

BHAGAT PHOOL SINGH MAHILA VISHWAVIDYALAYA

KHANPUR KALAN (SONIPAT)



Agenda for 81st Emergent Meeting of Executive Council

Date:- 13/09/2024

Time:- 12.00 noon

Venue:- Conference Hall, Administrative Block, BPSMV



BHAGAT PHOOL SINGH MAHILA VISHWAVIDYALAYA, KHANPUR KALAN

AGENDA FOR THE 81st EMERGENT MEETING OF THE EXECUTIVE COUNCIL TO BE HELD ON 13/09/2024 AT 12.00 NOON THROUGH BLENDED MODE (ONLINE & PHYSICAL) IN THE CONFERENCE HALL, ADMINISTRATIVE BLOCK, BHAGAT PHOOL SINGH MAHILA VISHWAVIDYALAYA, KHANPUR KALAN.

1. To consider the Legal Opinion rendered by Sh. R.D. Sharma, Dy. Advocate General, Haryana on the report of Fact Findings Enquiry submitted by Dr. D.R. Yadav, Inquiry Officer appointed by the Vice-Chancellor vide letter No. BSMV/ET-1/22/682 dated 30.05.2022 to enquire and resolve the pension case of Dr. Sumitra Devi, Associate Professor (Retd.) (Annexure-1, pages 1-2).

Statement of the case:-

Dr. D.R. Yadav was appointed as Inquiry Officer by the Vice-Chancellor to enquire and resolve the pension case of Dr. Sumitra Devi, Associate Professor (Retd) vide letter No. BSMV/ET-1/22/682 dated 30.05.2022 (Annexure-2, page-3). The Inquiry Officer has submitted the report of the fact findings inquiry on 05.01.2024 (Annexure-3, pages-4-24) which was placed before the Executive Council in its 78th meeting held on 06.03.2024 and it was resolved vide resolution No. 11 as under (copy enclosed):

"The report of the Enquiry Officer was considered by the House and it was resolved that the legal opinion from the Advocate General, Haryana be sought and further action be initiated accordingly"

Accordingly, vide letter No. BPMV/ET-11/23/1972 dated 22.03.2024, the University had requested to the Ld. Advocate General, High Court of Punjab & Haryana, Chandigarh to render Ld. Legal Opinion w.e.f Fact Findings Enquiry submitted by Dr. D.R. Yadav, Enquiry Officer. In this regard, the Dy. Advocate General, Haryana submitted his legal opinion which is reproduced below:

"After going through the factual narration as discussed above, as mentioned in the correspondence dated 22.03.2024 addressed to this office and the copy of the Inquiry Report dated 05.01.2024 submitted by the Enquiry Officer Dr. D.R. Yadav, undersigned is of the view that the further action is to be taken by the University as per regulations of the University. Prima-facie, the contents of the Inquiry Report dated 05.01.2024 being the final decision taking authority. As far as reference of pension case of Dr. Sumitra Devi, is concerned, the same is also required to be finally decided by the University authorities. Thereafter, the necessary decision relating to release of pensionary benefits, same is also to be taken by the University authority based on the decision of the University on the Enquiry report.

Thus, the query sought by the University is answered above and file be returned".

Shuchi

It is pertinent to mention here that Director Higher Education, Panchkula vide Memo No. 7/29-2016 UNP (1), dated 28.11.2023 has informed that Dr. D.R. Yadav, Medico Legal Advisor to Govt. Haryana & Director, PGIMS, Rohtak (Rtd.) was appointed as enquiry officer by the University without any intimation to this office whereas an Inquiry Officer has already constituted by the Government on the complaint made by Sh. Sultan Singh against appointment of Dr. Sumitra Devi, Lecturer in Education, BPSMV, KhanpurKalan (Retd.) which is under consideration. He has also directed to remove Dr. D.R. Yadav as enquiry officer with immediate effect under intimation to this office.

In response to the above letter, the University has informed to the Director Higher Education, Panchkula, Haryana vide letter No. BPSMV/ET-11/23/5468 dated 07.12.2023 that Dr. D.R. Yadav was appointed as Inquiry Officer to enquire and resolve the pension case of Dr. Sumitra Devi, Associate Professor (Retd) vide letter No. BSMV/ET-1/22/682 dated 30.05.2022 and also requested to advise whether the University may continue in the process of the Enquiry or the University shall have to stop/freeze the issue for which reply is still awaited (Annexure-4, pages 25-26).

Further, Dr. Sumitra Devi, Associate Professor retired on attaining the age of superannuation at 60 years on 28.02.2019. Her pension and other benefits have not been released due to pending enquiry being conducted by DHE Haryana on the complaint made by Sh. Sultan Singh alleging that the appointment of Dr. Sumitra Devi was illegal.

She filed a CWP No. 25939 of 2022 in the Hon'ble High Court, Chandigarh regarding release of pension and other retiral benefits. The Hon'ble High Court, Chandigarh has taken decision dated 15.11.2022 which is reproduced below:-

"Learned counsel for the petitioner submits that at this stage, he would be satisfied if the present writ petition is disposed of with a direction to respondent No.3 to take a decision on the legal notice dated 25.09.2022 (Annexure P-9) made on behalf of the petitioner.

I find the prayer made by learned counsel for the petitioner to be reasonable.

Accordingly, at this stage, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No.3 to take a decision on the legal notice dated 25.09.2022 (Annexure P-9) made on behalf of the petitioner, by passing a speaking order and after affording opportunity of hearing to the petitioner, preferably within two months from the date of receipt of a certified copy of this order.

Needless to add that the decision so taken be communicated to the petitioner and if such decision is not to the satisfaction of the petitioner, She would be at liberty to challenge the same, in accordance with law".

In compliance of order dated 15.11.2022 of the Hon'ble High Court in CWP No. 25939 of 2022, a speaking order has been passed by the competent authority of the University vide No. BPSMV/23/4603 dated 16.10.2023 that provisional pension and other pensory benefits has been released along with



arrears including 7th Pay Scale except Gratuity and Commutation pension. The provisional pension has been released to her as per Haryana Civil Services (Pension) Rules, 2016. Gratuity and Commutation pension has not been released to her so far as per Clause 81 (1) (a) of the HCS Rules, 2016. It is pertinent to mention here that enquiry process on the complaint made by Sh. Sultan Singh against Dr. SumitraDevi is being conducted by the Joint Director, Higher Education, Panchkula and the office has attended the same and produced the official documents on 07.05.2024, 26.06.2024 and 10.09.2024 (**Annexure-5, pages 27-29**).

The above legal opinion was placed before the Vice-Chancellor after considering the matter and ordered to place the same before the Executive Council for consideration and decision.

2. Any other item with the permission of the Chair.


11.9.24
Registrar



LEGAL OPINION

Subject: Request to render legal opinion w.r.t. Fact Finding Enquiry submitted by Dr. D. R. Yadav, Inquiry Officer.

Ref. No. BPSMV/ET-II/23/1972.

I have gone through the contents of the letter No. BPSMV/ET-II/23/1972 dated 22.02.2024 addressed to this office, the proceedings of the Executive Council held on 06.03.2024 pertaining to agenda item No. 11, copy of the fact finding inquiry conducted by Dr. D.R. Yadav, Enquiry Officer, and other related material made available to this office, the file has been sent to solicit the opinion on the following points:-

"As per the agenda No. 11 of the Executive Council of Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, Sonapat to the effect that Dr. D.R. Yadav, Inquiry Officer was appointed by the then Vice Chancellor of the University vide letter No. BSMV/ET/1/22/682 dated 30.05.2022 to enquire about illegal appointments and resolve the pension case of Dr. Sumitra Devi, Associate Professor (Retd.), in which it was resolved to sollicit the opinion of this office at to what course is required to be adopted?"

BRIEF FACTS:

Brief facts of the case are that certain complaints were received against two Faculty members pertaining to illegal fraudulent appointment against the selection process out of which one pertains to Dr. Sumitra Devi on a vacant post of Lecturer in Education Technology in Bhagat Phool Singh, College of Education, Khanpur Kalan, Sonapat.

A fact finding inquiry was conducted, in which allegations leveled stood proved. The Inquiry report as well as the agenda item No. 11 of the

CPMS-3932

Reg/09/1362

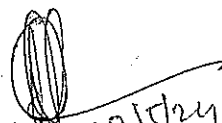
DREF-1362
13/5/2024

Executive Council of Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, Sonapat further suggests that she has been superannuated from the service and the pensionary benefits seems to be withheld. After the receipt of the Inquiry Report submitted by Dr. D.R. Yadav, now the proposal has been sent to this office to solicit an opinion as noted in the opening of this opinion.

OPINION:-

After going through the factual narration as discussed above, as mentioned in the correspondence dated 22.03.2024 addressed to this office and the copy of the Inquiry Report dated 05.01.2024 submitted by the Enquiry Officer Dr. D.R. Yadav, undersigned is of the view that the further action is to be taken by the University as per regulations of the University. Prima-facie, the contents of the Inquiry Report dated 05.01.2024 being the final decision taking authority. As far as reference of pension case of Dr. Sumitra Devi, is concerned, the same is also required to be finally decided by the University Authorities. Thereafter, the necessary decision relating to release of pensionary benefits, same is also to be taken by the University Authority, based on the decision of the University on the Enquiry report.

