

राज्यपाल सचिवालय, उत्तर प्रदेश
लखनऊ-226027

संख्या ई-2324/03-जी0एस0/2021-ii(RTI)

दिनांक : 29/04/2022

प्रेषक,

अनुभाग अधिकारी एवं
जन सूचना अधिकारी, राज्यपाल सचिवालय,
लखनऊ।

सेवा में,

श्री विशाल शर्मा,
18 माल रोड,
आगरा कैंट-282001.

विषय:- सूचना का अधिकार अधिनियम, 2005 के अंतर्गत "सूचना" के संबंध में।

महोदय,

कृपया उपरोक्त विषयक अपने पत्र दिनांक 25.03.2022 का सन्दर्भ ग्रहण करने
का कष्ट करें।

आपके सूचनाधिकार पत्र दिनांक 22.02.2022 के बिन्दु-1 में अपेक्षित सूचना
की प्रमाणित प्रति संलग्न कर प्रेषित की जा रही है।

भवदीय,



(एस0डी0 पौल)

अनुभाग अधिकारी/जन सूचना अधिकारी।

संलग्नक: 133 पृष्ठ।

ENQUIRY REPORT

Constituted

In Pursuance of

Office Memo No. E-4254 dated 05th July, 2021 of
the Hon'ble Governor's Secretariat

Against

PROF. ASHOK MITTAL

The Then Vice Chancellor

Of

Dr. Bhimrao Ambedkar University

Agra

Volume-I

Inquiry Report

छायाप्रति प्रमाणित

(एस० डी० पौल)
अनुभाग अधिकारी,
राज्यपाल सचिवालय, उ०प्र०।

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(एस० डी० पौल)
अनुभाग अधिकारी,
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अनुभाग अधिकारी,
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अनुभाग अधिकारी,

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छायाप्रति प्रमाणित

(एस० डी० पौल)

अनुभाग अधिकारी,

राज्यपाल सचिवालय, उ०प्र०।

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	including the delinquent officer, Prof. Ashok Mittal (in Hard Disk)			
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25/03/2021
07-11-2021
 Prof. Surendra Dubey
 Member

V.K.P.
 Prof. Vinay Kumar Pathak
 Member

Ranjana
 Justice Ranjana Pandey
 Chairman

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छायाप्रति प्रमाणित
 (एस० डी० पौल)
 अनुभाग अधिकारी,
 राज्यपाल सचिवालय, उ०प्र०।

In the matter of the Inquiry against Prof. Ashok Mittal, Vice Chancellor (abstained from work), Dr. Bhimrao Ambedkar University, Agra instituted by the Hon'ble Chancellor of the said University vide Office Memo No. E-4254, dated 05th July, 2021

INQUIRY REPORT

1. The Hon'ble Chancellor, State of Uttar Pradesh, Lucknow has vide Office Memo No. E-4254 dated 05th July, 2021 (Annexure- A-1/1 to A-1/6) constituted this Inquiry Committee to enquire into the complaints received in the Hon'ble Chancellor's Secretariat against Prof. Ashok Mittal, Vice Chancellor (abstained from work), Dr. Bhimrao Ambedkar University, Agra. Mr. Sanjeev Kumar, Registrar, Dr. Bhimrao Ambedkar University, Agra (hereinafter be referred as the 'University') was nominated as Presenting Officer before this Inquiry Committee.
2. Complaints were received in the office of the Chancellor against Prof. Ashok Mittal, Vice Chancellor (abstained from work), Dr. Bhimrao Ambedkar University, Agra who will hereinafter be referred as 'the delinquent officer, Prof. Ashok Mittal'. These complaints received against the aforesaid Vice Chancellor were supported by affidavits and pertained to corruption, administrative and financial irregularities and other misconducts.

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अनुभाग अधिकारी,
राज्यपाल सचिवालय, उ०प्र०।

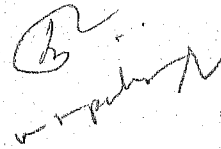
3. The allegations as against the delinquent officer, Prof. Ashok Mittal, Vice Chancellor (abstained from work), Dr. Bhimrao Ambedkar University, Agra were that:

- (i) He appointed more than 100 guest faculties without following the guidelines as laid down by the UGC. He did not get the vacancies published, took money from the Professors and the selection was made by a three member committee which were his own people. The selection was done illegally and against the provisions of law thereby causing financial loss to the University and he did appointments which were not necessary at all.
- (ii) He further spent more than Rs. 2,60,000/- against the provisions of law to get the university Statutes Hand Book prepared thereby causing financial loss to the University.
- (iii) Prof. Ashok Mittal appointed his relatives and near and dear ones also even after they had completed the age of 68-70 years. Further, retired persons were appointed in the University illegally on high remuneration thereby causing financial loss to the University.
- (iv) He flouted the guidelines and protocol set forth by the UP Public Health and Epidemic Disease Control Act, 2020 regarding Covid-19.
- (v) He appointed his relative and near one, Shri Hari Govind Agarwal, and started extorting money through him. Shri Agarwal demanded 20 percent facility fee from one of the complainants, namely Dr. Arun Kumar Dixit, for clearing his

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- bills and said that the complainant would not be able to work further if he does not pay the aforesaid amount of 20 percent.
- (vi) Prof. Ashok Mittal is getting the colleges inspected by his own people instead of selecting the persons who were enrolled in the panel by the Executive Council. In this regard, a Charge Sheet was also issued against the Vice Chancellor, Prof. Ashok Mittal. He is further committing irregularities in the appointments of teacher of the self-finance colleges.
- (vii) Some teachers against whom FIR has been registered are being promoted against rules and through these promoted teachers, Prof. Ashok Mittal made illegal and irregular appointments and other irregularities.
- (viii) He has close connections with education mafias. These colleges were under enquiries and every time they were found guilty and when the Registrar sent the information to the government, his rights were seized.
- (ix) At present, the Vice Chancellor, Prof. Ashok Mittal is mis-appropriating funds to the tune of crores of rupees in the affiliation department. He has posted his own people in the affiliation department and increased the seats of BPED and M.ED and other subjects illegally. The Vice Chancellor, Prof. Ashok Mittal, has granted affiliation to many colleges, violating the Statutes, and law, causing financial irregularities and huge financial losses to the exchequer.
- (x) Besides these, on 02.06.2021, when Dr. Bhimrao Ambedkar University's review proceedings were in progress, it was found that the Vice Chancellor, Prof. Ashok Mittal was not prepared

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on the concerned points. He could not give any satisfactory answer to the questions put to him, although it was his duty to satisfactory reply to all the questions put to him. Besides this, he did not get the audit objections removed. The teachers and non-teaching staff coupled with the clerical staff, who were residing in the University premises, were using electricity without any separate meters, thereby, causing financial loss to the University.

(xi) Cases, pending in the High Court for and against the University, were not dealt with properly. Students were not given the degrees in time. Officials were granted unnecessary overtime allowances. No roasters were prepared during appointments. The Vice Chancellor, Prof. Ashok Mittal lacked knowledge regarding the SIT case nor tried to know anything about it, which is indicative of the fact that the Vice Chancellor Prof. Ashok Mittal was lethargic and indifferent towards his duties.

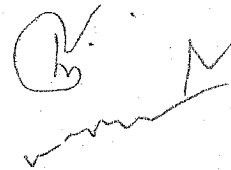
4. On the basis of the aforesaid complaints, the Hon'ble Chancellor constituted the aforesaid Inquiry Committee to whom the matter was referred as stated earlier.
5. As per rules, and following the principles of natural justice, notices were issued to Prof. Ashok Mittal. Initially, he failed to appear before the Inquiry Committee and sent adjournment application on medical grounds.
6. After detailed discussions and perusing all the papers on record, the Inquiry Committee prepared a Charge Sheet against Prof. Ashok Mittal. The Charge Sheet is being reproduced as follows:

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(एस० डी० पौल)
अनुभाग अधिकारी,
राज्यपाल सचिवालय, उ०प्र०।

आरोप संख्या-1 : आपके द्वारा अपने कार्यकाल में विश्वविद्यालय के विभिन्न विभागों में अतिथि प्रवक्ताओं की नियुक्ति हेतु विश्वविद्यालय की परिनियमावली में सहायक आचार्य पद के चयन हेतु विख्यापित चयन समिति/विश्वविद्यालय अनुदान आयोग द्वारा दिये गये दिशा-निर्देशों का उल्लंघन कर सभी विभागों हेतु एक उभयनिष्ठ (Common) त्रिसदस्यीय समिति (जिसमें ऐसे सदस्य भी हैं जिन पर उत्तर प्रदेश सतर्कता अधिष्ठान द्वारा पूर्व में अनियमितताओं के आरोप में एफ0आई0आर0 संख्या 0592 दिनांक 05.09.2018 दर्ज है) का गठन कर गैर-कानूनी तरीके से चयन की कार्यवाही सम्पन्न करायी गयी। इन नियुक्तियों हेतु विभागाध्यक्षगण द्वारा न तो कोई मांग प्रस्तुत की गयी है और न ही रिक्त का औचित्य ही बताया गया है। इस प्रकार से आपने उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, 1973 की धारा 13.1(ख) और 13.4 तथा अन्य नियमों का स्पष्ट उल्लंघन किया है। इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

- (a) विश्वविद्यालय अनुदान आयोग द्वारा अतिथि प्रवक्ताओं के मानदेय एवं सुसंगत विषयों के बावत जारी आदेश P.25-1/2018(PS/Misc) दिनांकित 28.01.2019 (कागज संख्या 04/236 लगायत 04/240, 04/245 लगायत 04/248, 04/252 लगायत 04/268, 04/270, 04/271, 04/273 लगायत 04/290, 04/292, 04/300, 04/303, 03/040 लगायत 03/045, 03/051 से 03/105, 03/122, 21/2380, प्रथम सूचना रिपोर्ट की प्रतिलिपि 21/2381 लगायत 21/2386, 90/8858, 90/8858, 90/8859, 90/8867, टिप्पणी एवं आदेश दिनांकित 28.05.2019/29.05.2019/13.06.2019 कागज संख्या 68/5515, कार्यालय आदेश दिनांक 18.01.2019 कागज संख्या 68/5516 लगायत 68/5520, copy of personal promotion 68/5524, डा0 देवेन्द्र कुमार से संबंधित रिपोर्ट दिनांकित 21.01.2019, 75/7325 व 75/7326 लगायत 75/7328, आदेश दिनांकित 14.06.2019 की प्रतिलिपि 75/7329, कुलसचिव के आदेश की प्रतिलिपि 75/7331, 75/7333, डा0 जैसवार गौतम के प्रार्थना पत्र दिनांकित 13.08.2009 की नकल 64/4130, आदेश दिनांक

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14.06.2019, 64/4138, 64/4139, 64/4265 पत्र कुलसचिव बिना तिथि के, डा0 संजय चौधरी से संबंधित टिप्पणी एवं आदेश मार्च 2008, 58/3755, पत्र बिना तिथि के कागज संख्या 58/3761, डा0 संजीव कुमार से संबंधित टिप्पणी एवं आदेश दिनांकित 27.05.19 की प्रति कागज संख्या 59/3857, copy of acceptance letter dt. 20.06.2019 59/3858, copy of letter 59/3860 to 59/3862, डा0 अर्चना सिंह से संबंधित टिप्पणी एवं आदेश दिनांकित 25.07.2005 कागज संख्या 77/7716 लगायत 77/7730, डा0 रजनीश कुमार अग्निहोत्री से संबंधित कार्यालय आदेश दिनांकित 18.03.2010, 73/6653, डा0 बिंदु शेखर से संबंधित टिप्पणी एवं आदेश की प्रतिलिपि 31/2965, 31/2966, डा0 बिंदु शेखर शर्मा को प्रेषित पत्र की प्रतिलिपि 31/2967 एवं 31/2968, डा0 भानु प्रकाश सिंह से संबंधित टिप्पणी एवं आदेश कागज संख्या 66/4820 लगायत 66/4826, पत्र दिनांकित 17.10.2019, 21.04.2009 कागज संख्या 66/4827 एवं 66/4830, डा0 लवकुश से संबंधित टिप्पणी एवं आदेश 80/8434, 80/8435, डा0 लवकुश मिश्रा को प्रेषित पत्र की प्रतिलिपि 80/8437, copy of letter of acceptance of Dr. Lavkush Mishra 80/8438, डा0 उमेन्द्र नारायण शुक्ला से संबंधित टिप्पणी एवं आदेश की प्रतिलिपि 79/8079, 79/8080, डा0 उमेन्द्र नारायण शुक्ला को जारी पत्र की प्रतिलिपि 79/8081, 79/8081, 79/8083, टिप्पणी एवं आदेश 79/8084, डा0 भूपेन्द्र स्वरूप शर्मा से संबंधित टिप्पणी एवं आदेश की प्रतिलिपि 33/3248, 33/3249, जारी पत्र की प्रतिलिपि 33/3250, 33/3251, 33/3253, डा0 भूपेन्द्र स्वरूप शर्मा द्वारा दिये गये पत्र की प्रतिलिपि दिनांक 14.06.2019, 33/3258, डा0 उमेश चन्द्र शर्मा से संबंधित टिप्पणी एवं आदेश 32/3185, 32/3189 तथा डा0 यू0सी0 शर्मा के पत्र की प्रतिलिपि 32/3186, 32/3187, डा0 वी0के0 शारस्वत से संबंधित टिप्पणी एवं आदेश 34/3274, 34/3275, कुलसचिव का आदेश दिनांकित 14.06.2016, 34/3277, 34/3278, डा0 मनु प्रताप से संबंधित टिप्पणी एवं आदेश की प्रतिलिपि 21/2645, 21/2646, कुलसचिव के पत्र दिनांकित 14.06.2019

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की प्रतिलिपि 21/2648 , 21/2649, डा0 मनु प्रताप के पत्र की प्रतिलिपि 21/2650, डा0 एस0के0 जैन से संबंधित टिप्पणी एवं आदेश की प्रतिलिपि 60/3961 लगायत 60/3964, कुलसचिव के पत्र की प्रतिलिपि 60/3965 से 60/3968, डा0 मनोज कुमार उपाध्याय से संबंधित टिप्पणी एवं आदेश की प्रतिलिपि 69/5688, 69/5689, कुलसचिव के पत्र की प्रतिलिपि 69/5692, 69/5693, 69/5697, डा0 अनिल कुमार गुप्ता से संबंधित टिप्पणी एवं आदेश 62/4035, 62/4036, 62/4037, प्रतिलिपि पत्र डा0 अनिल कुमार गुप्ता 62/4038, 62/4039, 62/4040, copy of letter of Registrar 62/4041, डा0 अनिल कुमार वर्मा से संबंधित टिप्पणी एवं आदेश 21/2389, कुलसचिव के पत्र की प्रतिलिपि 21/2390, डा0 हेमा पाठक से संबंधित टिप्पणी एवं आदेश की प्रति 74/6992, 74/6994, 74/6995, प्रतिलिपि पत्र कुलसचिव 74/6993, 74/6996, 74/6998, 74/6999 तथा कार्यालय आदेश की प्रतिलिपि 74/6994, डा0 बृजेश्वर दत्त शुक्ला से संबंधित टिप्पणी एवं आदेश की प्रति 65/4375 लगायत 65/4379, कुलसचिव द्वारा जारी पत्र की प्रतिलिपि 65/4520, टिप्पणी एवं आदेश 65/4514 तथा पत्र की प्रतिलिपि डा0 बी0डी0 शुक्ला 65/4516, डा0 मोहम्मद अरशद टिप्पणी एवं आदेश की प्रतिलिपि 67/5265, 67/5265, कुलसचिव के पत्र की प्रतिलिपि 67/5267, 67/5268, डा0 बृजेश रावत टिप्पणी एवं आदेश 78/7916, 78/7917, कुलसचिव के पत्र की प्रतिलिपि 78/7918, 78/7919, 78/7920, डा0 शरद चन्द्र उपाध्याय टिप्पणी एवं आदेश 72/6348, 72/6349, कुलसचिव के पत्र की प्रतिलिपि 72/6350, 72/6351, डा0 शरद चन्द्र उपाध्याय के पत्र की प्रतिलिपि 72/6352, डा0 सन्तोष बिहारी शर्मा से संबंधित टिप्पणी एवं आदेश 44/3570, 44/3571, कुलसचिव के पत्र की प्रतिलिपि 44/3572, 44/3573, 44/3575, डा0 एस0बी0 शर्मा द्वारा प्रेषित पत्र की प्रतिलिपि 44/3574, अतिथि व्याख्याताओं के विवरण की प्रतिलिपि 38/3474 से 38/3546, श्री राहुल सोलंकी के शपथ-पत्र की प्रतिलिपि 03/007 से 03/011, श्री सौरभ शुक्ला का

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प्रार्थना पत्र 03/013 से 03/014, डा0 अरून कुमार दीक्षित एडवोकेट के प्रार्थना पत्र की प्रतिलिपियाँ 03/017 से 03/021 तक, 03/024 से 03/025 तक)

मौखिक साक्ष्य-

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टीचूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633
- (ii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री सौरभ शुक्ला एडवोकेट, कक्ष संख्या 90, एनेक्सी, पुरानी बिल्डिंग, इलाहाबाद हाई कोर्ट, इलाहाबाद (प्रयागराज)- 211001
- (iii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा0 अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो0 9412316352, 735136777

आरोप संख्या-2 : आपने अपने कार्यकाल में विश्वविद्यालय की परिनियमावली/Hand Book बनवाने व मुद्रित करवाने में भी वित्तीय अनियमितता कारित की है तथा एक ही कार्य के लिए दो बार भुगतान किया है जिसके कारण विश्वविद्यालय को वित्तीय क्षति पहुँची है। इस प्रकार से आपने वित्तीय हस्त पुस्तिका के प्रावधानों का दुरुपयोग व उल्लंघन किया है। इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

- (a) परिनियमावली से संबंधित कोटेशन (कागज संख्या 05/320 लगायत 05/342), कार्य परिषद के बिन्दु संख्या 10 पर कार्यवाही (कागज संख्या 90/8868), कार्यालय आदेश (90/8873), कार्यालय आदेश दिनांक 13.04.2021 (90/8874), कार्य परिषद की बैठक के कार्यवृत्त की प्रतिलिपि 90/8875 लगायत 90/8877, 90/8879, 90/8880, डा0 भीमराव अम्बेडकर विश्वविद्यालय आगरा की टिप्पणी एवं आदेश दिनांकित 10.09.2020 (कागज संख्या 90/8891 लगायत 90/8896)

मौखिक साक्ष्य-

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- (i) अपन शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा० अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो० 9412316352, 735136777

7. This Charge Sheet was sent to the Hon'ble Chancellor for approval which was approved by the Hon'ble Chancellor through letter no. E-5637/03-GS0-vii dated 31.08.2021 (Annexure- A-2/2). The Charge Sheet is annexed to this Inquiry Report as Annexure- A-4/1 to A-4/9.
8. The approved Charge Sheet was served on the delinquent officer who denied the charges, and submitted his written statement along with list of witnesses and evidences which is paper no. 103/9018-9039 (Annexure- A-5/1 to A-5/38) annexed to this report.
9. In the written reply to Charge No. 1, the delinquent officer, Prof. Ashok Mittal admitted that during his tenure some guest faculties were engaged by him. He further stated that none of these engagements were made against the regular/permanent vacancies, and that the guidelines of UGC dated 28th January, 2019, copy of which was supplied to him along with the charge sheet as paper no. 04/236 (Annexure- B-8/1) are not bound upon the University, because it has neither been accepted by the Government nor adopted by the University yet to the best of his knowledge. Furthermore, guest faculties are not appointed against the permanent vacancies. He has also stated that it was incorrect to say that a common committee was constituted for selection of such engagements, as a matter of fact, the aforesaid committee comprising of three experienced teachers was constituted only for

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा0 अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो0 9412316352, 735136777

आरोप संख्या-3 : आपके द्वारा अपने कार्यकाल में श्री नीरज गोयल की नियम विरुद्ध नियुक्ति की गयी और दबाव पड़ने पर उन्हें हटाया गया और अपने प्रभाव से उन्हें लाभ पहुँचाया गया। आपके द्वारा पूर्व में पैरवी कर रहे अधिवक्ता को हटाकर अपने खास अधिवक्ता को नियुक्त करके श्री गोयल को लाभ पहुँचाया गया जिस कारण विश्वविद्यालय को वित्तीय नुकसान हुआ। इसके अतिरिक्त आपके द्वारा अपने नजदीकी व रिश्तेदारों की नियुक्ति उनकी आयु 70 वर्ष से अधिक होने के उपरान्त भी की गयी और अधिकारिक आयु पूर्ण होने के पश्चात सेवानिवृत्त हो चुके कई अन्य लोगों की नियम विरुद्ध और अधिक मानदेय देकर नियुक्त करके विश्वविद्यालय को वित्तीय हानि पहुँचाई गयी। इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

- (a) सेवानिवृत्त उपरान्त नियुक्ति संबंधी दस्तावेज (कागज संख्या 9/826 लगायत 9/857, 43/3568 एवं 43/3569, टिप्पणी एवं आदेश कागज संख्या 70/5885 लगायत 70/5889)

मौखिक साक्ष्य-

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टीचूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633
- (ii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री सौरभ शुक्ला एडवोकेट, कक्ष संख्या 90, एनेक्सी, पुरानी बिल्डिंग, इलाहाबाद हाई कोर्ट, इलाहाबाद (प्रयागराज)- 211001
- (iii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा0 अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो0 9412316352, 735136777

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आरोप संख्या-4 : आपने अपने कार्यकाल के दौरान कोविड-19 के दिशा-निर्देशों का अनुपालन नहीं किया तथा आपके कार्य में व्यवस्थाओं के प्रति सजगता एवं कार्यवाही की प्रतिबद्धता का अभाव देखा गया। इस प्रकार आपके द्वारा महामारी रोग नियंत्रण अधिनियम, 2020 का उल्लंघन किया गया। इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

- (a) दस्तावेजी साक्ष्य- जनता द्वारा दिये गये शिकायती पत्र का जांच प्रारूप (कागज संख्या 03/176), समाचार पत्रों की प्रति 03/177 लगायत 03/190), कार्य परिषद की बैठक का कार्यवृत्त की प्रतिलिपि 90/8897 लगायत 90/8902।

मौखिक साक्ष्य-

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टीचूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633
- (ii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री सौरभ शुक्ला एडवोकेट, कक्ष संख्या 90, एनेक्सी, पुरानी बिल्डिंग, इलाहाबाद हाई कोर्ट, इलाहाबाद (प्रयागराज)- 211001
- (iii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा० अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो० 9412316352, 735136777

आरोप संख्या-5 : आपने अपने कार्यकाल में कथित नजदीकी रिश्तेदार/परिचित श्री हरगोविंद अग्रवाल को बिना किसी औचित्य और योग्यता के विधि विरुद्ध विधि सलाहकार नियुक्त करके अनावश्यक रूप से विश्वविद्यालय पर वित्तीय भार बढ़ाया। इस प्रकार आपने वित्तीय हस्त पुस्तिका के प्रावधानों का उल्लंघन करके विश्वविद्यालय को वित्तीय हानि पहुँचाया। इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

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- (a) दस्तावेजी साक्ष्य- टिप्पणी व आदेश अधीक्षक विधि दिनांकित 20.11.2020 (कागज संख्या 06/343), कार्यालय आदेश दिनांक 25.11.2020 (कागज संख्या 06/344 लगायत 06/347), टिप्पणी व आदेश दिनांकित 24.02.2021, 01.03.2021, 12.03.2021, 24.03. 2021, 03.04. 2021, 06.04.2021, शपथ पत्र की प्रतिलिपि दिनांकित 06.08. 2021, बार काउंसिल आफ उत्तर प्रदेश के पंजीकरण प्रमाण पत्र की प्रतिलिपि, टिप्पणी एवं आदेश दिनांकित 01.06.2021 की प्रतिलिपि, कार्यालय आदेश दिनांक 07.06.2021 एवं 25.11.2020 की प्रतिलिपि (क्रमशः कागज संख्या 57/3734, 57/3735, 57/3739, 57/3740, 57/3741, 57/3742, 57/3744)

मौखिक साक्ष्य-

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टी चूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633
- (ii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री सौरभ शुक्ला एडवोकेट, कक्ष संख्या 90, एनकसी, पुरानी बिल्डिंग, इलाहाबाद हाई कोर्ट, इलाहाबाद (प्रयागराज)- 211001
- (iii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा० अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो० 9412316352, 735136777
- (iv) श्री हर गोविन्द अग्रवाल पुत्र स्व० श्री रघुबीर प्रसाद, निवासी- गुहरिया बाग, सम्प्रति आवास, समसाबाद रोड, राजराय, आगरा।

आरोप संख्या-6 : आपके द्वारा अपने कार्यकाल में महाविद्यालयों के निरीक्षण हेतु कार्य परिषद के द्वारा बनाये गये पैनल में से निरीक्षणकर्ता न चुनकर मनचाहे पैनल बनाकर महाविद्यालयों का निरीक्षण कराया गया तथा स्ववित्तीय कालेजों के शिक्षकों

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की नियुक्ति प्रक्रिया में भी अनियमितता बरती गयी। इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

- (a) दस्तावेजी साक्ष्य- निरीक्षण हेतु नामित सदस्यों की सूची 30/2945 लगायत 30/2964, अन्य ऐसे दस्तावेजी साक्ष्य जो किसी साक्षी द्वारा दाखिल की जाती है जिसकी नकल आपको निरीक्षण हेतु उपलब्ध करायी जाएगी।

