

BANARAS HINDU UNIVERSITY
MEETING OF THE EXECUTIVE COUNCIL
TO BE HELD ON 07.06.2019 AT 10.30 am at BHU

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ITEM 18

TO CONSIDER the report of the committee constituted to inquire into the facts of the charges framed against Shri Abhay Kumar Pandey, Law Officer, B.H.U.

NOTE

Shri Harikesh Bahadur Singh vide his letter dated 27.09.2018 informed that Shri Abhay Kumar Pandey appointed on the post Law Officer in B.H.U. was not eligible for the aforesaid post because he attached fraud documents with his application for the above mentioned post. In this connection, a committee under the order of the Vice-Chancellor vide order No. AB/2-A-178/62244-249 dated 25.03.2019 **(Appendix-18A)** was constituted for considering the representation of Shri Harikesh Bahadur Singh, regarding submission of differing information by Dr. Abhay Kumar Pandey at the time of applying for appointment under Compassionate category and subsequently as Law Officer in Banaras Hindu University. Prof. A. Vaishampayan, Vice-Chairman, IQAC was appointed Chairman, Prof. Mallickarjun Joshi, Coordinator, IQAC a Member, Prof. C.P. Upadhyay, Faculty of Law a Member and Dr. S.P. Dhyani, Dy. Registrar (RAC) the Member Secretary. In suppression to Office Order No. AB/2-A-178/62244-249 dated 26.03.2019, the Vice-Chancellor reconstituted the committee vide Office Order No. AB/2-A-178/4708 dated 27.04.2019 with the change only in appointing Prof. R.K. Murali, Faculty of Law a Member in place of Prof. C.P. Upadhyay, Faculty of Law who was appointed a Member in the committed vide Order No. AB/2-A-178/62244-249 dated 25.03.2019, happened to be one of the members in the short-listing committee that worked for the appointment of Shri Abhay Kumar Pandey as Law Officer (Post Code-30161). The Committee has submitted its report

vide letter No. AB/IQAC/2019-20/086 dated May 17, 2019 **(Appendix-18B)**. The concluding part of the recommendation of the committee is as under:

The Committee, after a very careful consideration to the responses given by Dr. Abhay Kumar Pandey (both oral and written), unanimously felt that the allegations with regard to the inconsistent statements in the affidavit submitted on 12.01.2001 and the form submitted for the post of Law Officer on 17.01.2017, were not properly explained by Dr. Pandey, and the onus placed on him to refute the allegations of inconsistent statements made out by the complainant, is not properly discharge, Hence, the Committee has come to the unanimous finding that since inconsistent statements were not properly explained to satisfaction, the allegations made by the complainant must be given due weight and merit.

The Executive Council vide ECR No. 209 dated June 29, 2014 has inter alia resolved as under:

"Resolved that while the power of suspension in the case of Teachers and Group 'A' Officers shall be exercised by the Vice Chancellor, the power of initiating disciplinary proceeding and imposing penalty shall be exercised by the Executive Council."

In view of the above, the Executive Council may consider and decide.



Ref. No. AB/2-A-178/

Date: 25.03.2019

CONFIDENTIAL

OFFICE ORDER

While considering the representation of Shri Harikesh Bahadur Singh, regarding submission of differing information by Dr. Abhaya Kumar Pandey at the time of applying for appointment under Compassionate category and subsequently as Law Officer in Banaras Hindu University, a committee consisting of the following members has been constituted:

1. Prof. A. Vaishampayan, Vice-Chairman, IQAC - Chairman
2. Prof. Mallickarjun Joshi, Coordinator, IQAC - Member
3. Prof. C. P. Upadhyay, Faculty of Law - Member
4. Dr. S. P. Dhyani, Dy. Registrar (RAC) - Member Secretary

This issues under the orders of Vice-Chancellor.


ASSTT. REGISTRAR
(ADMIN.-TEACHING)

No. AB/2-A-178/ 62244-249 , of date: 26-03-2019

Copy forwarded for information to:

1. The Members concerned
2. The Asstt. Registrar & Secretary to V.C.
3. The P.S. to the Registrar
Banaras Hindu University.