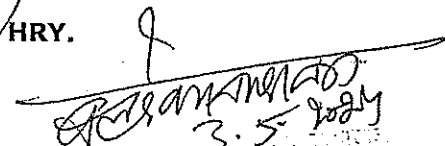
Thus, the query sought by the University is answered above and file be returned.


(R.D. Sharma) 3/5/24
Dy. Advocate General, Haryana

13/5/24
DR (S.P.)

Ld. A.G. HRY.

32943
4/5/24


3.5.2024

Registrar
Bhagat Phool Singh Mahila Vishwavidyalaya Khanpur Kalan (Sonapat)

SE-II
13/5/24

11 19/3 Annexure 2

Annexure-1

Bhagat Phool Singh Mahila Vishwavidyalaya

31 -

Khanpur Kalan (Sonapat), Haryana-131305
Office No. 01263-283001, 283002, Fax No. 01263-283779, www.bpswomenuniversity.ac.in

Ref No. BPSMVIET-1/221/1682

Dated: 30/05/22

To

Dr. D.R. Yadav,
Medico-Legal Advisor to Government of
Haryana and Director, PGIMS, Rohtak (Retd.),
H.No. 696/28, Subhash Nagar,
Rohtak

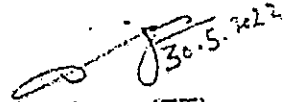
Sub.: Appointment as Inquiry Officer.

Sir,

I am directed to inform you that you have been appointed as an Enquiry Officer to enquire and resolve the pension cases of Prof. Vimal Joshi (Retd.), Deptt. of Law and Dr. Sumitra Devi (Retd.), Associate Professor, ITTR.

You are, therefore, requested to convey your consent within 15 days from the receipt of this letter. TA etc. will be paid as per University rules alongwith remuneration/honorarium on completion of the enquiry as per Govt. rules.

Yours sincerely,


Deputy Registrar (ET)
for Registrar

Dated 30/05/22

Endst. No. BPSMVIET-1/221/1683-84

A copy of the above is forwarded to the following for information:-

1. P.S. to the Vice-Chancellor (for kind information of the Vice-Chancellor), BPSMV, Khanpur Kalan
2. P.A. to the Registrar (for kind information of the Registrar), BPSMV, Khanpur Kalan


Deputy Registrar (ET)
for Registrar

III
Annex-3

Annex-3 [B]

Fact Findings Inquiry Report on the complaint of Sh. Sultan Singh dt 25.04.2016 against the selection process of Dr. Sumitra Devi on a vacant post of 'Lecturer in Educational Technology' in Bhagat Phool Singh College of Education, Khanpur Kalan, for final disposal of her pension case.

Undersigned was earlier appointed as Inquiry Officer vide BPSMV/ET-1/22/1682 dt 30.05.2022 as per orders of the Hon'ble Vice Chancellor, Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, (Sonipat) on the issues of complaints pending against 2 Faculty members, requiring disposal for resolving pension cases, for which due to paucity of time, consent for only one, i.e. retiral benefits to Prof. Vimal Joshi (retired,) Department of Law, Bhagat Phool Singh Mahila Vishwavidyalaya Khanpur Kalan, Sonipat was given, after consultation with D.R. Establishment vide my letter dt 18.07.2022. And now, the University vide letter no. BPSMV/ET-II/22/95 dt 06.01.2023, requesting for the final report in the matter on the title mentioned above as well.

In this inquiry, the crux of allegations is that Smt Sumitra Devi wife of Sh. Ram Kumar Jatyan, who was then working as Supdt. and ultimately retired as Dy Registrar from Maharishi Dayanand University (MDU) Rohtak, which was the Affiliating University of the Pvt Grant-in-Aid colleges for granting approval of teachers so appointed, got her initially appointed on regular basis after advertisement, despite being ineligible as 'Lecturer in Educational Technology', on a vacant sanctioned post, by the management of Bhagat Phool Singh (BPS) College of Education, a Govt aided pvt. College running B Ed course, at Khanpur Kalan (Sonipat), and subsequently, got her approval of appointment on a different post, which did'nt exist (already filed up) as 'Lecturer in Education', from the officiating Vice Chancellor, Dr. L. N. Dahiya, MD University Rohtak. This approval was just contrary to her earlier rejection orders of her appointment duly issued by a regular VC, Sh. Vivek Chand Sharma, resulting thereby loot of public money to the tune of crores of rupees, under a criminal conspiracy hatched by Smt. Sumitra Devi, her husband & other public servants fraudulently in seeking such appointment, and then continued to remain illegally on public post, drawing salary & service benefits throughout till her retirement, despite other complaints including his complaint dt 14.04.2021 regarding not to release pension, to all the concerned quarters which includes vigilance bureau also pending against her in this regard, as per the allegations.

In this context, Bhagat Phool Singh Mahila Vishwavidyalaya (herein after called the B.P.S University) was asked to send a complete brief of subject matter of Inquiry which was sent to the undersigned vide University letter dt 05.04.2023, followed by documents given subsequently including on the date of such hearing fixed on 03.11.2023 for the complainant

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Statement on 03.11.2023 attached as Annexure A giving a synopsis of the background of the whole case depicting the inter personal relationship of Sh. Ram Kumar Jatyan, Smt Sumitra Devi, and Dr L N Dahiya, Prof. of MD University, and submitted also the documents in support of the allegations of her illegal appointment. Documents pertaining to this Inquiry were also collected from the Directorate of Higher Education Haryana, Panchkula attached as Annexure B. All these documents so collected were arranged sequence-wise as per Page-no. depicted in the paras given below may kindly be perused and the findings based on facts that emerged from such record are as under:

1. Initially in the year 1993, Govt of India enacted & notified a Central Act, National Council for Teacher Education (NCTE) Act, 1993 for regulating the education system throughout the Country with the aim of preparing committed, responsible and professional teachers, expected to equip the aspirant school teachers with the requisite attitude, skill & knowledge to address the challenges of becoming effective school teachers. For this, duly recognised Higher Education Institutions offering undergraduate or post graduate programmes of study in the fields of arts, science, commerce, mathematics etc. are set up while laying down the qualifications of the teachers working. This Act was amended from time to time and Rules, Regulations were framed under this Act. To achieve such aims and objectives, existing Teacher qualified in field of Educational Technology is absolutely essential in the institution for imparting training to future Teachers.
2. Principal Sharda Sharma of Bhagat Phool Singh (BPS) College of Education, Kanya Gurukul Khanpur Kalan, Sonapat vide letter 815/TC/F-5 dt 03.09.88 requested the Director, Higher Education Haryana, Chandigarh to accord sanction to create a new post of 'Lecturer in Educational Technology' being a newly introduced compulsory subject which only a specialised person can teach, and other routine posts, about which she wrote in the past number of times also, but to no avail (Page: 1-2). Accordingly, the Director, Higher Education (DHE) issued the sanction to create 1 post of Lecturer in Educational Technology along with 2 other posts of lecturers in Hindi and Economics, vide letter No. 20/1-87 C II(4) dt 17.10.88 (Page: 3-4). The appointment so made on this newly created 1 post i.e Lecturer in Educational Technology has been the subject matter of this Inquiry.
3. Consequently, Mrs Rama Tyagi was the first one to join this Institution, being M.Sc., M Phil, M.Ed., as Lecturer in Educational Technology on this newly created post, on 14.12.88 (Page: 5-6). She remained on leave without pay from 1.3.94 to 28.2.95,

and ultimately she resigned. During the leave vacancy period of Mrs. Tyagi, Mrs. Sumitra Devi applied for Ad-hoc appointment (Page: 7-8). vide advertisement stated to be appearing in The Tribune dt 17.11.1994 & 27.11.94 mentioning there in the Application Form dated 29.11.94 that she offer her service for the post of lecturer in education (Social Science and Educational Technology) obviously, knowing fully well that she is actually eligible for the post of Lecturer in Education only, and the word Educational Technology was written in bracket to claim the benefit of leave vacancy post of Educational Technology as well, thus misrepresenting the fact, in order to secure an appointment under well thought of & preplanned manner. As per the proceedings of selection committee, 4 candidates appeared in the interview of the post of lecturer in Educational Technology held on 15.12.94, at 12:00 noon wherein 2 candidates ^{shown as} selected on purely temporary basis and Smt Sumitra was mentioned at top at sr. no. 1, by the Selection Committee consisting only of Principal Sharda Sharma; Lecturer, Mrs. Shakuntla Khereta; General Secretary, Dr Kapoor Singh Narwal & President of College Governing body, Sh. Hoshiar Singh Malik (Page: 9). Appointment letter on the post of Lecturer in Educational Technology on purely temporary basis was given to Smt. Sumitra Devi on 15.12.94 itself (Page: 10), and following this, she must have to join the post on 15.12.94 itself however, the joining report is not available in the record supplied. Her joining can only be in the afternoon of 15.12.94. This otherwise was an illegal appointment due to absence of DHE & University nominees and subject expert in the selection committee, the salary of which was illegally claimed and elaborated in para 4 below, leaving aside the absence of essential specialised qualification of Educational Technology for the newly introduced compulsory subject as moved by the same Principal her self, duly present in the Selection Committee meeting, while demanding the post of Lecturer in Educational Technology from DHE.

