam.Section) as is clear from the office notes of the Section Assistant and the said ASO dated 15.9.2004, vide back side of page N/12 of the file Ex.904. The said ASO (Exam. Section) wrote the office note on the same day i.e. 15.9.2004 and forwarded it to the Deputy Registrar (academic) since the Assistant Registrar (Exam.Section) was on tour. The Deputy Registrar (academic), Dr.Vandan Mohod, signed it on the same day i.e. 15.9.2004 and the said file was forwarded on the same day to the Dean (PGS) since the Registrar was then on tour. He recommended on the same day i.e. 15.9.2004 to the Vice-Chancellor that the Manuscript of her Result Notification should be approved and the Vice-Chancellor also signed the said office note on the same day i.e. 15.9.2004 in token of its approval. The Manuscript of her Result Notification dated 15.9.2004 is at page 39/C of the said file (Ex.904) and the Result Notification for declaration of her Result dated 15.9.2004 is on its next page i.e. 41/C.

2387) Vide para 1806 of the Enquiry Report, it is pertinent to see that the said date 15.9.2004 was the last date for submission of applications for these posts of SRA (Agri.) and JRA (Agri.) as per the advertisement dated 14.8.2004 (Ex.2). The speed with which her file moved on the same day would show that it must have been taken by the concerned clerk to all the officers concerned for finalization and declaration of her Result, which would also show that she was a favoured candidate as her file was moved speedily on the

same day so that she should get her Ph.D. degree before the time for submission of applications for the said posts was over.

2388) Vide para 1807 of the Enquiry Report, that she is a favoured candidates is also clear from the fact that, vide para 1350 of the Enquiry Report in which it is pointed out that by overwriting in the consolidated alphabetical Mark-Sheet Ex. 112(O) as shown in the chart (Annexure-23 of the Enquiry Report), her interview and total marks were changed from 40 and 64.4 to 44 and 68.8 respectively in order to ensure her selection and give her higher place in the Selection list of SRA (Agri.) S.C. Category candidates although perhaps through mistake she was not shown the higher place in the said Selection List which she should have got on the basis of her 68.8 total marks.