



Correction Slip

Correction in the Minutes of the Fourth Meeting of Board of Governors as directed by the Board of Governors during its 5th (Special) Meeting while considering the Agenda Item No. 5.01

I. Para 2 of Page 4 of the Minutes of the 4th Meeting (Item No. 4.03) be corrected and replaced as:

"The Board has also perused the resolution of item No 13, S-3 of 6th BoM meeting held on March 23, 2013. The resolution of the BoM stipulates relaxation of few days/months required in teaching/research/industrial experience to certain candidates having outstanding merits in their academic performance to qualify for the interview. The members after having gone through the records mentioned above, deliberated all available facts and after considering the representations of the affected faculty members recorded the details as mentioned in **Annexure- 1** (Page no 30 to 35)

II. Corrections to Annexure-1 to the minutes of the 4th Meeting of the Board of Governors dated 23.05.2017 (Item No. 4.03)

- a. For heading "Recommendations" the last column of the table be read as "Remarks"
- b. Last para of the last column (For Sl. No. 1 to 11) stands **deleted**.



Fourth Meeting of Board of Governors

Date: 23.05.2017
Time: 09:00 A.M. onwards
Venue: Board Room, IIIT-A
Jhalwa Campus, Allahabad

Minutes of the Fourth Meeting of the Board of Governors of IIIT-Allahabad held on 23.05.2017 from 9.00 a.m. onwards in the Board Room of IIIT-Allahabad.

The Meeting was held in the Board Room of the Admin. Block of IIIT-Allahabad. The members in attendance were as follows:

1. **Hon'ble Shri Ravi Kant** - Chairperson
Indian Institute of Information Technology,
Deoghat, Jhalwa, Allahabad-211012
2. **Prof P.Nagabhushan** - Member
Director,
Indian Institute of Information Technology, Allahabad
3. **Shri Praveer Saxena** - Member
Under Secretary IIITs & IITs, MHRD
Representative of Sh. Rakesh Ranjan
Joint Secretary (ICC&TE), MHRD
4. **Shri Sanjay Sharma** - Member
Representative of
The Principal Secretary, IT & Electronics Deptt,
Govt. of UP, Lucknow
5. **Prof. G.C.Nandi** - Member
Professor Department of IT,
Indian Institute of Information Technology, , Allahabad
6. **Prof. U.S.Tiwary** - Member
Professor, Dept. of IT
Indian Institute of Information Technology, Allahabad
7. **Shri O.P.Srivastava** - Secretary
Indian Institute of Information Technology, Allahabad

8. Prof. S.Sanyal

- Special Invitee

Professor, Dept. of IT

Indian Institute of Information Technology, Allahabad

Leave of Absence:

1. Prof Indranil Manna

-Member

Director, IIT Kanpur

2. Dr. Ajay Kumar

- Member

Addl. Secretary,

Department of Electronics & IT, MCIT, New Delhi

The Chairman, BOG welcomed Prof. P.Nagabhushan, Director, IIT-A who has taken over the charge of the Director of Indian Institute of Information Technology, Allahabad w.e.f. 19.5.2017, (Forenoon). The Chairman assured Prof. Nagabhushan that he had full support of BoG. He also welcomed the members and introduced Prof. P.Nagabhushan with the BOG Members and Special invitee present in the meeting. He also welcomed Prof. Gautam Sinha, Director, IIM, Kashipur, who attended the meeting through SKYPE, Shri Praveer Saxena, Under Secretary, MHRD who was representing the Joint Secretary (ICC & TE), MHRD and Director, IITs MHRD and Shri Sanjay Sharma who was representing the Principal Secretary, IT and Electronics Department, Govt. of U.P. Prof. Indranil Manna, Director, IIT, Kanpur and Dr. Ajay Kumar, Addl. Secretary, Department of Electronics & IT, MCIT, New Delhi could not attend the meeting owing to their preoccupations and was therefore granted the leave of absence. After a brief exchange of pleasantries, the members took up the Agenda Items as follows:

4.01 To approve the Minutes of the Third meeting of the Board of Governors of the Institute held on 10.04.2017.

The minutes were confirmed by the Members.

