



26th June 2013

ORDER

Subject: Co-option of Members on the various Board of Studies of the University of Mumbai under Section 37(3)(a), (b), (c) & (d) of the Maharashtra Universities Act 1994.....

- Ref. :
1. Representation of Shri Rajan Padwal dated 18th April 2011.
 2. PIL No.123 of 2012 filed by Dr. Neeraj Hatekar and Shri Rajan Padwal, Conveners, Joint Action Committee for Improvement of Higher Education in Maharashtra.
 2. Letter dated 22nd March 2013 from the Government Pleader, High Court, Original Side, Mumbai forwarding therewith copy of the High Court Order dated 21.03.2013 in the PIL No. 123 of 2012.
 3. Reference letter No. EL/ECD/13-14/Chan/7 dated 4th April 2013 from the Vice-Chancellor, University of Mumbai- under Section 108 of the M.U. Act 1994.
 4. Letter No. VC/ECD/2013-14/32 dated 25th April 2013 from the Vice-Chancellor, University of Mumbai
 5. Letter No. EL/ICD/13-14/Chan/31/2013 dated 29th April 2013 from the Registrar, University of Mumbai.

6. Letter No. EL/ICD/13-14/Chan/37/2013 dated 10th May 2013 from the Registrar, University of Mumbai.
7. Notice dated 15th May 2013 issued by the Chancellor's office to the 19 co-opted Members, for hearing.
8. Letter No. EL/ECD/13-14/Chan/91/2013 dated 12th June 2013 from the Registrar, University of Mumbai.
9. letter No. EL/ICD/13-14/Chan/96/2013 dated 17th June 2013 from the Registrar, University of Mumbai.
10. letter No. EL/ICD/13-14/Chan/97/2013 dated 17th June 2013 from the Registrar, University of Mumbai.

1. Shri Rajan Padwal, Convener, Joint Action Committee for Improvement of Higher Education in Maharashtra, Mumbai, had made a representation dated 18th April 2011 challenging the eligibility of Members on various Boards of Studies in the University of Mumbai co-opted under Section 37(3)(a) of the Maharashtra Universities Act, 1994 (hereinafter referred to as the Act), from the category of 'Post Graduate Teacher'. The said representation was forwarded to the Vice-Chancellor, University of Mumbai, for appropriate action.

2. Subsequently, Dr. Neeraj Hatekar, Professor, University of Mumbai, and Shri Rajan Padwal had filed the PIL No. 123/2012 in the Bombay High Court, and thereby challenged the co-option of 13 members on various Board of Studies (hereinafter referred to as 'BoS') from the category of Post Graduate Teacher falling under Section 37(3)(a) of the Act. Their main contention was there are various BoS for different subjects in the University of Mumbai. Each such Board is required to have **"one Post Graduate teacher having not less than ten years' teaching experience, from amongst the teachers of affiliated colleges having post graduate teaching in the subject."** It was further contended that the persons co-opted should have

fulfilled the eligibility criteria prescribed by the State Government vide its Order dated 14.09.2009. According to the petitioners, 13 members co-opted on the BoS in the University of Mumbai were not eligible from the category of Post Graduate teachers since none of them was teaching in the affiliated colleges having Post Graduate teaching facility in the respective subject. The co-option of these 13 members from the category of PG teachers is, therefore, not in compliance of the provisions of the Act. They had prayed in the said PIL for quashing and setting aside the co-option of 13 members on the BoS. The Chancellor was made one of the Respondents in the said PIL. The Hon'ble High Court, in its Orders dated 21.03.2013 and 26.03.2013, directed the Vice-Chancellor of Mumbai University to send the papers to the Chancellor regarding dispute about eligibility of co-opted members of the BoS, under Section 108 of the Act so that the Chancellor may decide about the eligibility of those who are found to be '**ineligible**' by the Committee appointed by the Vice-Chancellor after giving them an opportunity of hearing.

3. In compliance of the Bombay High Court Orders, the Vice-Chancellor vide his letter dated 4th April 2013 made the reference under Section 108 of the Act to the Chancellor for consideration of the eligibility of 23 members on various BoS co-opted under Section 37(3) of the Act, in the University of Mumbai. Section 108 of the Act reads as under:-

"If any question arises regarding the interpretation of any provision of this Act, or of any Statutes, Ordinance, Regulation or Rule, or whether a person has been duly elected or appointed or nominated or co-opted as or is entitled to be a member of any authority or body of the university, the matter may, be referred, on petition by any person or body directly affected, or suo motu by the Vice-Chancellor to Chancellor, who shall after taking such advice as he thinks necessary, decide the question, and his decision shall be final."

4. The Committee formed by the Vice Chancellor had found that these 23 co-opted members were not eligible. Out of them, 4 members, namely, Dr Mazid Kazi; Dr Rupa Nisture; Dr. S. Solomon Raj and Dr. G. T. Thampi have already tendered their resignations to the University and have ceased to be members of the BoS. Therefore now eligibility of 19 remaining co-opted members is required to be considered and decided in

the light of the provisions of Section 37(3) of the Act and State Government's Order dated 14.09.2009.

