

Filed on - 24/06/2022
Order reserved on 01/07/2023.
Order pronounced/ 19/08/2023.
issued on -



**Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur
BEFORE THE GRIEVANCES COMMITTEE.**

(Presided over by Shri Ajay C. Chaphale, former District Judge.)

Grievance Petition No. 14/2022

Applicant : Dr. Siddharth Namdeorao Butle,
Grievance Associate Professor,
Petitioner G.S. College of Commerce, Wardha
Hanuman Nagar, Beside MSEB Office,
Borgaon Naka, Hinganghat Road,
Wardha-442003.

- VERSUS -

Non-Applicants: 1. Principal,
G.S. College of Commerce,
Wardha,
Jamnalal Bajaj Marg,
Civil Lines, Wardha-442001.
2. Chairman,
Shiksha Mandal,
Jamnalal Bajaj Marg,
Civil Lines, Wardha-442001.

ORDER

(Delivered on 19/08/2023)

1. The Applicant approached this Grievances Committee under Section 79 of Maharashtra Public Universities Act 2016 with a prayer to claim relief for his grievance. The facts giving rise to Grievances and to claim relief are as under:

(i) The Applicant is working as an Associate Professor in the Non-Applicant's College and by letter dated 03.12.2019, the

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Deputy Registrar of College Development Section, Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur had intimated the Non-Applicants regarding sending of proposal of eligible persons for the post of Professor as per Govt. of Maharashtra Resolution dated 8th March, 2019 and after receipt of the said letter, the Non-Applicants had issued a circular to submit the proposal from the eligible Associate Professors and according to the Applicant he had made necessary compliance by submitting relevant documents in order to fulfil the requirement. And the Non-Applicants had submitted his proposal to the Deputy Registrar, College Development Section, Rashtrasant Tukadoji Maharaj Nagpur University and after receipt of the proposal by the Deputy Registrar, College Development Section, Rashtrasant Tukadoji Maharaj Nagpur University. The Deputy Registrar, College Development Section, by his letter dated 26.02.2020, had informed the Non-Applicants that for the promotion of the Applicant to the post of Professor, the Selection Committee has been constituted and the names of the Nominees of the Hon'ble Vice-Chancellor and Subject Expert were informed. And even the Non-Applicants were informed to intimate the date and time of the sitting of Committee after consulting the members.

- (ii) It is submitted by the Applicant that after receiving the letter dated 26.02.2020 from the University, the Non-Applicants had sent the proposal dated 17.03.2020 to the Joint Director (Higher Education) Nagpur Division, Nagpur with a request to intimate the name of Nominee of the Joint Director and for

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the reason of Pandemic due to COVID-19, no action was taken. Thereafter, when in the month of October-2020, the college started functioning, the Applicant had sent a letter dated 24.10.2020 to the Principal of the Non-Applicant College and also teachers' representatives of College Development Committee with a request to initiate the process. But even after receipt of the letter dated 24.10.2020, no reply was given by the Non-Applicants. The Applicant had also sent a reminder letter dated 07.01.2021 to the Principal of the Non-Applicant's College and also to the Chairman, Shiksha Mandal, Wardha but they had given oral assurance to him and again on 20.05.2021, the Applicant had sent a reminder letter to the Non-Applicant and again on 16.06.2021 the Applicant wrote a letter to the Non-Applicant for sending reminder letter to the Joint Director (Higher Education) for fixing the date.

- (iii) It is further submitted by the Applicant that as Non-Applicant could not take any action as per his letter dated 16.06.2021 therefore, he again sent a letter dated 29.06.2021 to the Non-Applicant and requested that as he was to be retired within short period, therefore, the action to be taken for his promotion and by letter dated 05.07.2021, the Non-Applicant had given assurance to initiate the process. But no action was taken for his promotion to the post of Professor and on 08.12.2021, the Applicant had given information of all the details to the Non-Applicant and requested him to initiate the process and he had also given information to the Chairman,

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Shiksha Mandal, Wardha. But even after receipt of the letter dated 08.12.2021, the Principal of the Non-Applicant's College and Co-ordinator of IQAC Professor Parishkrit Agrawal had informed the Applicant that he was not eligible for the post of Professor on the basis of letter of UGC dated 14.06.2019 and according to the Applicant, said letter has no concern with his proposal for the post of Professor.