4.02 To review the Action Taken Report on the Minutes of the Second and Third meetings of the Board of Governors of the Institute held on 05.12.2016 and 10.04.2017.

The review of Action Taken Report on the Minutes of the Second and Third meetings of the Board of Governors of the Institute held on 05.12.2016 and 10.04.2017 could not be taken up due to paucity of time. It was deferred to the next regular Board Meeting.

4.03 To consider the report of the Sub-committee of the BOG constituted to look into the matter of affected faculty members in compliance to the Hon'ble Supreme Court Judgement in SLP No. 13914 to 13926 of 2016.

The Board was apprised that as decided in its 3rd meeting held on April, 2017 vide agenda item 3.03, the orders for constitution of Sub-committee of BoG to look into the matter of affected Faculty had been issued vide office order F. NO.IIIT-A/Sec. BOG/2017 dated 17th April, 2017 (**Annexure-A, Page 8**). The Board was further informed that as Shri Sanjay Sharma, Chairman of the Sub-committee was unable to spare time due to his prior engagements, the Hon'ble Chairman of BoG had given his consent on 2nd May, 2017 to the rest of the members of the Sub-committee to go ahead without Shri Sharma and submit its report for each affected faculty member separately to the BoG. Accordingly, it was communicated to the rest of the Sub-committee members vide office Order F No. IIIT-A/Sec. BoG (R)/2017 dated May 2, 2017. (**Annexure-B, Page 9 to 11**)

The Board was further apprised that the two persons committee gone through the representations of the affected faculty members in response to the notices served to them. They were given opportunity of hearing (**One Sample copy attached as Annexure C, Page 12**). Whole interaction was video recorded with the consent of each faculty member who was affording opportunity of hearing. The members of the Sub-committee informed the Board that a chart was prepared after verifying their records and was also got signed by each faculty members in token of having verified the contents with respect to their qualifications and experience etc. The faculty members were extensively heard by the committee members. The Sub-committee after lot of work prepared the report.

The report of the Sub-committee (**Annexure-D, Page 13 to 29**) & Annexures of the Report (**Annexure-E, Page 1 to 295 enclosed separately**) were placed before the Board on the table.

The Board had gone through the report and its annexure submitted by the Sub-committee. The Board has also seen the following records:

1. The Status report
2. The Minutes of 8th BoM meeting held on Feb 1, 2014
3. The Minutes of the 6th BoM meeting held on March 23, 2013
4. The Minutes of the 7th BoM meeting held on July 20, 2013
5. Advertisement for faculty recruitment No FS-01/2013; Advt. No FS-01/2012, modified Advt. No FS-01(M)/2011 and Advt. No. FS-01/2011

6. Recruitment and Service Rules of the Institute
7. The respective applications of the concerned faculty with respect to advertisement against 2013.
8. The chart containing qualifications and experience etc. duly signed by each affected faculty member on the date of hearing.

The Board has also perused the resolution of item No 13, S-3 of 6th BoM meeting held on March 23, 2013. Since the resolution of the BoM stipulates relaxation of few days/months required in teaching/research/industrial experience to certain candidates having outstanding merits in their academic performance to qualify for the interview, the Board opined that in the absence of exact days/months for relaxation in the said resolution, the relaxation can be considered to the extent of 10% of the total minimum experience required for a particular post. The Chairman asked the Secretary to read out the conditions of the advertisement and the Recruitment and Service Rules. The Secretary has read it out. The members after having gone through the records mentioned above, deliberated all available facts and after considering the representations of the affected faculty members resolved as per details mentioned in **Annexure- 1 (Page no 30 to 35)**

The Board has further resolved that the following cases be looked and reviewed by the Director in consultation with Shri Praveer Saxena, representative from MHRD and a report be submitted to the BoG in its next meeting.

1. Dr. Anurika Vaish
2. Dr. Abhishek Vaish
3. Dr. Vijaishri Tiwari
4. Dr. Sanjai Singh
5. Dr. Manish Goswami
6. Dr. Triloki Pant

4.04 To consider the report of the Chairman of the designated Committee (constituted by the Director) for implementation of Harmonisation Committee.

