

K. Sankaranarayanan
GOVERNOR OF MAHARASHTRA

RAJ BHAVAN
Mumbai 400 035
Tel. : 022-2363 2660
Fax. : 022-2368 0505

27 July 2012

ORDER

- Reference:
- 1) Representation dated 9th April 2012 received from Shri Dilip Karande, Member of Management Council and Senate, University of Mumbai.
 - 2) This office letter No.CS/MU/37/12/(7553)/1336 dated 13th April 2012 addressed to the Vice-Chancellor, University of Mumbai.
 - 3) Letter No.TAU/(G-156)/80 of 2012 dated 22nd June 2012 received by this office from the Registrar, University of Mumbai.
 - 4) Show Cause Notice No.CS/MU/37/12/(7553)/2556 dated 9th July 2012 issued by this office to the Vice-Chancellor, University of Mumbai.

1. I had received a representation dated 9/04/2012 from Shri Dilip Karande, Member of the Management Council and Senate, University of Mumbai regarding alleged irregularities in the selection process carried out by the University of Mumbai on 7th April 2012 for selection of candidates for appointment to the posts of Professors, Associate Professors and Assistant Professor in the Department of Law, University of Mumbai (herein after referred as the "University"). According to Shri Karande the University had advertised for the newly sanctioned posts for its different Departments sometime in the month of November 2011 and invited applications for the post of Professors, Associate Professors

and Assistant Professors in the Department of Law. The interviews for these posts in the Faculty of Law were conducted on 7th April 2012. Shri Karande has pointed out following main discrepancies in the selection process carried out by the University on 7/04/2012:-

- a) The notice of the meeting of the Selection Committee as also the particulars of eligible candidates who were called for the interview were not sent to the members of the Selection Committee 30 days and 7 days respectively, prior to the date of the meeting as required under Section 76(5) of the Maharashtra Universities Act, 1994 (herein after referred as the "Act").
- b) The Selection Committee was not constituted as per provisions under Section 76(2)(a-h) of the Act. Only two experts were present at the time of meeting. The Dean of Law Faculty and Director of Higher & Technical Education were not present. Even the Head of the Department of Law was not present at the time of interview of Assistant Professor which is mandatory.
- c) The candidates were informed about the interview over the telephone only 2 days in advance before the date of interview and call letters were handed over to them on the date of interview to those who managed to reach.
- d) The Scrutiny Committee shortlisted the eligible candidates on 3rd or 4th April 2012 whereas the interviews were conducted on 7th April 2012.
- e) Some of the candidates shortlisted for Professor's posts were not qualified and eligible.
- f) The University had received applications for the post of Professor of Justice M. C. Chagla Chair in Human Rights and Civil Liberties in the Department of Law. However, 4 candidates who were interviewed for the post of Professor were asked to wait for the interview of Chagla Chair. This interview was held suddenly and no prior intimation of it was given to the candidates.

2] I had called for a factual report from the Vice-Chancellor, University of Mumbai vide my office letter dated 13/04/2012. The Registrar, University of Mumbai vide his letter dated 22/06/2012 submitted the report on the representation of Shri Karande. As reported by the Registrar, the facts in brief are as under :-

- i) The University had advertised the posts of Professors, Associate Professors and Assistant Professors on 30th November 2011 for various departments and invited applications from the eligible candidates. The last date for submitting the applications was 30th December 2011.
- ii) The interview for the posts of Professors, Associate Professors and Assistant Professors were conducted on 7th April 2012
- iii) As per Section 76(5) of the Act, the notice of at least 30 days shall be given to the members of the Selection Committee and particulars of each candidates shall be sent to each member of the Selection Committee so as to reach him at least 7 days before the date of the meeting. However according to the Registrar these provisions are for convenience of the members of the Selection Committee to schedule their programme and study the particulars of the candidate and also to have a proper quorum of the Selection Committee on the date of meeting. The members of the Selection Committee were consulted over telephone about their availability and thereafter letters were sent to them on 28th March 2012 and 30th March 2012. The Selection Committee members were also informed about the meeting on telephone as well as by email.
- iv) The Registrar has clarified that the Selection Committee was constituted as per Section 76 of the Act and the following members were present at the Selection Committee meeting held on 7th April 2012:-

a) Dr. Rajan Welukar, Vice-Chancellor	Present
b) Dr. G. D. Yadav, Chancellor's nominee 76(2)(b)	Absent
c) Dr. N. Gajbhiye, Chancellor's nominee 76(2)(f)	Absent
d) Dr. Lakshminath (Subject Expert)	Present
e) Dr. Dilip Ukay (Subject Expert)	Absent
f) Prof. B. L. Sharma (Subject Expert)	Present
g) Dean of Faculty	Vacant
h) Dr. P. G. Jogdand, HOD/VC's nominee	Present

- | | |
|---|----------------|
| i) Dr. Arvind Luhar, Representative of Govt.(DHE) | Present |
| j) Director of Technical Education, M.S. | Absent |
| k) Dr. Rajpal Hande, Director BCUD & Member Secy.
(holding the charge of I/c. Registrar on that day) | Present |

- v) As regards the selection of the candidates to the post of Justice M.C. Chagla Chair in Human Rights and Civil Liberties in the Department of Law, the Registrar has clarified that since 4 candidates were also the candidates for the post of Professor in Law, they were consulted and told during the interview that their performance will also be considered for the post of Justice M.C. Chagla Chair in order to save time and money as also to avoid inconvenience to the experts.
- vi) According to the Registrar, the candidates who were found eligible for the post by the Scrutiny Committee were informed about the interview four days before the date of interview by mode of telephone, email and SMS. The candidates were called for the interview as per the report of the Scrutiny Committee and it is prerogative of the Selection Committee to recommend or not to recommend the candidate and as such the allegations made by Shri Karande are baseless.
- vii) The Registrar has further stated that the Vice-Chancellor has kept the recommendations of the Selection Committee in a sealed envelope in his custody and has not made any appointments of the recommended candidates to these posts till date.