- (iv) It is submitted by the Applicant that the Applicant had requested for information as to why the process was not initiated by the Non-Applicant, inspite of the fact that on the basis of letter dated 11.12.2021 issued by the Non-Applicant. he had made compliance on 04.01.2022 and compliance report was submitted but no action was taken though the only period of six months was there for his retirement. And in reply to his letter dated 03.03.2022, the Non-Applicant sent a letter dated 05.03.2022 to the Applicant that as there was no Research Publication, therefore, he was not eligible for the post of Professor and thus the Applicant was intimated after period of two years and the Applicant has prayed for relief for granting promotion to the post of Professor.

2. The Non-Applicants have resisted the claim of the Applicant by filing reply and it is submitted that the Applicant does not meet the criteria of Ten Research Papers in his account which is mandatory as per UGC norms, the copy of it is filed and attached as Annexure-I. It is further submitted by the Non-Applicants that Four Papers out of Ten Papers are in accordance with the UGC norms and as per the criteria w.e.f. 14.06.2019, balance Six Papers do not meet the UGC criteria and the number of papers of the

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Applicant were written before 2019 and were submitted in 2022 and the proposal which was forwarded by the Ex-Principal of the College in February-2020 to the University, was without due consent of the College Development Committee and even Show Cause Notice was issued to the then Principal and even the then Principal had submitted his reply and tendered written apologies.

3. It is further submitted by the Non-Applicants that the Joint Director (Higher Education) had not nominated the Nominee in the year 2020, therefore, selection interview could not be held and even the Committee was not constituted and interview was not held for the reason of lockdown due to COVID-19 from the month of March-2020 to February-2022. It is further submitted by the Non-Applicants that the Applicant had violated all the norms of behavior and abused the Principal in his office. The copy of communication of Principal is annexed as Annexure-IX. But the Non-Applicant Management did not initiate the action against the Applicant as he was due to retire. It is further submitted by the Non-Applicants that the Applicant is not eligible for being promoted as claimed by him and, therefore, the petition be dismissed.

4. In the facts and circumstances of the case and in view of submissions of the Applicant and Non-Applicants, following points arises for consideration and the Committee has recorded its findings thereon with the reasons given here-in-after.

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Points**Findings**

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| (i) | Whether it is established by the Applicant that though he was eligible for promotion to the post of Professor but for the reason of deliberate delay caused by Non-Applicants for the compliance of process he is deprived of it? | No |
| (ii) | What Order? | As per order given below. |

REASONS**As to Point No. (i):**

5. It is not disputed that at the time of filing of this Grievance Petition, the Applicant was working as an Associate Professor in the Non-Applicant's College. As per the allegations made by the Applicant against the Non-Applicants, though he was eligible to the post of Professor and even the proposal was also sent by the Non-Applicant's College to the Rashtrasant Tukadoji Maharaj Nagpur University and also request letter was sent to the Joint Director (Higher Education) Nagpur Division, Nagpur for appointment of their nominee but after sending of his proposal as above, no further action was initiated by the Non-Applicants. And it is the case of the Non-Applicants that the Applicant was not even eligible for the promotional post of Professor as per the UGC norms. Therefore, considering the facts and circumstances, the important aspects which needs to be considered as to whether the Non-Applicants are responsible for not constituting the Selection Committee for the reason of deliberate non-compliance on their

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part. And two factors are involved in this case, firstly eligibility of the Applicant for promotion to the post of Professor and secondly compliance of process on the part of the Non-Applicants i.e. process for constituting the Selection Committee consisting of members to be nominated by the Rashtrasant Tukadoji Maharaj Nagpur University, and the member to be nominated by the Joint Director (Higher Education) Nagpur Division, Nagpur.

6. In the present case, the Non-Applicants have disputed as to eligibility of the Applicant because the Non-Applicants have come forward with the contentions that in spite of fact that the Applicant was not eligible for the promotion to the post of Professor but the Principal of the college had wrongly sent the proposal to the University. It is pertinent to note that on the basis of the proposal sent by the Non-Applicant Principal to the Rashtrasant Tukadoji Maharaj Nagpur University, Deputy Registrar had also issued a letter dated 26.02.2020 addressed to the Principal of the Non-Applicant's college and sent the names of Two Members for Selection Committee and it is also mentioned in the said letter that Three Members are required for constituting Committee and One Member will be from the Govt. The Applicant has filed the copy of Research Score Sheet and copies of the documents which were required to be sent with the proposal. On the contrary, the Non-Applicants have come forward with the case that the Applicant is not eligible for promotion because the Principal of the college had illegally sent the proposal without the necessary documents and without due consent of the College Development Committee and therefore, Show Cause

