



19 November, 2013

ORDER

Subject : Petition under Section 76 (7) of the Maharashtra Universities Act, 1994 received from Dr. Shailaja B. Wadikar challenging the appointment of Dr. B.S. Jadhav to the post of Associate Professor in English in Swami Ramanand Teerth Marathwada University, Nanded.

- Reference :**
1. Petition dated 12th April 2012 submitted by Dr. Shailaja B. Wadikar under Section 76 (7) of the Maharashtra Universities Act, 1994.
 2. This office letter No. CS/SRTMU/37/12/(7557)/1418 dated 20th April 2012 to the Vice Chancellor, SRTMU.
 3. Letter No. ESTT/3/2012-13/1655 dated 25th May 2012 from the Registrar, SRTMU.
 4. This office letter No. CS/SRTMU/37/12/(7557)/2489 dated 30th June 2012 to the Registrar, SRTMU.
 5. Letter No. VC/2012-13/Legal Dept./77 dated 14th July 2012 from the Vice Chancellor, SRTMU.
 6. Letter No. ESTT/3/2012-13/2821 dated 23rd July 2012 from the Registrar, SRTMU.
 7. This office letter No. CS/SRTMU/37/12/(7557)/2984 dated 3rd August 2012 to the Vice Chancellor, SRTMU.
 8. Letter No. SRTMU/ESTT-03/2012-13./4346 dated 7th August 2012 from the Vice Chancellor, SRTMU.
 9. This office letter No. CS/SRTMU/37/12/(7557)/3115 dated 21st August 2012 to Dr. Shailaja Wadikar.

10. Letter dated 29th August 2012 from Dr. Shailaja Wadikar.
11. Letter No. Estt/3/2012-13/4830 dated 3rd September 2012 from the Registrar, SRTMU.
12. Order dated 10th June 2013 passed by the Hon'ble High Court, Bench at Aurangabad in the Writ Petition No. 9639/2012 filed by Dr. Shailaja Wadikar.
13. This office letter No. CS/SRTMU/37/12/(7557)/2058 dated 29th June 2013 to Dr. Shailaja Wadikar.
14. This office letter No. CS/SRTMU/37/12/(7557)/2059 dated 29th June 2013 to Dr. B.S. Jadhav.
15. Letter dated 9th July 2013 from Dr. B.S. Jadhav.
16. Letter dated 17th July 13 from Dr. Shailaja Wadikar.
17. This office letter No. CS/SRTMU/37/12/(7557)/3191 dated 11th September 2013 to Dr. Shailaja Wadikar inviting for hearing on 3rd October 2013.
18. This office letter No. CS/SRTMU/37/12/(7557)/3192 dated 11th September 2013 to Dr. B.S. Jadhav inviting for hearing on 3rd October 2013.
19. This office letter No. CS/SRTMU/37/12/(7557)/3193 dated 11th September 2013 to the Vice Chancellor, SRTMU inviting for hearing on 3rd October 2013.
20. Letter No.VC/2013-14/192 dated 19th September 2013 from the Vice Chancellor, SRTMU.
21. Letter dated 3rd October 2013 submitted by Dr. B.S. Jadhav at the time of hearing.
22. Letter dated 3rd October 2013 submitted by Dr. Shailaja Wadikar at the time of hearing.

I had received a petition dated 12.04.2012 under Section 76 (7) of the Maharashtra Universities Act, 1994 (hereinafter referred as the "Act") from Dr. Shailaja B. Wadikar, Assistant Professor, School of Language,

Literature and Culture Studies, Swami Ramanand Teerth Marathwada University (hereinafter referred as the "University"), challenging the appointment of Dr. Bhagwan S. Jadhav to the post of Associate Professor in English in the University.

2. Dr. Shailaja Wadikar stated that the post of Associate Professor in English at School of Language, Literature and Culture Studies was advertised on more than one occasion by the University. The petitioner had applied for the post of Associate Professor. Dr. B.S. Jadhav had also applied for the said post. The first requirement in the advertisement was that the candidate should have a good academic record with a Ph.D. Degree in the concerned/allied/ relevant disciplines. Dr Jadhav's Ph.D. is in English Language Teaching which is not included in the areas of specialization. Although Dr Jadhav has given his specialization Indian Writing in English and Comparative Literature, he has not carried out any substantial research in these areas. Dr. Wadikar further stated that she has teaching experience at PG Level, whereas Dr. Jadhav has teaching experience at UG Level. She has passed her B.A. and M.A. in English subject, whereas Dr Jadhav did his U.G. in B.Sc. and completed M.A. in English course directly. Further, she has 21 papers and 3 books to her credit whereas Dr.Jadhav has only 4 papers and 1 book to his credit. She has presented 10 papers at International seminars/conferences, 22 at the National seminars/conferences and 6 at the State level seminars/conferences. Whereas Dr. Jadhav has presented only 6 papers at International seminars/conferences, 6 at the National seminars/ conferences and 9 at the State level seminars/ conferences. The Academic Performance Indicator (API) of the petitioner is 650, whereas Dr. Jadhav's is 547. Dr. Wadikar also alleged that –

- (i) Dr. Jadhav misused the position as Dean and was involved in the selection process at every stage.