5. Section 37(3) of the Act, reads as under:

Section 37(3)-

- (a) one post-graduate teacher having not less than ten years' teaching experience, from amongst the teachers of affiliated colleges having post graduate teaching in the subject;
- (b) one teacher having not less than ten years teaching experience, from amongst affiliated college teachers in the subject who is not head of the department in the university or affiliated college or principal;
- (c) two eminent persons who are, -
 - (i) either professor or readers in other universities; or
 - (ii) persons holding rank not lower than that of Assistant Director in national laboratories or institutions or recognized institutions; or
 - (iii) experts in related field having published, -
 - (a) at least one [reference book in the subject]; or
 - (b) [at least three research papers] in recognized national or international journals.

Provided that, at least one of them shall be from the category under clause (i);

(d) a person holding a rank not lower than that of Research and Development or Production Officer or Quality Control Officer in an industry with significant presence with respect to research and development in the relevant subject."

6. The relevant eligibility conditions for being a member of various bodies / authorities of the Universities as clarified by the order of Higher & Technical Education Department dt. 14.09.2009 are as under :-

BOARD OF STUDIES (SECTION - 37)	
S.37(3)(a) - Post Graduate TEACHER (One)	<ol style="list-style-type: none"> 1. Shall be an approved teacher having not less than 10 years of teaching experience from amongst the teachers of the affiliated college having PG teaching in the subject. 2. Shall possess Ph.D. degree 3. Having worked atleast 5 times as a Paper Setter/Examiner/Co-ordinator/ Moderator at University Examination 4. Published minimum 3 Research Papers in peer reviewed/ refereed National / International research Journals 5. Shall be a Ph.D. guide.
S.37(3)(b) - TEACHER (One)	<ol style="list-style-type: none"> 1. Shall be an approved teacher having not less than 10 years of teaching experience from amongst the teachers of the affiliated college in the subject. 2. Who is not Head of the Department in the University or Affiliated college or Principal 3. Shall possess Ph.D. degree 4. Having worked for at least 5 times as Chairman/Paper Setter / Moderator / Exam Co-ordinator at University level appointed by University
S.37(3)(c) - Eminent Persons (two) - of which at least one should be Professor or Reader in other University	<ol style="list-style-type: none"> 1. Professors or Reader in other Universities or, 2. Persons holding rank not lower than Asstt. Director in the National Laboratories/ Institution/Recognized Institution or, 3. Experts in related field having published <ul style="list-style-type: none"> • At least one reference book in the Subject

	<p>or</p> <ul style="list-style-type: none"> • Published minimum 3 Research Papers in peer reviewed/ refereed National / International research Journals <p>4. A Person holding rank not lower than that of Research & Development or Production Officer or Quality Control officer in an industry with significant presence with respect to Research & Development in the relevant subject.</p> <p>5. Shall possess Ph.D. degree</p>
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7. While making this reference , the Vice-Chancellor has relied on his earlier letter dated 15.11.2011, wherein he had made reference of the case pertaining to eligibility of Dr. Ram Prakash Nair co-opted on BoS from PG teacher category under Section 37(3)(a) of the Act. In that case, Dr. Deolankar had made a representation to the Chancellor challenging the co-option of Dr. Ramprakash Nair. The representation was sent to the Vice-Chancellor for submission of report thereon. Consequently, the Vice-Chancellor made a reference vide letter dated 15.11.2011 to the Chancellor under Section 108 of the Act for interpretation of definition of PG Teacher. However, in the meantime Dr. Ram Prakash Nair retired from the service and ceased to be the member of the BoS as well as member of the Faculty of Commerce. Therefore, the reference was not considered as it had become infructuous due to retirement of Dr. Nair. Thereafter, Dr. Hatekar and Shri Padwal filed the PIL No.123/2012 in the Bombay High Court challenging the co-option of members on the various BoS under Section 37(3)(a) of the Act and the High Court of Bombay passed the Order dated 21.3.2013 as mentioned above.

8. Pursuant to the questions raised by the Senate Members regarding the eligibility of co-opted members of some of the BoS, a five-member Committee headed by Dr. Madhu Nair was appointed by the Vice Chancellor to examine the entire co-option on case to case basis in the light of the provisions under Section 37 of the Act & eligibility criteria as prescribed by the State Government in H&TED vide its Order dated 14.9.2009. The co-option of Members on the 37 BOS was made on

21.12.2010 and 24.12.2010. The said Committee examined all 139 cases of co-option made by various BoS and submitted its final report to the Vice Chancellor on 21 March 2012 wherein it was found that out of 139 cases, **23 persons were found to be ineligible by the Committee.** The Vice Chancellor considered the Committee's report on 13th April, 2012 and issued the Show Cause Notices to the members who were found ineligible. Pursuant thereto, 13 members submitted replies and also forwarded the documents to the Vice-Chancellor which were not submitted by them earlier. Thereafter, the Vice-Chancellor requested the Chairpersons of the respective BoS for their views in respect of ineligible members of the concerned BoS. The Vice-Chancellor received the requisite documents from some of the Chairpersons of the concerned BoS as well as from the members. In the meantime, the Vice-Chancellor received request letters from some of the members for withdrawal of their membership from the concerned Board of Studies.