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Notice was issued to the then Principal who had tendered the apologies. The Non-Applicants have filed the copy of Show Cause Notice dated 4th September, 2020. The Chairman of Internal Quality Assurance Cell (IQAC) had also sent the letter dated 11th December, 2021 to the Applicant thereby intimating him that out of his Twelve(12) Research Papers, Seven(7) Research Papers are published after 14th June, 2019 in journals which are not under UGC care list and it was left with only Five(5) Research Papers which can be considered for academic purpose as per UGC and he was further intimated by the same letter that he did not fulfill the criteria of Ten(10) Research Papers for Professor (Academic Level -14) as per UGC guidelines and his application was considered in the College Development Committee (CDC) meeting of the college on 10th December, 2021 and he was found ineligible for promotion to the post of Professor. The Non-Applicants have also filed the copy of public notice dated 16th September, 2019 issued by the UGC and by letter dated 05.05.2022, the IQAC Co-ordinator and the Officiating Principal had intimated the Applicant that he was required to publish his Research Papers in UGC care list journals in the current academic year to become eligible for the CAS promotion and back dated publication will not be accepted. Therefore, it is clear from the record that the process was continued to achieve the eligibility for promotion under CAS.

7. So far as the allegations of the Applicant against the Non-Applicants that the Non-Applicants deliberately caused delay in compliance of the process for his promotion but it is pertinent to

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note that the proposal was also sent to the University as well as to the Joint Director (Higher Education), Nagpur Division, Nagpur and even the University had also appointed Two Members for Selection Committee which ^{was} to be constituted but the member was not nominated by the Joint Director(Higher Education) Nagpur Division, Nagpur and in the meantime the Applicant was retired on 31.08.2022 and after retirement of the Applicant, the Joint Director (Higher Education), Nagpur Division, Nagpur had sent a letter to the Non-Applicants on 20.09.2022, copy of the letter is filed on record. And the Joint Director (Higher Education) Nagpur Division, Nagpur had also sent the copy of Govt. Resolution dated 8th March, 2019 with the said letter. And in the said letter it is specifically mentioned that as per the Paragraph 7.3 (V) for the purposes of promotion under CAS, the Applicant teacher should be in the regular service and it is clearly mentioned that for the promotion under CAS, the Applicant teacher must be on the roll and in active service of the University/College on the date of consideration by the Selection Committee. And it is also necessary to mention that once the proposal was sent by the Non-Applicants to the Joint Director (Higher Education), Nagpur Division, Nagpur, it is not mandatory on the part of the Non-Applicants to send the reminders for constituting the Selection Committee as the action was to be taken by the Joint Director (Higher Education), Nagpur Division, Nagpur.

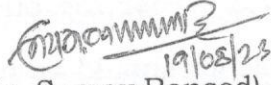
8. The Members of the Committee have discussed the matter after perusal of copies of documents on record and after having heard both the parties and have considered all the factual and legal

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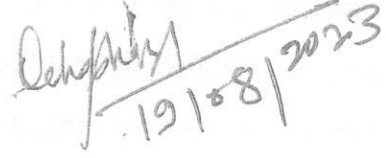
aspects as discussed above. And the Committee has come to the conclusion that it is not established by the Applicant that though he was eligible for the promotion to the post of Professor but for the reason of deliberate delay caused by the Non-Applicants in compliance of the process, he was deprived of the promotion. Hence, the Committee has recorded its finding to Point No. 1 in the Negative and, therefore, the Applicant is not entitled for claim as prayed and the Grievance Petition stands dismissed.

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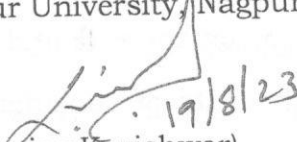
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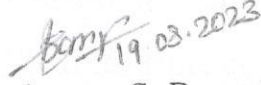
(Dr. Samay Bansod)
Member, Grievances Committee,
RTM Nagpur University, Nagpur


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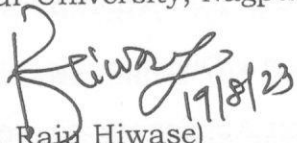
(Ajay C. Chaphale)
Chairman, Grievances Committee,
RTM Nagpur University, Nagpur.


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(Dr. Sanjay Kavishwar)
Member, Grievances Committee,
RTM Nagpur University, Nagpur


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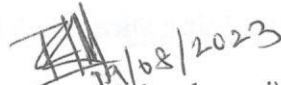
(Dr. Pandurang S. Dange)
Member, Grievances Committee,
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(Dr. Raju Hiwase)
Member, Grievances Committee,
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(Shri Manoj Malkapure)
Member, Grievances Committee,
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(Adv. Rajat Kumar Maheshwari)
Member-Secretary
Grievances Committee,
RTM Nagpur University, Nagpur