- (ii) The HoD of English who was one of the members of the Scrutiny Committee was entirely eliminated from the process of oral interview.
- (iii) Three experts nominated by the Management Council and six names of subject experts are to be recommended by the Academic Council. However, this rule is not followed in the present case.
- (iv) The matter was not placed before the Management Council and the Academic Council for preparing a panel of experts.
- (v) The members of the Selection Committee should be holding a higher rank i.e. Professor. One Dr. Ashok Thorat is the Principal of a private institution. How can a Principal of a private institution be a member of the Selection Committee ?
- (vi) As per the Statute 17 of the University, Colloquium was not given to the candidates for about 10 minutes before the members of the Selection Committee.

Dr. Wadikar had, therefore, requested to quash and set aside the appointment of Dr. Jadhav as an Associate Professor in English in the University.

3. I had called for a detailed report from the Vice Chancellor of the University. As reported by the Vice Chancellor of the University, the facts are as follows :-

(a) The Swami Ramanand Teerth Marathwada University published advertisement for seven times for the post of Associate Professor in English. In these advertisements general / minimum qualifications as laid down by the UGC for the post of Associate Professor are as under:-

- i. Good academic record with a Ph.D. Degree in the concerned / allied/ relevant disciplines.
- ii. A Master's Degree with at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed).
- iii. A minimum of 8 years of experience of teaching and / or research in an academic/research position equivalent to that

of Assistant Professor in a University, College or Accredited Research Institution/ industry excluding the period of Ph.D. research with evidence of published work and a minimum of 5 publications as books and/or research/policy papers.

- iv. Contribution to educational innovation, design of new curricular and courses, and technology – mediated teaching learning process with evidence of having guided doctoral candidates and research students.
- v. A minimum score (from Category-III-300 score) as stipulated in the Academic Performance Indicator (API) based Performance Based Appraisal System (PBAS), set out in the Regulation in Appendix III, given in the Application Form.

(b) The details of the qualifications, experience of Dr. B.S. Jadhav and Dr. Shailaja Wadikar are as under :-

	Dr. Bhagwan Jadhav	Dr. Shailaja Wadikar
U.G.	56% (B.Sc.)	57.44% (B.A.)
P.G.	58.75% (M.A.)	56.66% (M.A.)
Qualification	L.L.B., PGCTE, Ph.D. (English Language Teaching), M.Phil, SET	Ph.D. (Comparative Literature), SET
Specialization in Ph.D.	Comparative Literature, Indian Writing in English	Comparative Literature, Linguistics, Literary, Theory
Post Doctoral Research guided students	1	-Nil-
Teaching Experience	UG - 19 years 4 months PG - 16 years	UG - 1 year 7 months PG - 6 years 7 months
Research publication	NAT - 01 INT - 02 Book - 01	LOC - 01 NAT - 01 INT - 01 Book - 02
Seminars/ Conferences attended	6 - International 6 - National 9 - State Level	10 - International 22 - National 6 - State level
A.P.I. Grade	547	650

(c) Dr. Jadhav has his Ph.D. in English and his topic of research was 'Using Support Materials for Teaching English at the Tertiary Level' wherein he has explored language teaching through literature and other support materials. His degree is Ph.D. in English and in any way it is in the concerned/allied/relevant discipline. Discipline is a broader concept which is inclusive of subject/topic. Dr. Jadhav has another research degree i.e. M.Phil. in English where his topic was 'Comparative Study of the treatment of partition in the novels of Manohar Malgaonkar and Khushwant Singh'. The specialization of a candidate is proved by his research degrees, research publications, optional subjects/courses studied by him and by his research guidance. Similarly, he studied 'Comparative Literature' as well as 'Linguistics' as his special subjects at M.A. which go to prove his specialization in 'Linguistics' as well as "Comparative Literature'. He also did his PGCTE from CIEFL (English & Foreign Languages University, Hyderabad) where he studied Indian Writing as well as Linguistic. He has already 5 research papers to his credit on 'Indian Writing'.