9. The Vice-Chancellor submitted the recommendations of the Committee which was appointed by him at the instance of Senate Members to look into the eligibility of all the 139 co-opted members on various Boards of Studies. The Committee has found 23 members as ineligible to be co-opted as member on various grounds. The Vice-Chancellor has also given his views on the Committee's findings on these 23 members. Since out of these 23 Members, 4 Members have already tendered their resignation and have ceased to be members of BoS, the eligibility of following 19 co-opted Members needs to be decided in the light of the provisions of Section 37(3) of the Act and State Government's clarification given in its letter dated 14.09.2009:-

1. Dr. Santosh Motwani (Board of Studies in Hindi)
2. Dr. D.J. Lopes (Board of Studies in Rural Development)
3. Dr. S.G. Akolkar (Board of Studies in Sociology)
4. Dr. L.R. Dwivedi (Board of Studies in Law)
5. Dr. K.N. Ghorude (Board of Studies in Economics)
6. Dr. P.H. Sawant (Board of Studies in Civil Engineering)
7. Dr. (Smt.) Kalpana Phal (Board of Studies in Statistics)
8. Dr. Paul Rozario (Board of Studies in Politics)
9. Dr. M.N. Deshpande (Board of Studies in Statistics)
10. Dr. Shaista A. Khan (Board of Studies in Persian, Arabic, Islamic)
11. Dr. J. Fajgounda Patil (Board of Studies in Economics)
12. Shri P.B. Girase (Board of Studies in Economics)

13. Dr. M.P. Singh (Board of Studies in Hindi)
14. Dr. Ashok V. Jain (Board of Studies in Rural Development)
15. Dr. Neeraj Hatekar (Board of Studies in Economics)
16. Dr. Yashwant Sumant (Board of Studies in Politics)
17. Dr. (Smt) Hemangi S. Karnik (Board of Studies in Education)
18. Dr. (Smt) Mangala S. Deshpande (Board of Studies in Statistics)
19. Dr. Uday Nirgudkar (Board of Studies in Politics)

10. The above 19 Members along with Dr. Neeraj Hatekar and Shri Rajan Padwal (petitioners) were asked to remain present for personal hearing on 11th June 2013. Dr. Rajan Welukar, Vice-Chancellor and Dr. M. A. Khan, Registrar, University of Mumbai were also asked to remain present for hearing at the said date. Shri Sanjay Kumar, Principal Secretary, Higher & Technical Education Department of the State Government, was also invited for the hearing and to put-up the views of the State Government regarding the term "PG teacher". 9 members, Shri Padwal, VC, Registrar and the Principal Secretary (H&TED) were present in the hearing.

11. During the hearing Shri Rajan Padwal submitted that Section 37(3)(a) of the Act clearly says that there shall be an approved teacher having not less than 10 years of teaching experience from amongst the teachers of affiliated Colleges having PG teaching in the Subject. He submitted a list of Colleges having the PG teaching, which he had obtained from the University of Mumbai under RTI. It was contended that the 13 members co-opted on various BoS are ineligible as the Colleges where they are working do not have PG teaching. Shri Padwal further submitted that Section 37 (3)(a) contemplates that the given College should have PG teaching and concerned teacher should have been appointed to teach at PG level in the said College. However, due to lack of qualified teachers, a teacher who is teaching at the UG level also teaches at PG level after obtaining University's approval, which can not be said to fulfill the test of Section 37(3)(a) and Government clarification in its letters.

12. The Vice-Chancellor submitted that the Section 37(3)(a) of the Act needs to be read with several provisions of the Act viz. the amendment made by the State Government in the year 2009, Section 115, Section 36(a), Section 116 of the Act and Section 32(1) of the Bombay Universities

Act 1974. According to the Vice-Chancellor, neither in 1974 Act nor in the 1994 Act, the approval is given to the PG teacher but the recognition is given to him because the PG teacher is appointed only in the Universities and not in the Colleges. The Colleges appoint a teacher who can also teach the PG classes provided he or she is having prescribed qualifications. As such there is a provision of giving recognition to PG teacher. Under Bombay Universities Act 1974, Section 32(1) and (4), the University used to give the recognition and as per the Section 32(2)(vii) of the Bombay Universities Act the University has established a centre where the teachers are pooled so that qualified teachers can teach the PG classes. Therefore the University used to give them recognition and the BoS might have taken that into consideration. Section 37(3)(a) of the Act does not clearly define whether the PG teacher can or cannot teach at UG level.

13. While considering the objections raised by Shri Padwal and Dr. Hatekar, an issue about the meaning of the term 'Post Graduate Teacher' under Section 37(3)(a) of the Act has been raised. The State Government in Higher & Technical Education Department has issued a letter dated 1.02.2001 to all the Universities clarifying the term 'PG teacher'. The clarification issued by the State Government in H&TED reads as under:-

"पदव्युत्तर शिक्षक म्हणजे विद्यापीठातील पदव्युत्तर विभागांमध्ये जो पूर्ण वेळ अधिव्याख्याता /प्रपाठक/प्राध्यापक म्हणून कार्यरत आहे तसेच विद्यापीठांशी संलग्नीत महाविद्यालयांमध्ये पदव्युत्तर विभाग असल्यास व त्या पदव्युत्तर विभागातील शिक्षक जर विद्यापीठ अनुदान आयोगाने ठरवून दिलेल्या निकषांनुसार पदव्युत्तर विभागांमध्ये पूर्ण वेळ अधिव्याख्याता /प्रपाठक/प्राध्यापक म्हणून कार्यरत असेल व विद्यापीठाने पदव्युत्तर व महाविद्यालयातील पदव्युत्तर विभागातील शिक्षकास पदव्युत्तर शिक्षक म्हणून मान्यता दिली असेल तर त्यास पदव्युत्तर शिक्षक समजण्यात यावे".