मौखिक साक्ष्य-

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टीचूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633
- (ii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री सौरभ शुक्ला एडवोकेट, कक्ष संख्या 90, एनेक्सी, पुरानी बिल्डिंग, इलाहाबाद हाई कोर्ट, इलाहाबाद (प्रयागराज)- 211001
- (iii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा० अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो० 9412316352, 735136777

आरोप संख्या-7 : आपने अपने कार्यकाल में उन अपात्र शिक्षकों को भी नियम विरुद्ध प्रोन्नति व अन्य लाभ दिये जिनके विरुद्ध उत्तर प्रदेश सतर्कता अधिष्ठान द्वारा प्रथम सूचना रिपोर्ट संख्या 0592 दिनांकित 05.09.2018 दर्ज की गयी थी। इस प्रकार आपने उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम तथा विश्वविद्यालय की परिनियमावली को घोर उल्लंघन किया है और पद का दुरुपयोग किया है।

इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

- (a) दस्तावेजी साक्ष्य- प्रथम सूचना रिपोर्ट की प्रतिलिपि 21/2380 लगायत 21/2387

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- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टीचूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633
- (ii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा0 अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो0 9412316352, 735136777

आरोप संख्या-8 : आपके विरूद्ध आरोप है कि आपके शिक्षा माफियाओं से घनिष्ठ संबंध हैं जिनके कालेजों की जाँच होने पर उन्हें दोषी पाया गया और जब उसकी आख्या कुलसचिव द्वारा शासन भेजी गयी तो कुलसचिव के अधिकार सीज कर दिये गये। इस प्रकार आपने अपने पद का दुरुपयोग किया है।

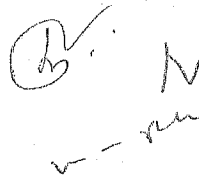
इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

(a) दस्तावेजी साक्ष्य- कार्यालय ज्ञाप कागज संख्या 10/858 से 10/861
मौखिक साक्ष्य-

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टीचूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633
- (ii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा0 अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो0 9412316352, 735136777

आरोप संख्या-9 : आपके विरूद्ध यह भी आरोप है आपके द्वारा अपने कार्यकाल में सम्बद्धता विभाग में करोड़ों का घोटाला किया गया तथा इस विभाग में अपने लोगों को रखकर विधि विरूद्ध बी0पी0एड0 व एम0एड0 व अन्य विषयों से संबंधित कई कालेज की सीटें बढ़ाई गयीं और शासनदेशों का उल्लंघन करते हुए सम्बद्धता प्रदान कर करोड़ों रूपयों की वित्तीय अनियमितता कारित की गयीं तथा वित्तीय क्षति

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कारित हुए बिजली के कनेक्शनों में अनियमितता की गयी है और विद्युत व्यय नियमानुसार नहीं वसूला गया है और खन्दारी व पालीवाल परिसर की कैन्टीनों का बकाया वसूलने में शिथिलता बरती है। इस प्रकार आपने वित्तीय हस्त पुस्तिका के प्रावधानों का उल्लंघन किया है और विश्वविद्यालय को घोर वित्तीय हानि पहुँचाई है। इन आरोपों को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

(a) दस्तावेजी साक्ष्य- 52/3659 से 52/3674 एवं 11/862 से 11/906 तक, टिप्पणी एवं आदेश 53/3675, 53/3683 लगायत 53/3685 कुलसचिव के पत्र दिनांकित 12.07.2021 की प्रतिलिपि, 53/3676, लगायत 53/3682, टिप्पणी एवं आदेश 40/3550 से 40/3554, 19/1096 लगायत 19/1099, कार्यालय आदेश व सूचना की प्रतिलिपि 19/2000 लगायत 19/2003, कुलसचिव को प्रेषित पत्र की प्रतिलिपि 19/2004, 19/2007, सूचना की प्रतिलिपि 19/2005 एवं 19/2006

मौखिक साक्ष्य-

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टीचूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633
- (ii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री सौरभ शुक्ला एडवोकेट, कक्ष संख्या 90, एनेक्सी, पुरानी बिल्डिंग, इलाहाबाद हाई कोर्ट, इलाहाबाद (प्रयागराज)- 211001
- (iii) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य डा० अरून कुमार दीक्षित, 48 एलोरा एनक्लेव, दयालबाग, आगरा- 282005, मो० 9412316352, 735136777
- (iv) श्री राजेन्द्र सिंह, निवासी- 3/27-12A, बैंक हाउस, सिविल लाइन, आगरा- 282002, मो०- 9412341535

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राज्यपाल सचिवालय, उ०प्र०।

- (v) श्रीमती रजनी यादव पत्नी श्री योगेश यादव, निवासी- ग्राम व पोस्ट- अलीनगर, केन्ज्रा, राजा का ताल, फिरोजाबाद, मो0- 9411084496
- (vi) सुश्री मेघा बंसल पुत्री श्री मुकेश बंसल, सेक्टर-6/बी, मकान नं0- 400, आवास विकास कालोनी, सिकन्दरा, आगरा।

आरोप संख्या-10 : आपके द्वारा अपने कार्यकाल में गलत प्रकार से पहले से काम देख रहे सी0ए0 को अकारण हटाकर अपने कथित सी0ए0 को काम सौंपा जिसके कारण विश्वविद्यालय को रू0 72.00 लाख पेनाल्टी के रूप में जमा करना पड़ा और संस्था को वित्तीय हानि उठानी पड़ी। इसी प्रकार पूर्व नियुक्त अधिवक्ता को हटाकर श्री विवेक राय अधिवक्ता को नियुक्त किया गया।

इन आरोपों को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

दस्तावेजी साक्ष्य- टिप्पणी एवं आदेश की प्रतिलिपि 35/3453 लगायत 35/3459

मौखिक साक्ष्य-

- (i) अपने शिकायती प्रार्थना पत्र को साबित करने के लिए मौखिक साक्ष्य श्री राहुल सोलंकी पुत्र श्री राजपाल सिंह, निवासी- सतैती, पट्टीचूरा, तहसील व थाना- विलसी, जिला- बदायूँ- 243633

आरोप संख्या 01 लगायत 10 में ऐसे दस्तावेजी व मौखिक साक्ष्य भी देखे जा सकते हैं जिन्हें जाँच के दौरान जाँच समिति सुसंगत/आवश्यक समझेगी।

आरोप संख्या-11 : आपके विरुद्ध यह भी आरोप है कि आपने अनावश्यक रूप से अधिवक्ताओं व अन्य अधिकारियों/कर्मचारियों के देय बिल आदि रोके और अपने लोगों से रूकवाये ।

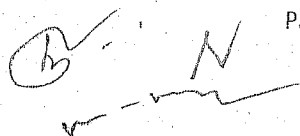
इस आरोप को सिद्ध करने हेतु निम्नलिखित साक्ष्य प्रस्तुत करना प्रस्तावित है-

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the purpose to obtain and examine the genuineness of requirements of guest faculties, to maintain fairness and impartiality at the request of the Registrar. The aforesaid committee examined the genuineness and requirement of the guest faculties as well as the eligibility of the faculty recommended by the Heads of Departments. Thereafter, such engagements were made on the recommendation of the committee. He has further stated that the fact of lodging FIR against one of members of the aforesaid committee was never brought to his notice. His reply further states that it was evident from the perusal of the said FIR (paper no. 21/2381-21/2386, Annexure- B-19/1 to B-19/8) that it was lodged on 04.09.2018 against certain persons including two of his predecessors i.e. two Vice Chancellors. It was lodged more than one and a half year prior to his taking over charge as Vice Chancellor. He has also specified that mere pendency of an FIR does not disqualify any person to be a member of the Committee till conviction or sentence is passed against him by the court of competent jurisdiction and to the best of the knowledge of the delinquent officer, none of the aforesaid committee members have been convicted or sentenced. It is also incorrect to say that no demand was made by the Head of the Departments and the justification of such requirements was not examined. All the guest faculties were engaged following the procedures as adopted by his predecessor in officer for the last several years who neither got published any advertisement nor called for any expert opinion for the engagement of guest faculties in the past. Nothing new was done by him except to constitute a committee for this purpose with

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a view to assess the genuineness of the requirements and eligibilities of the teachers proposed to be engaged for maintaining impartiality. He has further specified that more than 90 percent guest faculties were engaged/continued on the recommendations made by the committee. Therefore, no question for any illegality arises. The complaints made by Shri Rahul Solanki, Shri Saurabh Shukla Advocate and Dr. Arun Kumar Dixit are mala fide and have been made with ulterior motives. The complainants may be put to strict proofs of the allegations made against the delinquent officer. He further stated that he committed no illegality which falls within the purview of 'misconduct' in any matter whatsoever and hence Charge No. 1 has no legs to stand for want of evidence.

10. As regards Charge No. 2, the delinquent officer has admitted that the Statutes/Hand Book was got updated and published during his tenure but the remaining allegations have been denied. No double payment was made and no financial irregularity was committed and no financial loss was caused to the University. Further, he has said that from the perusal of note-sheet dated 10.09.2020 marked as paper no. 90/8891 and 90/8892 (Annexure- B-33/9 to B-33/10), Dr. Harish Chandra, Deputy Registrar (Retired) was engaged by his predecessor as OSD for 06 months on an honorarium of 35000/- per month for updating the Statutes/Hand Book of the University as well as other work of official correspondences which was made effective from 25.05.2018. Dr. Harish Chandra updated the Statutes/Hand Book upto the year 2019 but he did not hand it over to the University demanding payments. The relevant part of paper

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nos. 90/8891 and 90/8892 (Annexure- B-33/9 to B-33/10) runs as follows:

“डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव द्वारा विश्वविद्यालय की प्रथम परिनियमावली 1977 को वर्ष 2019 तक अद्यतन कर स्पाइरल बाइंडिंग तथा सी.डी. सहित अपने पास सुरक्षित रखा गया है जिसे भुगतान का आदेश प्राप्त होते ही विश्वविद्यालय को हस्तगत कर दिया जाएगा।

इस सम्बन्ध में सादर अवगत कराना है कि डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव को रू0 35000 /- (रुपये पैंतीस हजार मात्र) प्रतिमाह के मानदेय पर छः माह के लिये विश्वविद्यालय के प्रथम अध्यादेश /परिनियमावली शोध अध्यादेश व अन्य शासकीय स्तर पर किये जाने वाले पत्राचार कार्य हेतु विशेष कार्यधिकारी नियुक्त किया गया था। उक्त आदेश को डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव की विशेष टिप्पणी के बाद दिनांक 25. 05.2018 से प्रभावी किया गया था जिसकी अवधि छः माह पश्चात दिनांक 24.11.2018 को समाप्त हो गयी। उक्त अवधि में विश्वविद्यालय के प्रथम अध्यादेश /परिनियमावली शोध अध्यादेश को अद्यतन नहीं किया गया।

ऐसा प्रतीत होता है कि शासकीय स्तर पर किये जाने वाले पत्राचार आदि कार्य में व्यस्तता के कारण परिनियमावली को अद्यतन नहीं किया जा सका होगा, जिसके फलस्वरूप कार्य समिति की बैठक दिनांक 01.10.2019 के अन्य मद संख्या-5 के निर्णय के अनुसार पुनः परिनियमावली को अद्यतन किये जाने हेतु तीन सदस्यीय समिति का गठन किया गया जिसमें 1. डा. निर्मला यादव, सदस्या कार्य परिषद 2. प्रो. संजय चौधरी, सदस्य कार्य परिषद तथा 3. डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव शामिल थे। कार्य समिति द्वारा यह भी निर्णय लिया गया कि उक्त कार्य के लिये डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव को उचित भुगतान कर दिया जाये। उक्त समिति द्वारा परिनियमावली को अद्यतन कर अभी तक विश्वविद्यालय को हस्तगत नहीं कराया गया है। डा. निर्मला यादव, तत्कालीन सदस्या कार्य परिषद द्वारा अवगत कराया गया है कि डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव द्वारा विश्वविद्यालय की प्रथम परिनियमावली 1977 को वर्ष 2019 तक अद्यतन कर

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स्पाइरल बाइंडिंग तथा सी.डी. सहित अपने पास सुरक्षित रखा गया है जिसे भुगतान का आदेश प्राप्त होते ही विश्वविद्यालय को हस्तगत कर दिया जाएगा।"

11. Thus, Dr. Harish Chandra was neither engaged nor any payment was made to him during the tenure of the delinquent officer and the three member committee constituted in pursuance to the resolution passed by the Executive Council in its meeting held on 01.10.2019 recommended for making suitable payment to Dr. Harish Chandra. This committee was constituted in the year 2019 before the delinquent officer took charge as Vice Chancellor of the University. The complaint made by Dr. Arun Kumar Dixit is mala fide with ulterior motives. No evidence regarding financial loss caused to the University by the delinquent officer has been provided to him hence the charges are indefinite, in specific and erroneous.
12. In reply to the Charge No. 3, the delinquent officer admitted that in this charge, three charges have been consolidated in one viz. first, relating to appointment of Shri Neeraj Goyal, second, replacing the Advocate doing pairvi of Shri Neeraj Goyal's case and third, related to the appointments of favourite and close relatives even after their retirements, against rules and at high honorarium causing financial loss to the University. As far as Neeraj Goyal's matter was concerned, the decision of appointment of Neeraj Goyal was taken by the Executive Council in its meeting held on 25.11.2017. The matter was further discussed in the subsequent meetings of the Executive Council held on 31.07.2019 and 01.10.2019 and it was again resolved that appointment be offered to Shri Neeraj Goyal as Computer Operator on contract

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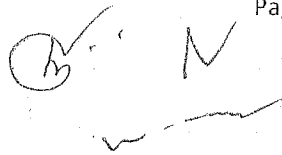
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basis under the self-financed scheme in view of his eligibility. In this way, the decision for his appointment was not taken during the tenure of the delinquent officer, but since his appointment letter was not issued for a long period, Neeraj Goyal filed writ-A no. 9995/2020 against the University before the Hon'ble High Court in which on 20.01.2021 Shri Gagan Mehta, Counsel for the University sought ten days time to seek instructions in the matter as to why the resolution of the Executive Council had not yet been implemented by the competent officer of the University. Hence, under these circumstances, appointment letter was issued to Neeraj Goyal in pursuance to the resolution of the Executive Council dated 25.11.2017 and to avoid any contempt proceeding before the Hon'ble High Court. Copies of the minutes of the meeting of the Executive Council held on 25.11.2017 and orders dated 20.01.2021, 05.02.2021 and 19.02.2021 passed by the Hon'ble High Court have been enclosed with Written Statement as Annexure-A to D.

13. As regarding replacement of Shri Gagan Mehta Advocate is concerned, he was conducting the case of Shri Neeraj Goyal who filed writ-A no. 9995/2020 against the University in which on 20.01.2021 Shri Mehta prayed for ten days time to seek instructions in the matter as to why the resolution of the Executive Council had not yet been implemented by the University, whereupon the High Court was pleased to grant ten days time fixing 05.02.2021 as fresh, but Shri Mehta did not communicate anything about the said order to the delinquent officer. On the next day i.e. 05.02.2021, Shri Mehta prayed for further time and the

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Court granted a week's time fixing the matter on 19.02.2021 as fresh but again Shri Mehta did not communicate any order to the delinquent officer. Hence, he was replaced by Shri Vivek Rai Advocate. It is incorrect to say that Shri Mehta was removed from the panel, because he is still on the panel of the University. It is incorrect to say that undue benefit was given to Neeraj Goyal. Besides, the nomination of Shri Vivek Rai Advocate as panel lawyer of the University has also been approved by the Executive Council in its meeting dated 22.10.2020 which is paper no. 35/3457 (Annexure- B-22/5). There is no evidence to prove that Mr. Vivek Rai was intimate or favorite of the delinquent officer. Thus, this charge too is in definite. He has further stated that no fresh appointments were made by him during his tenure, as a matter of fact, he only hired/engaged certain retired person for a short period on fixed remuneration/honorarium lesser than their last drawn salary in view of the request made to him by the concerned officers to cope with the heavy workload. He has further denied of having caused any financial loss to the University. Further his written reply states that he never engaged any of his intimates or relatives after attaining the age of 68-70 years or official age of superannuation on payment of excessive remuneration/honorarium. However, experienced persons were engaged for short terms to maintain smooth functioning as per the requirements and demands. All matters of such short term engagements have been duly approved by the Executive Council. No evidence has been provided to him about the close relationship with such engaged persons. He has also mentioned that this

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practice of engagement of retired persons has been going on since long and adopted even by his predecessor in office.

14. In Charge No. 04, Prof. Ashok Mittal while denying the charge he stated that he quarantined himself from 26.03.2021 to 11.04.2021 for 14 days when he was tested corona positive and he made a efforts to follow the directions issued by the government from time to time to avoid the spreading of the pandemic, and it was only due to his efforts due to which temporary vaccination camp was started in JP Auditorium on 11.04.2021 where several University teachers and staff were vaccinated; and now it has been converted into permanent vaccination center. No such violation/ breach of Covid-19 protocols ever took place to the best of his knowledge. No specific incident or occurrence, specifying alleged breach of Covid-19 Protocol, has been disclosed in the charge. All the allegations made in this regard are vexatious, frivolous and concocted, and none of them has any legs to stand, neither a query was ever made from him by the Police nor did he ever face any trial, in regard to the allegations levied against him by Dr. Arun Kumar Dixit. The copies of documentary evidence, provided to him, in regard to the above charge, have no evidentiary value to establish the said charge. The complaints, made by S/Sri Ral Solanki, Saurabh Shukla, Advocate and Dr. Arun Kumar Dixit, are not bona fide and have been made against him with ulterior motives. The complainants may kindly be asked to put strict proof of their allegations, made against him.

15. In reply to the Charge No. 5, the delinquent officer has specifically denied this charge with the submission that Sri Hari Gov

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Agarwal is neither his relative nor he has any type of intimacy with him. As a matter of fact, the engagement of Sri Hari Govind Agarwal is a result of the requirement, made from the Legal Department of the University praying for nominating a fulltime Advocate, in view of working load and sanctity of complicated litigations, a copy whereof has been provided to him along with the charge-sheet as evidence, proposed to be considered in support of charge, marked as paper no. 6/343 (Annexure- B-14/1). Consequently, Sri Hari Govind Agarwal was engaged for Rs. 30,000/- per month as remuneration on contractual basis only for a short period of six months with further extension of the same period, which has been duly approved by the Executive Council in its meeting. It is evident from the perusal of affidavit of Sri Hari Govind and his Registration Certificate, issued by the Bar Council of U.P. as an Advocate that he holds the eligibility for being engaged as Legal Advisor therefore, it is absolutely incorrect that he was engaged without any just reason and eligibility as Legal Advisor. It is also pertinent to specify that this practice has been going on since long and adopted by his Predecessors-in office, therefore, all the allegations made in this regard are false and baseless and none of them have any legs to stand.

16. The complaints, made by S/Sri Rahul Solanki, Saurabh Shukla. Advocate and Dr. Arun Kumar Dixit, are not bona fide and have been made against him with ulterior motives. The complainants may kindly be asked to put strict proof of their allegations, made against him.

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17. In reply to Charge No. 6, the delinquent officer did not admit this charge and specifically denied the charge with the submission that no Panel of teachers for inspection, approved by the Executive Council is in existence at present; therefore, upon receipt of requests from the colleges for inspections, it was scrutinized by the Affiliation Department and when everything was found to be in order, then recommendation was made for nomination of Panel, thereafter, suitable and experienced teachers were nominated for that purpose. It is absolutely incorrect to allege that the Panels for Inspection of Colleges were constituted arbitrarily by him, without going through the matter seriously, as per his own whims and wishes. All of such matters related to his tenure, were placed before the Executive Council in its meetings, which after examination and discussion had duly approved all of such acts done by him. In the same way, it is also incorrect to allege that irregularities were committed on his part, while making appointment of teachers of Self-Financed Colleges, because such appointments are made on the recommendations of the Selection Committee. However, no specific incident or any irregularity committed by him has been specified in the charge. Therefore, all the allegations made in this regard are vexatious, frivolous and self-concocted, and none of them have any legs to stand. It is also pertinent to specify that this practice has been going on since long and was adopted by his Predecessors-in-Office too. It is still going on and the present acting Vice Chancellor has also been following the same even today. If this practice falls within the purview of "irregularity" it should have been checked out forthwith, but no steps were either

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taken in the past or being taken presently, in this regard to the best of his knowledge. Only a list of Panel nominated for making inspections (papers no. 30/2945 to 30/2964, Annexure- B-21/1 to B-21/2), has been provided to him as documentary evidence in support of the above charge, but it does never indicate as to what irregularity was committed by him by selecting these teachers in the panel, constituted for inspection of colleges or appointment of the teachers in self-financed colleges. Therefore, all the allegations made in this regard are false and baseless and none of them has any legs to stand.

18. The complaints, made by Sri Rahul Solanki, Saurabh Shukla, Advocate and Dr. Arun Kumar Dixit, are not bona fide and have been made against him with ulterior motives. The complainants may kindly be asked to put strict proof of their allegations, made against him.
19. In reply to Charge No. 7, the delinquent officer has not admitted this charge and has specifically denied it with the submission that no promotion of any teacher was made by him, during his tenure. Only a copy of FIR lodged against certain persons (papers no, 21/2380 to 21/2387, Annexure- B-19/1 to B-19/8), has been provided to him, as documentary evidence in support of the above charge, but it does not indicate any teacher, who is named in FIR and was promoted by him during his tenure, even after pendency of FIR. In this way, this charge is indefinite and in specific. It is further stated that all the allegations made in this regard are false and baseless and none of them has any legs to stand. The complaints, made by Sri Rahul Solanki and Dr. Arun Kumar Dixit,

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are not bona fide and have been made against him with ulterior motives. The complainants may kindly be asked to put strict proof of their allegations, made against him.

20. In reply to Charge No. 8, the delinquent officer has not admitted this charge and has specifically denied it with the submission that he is not acquainted with any person, who is alleged to be an "education mafia". It is totally false to allege that he has close relations or intimacy with any person or persons, who are "education mafias" and he has ceased the powers of the Officer, who submitted report against them to the Government upon being found them guilty of charges in the inquiry reports. As a matter of fact, he has submitted the inquiry reports of the erring Colleges to the Government without any undue delay and he never ceased powers of any officer for the reason of submitting such inquiry reports to the Government, during his tenure. No specification in regard to the alleged "education mafia" or the Officer, whose powers is said to have been ceased by him, has been made in this charge. Therefore, all such allegations are false and baseless, and none of them has any iota of evidence for its establishment. Copies of certain documents (papers no, 10/858 to 10/861, Annexure- B 16/1 to B-16/4), have been provided to him, as documentar evidence in support of the above charge, but no clear indication reflects thereto or establishes his close relations or intimacy with any person or persons, who are as "education mafias". In this way this charge is indefinite and in specific. It is further stated that the allegations made in this regard are false and baseless; and none of them has any legs to stand.

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21. The complaints, made by Sri Rahul Solanki and Dr. Arun Kumar Dixit, are not bona fide and have been made against me with ulterior motives. The complainants may kindly be asked to put strict proof of their allegations, made against him.
22. Charge No. 9 is not admitted and has specifically denied with the submission that it is absolutely incorrect, false and baseless to allege that scams for crores were committed in the Affiliation Department, under his directions by enhancing the seats of B.Ed., M.Ed. and other subjects, in contravention to rules/regulations. It is evident from the perusal of copies of documents, provided to him along with the charge-sheet, marked as 52/3659 to 52/3674 (Annexure- B-26/1 to B-26/2) and 11/862 to 11/906 (Annexure- B-17/1 to B-17/44), that certain number of seats was approved in the said Colleges by NCTE for admission in the courses of B.P.Ed and M.Ed., but admissions were not permitted on all the approved seats for insufficient numbers of approved teachers in these colleges; but when sufficient number of teachers were got approved by the colleges, then permission was granted to these Colleges for admission on remaining allotted seats. It is pertinent to state here that only NCTE is competent to allot/approve seats to the respective colleges for admission in the courses of B.P. Ed and M.Ed and the Vice Chancellor's role is limited, to merely maintain teachers and students' ratio. Since, in some colleges, the number of approved teachers was less than the approved seats, therefore in view of the number of approved teachers, permission was granted for admissions on limited seats. Later on, when the colleges got approval of more teachers, then admissions were allowed.

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accordingly. Therefore, he enhanced no seats for B.P. Ed and M. Ed for several colleges and provided affiliation in contravention to Government Orders, as alleged. He granted no affiliation to any new college during his tenure, however, permission was accorded for one or two subjects to certain Government and aided colleges, matters whereof were pending since long, prior to his taking over charge as Vice Chancellor. It is also baseless and false to allege that he committed any irregularities in regard to the electricity connections, because only fixed charges were realized from the teaching and non-teaching staff, residing in the official accommodations, when he took over charge. However, he tried his best to install prepaid electric meters in the official accommodations and correspondence was made to the Torrent Power by issuing several letters, during his tenure for installation of prepaid electric meters. In this way he made a lot of efforts to mitigate the financial loss to the University, being caused on account of recovery of fixed electricity charges from the residents of official accommodations. Copies of documents marked as papers no. 53/3675 to 53/3685 (Annexure- B-28/1 to B-28/11) and papers no.19/ 1096 to 19/2007 (Annexure- B-18/1 to B-18/12) provided to him, as evidence proposed to be considered in support of the charge-sheet, clearly shows as to how many efforts were made by him to avoid ongoing financial loss to the University, during his tenure. It is further stated that no latches were committed by him in realization of arrears due upon the canteens of Khandari and Palliwal Campus. Furthermore, to say that neither any alleged breach of provisions of Financial Hand Book was ever committed

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by him nor any alleged gross financial loss was caused to the University by any of his acts, in any manner whatsoever. As a matter of fact, no such act was ever done by him during his tenure. No specified particulars in support of such allegations have been disclosed in the charge. Therefore, all of such allegations are false and baseless, and none of them has any iota of evidence for its establishment. In this way, this charge is indefinite and in specific. It is further submitted that all the allegations made in this regard are false and baseless; and none of them has any legs to stand. The complaints, made by Sri Rahul Solanki, Saurabh Shukla Advocate and Dr. Arun Kumar Dixit, are not bona fide and have been made against him with ulterior motives. The complainants may kindly be asked to put strict proof of their allegations, made against him. No copies of complaints or statements of Sri Rajendra Singh, Smt. Rajni Yadav and Ms. Megha Bansal have been provided to him, while their names have been mentioned in the Charge-Sheet to support the above charges; therefore, he is not in a position to put his defence version, in regard to these witnesses.