(d) Dr. Jadhav possesses almost 20 years teaching experience to UG as well as 17 years teaching experience to PG classes. He has guided 15 M.Phil. candidates and 01 Ph.D. Scholar namely Dr. Pravin Borse. Another Ph.D. student namely Shri P.B. Nirmal has submitted his doctoral thesis to the University. On the contrary, Dr. Wadikar has no doctoral candidate to her credit as laid down by the UGC. Dr. Jadhav has 4 books and 1 issue of a research journal to his credit. He also had 7 research papers to his credit at the time of interview. The details are as follows :

4 books –

- (i) Teaching English " The Use of Support Materials.
- (ii) Radiance: Communication Skills, Prose and Poetry
- (iii) Prism: Spoken and Written Communication
- (iv) Rainbow: A Collection of English Prose, Poetry and Composition.

1 Research Journal –

Literary Insight, Volume-I (2010)

7 Research papers :

- (i) 'Matrimonial Discourse in Manju Kapur.
- (ii) 'Agonies of the Immigrants in Kiran Desai's The Inheritance of Loss'.
- (iii) 'Female Characters in Mahesh Elkunchwar's Old Stone Mansion – A critique'.
- (iv) 'Defiance in the Novels of Manju Kapur'.
- (v) 'Language : Sign of Power and Marginalization.'
- (vi) 'Anecdotes and Malapropisms for ELT.
- (vii) 'Post-Independence life Narratives of Tribal : A study of Tribal Woman and Community'

All his publications are standard and published in international journals and books by reputed publishers. The review of his book 'Teaching English : The use of Support Materials' has been published in an international journal 'Humansing Language Teaching' published from London. He has further initiated his research students in the field of research publication.

(e) As per minimum qualifications set by the UGC, contribution to educational innovation, design of new curricula and courses and technology – mediated teaching learning process with evidence of having guided doctoral candidates and research students was necessary. Dr. Jadhav satisfied this criterion whereas Dr. Wadikar had no Ph.D. candidate to her credit at the time of interview. Further, Dr. Jadhav is a Law graduate apart from M.A., S.E.T., P.G.C.T.E., M.Phil., Ph.D. and is truly competent in his subject. He presented a research paper at the First TESOL Convention at Clark Education City, Pampanga, Philippines. Before the interview was conducted he had already delivered guest lectures at Refresher Courses at the Maulana Azad National Urdu University,

Hyderabad; Sant Gadge Baba Amravati University, Amravati and Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. He had evaluated 8 doctoral thesis of various Universities at the time of the interview. He has also delivered keynote addresses and chaired sessions at several seminars/ conferences.

(f) Dr. Jadhav has been selected twice by the Selection Committee for the same post by differently constituted two Committees. Earlier he was issued the Appointment Order dated 13.7.2011. He declined to join the said post as his college i.e. Dnyanopasak College, Parbhani refused to grant him lien. When he was selected the second time vide Appointment Order dated 17.2.2012, he joined the said post on 13.3.2012 by tendering his resignation to the aforesaid college. Dr. Jadhav acted as the Dean of Arts Faculty of the University from September 2007 to August 2011. The tenure as the Dean of Faculty of Dr. Jadhav came to an end on 31.8.2011. The advertisement was published two months after his tenure was over i.e. on 21.10.2011. He applied for the said post in routine course as one of the general candidates. During the entire relevant process of selection, Dr. Jadhav was not the Dean as alleged by Dr. Wadikar.

(g) Dr. Wadikar joined the services of the University as Assistant Professor on 7.3.2005. Being senior in date of joining as compared to Dr. Jadhav, she had every opportunity to interfere some or the other way in entire selection process to fulfill her vested interest. The University had published advertisement for seven times for the post of Associate Professor (English). On the date of publication of fourth advertisement for the said post i.e. on 28.4.2011, she could not apply for want of eight years teaching experience as prescribed. She had 15 days short to fit into the criteria.

(h) The present case differs on the aspect of factual matrix. The entire selection procedure for the post of Associate Professor in English has

been completed as per rules laid down by the UGC as well as by the State Government and with strict adherence to the statutory provisions of the University. The Selection Committee has assessed all the qualified candidates and accordingly the most suitable and competent candidate has been selected.