4. Then strangely Mrs Sumitra Devi in collusion with the Principal proceeded further to move her ^{undated} case for regularisation of her such temporary service renaming by her as "Lecturer in Education" (Page: 11), while concealing the fact that she was actually appointed on 15.12.94 for the post of Lecturer in educational technology as per her appointment letter. This was done to hide her ineligibility for not being a specialised teacher for the post of Educational Technology so got created by the Principal from DHE, as contained in para 2 above and further knowing fully well

that her selection made by illegal selection committee without any subject expert, nominee of DHE and University, still the matter was sent by the Principal to MDU Rohtak for regularisation as Lecturer in Education being Affiliating University vide letter no 479/TC/F-5 dt 7-2-95 (Page--12) (without any response from MDU as per record) & Dept. of Higher Education also vide letter No. 1548/TC/F-5 dt 25.03.95 (Page:13) for regularisation of her service as Lecturer without mentioning the particular of post, with ulterior motive whether in the subject of "Education" or "Educational Technology". On this, the Directorate sought proceedings for the appointment of Smt Sumitra as Lecturer, name of the nominee of the Department of Higher Education and approval of the appointment by MDU Rohtak vide memo no.8/14-93C-4(1) dt 9.5.95 (Page: 14). About this, the Department of Higher Education was informed by the Principal vide letter no. 1645/TC/F-5 dt 20.05.95 (Page: 15) that she was relieved on 31.3.95 AN in absentia vide letter 1552/TC/F-5 dt 31.03.95 (Page:16). This move of her reliving was obviously done to hush up the matter after smelling the Director's adverse attitude towards regularisation because she was not attending her duty from 09.03.95 onwards (Page: 16/A). In this, her Pay Bills of teaching staff of sanctioned post duly passed by the Dy Director O/o Director, Higher Education, Haryana under the grant- in- AID scheme reveals that salary has been claimed from 15.12.1994 to 08.03.1995 (Temporary services) after more than one year gap along with the bill of so called regular job of subsequent period (Page-16 B) . From 09.03.1995 to 31.03.1995, she was not on duty period and still she procured experience certificate illegally from 15.12.1994 to 31.03.1995 (Page: 16 C). Thus There has been a clear embezzlement of petty amount of salary of one day i.e 15.12.1994 when on that day her interview was fixed at 12 noon, then how can she claim salary for that day i.e 15.12.94 ? Such state of affairs reflect her doubtful integrity and this was the first offence she committed on the very first day of her becoming Lecturer. The act & conduct of Smt Sumitra, and that of Principal of the college & its management reflects adversely about the intention to get her temporary services regularised in such a short span of time of leave vacancy of about three months on the false pretext of her selection through duly constituted Selection Committee, which had neither the University & DHE nominees, nor the Subject Expert, nor she possessed the specialised qualification of that post which was got sanctioned from DHE i.e Educational Technology. Accordingly, the Directorate held the reply of proposal

unsatisfactory and asked about the appointment as to on what basis it was made and whether her salary was given by the department vide letter dt 07.07.95 (Page: 17), about which no further records of correspondence available & produced to me whereas the department paid to her salary of Rs. 14040/- of this period illegally resulting in its embezzlement as well.

5. Then, an advertisement for regular appointment appeared for a post of lady lecturer preferably Science candidate in Educational Technology again for BPS College of Education, Khanpur in the press- Hindustan Times August 10 and Tribune Aug 11, 1995, with last date of submission of application as 5.9.95 (Page: 18).
6. Surprisingly, after the closing date of 5.9.95, a Corrigendum of the aforesaid post was issued ^{by the Gen. Sec. of Society} in the press dt 28/30.11.95 stating the words "Lady lecturer in Educational Technology" may be read as Lady Lecturer in Education to teach "Essential of Teaching-learning". It was mentioned in this that the application should reach to the principal and copy to Dean, College Development Council, MDU, Rohtak up to dt 8.12.95, as issued by General Secretary of college management (Page: 19). Obviously, the such corrigendum has been got introduced by the interested person not possessing the specialised qualification of post of Educational Technology, thus accusing fingers were pointed towards Smt Sumitra Devi who could not get her service regularised earlier & DHE snubbed the College and asked Principal whether the salary of this period given or not as stated in preceding para 4. However, somehow with the subsequent Corrigendum appearing in the press dt 1 & 4.12.95, the earlier Corrigendum stood withdrawn and the original advertisement of the post of Educational Technology remains valid (Page: 20-21). This was on the intervention of the University as the same got inkling that this was a design to change of qualification, to accommodate Smt Sumitra Devi as per the averments made by the complainant.
7. As per records, in all 9 candidates applied for the post of "Lecturer in Educational Technology" (Page: 22-22/1). Against this very advertisement, there is no formal original Application of Smt Sumitra Devi on the record, except that at sr. no. 54 of Dak Diary register of the college, simply an entry of receipt of undated such application on 30.08.95 made, which was shown as "filed in the concerned file" (Page: 23). During the date of hearing on 3.11.2023, the University provided exact photo copy of her old earlier application dated 29.11.94 (Page: 24-25) with testimonials attached for being the application submitted for the post of lecturer

in educational technology advertised on 10th and 11th August 1995, which is a questionable Application Form misrepresenting the fact of applying for the post of "Lecturer in Education" as discussed in earlier para 3 above, and need no repetition. Similar application was also available from the records of the Directorate. As per the synopsis sheet for the interview for the post of lecturer in educational technology on 11.12.94 it can be extracted that only one candidate was belonging to the preference category of Science stream at sr. no. 8, and the rest including Smt. Sumitra Devi, at Sr. 4 were from Arts stream and Dr. Sumitra Devi was ineligible for the said post of educational technology, because she was not qualified/passed in the specialised subject of "Education Technology" in her Post-Graduate degree i.e. M.Ed. or MPhil or PhD level. A person who has not studied educational technology as a subject in Masters or Ph.D level can not teach one full-fledged compulsory subject of Educational Technology in B.Ed. course, which has 3 Hours paper IV of 80 marks + 20 internal Assessment, being followed in parental Kurukshetra University as attached here (Page: 26)

8. Since she was not an eligible candidate, as per the original advertisement of lecturer in Educational Technology, the matter in the first go after carrying out the scrutiny, which was not done should have been closed there & then filed for her selection process. But the Principal of BPS College of Education, on extraneous considerations, went ahead with her selection process of holding the interview, obviously to select her despite being ineligible & the interview date for 11.12.95 got fixed and in this case, vide interview letters written to all the candidates dt 27.11.95 (Page: 27) wherein it was strangely left to the candidates themselves to decide the eligibility to appear in the interview to be held on 11.12.95, while recording the following para in the interview letter :-

"come for interview only if you are convinced that you fulfil the eligibility qualifications according to the university norms"

Outside members of selection committee were also informed about the date, time and venue of the meeting vide various letters dt 27.11.95 (Page: 28-30). In the letter endorsed by the Director Higher Education to his nominee, the College Principal, Meham, it was made clear to the Principal on the back side of the letter that sending of DHE representative does not imply that the post for which the DHE nominee has been sent is a sanctioned one by the department. It is clarified in the letter that the DHE will disburse the salary only for the post which is duly

sanctioned by it and salary for non-sanctioned posts will not be given (Page: 30) but contrary to this, her salary bills not only of ad-hoc, temporary service but of her so called regular job passed up to Dy. Director O/o DHE and deposited in her account. Starting of interview at scheduled time 11:30 on 11.12.95 of 5 candidates, might have been deferred considerably because of contemplated proposal for its postponing arising out of controversy of issuing the corrigendum of advertisement of Lecturer in Educational Technology and Lecturer in Education post, for which withholding the VC nominee, as evident from a hand written letter dt 11.12.95 presented by the Principal of the college to the Dean, College Development Council of MDU Rohtak on the date of interview itself (Page: 31). Obviously, considerable time might have been consumed in decision making by the VC at Rohtak and then reaching to the venue of interview at Khanpur, for such selection proceedings to complete, and the whole thing might have lasted upto evening.

9. Any how, interview carried out on 11.12.95 wherein out of 9 applicants, 5 appeared in interview and its proceedings are reproduced below (Page--32):

The Proceedings of selection committee for the selection of Lect. in Educational Technology held on 11.12.1995 at 11:30 A.M. in the office of Principal, B.P.S. College of Education, Khanpur Kalan. The following were present.

1. Sh. H.S. Malik, President, Governing Body, B.P.S. College of Education, Khanpur Kalan.
2. Mrs. Sharda Sharma, Principal, B.P.S. College of Ed. Khanpur
3. Sh. R.S. Punia, D.H.E. Nominee, Principal, Govt. College, Meham
4. Sh. D.K. Chadha, V.C. Nominee, Reader, Deptt. of Ed., M.D.U. Rohtak
5. Dr. B.S. Dagar, Subject Expert, Reader Deptt of Ed., M.D.U Rohtak

The following candidates were interviewed:

1. Dr. (Mrs.) Vandana Rana D/o Sh. Raj Singh
2. Mrs. Sunita Dahiya D/o Sh. S.M. Dahiya Singh
3. Mrs. Sumitra Devi D/o Sh. Dalip Singh
4. Dr. Shakuntal D/o Sh. Gian Chand
5. Mrs. Sushma D/o Sh. Dayanand Dalal

The selection committee recommended the following candidates in order of merit for appointment to the post of Lect. in Education Technology against vacant post.

