



ORDER

16th September 2010.

Subject : Petition under Section 76(1) of the Maharashtra Universities Act, 1994 received from Dr. P. B. Dahikar challenging the appointment of Dr. S. J. Sharma to the post of Reader in Electronics in Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur

- Reference :**
1. Petition dated 5th December 2008 submitted by Dr. P. B. Dahikar, under Section 76(7) of the Maharashtra Universities Act, 1994.
 2. My office letter No. CS/NU/37/08/(6802)/3502 dated 17th December 2008 to the Vice-Chancellor.
 3. My office letter No. CS/NU/37/08/(6802)/3895 dated 21st January 2009 to the Vice-Chancellor.
 4. My office letter No. CS/NU/37/08/(6802)755 dated 9th March 2009.
 5. Letter No. VC/C-8(iii)/R/09/150 dated 2nd June 2009 from the Vice-Chancellor.
 6. Letter No. VC/C-8(iii)/R/09/127 dated 2nd June 2009 from the Vice-Chancellor.
 7. My office letter No. CS/NU/37/08/(6802)/2032 dated 26th June 2009 to the Vice-Chancellor.
 8. My office letter No. CS/NU/37/08/(6802)/2232 dated 6th July 2009 to the Vice-Chancellor.
 9. Letter No. 27/9/2008 from Dr. P. B. Dahikar dated 01.09.2009 for hearing.
 10. My office letter No. CS/NU/37/08/(6802)/2530,31 dated 15th July 2010 inviting for the hearing.
 11. My office letter No. CS/NU/37/08/(6802)/2855 to Chairman UGC, New Delhi.
 12. Letter No. F.1-2/2010 (PS) Exemp, dated 30.08.2010 from the UGC.

1. I had received a Petition dated 05.12.2008 under Section 76(7) of the Maharashtra Universities Act 1994. (hereinafter referred as the 'Act') from Dr. P. B. Dahikar, Lecturer, Department of Electronics, Kamala Nehru

Mahavidyalaya, Nagpur, affiliated to the RTM Nagpur University, challenging the appointment of Dr. S. J. Sharma to the post of Reader in Electronics in the Department of Electronics and Computer Science, RTM Nagpur University. (hereinafter referred as the "University") on the following grounds

- i) Dr. Sharma holds Master's Degree in Physics and not in Electronics. He also holds the Ph.D. in the discipline in Physics in the faculty of Science. He does not have post graduate degree in the "concerned subject" as required under the advertisement and therefore he is not eligible for being appointed as Reader in Electronics.
- ii) Dr. Sharma had learned his NET examination in Physics subject only.
- iii) Though the candidates having Master's Degree in "Electronics" were available, the Selection Committee recommended Dr. Sharma, who does not possess Master's degree in Electronics for appointment to the post of Reader in Electronics (Dr. Sharma possess M.Sc. degree in Physics and not in Electronics).
- iv) Though Dr. Sharma is serving as Reader in Electronics, he does not have the basic post-graduate degree as well as Ph.D. Degree in concerned subject i.e. "Electronics" and hence, he is not eligible for appointment to the post of Reader in Electronics.

2. Dr. Dahikar stated that as per the advertisement and the eligibility qualifications published in the advertisement, he was the only candidate holding M.Sc. Degree in Electronics at the time of interview. He further stated that as per the said qualifications prescribed for the post of Reader in Electronics only candidates holding M.Sc. in Electronics should have been called for interview. He is having Master's Degree in Electronics with 1st Division and the required experience and is thus eligible for the post of Reader. Dr. Dahikar also mentioned that he had filed the Writ Petition No 5029/08 before the High Court Bench at Nagpur challenging the selection process. However, the High Court rejected his petition as premature.

3. I had called for a detailed report from the Vice-Chancellor, Rashtrasant Tukadoji Maharaj Nagpur University. As reported by the Vice-Chancellor, Rashtrasant Tukadoji Maharaj Nagpur University, the facts in brief are as under :

The Rashtrasant Tukadoji Maharaj Nagpur University published advertisement on 13.7.2007 inviting applications for the various teaching posts including Reader in Electronics. As per the advertisement required qualifications for the post of Reader in Electronics were as under :

"Good academic record with a doctoral degree or equivalent published work. In addition to this, candidates who join from outside the University system, shall also possess atleast 55% marks or an equivalent grade B in the 7 points scale with grades O,A,B,C,D,E, & F at the Master's Degree level in the concerned subject, and;

Five years of experience of teaching and / or research, excluding the period spent for obtaining the research degrees and has made some work in the areas of scholarship as evidenced by quality of publications, contributions to educational innovation, design of new courses and curricula."