4. I had also asked the Vice Chancellor of the University to send the clarification on the following points raised by Dr. Shailaja Wadikar in her petition :-

- (i) Whether Dr. Ashok Thorat, a Principal of a private institution in Pune was eligible to be selected as a Subject Expert on the Selection Committee?
- (ii) Whether a panel of experts prepared by the Management Council on the recommendation of the Academic Council?
- (iii) Whether colloquium for about 10 minutes before the meeting of the Selection Committee and other candidates prior to the personal interview was given?
- (iv) Duration of tenure of Dr. B.S. Jadhav as a Dean.
- (v) Proceedings/recommendations of the earlier selection process when Dr. Jadhav was selected as Associate professor in July 2011.

5. As regards the point No. 1 above, the Vice Chancellor clarified that the Institute of Advance Studies in English, of which Principal Dr. Ashok R. Thorat is the founder Director, is duly affiliated and recognized by the University of Pune. Though the Institute is private, it is affiliated and recognized by the University of Pune and is the Institute pursuing advance studies in English of which Dr. Thorat is Director which is very equivalent to the post of Professor. Therefore, the allegations made by Dr. Wadikar in her petition are baseless.

6. As regards Point No. 2 above, the Vice Chancellor clarified that the University has followed the prescribed procedure in forming the Selection

Committee under Section 76 (7) of the MU Act. The list of panel experts recommended by the Academic Council was further approved by the Management Council of the University on 15.3.2008.

7. As regards Point No. 3 above, the Vice Chancellor clarified that as a part of routine procedure and also to maintain the transparency by providing ample opportunity on merit to all aspiring candidates, colloquium did take place before the Selection Committee prior to personal interview.

8. As regards Point No. 4 above, the Vice Chancellor clarified that duration of tenure of Dr. B.S. Jadhav as a Dean of Faculty of Arts was from 24.8.2007 to 31.8.2011.

9. As regards Point No. 5 above, the Vice Chancellor clarified that Dr. Jadhav was selected as Associate Professor on 31st July 2011. He had requested for extension of joining period and hence, extension of 15 days for joining was granted by the University. However, he could not join even after completion of the extension period of 15 days. Hence, his appointment was cancelled by the University on 17th August 2011.

10. The Registrar of the University informed that Writ Petition No. 1802/2012 filed by Dr. Wadikar in the High Court, Bench at Aurangabad challenging the selection procedure of Dr. Jadhav came to be disposed off by the High Court, Bench at Aurangabad being infructuous on 31.8.2012 as well as her another Writ Petition No.5683/2012 pertaining to the same subject also came to be disposed off as withdrawn by the Petitioner herself on 3.8.2012.

11. After going through the facts as reported by the Vice Chancellor of the University alongwith relevant documents and the points raised by Dr. Wadikar in her petition, I was of the view that the appointment of Dr. B.S. Jadhav as Associate Professor in English appears to be in accordance with the eligibility conditions, as advertised. Dr. Shailaja Wadikar was,

therefore, informed that "the Chancellor has gone through her petition, the Vice Chancellor's views and the relevant documents but does not find any justification to interfere with the decision taken by the University authorities in the matter of appointment of Dr. B.S. Jadhav to the post of Associate Professor and her petition was disposed off accordingly."

12. Aggrieved by the above decision, Dr. Wadikar had filed the Writ Petition No. 9639/2012 in the Hon'ble High Court of Bombay, Bench at Aurangabad challenging the appointment of Dr. Jadhav as an Associate Professor in English. Her main contention was that her Appeal filed before the Chancellor of the University has been rejected by the Chancellor vide communication dated 21.8.2012, without giving her an opportunity of hearing.

13. The Hon'ble High Court, Bench at Aurangabad pronounced the judgment in Writ Petition No. 9639/2012 filed by Dr. Wadikar on 10.6.2013. While giving the judgment in the matter, the High Court observed that in the present case, the personal hearing to the petitioner is not necessary. However, the opportunity to give explanation on the report/clarification and the documents received from the Vice Chancellor was not extended to the petitioner. Therefore, the Hon'ble High Court had remitted the matter to the Chancellor for decision afresh in light of the observations made by the Court.

14. Pursuant to the above order of the Hon'ble High Court, copies of the reports/clarification and other relevant documents received from the University in the matter were forwarded to the petitioner Dr. Wadikar and called her written explanation thereon. Dr. Jadhav was also asked to submit his written explanation in the matter.