1. Dr. (Mrs.) Sumitra Devi D/o Sh. Dalip Singh
2. Dr (Mrs.) Vandana kana D/o Sh. Raj Singh
3. Mrs. Sushma D/o Sh. Dayanand Dalal

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10. In this context, coming to the constitution of the selection committee about which a complaint of aa prospective candidate Dr. Mrs. S. Sexena, H. No.13, New Munirka, New Delhi (Page: 33-36) was lodged to the Hon'ble Chancellor/ Governor, Haryana, with a copy to the Commissioner & Secretary Education Deptt duly received in Director Higher Education Office on 20.01.97, questioned the appointment of subject expert as member of selection committee for the post of "Lecturer in Educational Technology", Dr. B.S Dagar, Reader, Dept. of Education, MDU Rohtak who himself did not studied this subject of Educational Technology, and thus he is not a specialised teacher even qualified in Educational Technology so as to act as an Expert and it was incumbent upon him to recuse himself. Thus constitution of such selection committee appears unsustainable & not considered as legal one, and the selection made becomes null & void. No record is available as to how this complaint was disposed of consequently as there is no rebuttal of the Principal to the Director.
 11. Surprisingly, the Appointment letter without any rider/precondition of approval of appointment by the University imposed & was issued to Smt Sumitra Devi with undue haste on the same day i.e 11.12.95 (Page: 37) just to favour her. Prior approval of her appointment from the competent authority i.e VC of Affiliating University was not taken by the President of Governing Body of BPS college of Education, Khanpur Kalan, nor the condition of subject to approval of VC incorporated in her appointment letter which was essential because of prevailing circumstances of her controversial selections, not only of regular selection made on 11.12.95 but also of her ad-hoc/temporary selection made on this Educational Technology post on 15.12.94 when she had to be relieved by the Principal on 31.03.95 in absentia. Such selections now also made smacks of malafide intentions to favour her, in any case.
 12. Following the issuance of her appointment letter as "Lecturer in Educational Technology", she submitted her joining report on 12.12.95 (FN) to the Principal, BPS College of Education Khanpur Kalan & joined as such on the post (Page: 38).
 13. College Teacher's Return for the post of "Lecturer in Educational Technology" was sent by the Principal of the college to the University for seeking the approval of such appointment so made of Smt Sumitra Devi on the next day of her joining on 13.12.95 (Page: 39)
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14. The university made a back reference to the Principal of the college to send a detail reply as to whether the sanctioned post is of "Lecturer in Educational Technology" or of "Lecturer in Education" and whether regular or temporary, vide its letter CB-III/96/2194 dt 19.4.96 (Page: 40), which was obviously essential to approve such appointment.
 15. The Principal vide its letter no. 1947/TC/F-1 dt 9.5.96 (Page- 41) rightly replied to the University regarding the creation of the post of "Lecturer in Educational Technology" by the DHE letter dt 17.10.88. And further stated that the post is on regular basis and was filled up after the selection of the candidate by properly constituted selection committee, which appears a wrong reply as per the deliberations made in the preceding paras above. There has been concerted effort on the part of beneficiary Smt Sumitra Devi and College Authorities with malafide intention and design to sabotage the fair & transparent selection process for the post of "Lecturer in Educational Technology" which was specifically and purposefully created for specialised Teacher and thus the college issued a manipulated and vague appointment letter to her.
 16. Therefore Competent Authority i.e the Vice Chancellor of the Affiliating MD University of BPS College of Education Khanpur Kalan issued order vide CB-III/96/3636 dt 1.7.96 (Page: 42) while rejecting outrightly the approval of appointment of Smt Sumitra Devi as "Lecturer in Educational Technology", since she has neither studied the subject of Educational Technology at M.Ed./ M.Phil. level nor her area of Ph.D. (Cooperative learning) falls under the area of Educational Technology. In fact, these are the speaking orders, which cannot be rebutted with any stretch of imagination. The Principal conveyed these orders to the Gen. Sec. of the Governing Body who ordered " She (Dr. Sumitra Devi) will continue and have no dues on college till further orders". Smt Sumitra Devi noted these and on the back side of these orders recorded that "I will not claim any kind of dues against my post and salary till further orders". No record was made available from any file of the College and her personal file as to whether these orders were obeyed or not ?
 17. However, the Principal of the collage represented to the University vide letter dt 05.07.96 (Page: 43-44) pleading the main issue that Educational Technology at M Ed/ M Phil level or PhD in Educational Technology are not part of essential qualification prescribed by your University for the said post. This contention is

wrong because the post of Lecturer in Educational Technology was specifically got created by this very Principal herself vide letter dt 3.9.98 when it was stated that educational technology is a newly introduced compulsory subject which only a specialised person can teach, as per para 2 & none else. Therefore, Smt Sumitra being not specialised teacher can not be appointed. As such, complete selection process so adopted was fraudulent right from calling for interview all candidates without any scrutiny of Applications done. Infact incumbent Dr Sumitra Devi was ineligible, composition of selection committee was questionable as the so called subject Expert was not the qualified one in the concerned subject of Educational Technology as per the complaint of Mrs. Saxena cited in preceding para. The allegations levelled in the complaint of Mrs Saxena were never refuted by the College Principal as per the record made available/shown by the university and defendant Dr. Sumitra Devi on the day of hearing on 3.11.23 where due opportunity to her was given to defend her appointment. Placing Smt Sumitra at top of merit list without specifying any interview marks is arbitrary, and thus so is issuance of appointment letter. These points have already been considered in preceding paras from 2 onwards.

18. In this context, reminder after reminders were issued by the Principal for approval of appointment to University and latest was of dt 7.9.96 (Page: 45) which shows that the college was so keen to accommodate her on extraneous reasons/grounds.
19. The regular VC, Sh. Vivek Sharma being the Competent Authority, reiterated his earlier orders dt 1.7.96 clarifying that she does not possess specialisation of Educational Technology at M Ed/ M Phil/ Ph D level vide his orders issued CB-III/96/5552 dt 20/30.9.96 (Page: 46) for the post. Such orders are perfect and expected orders but these 10 days time after putting the dispatch no. on 20th instant and then issuing the same on 30.09.96 suggesting that beneficiary might have tried to get such orders annulled. Such dates of dispatch 20/30 Sept., 96 smacks of nothing but contemplating to manage the rejection orders concerning Smt Sumitra Devi approval, which they failed to get before. However, the management of the college which was a privately managed institution under grant in aid scheme of State Govt., rather than relieving her from the job, still continued her with job.
20. As a consequences of that, the Principal of the college vide his letter 2058/TC/F-5 dt 5.10.96 (Page: 47-48) continued to write to the University alleging the condition

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of imposing the qualification of specialization of Educational Technology for the said post utterly untenable on frivolous grounds (i) hypothetical conditions, which is basically wrong. Infact these were realistic in accordance with the letter & spirit with which post so created as per recommendation of the Principal itself. (ii) a letter unsigned stated to be written by simply a HOD (Education) who is other wise not a competent authority to do so, and (iii) V C nominee's presence, who otherwise miserably failed to perform his assigned duty of fair selection of only eligible candidate resulting in issuance of manipulated illegal appointment letter, which was outrightly rejected & not approved by the regular concerned VC vide his orders dt 1.7.95 and 20/30.9.95 so issued in this regard as cited in the previous para. The version of the principal stated vide letter dated 5.10.96 was never acceded to by the university as being unjustified and unreasonable.