ASSTT. REGISTRAR
(ADMIN.-TEACHING)

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काशी हिन्दू विश्वविद्यालय
BANARAS HINDU UNIVERSITY
AN INSTITUTION OF NATIONAL IMPORTANCE ESTABLISHED BY AN ACT OF PARLIAMENT

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Professor A. Vaishampayan
Vice-Chairman

Ref. No. AB/IQAC/2019-20/086

Date : Friday, May 17, 2019

To
Learned Vice-Chancellor,
Banaras Hindu University

R/S
21/5

CONFIDENTIAL

SO (T)
21/5/19
Sir,
21/5/19

SUBJECT : Report of Committee constituted to consider the representation of Shri Harikesh Bahadur Singh regarding submission of differing information by Dr. Abhay Kumar Pandey at the time of applying for appointment under compassionate category and subsequently as Law Officer at BHU.

The Committee constituted by your high chair (Notification No. AB/2-A-178/62244, dated 26.03.2019 from the Assistant Registrar , Administration-Teaching), has completed its investigation on the prescribed Terms of Reference, i.e., "to consider the representation of Shri Harikesh Bahadur Singh regarding submission of differing information by Dr. Abhay Kumar Pandey at the time of applying for appointment under compassionate category and subsequently as Law Officer in Banaras Hindu University".

The self-explanatory report (along with minutes of the 04 individual meetings conducted to complete this investigation, and written statements from the persons whom the Committee interacted with) is being submitted for your kind perusal and further needful action.

With regards,

Encl. As above

Yours faithfully,
A. Vaishampayan
17.05.2019
Chairman of the Committee
Vice-Chairman
Internal Quality Assurance Cell
Banaras Hindu University
Varanasi-221005



Final Report

The Committee, constituted by Hon'ble Vice-Chancellor (Notification No. AB/2-A-178/62244, dated 26.03.2019), consisting of the following has completed its investigation :-

1. Professor A. Vaishampayan, Vice-Chairman, IQAC : Chairman
2. Professor M. Joshi, Coordinator, IQAC : Member
3. Professor R. K. Murali, Faculty of Law : Member
4. Dr. S.P. Dhyani, Dy. Registrar (RAC) : Member Secretary

The aforesaid Committee was constituted for considering the representation of Shri Harikesh Bahadur Singh regarding submission of differing information by Dr. Abhay Kumar Pandey at the time of applying for appointment under compassionate category and subsequently as Law Officer in Banaras Hindu University.

Four (04) Meetings, were conducted, as summarized below in chronological order :-

S.No.	Date & Time of Meeting	Summary of Business Transacted
1.	Saturday, May 11, 2019 (12:00 Noon)	(A) As per "Terms of Reference" of the Committee, it was decided to (i) inquire into the facts submitted by Dr. Abhaya Kumar Pandey, Law Officer, regarding his occupation/engagement till the date of his submission of affidavit for the purpose of seeking appointment under Compassionate Ground, which differs from the declaration in his application for the post of Law Officer; and (ii) assess whether in the absence of any payment as an Advocate, Dr. Abhaya Kumar Pandey would have been eligible for the post of Law Officer as per advertisement of the RAC, as claimed by the complainant."
		(B) The Committee decided that Questionnaire be prepared for the purpose of written statements/ clarifications in the matter to be obtained from Dr. Abhaya Kumar Pandey and the then Members of the Faculty Affairs Committee of Faculty of Law who short-listed the application received for the post of Law Officer in BHU.
		(C) The Committee decided to schedule two (02) meetings, i.e., (i) on Wednesday the 15 th of May, 2019 at 12.00 Noon for obtaining written statements/ clarifications from Dr. Abhaya Kumar Pandey on the instant issue; and (ii) on Thursday the 16 th of May, 2019 at 11.00 AM for obtaining written statements/ clarifications from Faculty Affairs Committee of Faculty of Law who short-listed the case of Dr. Abhay Kumar Pandey.
2.	Wednesday, May 15, 2019 (12:00 Noon)	In-depth interaction was conducted by the Committee Members with Dr. Abhay Kumar Pandey, Law Officer. Further, questionnaire, prepared by the Committee, was provided to Dr. Abhaya Kumar Pandey, who submitted his written statements/ clarifications before the Committee at 2.30 PM for its consideration.
3.	Thursday, May 16,	(A) As per schedule, the Faculty Affairs Committee of Faculty of Law (who short-listed the case of Dr. Anbhay Kumar Pandey for the