4. In response to the advertisement, the University received 7 applications from the concerned candidates and out of them 6 were found eligible by the Scrutiny Committee for the post and they were called for the interview on 6.11.2008.

5. The Selection Committee constituted under Section 76 (1) of the Maharashtra Universities Act, 1994, consisting of following members interviewed all the 6 candidates :

1. Dr. S.N. Pathan, Vice-Chancellor (Chairman).
2. Dr. A.V. Gomashe, Nagpur (Dean, Faculty of Science).
3. Dr. Rajiv Shankar Kher (subject expert).
4. Dr. Pradeep A. Lathake (subject expert).
5. Dr. Vandan Mohad, Chancellor's nominee.
6. Dr. Mohan Gadegone (Representative of Director, Higher Education).
7. Smt S.T. Belsare, Registrar (Secretary).

6. The duly constituted Selection Committee recommended the following two persons in order of preference for appointment to the post of Reader in Electronics :

- i) Dr. Satish J. Sharma.
- ii) Dr. Pradeep B. Dahikar.

The details of the qualifications, experience of Dr. Sharma and Dr. Dahikar are as under :

Qualifications	Dr. Satish J. Sharma	Dr. Pradeep Dahikar
(I) Educational Qualifications :	1) B.Sc. – 64.5% (1985) 2) M.Sc. – 72.4% (1987) 3) Ph.D. in 1999.	1) B.Sc. – 60.0% (1988) 2) M.Sc. – 61.0% (1990) 3) Ph.D. in 2008
(II) Experience :		
a) Teaching	(i) 19 years experience of Under Graduate. (ii) 14 years experience of Post Graduate (Contributory)	(i) 15 years experience of Under Graduate. (ii) 11 years experience of Post Graduate.
b) Research experience	15 years	6 years
III) Research papers published	18	24
IV) Conferences / Seminars / Workshops / Refresher / Orientation Courses.	22	23
V) Administrative Experience	2 years	15 years

7. According to the Vice-Chancellor, in the advertisement issued by the University it was mentioned that candidate should possess Post Graduate degree in the concerned subject. The word "concerned subject" has to be construed so as to suit the post in question. In the present case the candidate Dr.

Sharma who has been selected for the post of Reader has done his post gradation in 1987 with 72.4% marks. He has done his M. Phil. In 1988. He has done his Ph.D. in Electronics in 1999 and has also acquired NET qualification in 1988. Dr. Sharma's appointment as Lecturer was in Electronics. The Vice-Chancellor further stated that in 1987 the post graduate degree in Electronics (M.Sc.) was not available and the candidates having M.Sc. Physics were held to be eligible and entitled for the post of Lecturer in Electronics. According to the Vice-Chancellor Dr. Sharma was appointed as Lecturer in Electronics in the year 1988 at S.K. Porwal College, Kamptee and since then he had been an approved Lecturer in the subject of Electronics in the said College. Dr. Sharma's appointment as Lecturer in Electronics was also duly approved by the University from 1988-89 and as such he was fully eligible and qualified for the post of Reader in Electronics.

8. The Vice-Chancellor stated that the term "Post-graduate degree in concerned subject" has to be read and interpreted in consonance with the appointments of teachers and the person who has been appointed as Lecturer in Electronics and continued to be on the said post for 20 years as an approved Lecturer would always be eligible for the post of Reader in the subject of Electronics. The Ph.D. work of Dr. Sharma and the entire research work of Dr. Sharma were fully related to the subject of Electronics and these facts were minutely evaluated by the Experts of the Selection Committee. The Vice-Chancellor mentioned that the University had decided the eligibility based upon the original posts as well as the approval granted by the University at the relevant time. He has also mentioned that so far as equivalence is concerned though there are no specific guidelines from the State Government / UGC, the University was fully justified to hold Dr. Sharma to be eligible for the post of Reader in Electronics on the afore-said qualifications including Ph.D. in Electronics and the experience. Therefore the selection of Dr. Sharma as Reader in Electronics is perfectly legal and valid.