15. In her written explanation dated 17.7.2013, Dr. Shailaja Wadikar stated that –

- (i) Dr. Jadhav's Ph.D. is in English Language Teaching and not in the specialization mentioned in the advertisement. Whereas, the petitioner has linguistics at her PG level. She has got B+ in PGCTE and A+ in linguistics at PGDTE, CIEFL Hyderabad. Her Ph.D. thesis and Major Research Project are in Comparative Literature, Indian Writing in English and Common Wealth Literature. All these areas are related to the field of specialization in the concerned advertisement.
- (ii) The petitioner has 3.21 grade point average (and B+ in Linguistics) in PGCTE whereas Dr. Jadhav has 3.08 grade point average (and B only in Linguistics) in the same certificate course.
- (iii) Dr. Jadhav has his M.Phil in Comparative Literature and Indian Writing in English. M.Phil. is the criteria just for the exemption from PET Exam. which is required for the registration of Ph.D. Then how can it be the criteria for the appointment of the Associate Professor? Similarly, how can the paper elected at the PG level prove the area of specialization for the post of Associate Professor ?
- (iv) In the advertisement dated 28.4.2011 to the post of Associate Professor, the areas of specialization for the said post were "English Language Teaching, English Language Education, Linguistics and Comparative Literature". Pursuant to that advertisement, Dr. Jadhav had given his specialization as "English Language Teaching" and not "Comparative Literature" although it was one of them in the advertisement. In the advertisement dated 21.10.2011, the areas of specializations laid for the said post are "Comparative Literature/Indian Writing in English/American Literature/ Literary Theory/Linguistics/Commonwealth Literature. While applying this time, Dr. has given the specialization as "Comparative Literature and Indian Writing in English". So Dr. Jadhav has changed his specialization as per the necessity of advertisement and his convenience.
- (v) For the scrutiny of the application the Dean of Faculty of Arts Dr. Keshav Deshmukh was from Marathi subject. He was of the rank of Associate Professor. In the Scrutiny Committee of the Associate Professor's post, there was no one person possessing the position of Professor's rank of English subject.
- (vi) Dr. Jadhav's PG teaching experience of DSM Institution's Arts, Commerce and Science College, Parbhani where Dr. Jadhav was in service previously, is a course on permanent non-grant basis and is

run on clock hour basis. Whereas the petitioner has a fresh and regular appointment as an Assistant Professor for PG students. She has already worked on the post of Reader in English in the University of Pune.

- (vii) Dr. Jadhav has 4 books and 1 issue of a research journal to his credit. However, he is the author just of one book i.e. Teaching English "The Use of Support Materials." The three books i.e. (i) Radiance (ii) Prism (iii) Rainbow are the text books for UG syllabus of the University. Dr. Jadhav is one of the editors. In the research journal titled Literary Insight, he is one of the guest editors. Dr. Jadhav has not contributed any single chapter in these three books and in the journal.
- (viii) Dr. Jadhav has attached three articles and one conference proceeding to his application form. However, he has no article to his credit in the 18 years of his teaching experience (from 1992-2010). The Scrutiny Committee and the Vice Chancellor also did not distinguish between the terminology "being authored by" and "being edited by".
- (ix) Dr. Jadhav got the guideship in April 2009 and he had published his first research article in the month of July 2011 and that is also in collaboration of his Ph.D. candidate. Dr. Jadhav was the Dean of Faculty of Arts and exercising his power as the Dean he got the guideship since he was one of the members of the Board of University Teaching and Research Committee Meeting held on 13.4.2009 in which he was allotted the guideship. Besides, the petitioner was awarded her Ph.D. in 2003 and Dr. Jadhav got it in 2006. The guideship is given to Dr. Jadhav after the completion of three years of Ph.D.
- (x) The research guide of Mr. Pravin Borse was Dr. Dharmraj, Telangana University (A.P.) whereas Dr. Jadhav was the co-guide of Shri Borse. The petitioner got her guideship on 29.5.2008 and has been guiding nine candidates whereas Dr. Jadhav got his guideship in 13.4.2009. At present one of the Ph.D. candidates of the petitioner has been awarded doctorate degree.
- (xi) Dr. Jadhav has scored only 47% marks in H.S.C. So, he has no good academic record to his credit. The petitioner has passed her HSC and was at Sr. No. 4 in merit list. Dr. Jadhav has 4 papers and 1 book to his credit, whereas the petitioner has 21 papers and 3 books to her credit. In the published research articles to her credit, she is the sole author. She has presented 10 papers at international level and 11 at National level. Whereas Dr. Jadhav has presented 4 papers each at International and National level.