3. Section 76(5) of the Act provides as under:

"The date of the meeting of every Selection Committee shall be so fixed as to allow a notice of at least 30 days of such meeting, being given to each member; and the particulars of each candidate shall be sent to each member of the Selection Committee as to reach him at least 7 days before the date of meeting".

It is, however, observed that the University has neither given notice nor sent the particulars of candidates to each Member of the Selection Committee within stipulated time limit as provided under Sec. 76(5) of the Act. The Registrar submitted a clarification that these provisions are for

convenience of the members of the Selection Committee to schedule their programme and study the particulars of the candidates and also to have a proper quorum of the Selection Committee on the date of meeting. However, the notice period of 30 days and time limit of 7 days for sending particulars of the candidates as specified in section 76(5) is mandatory and not discretionary. Therefore, it is clear that the University has failed to meet the requirement of 30 days' notice period for the meeting of the Selection Committee as also in sending the particulars of the candidates called for the interview to each member of the Selection Committee seven days before the meeting.

4. As regards the quorum of the meeting, it is observed that as per Sub Section (6) of Section 76, the quorum to constitute a meeting of every Selection Committee shall be 4 Members, of whom at least 2 shall be the subject experts. Apart from the Chairman, 5 Members of the Selection Committee were present on the date of the interview including 2 subject experts. Therefore, the requirement of quorum as per Section 76(6) of the Act was completed.

5. As regards the selection of the candidates to the post of Justice M.C. Chagla Chair in Human Rights and Civil Liberties in the Department of Law, the Registrar has clarified that since 4 candidates were also the candidates for the post of Professor in Law, they were consulted and told during the interview by the Committee that their performance will also be considered for the post of Professor in Justice M.C. Chagla Chair in order to save time and money as also to avoid inconvenience to the experts.

6. According to the Registrar, the candidates who were found eligible for the post by the Scrutiny Committee were informed about the interview four days before the date of interview by mode of telephone, email and SMS. The candidates were called for the interview as per the report of the Scrutiny

Committee and it is prerogative of the Selection Committee to recommend or not to recommend the candidate and as such the allegations made by Shri Karande are baseless.

7. After going through of the facts as reported by the Registrar of the University and the issues raised by Shri Karande in his representation, I was prima facie of the view that the selection process and the interviews conducted by the University on 7/04/2012 for the selection and appointment to the post of Professors/Associate Professors/Assistant Professors in the Department of Law, University of Mumbai is not in conformity with the provisions of Section 76(5) of the Act and that this is a fit case to invoke the provisions of Section 9(4) of the Act.

8. Section 9(4) of the Act reads as under:

"the Chancellor may, after taking report in writing from the Vice-Chancellor, suspend or modify any resolution, order or proceedings of any authority, body, committee or office which, in his opinion, is not in conformity with this Act, Statutes, Ordinances or Regulations made thereunder, or is not in the interest of the University and the University authority, body, committee and officer shall comply with the same.

Provided that before making such order, the Chancellor shall call upon the University, authority, body, committee or as the case may be, officer to show cause why such an order should not be made, and if any cause is shown, within the time fixed by the Chancellor, he shall consider the same and wherever he deems it necessary, after consulting the State Government, decide the action to be taken in the matter, and his decision shall be final.

9. Therefore, Dr. Rajan Welukar, Vice-Chancellor was served with the Show Cause Notice under Section 9(4) of the Act vide my office letter dated 9th July 2012, to explain within 3 days from the date of receipt of the Show Cause Notice, as to why the selection process including the interviews held on 7/04/2012 for selection and appointment of teachers to the above mentioned posts in the Department of Law of the University should not be set aside.

10. However, the Vice-Chancellor has not replied to the said Show Cause Notice till date. It, therefore, appears that the Vice-Chancellor has nothing more to say in the matter.

11. After considering the facts as reported by the Registrar, the issues raised by Shri Karande and the relevant records available on the file, I have come to the conclusion that the selection process adopted by the University on 7/04/2012 for the selection and appointment to the post of Professors/Associate Professors/Assistant Professors in the Department of Law, University of Mumbai, in so far as notice period to the selection committee and time period for sending the particulars of the candidates to be interviewed is concerned, is not in conformity with the provisions of Section 76(5) of the Act and that this is a fit case to invoke the provisions of Section 9(4) of the Act.

12. Therefore, I, K. Sankaranarayanan, Chancellor, University of Mumbai, in exercise of the powers conferred upon me under Section 9(4) of the Maharashtra Universities Act 1994, hereby suspend the proceedings of the Selection Committee and the interviews conducted by the University on 7th April 2012 for selection and appointment of teachers to the posts of Professors, Associate Professors and Assistant Professors in the Department of Law and direct the Vice-Chancellor to conduct the interviews for selection and appointment to the above mentioned posts in the Department of Law afresh after following due procedure strictly in accordance with the provisions of the

Act, Statutes, Rules & Regulations of the University and the Government's policies and rules and send me the compliance report within a period of 3 months from the date of receipt of this order.

4
K. Sankaranarayanan
27, 7/12

(K. Sankaranarayanan)
Chancellor,
University of Mumbai