9. The Vice-Chancellor also pointed out that the Appellant Dr. Dahikar as well as other candidates was fully aware of the fact that Dr. Sharma was considered to be eligible candidate for the post of Reader in Electronics and was called for the interview. Neither the Appellant nor any other candidate has raised any objection before the interviews about Dr. Sharma's eligibility and had participated in the process of selection. Hence, the Appellant has taken a chance and after having been not selected for the post has chosen to question the appointment of Dr. Sharma on the ground of his eligibility. This action and such challenge is not maintainable as the Hon'ble High Court has already held that the candidate having participated in the process of selection without any objection can not question the selection process at a later point of time.

10. After scrutiny of the facts as reported by the Vice-Chancellor of the University and the points raised by Dr. Dahikar. I was prima facie of the view that the appointment of Dr. S. J. Sharma as Reader in Electronics appears to be not in accordance with the eligibility condition, as advertised. Therefore, Dr. S. J. Sharma was served with the Show Cause Notice under Section 76 (7) of the Act vide my office letter dated 16th July 2010 to explain as to why his appointment as Reader in Electronics should not be set aside.

11. I also gave Dr. S. J. Sharma an opportunity of personal hearing. Accordingly, Dr. S. J. Sharma, Dr. P. B. Dahikar, Shri B.V. Gapala Reddy, Acting Vice-Chancellor and Dr. D. P. Mishra I/c Registrar of the RTM Nagpur University appeared before me on 30th July 2010 at Raj Bhavan, Mumbai to put their arguments personally.

12. During the hearing, Dr. P. B. Dahikar made oral and written submissions about his qualification, experience, research publication etc. He reiterated the same what he had already submitted in his petition

- i) As per the employment notice dated 13th July 2007, the candidates having M.Sc Degree in Electronics are only eligible for appointment as a Reader.
- ii) The Advertisement itself shows a separate post for Physics. The syllabus of Master's Degree in Physics and Electronics is entirely different and the Physics course/syllabus contain only one paper of Electronics. No equivalence is granted by the University to these two degrees.
- iii) The advertisement nowhere publishes that the eligibility educational criteria will be relaxed for concerned subject and any other candidate not having post graduate degree in Electronics will be considered for the post.
- iv) The Electronics comparatively new subject introduced in the University and earlier the candidates having Electronics subject were not available for being appointed as Lecturer. At that time, i.e. nearly about 20 to 25 years ago the persons having M.Sc degree in Physics were appointed as Lecturers to teach the Electronics subject with the approval of the committee constituted by the University on this behalf to avoid the loss of the students. However, by the passage of time, the postgraduate degree holders in Electronics subject are available and when there is no relaxation in the advertisement for the "concerned subject", only the candidates having M.Sc and Doctoral degree in Electronics should have been considered by the Selection Committee for the selection and appointment to the post of Reader in Electronics.
- v) Dr. Sharma does not hold the Post Graduate degree and Doctoral degree in Electronics and therefore he is not eligible for being considered and selected for the post of Reader in Electronics.
- vi) Being the approved Lecturer in Electronics and guiding and approved Ph.D (Guide) supervisor for the subject Electronics does not make Dr. Sharma eligible by overlooking the basic requirement of Master's Degree in the concerned subject for the post of Reader in Electronics.

13. During the hearing, Dr. S. J. Sharma also made oral and written submissions. He submitted that he had 20 years of teaching experience in Electronics before appearing for the interview to the post of Reader in Electronics

in Rashtrasant Tukadoji Maharaj Nagpur University held on 06.11.2008. Since his academic record was found to be good with quality publications and with due approval as Lecturer in Electronics, and Reader in Electronics, he was short-listed as an eligible candidate to appear for the interview before the Selection Committee. Moreover, other candidates present did not raise any objections regarding his eligibility before the interview and had participated in the process of selection interview. Upon issuance of his appointment Order as Reader in Electronics by the University on 28.11.2008, Dr. Dahikar filed the writ petition in the Hon'ble High Court on 27.11.2008, which was rejected.