23. Charge No. 10 is not admitted by him and has specifically denied with the submission that no Chartered Accountant was replaced with any new one by him, during his tenure, as alleged. It is also incorrect to allege that the University had to pay Rs.72,00,000/- as penalty. Upon going through the matter, it came to his notice that the University has challenged the order of imposing penalty before the Appellate Authority which is still pending for disposal. The circumstances, under which Sri Vivek Rai Advocate was nominated, has already been described in reply to Charge no. 03,

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therefore, it needs no repetition. The complaint, made by Sri Rahul Solanki is not bona fide and has been made against him with ulterior motives. The complainant may kindly be asked to put strict proof of his allegations, made against him.

24. Charge No 11 is not admitted by him and has been specifically denied with the submission that no payment of Advocates or other Officers/Officials was stayed either by him or any of his alleged intimate persons. However, the matter of payment related to the bills of learned Advocates was placed by him before the Executive Council in its meeting dated 22.10.2020, which discussed it, at length and resolved that the bills, submitted by the learned Advocates, shall be considered for payment, after examination thereof. Therefore, in pursuance to the above resolution/ decision of Executive Council, a three members' Committee, consisting of Sri S.D. Paliwal, Retired. HJS (Chairman), Sri S.K. Bajpayee, Chartered Accountant (Member) and Assistant Registrar (Legal), by post (member) was constituted on 02.07.2021 for examining the bills, submitted by the learned Advocates. It has come to his notice that the said Committee has submitted its report, after examination of the bills, submitted by the learned Advocates, which may be summoned from the office of the University for his defence version. No evidence, proposed to be considered in regard to the above charge for other officers/officials, has been made available to him, except the complaint, made by Dr. Sri Arun Kumar Dixit, which is not bona fide and has been made against him with ulterior motives. The complainant may kindly be asked to put strict proof of his allegations, made against him. That on the basis of the

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submissions made in the preceding paragraphs it is crystal clear that he is not guilty of any of the charges levied upon him, hence, he prayed to exonerate him of the charges levied upon him. That he also requested to provide him with an opportunity of cross-examination to each and every witness, proposed and examined in support of the charge-sheet against him and to hear him in person, permitting him to produce his defence evidence.

25. In the end, he has submitted that he may be exonerated against the charges levied upon him. The delinquent officer has also given a list of seven witnesses which he proposed to examine as his witnesses. He further requested that he may also be permitted to give his own statement on oath and be permitted to cross examine all the witnesses produced against him. The delinquent officer was granted permission to cross examine each and every witness who appeared against him. Further, he was provided copies of each and every papers which was relied upon by the committee or any witness.
26. The delinquent officer also filed many papers in his defence many times.
27. A very strange and peculiar thing which was noticed in this particular inquiry by the Committee was that when the proceedings of the committee were held at Dr. APJ Abdul Kalam Technical University, Lucknow. The relevant documents and papers asked for, by the committee were not being produced, and non-availability of certain Executive Council Meeting's minutes was reported, but twice, when the committee held its sitting at Dr. Bhimrao Ambedkar University, Agra, quite a lot of papers kept

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pouring in, some by the University, some by the witness and some original papers, to the utter surprise of the committee, by the delinquent officer himself. The Inquiry Committee noticed that practically nothing was in order in the Agra University and faced a lot of difficulty in conducting this inquiry. In as much as on two days some mobs came till the door of the room where the inquiry was being conducted, which was later on taken care of.

28. In this case, 06 witnesses namely, AW-1 Dr. Arun Kumar Dixit Advocate, AW-2 Shri Rahul Solanki (he also submitted a pen drive, Material Exhibit-1, containing some audio clipping, before the Inquiry Committee, copy of which was given to the delinquent officer), AW-3 Shri Hari Govind Agarwal, AW-4 Shri Rajendra Singh, AW-5 Ms. Megha Bansal and AW-6 Shri Anjani Kumar Mishra were produced to prove charges against the delinquent officer. CW-1, Shri Radhika Prasad Yadav, CW-2, Suraj Manchanda and AW-6, Shri Anjani Kumar Mishra was summoned by the Committee. In support of his defence, the delinquent officer examined DW-1 Smt. Mamta Singh, DW-2 Shri Arun Kumar Singh, DW-3 Shri Ajay Kumar Gautam, DW-4 Shri Anoop Kumar, DW-5 Shri Kailash Bind, DW-6 Shri Sanjeev Kumar Singh, who are all employees of the University. Shri Hari Mohan was examined as DW-7 by the delinquent officer. He is working as Engineer in the University. DW-8 was the delinquent officer himself Prof. Ashok Mittal. Dr. Arun Kumar Dixit Advocate and Shri Rahul Solanki were re-cross examined by the delinquent officer on his request. The Inquiry Committee recalled and

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- reexamined AW-3 Hari Govind Agarwal, DW-5 Kailash Bind, DW-4 Anoop Kumar, DW-3 Ajay Kumar Gautam.
29. Finally, the oral and the documentary evidences were concluded by both the parties.
30. The delinquent officer, Prof. Ashok Mittal informed the committee in writing that he did not wish to adduce any oral arguments which is annexed as Annexure- B-43 to this report. Hence, the evidence was declared dsal to be concluded.
31. The description of any documents or evidence filed by any witness find place in the order sheet of that date and just for the sake of repetition, it is being mentioned that copies of each and every evidence including pen drive were provided to the delinquent officer and he was given much more than sufficient opportunities to meet out the charges levied against him. He was also permitted to watch the minutes of the Executive Council meeting which were displayed by the Inquiry Committee in his presence to watch the video prepared of the meeting.
32. The documentary evidence consists of all the papers mentioned in the Charge Sheet itself besides it includes other papers filed by the delinquent officer and the witnesses and also those which were purposely withheld by the University and later were compelled to produce them before the committee. It is noteworthy that some original papers were produced by the delinquent officer himself from his office drawer which aspect shall be discussed later.

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33. As far as the oral evidence is concerned, we would like to discuss and reproduce the gist of the statements of all the witnesses examined during the course of the inquiry.

(a) Witness AW-1, Shri Arun Kumar Dixit while supporting his application and affidavit has stated on oath (Annexure- A-7/1 to A-7/14) that:

(i) 103 guest faculties were appointed by the delinquent officer which appointment was against the provisions of law. There were many appointees who were not fulfilling the basic qualifications, the basic qualifications of the candidates were not even examined and the committee comprising of Shri Anil Verma, Prof. P.K. Singh and Prof. Manu Pratap Singh itself was illegal as the appointment of aforesaid three members was illegal. Since proceeding u/s 68 Universities Act are pending against Shri Anil Verma and the State has also filed cases of corruption and criminal cases against him. When Prof. Manu Pratap Singh was appointed he was merely M.Sc. He has done his doctorate in Physics whereas he is appointed in the Computer Department. Prof. P.K. Singh was appointed on the basis of forged papers and he is also not deputed in the department in which he has done his PhD, besides he was not appointed against any vacancy. He has further stated that the delinquent officer did not obtain the approval of the Chancellor as envisaged u/s 50(4) of the Universities Act. Further one person in the name of three persons submitted the quotations which were addressed to the

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Registrar, the envelopes were addressed to the Assistant Registrar, Registrar Office. The alleged firm who completed the job, requested payment to be made to his sister concern and payment was wrongly made. The Deputy Registrar was appointed on a payment of Rs. 35,000 per month but he was overpaid and an extra amount of Rs. 50,000 was paid to him causing financial irregularity and financial loss to the University. He has also stated that the delinquent officer did not follow any procedure or rules in the appointment of his near one namely Neeraj Goyal and also mislead the court. The erring officer tried to appoint Neeraj Goyal directly through the Executive Council on which the Registrar objected due to which the appointment letter was got issued by an unauthorized person. Prof. Mittal also appointed his near and dear ones although they had crossed the age of appointment amongst these are Shri Hari Govind Agarwal, Shri Harish Chandra, Shri Paliwal, Shri Arvind Mishra, Shri Praveen Agarwal, Shri Chandra Shekhar Ashthana, Shri Pramod Kumar Sharma, Shri Chandra Veer, Shri Shailendra Jauhari and Shri Anoop Kumar Srivastava.

(ii) Regarding the Covid-19 protocol this witness has stated that the delinquent officer violated the Covid-19 protocol and guidelines due to which an application was sent to the Chief Minister which was sent for inquiry to the S.O. Hari Parvat and the report was found correct on which the SSP sent a report to the Government. The delinquent officer

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himself tested corona positive but he did not isolate himself and was responsible for spreading this disease due to which most probably some staff members also died.

(iii) It is further stated that Shri Hari Govind Agarwal who is not an Advocate, he is appointed as Legal Advisor, who instantly started extracting money. Bills amounting to about 12 lacs of this witness were pending payment since many years but when Shri Hari Govind Agarwal was contacted, he demanded 20 percent commission, which was refused at which Shri Hari Govind said that this witness would not be able to work further. The witness complained about all these matters to all the high ups but no action was taken. Shri Hari Govind Agarwal also asked this witness to 'deal' in execution no. 2/98 but when this witness refused, a vakalatnama of his close Advocate was filed in the matter and dealing was done, although, the case was initially being compromised on Rs. 1,58,000 but later on the University had to pay lacs of rupees due to which initially the bank account of the University was attached and the University had to unnecessary suffer financially. All these facts were brought to the notice of the Registrar and the Vice Chancellor. The delinquent officer and Shri Hari Govind Agarwal colluded and wanted to return the fees, when the opinion of this witness was sought, he gave the opinion that fee could not be returned. After that this witness could not find out whether the fees was returned or not.

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- (iv) The witness further stated that the delinquent officer often used unparliamentarily and insulting language against the Hinduism which can be seen in the recording of the minutes of the Executive Council. As soon as Prof. Mittal took charge, he started casteism in the affiliation department and changed all the staff which did not belong to his caste. He further gave the additional charge of medical and Ayurveda to his favorite Mr. Naveen Agarwal. Mr. Arvind Gupta who was already working, was given the additional charge of Agra, even otherwise in other departments, officials of his own caste were posted.
- (v) This witness has further stated that due to the negligence of Shri A.K. Singh, Finance Officer, Dr. Bhimrao Ambedkar University, Agra, the University has to suffer a financial loss of 74 lacs. In appeal, some CA was appointed to conduct the case who did not appear on dates due to which the University suffered huge financial loss and penalty was also imposed on the University.
- (vi) This witness has further stated that the Ambedkar Chair, which was established in the University, was closed since many years, but Shri Arvind Mishra got passed bills to the tune of 13 lacs on the basis of financial irregularity which includes bills of teachers. This witness is ignorant of the fact whether bills of the teachers have been paid or not.
- (vii) Shri Arun Kumar Dixit has also stated that at district and High Court level, the Advocates who were working earlier, they were removed and the delinquent officer deputed his

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favorite Advocates due to which double fees was paid which caused financial loss to the University.

- (viii) The witness further stated that in the canteens situated in Paliwal Park and Khandari Campus dues were not recovered and Finance Officer Shri A.K. Singh being subordinate to Prof. Ashok Mittal should have been brought to book for not recovering the dues from both the canteens.
- (ix) The delinquent officer has close terms with education mafias out of which the Manager of Chacha Vishal Mahavidyalaya namely Shri R.K. Gupta faced enquiries many times and in every inquiry he was found guilty. The then Registrar, Shri Anjani Kumar Mishra also conducted an inquiry about the aforesaid college and the inquiry report was sent to the Government due to which Prof. Mittal was annoyed and seized the work of the aforesaid Shri Anjani Kumar Mishra.
- (x) The delinquent officer Prof. Ashok Mittal has committed scam of crores of rupees in the affiliation department. Initially he appointed his own people in the department, after that he increased the seats of B.P.Ed, M.Ed, etc. due to which there was a scam of lacs of rupees. Even after the expiry of the prescribed time, Prof. Mittal took 'facility fee' and increased the number of seats and affiliation with the collusion of Assistant Registrar, Shri Anoop.
- (xi) M/S Leela Jay Technology Private Limited had its matter pending in which a counter claim of Rs. 5.5 crore was

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made. All the relevant documents, computers and evidences of this firms were seized and kept in a room where this firm was working. This matter was being looked after by this witness namely Shri Arun Kumar Dixit but Prof. Ashok Mittal in collusion with the firm, took wrongful gain from the firm, opened the lock of the room and took possession of the evidences and documents due to which the University suffered huge financial loss, because this matter is pending disposal with the Arbitrator.

(b) Witness AW-2, Shri Rahul Solanki has stated on oath (Annexure- A-8/1 to A-8/6) that:

- (i) His uncle, Mr. Viresh, was posted as clerk in the history department against whom an enquiry was instituted. He was wrongly found guilty and he was charged of burning mark sheets. An FIR was also lodged against him and he was punished twice for the wrong which was not committed by him. The Vice Chancellor has one very close person namely Mr. Verma and one Mr. Shukla and there are many others who do forgery.
- (ii) An FIR has also been lodged against 18-20 persons under the Anti-Corruption Act but still they are working in the University. This witness was tried to be won over one Shri Naresh Bharadwaj, who is an Accountant in the Kashganj College and Mr. Ranjeet Yadav brought him to the house of Prof. Mittal and Prof. Mittal asked this witness to give an affidavit to the effect that this witness had filed an incorrect affidavit on the ill advice of someone and also

tried to influence this witness and said that he would give a job to his aunt i.e. wife of Viresh. This witness refused to follow the direction of the delinquent officer. This witness further stated that he has all the audio recording if the location and audio recordings are connected, it would be crystal clear that he was present at the places where he has stated in his statement. He has also proved his complaint and later filed the audio recording before the Inquiry Committee.

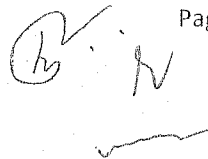
(c) Witness AW-3, Shri Hari Govind Agarwal stated on oath (Annexure- A-9/1 to A-9/8) that:

(i) He commenced the work as Legal Advisor in the University since 25th November, 2020. He got an appointment letter. He has been registered as an Advocate and his Bar Council Registration No. is 2027/79. He has practiced on the civil side thereafter he started the work of consultancy. He was interviewed on 23rd November, 2020. He is unaware of the procedure adopted in his appointment. He met Shri Harish Chandra at the residence of one High Court Judge Justice Mukhtar Ahmad. Shri Harish Chandra requested him to work as Legal Advisor to the University as that post was lying vacant. He is ignorant of the fact whether his post was created, accepted or not. He is getting Rs. 30,000 per month honorarium. No other service condition was fixed when he was appointed for six months or till further orders. After that, his appointment was extended for another six months. He

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could not point out before the Inquiry Committee as to under what provisions benefits are granted to the dependents of dying in harness employees. He said that he could not tell anything about the finance matter. Further he has stated that one Shri Makhan Singh who was appointed in the University, his case was being conducted by Shri Arun Dixit, who was negligent in conducting the case due to which Shri Makhan Singh obtained about Rs. 8.00 lacs from the year 2012 to 2020. He informed this matter to the Executive Council. He has further stated that AW-1 Dr. Arun Dixit never told him that the execution could be struck off in full satisfaction by compromise on payment of Rs. 1,58,000. He denied the fact that Dr. Arun Kumar Dixit was replaced by Mr. Avadh Kishore Gautam and a huge amount had to be paid by the University in the aforesaid execution case. He further said that in B.Com and in other classes in his testimonials and academic records, his name has been mentioned as Hari Govind Gupta. He changed his name somewhere in the 80s. He further stated on oath that when he deposited his academic credentials in the University, the Assistant Registrar, Shri Gautam questioned him on which he submitted an affidavit. He categorically admitted that from 25th November, 2020 till date, he is working as Hari Govind Agarwal whereas his credential and academic records mentions his name as Hari Govind Gupta. He could not assign any reason why his appointment was as Hari

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Govind Agarwal whereas all his academic records are in the name of Hari Govind Gupta. He has admitted that he sent paper no. 104/9415 (19/2006), Annexure- B-18/11, directly to the Vice Chancellor on 03rd April, 2021 without adhering to the procedure of sending papers through proper channel but could not explained why he did so.

- (ii) This witness was recalled on oath by the Inquiry Committee, he stated that paper no. 152/12561(Annexure- B-61) is not forged. He has also stated that he did recommend the payment of Rs. 4,28,109.29 in the execution matter and his opinion was sought by the Assistant Registrar, Shri Kailash Bind. This witness also said that he gave a report that there was no stay in the execution and he interpreted the following lines as being a stay order of the High Court:

‘लेकिन उपरोक्त प्रकीर्ण अपील संख्या 340/2001 दिनांक 16.08.2005 को अनुपस्थिति में निर्णीत कर दी गयी’

- (d) Witness AW-4 is Shri Rajendra Singh who also sent a complaint. His complaint was mainly with regard to Dr. Rakesh Gupta, Manager of Chacha Vishal Singh Kanya Mahavidyalaya, Jalesher Road, Pura Govardhan, Agra. He has stated (Annexure- A-10/1 to A-10/2) that the aforesaid college has no infrastructure. There is no electricity, water, washrooms, playgrounds and other basic facilities in the aforesaid college. The students were being harassed and after realizing lacs of rupees as fees, the girls were not permitted for the examination.

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The Manager physically and mentally tortured the girl students, misbehaved with them and even manhandled them. Hence, he prayed that recognition/approval of B.Ed classes of Chacha Vishal Singh Kanya Mahavidyalaya, Agra be withdrawn.

(e) Witness AW-5 is Ms. Megha Bansal. Her complaint is also against the Chacha Vishal Singh Kanya Mahavidyalaya, in which she said (Annexure- A-11) that the Manager, Dr. Rakesh Gupta took fee for B.Ed from her and gave her the receipt but neither he got any classes conducted nor gave this witness any admission or admit card and even did not permit her to appear for the examination. She has concluded her statement by stating that in the aforesaid Chacha Vishal Singh College, there is no electricity, water, washrooms and any other infrastructure where classes can be conducted.

(f) Witness AW-6, Mr. Anjani Kumar Mishra, the then Registrar of the Dr. Bhimrao Ambedkar University, Agra is a witness not named in the charge sheet but he was summoned by the Committee because his statement was necessary in the end of justice and for the fair disposal of the inquiry. This witness has stated (Annexure- A-12/1 to A-12/5) that in the Executive Council meeting dated 20th January, 2021, there were some differences between him and the delinquent officer due to which he wanted to see the recording of the Executive Council meeting, but he was denied. After which he was not present in certain meetings of Executive Council. In February, 2021, the delinquent officer seized all his rights/work u/s 13(1). This witnesses has stated that there were three points of differences

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between him and the Vice Chancellor. The first being the matter of appointment of Neeraj Goyal, the second being the matter of appointment of Shri Hari Govind Agarwal and guest faculty members and lastly the matter of Chacha Vishal Singh Kanya Mahavidyalaya, Agra.

(g) Witness CW-1, Mr. Radhika Prasad Yadav, has stated on oath (Annexure- A-21) that the Legal Advisor, Shri Hari Govind Agarwal, ruled the legal department. He used to take the files to his house without any endorsement or without informing anybody. It was mandatory for the all the officials to obey and follow his directions. The execution file in dispute was handed over to Shri Hari Govind Agarwal which was never returned in the department.

(h) CW-2 is Suraj Manchanda who stated (Annexure- A-22) that he is appointed in Vice Chancellor office, who used to send the newspaper news to the Vice Chancellor. He also on the day of Inquiry, got a print out for the delinquent officer.

34. After this, began the evidence of the delinquent officer. The delinquent officer gave a list of as many as 07 witnesses working in the University besides himself to defend him.

(a) Witness DW-1 is Smt. Mamta Singh, who did not say anything and said (Annexure- A-13) that he did not want to give any evidence. As is evident from the list of witnesses submitted by the delinquent officer, this witness is working as Assistant Registrar in the University.

(b) Witness DW-2 is Mr. Arun Kumar Singh is Finance Officer, Dr. Bhimrao Ambedkar University, Agra. This witness has

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stated (Annexure- A-14/1 to A-14/4) that there is no matter of dual payment which came to his knowledge. Whatever payments were in anticipation of the approval of the Finance Committee or the Executive Council. In those cases, approval was obtained later on. The increased fee taken from the colleges was never returned to them. The dues on the Khandari and Paliwal Park canteens were pending prior to the tenure of Prof. Ashok Mittal. The contractor of both the canteens moved applications for exemptions of rent for the corona period which was put before the Finance Committee in which orders were passed that if both the contractors deposit their complete dues in the University, then from March, 2020 to 15th August, 2021, 80 percent of the rent can be waived off and exempted. He has further stated that when the matter of payment of bills of the Advocates came to light, the delinquent officer constituted a committee to review the bills of the Advocates and said that extra payment is being made. The aforesaid report was summoned by the Inquiry Committee on the request of the delinquent officer, but since the delinquent officer himself filed copy of the report of the committee hence the original report was returned to Presenting Officer.

- (c) Witness DW-3 is Ajay Kumar Gautam has stated on oath (Annexure- A-15/1 to A-15/3) that he is working as Assistant Registrar since 04th February, 2020. Before he joined, some payments were made in the law department but those files are not available in the department. To set the matter right, a committee was constituted on the proposal of Shri Hari

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Govind, this witness was a member of the Committee, in which it was found that there were some Advocates who did not do the work assigned to them, hence, the committee recommended that they should complete their work. He has also stated that the Vice Chancellor constituted a committee, for scrutiny and audit of the pending bills, whose report was submitted but in the Executive Council meeting dated 19.08.2021 at item no. 15, the Finance Committee did not accept the report and said that the version of the Advocates should also be heard before deciding the matter due to which till the date of the statement of this witness, the report had not become final nor had been accepted.

- (d) Witness DW-4 is Mr. Anoop Kumar, is working as Assistant Registrar since 30th December, 2020 who has stated (Annexure- A-16/1 to A-16/3) that only the seats allotted by NCTE were given to the colleges. No seats were allotted beyond the limits.
- (e) Witness DW-5 is Mr. Kailash Bind who has stated (Annexure- A-17/1 to A-17/2) initially that he does not want to say anything in evidence but when he was recalled after submission of certain documentary evidence, he stated that he did not propose the removal of Advocate Mr. Gagan Mehata to be replaced by Advocate Mr. Vivek Rai in the case of Mr. Neeraj Goyal. He has also said that he informed the delinquent officer about all the correspondence.
- (f) Witness DW-6, Mr. Sanjeev Kumar Singh. He is the Registrar of the University and also the Presenting Officer in the present

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- inquiry. He has stated (Annexure- A-18) that he has only worked for 3 to 4 days during the tenure of Prof. Ashok Mittal.
- (g) Witness DW-7, Mr. Hari Mohan, who is working as Engineer in the University. He has deposed on oath (Annexure- A-19/1 to A-19/2) that the delinquent officer orally directed him to get prepaid electricity meter installed in all the residences so that direct payments could be done but since the occupants/residents did not complete the formality, hence on 3rd June, 2021, notices were given to them. Prof. Ashok Mittal has not committed any irregularity in this matter but in fact the work caught speed during the tenure of Prof. Ashok Mittal.
- (h) Witness DW-8 is Prof. Ashok Mittal, Vice Chancellor (abstained from work), Dr. Bhimrao Ambedkar University, Agra who is the delinquent officer, deposed on oath and supported his written version (Annexure- A-20/1 to A-20/32).
- (i) Witness DW-8, Prof. Ashok Mittal stated that on oath that after he took charge, by his efforts, he got about more than four lacs of marksheets sent to the concerned colleges for distribution and about 40 thousands degrees were sent to the residential address of the students. He has further said that the legal department was not working properly, hence, he deputed a Legal Advisor for a short period.
- (ii) He also said that keeping in view the lethargy and improper working in the legal department, lack of pairvi, avoidance of work, negligence etc. to identify the persons responsible, he constituted a five member committee,

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constituting of two retired HJS rank judicial officer, two Professors and an Assistant Registrar (law). This committee sent its report which should be read and considered in his defence.

- (iii) He deposed that he further constituted a three member committee, headed by an HJS ranked judicial officer and whose members were the Chief Treasury Officer, Agra and Assistant Registrar (legal) to look into the matter of the payment of bills and to re-fix and to remove the ambiguities in payment of fee to the Advocates which filed its report on 17.04.2021 which was approved by the Finance Committee and Executive Council. After that on the suggestion of the Executive Council, a three member Committee was formed which was headed by a judicial officer of the rank of HJS with two members, one being a Chartered Accountant and the other being Assistant Registrar (legal), whose report was submitted on 30.07.2021 which should be read in favour of the delinquent officer.
- (iv) In the residential department, the personal files of many teachers were missing and that of many teachers were not being maintained properly and were ill maintained. This witness after a lot of efforts got duplicate records of some of the teachers and to get the seniority list which was defective, updated for which he constituted a three member committee comprising of one retired Registrar as Chairman, one Professor of the Central University and

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Dean and one Assistant Registrar (RW) as members, who have not submitted the report.