14. The Vice-Chancellor stated that the clarification issued by the Higher & Technical Education Department on 1.02.2001 has to be read with Section 116 of the Act. The Principal Secretary, Higher & Technical Education Department reiterated what has been mentioned in the clarification and informed that said clarification has been issued by the State Government on the reference made to it by one of the Universities and as such there is no contradiction about the said clarification and its validity.

15. The contention of the Vice-Chancellor as stated by him in his letter dated 15.11.2011 is that there is no concept of 'approved PG teacher' as far as the teachers of the affiliated colleges are concerned. The University only gives recognition to the teachers of the affiliated colleges for teaching the PG courses. It is not difficult to reconcile these two views as the recognition by the University can only be given if the concerned teacher of an affiliated college fulfills the norms prescribed by the UGC. As admitted by the Vice-Chancellor, the recognition to teach PG course is given only to those teachers whose appointments have been approved by the University.

16. As per Section 37(3)(a) of the Act, one post-graduate teacher having not less than ten years' teaching experience, from amongst the teachers of affiliated colleges having post graduate teaching in the subject is to be co-opted on each BoS. As provided under the Act, the BoS have very important role to play in the academic development of the University. The powers and duties of the Board as mentioned in Section 38 of the Act prescribe that the Boards have to advise the concerned faculties regarding improvements in the course of study, to suggest organization and orientation and refresher courses in the subject, to recommend books including text books, reference books and other material for such courses of study and to recommend to the Board of Examinations the names of the suitable persons for appointment as paper setters, examiners, referees for evaluation of thesis and dissertation for awarding post graduate, doctorate and higher degree etc.

17. The rationale of co-option is to get the benefit of the experience and expertise of the persons who otherwise may not be able to get elected. Thus the persons to be co-opted on the Board of Studies have to be eminent persons / experts so that the Board can have the benefit of their expertise, knowledge and experience in formulating the programmes for the academic development of the Universities. Therefore the Board has to ensure that only eminent persons having requisite qualifications are co-opted. Therefore, the eligibility has to be construed strictly and any dilution in the eligibility criteria for co-option of Members on the BoS will defeat the very purpose thereof.

18. Therefore I am of the view that a Post Graduate Teacher to be co-opted on the BoS under Section 37 (3)(a) of the Act should be:

1. Post graduate teacher recognized by the University; and
2. Having not less than 10 years of teaching experience; and
3. Should be in full time employment in an affiliated College having post graduate teaching in the concerned subject.

It is however observed that the Board has co-opted some teachers on the Board of Studies from the affiliated Colleges which do not have PG teaching and in some cases even teachers of the affiliated Colleges who have been co-opted do not have teaching experience of 10 years at PG level in that College.

19. Under Section 17(5) of the Act, the Registrar, who is the Secretary of all the bodies and authorities of the universities including BoS, is supposed to make proper scrutiny of the bio-data and the eligibility criteria of every person to be co-opted on various authorities and bodies of the University including the BoS. It is noted that the then Registrar has signed the proceedings of the meetings of the BoS in which these members were co-opted. However the Registrar had not carried out his duties as expected such as to ensure that the persons to be elected, co-opted or nominated on various authorities and bodies of the University fulfill the requirements of the provisions of the Act as well as the eligibility conditions as clarified by the State Government vide its order dated 14th September 2009. It is contemplated that the Registrar should evolve appropriate mechanism for scrutiny of eligibility in respect of persons to be elected, co-opted or nominated on various authorities, committees and bodies of the University, so as to ensure that they fulfill the eligibility conditions before they are co-opted on the respective authorities, bodies and committees.

20. During the hearing, all the cases were discussed one by one. All the 9 Members who were present were given the opportunity to make out their cases. As regards the cases of remaining 10 Members who were not present for hearing inspite of notices being sent to them, their cases are

being considered on the basis of Committee's findings and the views of the University and the record submitted thereto .

21. After careful consideration of the report submitted by the Vice-Chancellor, the submissions made by the Petitioner Shri Rajan Padwal, defense taken by the 9 co-opted Members and all other relevant material on record in respect of co-opted members, I have arrived at the following findings :-

- 1) **Dr. Santosh Motwani, RKT College, Ulhas Nagar (Present during the hearing)**– Dr. Santosh Motwani was co-opted under Section 37(3)(a) of the Act on the Board of Studies in Hindi. The Committee has held him ineligible on the ground of non-submission of proof of his publications in research journals. However, later on Dr. Motwani submitted the documents to the University on 29.12.2012, which were submitted to the expert and as per the opinion of the expert obtained by the University on the books written by Dr. Motwani, he satisfies the requirements prescribed under eligibility criteria required for Section 37(3)(a).

Dr. Motwani has been given recognition as a Post Graduate teacher by the University since 9.12.1999 and the RKT College has PG teaching in Hindi by papers from 1991-92. Therefore Dr. Motwani fulfills the conditions of approved PG teacher having 10 years of teaching experience from amongst the teachers of the affiliated Colleges having PG teaching in the Subject. Therefore Dr. Motwani is eligible for being co-opted as Member on the Board of Studies in Hindi under Section 37(3)(a).

