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K. Sankaranarayanan
GOVERNOR OF MAHARASHTRA



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SU/09/(7246)

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10 May 2011.

ORDER

- Subject : Proposal submitted by the Shivaji University, Kolhapur, regarding withdrawal of M.Phil. & Ph.D. Degrees awarded to Prof. B.L. Pawar, Willingdon College, Sangli.
- Reference: 1. The Acting Vice-Chancellor's letter No.SU/PG/BUTR/Ph.D./1693 dated 16th May 2009.
2. The Acting Vice-Chancellor's letter No.SU/PG/BUTR/Ph.D./VC/1729 dated 26th May 2009.
3. The Vice-Chancellor's letter No.SU/PG/BUTR/Ph.D./VC/589/8040 dated 4 / 5th October 2010.
4. The Vice-Chancellor's letter No.SU/VC/PGBUTR/642/9636 dated 15 / 16th November 2010.
5. My Office letter No.CS/SU/37/10/(7246)/67 dated 6th January 2011 to Prof. B.L. Pawar.
6. Prof. (Dr.) B.L. Pawar's letter dated 6th February 2011.
7. My Office letter No.CS/SU/MISC/37/10/(7246)/703 dated 25th February 2011 to Prof. (Dr.) B.L. Pawar.
8. My Office letter No.CS/SU/MISC/37/10/(7246)/704 dated 25th February 2011 to the Vice-Chancellor, Shivaji University, Kolhapur.
9. The Vice-Chancellor's letter No.SU/PG/BUTR/13706/203 dated 8/10 March 2011.
10. The Vice-Chancellor's letter No.SU/PGBUTR/Ph.D./14147 dated 21st March 2011.
11. The Vice-Chancellor's letter No.SU/PGBUTR/Ph.D./921 dated 23rd March 2011.

I had received letters from the Vice-Chancellor, Shivaji University, Kolhapur, thereby forwarding the proposal as required under Section 96 (2) of the Maharashtra Universities Act, 1994, for withdrawal of M.Phil. and Ph.D. Degrees awarded to Prof. (Dr.) B.L. Pawar, Sangli, by the Shivaji University, Kolhapur.

The facts as reported by the Vice-Chancellor in brief are as follows :-

The University has awarded M.Phil Degree on 20.05.1995 and Ph.D. Degree on 02.01.2004 to Prof. B.L. Pawar. On receipt of the complaint from Dr. Devesh Thakur, Mumbai that Prof. Pawar had copied some part from his research work, the Shivaji University, as per provisions under Section 32 (6) of the Maharashtra Universities Act, 1994, referred the matter to the Lapses Committee of the University. Prof. Pawar and his research guide Dr. A.G. Chavan were given opportunity to defend themselves before the Lapses Committee of the University. Accordingly, to investigate the matter, the Lapses Committee had also called Dr. S.V. Mudgal, first research guide of Prof. Pawar in its meeting held on 25th August 2006 after taking a written explanation from him as to why he has conveyed his unwillingness to continue as research guide of Prof. Pawar. In his explanation Dr. Mudgal has stated that Prof. Pawar had registered his name on 01.07.2000 for the Ph.D. in the subject of "Bhishma Sahani ke Sahitya me Pratibimbit Manavtawad". Prof. Pawar has, from time to time, persisted Dr. Mudgal for submission of research thesis before 31/12/2002 on the ground that he would get exemption from NET / SET if he submits the research thesis before that date. Prof. Pawar had submitted three chapters to him. But since on examining the said chapters Dr. Mudgal found that they were incomplete, grammatically incorrect and unsatisfactory as also not upto the desired research standard, he returned it to Prof. Pawar for rewriting as per directions given by him. Since Prof. Pawar came to know that it would not be possible for him to submit the thesis under the guidance of Dr. Mudgal before 31/12/2002 he resorted to exercise the option of change of research guide. Thus, Dr. Pawar alongwith his friends visited his college and pressurized him to give his consent to change the research guide and to affix his signature for the same on a consent letter. Only within

six days after change of guide, Dr. Pawar submitted his Ph.D. thesis under the new research guide Dr. A.G. Chavan.