- (v) The University Statutes which were not updated for the last 20 years, were got updated on the directions of the Governor House.
- (vi) He has also stated that he took practically all the decisions after consultation with the Finance Committee and the Executive Council or if any decision was taken in anticipation, the same was got approved by both the aforesaid committees. He has also stated that he called for the maximum meetings in his tenure and all pending promotions were disposed of, besides this, he also started the regularization of the employees which were pending since long.
- (vii) The publication committee got published a souvenir on the achievements of this witness, which souvenir was got released by Shri Dr. Dinesh Sharma, Deputy Chief Minister of Uttar Pradesh which was submitted by this witness before this Inquiry Committee which is annexed as, paper no. 162/12590 to 162/12620, Annexure- B-45/1 to B-45/28.
- (viii) This witness attached 103 guest faculties on the request of the Head of Departments which were appointed purely on temporarily basis for short period. In this matter, the letter dated 28th January, 2019 of UGC is not applicable because the directions given in this letter have neither been accepted by the State Government nor by the

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University and there is no mention of the procedure for appointment of guest faculties or their attachment. The Statute states only about permanent appointments. The guest faculties were appointed by three member committee. His predecessors also adopted the same procedure and he did not increase the remuneration of anyone. Since, there are vacancies in the University, hence, for the smooth running of the classes and imparting of regular education and knowledge, guest faculties are always invited to give lectures and they are also invited to work and teach although there is no provision in the University Statute. Hence, he has only followed the procedure and line of action set forth by his predecessors and has not committed any irregularity and no loss has been caused to the University by the appointment of guest faculties. He obtained oral consent of Shri Mahesh Kumar Gupta, Additional Chief Secretary to the Chancellor and Smt. Monika S. Garg, Additional Chief Secretary, Higher Education, State of Uttar Pradesh. After that only, he started further proceedings in the matter. Presently, there are only 40 permanent regular teachers for teaching and about 100 guest faculties are serving the University since many years. This was also done by the predecessors of this witness. The committee constituted by him for this purpose was well constituted because any FIR against any person should be taken care of by the Governor

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House. Besides in this FIR No. 0592 dated 05.09.2018 (Annexure- B-19/1 to B-19/8), it has been lodged against 19 people which include two prior Vice Chancellors.

- (ix) As far as the preparation and publication of the Hand Book is concerned, he has not committed any financial illegality or irregularity. In as much as Rs. 50,000 for preparation and updating the Hand Book and Rs. 12,100 for stationary was granted to Dr. Harish Chandra which decision was taken in the meeting of the Executive Council on 01.10.2019 at item no. 05 and was approved in the Finance Committee on 09.10.2020 at item no. 24.
- (x) This witness has also stated that the decision regarding appointment of Neeraj Goyal was not taken during his tenure. In fact, the Executive Council in its meeting dated 25.11.2017, 31.07.2019 and 01.10.2019 resolved that Shri Neeraj Goyal be appointed in the self-financed scheme on contractual basis as Computer Operator. In this regard, his predecessor also sought legal opinion. The then Vice Chancellor passed orders and directed the Registrar on 20.01.2020 to comply with the orders of the Executive Council. In the matter of Neeraj Goyal, Shri Gagan Mehta Advocate was not vigilant, hence, he was replaced by Mr. Vivek Rai Advocate. Since, Shri Gagan Mehta Advocate was not updating this witness about the progress of the case and was not taking keen interest and was indifferent towards the case. All the decisions were

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taken by this witness were in the favour of the University and to safeguard the interest of the University.

- (xi) DW-8, Prof. Ashok Mittal has further deposed on oath that he did not appoint anyone after the age of 70 years but for the smooth functioning of the University, all the appointment made by him, were in due regard to the circumstances of the University and were deputed on minimum honorarium. All the decisions taken by him were approved by the Executive Council. Witness AW-1, Dr. Arun Kumar Dixit never apprised this witness about any demand made by Shri Hari Govind Agarwal.
- (xii) As regards the breach of protocol of covid-19 is concerned, this witness has stated that only the administrative officers have right to take action in case of breach. He has further said that he has followed all the guidelines and protocols issued by the Government in regard to covid-19 strictly. When he was declared covid-19 positive, he isolated himself and after testing negative, he started a vaccination center which has now become a permanent vaccination center by which numerous persons are being benefitted.
- (xiii) Shri Hari Govind Agarwal is not related to him nor he has been wrongly appointed nor any financial loss has been caused to the University due to his appointment. Since the load of work in the legal department was excessive hence on the recommendation of Dr. Harish Chandra, retired Deputy Registrar, who was working in

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the University as OSD, Shri Hari Govind Agarwal was appointed as Legal Advisor on a payment of Rs. 30,000 per month, whose appointment was approved by the Executive Council.

- (xiv) As far as the inspection of colleges is concerned, whenever such demand was made, the affiliation department gave a report on the demand and this witness deputed experienced and able teachers in the panel to do the needful. The Executive Council has not constituted any panel for the last many years nor at present any approved panel by the Executive Council is in existence. However, the panel constituted by him has been approved by the Executive Council in its meeting dated 20.01.2021 in its proceedings at item no. 04 (Annexure-B-49/97).
- (xv) In self-financed scheme college, the teachers are appointed through the selection committee for which two subject expert teachers are nominated which has nothing to do with this witness. Further, he has stated that he has not promoted any teacher during his tenure nor has given any undue advantage or benefit to any teacher.
- (xvi) He has further stated that he has no relations with any education mafia nor he has ever misused his post. He further stated that he did not seize the work/rights of the Registrar but to bring pace to the work and to regularize the work, passed orders on 25.02.2021 that the files relating to residential unit department, teachers

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department, affiliation department and law department shall be put before him for orders/approval through the Assistant Registrar. This order was passed by him on 25.02.2021 (Annexure- B-60).

(xvii) The seats for admission for B.P.Ed, M.Ed and other subjects are decided by the National Council of Teachers Education (NCTE) and it was beyond the right of this witness to increase the seats. The colleges in question, for whom increase of seats has been stated in those colleges since teachers were not approved as per the criteria, less seats were released for admission. When those colleges got the approval from the University, then the admission was permitted with regard to the ratio of student and approved teachers.

(xviii) This witness has further stated that in his tenure, he has not committed any financial irregularity as far as electricity charges are concerned also because, as soon as, it came to his knowledge that fixed charges are being realized for use of electricity, he took notice of the fact and started the process of prepaid meters and issued many guidelines also. Thus, he saved the University from financial loss. Since, the matter of dues pending on both the canteens, was not put before him and the dues were prior to his taking charge, hence, it was the duty of the Finance Officer of the University to realize the outstanding dues against the canteens. This witness states

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that he had not violated any provisions of the financial hand book.

- (xix) This witness has also stated that an appeal is pending against the penalty imposed on the University which does not pertain to his tenure.
- (xx) He has further stated that the then Registrar Lt. Col. Anjani Kumar Mishra always sat over the files, he did not do the correspondence in time and the letters received from the Governor House were not complied or replied in time, hence, to give pace to the work of the University, he passed orders that some files of some departments be sent direct to the Vice Chancellor's office, due to which the aforesaid Shri Anjani Kumar Mishra and Dr. Arun Kumar Dixit started sending complaints to the Chancellor.
- (xxi) As far as Mr. Naresh Bharadwaj is concerned, he does not know who Naresh Bharadwaj is and when Mr. Rahul Solanki and others came to his house, he scolded them and turned them out of his house. Rahul Solanki is resident of district Badaun and has nothing to do with the administrative decisions of the University, hence, all the charges levied against him are baseless and he is liable to be exonerated from all the charges levied upon him.

Findings on Charge No. 01

35. Charge No. 01 on the delinquent officer is that he appointed guest lecturers in different departments during his tenure violating all the

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laws, principles and guidelines as laid by the University and UGC, besides, he constituted an illegal committee constituting of members against whom FIR was registered under the Vigilance Establishment. These appointments were illegal. The procedure adopted was illegal. No demand was made by the Head of Departments and no justification was given for the vacancies. Thus, violating the provisions of the Uttar Pradesh State Universities Act, 1973.

36. The delinquent officer, Prof. Ashok Mittal submitted before the Inquiry Committee that there are no guidelines and specific provisions for appointment of guest faculties hence he adhered to the procedure which his predecessors in office were adopting throughout. With due regard to the delinquent officer, we are in utter disregard to this argument because even presuming for the sake of arguments that there is no provisions absolutely anywhere regarding appointment of guest faculties even then to maintain impartiality and transparency, the basic principles of natural justice should have been adhered to; meaning thereby advertising the posts, inviting the applications, constitution of a proper committee with at least one subject expert, examination of the eligibility of the candidates and their academic credentials, interaction or interviews, then report of the selection committee and finally approval by the Vice Chancellor and Executive Council along with all the terms and conditions.

37. In this regard, the main complainant AW-1, Dr. Arun Kumar Dixit has stated on oath (Annexure- A-7/1 to A-7/14) that 103 guest faculties were appointed illegally by Prof. Ashok Mittal during his

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tenure. These faculties were not fulfilling the requisite qualifications and a three-member committee comprising of Shri Anil Verma, Prof. P.K. Singh and Prof. Manu Pratap Singh was constituted by Prof. Ashok Mittal. This committee itself was illegal since the members themselves were disqualified and were not eligible to become members of the committee.

38. This witness, AW-1, Dr. Arun Kumar Dixit, was cross-examined by Prof. Ashok Mittal when he stated that he did not give his opinion prior to the appointment of the aforesaid guest faculties because he gave his opinion whenever his opinion asked for, and in this matter he was never asked to give legal opinion. This witness was questioned as to how he came to know that the rules and regulations had been flouted in appointments of guest faculties to which the witness replied that as soon as he came to know about the matter, he reported the matter. Further, he has stated that since these appointments are illegal, hence, the emoluments granted to them also, would be illegal payments and would amount to crores of rupees which caused great financial losses to the University. AW-2, Mr. Rahul Solanki has also stated the same version in his affidavit which he has proved.
39. Now, the version of AW-6, Shri Anjani Kumar Mishra summoned by the Inquiry Committee, who was the Registrar of this University at the relevant time has also to be looked into. Having a bird's eye view of his statement, which says that he filed his objection regarding the selection of guest faculties in the file. No advertisement had been made and the interview committee was not legally constituted. Further he has said that the eligibility of the

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candidates were not checked. Those who were not eligible were also considered, besides, the guidelines of the UGC and Section 31 of the UP State Universities Act, 1973 were not followed. This witness has further stated that when his objections were overruled, he again requested that his objections may be reconsidered but this was not done and even faculties who were not eligible were included.

40. A specific question was put to this witness, whether at the time of commencement of selection of guest faculties, he had informed the Vice Chancellor about the UGC Rules and Statutes. In reply, the witness was very-very specific and stated as follows:

“प्रश्न: क्या जब गेस्ट फैकल्टी की नियुक्ति की प्रक्रिया शुरू होने पर कुलपति को यह अवगत कराया था कि यह यूजीसी व स्टेट्यूट के नियमों के विरुद्ध है?”

उत्तर: जब गेस्ट फैकल्टी की नियुक्ति की प्रक्रिया शुरू हुई तो मेरे व मा० कुलपति जी के बीच में कई बार विचार विमर्श के बीच जो बातें आईं वे इस प्रकार हैं- समय-समय पर निर्गत राज्य शासनादेशों में संविदा की नियुक्ति के लिए औचित्य निर्धारण करने की गाइडलाइन्स हैं जिसमें आय-व्यय को ध्यान में रखते हुए कोर्स की *viability* को संज्ञान में लेते हुए पदों का सृजन किये जाने का गाइडलाइन्स है तो इसी संबंध में मैंने सभी विभागों से सूचना प्राप्त करने के लिए एक पत्रावली निर्गत की थी जिसमें मैंने एक फार्मेट बनाया था जिससे कुलसचिव कार्यालय को सम्पूर्ण सूचना प्राप्त हो जाए। तदोपरान्त उस प्राप्त सूचना पर वर्क आउट करने के लिए एक समिति निर्धारित किये जाने हेतु पत्रावली व्यवहरित की गयी। जिस पर मा० कुलपति द्वारा समिति का गठन किया गया। उस समिति ने ही प्रवक्ताओं की नियुक्ति की सस्तुति कर दिया और इस समिति का नाम इंटरैक्शन और

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स्क्रीनिंग कमेटी मा0 कुलपति महोदय द्वारा सीधे रखा गया था। यह सारी आपत्तियाँ मैंने फाइल में नोट-2 के रूप में रिकार्ड किया है।”

41. Now, let us see what Prof. Ashok Mittal, DW-8, the delinquent officer, has to say in this matter. He has stated that during his tenure, he appointed 103 guest faculties as per demand which were attached for a short period. They were not kept under fulltime appointments. The letter dated 28.01.2019 of the UGC is not relevant for this procedure because these guidelines have neither been adopted by the government nor by the University. In the University Statutes/Hand Book, there is no provisions of appointment of guest faculties, besides, it states only about regular permanent posts. The three-member selection committee formed by him was of experienced Professors and was based on the demand of the Head of the Departments, the eligibility of all the candidates was examined. Even prior to him, his predecessors in office had been adopting the same procedure. Hence, he has specifically said in his oral statement (Annexure- A-20/1 to A-20/32) that:

“अतः अतिथि प्रवक्तृओं की तथाकथित नियुक्ति करने में मैंने पूर्व परम्परा का ही अनुसरण किया है, किसी प्रकार की कोई अनियमितता नहीं की है, मेरे इस कार्य से विश्वविद्यालय को किसी प्रकार की कोई आर्थिक क्षति /हानि नहीं हुई है।

Further, this witness has said that he showed the relevant file to Mr. Mahesh Kumar Gupta, Additional Chief Secretary to the Hon'ble Chancellor and Smt. Monika S. Garg, Additional Chief Secretary, Higher Education Department and after their oral

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approval, he proceeded in the matter. He has further stated that his predecessors in officer too never advertised the posts nor took the advice of any specialized person. He has gone to the extent of saying that if his appointment of guest faculties is illegal then the same would be the positions with the appointment of guest faculties by his predecessors. When this witness, Prof. Ashok Mittal, was cross examined by the Inquiry Committee, he stated that he bye-passed the Registrar in all the correspondence just to give pace to the matters. This is not a plausible explanation nor can be accepted by any stretch of imagination because the Vice Chancellor has no right to bye-pass the Registrar only for the purposes of giving pace to work. When he was questioned as to could he bye-pass the Registrar under his rights within the provisions of 16.3 and 16.4 of Uttar Pradesh State Universities Act, 1973, on which he replied that generally this cannot be done but in special circumstances work can be handed over to other person. In the present case, no such special circumstance has cropped up which compelled the delinquent officer to recall certain very important departments from the Registrar. The delinquent officer, Prof. Ashok Mittal stated that he had these powers under the provisions of 13(1)(a) of the Uttar Pradesh State Universities Act, 1973. Here, restraining ourselves a lot, but still we are compelled to state that this shows the poor knowledge of rules and regulations of the delinquent officer, Prof. Ashok Mittal because no such powers are given to the Vice Chancellor under Section 13(1)(a) of the Uttar Pradesh State Universities Act, 1973. In as much as

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Section 13(1)(a) of the Uttar Pradesh State Universities Act, 1973 runs as follows:

"13(1)(a) exercise general supervision and control over the affairs of the University including the constituent colleges and the Institutes maintained by the University and its affiliated and associated colleges;"

42. When this witness was asked as to how many persons were appointed in the self-financed scheme, he stated that the most biggest difficulty in Agra University is that there is no distinction between the regular course and the self-financed scheme course. He had directed orally the Registrar to take action in the matter, who orally told him that after exhausting all his resources he is not able to do this work. He has further stated that he also orally asked all the Head of Departments to let him know, which courses are under the self-financed scheme and which ones are regular. He said that he does not have knowledge of any G.O. issued in the year 2000 and he could not say whether the appointments made by him were according to the G.O. or not since he had not seen the G.O. but whatever appointments were made, they were made as per the customs prevalent during the last many years. He has further said that 90 percent of the appointments of those who were already working and there was a G.O. that having regard to the covid-19 disease, faculties already working should be appointed. He has further stated that he did not issue advertisement for fresh appointments because due to covid-19, the people already working had to be appointed. He has admitted that he was orally told that two or three people were appointed who did not have the

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requisite eligibility, hence, they were not invited for guest faculty but they were kept as Research Associates/Assistant at the honorarium of Rs. 12 to 14 thousands per month. Now, we fail to understand when a person did not have the requisite eligibility, what was the necessity of engaging them at any honorarium, is this not waste of money? He further said that Prof. Anil Verma told him that previously also appointments were being made in this manner and there is no illegality in this, taking his version to be correct, he approved the list. He has further stated that the UGC circular relating to the guest faculty has not yet been adopted by the State and a custom is prevalent in Agra University that if any person is lesser qualified, then having regard to the load of work, he will be kept on less honorarium. He has also said that G.O. No. 214/70-4/2000-7(7)/94 dated 04th February, 2000 is not in his notice nor the Registrar brought this G.O. to his notice.

43. When it was pointed out by the Inquiry Committee and asked this witness, DW-8, whether Anisha Singh, Library Science, Shivani Sharma, History, Priyanka, Computer Science and Neelam, Chemistry Department, who were appointed as guest lecturer were they fulfilling the requisite guidelines of the UGC and whether he had confirmed this fact at the time of approval. At this the witness Prof. Ashok Mittal replied that he had no knowledge about these four faculties and he had approved the list, keeping in regard the fact that the committee had approved the list. Besides this, it was the duty of the committee to look into this matter and no representation was made to him about this irregularity.

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44. He has admitted that he did not advertise posts for any guest faculty. He had orally requested the Heads of Departments to put the advertisement on the website out of which some HODs had put the advertisement on website but some had not. If the University has given any such report that the posts have not been advertised on the website then the report would be correct. Reference here has to be given about the report filed by the University which is paper no. 165/12628 (Annexure- B-39) in which it has been held that no vacancy or advertisement was advertised on the website of the University regarding the appointment of guest faculties in the session 2020-21. Although this paper has been denied by the delinquent officer, but as said earlier, he is changing his statement in every breath, because in his statement given above he had said that the University report would be correct but when the University report was shown to him, he denied it. Thus, it is established that no advertisement of any kind was published for appointment of guest faculties by the delinquent officer.

45. The second requisite in appointment of guest faculties would be the presence of at least one subject expert during the course of appoint which was lacking in the present case. In as much as, Prof. Ashok Mittal in his statement on oath, this witness has stated on oath that:

“प्रत्येक अतिथि प्रवक्ताओं की चयन समिति में विषय विशेषज्ञ नहीं थे क्योंकि सर्वप्रथम कोई चयन समिति ही नहीं थी क्योंकि यह परम्परा शुरू से चली आ रही थी। जो परम्परा थी वह गलत थी या सही, यह मैं नहीं बता सकता, मैंने उसका अनुसरण किया था। तीन सदस्यीय समिति ने विभागाध्यक्षों की मांगों का औचित्य परीक्षण भी किया था। कुछ टीचर्स

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रिजेक्ट भी हुए थे। चयन समिति के सदस्यों में से श्री अनिल वर्मा पर सतर्कता विभाग द्वारा एफ.आई.आर. कराया गया है। उस एफ.आई.आर. व 16 अन्य लोगों का भी नाम है। प्रो० अनिल वर्मा एक से अधिक समितियों में हैं। उनको मैं एवाइड कर सकता था परन्तु मैं नहीं कर पाया क्योंकि विश्वविद्यालय में 5-6 लोग ही बेदागी हैं।”

46. The unacceptable and a lame excuse that this witness has given above is very funny in as much as when he had himself said that he had only 5-6 spotless people in the University, what prevented him from constituting the committee from these 5-6 spotless people and what made him induct Prof. Anil Kumar Verma and others practically in all the committees by and large.
47. AW-2, Shri Rahul Solanki, in his affidavit (paper no. 3/007 to 3/011, Annexure- B-1/1 to B-1/5) on oath, has stated that as soon as Prof. Ashok Mittal joined the University, he started corruption and formed a group of his own people namely, Prof. Anil Kumar Verma, Prof. P.K. Singh, Prof. Manu Pratap Singh, Dr. Arvind Mishra, Shri Hari Govind Agarwal, Mr. B.D. Shukla and Prof. Manoj Kumar Srivastava who were given important responsibilities of the University including affiliation department, law department, examination department and degree department. Out of which, Prof. Anil Kumar Verma had a charge sheet of Vigilance Establishment to his credit.
48. The list of the selected candidates and the approval of the delinquent officer, Prof, Ashok Mittal is paper no. 38/3474 to 38/3546, Annexure- B-23/73, in which Prof. Mittal has not even taken the pains to write 'approved' but has only signed it. This may

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not be termed as illegal but it is a circumstances which the Inquiry Committee definitely wants to mention.

49. The Inquiry Committee also took notice of paper no. 90/8858 to 90/8867, Annexure- B-32/1 to B-32/3, the contents whereof were admitted by the delinquent, who made an endorsement that these papers are not relevant to the matter of the present inquiry but still the Inquiry Committee looked into this paper and found that 52 guest faculties were appointed in the self-financed scheme and 51 guest faculties were appointed under the financed scheme. Paper no. 90/8859 (Annexure- B-32/2) is also important which answers the question as to according to which rules and regulations, the self-financed scheme appointments were made and what are the guidelines for appointment. In reply, the guidelines issued by the UGC were mentioned whereas the delinquent officer says that the guidelines issued by the UGC cannot be taken into consideration for appointment as guest faculty. Paper No. 21/2380 (Annexure- B-19/1) is a letter from the Superintendent of Police addressed to the Registrar with the request that Anil Verma, Reader, History Department be directed to appear in his office for recording of his statement and here the Vice Chancellor said that he is ignorant about everything. Although, the delinquent officer said that some of the candidates were rejected and were not selected for the post but we were unable to get the list of those candidates who were not appointed.

50. The delinquent officer has admitted paper no. 03/051 to 03/105 (Annexure- B-5/1 to B-5/54), so this paper can be easily read and relied upon. Paper no. 03/051 is the whole crux and the base of this

issue in as much as the then Registrar AW-6, Shri Anjani Kumar Mishra had point-wise given a very detailed and exhaustive report about the reasons why the selection could not be done in the way it was going to be done but instead of considering the objections and notes of the then Registrar, the delinquent officer, Prof. Ashok Mittal who was in a very hurry wrote the following two notes, one after the other on the same date:

"Prof. Anil K. Verma

Pl. give me the financial viability of no. of teachers (guest faculty) recommended for teaching work department-wise. To-day only."

Sd/-

Prof. Anil Mittal

07.01.2021

"Registrar

- 1. Pl. see the report of Prof. Anil Verma.*
- 2. Issue the letters to the recommended guest faculties immediately and report to me by tomorrow."*

Sd/-

Prof. Anil Mittal

07.01.2021

51. In this order initially, the order ran as follows:

"issue the letters to the recommended guest faculties by tomorrow "and report by" were added later. Although, that would not make much of difference but it would definitely be a circumstance to show that how hurriedly the work was done and the delinquent officer, Prof. Ashok Mittal expected and directed the Registrar to issue 103 letters within a day which the Registrar followed since

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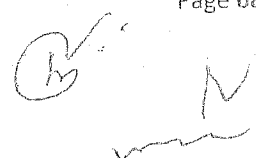
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he had no other option. Here reverting back to the objections and note written by the then Registrar, Shri Anjani Kumar Mishra who made every attempt to stop these illegal appointments, and to help the administration to make valid and legal appointments, his notes and other comments were not given an ear to, and in fact were turned down that even not by the Vice Chancellor, Prof. Ashok Mittal himself but by Prof. Anil Kumar Verma. In each and every objection, Prof. Anil Kumar Verma wrote passing remarks and in objection 'd' written by the then Registrar on paper no. 03/052 (Annexure- B-5/2), he also took the liberty of writing 'taken care' but when the selection was done, it was not taken care of at all. As far as the objection 'g' written by the then Registrar, Shri Anjani Kumar Mishra, in concerned, an incorrect endorsement was made by Prof. Anil Kumar Verma that the advertisement was put on the website whereas paper no. 165/12628 (Annexure- B-39) says that this advertisement was never put on the website, which proves the endorsement of Prof. Anil Kumar Verma as incorrect because the delinquent officer himself has said that the report of the University that the advertisement was not put on the website is correct. Thus, all the attempts of the then Registrar, Shri Anjani Kumar Mishra went in vain to get the appointment procedure in a legal and correct procedural way, and finally, ignoring all the objections, the delinquent officer, Prof. Ashok Mittal, made 103 illegal appointments of guest faculties. Therefore, causing huge financial loss to the University. Although, the delinquent officer, Prof. Ashok Mittal, submitted before the Inquiry Committee that any which ways 103 guest faculties would have been appointed who

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would have been paid as those are being paid which were appointed by him, the finances would be the same. We are in utter disagreement of this argument because an illegal act done would give the same result as a legal act, hence the illegal act would be justified, cannot be accepted.