- 2) **Dr. D. J. Lopes, St. Gracia College, Vasai (not present during the hearing)** – Dr. Lopes has been co-opted under Section 37(3)(a) on the Board of Studies in Rural Development. The Committee has held him ineligible due to non-submission of proof of publications of Research papers in research journals. The Vice Chancellor has suggested that the recommendations of the Committee may be accepted.

Dr. Lopes was granted recognition by the University as PG teacher for MA (Rural Development by papers and by research and Ph.D. Degree) from 6th July 1992. However, the St. Gracia College where Dr. Lopes is working has been granted PG teaching in Rural Development since 2006-07 and as such the condition of having 10 years of teaching experience in the affiliated college having PG teaching is not being fulfilled by Dr. Lopes. Further, he has not submitted the documents as proof of publications of Research papers in research journals. Hence Dr. Lopes is not eligible for being co-opted on the Board of Studies in Rural Development under section 37 (3) (a).

- 3) **Dr. S. G. Akolkar, Kankavli College, Ratnagiri (not present during the hearing)** – Dr. Akolkar has been co-opted under Section 37(3)(a) on the Board of Studies in Sociology. The Committee has held him ineligible for not submitting the documents in support of proof of publications of his research papers in peer reviewed journals. The Vice Chancellor has suggested that the recommendations of the Committee may be accepted.

Dr. Akolkar has been granted recognition as a PG teacher in MA (Sociology by papers) since 3.11.2004. However, the Kankavali College where Dr. Akolkar is working has no PG teaching in Sociology. Therefore he does not fulfill the condition of having 10 years teaching experience from the affiliated College having PG teaching. Moreover, he has not submitted any proof of his research papers. Therefore, Dr. Akolkar is not eligible for being co-opted on the Board of Studies in Sociology under section 37 (3)(a).

- 4) **Dr. L. R. Dwivedi, Vile Parle Kelwani Mandal College, Mumbai (not present during the hearing)** - Dr. Dwivedi has been co-opted under Section 37(3)(a) on the Board of Studies in Law. The Committee has held him ineligible as the documents in support of his research publications published in peer reviewed journals were not submitted by him before the Committee. The Vice Chancellor has also suggested that the recommendations of the Committee may be accepted.

Though Dr. Diwedi has been granted recognition by the University as Ph.D. teacher in Law since 9.9.1999, the college viz. Vile Parle Kelwani Manadal College where he is working has no PG teaching.

Therefore Dr. Diwedi does not fulfill the eligibility criteria of the College having PG Teaching, moreover, he has not submitted any proof of his research papers. Therefore, he is not eligible for being co-opted on the Board of Studies in Law under section 37(3)(a).

- 5) **Dr. K. N. Ghorude, Varlak College, Vasai (Present during the hearing)** – Dr. Ghorude has been co-opted under Section 37(3)(a) on the Board of Studies in Business Economics under the Faculty of Commerce. According to the Committee, Dr. Ghorude is an approved lecturer and Head of the Department of Economics and also a member of BoS in Economics under the faculty of Arts. Hence the Committee has held him not eligible in BOS in Business Economics. Dr. Ghorude submitted that the University's Distance and Open Learning has a separate Centre in his College and he is teaching in that Centre since 15 years. According to him since the subject of teaching, qualifications and other criteria for both the University and College level teachers are common, there is no need to discriminate them.

Dr. Ghorude has been recognized by the University as a PG teacher in MA in Economics by papers since 9.12.1991 and he has been granted recognition as PG Teacher in Business Economics by papers from 12th August 1999. He is also co-opted as member on BOS in Economics under the Faculty of Arts.

The College where Dr. Ghorude is working did not have PG teaching in Business Economics at the time of his co-option. The College has been given permission of PG teaching in Business Economics since 2012-13. He, therefore, does not fulfill the condition of having 10 years teaching experience from the affiliated College having PG teaching in the subject. Therefore Dr. Ghorude is not eligible for being co-opted on the BoS in Business Economics under Section 37(3)(a).

- 6) **Dr. P.H. Sawant, Sardar Patel College of Engineering, Andheri (not present during the hearing)** – Dr. Sawant has been co-opted under Section 37(3)(a) on the Board of Studies in Civil Engineering. The Committee has held him not eligible as proof of publication of his research papers in peer reviewed journals was not submitted by him. However, Dr. Sawant, subsequently submitted the proof of his research papers to the University on 28.2.2013 and as per the opinion of Expert, his publications satisfy the requirement of having published minimum 3 research papers in peer reviewed/ referred national / international journals.

According to the Registrar, Dr. P. H. Sawant is an approved lecturer in Civil Engineering in Sardar Patel College of Engineering since 12.11.1990. Subsequently he was approved as Professor in Civil Engineering from 16.09.2003 and as Ph.D. teacher from 13.04.2009. The Ministry of HRD has given grant to the Sardar Patel College on 12.04.1988 for PG course in Civil Engineering. The University vide its letter dated 24th April 1995 has also recognized the Sardar Patel College of Engineering for Ph.D. (Tech) Degree.