The Lapses Committee also called Prof. Meenakshi Khadilkar, M.Phil research guide of Prof. Pawar. However, the concerned college informed about her death. The Lapses Committee, therefore, clubbed the matter of the award of M.Phil Degree to Prof. Pawar with the matter of award of Ph.D. Degree.

The Lapses Committee conducted 14 meetings and after detailed investigation and obtaining opinion from the experts, Prof. Pawar and Dr. Chavan were found to be guilty and the Lapses Committee recommended to the Board of Examinations for withdrawal of Prof. Pawar's M.Phil. as well as Ph.D. Degrees and also recommended to debar Dr. Chavan from any kind of examination work, who was the research guide of Prof. Pawar. Prof. Pawar, by his explanation given on 17.06.2006 also accepted the allegations leveled against him. The Academic Council and the Management Council of the University in their meetings held on 24.04.2008 and 22.05.2008 respectively, have resolved to withdraw the Degrees of M.Phil and Ph.D. awarded to Prof. Pawar by absolute majority as required under Section 96 (2) of the Maharashtra Universities Act, 1994. The Vice-Chancellor has, therefore, as required under said Section 96 (2) of the Act, referred the matter to me on the recommendations of the Management Council and the Academic Council of the University with a request to withdraw the Degrees of M.Phil and Ph.D. awarded to Prof. B.L. Pawar.

Section 96 (2) of the Maharashtra Universities Act, 1994, provides that the Chancellor may on the recommendation of the Management Council and the Academic Council, supported by a majority of not less than two-third members of each such authority, present at its meeting, such majority comprising not less than one-half of members of each such authority, withdraw the Degree or Diploma or Certificate or any other academic distinction permanently or for such period as the Chancellor thinks fit, if such a person is convicted by a court of law for any offence involving moral turpitude or has been found to have obtained such Degree or Diploma or Certificate or any other academic distinction by fraudulent means.

However, no such action under this section shall be taken unless the person concerned is given an opportunity to defend himself.

In view of the aforesaid provision of the Act, I asked Prof. Pawar to submit his written explanation within 15 days as to why the Degrees of M.Phil and Ph.D. awarded to him by the Shivaji University should not be withdrawn. I also called additional information from the Vice-Chancellor, Shivaji University, in the matter.

The explanation, in brief, submitted by Prof. Pawar is as under :

Out of 7 chapters, the first chapter of Prof. Pawar's Ph.D. thesis is of theoretical type wherein it is expected to have features analysis on humanism. He has read the book "Adhunik Hindi Sahityaki Manavatawadi Bhumikaye" written by Dr. Thakur for reference and taken out theoretical explanation from it. However, for want of time the said points are remained to be put in quotation in the first chapter. Apart from Dr. Thakur's book he has also referred the references of 16 other writers and at the end of the chapter he has given his explanation in his concerned subject. Prof. Pawar has stated that his subsequent chapters are related to main research in the subject of "Bhishma Sahani ke Sahitya me Pratibimbit Manavtawad". There is no similarity of even single page between his subject and the book written by Dr. Thakur. He has further stated that the explanation given in his research thesis entirely belongs to him and no part is related to Dr. Thakur's book. He has also stated that the Shivaji University had called him to defend in the matter of withdrawal of M.Phil and Ph.D. Degrees awarded to him by the University before the Lapses Committee only and not before the Board of Examination as stated by the University.

According to Prof. Pawar, the University has taken action on anonymous letter and thereby asked his explanation seven times. The explanation was also called for from Dr. S.V. Mudgal, earlier research guide of Prof. Pawar. It is revealed from the information sought by Prof. Pawar under the RTI that the then Vice-Chancellor of the Shivaji University has given false information in the matter of M.Phil and Ph.D. Degree of Prof. Pawar.

Prof. Pawar has stated that apart from introductory chapter of his Ph.D. thesis, all research work of his thesis has been done by him. Dr. Thakur has not even written one page on his main research thesis. He has also conveyed his willingness to appear before the Lapses Committee to re-examine the matter by putting particular part of Dr. Thakur's book into quotation which is written in his introductory chapter and inadvertently remained to be put in the quotation. Prof. Pawar has stated that it is not correct to say that the entire thesis is copied and that it will be injustice on him if the action of withdrawal of M.Phil. and Ph.D. Degrees awarded to him by the Shivaji University is taken.