21. Surprisingly considering the above letter dt 5.10.96 of Principal submitted to the University in para-above, and the Teacher's Return of Smt Sumitra Devi, the Principal was informed that Vice Chancellor, who was actually Officiating the office of the V.C from 22.11.96 to 25.2.97, vide his letter no. CE-III/96/7405 dt 29.11.96 (Page: 49) i.e just with in a weak of assuming the new charge, approved her appointment as "Lecturer in Education" w.e.f 15.12.94 to 31.3.95 on temporary basis and w.e.f. 12.12.95 on regular basis. It is strange that neither the letter of 5.10.96 nor the Teacher's Return form mentions about such approval of her ad-hoc/temporary appointment made from 15.12.94 to 31.3.95 on any of the post like "Lecturer in Educational Technology" by the college, which reflects that approval of this period has been given purely on extraneous considerations, because her salary might not have been dispersed, which is a ploy to get that. And further, how an acting/officiating Vice-Chancellor Dr. L N Dahiya, can overrule, modified, or review arbitrarily the rejection order of the approval of appointment of Smt Sumitra on the post of "Lecturer in Educational Technology" duly issued by a Regular Vice Chancellor, Sh Vivek Sharma, that too, with speaking orders so issued to justify the same. It is strange that the post vacant was of "Lecturer in Educational Technology", which was duly advertised on both the occasions in the year 1994 & 95, that resulted in selection & appointment of an ineligible candidate Smt Sumitra Devi on this post illegally (who was otherwise eligible for another post of Lecturer in Education only being the generic & not specialised, post). Principal of Collège, sent Teacher's Return for approval of appointment so made

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for regular post only & not the ad hoc made in 1994, of Educational Technology, being the specialised subject. At this stage, the question about the role of V.C is simply to determine whether the appointment so made is genuine or not? if genuine, its approval is granted and if not, approval of appointment is not made or refused specifying the reasons thereof i.e with speaking orders (which had already been done by the regular VC on 2 occasions). But the Acting VC Dr Dahiya over stepped his authority. He wrongly approved her appointment as Lecturer in Education, not only for regular appointment, but also of her Ad hoc service, for which no request ever made. Dr Dahiya approved her appointment on a non-existent post of "Lecturer in Education". There was no vacant post of lecturer in education under grant -in -aid scheme at that time in BPS College. There was only one single sanctioned post of lecturer in education which was already occupied by Dr Renuka Sharma. Such type of approval of appointment given to her on a different post, for which she was actually eligible, amounts to a back door entry into the service, for which the post was never advertised. Thus, this letter dt 29.11.96 so procured from VC office was a fraudulent document so created to claim unauthorize regular salary, and other service benefits and it is on this account, Smt Sumitra Devi at some place uses her designation of Lecturer in Educational Technology and at other places as Lecturer in Education depending upon the situation to mislead concerned quarters, at her will for illegally claiming benefits.

22. In this context, a Complaint by another prospective candidates Sh. Dharam Pal & Sh. Ram Parshad was lodged against wrong approval for Lecturer ship to Smt Sumitra Devi to the Director Higher Education, Haryana received on 12/12/96, which was sent to Principal, BPS college of Education Khanpur Kalan for comments (Page: 50-51) alleging that post of Lecturer in Educational Technology was actually advertised by BPS Collège of Education, for which only few candidates applied including Smt Sumitra, whose husband Sh. Ram Kumar Jatain is working as Supdt in the University and he got her selected as Lecturer in Education, whereas the post advertised was of Lecturer in Educational Technology, and moreover, she has not studied the subject of Educational Technology at M Ed level. Her approval as Lecturer in Educational Technology was denied by Sh. Vivek Sharma, Vice Chancellor twice as she had not studied the subject of Educational Technology. Now her husband, who has earned lacs of rupees in B Ed course approval and also

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built a Kothi in Sec-1, Rohtak, is trying to get approval of his wife by the new Vice Chancellor, Mr. L N Dahiya by spending money. He has spent lot of money during the agitation against the VC, Sh Vivek Sharma for his removal. She, thus may not be approved as Lecturer in Education. Such irregularities of the selection has been done in connivance with the University Authorities. Since no noting file of such approval was made available, so the complete chain of the persons involved could not be ascertained.

23. On such complaint, comments given by the Principal vide letter TC/F-5/2057 dt 21.1.97 (Page: 52) are that selection of Smt Sumitra has been made by duly constituted selection committee wherein representative of University & Govt were present and the approval of her appointment was made by citing above University letter no. CB-III-96/7405 dt 29.11.96, which is otherwise illegal and misleading. As discussed in earlier Paras, the selection process was completely fictitious. On this complaint, the DHE made a back reference vide letter dt. 18.2.97 (Page: 53) demanding the date & proceedings of selection committee which were supplied vide letter dt 6.3.97 (Page: 54). Further, fate of this complaint is not available on the record so supplied.
24. Following the said so called approval of appointment of Smt Sumitra Devi as Lecturer in Education issued vide letter no. CE-III/96/7405 dt 29.11.96 and after completing two year of service, she wrote an undated letter to the Principal of College (Page: 55) requesting for confirmation of her service stating that she was very kindly appointed by your authority (thereby putting whole blame on University) as Lecturer in Education in your college w.e.f 12.12.95, and working honestly and efficiently since then. However, further record of disposal of this letter about her confirmation is not available.
25. Despite being junior to three other Lecturers, Smt Sumitra Devi got herself appointed as acting Principal of the College, establishing thereby her further nexus with the college management, vide endorsement order no. 1077-79/PS dt 19.12.2003 to 10.08.2007 (Page: 56-58). During this period, she was the custodian of the whole record and such non availability of records reported in various paras is directly attributable to her. Scrutiny of her personal file revealed that record has not been maintained date-wise, with page marking done subsequently and in a most unsystematic manner the index of which prepared a few year ago, not concurrently. Since correspondence pages in the personal file of Smt Sumitra Devi
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have not been arranged date wise, so it is not possible to tell about the missing papers, which can be taken out of the file by the custodian of the record, which were otherwise contrary to her interest. So the absence of the application form of Mrs. Sumitra Devi along with other records could be the actual reason behind this been custodian .

26. So far as the inquiry report of Professor PC Patanjali dt 10.06.19 and 10.12.19 (Page: 59-60) is concerned, the same was conducted superficially & in a casual manner by not calling the complainant Sh. Sultan Singh. He, thus ex- party, made out and examined two issues. The first issue was about the degrees of Smt Sumitra Devi. She on the date of hearing 03.11.2023 so fixed brought all her degrees, with which complainant was confronted and he was duly satisfied with the genuineness of such degrees. She submitted the photocopy of her Pre university, BA part 1 degrees (Page: 61-62) which were causing suspicion about the final BA degree, and that of M Ed. (Educational Technology) as additional subject passed by her later on in Dec 1998 (Page: 63), not submitted earlier. Thus first issue settled. However, about her late producing of additional qualification of M Ed in Educational Technology after ^{more} three years of her appointment justify the averment made by the complainant that she was very well aware of her ineligibility already and thus obtained this degree secretly to fill up this lacuna in her selection later on. The second issue was of whether the post, on which Smt Sumitra Devi was initially appointed on 12.12.95 was duly sanctioned by the Directorate of Higher Education Haryana? To which Prof Patanjali reported-

The post was duly sanctioned by the Directorate of Higher Education vide letter no. 20/1-87C II (4) dt 17.10.88(copy enclosed at Annexure 3). This is absolutely correct so far as the sanctioning of the post is concerned. But the post so sanctioned was that of Lecturer on Educational Technology, not that of Lecturer in Education.

But in her case, there was lot of bungling in her selection process for the post on which so called her selection made. For this to understand, it would be worth while to go into whole background of the case. The Department of Education or a College, imparting training to prospective Teachers , comprise of 3 categories of Teachers-

- (i) Lecture in Education, meant for generic/general purpose
- (ii) Lecturer in specific subjects, like Physics/Biology/Economics/Hindi/English etc, and

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- (iii) Lecturer in Educational Technology, introduced recently possessing specialised qualification in subject of Educational Technology

On the recommendation of Principal that Educational Technology, newly introduced compulsory subject which only a specialised person can teach, the DHE sanctioned this one post of Lecturer in Educational Technology vide his letter dt 17.10.88. Obviously, it was not meant for an ordinary teacher like Smt Sumitra Devi, who had no specialisation in the subject of the Educational Technology. In the month of August, 1995 one such regular post of Lecturer in Educational Technology was advertised in the press for BPS College of Education. 9 candidates applied including Smt Sumitra Devi. She was otherwise ineligible but with vested interest, still her interview conducted on 11.12.95. It was strange that the interview letter put the condition of determining eligibility on the candidates himself/herself so as to avoid any blame on the College administration. In this interview, Smt Sumitra was selected illegally being ineligible and appointment letter also issued without any rider/conditions of approval on the same day and she joined on this post of Lecturer in Education Technology on 12.12.95 immediately. Her Teacher's Return sent next day for approval of appointment to the affiliating MDU Rohtak, approval of such irregular appointment was not given & rejected outrightly by the regular VC with speaking orders dt 01.07.96 (Page 42) of not possessing requisite qualification of Educational Technology. On subsequent representations, the VC naturally reiterated his earlier orders of rejection vide his orders dt 20/30.09.96. But still other representations made without any relevant rhymes and reasons. In collusion with vested interests, the acting VC issued a letter dt 29.11.96 stating that *the VC approved her appointment as Lecturer in Education w.e.f 15.12.94 to 31.03.95 on temporary basis and w.e.f 12.12.95 onwards on regular basis.*

Such letter issued is vague and fictitious and not genuine, on account of -----

- a. *There existed no sanctioned vacant post of Lecturer in Education, being pre occupied by Dr. Renuka Sharma*
- b. *The post of Lecturer in Education was neither advertised nor selection made nor the appointment letter of this post issued*