- (xii) In the marks given by Dr. Ashok Thorat to the petitioner, over-writing is noticed at three places i.e. for (i) "Academic background" (ii) "Research Performance based on API Score and Quality of Publication" and (iii) "Assessment of Domain Knowledge and Teaching Skills". The partiality adopted by all the members of the Selection Committee.
- (xiii) Dr. Jadhav had faced the same problem of lien second time also. This time he had resigned his post in the DSM Institute's College and joined the University. Then the question arises why had he not taken such risk or decision previously? The real reasons are – (1) Previously, Dr. Shobha Shinde, one of the subject experts was the member of the RRC for the interview. Therefore, the process of selection was wrong (2) The tenure of the post (i.e. XI Plan of UGC) was coming to an end on 31.3.2012.
- (xiv) For the interview dated 6.4.2010, Dr. Bajarang Korde, who was the member of the BoS of the University, was one of the experts and for the interview dated 13.7.2010, Dr. Shinde, who was the member of the RRC of the University, was one of the members of the Selection Committee. As per the Statute in the MU Act, the member on the bodies of the University cannot be invited as the subject expert for interview.
- (xv) API of Dr. Jadhav is recorded as 221. Clause 5 of Advertisement speaks that API is to be ascertained by the University. However, this important function of ascertaining API Score has not been done either by the University or by the Scrutiny Committee which consists of Dean, HoD, Director-BCUD and Dy. Registrar of Examination. The verified API score is not given in the column 'Verified API' on the application form by the Scrutiny Committee.

16. I had also called further clarification from the Vice Chancellor of the University on the points raised by Dr. Shailaja Wadikar in her above written submissions. The Vice Chancellor reiterated the same what he had already submitted in his report and stated that Dr. B.S. Jadhav was recognized as a Post Graduate Teacher by the University in 1996. He has experience of the UG as well as PG teaching. The API of Dr. Jadhav exceeds the required API score of 300. Being a co-author and co-editor, he has claimed points for the textbooks and the reference book prescribed by the University for the UG/PG courses. The Vice Chancellor further stated that wherever over-writing has been done in the marks given to Dr.

Wadikar, the concerned Subject Expert has countersigned it. There is nothing wrong in it. The University does not feel that the Selection Committee has been partial.

17. In his written explanation, Dr. B.S. Jadhav stated that -

- (i) He has done his M.Phil. in English and the topic of his dissertation was 'A Comparative Study of the Treatment of partition in the Novels of Manohar Malgaonkar and Khushwant Singh'. This proves his specialization in Comparative Literature as well as Indian English Literature. Apart from this, by the time of the interview he had published research papers and guided several candidates for their M.Phil. degree in Indian English Literature which goes to prove his specialization in it. Even for his MA-English he had Comparative Studies as his specialization. Apart from these two specializations he also claim to have a sound knowledge of American Literature as well as Linguistics far much better than the petitioner.
- (ii) The petitioner refers to his HSC performance of 47% marks. What is important is not merely the percentage but the consistency in the marks scored and the actual performance of the teacher. This is decided by the Selection Committee. The minimum API score for Associate Professor is 300. It is the discretionary power of the Selection Committee to test the knowledge of the candidates and decide who is eligible in the true sense.
- (iii) The petitioner has worked as a Reader at Pune University from February 18, 2009 to June 30, 2009. She quit the post and chose demotion from Reader to Lecturer at Nanded under the pretext of personal reasons.
- (iv) He has been teaching the UG classes since 1992 and the PG classes since 1994 when MA English was introduced at the DSM College, Parbhani where he previously worked. The PG teacher recognition has been granted to him by the University. He has three research papers jointly published with his students. His Ph.D. degree is in English Language Teaching and not the specialization mentioned. The advertisement clearly speaks of having a Ph.D. degree in the concerned/ allied/relevant disciplines.
- (v) The Colloquium was given by all the candidates in front of the Selection Committee.