I had further called the report from the Vice-Chancellor, Shivaji University, on the explanation received from Prof. Pawar. As regards the point that Prof. Pawar was called by the Shivaji University to appear before the Lapses Committee and not before the Board of Examinations, the University has stated that a student is not called before the Board of Examinations. However, Prof. Pawar was called to appear before the Lapses Committee of the Shivaji University to present his case and he has been given ample opportunity in keeping with the principles of natural justice to defend himself before the Lapses Committee. As regards the issue of providing wrong information by the then Vice-Chancellor Dr. Manikrao Salunke, the University has stated that Dr. Salunke has not given any false information in the matter. As regards the issue that the University has taken cognizance of anonymous letter and thereby written to Prof. Pawar seven times for his explanation, the University has stated that the enquiry by the Lapses Committee in the matter was under process at that time. Hence, after going through the facts as mentioned in the anonymous letter, there appeared to be truth in the matter and as such though the letter was anonymous, the Lapses Committee called explanation from Prof. Pawar. In fact, at some stage of the enquiry, a written complaint was also received from Dr. Devesh Thakur. As regards the point that though the explanation was called from Dr. Mudgal, the Shivaji University on the application of Dr. Pawar made under Right to Information Act has informed that no such explanation was called for from Dr. Mudgal, the University has stated that at that time the action in the matter was under

process by the Lapses Committee. When Dr. Mudgal was present before the Lapses Committee, he had discussion with the said Committee and thereafter he gave his written submission in the matter. As regards the point that the then Vice-Chancellor has inserted the concerned item of withdrawal of Ph.D. & M.Phil. Degrees awarded to Prof. Pawar in the agenda of the Management Council meeting as the table item, the University has stated that it was regular item on the Agenda of the Management Council meeting at Sr.No.36 and as such, the allegation made by Prof. Pawar is incorrect.

Though under Section 96 (2) of the Maharashtra Universities Act, 1994, which prescribes that the Chancellor may withdraw the Degree permanently or for such period as he thinks fit, no such action under this section shall be taken unless the person concerned is given an opportunity to defend himself. In view of this, before taking any decision in the matter, to meet the principles of natural justice I invited Prof. Pawar for personal hearing on 15th March 2011. I also asked Dr. N.J. Pawar, Vice-Chancellor, Dr. D.V. Muley, Registrar and Dr. B.M. Herdekar, Controller of Examinations of the Shivaji University to remain present at the time of hearing. Accordingly they appeared before me.

During the hearing Prof. Pawar reiterated the same issues which he has put forward in his written explanation. In addition he stated that he has given in writing to the Lapses Committee the mistakes committed by him and requested for forgiveness in the matter. He further said that the University has given undue publicity in the newspapers in the matter of withdrawal of Ph.D. & M.Phil. Degree certificates for which he alongwith his family members suffered a lot. However, the award of a Degree and its withdrawal is an academic matter and the Lapses Committee found Prof. Pawar guilty. Hence this defence taken by Prof. Pawar is not acceptable.

During the hearing, the Vice-Chancellor also reiterated the points which he has mentioned in his letters and stated that after change of research guide on 24.12.2002, Prof. Pawar submitted his research thesis on 31.12.2002 i.e. within one

week's time. The Vice-Chancellor also pointed out that the candidate, his previous guide Dr. Mudgal and his present guide Dr. Chavan have admitted that some of the contents in the thesis are copied from the book authored by Dr. Devesh Thakur, who also had made a written complaint to that effect. Moreover, the Expert Committee appointed by the Lapses Committee had decisively opined that the material in the thesis which was copied ran into 80 pages out of 300 pages, which too were pointed out by the Vice-Chancellor. These facts which were brought out by the Vice-Chancellor during the course of hearing, were neither objected to nor disputed in any manner by Prof. B.L. Pawar, which also lends credence to the findings of the Lapses Committee, which were accepted by the University authorities. The Vice-Chancellor has explained that the proper procedure has been followed by the University and the University authorities are of the firm opinion that the matter of withdrawal of Degrees of M.Phil. and Ph.D. awarded to Dr. Pawar by the Shivaji University is a fit case which attracts action to be taken as per Section 96 (2) of the Maharashtra Universities Act, 1994.