- c. No Teacher's Return of approval of appointment as Lecturer in Education post from the Principal of the College was ever sent & pending with the VC office, on which such approval letter can be issued
- d. The regular VC has already settled the issue once for all the pending issues of Teacher's Return of Smt Sumitra Devi for an approval of her appointment as Lecturer in Educational Technology Post so advertised & filled up with her appointment, with the passing of speaking orders of not possessing the specialised qualification of Educational Technology, hence not eligible for the post on which she appointed. These order were never challenged before the Competent Authority i.e Chancellor nor in the Court, thus attaining finality.
- e. Thus a simple communication, that too, from acting VC dt 29.11.96 cannot superseded the speaking orders duly issued by the regular VC
- f. About the actual intention behind letter dated 29.11.96, so issued within a week's times of unsettling of regular VC due to agitation launched by the vested interests contrary to their interest, including Sh. Ram kumar Jatian, the husband of Smt Sumitra, as per the complaints lodged and averments and statement of complainant made, was to give financial and other service benefits to Smt Sumitra Devi. The benefits of temporary service w.e.f 15.12.94 to 31.03.95 given, that too of on the post of Lecturer in Education, for which she was not issued any experience by the college rather an experience certificate was issued by the college for the post of lecturer in educational technology. The orders dated 29.11.1996 by the then officiating vc for approving the temporary service of Dr. Sumitra Devi from 15.12.94 to 31.3.95 on the post of lectuer in education is basically wrong, given merely on extraneous consideration and not demanded in Teacher's Return form. The approval of her appointment as Lecturer in Education was not asked for in Teacher's Return at any time. Then such letter tantamount to a back door entry of Smt Sumitra Devi which was misused by her, knowingly fully well that she was never appointed as Lecturer in Education post as conveyed to her by the acting VC by endorsement of letter dt 29.11.96 .
- g. And at the same time, ^{Dr Patanjali was} also fully aware of rejection of her actual appointment letter on the sanctioned post of Lecturer in Educational Technology, due to her ineligibility, vide regular VC orders Endorsements so conveyed dt 1.7.96 and 20/30.09.96. So the pleadings of Dr. Patanjali without considering these two

orders of a regular VC & continuous disbursement of pay from grant-in-aid scheme of the post is absolutely erroneous, and not sustainable.

- h. Even otherwise, the law is well settled that the successor in office does not have the Jurisdiction to review or modify the order passed by its predecessor. In this regard, reliance, can be placed upon a judgement rendered by the Supreme Court in Vinod Kumar v/s State of Haryana and others 2014(1) SCT 312 and by Punjab and Haryana High Court in CWP no. 137944 of 1995 tiled as Balvinder Singh v/s State of Punjab and others decided on 17.05.2017.

27. Considering the facts and circumstances of this case, neither her appointment on the post of Lecturer in Education Technology is valid/ legal due to her ineligibility, nor the approval of her appointment as Lecturer in Education, due to non-existence of such sanctioned post and other factors. Thus while misleading & mispresenting the fact of ineligibility for the post and non-existence of the post for the claiming and payment of salary etc. and other consequential benefits are questionable and unjustified and such issues hardly arise. Existence of sanctioned post is absolutely essential condition for the disbursement of pay as conveyed by the Director Higher Education vide letter dated 5.12.95 (Page: 30) , and consequently the pension as well of the employee which is the primary responsibility of Accounts Section and its Audit branch, which have been dealt with in a most irregular and scammed manner in this case of Sumitra Devi in BPS College, right from its inception when it was a Govt Aided pvt institution to its taking over ultimately by the BPS University. It was the Head of Department of Education, Dr. Sandeep Berwal who was the first one to put up his note of dissent on 14.09.10 which was over looked in a 3 members committee's decisions constituted by a VC to sort out the issue of release of her pay by the majority of 2 (Dr. Vimal Joshi HOD Law and Sh. J. K. Sharma Assistant Registrar (Estt.)) to 1, regarding release of her pay and seeking clarification from MD University Rohtak about her approval dt 29.11.1996 so given by acting VC Dr. L N Dahiya (**Page: 72 of Page 64-73**) and no further record has been made available from MD University Rohtak in this regard except that following issuance of so called her approval of appointment on a known existent Lecturer in Education post given by acting V C, Dr Dahiya dt 29.11.1996 while concealing his predecessor's speaking order passed retreated its regular V C, setting aside the illegal appointment so made of Smt Sumitra Devi on account of her ineligibility for the post of Lecturer in Educational Technology, thus her first salary bills of her temporary appointment (from 15-12-1994 to 31-03-1995) and that of regular appointment from 12.12.1995 which were claimed after a lapse of more than a year and got the amount deposited in her personal account after being prepared by the Principal fraudulently and got

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passed from the Dy. Director in the office of the Director, Higher Education Haryana under the Grant -in-Aid scheme as per the prescribed Performa present in the past Pay Bill Register (Page-74-87). In this undated pay bill claim of her temporary service rendered starting from 15.12.1994 to 31.03.1995 (Page- 74), there was clear cut embezzlement of one day's salary of 15-12-1994, as the timing of interview was at 12 noon itself, and on that very day of joining would therefore be in the afternoon, and thus no salary was admissible, which otherwise continued to be given for the whole period under Grant-in-Scheme, despite approval of her appointment was of a different post i.e Lecturer in Education, whereas the vacant post so advertised & duly sanctioned, was of Lecturer- in - Educational Technology as per the typed pay bill claims made by the O/o of Principal in the Performa (Page-74). Salary bill of entire period cleared & given from Grant-in-Aid scheme, despite her approval of appointment made on a non-existent post, 'Lecturer in Education' vide the MDU letter dt 29.11.1996 as mentioned in the letter but not recorded so in the pay bill Performa, which is violative of DHE letter dt 5.12.1995 (Page 30) so issued.

The modus operandi of claiming her first pay bill of so called regular services starting from 12.12.1995 was that, as soon as the illegal approval of her appointment issued by the acting V C Dr. Dahiya vide letter dt 29.11.1996, as 'Lecturer in Education' (non existent post), instead of 'Lecturer in Educational Technology' (duly advertised post) received in the college, immediately after that, process of claiming the salary of Smt. Sumitra Devi initiated by the Principal of the college, while preparing a manipulated pay bill (Page-87) concealing and suppressing the vital facts, in order to claim her salary in fraudulent manner. Firstly, at the top of this bill, after her name Mrs Sumitra Devi, the designation simply of Lecturer typed while concealing subject of the post- whether 'Lecturer in Education' or 'Lecturer in Educational Technology'. Secondly, under the column 3, of Designation with subject & teaching, the designation had been deceptively depicted as Lect-in-Edu instead of 'Lecturer in Educational Technology', by scrubbing with pen ink there on the last words of Technology under the second line, so as to appear as Lect-in Edu, for the lonely post of 'Lecturer in Education', for which Smt. Sumitra Devi was actually eligible. This was done in order to claim & embezzle full salary of about one year in one go just to favour Smt. Sumitra Devi, simulating with the actual approval of officiating Vice Chancellor dt 29.11.1996 as that of the post of 'Lecturer in Education' (being non existent, pre occupied) and the fact of sanctioned post of Educational Technology is completely concealed. Thirdly, under column 2 of the Performa, where merely 'Appointment approved vide MDU letter No.' alone was got typed without specifying the name of the post, and letter no. left blank therein, which is hand written, may be subsequently written at the time of passing of the bill at the level of DHE office under a conspiracy, or later on when Smt. Sumitra Devi was the custodian of whole record

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acting as Principal as discussed earlier in the preceding paras. Dr. Dahiya over stepped his authority in issuing such approval letter as 'Lecturer in Education', the post of which neither existed, nor advertised and already filled up by Dr. Renuka Sharma, as is evident from the pay bill of February 1996 (Page-77), in which approval of post of 'Lecturer in Educational Technology' was also shown awaited against Mrs. Sumitra Devi's name. This manoeuvring of Bills was done to favour Smt. Sumitra Devi so as to start getting her pay regularly. Similar was the state of affairs so far as her pay bill of temporary appointment from 15.12.1994 to 31.03.1995 is concerned. Despite such irregularities existing, her salary bills were passed hassle free in one go for obvious reasons.

The motive behind such irregularity was to give regular appointment with salary to Smt. Sumitra Devi by hook and crook, when she was actually qualified for the post of 'Lecturer in Education' only, but the post available/sanctioned/advertised was of 'Lecturer in Educational Technology'. Somehow, she was appointed as 'Lecturer in Educational Technology' despite being ineligible by the management of the college and the approval of the appointment was not given by the university on the 2 consecutive occasions. Following this, acting V.C approved her appointment as 'Lecturer in Education', the post which was not available and already occupied by another Lecturer of the same subject. Then how can such salary bills of Smt. Sumitra Devi pertaining to her past temporary service and current regular appointment can be moved and then the bill passed? on the contrary her pay bills were passed amount of which credited in her account.

It is beyond comprehension that such gross irregularity would continue to be done not only from months to month, but also from years together, till superannuation going unnoticed, unless there had been a nexus operating in the system of Grant-in Aid. This may not be a solitary case of such irregularity but others may be going on now. Therefore it, would be desirable to get the special audit of whole of the Grant-in Aid scheme done at state level to assess the actual pilferage of State Exchequer. Secondly, system of issuance of blanket appointment letters by Pvt. Institutions just after interview should be banned all together, until approval of affiliating University so taken. However, in case of exigency, the rider of such approval should be imposed in the terms and conditions of Appointment letters so issued.

To find out as to where, how and by whom, such tempering with of records committed and how her original Application of Regular job and noting files records not available, and beyond my scope of inquiry, being a matter of criminal investigation by investing agency to be headed by a officer of repute and impeccable integrity, so that a right message go to the public to refrain from committing such corrupt practices in future.