Therefore Dr. P. H. Sawant fulfills the eligibility condition of having 10 years teaching experience from the affiliated College having PG teaching in the subject and hence he is eligible for being co-opted on the BoS in Civil Engineering under Section 37(3)(a).

- 7) **Dr. (Smt.) Kalpana Phal, B.N. Bandodkar College, Thane (present during the hearing)** – Dr.(Smt) Phal has been co-opted under Section 37(3)(a) on the Board of Studies in Statistics.

The Committee has held her ineligible as she is not Ph.D. guide. The Registrar submitted that since Dr. Phal is not a Ph.D. Guide she is not eligible to be co-opted on the BoS and the Committee's recommendations may be accepted. Dr. Kalpana Phal submitted that there is hardly any recognition given for Ph.D. guide in the subjects like Statistics unless there is sufficient and

very qualified work and research done by the candidate. She further stated that since 1949 in Mumbai University there are hardly 20 Ph.D.s till 2000 and from 2000 to 2013 there are 6 Ph.D.s in Statistics. Dr. Phal also submitted that she has published 3 papers in peer reviewed journals and 2 more papers after research. Therefore according to her she is a right person for co-option.

Since Dr. Phal does not fulfill the eligibility condition prescribed by the Government vide its Order dated 14.09.2009 of a Ph.D. Guide, she is not eligible for being co-opted as member on the BoS in Statistics under Section 37(3)(a). Moreover, the B.N. Bandekar College has no PG teaching in that subject.

Shri Padwal during the hearing also raised an objection on the ground that the focus of discussion during this hearing should only be on the eligibility of Members who have been co-opted under Section 37(3)(a). However the Secretary to the Chancellor pointed out to him that as per the High Court's Order, the eligibility of 23 candidates who have been found ineligible by the Committee appointed by the Vice-Chancellor has to be decided and therefore along with Section 37(3)(a), the question of eligibility of said conditions under Section 37(3)(b), (c) and (d) is also a part of the hearing.

- 8) **Dr. Paul Rozario, Sophia College, Mumbai (not present during the hearing)** – Dr. Rozario has been co-opted under Section 37(3)(b) on the Board of Studies in Politics. As per the eligibility condition, a person to be co-opted shall not be Head of the Department in the University or affiliated College. The Committee has held Dr. Rozario not eligible as he is a Head of the Department (HOD). The University has suggested that the recommendations of the Committee may be accepted.

Since Dr. Rozario does not fulfill the eligibility criteria, he is not eligible for being co-opted on the Board of Studies in Politics under Section 37(3)(b).

- 9) **Dr. M.N.Deshpande, Former Director, Institute of Science Nagpur (present during the hearing):** - Dr. Deshpande has been co-opted under Section 37(3)(c) on the Board of Studies in Statistics. Except his bio-data, Dr. Deshpande did not submit any documents to the Committee to prove his eligibility. Hence the Committee has held him ineligible.

However, according to the Vice-Chancellor, the University subsequently asked the views of the Head of the Department of Statistics in the University of Mumbai about his eligibility. The Head of the Department (statistics) certified that Dr. Deshpande was a Professor of Statistics from 1995 to 2004. He was a Director of Institute of Science, Nagpur from 2002-2004. He has published more than 75 research articles in national and international peer reviewed research journals and has guided more than 20 students for Ph.D. Degree. As such Dr. Deshpande fulfills the eligibility conditions for being co-opted as Member of BoS in Statistics.

Dr. Deshpande is, therefore, found to be eligible for being co-opted as Member on the BoS in Statistics under Section 37(3)(c).

- 10) **Dr. (Smt.) Shaista Khan, Adjunct Faculty, Department of Persian, University of Mumbai (not present during the hearing) :-** Dr. Shaista Khan has been co-opted under Section 37(3)(c)(iii) on the Board of Studies in Persian, Arabic, Islamic Culture etc. The Committee has held Dr. Shaista Khan eligible subject to fulfillment of Section 37(3)(c) which provides that one of the two eminent persons to be co-opted on BoS under this Section should be from another University. Both Dr. Shaista Khan and Dr. Shafi Shaikh have been co-opted under Section 37(3)(c) on 18.01.2011. Both are from the same University. However, Dr. Shafi Shaikh has resigned from the Membership on 2.01.2013 and as per the expert opinion obtained by the University on the books/ research papers, Dr. Shaista Khan's publications satisfy the requirement as per Clause 37(3)(c)(iii) for the co-option and the University has also suggested to consider her eligible for the cooption.

Dr. Shafi Shaikh has resigned from the Membership and continuation of Dr. Shaista Khan does not violate the provision of Section 37(3)(c)(i). She also fulfils the eligibility conditions and, therefore, found to be eligible for the co-option on BoS under Section 37(3)(c).

- 11) **Dr. J. F. Patil, Retired Professor and Head, Department of Economics, Shivaji University, Kolhapur (not present during the hearing) :-** Dr. Patil has been co-opted under Section 37(3)(c) on the Board of Studies in Business Economics. He has not submitted any documents to the Committee in support of proof of his eligibility. The Committee has therefore held him not eligible and the University has also endorsed it.

However Dr. Patil vide his letter dated 3.06.2013 forwarded a copy of his bio-data to this office in which he has mentioned that he has 7 reference books in Marathi and 3 in English and 120 research articles to his credit. His representation was forwarded to the University for its opinion. As per the opinion of expert obtained by the University on the reference books and research articles of Dr. Patil, he fulfils eligibility criteria for being co-opted as a Member on the BoS in Business Economics.