After careful consideration of the written statements as well as oral submissions made by Prof. Pawar, the Vice-Chancellor, Registrar and the Controller of Examinations of the Shivaji University and the facts on record received from the University, I find that on receipt of the complaint dated 08.05.2006 by the University from Dr. Devesh Thakur that Prof. Pawar has copied some part of his book, the explanation was called for from Prof. B.L. Pawar, Dr. Mudgal and Dr. Arjun Chavan, research guides of Dr. Pawar by the Lapses Committee of the University. They were also given an opportunity to defend themselves in the matter before the Lapses Committee of the Shivaji University. The opinion from the Standing Counsel of the University was also taken by the University in the matter. After thorough investigation, Prof. Pawar and his research guide were found guilty and thus, the Lapses Committee has recommended the proposal to the Board of Examinations for withdrawal of Degrees of M.Phil. and Ph.D. awarded to Prof. Pawar by the Shivaji University. Subsequently, the Board of Examinations recommended the proposal to the Academic Council and the Management Council of the University. The

Academic Council and the Management Council of the University in their meetings held on 24 April 2008 and 22nd May 2008, respectively, also resolved to withdraw the degrees of M.Phil and Ph.D. awarded to Prof. B.L. Pawar by the Shivaji University.

It is also noticed that Prof. Pawar submitted his research thesis on 31/12/2002 which is within one week of change of Research Guide. Such act of Prof. Pawar in submitting the thesis in a post-haste manner after change of Research Guide, who had pointed out various infirmities in the thesis also indicates his motive behind such a past-haste submission, as Prof. Pawar wanted to meet the deadline of 31/12/2002 so as to seek an exemption from the condition of passing NET / SET examinations. Therefore, on the basis of the aforementioned written and oral submissions, it emerges that the the defense given by Prof. Pawar is inadequate and inadmissible.

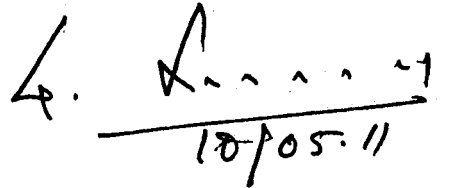
It would also be not out of place to observe that the new guide Dr. Chavan has also in a way contributed and facilitated Prof. Pawar's act of plagiarism by enabling him to submit the thesis in a post-haste manner, without a proper verification in that regard. The plagiarism is a serious issue and is an impediment for the improvement of quality of higher education.

Therefore, I, K. Sankaranarayanan, Chancellor, Shivaji University in exercise of the powers conferred upon me under Section 96 (2) of the Maharashtra Universities Act, 1994, approve the recommendations of the Academic Council and the Management Council of the Shivaji University to withdraw the Ph.D. Degree awarded to Prof. B.L. Pawar by the Shivaji University. Thus, the Ph.d. Degree awarded by the Shivaji University to Prof. B.L. Pawar, Willingdon College, Sangli, is hereby withdrawn permanently, forthwith.

However, the action of withdrawal of the Ph.D. Degree awarded to Prof. B.L. Pawar does not restrict the College as well as the University authorities to initiate any further legal or administrative proceedings as deemed fit and appropriate against the

concerned teacher namely, Prof. B.L. Pawar, Willingdon College, Sangli and Dr. A.G. Chavan, Head, Department of Hindi, Shivaji University, Kolhapur.

As regards the University's proposal to withdraw M.Phil. Degree awarded to Prof. Pawar, I have observed that the University has not followed due procedure under the relevant provisions of the Act, Statutes, Ordinances, Rules & Regulations of the University. The Vice-Chancellor also agreed to this during the hearing. I, therefore, hereby direct that the Vice-Chancellor, Shivaji University, may initiate action in connection with the withdrawal of M.Phil. Degree awarded to Prof. Pawar by the Shivaji University in accordance with the relevant provisions of the Act, Statutes, Ordinances, Rules & Regulations of the University after following the due procedure in this regard.


10/05/11

(K. Sankaranarayanan)
Chancellor
Shivaji University.