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From the findings based on the facts narrated above, I am of the opinion that Smt Sumitra Devi and her husband Sh. Ram Kumar Jatyan, while working as Supdt. and retired subsequently as Dy. Registrar MD University Rohtak, hatched a well-knit criminal conspiracy, in collusion with Smt Sharda Sharma, the then the Principal & the Management of a Govt aided Private B.P.S. College of Education, Khanpur Kalan (Sonapat) and Dr. L N Dahiya, the then officiating Vice Chancellor of the affiliating MD University, Rohtak, with flagrant disregard to the system, resorted to abuse of power by giving the illegal approval on 29-11-1996 of her initial appointment as 'Lecturer in Education' during earlier recruitments made in the year 1994 and 95, when neither such post of 'Lecturer in Education' advertised nor existed (the sole sanctioned post of 'Lecturer in Education' in the college was already occupied by Dr. Renuka Sharma). While doing so, Dr. Dahiya subverted the earlier orders dt 01.07.1996 and 20/30.09.1996 duly passed by his predecessor, regular Vice Chancellor rejecting her approval of an illegal appointment as 'Lecturer in Educational Technology' due to her ineligibility, made by above said private college, which was also otherwise not permissible under the settled law of the land that **successor in office does not have the jurisdiction to review or modify the order passed by its predecessor.** The manner in which this whole issue of recruitment of an ineligible teacher Smt. Sumitra Devi processed by the college from its advertisement smacks of mala fide intention, which is not in consonance with the spirit of National Council for Teachers Education Act.

Such actions of officers holding public assignments amounts to grave criminal misconduct while in service, resulting thereby putting a huge burden on the State Exchequer in the form of salary and other consequential benefits arising out of seeking such fraudulent appointment and then continuing illegally on the public post drawing salary throughout till her retirement and still continuing as pensioner.

DA: As above

Wky - law
5/11/2024
(Dr. D R Yadav)

Inquiry Officer

Medico-Legal Advisor to Govt of Haryana

& Director PGIMS Rohtak (Retd)

696/28, Subhash Nagar, Rohtak

78th meeting of Executive Council held on 06/03/2022

(Action by DR, ET)

11. To consider & approve the report of the Fact Findings Enquiry submitted by Dr. D.R. Yadav, Inquiry Officer appointed by the Vice-Chancellor vide letter No. BSMV/ET-1/22/682 dated 30.05.2022 to enquire and resolve the pension case of Dr. Sumitra Devi, Associate Professor (Retd.)

The report of the Enquiry Officer was considered by the House and it was resolved that the legal opinion from the Advocate General, Haryana be sought and further action be initiated accordingly.

(Action by DR, ET)

IV

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30/11/2023

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[Signature]
30/11/23

Supdt. O/S
Asstt. II
[Signature]
30/11/23

From

Director Higher Education, Haryana,
Panchkula.

To

The Registrar,
Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan,
District Sonapat.

Memo No. 7/29-2016 UNP (1),
Dated Panchkula, the 28/11/2023

Subject:- Complaint made by Sh. Sultan Singh, G-2/1 BPS Mahila Vishwavidyalaya, Khanpur Kalan against the appointment of Dr. Sumitra Devi, Lecturer in Education, Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan.

Kindly refer to the subject cited above.

I have been directed to inform you that Sh. Dr. D.R. Yadav, Medico Legal Advisor to Govt. Haryana & Director PGIMS, Rohtak (Retd.) was appointed as enquiry officer without any intimation to this office.

Further, it is also directed that this office has already been appointed an enquiry officer in the subject cited matter vide memo No. 7/29-2016 UNP(1) dated 25.08.2023 and enquiry is under consideration of this office.

It is therefore requested to remove Sh. Dr. D.R. Yadav as enquiry officer in subject cited matter with immediate effect with intimation to this office.

[Signature]
Superintendent UNP,
for Director Higher Education,
Haryana, Panchkula

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Bhagat Phool Singh Mahila Vishwavidyalaya
Khanpur Kalan (Sonapat), Haryana-131305
(A state University established by an Act 31 to 2006)
('B++' Grade University Accredited by NAAC)

Ref No. BPSMV/ET-II/23/ 5468

Dated: 7/12/2023

To,

The Director General,
Higher Education, Haryana,
Shiksha Sadan Sector-5,
Panchkula (Haryana)

Sub: Complaint made by Sh. Sultan Singh, G-2/1, BPSMMV, Khanpur Kalan against the appointment of Dr. Sumitra Devi, Lecturer in Education, BPSMV, Khanpur Kalan (Sonipat).


Sir,

Kindly refer to your office Memo. No. 7/29-2016 UNP (1) dated 28.11.2023 on the subject cited above.

I am directed to inform you that Dr. D.R. Yadav has been appointed as Enquiry Officer by the University to enquire and resolve the pension cases of Dr. Sumitra Devi, Associate Professor (Retd) and Prof. Vimal Joshi (Retd.) (Copies attached). Further, the copy of Memo No. No. 7/29-2016 UNP (1) dated 25.08.2023 vide which an Enquiry Officer has been appointed by your office in the subject cited matter has not been received in this University.

Therefore, you are requested to kindly supply the copy of letter under which Enquiry Officer has been appointed by your office in the subject cited matter as the same has not been received by the University. However, in the light of circumstances explained above, the office may be advised whether the University may continue in the process of the Enquiry or the University shall have to stop / freeze the issue as conveyed vide letter dated 28.11.2023.

Thanking you,


Deputy Registrar (ET)
for Registrar

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Inquiry
On 07.05.2024 at 11:00

From

Director General Higher Education,
Haryana, Panchkula.

To

The Registrar,
Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan,
District Sonipat.

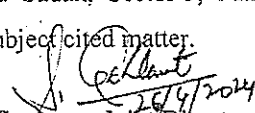
Memo No: 7/29-2016 UNP (1)
Dated, Panchkula, the 26/4/2024

Subject:- Fact Finding Committee constituted for conducting inquiry in to the complaint made by Sh. Sultan Singh against Smt. Sumitra Devi, Lecturer, BPS Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat.

Kindly refer to your letter No. BPSMV/ET-II/23/5468 dated 07.12.2023 on the subject cited above.

It is inform you that a Fact Finding Inquiry has been entrusted to the undersigned for conducting enquiry into the complaint made by Sh. Sultan Singh. H. No. G-2/1 against Smt. Sumitra Devi, Lecturer, BPS Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat dated 25.04.2016 related to appointment on the post of Lecturer in Education in BPS College of Education, Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat.

You are, therefore, requested to depute a well conversant officer/official in the matter who present in the office of the Inquiry Officer, Ground Floor, Shiksha Sadan, Sector-5, Panchkula on 07.05.2024 at 11:00 AM with all details/ documents pertaining to the subject cited matter.


Inquiry Officer cum Joint Director,
for Director General Higher Education, Haryana,
Panchkula

Endst. No. 7/29-2016 UNP (1)

Dated, Panchkula, the

A copy of the above is forwarded to Sh. Sultan Singh. H. No. 2, first floor, CRSU Campus, Jind, 126102 with the request to attend the hearing in the office of the Inquiry Officer on 07.05.2024 at 11:00 AM.

-sd-
Inquiry Officer cum Joint Director,
for Director General Higher Education, Haryana,
Panchkula

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Inquiry

On 26.06.2024 at 11:30 AM

From

Director General Higher Education,
Haryana, Panchkula.

To

The Registrar,
Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan,
District Sonipat.


Memo No: 7/29-2016 UNP (1)
Dated, Panchkula, the 12/6/2024

Subject:- Fact Finding Committee constituted for conducting inquiry in to the complaint made by Sh. Sultan Singh against Smt. Sumitra Devi, Lecturer, BPS Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat.

Kindly refer to the subject cited above.

It is inform you that a Fact Finding Inquiry has been entrusted to the undersigned for conducting enquiry into the complaint made by Sh. Sultan Singh. H. No. G-2/1 against Smt. Sumitra Devi, Lecturer, BPS Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat dated 25.04.2016 related to appointment on the post of Lecturer in Education in BPS College of Education, Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat.


You are, therefore, requested to depute a well conversant officer/official in the matter who present in the office of the Inquiry Officer, Ground Floor, Shiksha Sadan, Sector-5, Panchkula on 26.06.2024 at 11:30 AM with all details i.e. approval issued by the Department of Higher Education regarding selection of Smt. Rama Tyagi, Lecturer in Education Technology, Approval of Department of Higher Education regarding selection of Smt. Sumitra Devi, Service Book Smt. Sumitra Devi alongwith personal file of pertaining to the subject cited matter.


Inquiry Officer cum Joint Director,
for Director General Higher Education, Haryana,
Panchkula

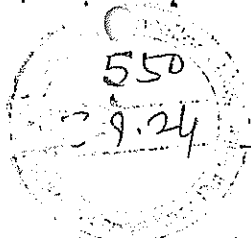
Dated, Panchkula, the

Endst. No. 7/29-2016 UNP (1)

A copy of the above is forwarded to Sh. Sultan Singh. H. No. 2, first floor, CRSU Campus, Jind, 126102 with the request to attend the hearing in the office of the Inquiry Officer on 26.06.2024 at 11:30 AM..