Dr. Patil is, therefore, found to be eligible for the co-option on the Board of Studies in Business Economics under Section 37(3)(c).

- 12) **Shri P.B.Girase, General Manager-Works in BEC Chemicals Pvt. Ltd. (present during the hearing) :-** Shri Girase has been co-opted under Section 37(3)(c) on the Board of Studies in Business Economics. As per the eligibility conditions for being co-opted as Member on BoS under Section 37(3)(c), a person shall be Ph.D. Degree holder. Shri Girase during the hearing said that the he has no Ph.D. degree but he is having more than 32 years of experience from the industrial field and he has worked on various positions as Production officer, Production Manager and now working as a General Manager with one Export Oriented Company. His basic qualification is B.Sc. and Law graduate. According to Shri Girase, a person holding rank not lower than research and production

officer and quality control officer in an industry with significant presence with respect to research and development in relevant subject is qualified to be co-opted and he possess these qualifications. This provision applies for a person to be co-opted under Section 37(3)(d) and not under (c). Shri Girase has been co-opted under Section 37(3)(c) of the Act. Therefore this contention of Shri Girase is not correct. Shri Girase in his written submission dated 10.06.2013 has mentioned that he was disappointed about the procedure adopted by the University of Mumbai for nomination of the co-opted members on the BoS and that the provisions under the Act and eligibility conditions should have been noticed by the University authority at the time of his nomination. However, Shri Girase said that if law does not permit him, he is ready to resign from the Membership.

The Registrar University of Mumbai submitted that as per amendments in the MU Act 1994 made by the State Government in 2009, the Ph.D. is an essential requirement. Shri Girase, therefore, does not fulfill the eligibility condition.

Since Shri Girase does not possess the Ph.D. Degree, he is not eligible for being co-opted as a Member on the BoS in Business Economics under Section 37(3)(c).

- 13) **Dr. M.P.Singh, Reader in Hindi, Ramniranjan Jhunjhunwala College, Mumbai (Present during the hearing):-** Dr. Singh has been co-opted under Section 37(3)(c) on the Board of Studies in Hindi. The Registrar submitted that since the documents to prove his eligibility were not submitted by him in time, the Committee has held him ineligible for the co-option. But later on Dr. Singh submitted the documents to the University on 25.07.2012 which were sent to the expert for opinion and as per expert opinion, Dr. Singh's publications satisfy the requirement as per clause 37(3)(c) and therefore he may be considered as eligible.

Since Dr. Singh fulfills the eligibility conditions, he is eligible for being co-opted on the BoS in Hindi under Section 37(3)(c).

- 14) **Dr. Ashok Jain, Retired Associate Professor and Head, Department of Rural Department, Kirti College of Arts, Science and Commerce, Mumbai (present during the hearing) :-** Dr. Ashok Jain has been co-opted under Section 37(3)(c) on the Board of Rural Development. The Registrar stated that Dr. Jain has not submitted any documents in support of his research papers / publications to the Committee and, therefore, the Committee has held him not eligible for the co-option. However, Dr. Jain subsequently submitted the documents to the University on 9.7.2012, which the University sent to expert for his opinion. According to the Registrar, as per expert opinion dated 29.4.2013, Dr. Jain's publications satisfy the requirement as per clause 37 (3) (c) and, therefore, he may be considered as eligible.

Since Dr. Jain fulfills all the eligibility conditions he is eligible for being co-opted as member on the BoS in Rural Department under Section 37(3)(c).

- 15) **Dr. Neeraj Hatekar (Petitioner), Professor of Economics, University of Mumbai (not present during the hearing):-** Dr. Neeraj Hatekar has been co-opted under Section 37(3)(c) on the Board of Studies in Economics. The Committee observed that BoS co-opted him as an eminent person from the University. However, he did not submit any documents proving his eligibility to the Committee inspite of letters sent to him by the University. During the hearing Shri Padwal on behalf of Dr. Hatekar submitted that he has been co-opted as Member of the BoS and that the book written by Dr. Hatekar is already prescribed at TYBA level. However, he has not submitted the documents in support of his eligibility to the Committee. The Secretary to the Governor pointed out to him that it is ironical that Dr. Hatekar, who himself is Petitioner claiming ineligibility of other co-opted Members, has not submitted the documents proving his eligibility to the University.

The Registrar clarified that since Dr. Hatekar had not submitted any documents to the Committee except his bio-data, the University checked its records and as per the available

records with it Dr. Hatekar fulfills all the requirements under Section 37(3)(c).

The Registrar has also obtained Expert's opinion on the reference books / research papers published by Dr. Hatekar and as per opinion of the expert, Dr. Hatekar fulfills the requirement for being co-opted on the BoS.

Dr. Hatekar is, therefore, found to be eligible for being co-opted on the BoS in Economics under Section 37(3)(c).

16) Dr. Yashwant Sumant, Professor & Head, Department of Politics and Public Administration (present during the hearing):- Dr. Sumant has been co-opted under Section 37(3)(c) on the Board of Studies in Politics. As per Section 37(3)(c) of the Act two eminent persons are to be co-opted on the BoS of which at least one should be Professor or Reader from other University. Since Dr. Sumant had not submitted any documents to the Committee in support of his eligibility, the Committee held him ineligible and the Vice Chancellor has also endorsed it.