	<p>2019 (11:00 AM)</p>	<p>post of Law Officer : Advertisement No. 02/2016-17; Post Code 30161) was present, consisting of (i) Professor D.K. Sharma (the then Dean, Faculty of Law in 2017, as reported by the present Dean, Faculty of Law, vide letter No. LS/2019-20/D/1420, dated 13.05.2019), (ii) Professor C.P. Upadhyay, Faculty of Law and (iii) Dr. Rajneesh Patel, Faculty of Law (then constituted by the Hon'ble Vice-Chancellor, vide Notification No. AA/VI-RAC/1322, dated 21.02.2017).</p> <p>(B) The purpose of this meeting was explained by the Chairman and accordingly, in-depth interaction was conducted by the Committee Members with Faculty Affairs Committee of the Faculty of Law, as above.</p> <p>(C) Further, questionnaire, prepared by the Committee, was provided to Professor D.K. Sharma, Professor C.P. Upadhyay, and Dr. Rajneesh Patel, who submitted their written statements before the Committee.</p>
<p>4.</p>	<p>Friday, May 17, 2019 (11:30 AM)</p>	<p>The Committee critically analyzed the findings of interactions and written statements from (i) Dr. Abhay Kumar Pandey, Law Officer, and the (ii) Members of the Faculty Affairs Committee (Professor D.K. Sharma, Professor C.P. Upadhyay and Professor Rajneesh Patel) and finalized the REPORT.</p>

Findings of the Investigation :

1. The Short-listing Committee clarified that Dr. Abhay Kumar Pandey fulfilled the eligibility requirement for the post of Law Officer (Advertisement No. 02/2016-17; Post Code 30161)
2. The Committee members focused upon the essential requirements for the post of Law Officer and found that Dr. Abhay Kumar Pandey possessed these (LLB and LLM with 55% of marks with 7 years of experience), endorsed by the Short-listing Committee, as above.
3. On the second part of investigation, the Committee focused on whether Dr. Abhay Kumar Pandey made inconsistent statements in the application filled up for the post of Law Officer, as compared to the affidavit submitted by him for being appointed on compassionate grounds, or concealed or added any information. The Committee unanimously opined that Dr. Abhay Kumar Pandey could not offer any proper explanation in this regard.

Conclusion & Recommendation :

The Committee impressed upon Dr. Abhay Kumar Pandey that this is the crux of the allegations against him and asked him specifically whether this differing information is due to his inadvertence, oversight or a deliberate and conscious act on his part to obtain better

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credentials for his claims to the post of Law Officer. Dr. Pandey submitted before the Committee that it was a deliberate and conscious decision on his part and also took a very strong argument, both orally and in writing (while answering the questionnaire given by the Committee), that he sincerely and earnestly believed that there is no inconsistency in the information, as alleged by the complainant. To substantiate his plea, Dr. Pandey submitted that the information given by him "gross pay on visiting basis @ Rs. 25,000/- with effect from 01.12.1998 to 10.05.2004" in his application, dated 17.01.2017 for appointment to the post of Law Officer, and the affidavit submitted on 12.01.2001 for the purpose of seeking appointment on compassionate ground in which the information given by him was that he had "no source of income, were not inconsistent, as it was his Senior Advocate who, understanding his family background and the poor economic condition in which he was placed after his father's death, started giving him financial support amounting to about Rs, 25,000/- between 2003-2004, i.e., one year prior to his being appointed on compassionate ground.

In essence, the submission of Dr. Pandey was that between 14.11.1994-30.06.1996, he had an income of about Rs. 25,000/- as a gross pay on visiting basis. Between July, 1996-June, 1998 he did LLM from BHU, and between 01.12.1998 to 10.05.2004 his father expired in December, 2000, and he submitted an affidavit for being appointed on compassionate grounds on 12.01.2001, and on that date he had no source of income at all, and hence what he said in the affidavit is true.

The Committee, after a very careful consideration to the responses given by Dr. Abhay Kumar Pandey (both oral and written), unanimously felt that the allegations with regard to the inconsistent statements in the affidavit submitted on 12.01.2001 and the form submitted for the post of Law Officer on 17.01.2017, were not properly explained by Dr. Pandey, and the onus placed on him to refute the allegations of inconsistent statements made out by the complainant, is not properly discharged. Hence, the Committee has come to the unanimous finding that since inconsistent statements were not properly explained to satisfaction, the allegations made by the complainant must be given due weight and merit.

M. Joshi
17/05/19
(M. Joshi)
Member

Encl. Original Written Statements,
as above

R. K. Murali
17/05/2019
(R. K. Murali)
Member

S.P. Dhyani
17/05/19
(S.P. Dhyani)
Member Secretary

Date : Friday, May 17, 2019

A. Vaishampayan
17/05/2019
(A. Vaishampayan)
Chairman