Inquiry Officer cum Joint Director,
for Director General Higher Education, Haryana,
Panchkula

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5/9/24

Inquiry On 10.09.2024 at 03:30 PM

From

Director Higher Education,
Haryana, Panchkula.

To

The Registrar,
Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan,
District Sonipat.Memo No: 7/29-2016 UNP (1)
Dated, Panchkula, the 29.08.2024

Subject:- Fact Finding Committee constituted for conducting inquiry in to the complaint made by Sh. Sultan Singh against Smt. Sumitra Devi, Lecturer, BPS Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat.

Kindly refer to the subject cited above.

It is inform you that a Fact Finding Inquiry has been entrusted to the undersigned for conducting enquiry into the complaint made by Sh. Sultan Singh. H. No. G-2/1 against Smt. Sumitra Devi, Lecturer, BPS Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat dated 25.04.2016 related to appointment on the post of Lecturer in Education in BPS College of Education, Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, Sonipat.

You are, therefore, requested to depute a well conversant officer/official not below the rank of Assistant/Deputy Registrar in the matter who present in the office of the Inquiry Officer, Ground Floor, Shiksha Sadan, Sector-5, Panchkula on 10.09.2024 at 03:30 PM with all details regarding selection of Smt. Sumitra Devi alongwith all record pertaining to the subject cited matter.

V. Gellant
Inquiry Officer cum Joint Director,
for Director Higher Education, Haryana,
Panchkula

Endst. No. 7/29-2016 UNP (1)

Dated, Panchkula, the 29.08.2024

A copy of the above are forwarded to the following for information and necessary action:-

1. Sh. Harpal Singh, CAO, HQ.
2. Dr. Ajit Singh, DD, HQ.
3. Sh. Rohan Gupta, ADA, HQ.

Sd/-
Inquiry Officer cum Joint Director,
for Director Higher Education, Haryana,
Panchkula

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PROCEEDINGS OF THE 81TH MEETING OF THE EXECUTIVE COUNCIL (EMERGENT)
HELD ON 13/09/2024 AT 12:00 Noon THROUGH BLENDED (PHYSICAL AND ONLINE)
MODE IN THE CONFERENCE HALL, ADMINISTRATIVE BLOCK, BHAGAT PHOOL SINGH
MAHILA VISHWAVIDYALAYA, KHANPUR KALAN.

The following were present:-

	Designation	Attended
1. Prof. Sudesh, Vice-Chancellor	Chairperson	Offline
2. Prof. Vijay Nehra Dean, Faculty of Engineering & Technology	-do-	Offline
3. Dr. Suman Dalal, Dean, Faculty of Physical Education	-do-	Offline
4. Dr. Anu Balhera, Dean Faculty of Education	-do-	Offline
5. Prof. Ashok Verma Dean, Faculty of Arts & Languages	-do-	Offline
6. Prof. Ravi Bhushan, Dean, Faculty of Social Sciences	-do-	Offline
7. Dr. Sunil Kumar Dean Faculty of Sciences	-do-	Offline
8. Dr. S.P. Gautam, Dean Faculty of Ayurvedic Medicine	-do-	Online
9. Prof. (Dr.) Sunita Srivastava, Professor, Department of Physics, Central University of Haryana, Mahendargarh	Chancellor's Nominee	Online
10. Prof. Manjula Chaudhary, Director, Directorate of Distance Education, Kurukshetra University, Kurukshetra	-do-	Online
11. Dr. Monika Malik, Associate Professor, Central University of Haryana, Mahendergarh	-do-	Online
12. Smt. Kamla Rani	-do-	Offline
13. Dr. Manju Rani Sharma, Assistant Professor, GCW, Madlauda	-Other -	Offline
14. Prof. Ipshita Bansal, Deptt. of Management Studies	-do-	Offline
15. Dr. Sandeep Dahiya Controller of Examinations	Special Invitee	Offline
16. Prof. Shweta Singh, Officiating Registrar And Dean, Faculty of Commerce & Mgt.	Secretary	Offline

At the outset, the Vice-Chancellor welcomed all the members to the 81th meeting of the Executive Council (emergent) which has been convened at a short notice keeping in view the fact that Dr. Sumitra Devi, Associate Prof. (Retired) has filed a contempt



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petition before the Hon'ble Punjab and Haryana High Court at Chandigarh for releasing her full retrial benefits. Accordingly, as conveyed by the University advocate, the University has to pass a fresh speaking order before the next date of hearing i.e. 25.09.2024.

After the exchange of pleasantries, the formal agenda item with the permission of the Chair was taken up by the Executive Council.

1. To consider the Legal Opinion rendered by Sh. R.D. Sharma, Dy. Advocate General, Haryana on the report of Fact Findings Enquiry submitted by Dr. D.R. Yadav, Inquiry Officer appointed by the Vice Chancellor vide letter No. BPSMV/ET-1/22/682 dated 30.05.2022 to enquire and resolve the pension case of Dr. Sumitra Devi, Associate Professor (Retd.) (Annexure-1, pages 1-2).

The House was informed that Dr. Sumitra Devi was the Associate Prof. in Dept. of Education (erstwhile Institute of Teacher Training and Research) and she retired on 28.02.2019 after attaining the age of superannuation. The University has released the provisional pension to Dr. Sumitra Devi due to pending enquiry being conducted by Dr. D. R. Yadav. It is worthwhile to mention here that Dr. Sumitra had already filed CWP No. 25939 of 2022 praying to release her pension and other terminal benefits. The said CWP was disposed of by the Hon'ble High Court on 15.11.2022 with a direction to the University to take a decision by passing a speaking order upon the legal notice dated 25.09.2022 made on behalf of the petitioner by affording an opportunity of personal hearing to the petitioner. In compliance of the order of Hon'ble High Court, the University passed a Speaking Order vide Endst. No. BPSMV/23/4603 dated 16.10.2023 (pending inquiry being conducted by Dr. D. R. Yadav). However, Dr. Sumitra Devi has filed a contempt petition before the Hon'ble Punjab and Haryana High Court for releasing the full retrial benefits.

Further, the House was informed that earlier Prof. P. C. Patanjali was appointed as Enquiry Officer of fact finding enquiry to enquire the matter of complaint made by Sh. Sultan Singh against Dr. Sumitra Devi, Associate Prof. (Retd.) regarding illegal appointment on a non-existent post and he submitted his report on 10.06.2019 and opined as under:



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"On the basis of enquiry held on 10.06.2019, as far as the degree (s) passed by Dr. Sumitra Devi, Associate Professor (Retd.), matriculation and graduation, it was found that all the relevant certificates were in order and correct. Self certified copies of these certificates are placed at Annexure-I in the Report.

After verification of all the relevant documents, it was found that the post on which she was appointed in College of Education on 12.12.1995 was duly sanctioned by DHE, Haryana was found in order. Then she was absorbed in university."

The above said report had been approved by the then Vice- Chancellor at her own level and was not placed before the Executive Council.

Thereafter, Dr. D.R. Yadav, Medico Legal Advisor to Govt. of Haryana was appointed as fact finding Enquiry Officer vide letter dated 30.05.2022 to resolve the issue of pension in r/o of Dr. Sumitra Devi, Associate Prof. (Retd.). The report of the fact finding inquiry was submitted by Dr. D.R. Yadav on 05.01.2024 and the same was placed before the House in its 78th meeting held on 06.03.2024. The Executive Council in its 78th meeting held on 06.03.2024 vide agenda item no.11, resolved that the legal opinion from Advocate General, Haryana be sought and further action be initiated accordingly. The University requested the Ld. AG, Haryana to render his opinion on the fact finding enquiry report submitted by Dr. D.R. Yadav in compliance of the resolution of the Executive Council.

However, Ld. Dy. AG, Haryana informed that the matter may be decided at the level of the University. Meanwhile, a direction has also been received from the Director, Higher Education Haryana vide letter dated 28.11.2023 that Dr. D.R. Yadav may be removed from the enquiry as an enquiry is already going on in the office of Higher Education, Haryana against Dr. Sumitra Devi, Associate Prof. (Retd.).

Accordingly, after going through the facts of the matter and a detailed deliberation as well as taking into consideration the rule position enshrined in the HCR, 2016 (pension rules), vide Chapter-III, clause 2(b), the House resolved to approve the fact finding report submitted by Prof. P.C. Patanjali. Further, it was resolved that all the retrial benefits in r/o Smt. Sumitra Devi, Associate Professor (Retd.) be released forthwith as she has already retired in February, 2019 (keeping in view the fact that no judicial inquiry is pending and she has never been charge sheeted by the University at any point of time till date as well as there is also no direction from any competent court of law as well as the State Government to withhold the

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terminal benefits in respect of Dr. Sumitra Devi, Associate Professor.) Further, no cognizance was given by the House to the report submitted by Dr. D.R. Yadav in view of the directions of Director Higher Education, Haryana conveyed vide memo no. 7/29-2016UNP (I), dated 28.11.2023.

(Action by DR ET)

The meeting ended with a vote of thanks to the Chair.

Luqesh
13/9/24
Vice Chancellor

Shweta
13.09.24
Registrar cum Secretary

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