However, Dr. Sumant vide his letter dated 28th May 2013 has informed the Chancellor's office that he had furnished to the University of Mumbai the list of his Publications and his designations on an official letter head of the University of Pune on 27.09.2011. In view of this Dr. Sumant denied the charge that he did not submit any proof of his eligibility. Dr. Sumant also suggested the University of Mumbai authorities to refer the Pune University's website to verify his eligibility.

The Vice-Chancellor, University of Pune vide his letter dated 12.06.2013, confirmed that Dr. Sumant was appointed as lecturer on 20.06.1989 and presently he is promoted and working as a Professor in Politics under CAS in the University of Pune since 12.05.2000.

Therefore Dr. Sumant fulfills the requirements of being a Professor from the other University as also having a Ph.D. Degree for being co-opted as Member on the Board of Studies.

Dr. Sumant is, therefore, found to be eligible for the co-option as Member on the BoS in Politics and Public Administration under Section 37(3)(c).

- 17) **Dr.(Smt.) Hemangi Karnik, Professor, Department of Anesthesia, Lokmanya Tilak Hospital and College, Mumbai (not present during the hearing)** :- Dr. Karnik has been co-opted under Section 37(3)(c) on the Board of Studies in Education. As per one of the eligibility conditions, a person to be co-opted shall possess a Ph.D. Degree. The Committee has held her not eligible as she does not possess a Ph.D. degree.

Since Dr.(Smt.) Hemangi Karnik does not possess a Ph.D. degree, she is not eligible for being co-opted as Member on BoS in Education under Section 37(3)(c).

- 18) **Dr. (Smt) Mangala Deshpande, Lecturer in Mathematics, K.J.Somaiya College, Mumbai (not present during the hearing)** - Dr. (Smt) Mangala Deshpande has been co-opted under Section 37(3)(b) on the Board of Studies in Statistics. She fulfills all the eligibility conditions. However, the Committee has held her not eligible since the Mathematics has a separate Board. A teacher who is an approved Lecturer in Mathematics cannot be considered for BOS in Statistics. The Vice Chancellor has also endorsed the recommendations of the Committee.

Dr. (Smt.)Mangala Deshpande is, therefore, not eligible for the co-option on the BoS. in statistics under Section 37(3)(b).

- 19) **Dr. Uday Nirgudkar (not present during the hearing):-** Dr. Nirgudkar has been co-opted under Section 37(3)(d) on the Board of Studies in Politics. The Committee has held Dr. Nirgudkar as not eligible as he has not submitted the documents in support of his eligibility to the Committee. The Vice-Chancellor has also endorsed the Committee's recommendations. Since Dr.

Nirgudkar has not submitted any documents in support to prove his eligibility, he is not eligible for being co-opted as Member on the BoS in Politics under Section 37(3)(d).

22. After careful consideration of all the facts and documents on record, I found that the following persons are **eligible** for being co-opted as Members on respective Board of Studies under Section 37(3)(a), (b), (c) and (d) of the Act on the basis of the findings given above:-

- 1) Dr. Santosh Motwani (Board of Studies in Hindi)
- 2) Dr. P.H. Sawant (Board of Studies in Civil Engineering)
- 3) Dr. M.N. Deshpande (Board of Studies in Statistics)
- 4) Dr. Shaista A. Khan (Board of Studies in Persian, Arabic, Islamic)
- 5) Dr. J. Fajgounda Patil (Board of Studies in Economics)
- 6) Dr. M.P. Singh (Board of Studies in Hindi)
- 7) Dr. Ashok V. Jain (Board of Studies in Rural Development)
- 8) Dr. Neeraj Hatekar (Board of Studies in Economics)
- 9) Dr. Yashwant Sumant (Board of Studies in Politics)

The remaining 10 persons have been found to be **not eligible** for the reasons mentioned herein above.

23. Therefore, I, K. Sankaranarayanan, Chancellor, University of Mumbai in exercise of the powers conferred upon me under Section 108 of the Act, declare that the co-option of following 10 Members on the respective BoS under Section 37(3)(a), (b), (c) and (d) of the Act, are not in compliance of the provisions of the Act and order issued by the State Government and therefore not valid:-

- 1) Dr. D.J. Lopes (Board of Studies in Rural Development)
- 2) Dr. S.G. Akolkar (Board of Studies in Sociology)
- 3) Dr. L.R. Dwivedi (Board of Studies in Law)
- 4) Dr. K.N. Ghorude (Board of Studies in Business Economics)
- 5) Dr. (Smt.) Kalpana Phal (Board of Studies in Statistics)
- 6) Dr. Paul Rozario (Board of Studies in Politics)
- 7) Shri P.B. Girase (Board of Studies in Economics)
- 8) Dr. (Smt) Hemangi S. Karnik (Board of Studies in Education)
- 9) Dr. (Smt) Mangala S. Deshpande (Board of Studies in Statistics)
- 10) Dr. Uday Nirgudkar (Board of Studies in Politics)

4. Sankaranarayanan
26.6.13

(K. Sankaranarayanan)
Chancellor
University of Mumbai