52. The members of the committee went through and watched and saw all the video recording of all the Executive Council meetings held during the tenure of the delinquent officer, Prof. Ashok Mittal. We also gave an anxious attention and found that what was being discussed was not at all being recorded in the minutes and in fact Prof. Mittal blamed the Executive Council's member for not pointing out that the minutes were incorrect or were incomplete. Thus, Prof. Mittal has blamed the Finance Officer, Committee Members, Registrar and all the Executive Council's members for not pointing out the short comings in different work.
53. While going through the Executive Council meeting dated 20.01.2021, we observed that one of the members (we are abstaining ourselves from mentioning the names) said that the Vice Chancellor has every right to appoint guest lecturers directly by just giving out the list. Strange enough even if a single fresh appointment has to be made, the procedure as stated by us above has to be strictly followed.
54. We have given an anxious thought to this fact also that if any person has served the University for some years, he should have the priority in appointment as guest lecturer. Thus, even if we think that for the appointment of guest lecturer, the procedure appointed for regular appointment is skipped even then at least it would be

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expedient in the end of justice, to drop the dead logs out. The working and overall assessment of the staff who was already working for some years in the working and who were appointed as guest lecturer should definitely have been called for, which has not been done in this case either. Thus, taking the broadest aspect of the matter into consideration, the appointments of guest faculties is illegal because we have in mind that character rolls of the staff and faculties are written every year and the work assessment of each appointee should definitely have been done. It is not that even someone who is employed earlier and his work is not up to the mark should have a right to be appointed as a guest lecturer.

55. Hence, the Inquiry Committee comes to the conclusion that the delinquent officer, Prof. Ashok Mittal violated all the rules, regulations, principles of natural justice, transparency and made 103 illegal guest faculty appointments constituting a illegal committee due to which the University suffered huge financial loss, and thus charge no. 01 stands proved against the delinquent officer, Prof. Ashok Mittal.

Findings on Charge No. 02

56. The second Charge levied on the delinquent officer, Prof. Ashok Mittal is that he got the Statute/Hand Book of the University printed and prepared in his tenure, in which he committed financial irregularity and made double payments, which caused financial loss to the University.
57. The work of updating and printing of the Statute/Hand Book was entrusted to a retired Deputy Registrar, Mr. Harish Chandra.

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Before going into this aspect, the Inquiry Committee would like to specify that paper no. 104/9293 (5/325) (marked as Annexure- B-13/6 to this Inquiry Report) which is admitted by the delinquent officer was received from the Office of the Chancellor somewhere in January, 2019 and this letter reminded the Vice Chancellor in January, 2019 that somewhere in 2017 directions were issued for updating the Statute/Hand Book but even after a lapse of a year direction were not followed. Again directions were issued to update the Statute/Hand Book. On this letter by the Chancellor, there is a note dated 16.01.2019 that the papers have already been sent to Mr. Harish Chandra meaning thereby that the matter was already entrusted to Mr. Harish Chandra in the beginning of the year 2019. Now, what happens is that Mr. Harish Chandra kept sleeping over the matter, he was engaged on an honorarium of Rs. 35000 per month but he failed to justify his appointment and honorarium. Mr. Harish Chandra was a member of the Executive Council too and his services were extended from time to time. On 13.04.2021, his service was extended from 07.04.2021 to 06.10.2021 for six months. What is the most important feature in this matter is the note sheet of the In-charge Education, AR and initials of another officers/officials which is addressed to the Registrar/Vice Chancellor which is being attached to this Inquiry Report as (paper no. 104/9319 to 104/9321, Annexure- B-33/8 to B-33/10). This note sheet says that initially on 12.06.2018, Dr. Harish Chandra (retd. Deputy Registrar) was appointed for six months to update the Statute/Hand Book and for other administrative work as OSD which was made effective from

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25.05.2018. His tenure ended on 24.11.2018 and Dr. Harish Chandra was paid honorarium for six months after that his services were not extended. What happened to the updating of the Statute/Hand Book during this period is in the dark. However, further this note sheet states as follows:

“ऐसा प्रतीत होता है” कि शासकीय स्तर पर किये जाने वाले पत्राचार आदि कार्य में व्यस्तता के कारण परिनियमावली को अद्यतन नहीं किया जा सका “होगा” जिसके फलस्वरूप कार्य समिति की बैठक दिनांक 01.10.2019 के अन्य मद संख्या-5 के निर्णय के अनुसार पुनः परिनियमावली को अद्यतन किये जाने हेतु तीन सदस्यीय समिति का गठन किया गया जिसमें 1. डा. निर्मला यादव, सदस्या कार्य परिषद, 2. प्रो. संजय चौधरी, सदस्य, कार्य परिषद तथा 3. डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव शामिल थे। कार्य समिति द्वारा यह भी निर्णय लिया गया कि उक्त कार्य के लिए डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव को उचित भुगतान कर दिया जाये। उक्त समिति द्वारा परिनियमावली को अद्यतन कर अभी तक विश्वविद्यालय को हस्तगत नहीं कराया गया है। डा. निर्मला यादव, तत्कालीन सदस्या, कार्य परिषद द्वारा अवगत कराया गया है कि डा. हरीश चन्द्र, सेवानिवृत्त उपकुलसचिव द्वारा विश्वविद्यालय की प्रथम परिनियमावली 1977 को वर्ष 2019 तक अद्यतन कर स्पाइरल बाइंडिंग तथा सी.डी. सहित अपने पास सुरक्षित रखा गया है जिसे भुगतान का आदेश प्राप्त होते ही विश्वविद्यालय को हस्तगत करा दिया जाएगा।

58. A perusal of this note sheet makes it very clear that the persons who prepared this note sheet presumed that it appeared that due to being busy Dr. Harish Chandra could not have prepared the Statute/Hand Book. It has further gone to the extent of saying that Dr. Harish Chandra has got the Statute/Hand Book updated and spirally bound along with the C.D. with himself safely which will be handed over after orders of payment would be passed. This

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condition precedent went all above the heads of the Inquiry Committee members because if all was ready since 2019 what prevented Dr. Harish Chandra from submitting the same to the competent authority of the University. Because his initial appointment itself was for updating the Statute/Hand Book and other administrative work. This shows that purposely Dr. Harish Chandra in spite of completing the process withheld the Statute/Hand Book just to receive extra and double payment.

59. We would also like to refer to the order passed by the delinquent officer of payment of Rs. 50000 on the same date to Dr. Harish Chandra in anticipation of the approval of the Finance Committee. What was the hurry of orders of payments? We fail to understand why when the work was done 2019, why it was withheld till 2020, when on 14.09.2020 orders for dual payment of Rs. 50000 were passed, another amount of Rs. 12100 was demanded as printing charges. This matter was directed to be placed before the Finance Committee who approved the payment of Rs. 50000 + Rs.12100 to Dr. Harish Chandra.

60. As far as the procedure adopted in this matter that too cannot be approved by anybody. A committee comprising of Assistant Registrar (Admin), Assistant Registrar (Vice Chancellor's Office) and Superintendent (Publication) was constituted but this committee just completed some formalities in as much as the committee did not bother to see that the challans submitted had overwriting and printed Vikas Books Limited was struck off and by hand Ravi Offset was written by hand without any initial. Even later on, an application was moved that the payment be made to

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Vikas Book Agencies although work was done by M/S Ravi Offset Printers, Agra. This shows the connivance how the quotations were sent. The committee would not hesitate to write a few word about the non-cooperation by the Dr. Bhimrao Ambedkar University, Agra in the inquiry. In as much as paper no. 104/9298 (5/330), paper no. 104/9300(5/332), paper no. 104/9309(5/340), paper no. 104/9311 (5/342) which is annexed as Annexure-B-13/11, B-13/13, B-13/21 and B-13/23 to this Inquiry Report, could not be read by any of the Inquiry Committee Member without spectacles, with spectacles and even with the aid of magnifying glasses.

61. When the draft of the Statute/Hand Book was updated, the prior approval of the Chancellor was mandatory as envisaged u/s 50(4) of Uttar Pradesh State Universities Act, 1973. These provisions run as follows:

"50(4). Every new Statute or addition to a Statute or any amendment or repeal of Statute shall be submitted to the Chancellor who may assent to it or withhold his assent therefrom or remit it to the Executive Council for further consideration."

62. We have not lost sight of the fact that according to paper no. 104/9312 (Annexure- B-33/1), the Executive Council in its meeting dated 20.01.2021 at other item no. 02, released the amended Statute/Hand Book bye-passing the Chancellor because this could only have been done by the Executive Council, if the Chancellor would have remitted the matter to the Executive Council. The decision of the Executive Council taken in its meeting dated 20.01.1021 at other item no. 02 runs as follows:

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“2. विश्वविद्यालय की प्रथम परिनियमावली (First Statute) के संशोधित संस्करण का कार्य परिषद की बैठक में विमोचन किया गया। परिनियमावली में यह संशोधन लगभग 20 वर्ष बाद किया गया है।

निर्णय: कार्य परिषद द्वारा सर्वसम्मति से अनुमोदन प्रदान किया गया।”

63. Firstly, the so called committee did not bother to see whether the quotations were received were in order or not. There was any registration no., TAN No., PAN No. or GSTIN No. etc. on the quotations and cutting and interpolations on the quotations added fuel to fire.
64. Coming to the oral evidence in this regard, AW-1, Dr. Arun Kumar Dixit has stated that the provisions of Section 50(4) of Uttar Pradesh State Universities Act, 1973 were not adhered to and although the Deputy Registrar (Retd.) was deputed on payment of Rs 35000 per month for preparation of Statute/Hand Book. He was paid an additional sum of Rs. 50000/- for this work.
65. Having regard to the statement of the delinquent officer DW-8, Prof. Ashok Mittal, he has tried to twist the matter and said that in his tenure, no Hand Book/Statute was prepared or printed but he only got the first Statute/Hand Book updated. He has further stated that everything is written in the comments dated 10.09.2020 (paper no. 104/9319 to 104/9321, Annexure- B-33/8 to B-33/10) which we have already referred to above.
66. The statement of this witness in this regard would be very relevant to clarify the matter. In para 48 of the statement of the witness AW-8, Prof. Ashok Mittal on oath, has stated the following version:

“पूर्व कुलपति द्वारा डा० हरिश्चन्द्रा को विश्वविद्यालय की परिनियमावली को अद्यतन किये जाने एवं अन्य शासकीय पत्राचार

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इत्यादि के कार्य की जिम्मेदारी वर्ष 2018 में सौंपी गयी थी। छः माह के उपरान्त उनका कार्यकाल समाप्त हो गया था। बाद में राजभवन से सभी विश्वविद्यालयों के लिए एक पत्र आया कि आप अपने विश्वविद्यालय की प्रथम परिनियमावली को अद्यतन कराते हुए (अधिनियम की भी) दस-दस प्रतियाँ राजभवन में विशेषवाहक द्वारा उपलब्ध करायी जाए। संभवतः दिनांक 01.10.2019 को यह विषय कार्य परिषद में अनुमोदनार्थ एवं विचार हेतु रखा गया और कार्य परिषद ने एक तीन सदस्यीय समिति बनायी जिसमें डा० निर्मला यादव, प्रो० संजय चौधरी एवं डा० हरिश्चन्द्रा सदस्य के रूप में नामित किये गये और यह भी निर्णय लिया गया कि परिनियमावली को अद्यतन किये जाने के कार्य हेतु डा० हरिश्चन्द्रा को उचित मानदेय दिया जाए। डा० हरिश्चन्द्रा ने मुझे बताया कि मेरठ विश्वविद्यालय ने इसी कार्य के लिए उन्हें 65,000 रूपये दिये थे उसके बाद मैंने निगोशिएट करके उन्हें 50,000 रूपये पर परिनियमावली को अद्यतन किये जाने, स्पाइरल बाइंडिंग कराने तथा मुद्रण के समय प्रूफ रीडिंग के कार्य हेतु तैयार कराया। इस कार्य हेतु 50,000 रूपये दिये जाने पर वित्त समिति की संस्तुति पर कार्य परिषद द्वारा अनुमोदन प्रदान किया गया है। इस कार्य हेतु जो कोटेशन आमंत्रित किये गये उन पर टिन नं०/जी०एस०टी० नं० व अन्य विवरण थे या नहीं यह देखना मेरा काम नहीं था, यह कार्य वित्त अधिकारी का था। जिस वेंडर ने मुद्रण का कार्य किया था उसने भुगतान हेतु दूसरे वेंडर का नाम सुझाया था जिस पर इस विषय की पत्रावली पर कुलसचिव श्री अंजनी कुमार मिश्रा द्वारा इस विसंगति को रेखांकित किया गया जिस पर मैंने वित्त अधिकारी से आख्या मांगी। वित्त अधिकारी ने ऐसा किया जाने में असहमति प्रकट की और अन्ततः जिसने मुद्रण कार्य किया था उसी वेंडर को भुगतान किया गया। इसमें मेरे द्वारा कोई भी अनियमितता कारित नहीं की गयी है। कोटेशन खोलने के लिए तीन सदस्यों की समिति बनायी गयी थी

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जिन्होंने न्यूनतम कोटेशन वाली फर्म को कार्य दिये जाने की संस्की। भुगतान हेतु पूरी पत्रावली मेरे पास आयी थी परन्तु यह देख मेरा काम नहीं है कि जिसका नाम सुझाया गया था उसका काटकर एल-01 का नाम हाथ से बढ़ा दिया गया है। इस कटिंग किसी के लघु हस्ताक्षर नहीं हैं।

67. Approval of an illegal Act involving financial irregularity by the Executive Council or the Finance Committee will not regularize the matter. How the Executive Council and the Finance Committees were working will also be discussed later but here the Inquiry Committee concludes that Prof. Ashok Mittal is found guilty paying extra amount to the Dr. Harish Chandra because he was already being paid honorarium of Rs. 35000 per month for updating the Statute/Hand Book and this Charge No. 02 against Prof. Ashok Mittal stands proved.

Findings on Charge No. 03

68. Charge No. 03 has been framed to the effect that the delinquent officer, Prof. Ashok Mittal, appointed Mr. Neeraj Goyal illegally and when pressurized, he removed Mr. Neeraj Goyal. The Advocate who was looking after the case of Neeraj Goyal previously was removed and an Advocate of his own choice was appointed to give benefit to Mr. Neeraj Goyal, besides, he also appointed many people who had completed their official age of superannuation and caused financial loss to the University.
69. First of all, the matter of appointment of Mr. Neeraj Goyal, who is the son of a retired employee of Dr. Bhimrao Ambedkar University, Agra, as is evident from record, will be taken up. A

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report dated 09.02.2021 which is paper no. 70/5885 (Annexure-B/30/1), admitted by the delinquent officer says that in compliance of the order of the High Court and the Government orders, the information to this effect may be gathered whether there was a post sanctioned for Mr. Neeraj Goyal. Now, on this bye-passing all the senior and experienced Advocates, the legal advice of Shri Hari Govind Agarwal was sought about whom the Inquiry Committee has stated earlier. Again, here the Registrar in his report dated 08.04.2021, came to the rescue of the University but the benefit of this report was not taken and was brushed away categorically. The then Registrar initially pointed out that he was bye-passed in this process; secondly, the syllabus in which the proposed appointment of Mr. Neeraj Goyal had to be made, thirdly, the financial viability by the Finance Officer and the report of the selection committee which would entitle him to work as Computer Operator. In this regard, Prof. Ashok Mittal has said that he did everything in a hurried manner to avoid contempt of the Hon'ble High Court.

70. In the meeting when the Executive Council was deciding the matter of Mr. Neeraj Goyal, it was specifically pointed out by the Registrar that Mr. Neeraj Goyal was working from 2004 to 2011 on contractual basis. After 2011, what transpired nobody knew, as it was not on record, whether he was dismissed from service, he left the service himself, and how his services were discontinued after 2011. Now, what happens is that in 2016, an application was moved direct before the Executive Council through some Seth Padam seeking appointment. The Registrar pointed out that since the file of Mr. Neeraj Goyal is missing and there is no post of

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Computer Operator and the matter is subjudice, hence, the decision regarding Mr. Neeraj Goyal may be passed after taking into account the aforesaid circumstances. The delinquent officer, Prof. Ashok Mittal himself filed a bundle of documents being 154/12565 to 154/12571 (Annexure- B-44/1 to B-44/7) which besides other documents contains the report of one Sri Arvind Mishra addressed to the Vice Chancellor, this report is dated 01.06.2019, which says that when already the Executive Council, which is the highest body of the University has approved the appointment of Mr. Neeraj, then there is no legal bar in appointment of Mr. Neeraj Goyal as Computer Operator. But, the delinquent officer was too desperate about the appointment of Mr. Neeraj Goyal for the reason best known to him that he again brought the note addressed to him, Registrar and Assistant Registrar. We fail to understand why the delinquent officer was interested to file these papers which were going against him.

71. A perusal of the statement of the delinquent officer, Prof. Ashok Mittal states that some observations were written by the then Registrar in the matter of Mr. Neeraj Goyal. After considering those observations, the Executive Council unanimously took the decision that Mr. Neeraj Goyal be appointed but there was a suggestion of some of the members that before giving appointment to him, he may be asked to withdraw his writ. What happened about the suggestion is unknown, because everything is silent on this point in the minutes. Hence, the decision of Executive Council becomes a nullity as withdrawing of the writ was condition precedent for his employment.

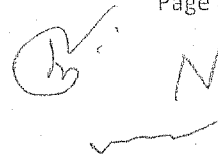
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72. In this case, we have noticed that even the delinquent officer, Prof. Ashok Mittal has said during the Executive Council meeting that he got the duplicate records prepared of many teachers and the process was still going on. We fail to understand in all our visits whether this is the procedure to be adopted by a Vice Chancellor if any record is lost. The normal procedure in case of loss of any record would be firstly reporting of loss, secondly, reconstruction of the file or documents, whatever the case is, and thirdly instituting an enquiry to fix the liability of loss of records. We are shocked to see that Agra University is working in its own way and no procedure for anything is being adopted, in as much as records are being lost, no one is responsible for loss of record, no action is being taken for any loss of record and things are peacefully going on in the University and the Vice Chancellor is sleeping over all the matters peacefully.

73. Without knowing the reason why Mr. Neeraj Goyal left service how could he be appointed as Computer Operator, whereas there was no such post and in fact previously from 2004 to 2011, he was working as Data Entry Operator. We would also like to point out that one who seeks equity must do equity and must come with clean hands but Prof. Ashok Mittal has not done so, he is blowing hot and cold.

74. Paper no. 70/5887 (Annexure- B-30/3) also makes it clear that the delinquent officer, Prof. Ashok Mittal was so desperate that he directed his P.A. to issue the appointment letter to Mr. Neeraj Goyal. Prof. Ashok Mittal has said that he was compelled to do so, because of the urgency but he did not bother to take action against

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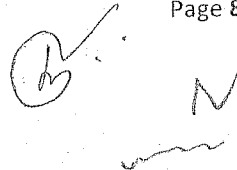
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the officials who had refused to comply by his orders which he should have, so that the other employees would have thought twice before disobeying him.

75. There is nothing on record to show the transparency of the appointment of Shri Neeraj Goyal. In this case also, no selection process or advertisement was made. Everyone is unaware of his qualifications and the panel Advocate was changed for reasons best known to the delinquent officer, Prof. Ashok Mittal. In this regard, Prof. Ashok Mittal has said that Shri Gagan Mehta did not inform him that is why he was replaced by Shri Vivek Rai Advocate. This is a vague statement.

76. The delinquent officer, Prof. Ashok Mittal has said that the matter of Mr. Neeraj Goyal was being looked by Mr. Gagan Mehta Advocate, who took two or three dates to file narratives but this information was not given to the Vice Chancellor. If at all, information was given to the legal department or Registrar, he does not know. Well, we think that such information is given in the office only and not directly to the Vice Chancellor. When Shri Hari Govind Agarwal, AW-3, was examined in this regard, he said that he did not remember whether he advised the Vice Chancellor to replace Mr. Gagan Mehta by Mr. Vivek Rai. But, the delinquent officer in his statement has said that in the office note there is no mention of the carelessness and slow pace of the work of Mr. Gagan Mehta. But, Assistant Registrar, Mr. Ajay Gautam and Legal Advisor, Shri Hari Govind Agarwal has apprised him about this fact orally. The delinquent officer, Prof. Ashok Mittal could not find out even a single incident where Mr. Gagan Mehta

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Advocate did not comply with the oral or written direction issued to him.

77. Mr. Ajay Kumar Gautam, DW-3, who is the witness of the delinquent officer Prof. Ashok Mittal, has also said that:

“श्री नीरज गोयल के नियुक्ति पत्र जारी करने के आदेश पर मैंने हस्ताक्षर करने से इस कारण से मना किया था कि उक्त प्रकरण में पूर्व के कई कुलसचिवों ने कुछ बिन्दुओं पर सूचना मांगी थी जो अपूर्ण थीं इसलिए मैंने अनुरोध किया कि इस प्रकरण में मैं हस्ताक्षर नहीं कर सकता हूँ। उक्त प्रकरण पर पूर्व के तीन कुलसचिवों द्वारा आपत्ति किये जाने के कारण मैं संदेह में था और प्रोबेशन पीरियड में होने के कारण इस मामले की पूरी जानकारी न होने के कारण मैंने उस पर हस्ताक्षर करने से मना किया। उक्त पत्रावली को देखने से यह पता चला कि श्री नीरज गोयल की नियुक्ति में विधिक प्रक्रिया का पालन नहीं किया गया है।

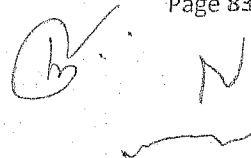
विधि विभाग में मेरे कार्यकाल में प्रो० मित्तल के पास कुलसचिव के माध्यम से ही जाती थी। एक समय था जब प्रो० मित्तल ने आदेश दिया था समस्त सहायक कुलसचिव समस्त पत्रावलियाँ सीधे उनके पास प्रस्तुत करें तो उस समय पत्रावलियाँ कुलसचिव के माध्यम से न जाकर सीधे प्रो० अशोक मित्तल को प्रस्तुत की जाती थीं। यह वह समय है जब कुलसचिव के अधिकार कुलपति द्वारा सीज कर दिये गये थे। कुलसचिव के अधिकारी सीज करना का अधिकार 03 जुलाई, 2021 को रिकाल कर लिया गया था। मुझे आर०टी०आई० के नियम पता हैं।”

78. Thus, the delinquent officer has been kept on passing ‘blanket orders’ throughout his tenure in practically all the matters

79. In this matter also, all the notings and explanations of the then Registrar were done with, overruled and orders for appointment were issued. Prof. Ashok Mittal has submitted that since the matter has been approved by the Executive Council, hence, this matter has

become final. It appears that the bone of contention between the Registrar and the Vice Chancellor here was about the illegal appointment of Mr. Neeraj Goyal because while watching the video recording of the Executive Council dated 20.01.2021, we found that this matter of Mr. Neeraj Goyal was not in the original agenda of the meeting of Executive Council dated 20.01.2021, but a supplementary minutes of the meeting of Executive Council dated 20.01.2021 was prepared. The supplementary minutes appeared to be lengthier than the original minutes and agenda, in which the Executive Council decided that appointment be given to Mr. Neeraj Goyal as Computer Operator in the self-financed scheme, after seeing his eligibility. These minutes further say that there is no file or record available in the University by which it could be decided as to on which post Shri Neeraj Goyal was appointed. Being apprised of this fact, the Executive Council passed orders for the appointment of Mr. Neeraj Goyal. Now, this is the first case where the Inquiry Committee has experienced and seen the appointment of a person without any paper, without any recommendation, without any credentials, without examining any credibility by the Executive Council. Again here the Registrar raised his voice which was silenced and orders were passed otherwise, this was the reason why the Registrar failed to sign the minutes of the Executive Council meeting dated 20.01.2021 due to which he had to face a lot of criticism in as much as a note was written by the Vice Chancellor, Prof. Ashok Mittal on 15.04.2021 to the Acting Registrar that the Registrar's counter note is derogatory, he is not competent to question or raise finger on the

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decision taken by the Executive Council in the capacity of appointing authority. We agree that the Registrar cannot raise a finger or questions the findings or decision of the Executive Council but the procedure in which this matter was dealt with is not appreciable. In fact, we would not be hesitant to say that so many points were brought out in the Executive Council meeting dated 20.01.2021, but what was reduced to writing was not in consonance with what actually happened during the meeting, as is evident from a perusal of the video recording of the meeting dated 20.01.2021. Thus, there are many minutes of the meeting of the Executive Council held on 20.01.2021. The first minutes, paper no. 177/12681 to 12693 (Annexure-B-42/1 to B-42/13) was signed by both the then Registrar and Vice Chancellor, Prof. Ashok Mittal on 09.03.2021 i.e after a lapse of about one month 20 days. The original minute of 20.01.2021 was missing and the Inquiry Committee left no stone unturned in trying to procure the original minutes which could not be traced till the sitting of the committee was at Lucknow. Eventually, when the sitting of the Inquiry Committee was at Agra and the erring officials were summoned by the Committee and put questions about the original minutes, the delinquent officer, Prof. Ashok Mittal produced the original minutes at once which he said he brought from his chamber's drawer. The same was the position with the paper no. 177/12694 to 177/12703 (Annexure- B-42/14 to B-42/24) which is the draft minutes prepared by the Registrar, the original of which was produced by the delinquent officer himself. All these proceedings can be verified from the video recording of the enquiry held at

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Agra. Again, another minutes of the meeting dated 20.01.2021 was prepared and signed by Prof. Ashok Mittal, the Registrar and members of the Executive Council, this was just done for the sake of overdoing things because things were not in order, hence, the types of Executive Council's meeting and proceedings cannot ratify and approve, the illegal acts of the Vice Chancellor, Prof. Ashok Mittal. We could get no explanation as to why the original minutes were lying in the drawer of the Vice Chancellor and how Prof. Ashok Mittal, delinquent officer, whose work has been seized came to know that minutes and draft of the Executive Council meeting dated 20.01.2021 are lying in the drawer of the chamber of the Vice Chancellor. Hence, this concludes the appointment of Mr. Neeraj Goyal was illegal and against law.