14. Dr. Sharma further said that, as far as his appointment as Reader in Electronics in Rashtrasant Tukadoji Maharaj Nagpur University is concerned, the University has fully justified his candidature for the said post and subsequently as Reader in Electronics at S.K. Porwal College, Kamptee and found him fully qualified for the interview for appointment to the post of Reader in Electronics in the University. He further said that due recognition to his research work carried out during his tenure as a teacher in Electronics has been given. He is already holding the post of Reader in Electronics in S. K. Porwal College, Kamptee since the year 2000. He had 8 years experience as a Reader in Electronics at the time of interview on 06.11.2008.

15. The Acting Vice-Chancellor, Shri B. V. Gopala Reddy, during the hearing submitted that there are many Bio-Technology Professors who had basically done their post graduation in Genetics and then they switched over to Bio-Technology. So like in physics, as Dr. Sharma has done his specialization in Electronics probably the weightage might be given to these papers which may be considered.

16. Dr. D. P. Mishra, Incharge Registrar of the University during the hearing submitted that Dr. S.J.Sharma has obtained the B.Sc degree from Nagpur

University in the year 1985 in first division with the subject Chemistry, Physics and Mathematics. M.Sc in the year 1987 in first division in the subject Physics, with special paper Digital Electronics and Microprocessors. He passed the NET examination in March, 1988 and holds Ph.D in the Faculty of Science. The subject of thesis was "Ultrasonic Propagation Studies in Polymers".

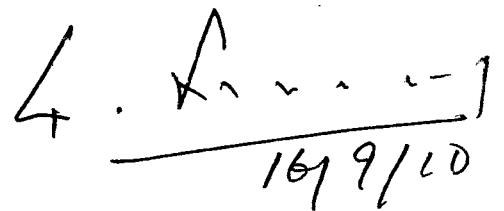
17. The Registrar also submitted that Dr. S. J. Sharma was working as an approved Lecturer in Electronics since 1988 at S.K. Porwal College, Kamptee, which is affiliated to the University and since then over a period of 20 years he had been an approved Lecturer in the subject Electronics in the said College. The appointment of Dr. Sharma as Lecturer in Electronics was duly approved by the University from 1988-89 and therefore he was fully eligible and qualified for the post of Reader in Electronics. He is also University approved Ph.D (Guide) Supervisor for the subject "Electronics". Three students have already obtained Ph.D degree under his guidance and five students have submitted their Thesis in the field of Electronics.

18. The Registrar also emphasized that the Ph.D work of Dr. Sharma and the entire research work of Dr. Sharma was fully related to the subject of Electronics and these facts were minutely evaluated by the Subject Experts of the Selection Committee. The Selection Committee had evaluated the research work of Dr. Sharma and had opined that the research work was of quality.

19. Since the basic grievance of the petitioner is about the violation of the eligibility conditions advertised by the University, which in turn are as per the UGC guidelines, I thought it necessary to get the views of the UGC in the matter. The UGC vide its letter dated 30th August, 2010 has clarified that the relevance of the subject is to be determined by the concerned University as per its requirements and that the Selection Committee is empowered to select the candidates on the basis of the minimum prescribed qualification and performance

in the interview. It therefore, appears that the requirement of post graduation in the concerned subject has to be seen as per the requirement of the University in a specific case. In the present case, though Dr. Sharma has not done his post graduation in Electronics, he has passed some papers in Electronics as a specialization. Moreover he has guided 3 Ph. D Students in Electronics and has been an approved Lecturer and subsequently as Reader in Electronics for the past 20 years. Considering the views of the Vice-Chancellor, I find that the Selection of Mr. Sharma is not violative of the eligibility conditions, keeping in view the clarification of UGC.

20. After considering all the above facts and the records on the file, the report received from the then Vice-Chancellor and the written and oral submissions made by Dr. Dahikar, Dr. Sharma, the Acting Vice-Chancellor and the Registrar of the RTM Nagpur University during the hearing, I do not find any justification under Section 76 (7) of the Maharashtra Universities Act, 1994 to interfere with the decision taken by the University Authorities in the matter.


16/9/20

(K. Sankaranarayanan)
Chancellor
RTM Nagpur University.