- (vi) Though he was the Dean from August 2007 to August 2011, nowhere has he participated in the entire process – be it sanctioning the post, advertising it, scrutinizing the applications or anything else.
- (vii) The petitioner says that the Dean in the Selection Committee was of the Marathi subject and not of English. For all purposes of scrutiny/selection the Dean is there. Dean is for the entire faculty and he need not be specialized in the subject for which interviews are being conducted. In SRTMU, the Dean of Arts Faculty represents all languages that are taught – English, Marathi, Hindi, Urdu, Kannada, Pali and Sanskrit. There are subject experts called for testing the subject knowledge of the candidates.
- (viii) Subject Expert in the Selection Committee was Prof. Maya Pandit who was Pro-Vice Chancellor of the English and Foreign Languages University, Hyderabad. Dr. Bajrang Korde who was the member of the Board of Studies had been called for interviews by the University administration for the first time. He had no role in this matter.
- (ix) Dr. Shailaja Wadikar was not at all qualified or eligible for the purpose of facing the interview. She had not completed her eight years teaching experience. The Scrutiny Committee might have though by the date of interview she might get qualified and so she must have been issued a call letter to appear for the interview. She didn't satisfy the condition of evidence of having guided doctoral candidates and research students.
- (x) He was co-guide of Dr. Pravin Borse for his doctoral thesis titled "A Comparative Study of Robert Frost's and Bahinabai Choudhary's Approaches to Life and Man". Dr. Borse's guide was Dr. M. Dharmaraj. Dr. Dharmraj being a Telugu speaker had no knowledge about Marathi and hence had asked for a co-guide which the University had approved.
- (xi) He had successfully guided 15 M.Phil. students at the time of the interview. He satisfied the requirement for the said post. The Scrutiny Committee and the Selection Committee have validated it.
- (xii) He has faced the interview for the post of Associate Professor thrice. On the first occasion the interviews were cancelled because of the faulty constitution of the Selection Committee. The second time he faced the interview and got selected but didn't join as his previous employer didn't grant him lien. The third time he again applied for the same post and faced the interview and got selected for the second time. During the entire span of time his bio-data as well as his API

score changed and that has been clearly mentioned in his last application.

- (xiii) He was awarded Ph.D. degree in July 2006. There was inordinate delay in it and he has no grudge about it. Dr. Babasaheb Ambedkar Marathwada University bestowed upon him Ph.D. guideship in 2008. It was afterwards that he was granted Guideship by the SRTMU, Nanded in 2009.
- (xiv) The petitioner did her MA in English in the year 1994. Six years later in 2000 she took her Test of Proficiency in English and passed it. This English Proficiency Test certificate has been attached by her in her application form. This is enough to prove that the petitioner doesn't know what comes first. She felt the need for the Proficiency test even after getting her Master's degree. The UGC guidelines published in the Gazette of India on 18.9.2010 clearly state that the self-assessment score will be based on verifiable criteria. Further, the UGC guidelines offer points for oral/poster presentations at the international/ national/ regional/state/local level participation. The morale of the petitioner is so low that her doctoral thesis having accession No.792.92(29013) is missing from the Library stand.

18. I gave an opportunity of being heard in person to Dr. Shailaja Wadikar and Dr. B.S. Jadhav. I also called the Vice Chancellor and the Registrar of the University for the hearing. Accordingly, Dr. Shailaja Wadikar, Dr. B.S. Jadhav, Dr. Pandit Vidyasagar, Vice Chancellor and Dr. B.B. Patil, Registrar, Swami Ramanand Teerth Marathwada University appeared before me on Thursday, 3rd October 2013 at Raj Bhavan, Mumbai.

19. During the hearing, Dr. Shailaja Wadikar made oral and written submissions. She reiterated what she had already stated in her petition & written submissions. In addition to her written submissions, Dr. Wadikar made oral submission during the hearing that though Dr. Jadhav stated that he had delivered a inaugural lecture in the State Level Seminar on Image of New Women in Indian Women Novelists, it was found that Dr. J.M. Waghmare, Founder Vice Chancellor of Swami Ramanand Teerth Marathwada University has delivered the said lecture.

20. During the hearing, Dr. Jadhav submitted the following written submission :-

- (a) He had submitted 3 research papers to the University on the day of interview - titled "Female Characters in Mahesh Elkunchwar's 'Old Stone Mansion - A Critique'; "Anecdotes and Malapropisms for English Language Teaching" and "Post Independence Life Narratives of Tribals : A Study of Tribal Woman & Community". The points for the same have not been claimed in the API chart.
- (b) He has incorporated certain certificates related to Hindi, Marathi, Urdu Seminars and Conferences. Therefore, he was applying for the post of Associate Professor in English at the School of Language & Literature. The concept of 'School' is to promote interdisciplinary activity. Similarly, courses like Linguistics and Comparative Literature are such that students can attend any of the classes. Hence, he claimed the points for the Hindi, Marathi, Urdu certificates.
- (c) The book - "Teaching English : The use of Support Materials" is a reference book. The books - "Rainbow : A Collection of English Prose, Poetry & Composition" and "Radiance " Communication Skills, Prose and Poetry" are edited as well as authored by him. Before the UGC Guidelines, 2010 came into existence there wasn't the practice to write the names of the authors after each chapter. Therefore, the points have to be tabulated accordingly.