80. As far as the appointment of people who had crossed the age of superannuation is concerned, a list was received from the office along with birth date, which is paper no. 176/12670 (Annexure-B-47/1), in this although the delinquent officer has not admitted the date of birth but this is the record of the University submitted by the In-Charge, Administration which says that date of birth of Shri S.D. Paliwal, OSD to Vice Chancellor is 29.07.1951, Dr. Harish Chandra, 15.07.1951, Shri Hari Govind Agarwal, 02.01.1955, Praveen Kumar Agarwal, Assistant OSD, 19.09.1959, Anoop Kumar Srivastava, Assistant OSD, 23.08.1960, Shri Chandra Shekhar Ashthana, 15.08.1960, Shri Pramod Kumar Agarwal, 02.06.1958, Shri Pramod Kumar Sharma, 03.10.1958, Shri Shailendra Jauhari, 01.07.1960 and Shri Shiv Kumar Mishra, 25.02.1961. The honorarium of all the above mentioned person

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ranged from Rs. 35000 to Rs. 12000 per month. The Inquiry Committee noticed that Mr. Praveen Kumar Agarwal, Retd. Superintendent and Anoop Kumar Srivastava, Retd. Superintendent, both retired from the same post and both were posted as Additional OSD but the honorarium of both differed by Rs. 5000/- in as much as Praveen Kumar Agarwal was getting RS. 30000/- per month and Mr. Anoop Kumar Srivastava was getting Rs. 25000/- per month, although, the appointment of Mr. Anoop Kumar Srivastava from 02.09.2020 whereas the appointment of Shri Praveen Kumar Agarwal was from 21.07.2018. Definitely, prices would have hiked up in 2020 but to the utter surprise of the Inquiry Committee, the person appointed later was paid lesser which again raises an eyebrow on the working of the delinquent officer, Prof. Ashok Mittal. The Inquiry Committee would not like to be very technical in this regard, but appointing a huge army to work, without monitoring the work, was not a very good and wise and sensible step on the part of the then Vice Chancellor, Prof. Ashok Mittal, because the University was already having a panel of so many Advocates for legal assistance.

81. Is there anything on record to show that after every initial appointment of these so called helping hands to the delinquent officer, Prof. Ashok Mittal, was their work analyzed or assessed whether they needed extension or not? Although, we agree that experience hands are always assets for the University but the young generation also needs to be trained to replace the elderly ones. The delinquent officer, Prof. Ashok Mittal was never hesitant in

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appointing people directly without any recommendation and without seeing their credentials and academic records.

82. Paper no. 09/839 (Annexure- B-15/14) shows that Shri Shailendra Paliwal, retired District Judge, was appointed on the same conditions as that of Late Dr. Harish Chandra. Thus, Shri Shailendra Dutt Paliwal appears to be working till 11.08.2021 and even after that means even after completing the age of 70 years. The delinquent officer, Prof. Ashok Mittal could not show any justification or valid reason for appointment of these 09 people which have been shown in 176/12670 (Annexure- B/47/1).
83. What more is needed then the admission of the delinquent officer himself, who has very specifically admitted and put the rope himself around his neck by saying that:

सलाहकारों के मानदेय व नियुक्ति का कोई प्रावधान कहीं भी नहीं है।

सलाहकार को 25000 रुपये प्रतिमाह मानदेय देने का निर्णय किसी

सक्षम प्राधिकारी द्वारा नहीं लिया गया यह मेरा निर्णय था, बाद में इसे

कार्य परिषद से अनुमोदित कराया गया। मानदेय दिये जाने का यह

मामला मैंने वित्त समिति में नहीं रखा। यदि ऐसा कोई प्रावधान है कि

वित्तीय उपाशय के प्रकरण वित्त समिति से ही अन्तिम रूप से निर्णीत

होते हैं उसके पश्चात ही कार्य परिषद में रखे जाते हैं तो यहाँ मुझसे चूक

हुई है। बाद में भी वित्त समिति को इस संबंध में न तो सूचित किया गया

और न ही स्वीकृत प्राप्त की गयी। वित्त अधिकारी का यह दायित्व था

कि वह मुझे इस विषय में अवगत कराते जो उन्होंने नहीं कराये।

Thus, when the delinquent officer inspite of having the knowledge that it is the Finance Committee, who finally decides the financial matters after which the matter is sent to the Executive Council, failed to adhere to this procedure and admitted that he committed

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a mistake in not doing so and tried to shift his liability on the Finance Committee and Finance Officer stating that afterwards neither the Finance Committee informed nor took his approval and besides it being the duty of the Finance Officer to inform him, who did not inform him.

84. The Inquiry Committee watched and saw the video recording of the Executive Council meeting dated 20.01.2021, which is paper no. 123/11384 (Annexure- B-49/90). A perusal of the minutes of this meeting shows that the delinquent officer, Prof. Ashok Mittal has denied item no. 5 to 14, if these minutes were different from words transpired in the meeting, then why did the delinquent officer at all sign the minutes. As said earlier, we have watched the video recording in which in the matter of Prof. Lav Kush Mishra, the Committee was constituted only consisting of Prof. Ajay Taneja, Prof. Manoj Srivastava and Dr. S.P. Singh but in the minutes the name of Director ex-officio and Sri Krishna Doordarshan Center has also been included which is not in the video and which was not at all decided in the Executive Council meeting.
85. To our utter surprise, when we heard the video recording of meeting of Executive Council held on 20.01.2021, the emergency meeting, the cyber cell audio was played in the meeting but this does not find place in the minutes of meeting.
86. Perusal of paper no. 177/12694 to 177/12703(Annexure- B-42/14 to B-42/23) whose original was presented by the delinquent officer, Prof. Ashok Mittal, this has certain correction, but the correction are not in consonance with what was actually decided

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by the Executive Council. We even noticed that in the draft minutes, the delinquent officer, Prof. Ashok Mittal made all the corrections and additions in his own handwriting. What prevented the delinquent officer, Prof. Ashok Mittal to do this with all the minutes because practically all the minutes differed from what transpired during the Executive Council meeting and it can safely be said that the delinquent officer, Prof. Ashok Mittal had no administrative control over anything. The minutes were different from what was said or decided in the Executive Council meeting hence, they have no force. This fact has also been said by one Executive Council member Mr. Hem Prakash that the minutes do not tally with the proceedings of the Executive Council meeting.

87. An application bearing paper no. 154/12565 & 154/12566 (Annexure- B-44/1 to B-44/2) was moved by the delinquent officer before the Inquiry Committee, but in all its wisdom, the committee failed to appreciate why at all such application was moved and what was the purpose to move such an application before the committee except to bring into light the name of Sri Arvind Mishra who has nothing to do with this enquiry. We would like to quote summary of this application which goes to say that some of the documents filed by the complainant, Dr. Arun Kumar Dixit, relate to Sri Arvind Mishra who was appointed in 2017 as Coordinator, Law by the then Vice Chancellor and his remuneration was also fixed by the then Vice Chancellor. Further, he has said that the scope and jurisdiction of this Inquiry Committee is limited to charges as framed in the Charge Sheet dated 25.08.2021. No charge has been framed against Sri Arvind

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Mishra, nor there is mention of any charge in the Charge Sheet, similar to the allegation made by Dr. Arun Kumr Dixit Advocate. Hence, the Inquiry Committee has no jurisdiction to enquire into the allegation in the application dated 30.09.2021. Since, no payments have been made by the University to Sri Mishra who is currently available in Agra and is retained by the University but the complainant has not mention his name as a witness nor he has been summoned by the Enquiry Committee for evidence as a witness that it is settled principle of law that no allegation or charge against any person can be the subject matter of a final enquiry in the absence of the concerned person. Further, the delinquent officer has requested that suitable orders may be passed. We think that the delinquent officer, Prof. Ashok Mittal is acting as an Advocate and trying to shield Mr. Arvind Mishra about whom the Inquiry Committee had not discussed anything until the delinquent officer himself filed papers relating to Mr. Arvind Mishra. We do not understand why this was done by the delinquent officer as neither Mr. Arvind Mishra was charged nor he was facing any enquiry, in fact, in the whole enquiry, his name did not appear in the report but finally we are compelled to write the above paragraph because the delinquent officer has moved the application to protect Mr. Arvind Mishra which was to be decided by the Inquiry Committee and could not be left untouched. Why this Committee would have at all be concerned with Mr. Arvind Mishra. As far as non-summoning of Mr. Arvind Mishra by the complainant or Inquiry Committee is concerned, this is the prerogative of the Inquiry Committee and if the delinquent Officer thought that the appearance of Mr. Arvind

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Mishra as witness was of such importance and if he could be exonerated on the statement of Mr. Arvind Mishra, what prevented him from summoning Mr. Arvind Mishra as defence witness specially when he had summoned as many as seven defence witnesses all working in the University.

88. Another work of overdoing by Prof. Ashok Mittal is presenting paper no. 140/12446 to 140/12451 (Annexure- B-46/1 to B-46/2) out of these paper no. 140/12446, 140/12447 and 140/12448 were presented through the Presenting Officer with the office no. and this endorsement of presentation through the Presenting Officer was made by Sri Hari Mohan Saxena Advocate, which the delinquent officer, Prof. Ashok Mittal admitted, Sri Hari Mohan Saxena Advocate is one who was proposed by Prof. Ashok Mittal to cross examine the witnesses which was turned down by the Inquiry Committee.

89. Thus, on the basis of what has been discussed above, the Inquiry Committee concludes that the appointment of Mr. Neeraj Goyal is illegal and Advocate Gagan Mehta was replaced by Mr. Vivek Rai Advocate without any reason and also that un-necessary additional hands mentioned in list, paper no. 176/12670 (Annexure-B-47/1), were selected and posted haphazardly without any procedure, thereby saddling the University with payments of honorarium due to which the University suffered great financial losses. Thus, the delinquent officer, Prof. Ashok Mittal is found guilty of charge no. 03.

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Findings on Charge No. 04:

90. Charge No. 04 framed against the delinquent officer is that he did not follow covid-19 protocol and rules and guidelines issued by the government from time to time, was not vigilant in his duties and therefore violated the provisions of UP Public Health and Epidemic Disease Control Act, 2020. Meeting this charge, the delinquent officer has emphatically denied this charge, and has specifically stated that he did not violate the guidelines of covid-19, in fact, when he tested covid-19 positive, he isolated himself in his residential house and his quarantine period ended when he tested negative. In this regard, his evidence on oath has to be taken into account, initially, as this is settled that if any fact is admitted by the delinquent officer, it will not require any proof. In this context, the statement of the delinquent officer namely, Prof. Ashok Mittal (paper no. 172/12636 to 172/12649 and further 173/12650 to 173/12667, marked as Annexure- A-20/1 to A-20/32) would be very important and useful to decide this charge. In his examination-in-chief, this witness has stated that he complied with all the direction of the State and isolated and quarantined himself from 26.03.2021 to 11.04.2021. He has further stated that on 11.04.2021, he started a temporary vaccination center in JP Auditorium, in which about 400-600 people vaccinated daily and, eventually, this center was converted into a permanent vaccination center. He has further gone to state that he was not interrogated by any government servant or official and he can not be held guilty on the basis of any news published in the

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newspaper because it would be against the principles of natural justice. Coming to the cross-examination of this witness, we have to keep in mind that this witness had been working as Vice Chancellor of Dr. Bhimrao Ambedkar University, Agra and definitely belongs to the cream society and to the intellectual and academician class of the society, and is a well read and well educated person. This witness was subjected to cross-examination by the Inquiry Committee, who keeping in mind the admissibility of the copies of the news published in the newspaper, asked this witness certain questions, who admitted that on 18th June, 2021, he was not using a mask and even in the meeting dated 11th June 2021, he was not masked. He has admitted that as per paper no 124/12163 (Annexure- B-58/1), he has masked himself but since it was a surgical mask, it fell down. Even, if this statement is ignored, there is something more important that this witness has said. This witness has admitted paper no. 124/12177 (Annexure- B-58/15). This document is signed by Prof. Ashok Mittal, it is a copy of the office order dated 01.04.2021. On this date, admittedly, Prof. Ashok Mittal was isolated, while he has signed this document on 03.04.2021 i.e. during his period of isolation. Definitely, some official/officer must have gone to him physically to obtain his signature and he must have returned the file after signing it physically to someone. Besides this, Prof. Mittal has also admitted paper no. 124/12178 (which is annexed as Annexure- B-58/16 to his report). From the perusal of this document, it is clear that this was also physically handled by Prof. Ashok Mittal. This document is copy of a letter which he has marked to Assistant Registrar

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(Admin) on 27.03.2021 and wrote on it "Pl. appoint Prof. U.N. Shukla as coordinator". This goes to show that this was also physically handled by him during his isolation period. He has also specifically admitted that 19th March, 2021 too, he did not wear a mask, no doubt, this was not his isolation period, but this was the period when covid-19 was in full swing in the nation and the government had already ordered very strict implementation of the guidelines and protocol of covid-19. It has been the version of Prof. Ashok Mittal that the newspaper people have been falsely publishing his photographs and defaming him. When he was questioned on this point, he said that the editor of Amar Bharati Newspaper is the friend of Dr. Arun Kumar Dixit. This explanation is not acceptable and plausible because if the delinquent officer had at all felt defame and had felt that false news is being flashed against him, there was no reason at all not to bring the culprits to book.

91. In this regard, the statement of AW-1, the main complainant, being paper no. 134/12276 to 134/12286 and 157/12577 to 157/12579 (which is annexed as Annexure- A-7/1 to A-7/14 to this Inquiry Report) can also be looked into. This witness has stated on oath that the delinquent officer flouted the protocol and guidelines issued by the State for covid-19, due to which he sent a complaint to the Chief Minister. The Chief Minister sent the complaint to S.O. Hari Parvat, who found the complaint to be correct, following which report was sent to the government through the S.S.P.
92. It was brought to the notice of the Inquiry Committee that it was only the Government who could look into this matter and Dr. Arun

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Handwritten initials and a signature.

Kumar Dixit was no one to look into this matter. The Inquiry Committee would like to refer to the definition of social distancing mentioned Section 2(1)(n) of the UP Public Health and Epidemic Disease Control Act, 2020 which was inducted in the Act by means of amendment which runs as follows:

“(n) 'Social distancing' means keeping such physical distance from other persons as the State Authority or as the case may be, the District Authority may by order direct or as may be prescribed under epidemic control regulations made under section 4.”

With this definition in mind even as a lay man, one can understand that an infected person had to maintain the requisite distance from another person. The delinquent officer, who was tested covid-19 positive at one point of time, did not have the courage, although, even examined on oath by the Committee to say that what were the circumstances, urgency and compelling circumstances which compelled him to physical deal with files and pass orders because when the Inquiry Committee examined the papers signed and handled by the delinquent officer during his quarantine period, none of them was of such importance that heavens would fall, if the delinquent officer would not have dealt with and handled the papers. At that point of time, in as much as paper no. 124/12177 (Annexure- B-58/15) is just an office order which had to be issued by the Registrar, in fact, there was no necessity of signature of Prof. Ashok Mittal on this paper which he signed on 03.04.2021 during his isolation period. For the sake of repetition, we would say that the delinquent officer failed to utter a word also what compelled

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him to sign paper no. 124/12177 (Annexure- B-58/15) while he was in isolation.

4. The Inquiry Committee would also like to refer to paper no. 70/5887 (Annexure- B-30/3) which has been admitted by the delinquent officer. This relates to the file of Neeraj Goyal. The Inquiry Committee found it very strange when the note sheet of the office was written on 17.02.2021 and it was kept pending till 05.04.2021 and on the fine morning of 05.04.2021, we don't know what stimulated Prof. Ashok Mittal to pass the following order:

"In light of the decision of E.C. dated 20.01.2021 and Hon'ble High Court order dated 19.02.2021. Pl. issue the appointment letter to Mr. Neeraj Goyal and do the needful."

We could also not in all our wisdom try to find out the reason as to why Prof. Ashok Mittal, who was in quarantine at his house, could not delegate his routine to some responsible officers of the University, although, he has many such officers as per his own version.

All the offences under this Act are cognizable and non-bailable and the Inquiry Committee can not lose sight of the fact that as a responsible citizen AW-1, Dr. Arun Kumar Dixit Advocate, instead of taking law in his hands, reported the matter to the Chief Minister, who took care of the matter and did the needful. Copy of the complaint made by Dr. Arun Kumar Dixit is paper no. 107/9990 (which is annexed as Annexure- B-59/1 to this Inquiry Report).

6. Thus, on the basis of what has been stated and discussed above, this Inquiry Committee comes to the conclusion that Charge No.

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04 levied against the delinquent officer Prof. Ashok Mittal is proved and he is found guilty of flouting the guidelines issued by the Government from time to time and has also disrespected the covid-19 protocol.

Findings on Charge No. 05

97. Charge No. 05 has been framed to the effect that whether Shri Hari Govind Agarwal was close to/related to Prof. Ashok Mittal and he was appointed without any justification as Legal Advisor in the University, saddling the University with undue financial liabilities.
98. Here, although Shri Hari Govind Agarwal was not chosen by Prof. Ashok Mittal as a witness but the Inquiry Committee choose to examine Shri Hari Govind Agarwal as a witness to bring out the truth and to separate the chaff from the grain.
99. As has come on file on record by the evidences of many witnesses that Shri Hari Govind Agarwal was the apple of Prof. Ashok Mittal's eye, or we can say the blue eyed boy for Prof. Ashok Mittal. This is also evident from paper no. 3/122 (Annexure- B-6) which bears the signature of Shri Hari Govind Agarwal. This paper is admitted by the delinquent officer, why it was sent to Shri Hari Govind, is a question, which the Inquiry Committee asked itself and the reply came obviously because his interference was in every matter of the University.
100. Here, an application moved by Sri Radhika Prasad bearing paper no. 147/12462 (Annexure- B-38) which reads as follows:

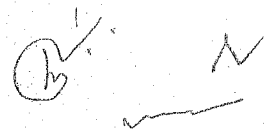
“कृपया अवगत कराना है कि विधि विभाग में श्री हरी गोविंद अग्रवाल विधि परामर्शदाता विधि विभाग का पूरा स्टाफ आदेश का

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अनुपालन करता रहा है, तथा उनके द्वारा विधि विभाग की पत्रावलियाँ बिना किसी को सूचित किये हुए महत्वपूर्ण पत्रावली अपने घर परीक्षण हेतु ले जाते रहे हैं। इसी क्रम में अवगत कराना है कि राजेन्द्र गर्ग की पत्रावली भी परीक्षण हेतु घर ले गये हैं।”

101. In his statement (Annexure- A-21), Sri Radhika Prasad Yadav, CW-1, has stated on oath that the whole law department used to follow the directions given by Sri Hari Govind Agarwal, Legal Advisor. He used to take the files without entering them anywhere or without informing anybody to his house. All the officials were bound to obey his orders. The file relating to execution of Rajendra Garg was also handed over to this witness which was not returned back to the department. What prevented the delinquent officer, Prof. Ashok Mittal to take action against Shri Hari Govind Agarwal for not bringing back the file to the department, although this amounts to an offence.
102. As far as the name of Shri Hari Govind Agarwal is concerned even after using all its wisdom, the Inquiry Committee could not finally understand what is the correct and actual name of AW-3, Shri Hari Govind Agarwal. Attendance sheets was also got prepared while examining the witnesses. Relevant sheets are paper no. 174/12668, 135/12304 and 161/12589. All these three documents are being annexed as Annexures- B-57/1 to B-57/5 to this Inquiry Report. In the attendance sheet, this witness mentioned his name as Hari Govind Agarwal. When this witness appeared before the Inquiry Committee, he was asked to show his Aadhar Card which was shown to the Committee and its copy is paper no. 135/12305 (Annexure- B-56) in which the name of this witness is mentioned

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as Hari Govind Agarwal. Even the Vice Chancellor has mentioned his name as Shri Hari Govind on page no. 6/343 which is Annexure- B-14/1. The discrepancy firstly arose, when we went through paper no. 176/12676 (Annexure-B-47/7), the copy of PAN Card of Shri Hari Govind Agarwal, in which his name is mentioned as 'HAR GOVIND AGARWAL'. The Matter could have ended here if there would have been a single case of spelling mistake, but the matter did not end in fact it flared all the more when Shri Hari Govind Agarwal was subjected to cross-examination by the Inquiry Committee, when he said that in the B.Com. credentials his name is mentioned as Hari Govind Gupta and in the L.L.B. and other academic record also along with the Advocate registration his name is mentioned as Hari Govind. The Advocate registration of this witness is paper no. 176/12678 (Annexure- B-47/9), in which his name is only mentioned as Hari Govind. Thus, it is evident that either this witness is concealing facts from the Inquiry Committee or that he is not speaking the truth. Even in his Civil Bar Association Membership card which is paper no. 176/12677 (Annexure- B-47/8), his names is mentioned as Hari Govind Agarwal. This witness gave an affidavit, paper no. 57/3744 (Annexure- B-29/7), before the Registrar in August, 2021 stating that Hari Govind Agarwal and Hari Govind Gupta is one and the same person. This thing was said for the first time on 06.08.202, why it was said, now was a mystery for the Inquiry Committee who questioned AW-3, Hari Govind Agarwal on this point, who still has the courage to say that he changed his surname as Gupta in the 1980s because his father used write Gupta and to

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maintain his identity he changed his surname from Gupta to Agarwal, now he is Agarwal. This witness could dare to state that:

वर्ष 25 नवंबर, 2020 से आज तक मैं हरी गोविंद अग्रवाल के नाम से कार्य करता रहा जबकि शैक्षिक प्रमाण पत्रों में मेरा नाम हरी गोविंद गुप्ता है। मेरे सभी कागजात हरी गोविंद गुप्ता के नाम से थे परन्तु मेरी नियुक्ति हरी गोविंद अग्रवाल के नाम से हुई, इसका कोई कारण मैं नहीं बता सकता। अगस्त, 2021 में सहायक कुलसचिव श्री अजय कुमार गौतम ने जब मुझे अवगत कराया तो नौकरी करने के एक साल से अधिक समय के बाद मैंने इस संबंध में एक शपथ पत्र दिया। मैं किसी भी प्रकार से प्रो० अशोक मित्तल से संबंधित नहीं हूँ।

103. Thus, from the above, as we have said earlier, admitted facts need no proof and from the statement and admission of this witness himself, paper no. 135/12291 to 135/12295, 155/12572 to 155/12573 and 168/12631 (which is annexed as Annexure- A-9/1 to A-9/8 to this Inquiry Report), it is crystal clear that appointment was given to one Hari Mohan Agarwal on the basis of credentials of Hari Mohan Gupta and the affidavit was given as late as on 06.08.2021 after the commencement of this inquiry when this witness realized that he had a rope around his neck. There is nothing on record on the part of the University to show that they appointed Hari Mohan Gupta. What could be more serious than this?

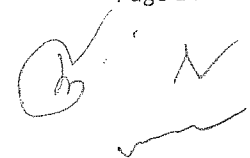
104. Now, going through the papers, paper no. 6/343 (Annexure- B-14/1) is the note sheet of the Superintendent (Law), this note sheet was addressed to the Assistant Registrar (Law)/Registrar. This note sheet says that there is excessive work in law department, most of which is time bound and every petition has to be read thoroughly

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and report has to be sent to the concerned department and after receipt of the reply, it is sent point-wise to the Advocate who gets the affidavit prepared. Many other work is done in the law department prior for this work Shri H.S. Mathur and Shri Ramesh Yadav, Advocates were appointed. The retainership fee of Shri H.S. Mathur Advocate was fixed per month and Shri Ramesh Yadav was paid as per the valuation of the case, hence, keeping in view the seriousness and load of work, some fulltime Advocate may be nominated to work in the law department. This note sheet was written on 20.11.2020 and hurriedly Prof. Ashok Mittal passed orders on 21.11.2020 appointing Shri Hari Govind, Shamsabad Road, Agra on Rs. 30000 per month with immediate effect till further orders. The delinquent officer was in such a hurry to appoint Shri Hari Govind Agarwal that he did not bother to see his credential or his academic record nor demarcated his work or duties but the 'honorarium' and 'immediate effect' and 'till further orders' was definitely mentioned. Now, on the basis of this, on 25.11.2020, the office order (Annexure- B/14/1 to B-14/5) was issued which is admitted by the delinquent officer, which was issued for a period of six months or till further orders whichever is earlier. Thus, this office order was not in consonance with the order passed by the Vice Chancellor, Prof. Ashok Mittal. Later on, the services of Shri Hari Govind Agarwal were extended from 25.11.2020 to six month or till further orders on an honorarium of Rs. 30000 per month. The documents related to this appointment are paper no. 6/343 to 6/347 (Annexure- B-14/1 to B-14/5) and 57/3734 to 57/3744 (Annexure- B-29/1 to B-29/7).