21. During the hearing, Dr. Jadhav has submitted the above three books. He refuted all the charges leveled by Dr. Shailaja Wadikar against him. He reiterated what he had already submitted in his written submission. Dr. B.S. Jadhav also made oral submission. In his oral submission, Dr. Jadhav stated that his books have been published by Orient Longman in the year 2008 which is an international publisher. Afterwards, the ORIENT Longman was taken over by some Hyderabad person which does not mean that this publication company has become national. After renaming it as Orient Black Swan it does not reduce the international status of the publisher. The review of one of the books that he has written, has been published by one of the journal in London. Dr. Jadhav further stated that when he was working at DSM College, he was a

Reader (Associate Professor). Dr. Jadhav further stated that Dr. Wadikar does not have adequate experience of framing the syllabus correctly. She framed the syllabus for the subject in which she has specialization. However, there were some discrepancies which he has brought to the notice of Director of the School. She does not have the experience of framing the syllabus and curriculum and hence, in every respect his claim is more credible than the petitioner.

22. During the hearing, Dr. Pandit Vidyasagar, Vice Chancellor of the University clarified the points raised by the petitioner regarding inclusion of the Head of the Department and said that as per the provision of the Act, the Committee is formulated and if the HoD is of the rank of Associate Professor then he will not be a part of the Selection Committee. There was required quorum at the Selection Committee and as such there is nothing wrong in it. The Dean has signed not as the Director of School but as the Dean and for the Dean there is no qualification required. Further, API is the minimum qualification for the post of Associate Professor and a minimum of 300 API score is required. As far as the teaching experience is concerned, the petitioner has barely 8 years of experience and in that also she was working 2 years on temporary basis. Whereas, Dr. Jadhav has 18 years experience of teaching. As far as the University is concerned, it will go as per the technical points which make a person qualified to the said post. The Scrutiny Committee and the Selection Committee were formed as per the provisions of the Act, Statutes, Rules and Regulations of the University Dr. Jadhav has been selected on merit.

23. In the light of the facts stated above, my observation is as follows :-

- (i) The Ph.D. degree of Dr. B.S. Jadhav is in English and it is in the concerned/allied/relevant discipline. His specialization is in Comparative Literature.
- (ii) Dr. Jadhav was holding the post of Reader at DSM College, Parbhani and has the experience more than 19 years at Under Graduate and 16 years at Post Graduate courses.


- (iii) Dr. Jadhav has 5 research papers at his credit. He has guided one Ph.D. Scholar and 15 M.Phil. candidates.
- (iv) Dr. Jadhav has satisfied the minimum requirement of 300 API Score for the post of Associate Professor.
- (v) As reported by the Vice Chancellor, the colloquium of 10 minutes was given to all the candidates before the Selection Committee.

On the basis of the documents submitted before me and the report of the Vice Chancellor, it is clear that both Dr. Jadhav and Dr. Wadikar were eligible for the post of Associate Professor as per the stated qualifications and norms. Once both of them fulfill the eligibility conditions, the selection has to be on the basis of comparative merit of candidates. I have observed that the Scrutiny and Selection Committees have been properly constituted. It is for the Selection Committee of the University to select and recommend the candidate on the basis of minimum prescribed qualification and performance in the interview. The Selection Committee has assessed all the qualified candidates and selected Dr. Jadhav to the post of Associate Professor in English in the University. Selection Committee being a body of experts, constituted as per the Act, it is not fair on my part to question the collective wisdom of its members about the merit of the shortlisted candidates.

24. After careful consideration of all the facts and the records on the file, the points raised in the Petition and the reports/clarification received from the Vice Chancellor of the University thereon and the oral and written submissions made by Dr. Shailaja Wadikar, Dr. B.S. Jadhav and the Vice Chancellor during the hearing, I have observed that Dr. B.S. Jadhav fulfills the eligibility conditions laid down by the UGC for the post of Associate Professor in English in Swami Ramanand Teerth Marathwada University. He has been selected by the competent Selection Committee after following proper procedure. I, therefore, do not find any justification to interfere with the decision taken by the University authorities in selection

and appointment of Dr. B.S. Jadhav to the post of Associate Professor in English at School of Language, Literature and Culture Studies, Swami Ramanand Teerth Marathwada University, Nanded.

25. Therefore, I, K. Sankaranarayanan, Chancellor, Swami Ramanand Teerth Marathwada University, in exercise of the powers conferred upon me under Section 76 (7) of the Maharashtra Universities Act, 1994 hereby dispose off the petition of Dr. Shailaja Wadikar accordingly.

4. 
19.11.13

(K. Sankaranarayanan)
Chancellor,
Swami Ramanand Teerth Marathwada University.