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105. This witness AW-3, Shri Hari Govind Agarwal stated on oath that he knows nothing on financial matter and he is unaware as to who creates/sanctions posts for the University staff. He has admitted that he addressed paper no. 104/9415 direct to the Vice Chancellor, Prof. Ashok Mittal, although, financial matter was involved but still he did not send it through the proper channel. Although, no report was asked from him. He could not assign any reason why he did so. He had said that his job contract and condition were orally stated to him by Prof. Ashok Mittal. Thus, the appointment of Shri Hari Govind Agarwal is null and void ab-initio. Thus, all the amount paid to Shri Hari Govind Agarwal has been wrongly paid to him. Although, Prof. Mittal, DW-8, has stated on oath that his decision to appoint Shri Hari Govind Agarwal was approved by the Executive Council in its meeting dated 26.11.2020 but as said earlier something that is void ab-initio and nullity cannot be approved. As regards working of the Executive Council is concerned, it will be further discussed in the later part of the report.
106. As far as causing financial loss to the exchequer and the University is concerned, we will have to revert back to the statement of AW-1, Dr. Arun Kumar Dixit, who was recalled on the request of Prof. Ashok Mittal, who stated before the Inquiry Committee that execution 2 of 98 was pending in the court of 17th ADJ. This witness had given all the concerned papers in the officer of the Vice Chancellor and because this matter was monitored by Shri Hari Govind Agarwal, and had also briefed Prof. Mittal that the decree holder is ready for compromise at the decretal amount but Shri Hari Govind Agarwal asked this witness to make some deal in this

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matter, when this witness refused, he was replaced by an Advocate working on the criminal side. Shri Hari Govind Agarwal was also questioned on this point in which he said that Shri Arun Dixit Advocate never told him that the party is ready to compromise on Rs. 1,58,000. This witness could not satisfy the committee why a Section 5 Limitation Act and a restoration application was not be moved before the court and instead an exorbitant amount of Rs. 428109.29 had to be paid.

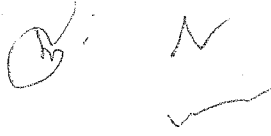
107. As we have said earlier admitted facts need no proofs and after sometime the delinquent officer, Prof. Ashok Mittal realized that appointment of Mr. Hari Govind Agarwal was not a right decision taken by him. On this point, the following statement on oath given by the delinquent officer, Prof. Ashok Mittal, AW-8:

श्री हरी गोविंद अग्रवाल की नियुक्ति अग्रिम आदेश तक के लिए थी। कुछ समय बाद मुझे एहसास हुआ कि वह अपटू द मार्क नहीं हैं तो मैंने श्री हरी गोविंद अग्रवाल के खिलाफ कुछ नहीं किया और बेहतर विकल्प की तलाश जारी रखी।

But still no action was taken against him, neither he was removed nor work was withdrawn or lessened from him as was done with the Registrar.

108. As far as the documentary evidence on this point is concerned, initially this witness AW-3, Shri Hari Govind Agarwal tried to conceal some facts and deny some facts until he was compelled to admit them when report was shown to him after he was recalled. Paper no. 148/12463 to 148/12473 (Annexure- B-53/1 to B-53/11) are documents which go to show that Dr. Arun Kumar Dixit was permitted to go to Jaipur to examine the case relating to execution

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case 2 of 98. The delinquent officer filed a letter of Dr. Arun Kumar Dixit being paper no. 167/12630 (Annexure- B-52), in which he has said that the court has asked the parties to compromise out of court and the decree holder is ready for that. He has also said that the Registrar has stated that the Vice Chancellor will only take the final decision in the matter. This letter is dated 02nd March, 2021 (Annexure- B-52) what prevented the delinquent officer from taking decision has been not brought on record.

109. Initially, paper no. 164/12622 (Annexure- B-51/1) was denied by the delinquent officer but he admitted paper no. 164/12623 which is based on paper no. 164/12622 in which Shri Hari Govind Agarwal in his report dated 03.04.2021 has said that there is no stay of the Hon'ble High Court and the decretal amount of Rs. 4,28,109.29 can be paid to the decree holder. When Shri Hari Govind Agarwal was asked about the stay order and report regarding recommendation of payment, he said that he gave this report on the order of the Executing Court and Mr. Kailash Bind, Assistant Registrar of the University. When this witness was asked, he said that he addressed paper no. 152/12559 (Annexure-B-62) direct to the Vice Chancellor and there is every possibility that some clerk would have brought the typed matter before him and he signed it. This witness has been changing his version in every breath. When this witness was asked how he wrote that the proceedings were not stayed by the High Court, he pointed out the following statement:

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“लेकिन उपरोक्त प्रकीर्ण अपील संख्या 340/2001 दिनांक 16.08.2005 को अनुपस्थिति में निर्णीत कर दी गयी।”

These lines by no stretch of imagination could be understood to be a stay order specially by an Advocate who had vast legal knowledge and who was Legal Advisor to the University. Thus, again we find the evidence of this witness unreliable and no weightage can be given to this evidence of this witness. Thus, it is evident that the fact that the decree holder was ready to compromise the matter on the original amount but instead of settling there and then due to the lapses, negligence on the part of Shri Hari Govind Agarwal and Prof. Ashok Mittal, the University had to pay the excessive amount. Thus, the Inquiry Committee concludes that this charges are partially proved. Although, Shri Hari Govind Agarwal and Prof. Ashok Mittal are not related to each other but by appointing Shri Hari Govind Agarwal, Prof. Ashok Mittal unnecessary burdened the University financially.

Findings on Charge No. 06

110. Charge no. 06 has been framed against the delinquent officer, Prof. Ashok Mittal that he did not get the colleges inspected by the panel approved by the Executive Council, made panels of his own choice, and committed irregularity in selection of the teachers in self-financed colleges. The matter of appointment of teachers in self-financed colleges have already been taken up with Charge no. 01.
111. As far as the oral evidence in this case is concerned, the statement of Prof. Ashok Mittal, DW-8, is important. He has stated that when

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applications were received during his tenure from the colleges, demanding inspection of the colleges, that application was examined by the affiliation department, and after getting a report from the affiliation department, experience and able teachers were appointed in the inspection committee. We have noticed that a certain set of Professors namely, Prof. Anil Kumar Verma, Prof. P.K. Singh, Prof. Manu-Pratap were repeated in most of the committees. Did Prof. Ashok Mittal think that the other Professors and teachers were incompetent and incapable of inspection.

112. A very strange point has been raised by Prof. Mittal in his statement that there is no approved panel in the University since long and even at present. Admittedly, Prof. Ashok Mittal was in the University since February, 2020. We do not know what prevented him from getting the panel from approved by the Executive Council although he was practically constituting committees for everything. Even in the Executive Council, very unimportant matter were taken up but why this most important matter was not taken up, remains a mystery and Prof. Ashok Mittal, who appeared before the Inquiry Committee and had full opportunity to meet out his case, failed to state why he did not chock out a committee and got it approved from the Executive Council and got inspections done by the unauthorized constituted committees with a repetition of a set of a Professors. Thus, we conclude that Prof. Ashok Mittal is guilty of charge no. 06 and he committed grave irregularity in not getting the colleges inspected properly.

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Findings on Charge No. 07

113. The delinquent officer, Prof. Ashok Mittal has been charged as he gave promotion and other benefits to the teachers against whom the vigilant department had filed an FIR.
114. In this regard, Prof. Mittal has said that mere filing of an FIR would not disentitle any teacher from promotion or other benefits. The copy of FIR against Prof. Anil Kumar Verma and others is on record as paper no. 104/9419 (Annexure- B-19/2). Prof. Ashok Mittal has further stated on oath that he has not granted promotion to any teacher and has neither given any undue benefit to any teacher. This statement on oath is uncontroverted and there is nothing on record to prove that the delinquent officer, Prof. Ashok Mittal gave promotion and other benefits to teachers who are not eligible for the same.
115. Thus, charge no. 07 is not proved against the delinquent officer, Prof. Ashok Mittal and he is exonerated from charge no. 07.

Findings on Charge No. 08

116. Charge No. 08 was framed against the delinquent officer that he has close terms with the education mafias who were found guilty on enquiries and when the Registrar sent the enquiry report to the Government, his rights were seized that is how the Vice Chancellor misused his post. This charge is in two parts, firstly, the close terms with the education mafias and second, seizing of charge of the then Registrar. We are inclined to take the second part first. The then Registrar Shri Anjani Kumar Mishra was examined suo motto by the Inquiry Committee as AW-6 who stated on oath that on 25th

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February, his rights were seized by the Vice Chancellor, Prof. Ashok Mittal. When this witness was thoroughly cross examined by the delinquent officer on this point and asked whether he was removed from his post to which witness AW-6 Shri Anjani Kumar Mishra replied that he was not removed from his post, but the work of education department, affiliation department, residential department and legal department was taken from him due to which the aforesaid files were not moved through him and the files were sent directly from the Assistant Registrars to the Vice Chancellor. This witness has referred to the provisions of Section 16 of the Uttar Pradesh State Universities Act, 1973 and Section 2.08 and Chapter-XII of the First Statute.

117. As far as Section 2.08 of the First Statute is concerned it mentions the duties of the Registrar as far as Chapter XII is concerned, both are very clear and specific. Section 2.08 of the First Statute runs as follows:

"Subject to the provisions of the Act, it shall be the duty of the Registrar:

- (a) to be the custodian of all properties of the University unless otherwise provided for by the Executive Council;*
- (b) to issue all notices convening meetings of the various authorities referred to in Section 16(4) with the approval of the competent authority concerned and to keep the minutes of all such meetings;*
- (c) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;*

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(d) to exercise all such powers as may be necessary or expedient for carrying into effect the orders of the Chancellor, Vice-Chancellor or various authorities or bodies of the University of which he acts as Secretary;

(e) to represent the University in suit or proceedings by or against the University, sign powers of attorney and verify pleadings.

As far as Chapter- XII of the First Statue is concerned it relates to affiliation of new colleges. As far as Section 16(4) of the Uttar Pradesh State Universities Act, 1973 is concerned, it reads as follows:

"16(4) The Registrar Shall be responsible for the due custody of the records and the common seal of the University. He shall be ex-officio Secretary of the Executive Council, the Court (The Academic Council and the Admissions Committee) and of every Selection Committee for appointment of teachers of the University, and shall be bound to place before these authorities all such information as may be necessary for transaction of their business. He shall also perform such other duties as may be prescribed by the Statutes and Ordinances are required, from time to time, by the Executive Council or the Vice Chancellor but he shall not, by virtue of this sub-section, be entitled to vote."

These provisions also do not come to the rescue of the delinquent officer, Prof. Ashok Mittal because these provisions relate to the powers of the Registrar and not the Vice Chancellor.

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118. None of the above provisions could satisfy this Inquiry Committee that the Vice Chancellor did not have the power to withdraw certain amount of work from the Registrar but it was always expected that all the files should have been moved through the Registrar and even due to the Registrar being overburdened with work, at least file should have travelled through him. Seizing of work is a different thing and withdrawing some work is different aspect of the matter. Whether a Vice Chancellor could withdraw some department from the Registrar is not an issue in this matter but this part is sure that the powers of the Registrar were never seized. The copy of the order passed in this regard is paper no. 10/861 which is being made Annexure- B-16/4 to this Inquiry Report, which goes to show that the files relating to the above mentioned departments shall be sent by the Assistant Registrar to the then Vice Chancellor for orders and approval. Thus, seizure of rights of Registrar does not stand proved.

119. Coming to the first part of this charge, it states that the delinquent officer was having close relation with education mafias. Mainly the name of Chacha Vishal Singh Kanya Mahavidyalaya have cropped up in this regard whose Manager is admittedly Mr. R.K. Gupta. This Inquiry Committee would be failing in its duties if the Committee admits Mr. R.K. Gupta to be an education mafia because only on the basis of oral evidence of AW-1, Arun Kumar Dixit, AW-2 Mr. Rahul Solanki, AW-4 Mr. Rajendra Singh and AW-5 Ms. Megha Bansal. We cannot call him an education mafia but the Inquiry Committee would definitely like to mention some facts connecting Chacha Vishal Singh Kanya Mahavidyalaya and

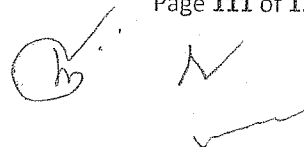
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the delinquent officer. Paper no. 10/858 to 10/861 (Annexure- B-16/1 to B-16/4) is a report by the panel of officers who inspected this college and found that on physical inspection of the college, the building was in dilapidated condition and there was no evidence that the college was in a running condition besides no teacher, official or student was found in the college and the committee recommended that the affiliation of this college be withdrawn. This report is dated 24.02.2021. Although the delinquent officer denied this report but it appears that this denial was just to save his skin. In as much as Mega Bansal, AW-5 has emphatically on oath said that Rakesh Gupta is the Manager of the Chacha Vishal Singh Kanya Mahavidyalaya where she took admission 2013 in the B.Ed. classes and she also paid the fess, but Rakesh Gupta, the Manager, did not give her admission nor permitted her to sit in the classes. She further said that fees deposited by her was also not refunded, there is no building, washroom or facility of water or electricity. In support she has filed copy of her affidavit submitted to the District Magistrate, Agra and copy of application submitted to Regional Upper Education Officer, Agra. Copy of receipt of fee of Rs. 20000/-, Rs. 31250/- and copy of complaint sent by many students regarding Chacha Vishal Singh Kanya Mahavidyalaya to the Vice Chancellor, Agra University, with was sent in the year 2017. The documents filed by her are paper no. 128/12200 to 128/12207, which was annexed as Annexure- B-55/1 to B-55/8 to this Inquiry Report. This application does not pertain to the tenure of the delinquent officer but is indicative of the fact that there is something fishy going on

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in Chacha Vishal Singh Kanya Mahavidyalaya. AW-4, Mr. Rajendra Singh was also examined, who also said that Dr. Rakesh Gupta, Manager of Chacha Vishal Singh Kanya Mahavidyalaya used to usurp the fees of the students, no classes were going on in the college, there were no basic amenities in the college and the Manager used to misbehave with the girl students. The Manager, Rakesh Gupta has misappropriated huge funds due to which some students committed suicide and the marriage of some girl students were called off. This witness also submitted relevant applications in support of his statement, the latest one being dated 28.09.2020 which was during the tenure of the delinquent officer. The documents submitted by Mr. Rajendra Singh are paper no. 129/12208 to 129/12213 which is annexed as Annexure- B-54/1 to B-54/6 to this Inquiry Report. When witness AW-4, Rajendra Singh was cross-examined by the delinquent officer, he said that he had no personal grievance with Prof. Ashok Mittal but he has heard from Mr. Rakesh Gupta that till Prof. Ashok Mittal is there, nobody can harm him. Although, this is a hearsay evidence but we are inclined to look into the evidence of Ms. Megha Bansal, AW-5 and Mr. Rajendra Singh, AW-4, because both these witnesses had no personal grievances against Prof. Ashok Mittal and they also did not have any axe to grind against Prof. Ashok Mittal.

120. The witness summoned by the Inquiry Committee namely, Mr. Anjani Kumar Mishar, AW-6, has stated on oath that Shri Rakesh Gupta, Manager of Chacha Vishal Singh Kanya Mahavidyalaya used to sit in the office of the Vice Chancellor or his P.A. daily for about five hours. He has further said that:

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"शासन से मुझे निर्देश प्राप्त हुआ था कि मैं कुछ महाविद्यालयों की जाँच करके शासन को आख्या प्रेषित करूँ तो मैंने उक्त महाविद्यालय तथा एक अन्य महाविद्यालय की जाँच की तथा उसकी रिपोर्ट शासन को भेजी थी। दिनांक 20.01.2021 को कार्य परिषद की बैठक का कार्यवृत्त मैंने अनुभोदनार्थ कुलपति महोदय को भेज दिया था जिसे कुलपति जी ने दिनांक 25 फरवरी, 2021 को स्वयं स्वीकार किया है जिसकी प्रतिलिपि मैं समिति को प्रस्तुत कर रहा हूँ तथा उसकी एक नकल प्रो० अशोक मित्तल को दे रहा हूँ प्रो० अशोक मित्तल फरवरी, 2020 में कुलपति के रूप में विश्वविद्यालय आये थे।"

121. This witness AW-6, Shri Anjani Kumar Mishra was not cross-examined by the delinquent officer, hence, his statement in this regard went unrebutted which can safely be read by the Inquiry Committee. The delinquent officer who examined himself on oath before the Inquiry Committee could not give any satisfactory and plausible reason as to why he did not take action in the matter of Chacha Vishal Singh Kanya Mahavidyalaya. Hence, the Inquiry Committee concludes that this Charge No. 08 is partially proved against the delinquent officer, Prof. Ashok Mittal in as much as there is no evidence of seizure of rights of the Registrar but there is evidence that the delinquent officer, Prof. Ashok Mittal, favoured Chacha Vishal Singh Kanya Mahavidyalaya and was constantly in touch with Dr. Rakesh Gupta, Manager of Chacha Vishal Singh Kanya Mahavidyalaya.

Findings on Charge No. 09

122. Charge No. 09 has been framed to the effect that during the tenure of the delinquent officer, Prof. Ashok Mittal, scam and

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misappropriation of crores of rupees was done in the affiliation department, many seats of B.P.Ed and M.Ed. were increased illegally by appointing his own man and electricity charges were not realized, thereby causing financial loss and violating the provisions of Financial Hand Book.

123. This charge is in three parts, firstly, the charge of affiliation scam, secondly, non-realization of electricity dues from the residence therein and thirdly, non-realization of dues from the two canteens.
124. We will take the affiliation part first. The report bears many applications for increase of B.P.Ed. seats in the session 2020-21. A perusal of letter written by the Superintendent, Affiliation Department on 27.10.2020 addressed to the Registrar/Vice Chancellor, he has put a note which is admitted by the delinquent officer which is paper no. 52/3659 (Annexure- B-26/1) which has recommended increase of seats in the year 2020-21. Now, a perusal of this shows that the sessions 2020-21 must have begun but practically in the end of the year, the seats of Krishna College of Science was increased from 20 to 30, in Usha Educational Institute was increased from 10 to 90 and in C-Impact Institute, Agra, seats were proposed to increase from 20 to 80, on which a remark was put by the Registrar that 20 percent may be allowed for approval for temporary affiliated colleges as approved by the affiliation committee. The delinquent officer wrote a note on the aforesaid paper stating that he discussed the matter with the observer affiliation department and thereafter permission was granted from the present session 2020-21 in the light of covid-19. This order is

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dated 07.01.2021. Above this order, we find a hand written order of the Vice Chancellor, Prof. Ashok Mittal, written as follows:

"From next session 2020-21"

This order is dated 25.12.2020. These orders are contradictory to each other because one order says that the increase of seats will be implemented from the session 2020-21 and the other says that it will be implemented from 2021-22.

125. A complaint (Annexure- B-27/1 to B-27/2) was made on 28.12.2020 by the Krishna College of Science and Rural Technology, Agra affiliated to Dr. Bhimrao Ambedkar University, Agra. This complaint-cum-application has stated that their file for extension of seats, after completing all the formalities was lying with the Registrar for about two months, after reminder was sent, then on 23.11.2020, the file was sent to the office of the Vice Chancellor for extension of seats. This file remained in the office of the Vice Chancellor for one month and three days and ultimately on 26.12.2020, the seats were enhanced from the next financial year i.e. from 2021-22 whereas the matter of enhancement of seats was discussed for the year 2020-21. Thus, this file was pending with the University for three months and three days. Again, this institute moved an application on 26.09.2020, for increase of seats. Even on 22.10.2020, Usha Educational Institute, Mathura, moved an application, paper no. 52/3669 (Annexure- B-27/10) to the effect that seats be increased in proportionate ratio to the teachers. The same type of application was moved by C-Impact Institute, being paper no. 52/3672 dated 22.10.2020 (Annexure- B-27/12).

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(एस.ओ.सी.)
अनुसूचित वर्ग
शम्भूराज सिंह

126. Although, when the delinquent officer, Prof. Ashok Mittal, was asked to admit or deny paper no. 52/3665 (Annexure- B-27/6), to his wisdom, he just wrote "prior to my tenure". We fail to understand as to any order of the NCTE or even the government or Chancellor which may be even prior to a particular officer but definitely but it will be binding to those officer also who come after the issuance of such orders. Any how this order is dated 12th February, 2016 in which revised recognition order was issued to Krishna College of Science and Rural Technology, Agra for conducting B.P.Ed. programmes of two years duration with an annual intake of 50 for one basic unit of 50 students from the academic session 2015-16 subject to fulfilment of the conditions mentioned therein before 29.02.2016.

127. This witness AW-8 was cross-examined on this issue, in which he has said that:

मैंने अपने कार्यकाल में सम्बद्धता विभाग में अपने किसी कथित लोगों को नहीं रखा और न ही कोई कथित घोटाला करके वित्तीय अनियमितता कारित की। मैंने अपने कार्यकाल में किसी भी नये कॉलेज को सम्बद्धता स्वीकृत नहीं की। मात्र एक या दो नये विषयों हेतु अनुमति ऐसे मामलों में दी गई जो राजकीय महाविद्यालय, अनुदानित महाविद्यालय तथा किसी पुराने कालेजों से सम्बन्धित थे तथा काफी समय से विचाराधीन चले आ रहे थे।

128. When out of paper no. 11/862 to 11/906 (Annexure- B-17/1 to B-17/44), paper no. 11/846 was shown to this witness AW-8, in which he had increased the number of seats in his own handwritings and had initialed on them, he explained that the seats were decreased initially because the number of approved

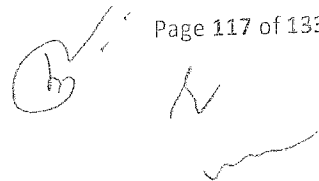
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teachers in these schools were less, later on these colleges increased their teachers and demanded more seats and since the procedure was already too late and examinations were too conducted late due to covid-19, hence, he approved the seats according to the note sheet. Thus, even the orders passed by the delinquent officer, Prof. Ashok Mittal are contradictory to each other as mentioned above. The delinquent officer, Prof. Ashok Mittal did not even bother to verify whether teachers as mentioned were actually appointed by the colleges or not and whether the teacher students ratio was in consonance or not. He has further said that there is no table by the State Government for fixation of seats.

29. It was pointed out to him that the Registrar had put a note and in point no. 2 and 3, he had pointed out that mandatory teaching requirement are being given by the regulatory body which will not be completed if seats are enhanced during the mid session to which the delinquent officer replied that he put up the matter before the Assistant Registrar, Affiliation, for discussion after which he passed the orders 'as per rules'. This is how a Vice Chancellor just slipped out of the matter without passing any appropriate order. We would also like to refer to the statement of the witness of the delinquent officer, Prof. Ashok Mittal. This witness is DW-4, Mr. Anoop Kumar, who is Assistant Registrar, Affiliation. He said that after 17th February, 2021 when Prof. Ashok Mittal called this witness for discussion, he went to Prof. Ashok Mittal but he was busy. He had read the note of the Registrar that in that session seats could not be

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increased in affiliated colleges but he did not have the knowledge of the time limit for the affiliation.

130. When this witness, the delinquent officer, Prof. Ashok Mittal, DW-8, was asked whether he had verified or not that the Assistant Registrar had followed his direction or not, on which the witness, DW-8, Prof. Ashok Mittal replied that there is no such type of procedure in this University, and it is presumed that all orders passed by the Vice Chancellor shall be complied with. Prof. Ashok Mittal has said in his statement that: "वर्णित उपरोक्त तालिका कार्यालय द्वारा जितनी सीट बृद्धि दर्शायी गयी थी उसको कन्फर्म करने के लिए मैंने सहायक कुलसचिव सम्बद्धता एवं पटल प्रभारी श्री नवीन अग्रवाल को मौखिक रूप से कहकर बुलाया और उनसे विचार-विमर्श के बाद पाया कि तालिका में कुछ अधिक सीटें दर्शायी गयी हैं जब मैंने छात्र-शिक्षक अनुपात के आधार पर उसी तालिका में करेक्शन कर दिया। जहाँ तक मिड टर्म में सीटें बढ़ाने का विषय है चूंकि प्रवेश प्रक्रिया काफी समय तक (मुझे तारीख व माह याद नहीं है) चली और आगामी परीक्षा भी विलंब सितम्बर माह से शुरू हुई। अतः छः महीने का समय था और जो यूजीसी की 180 दिन की 1 वर्ष में क्लास होने की बाध्यता है वह पूरी हो रही थी और इस बृद्धि को कार्य परिषद के द्वारा कार्योत्तर अनुमोदन प्रदान किया गया था।" As per his version, he did this in anticipation of the approval of the Executive Council, who later on approved it. This witness has gone to the extent of saying that: "फाइल पर अप्रूवल देते समय मैंने श्री अनूप केसरवानी, सहायक कुलसचिव एवं नवीन अग्रवाल जी को मौखिक रूप से यह निर्देशित किया था कि जब वह कालेजों को सीट बृद्धि का पत्र भेजे तो उसमें यह भी जरूर से उल्लेख कर दें कि इन कालेजों को विश्वविद्यालय को एक सर्टीफिकेट देना होगा कि उन्होंने शिक्षण के घंटों को नियम के अनुसार पूरा कर लिया है तभी इन कालेजों के विद्यार्थियों को परीक्षा में सम्मिलित होने दिया जाएगा।" and has

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also said that it is presumed that all orders of the Vice Chancellor shall be complied with. But, again we have revert to the statement of the witness produced by the delinquent officer, Prof. Ashok Mittal. The witness is DW-4, Mr. Anoop Kumar, who has said that "प्रो० मिittal ने मुझसे शिक्षकों की संख्या के बारे में पूछा था। ऐसा मुझे कोई निर्देश अनुमोदन के दौरान नहीं दिया गया कि सम्बद्धता के पत्र में यह भी इंगित करना है कि कालेज शपथ पत्र देगा कि बचे हुए दिनों में एकेडमिक्स को पूरा कर लिया जाए। सम्बद्धता का पत्र जारी करके मैंने किस पत्रावली में रखा अब मुझे नहीं मिल रहा है किन्तु उसकी एक छायाप्रति मेरे पास है जिसे मैं दाखिल कर रहा हूँ" DW-4, Anoop Kumar has further stated that when the matter of affiliation of Vaikunthi Devi College, Agra came for approval before the Executive Council, Shri Naveen Agarwal had brought the note with him and asked this witness to place it before the Executive Council. This was approved for the next session by the affiliation committee, but the Executive Council changed the session and granted approval from the running session, as far as his knowledge, students had taken admission and without affiliation, teaching work was in progress, these facts relate to April, 2021. When the same question was put to the delinquent officer, Prof. Ashok Mittal, he stated that:

"बैकुण्ठी देवी महाविद्यालय, आगरा में एक गुप्ता प्राचार्य थी। वह मेरे पास किसी भी प्रकार से संबंधित नहीं थी। मैंने बैकुण्ठी देवी महाविद्यालय में एम.काम. और समाजशास्त्र की सम्बद्धता या शायद खाली एम.काम. की सम्बद्धता प्रदान की थी और उसमें पैनल की रिपोर्ट भी थी। मैंने नियमानुसार सम्बद्धता प्रदान की थी किन्तु इसमें एक कमी थी कि शासन के आदेश के अनुसार जिस तिथि

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तब उन्हें पैनल की रिपोर्ट सबमिट करनी थी उसके चार दिन बाद पैनल की रिपोर्ट सबमिट की गयी जिस पर यह था कि चूंकि चार दिन बाद रिपोर्ट मिली है इस पर विचार किया जाए या नहीं। मैंने कुलसचिव से पूछा कि क्या महाविद्यालय को पैनल की रिपोर्ट कब तक सबमिट करनी है यह भी लिखा गया या नहीं तो उन्होंने कहा कि ऐसा नहीं लिखा गया है। तब मैंने कहा कि जब आपको मालूम नहीं है कि कब तक उन्हें रिपोर्ट सबमिट करनी है और कोविड के कारण विशेषज्ञों का आना जाना भी सीमित था विशेषज्ञों का आनलाईन जुड़ने का साधन हमारे यहाँ नहीं है। आनलाईन जुड़ने का साधन क्या नहीं है यह मैं नहीं बता सकता हूँ।”

131. All these things are nothing short of illegalities and irregularities. Thus, seats of affiliated colleges were increased against law and everything was not and smooth in the affiliation department, thereby, the delinquent officer, Prof. Ashok Mittal caused financial loss to the University with his illegal acts.
132. As far as the second point is concerned the delinquent officer, Prof. Ashok Mittal, has stated in his statement that after he joined as Vice Chancellor in the University, he expedited the matter of realization of electricity dues and arranged many camps, hence, he cannot be held liable for this charge. In support he examined Mr. Hari Mohan, DW- 7 (Annexure- A-19/1 to A-19/2), who said that Prof. Ashok Mittal directed him to get prepaid meters installed. Prof. Ashok Mittal has not committed any irregularity. In this regard, the note sheet may be looked into. First of all, the Inquiry Committee asked a question asked to itself as to why the unauthorized occupants were not evicted and why the dilapidated buildings were not taken care of.

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133. Secondly, paper no. 19/1096 (Annexure- B-13/1) is very important, which states that on 03.02.2021, initially the Finance Officer was asked to discuss the matter with Vice Chancellor and on 04.02.2021 orders were passed that if the residents do not take connection, the electric supply may be disconnected. Now, what happens, no list was prepared as to who were the unauthorized occupants, which premises were dilapidated and who were the defaulters and what was the amount due against each defaulter and since. It did not lye in the mouth of Prof. Mittal to say that these dues was prior to his taking charge. Besides this, it was his bounden duty that as soon as he took charge, he should have first paid attention to the outstanding dues of the government which he did not bother to do. Hence, we think, he was negligent and in different in realizing the electricity dues from the occupants whether they were legal occupants or illegal occupants, in fact, there was no reason to let the illegal occupants remain in possession and recourse of law should have been taken for their eviction.

134. Coming to the third point i.e. recovery of dues towards both the canteen. One canteen was running in the Paliwal Park premises and the other was running in the Khandari campus and admittedly dues were outstanding against both the canteens. The complaint AW-1, Dr. Arun Kumar Dixit has supported his complaint and said that dues were not recovered by the delinquent officer, Prof. Ashok Mittal. Let us see what Prof. Mittal has to say in this matter. The delinquent officer, Prof. Ashok Mittal has said that "विश्वविद्यालय कैंपटीनों के किराये की वसूली से सम्बन्धित प्रकरण मेरे समक्ष कार्यवाही हेतु नहीं रखा गया जो प्रतियां कागज संख्या 40/3550 लगायत 40/3554 मुझे मा० सभिति

द्वारा प्रदान की गई है, उसके अवलोकन से स्पष्ट है कि उक्त कैण्टीनों पर अधिकांश बकाया राशि मेरे कार्यभार ग्रहण करने से पूर्व की है। विश्वविद्यालय कैण्टीनों से बकाया किराये की राशि की वसूली हेतु कार्यवाही करने का दायित्व वित्त अधिकारी, विश्वविद्यालय पर है।”

135. By means of the aforesaid statement, the delinquent officer, Prof. Ashok Mittal has nothing to do with the money due on the canteens prior to his tenure. We have yet to hear a statement like this from the rank of a Vice Chancellor. We are shocked that he could gather the courage to say that this responsibility was of the Finance Officer and he had nothing to do with the dues which were pending prior to his tenure. He has further said that “मेरे संज्ञान में कैटीन की कोई फाइल नहीं आयी, सिर्फ एक दस्ताख्त आई जिसमें मई या जून, 2021 में प्रार्थना की गयी थी कोरोना के कारण उनकी कैटीन काफी समय से बंद रही है, अतः उनका उस अवधि का किराया माफ कर दिया जाय। मैंने वित्त अधिकारी से मौखिक पूछा था कि दोनों कैटीनों पर कितना पैसा और कब से बकाया है तो उन्होंने बताया कि वर्ष 2016 से बकाया है। मैंने मौखिक रूप से उनसे इस अवधि की कार्यवाही के बारे में पूछा तो उन्होंने कोई संतोषजनक उत्तर नहीं दिया। मामला जब वित्त समिति में गया तो यह निर्णय लिया गया कि यदि वे कुल बकाया एकमुश्त जमा कर देते हैं तो किराये का 80 प्रतिशत माफ कर दिया जाएगा। इसके कुछ समय बाद ही मुझे कार्यविरत कर दिया गया। मैं यह नहीं बता सकता कि मुझे कितने दिनों बाद कार्यविरत किया गया। मैंने मौखिक रूप से ब्याज लगाने की बात वित्त अधिकारी से कही। ये सब बातें लिखित में न करने का कोई apparent कारण नहीं था। मैंने किसी कैटीन का कोई ठेका नहीं उठाया। मुझे वित्त अधिकारी पर विश्वास था इसलिए मैंने स्वयं कार्यवाही नहीं की। मेरा मानना था कि वित्त अधिकारी वित्तीय मामलों के जानकार हैं और वित्तीय मामलों में उन पर मुझे अपनी राय देकर कुलपति से आदेश करायेंगे। मुझे वित्तीय मामलों की बहुत जानकारी नहीं है। वित्त अधिकारी मेरे अधीन कार्य करते हैं परन्तु मुझे टाइम नहीं मिला कि मैं उनको कोई खत/नोटिस लिखता।”

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136. This means that if the contractor of the canteens would not have moved applications for the exemption of rent, then nobody would have taken the trouble of looking into the matter of money due upon the canteens.
137. A perusal of the cross-examination of this witness AW-8, Prof. Ashok Mittal makes it crystal clear and evident that at least in June, 2021, he came to know that both the canteen are in arrears of dues. Although, this was a very important incident in his career, but he could not tell after how many days he was seized from work. But, from the perusal of the record, it is evident that he did have time to initiate proceedings for recovery of these dues and this is clear violation of duties thereby causing huge financial loss to the University because a person cannot take advantage of his predecessors wrong and he cannot repeat the wrong just because his predecessor had also committed wrong and went unpunished. Any wrong act cannot act as precedence or exemplar for another person.
138. Thus, the Inquiry Committee finds the delinquent officer, Prof. Ashok Mittal guilty of Charge no. 09 and concludes that he committed a scam in the affiliation department, illegally increased the seats of many colleges violating the Statutes, failed to realize the dues against both the canteens and the electricity dues.

Findings on Charge No. 10

139. There are charges against the delinquent officer that during his tenure he removed the Chartered Account, hereinafter referred to as the 'CA', and appointed a CA of his choice due to which the

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University had to suffer financial losses and penalty was also imposed upon the University due to this. None of the witnesses, neither AW-1, Dr. Arun Kumar Dixit nor AW-2, Shri Ramul Solanki could prove this charge nor there is anything on record on the basis of which it can be said that this charge is proved, hence the Inquiry Committee does not find Prof. Ashok Mittal guilty of this charge and exonerates him from this charge.

Findings on Charge No. 11

140. Charge no. 11 has been framed against the delinquent officer, Prof. Ashok Mittal that he and his people illegally withheld the bills of Advocates and other employees.
141. Shri AW-1, Dr. Arun Kumr Dixit has stated that his bills were withheld and when asked for his payment, Shri Hari Govind Agarwal, the blue eyed boy of Shri Ashok Mittal said that he would get his dues only if he pays 20 percent of the total amount and in case of his failure, he will not be allotted any further work. When AW-3, Shri Hari Govind Agarwal, was examined before the Inquiry Committee, he said that he never demanded any facility fee from anyone including Dr. Arun Kumar Dixit Advocate.
142. Now, we have to see that the delinquent officer, Prof. Ashok Mittal has to say in this matter. He has said that it was never brought to his notice that Shri Hari Govind Agarwal demanded 20 percent facility fee from Dr. Arun Kumar Dixit.
143. As far as the documents in this regard are concerned, paper no. 131/12267 to 131/12269 (Annexure- B-37/1 to B-37/3) are on record, which go to show that a committce constituting of Shri S.D.

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Paliwal, Retd. Judge, Sri S.K. Bajpai, CA and Assistant Registrar, Legal was constituted on 02.07.2021 to examine and audit and report within 15 days and the list of Advocates whose matters had to be examined were provided in paper no. 131/12269. The forming of this committee was justified by the delinquent officer, Prof. Ashok Mittal in his cross examination, in which he has said:

“41. अतः कार्य-परिषद द्वारा लिये गये निर्णय के अनुपालन में अधिवक्ताओं द्वारा भुगतान हेतु प्रस्तुत किये गये बिल्स के परीक्षण हेतु एक त्रिसदस्यीय समिति का गठन किया गया, जिसमें एक सेवानिवृत्त एच०जे०एस० स्तर के न्यायिक अधिकारी, अध्यक्ष व एक चार्टर्ड एकाउन्टेण्ट व सहायक कुलसचिव (विधि विभाग) सदस्य थे। उक्त समिति द्वारा अधिवक्ताओं के बिलों का भुगतान हेतु परीक्षण किये जाने के कारण भुगतान किये जाने में विलम्ब हुआ, यदि बिलों का बिना परीक्षण किये हुये ही अधिवक्ताओं को भुगतान कर दिया जाता तो वह कार्य परिषद के निर्णय के विपरीत होता एवं विश्वविद्यालय को अनावश्यक रूप से आर्थिक क्षति होती। किसी भी अधिवक्ता अधिकारी या कर्मचारी के बिल का भुगतान अनावश्यक रूप से न तो मेरे द्वारा रोका गया और न ही किसी अन्य व्यक्ति द्वारा रोके गये। उक्त त्रिसदस्यीय समिति द्वारा दी गई आख्या दिनांकित 30-07-2021 की प्रतिलिपि में मा० समिति के समक्ष प्रस्तुत कर दी है। त्रिसदस्यीय समिति द्वारा दी गई आख्या को मेरे बचाव साक्ष्य में विचार करने की कृपा की जाये। मेरे ऊपर लगाये गये इन आरोपों के सम्बन्ध में कोई पुष्ट/ ठोस साक्ष्य न तो मुझे प्रदान की गई है और न ही जांच पत्रावली पर उपलब्ध है।

42. शिकायतकर्ता डा० श्री अरूण कुमार दीक्षित, एडवोकेट विश्वविद्यालय में मनमाने तरीके से बिल प्रस्तुत कर विश्वविद्यालय कर्मचारियों की मिली भगत से गलत भुगतान प्राप्त कर रहे थे तथा विश्वविद्यालय हितों की सुरक्षार्थ न्यायालयों में विश्वविद्यालय का पक्ष प्रस्तुत करने में भी उदासीनता बरत रहे थे, जिसके संज्ञान में आने पर उनको सौंपे गये वादों की पत्रावलियों की जांच पड़ताल प्रारम्भ की गई। इस बात की सूचना उन्हें विश्वविद्यालय के उन कर्मचारियों द्वारा दे दी



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गई, जिसकी मिलाई भगत से वह मनमाने तरीके से फर्जी बिल प्रस्तुत कर भुगतान प्राप्त कर रहे थे। डा० श्री अरूण कुमार दीक्षित, एडवोकेट को इस बात की जानकारी होने पर कि उनको सौंपे गये वादों की पत्रावलियों की जाँच पड़ताल की जा रही है। उन्होंने मुझ पर अनेकों झूठे आरोप लगाते हुये शिकायतें भेजना शुरू कर दिया। इन शिकायतों में डा० श्री अरूण कुमार दीक्षित, एडवोकेट द्वारा मेरे ऊपर लगाये गये सभी आरोप असत्य व मनगढ़न्त है जिसकी पुष्टि हेतु उनके द्वारा कोई ठोस साक्ष्य मा० समिति के समक्ष प्रस्तुत नहीं की गयी है।”

144. We are not here to scrutinize or evaluate this report, but this report was submitted on 30.07.2021 after a delayed period. The delinquent officer, Prof. Ashok Mittal has said that this report be read in his favour, but we are extremely sorry to say that this report cannot be read in his favour because neither this report has been accepted nor it has become final. As has been accepted by the delinquent officer, Prof. Ashok Mittal himself that “कागज संख्या 131/12267 के द्वारा जो समिति बनी थी उनकी रिपोर्ट मैने आर.टी.आई. से लेकर दाखिल की है। यह रिपोर्ट अंतिम रूप से स्वीकार हो गयी है या नहीं इसकी जानकारी मुझे नहीं है।” But a perusal of the records show that this report has not been accepted by the Executive Council and the version of the Advocates has been directed to be taken by the Committee before finalizing the matter. Thus, this report would not come to the rescue of the delinquent Officer, Prof. Ashok Mittal. Why the matter was not referred to the Finance Committee, although, it was a matter involving finances remained a mystery throughout the inquiry, as Prof. Mittal was ignorant about many many things, meaning thereby that till date the bills of these ten Advocates are still pending which bill is carrying huge amounts. Although, this report has not been admitted but still roughly calculating Shri M.N.

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Singh Advocate is entitled to Rs. 6,63,675.00, Shri Akhilesh Chandra Mishra is entitled to Rs. 2,05,625.00, Sri Avinlesh Tripathi is entitled to Rs. 4,47,925.00. Sri Shambhavi Tiwari is entitled to Rs. 12,67,025.00, Shri Sudeep Seth is entitled to Rs. 34,500.00, Sri Anurag Verma is entitled to Rs. 1,22,750.00, Sri Arun Dixit is entitled to Rs. 5,62,250.00, Sri Gagan Mehta is entitled to Rs. 6,99,775.00, Sri S.N. Pandey is entitled to 1,70,000.00 and Sri V.P. Sharma is entitled to Rs. 34,500.00.

145. We are again making it clear that we are neither endorsing these figures nor fixing the amount but just indicating that huge amounts of the Advocates are due towards the University. If the University feels that nothing is due or something is due, payment should be made well in time, instead of keeping things pending. The matter can be appreciated by taking into account that if the salary of a salaried person is withheld for even a month, he gets annoyed and worried. Obviously, if huge amounts of Advocates fees and expenses are withheld, it cannot be expected that the Advocates would take keen interest in doing pairavi for the University.
146. Thus, the Inquiry Committee finds that the delinquent officer, Prof. Ashok Mittal guilty of Charge no. 11 and concludes that he is found guilty of unnecessary withholding the payments of the Advocates.
147. Although, Prof. Ashok Mittal has in most of his decisions made the Executive Council shoulder his liability, but, we are sorry to note that he failed in this attempt in as much as the committee has given its anxious consideration to the matter and spent a lot of time watching the video recordings and the minutes of the Executive

Council but to our surprise, most of the minutes of the video recordings did not match with what actually transpired during the Executive Council meeting.

148. We have already noticed the rift between Prof. Ashok Mittal and Mr. Anjani Kumar Mishra, the then Registrar of the University regarding the minutes of the Executive Council meeting dated 20.01.2021 which was finally signed on 09.03.2021. The lesser said the better about the Executive Council meeting. A procedure is laid down for conducting the Executive Council meeting and practically in none of the meetings, the procedure was followed in as much as, there was no proper circulation of the agenda, there was no proper minutes prepared, circulation of minutes lacked and many other mandatory provisions were not complied with. We are afraid that the delinquent officer, Prof. Ashok Mittal did not maintain dignity even while conducting the Executive Council meetings in as much as while going through the minute of Executive Council meeting dated 20.01.2021, we could clearly hear Prof. Ashok Mittal saying "इस वक्त गवर्नमेंट का जो दिमाग चल रहा है, वह विचित्र है" This statement is not acceptable from the mouth of a Vice Chancellor. Prof. Ashok Mittal, AW-8, has given answer to this in the following way:

प्रश्न: क्या कार्य परिषद के निर्णय से इतर मिनट्स रिकार्ड कर पारित कराना विधिक/breach of trust है या नहीं?

उत्तर: हाँ है। चूँकि मिनट्स को कन्फर्म करते वक्त किसी भी सदस्य ने इस त्रुटि की ओर इंगित नहीं किया अतः यह भूलवश हुई।

प्रश्न: क्या यह भूल इग्नोर होने या क्षमा योग्य है?

उत्तर: यह भूल क्षमायोग्य है क्योंकि इससे किसी का हित प्रभावित नहीं हुआ है।

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Thus, it is evident and clear that Prof. Ashok Mittal, delinquent officer, has been committing breach of trust of the Executive Council members throughout his tenure.

149. Although, there is not a charge against Prof. Ashok Mittal in this regard but, the committee members would be failing in their duty if they do not bring the following facts on record:
150. Mr. Rahul Solanki, AW-2, who was also the complainant and who came before the Inquiry Committee supported his affidavit and filed an audio clipping in a pen drive. This clipping was of no use to the Inquiry Committee because it could not help the committee in any manner either for or against the delinquent officer. But, a very important factor remains that after this witness filed the audio recorded pen drive, he was recalled for cross examination by the delinquent officer, Prof. Ashok Mittal and he was cross examined by the delinquent officer. In the statement of AW-2, Shri Rahul Solanki, inadvertently the statement of Shri Ashok Mittal was also recorded while Rahul Solanki was being cross examined. This part has been encircled by the red ink by Chairman of the Inquiry Committee which shall not form part of the record and which shall not be evidence. But, again we see that the delinquent officer again put the rope around his neck himself by stating that by stating as follows:

राहुल सोलंकी के साथ 03 अन्य लोग रात के करीब 08.00 से साढे बजे के वक्त मेरे घर आये थे और पांच से सात मिनट बाद चले आये थे क्योंकि मैने उन्हें डाँटकर भगा दिया था। इस दौरान वह लोग आकर मेरे ड्राइंग रूम में बैठ गये थे। वे चारों लोग मेरे लिए अपरिचित थे। मैं नीरज भारद्वाज को नहीं जानता हूँ उनका फोन नंबर भी मेरे पास नहीं है। मेरी इस दौरान इस

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संबंध में किसी से कोई बात नहीं हुई। ये चारो लोग कैसे आए मुझे नहीं पता, हो सकता है कि गार्ड को रिश्त देकर आये हो या कुछ कह सुनकर आये हों। मैंने लिखित में किसी भी गार्ड के विरुद्ध कोई कार्यवाही नहीं की क्योंकि उन चार लोगों को मैंने डांटकर भगा दिया था। जबकि मेरे गार्ड ने जिला जज श्री मयंक जैन को घर के बाहर रोक दिया था। गार्ड्स को पता नहीं था कि श्री मयंक जैन मेरे परिचित है इसलिए उन्होंने उन्हें रोक लिया था। अब समय बदल गया है अब मैं घर पर ही मिलता हूँ।

151. Thus, he has specifically admitted that Mr. Rahul Solanki came to his residence along with others and sat in his drawing room. A million dollar question arises as to why Mr. Rahul Solanki would go to the house of the delinquent officer, Prof. Ashok Mittal uninvited in the night specially when he had filed a complaint against Prof. Ashok Mittal. Although, Prof. Ashok Mittal has said that he scolded and drove away Rahul Solanki and others from his house but this version is not palatable and digestible by the Inquiry Committee because for outsiders entering the Vice Chancellor's house would amount to intrusion and tress pass and specially in this phase when Prof. Ashok Mittal was facing an enquiry. As a prudent citizen and as a measure of safety for him and his family, he should at once have reported the matter to the police, which he failed to do. All this creates a doubt in the minds of the members of the Inquiry Committee.

152. In the video recording of the meeting of the Executive Council dated 20.01.2021 at time 1.14.37 onwards, when the discussion of maintenance of the file was going on, the Registrar said that even the service records of many people were not available in the officer at which many of the Executive Council members most probably

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who were teachers said that their service books were at the residence, hearing this also the Vice Chancellor, Prof. Ashok Mittal did not take this matter seriously, besides, in the video recording of the Executive Council dated 20.01.2021 at time 4.39, Prof. Hem Prakash specifically pointed out that what is discussed in the meeting is not written in the minutes, since, they are not circulated, which is not a good practice, but this was also ignored. At 28.47 time, a decision was taken of preparing a committee for deciding the seniority but that does not also find place in the minutes. Another such example is the matter of Mr. Saket Sharma who is said to have taken extra payment on which a decision was taken in the Executive Council meeting that the excessive payment received by him should be realized from him, but this fact also does not find place in the minutes. Thus, practically, the minutes and the proceedings of the Executive Council do not tally and we think this can be termed to be breach of trust.

153. Besides, it is very strange that the Vice Chancellor, Prof. Ashok Mittal who has signed the minutes (paper no. 123/11294 to 123/11463, Annexure- B-49/1 to B-49/166) had the courage to deny certain items. If the items denied by him on page 123/11386 to 123/11390 (Annexure- B-49/92 to B-49/95) were against the proceedings of the meetings, there is no reason why he puts his signature on the minutes, besides, he has also denied the minutes at paper no. 123/11328 to 123/11334 (Annexure- B-49/34 to B-49/40), he had further gathered the courage to deny the annexures to the minutes which are paper no. 123/11350 to 123/11366

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(Annexure- B-49/56 to B-49/72). This is only a single example.

All the minutes and video recordings are in the same position.

154. Although, it is not a matter of inquiry, but the delinquent officer, Prof. Ashok Mittal has definitely committed financial irregularity and admitted facts needs no proof. The admission of the delinquent officer, Prof. Ashok Mittal is being reproduced as below:

मुनीष कुमार रावत मेरा रिसर्च स्कालर है। वह कुछ दिन मेरे घर पर रहा है, फिर बीच में अलीगढ़ चला गया और फिर वह विश्वविद्यालय के गेस्ट हाउस में रहा। आजकल विश्वविद्यालय के गेस्ट हाउस में रह रहा है। उसके खाने का खर्चा मैं देता हूँ जिसकी रसीद मुझे नहीं मिलती है। उसने अभी तक किराया नहीं दिया है। मैंने कहा कि उसके गेस्ट हाउस में रहने के दिनों की संख्या जोड़कर अपने पीओ मुनीष से बताने को कहा ताकि मैं पैसा अदा कर सकूँ। मैंने मुनीष रावत से भी कहा था कि यदि तुमने गेस्ट में ठहरने की तारीख नोट कर रखी हो तो कुल दिन गेस्ट हाउस में ठहरे हो, जोड़कर बताओ। उसने पिछले वर्ष का गेस्ट हाउस का किराया दिया है या नहीं, यह मुझे नहीं पता है।

Thus, committing financial irregularities in the University stands fully proved beyond doubt.

155. Thus, summing up the whole enquiry, we conclude that the delinquent officer, Prof. Ashok Mittal appointed guest faculties against the provisions of law, thereby causing financial loss to the University. He also committed financial irregularity in getting the Statute/Hand Book printed and published and illegally appointed Mr. Neeraj Goyal, removed the pervious Advocate Mr. Gagan Mehta and inducted Shri Vivek Rai Advocate and also made unnecessary appointments, burdening the University with unnecessary liability. Further, he also appointed Shri Hari Govind Agarwal illegally without going into his academic records and credentials, causing further financial loss to the University and got the colleges inspected through unauthorized committee members,

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and committed irregularity in appointment of teachers. He further favoured Mr. R.K. Gupta, Manager of the Chacha Vishal Singh Kanya Mahavidyalaya and sidelined the then Registrar. Finally, he committed financial irregularity in affiliation, illegally, increased the seats, failed in his duties to recover electricity dues and canteen dues, thereby causing huge financial losses to the University and withheld the bills of the Advocates without any reason.

156. The Inquiry Report is being submitted to the Hon'ble Chancellor for appropriate action according to law.

2020
07.11.2021
Prof. Surendra Dubey
Member

Prof. Vinay Kumar Pathak
Member

Justice Ranjana Pandya
Chairman

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