The matter was discussed in the 36th FC meeting held on 22.05.2017 vide agenda Item No. 03 wherein it was resolved that complete proposal may be forwarded to MHRD for its approval. The BoG has accepted the recommendation of FC to forward the complete proposal to MHRD for its approval so that RCPS as recommended by the designated committee may be implemented in the Institute.

4.05 To receive the recommendations of the Senate that met on 2.4.2017.

Deferred for the next regular meeting of the BoG.

4.06 To receive the recommendations of the Finance Committee that met on 10.4.2017.

The Board received and approved the recommendations of the Finance Committee that met on 10.4.2017.

4.07 To consider formation of the Institute's Research Council and creation of Dean's position as per IIITs Act.

Deferred for the next regular meeting of the BoG.

4.08 To consider the status of RGIIT Campus handover.

The Director apprised the members about the current status of RGIIT, Amethi including the approval of Hon'ble President of India, in his capacity as Visitor of IIIT Allahabad vide MHRD letter vide F.No.25-10/2012-TS.1 dated 13th April, 2017. The Hon'ble Visitor has considered the proposal under Section 7(2) of the IIITs Act, 2014 and approved the transfer of land of RGIIT, Amethi (an extension campus of IIIT Allahabad) in favour of Babasaheb Bhimrao Ambedkar University (BBAU), Lucknow. It was apprised to the Board that the skeleton staff were being maintained in the camp office. The Board ratified the various actions taken in this regard and other issues related to RGIIT, Amethi campus.

4.09 To be apprised of the Legal issues (Court cases as well as RTI matters) of the Institute.

Court Cases: The members took note of the status of various pending cases of the Institute and ratified the payments made to the various counsels along with the recommendations made by the Legal Cell in various matters.

RTI Matters: The members noted the details presented in respect of the RTI matters with satisfaction.

4.10 To consider and ratify the following:

The Board concurred and ratified the following:

1. Dr. Asheesh Kumar, Joint Registrar has been sanctioned to proceed on one year long leave (lien) on Foreign Service Terms w.e.f. 5th April, 2017 to enable him to join IIT Patna as Registrar.
2. The services of Dr. Pavan Kumar Saini on the position of Deputy Registrar at IIIT Allahabad has been confirmed w.e.f. February 4, 2017 on successful completion of probation.
3. The services of Shri Om Prakash Srivastava on the position of Deputy Registrar at IIIT Allahabad has been confirmed w.e.f. April 01, 2017 on successful completion of probation.

4.11 Any other matter, with the permission of the Chair.

- (A) To consider the construction of school building for Kendriya Vidyalaya, IIIT, Jhalwa, Allahabad.**

Deferred for the next regular meeting of the BOG.

- (B) To ratify the following Memorandum of Understanding (Ann. 4.11 B):**

The Board received the following MoUs:

- (i) MoU between Bioinformatics Institute, Biomedical Sciences Institute, Singapore and Indian Institute of Information Technology Allahabad.
 - (ii) MoU between the Universitat Rovira I Virgili, Tarragona, Spain and Indian Institute of Information Technology Allahabad.
 - (iii) MoU between U.S.-India Business Council (USIBC) and Indian Institute of Information Technology Allahabad.
- (C) To co-opt three persons who are not members of Faculty for their specialized knowledge on the Institute Senate, as per the requirement of the IIIT's Act, 2014.**

As the tenure of the three Senate co-opted members viz. (Prof. P.Chakraborty, the then Director of MNNIT, Allahabad, Prof. J. Bhattacharjee, the then Director of HRI, Jhusi, Allahabad and Prof. Harish Karnick, currently Professor at CSE Department, IIT, Kanpur), nominated by the Senate of the Institute in its meeting held on 4.3.2015, has been expired in March 2017. The Board is of the opinion to extend the tenure of the above nominated members for a period of one year from the date of its nomination i.e. 23.5.2017. The Board desired that present Director, MNNIT, Allahabad and HRI, Jhusi may be contacted and accordingly be co-opted as the nominees of the Senate under section 16(1)(g) of the IIITs Act, 2014 in the Senate.

- (D) To consider and approve the recommendations of the Selection Committee for faculty of IT Department held on May 18, 2017.**

The Board concurred and approved the recommendations of the Selection Committee for faculty of IT Department held on May 18, 2018.

- (E) To receive the resignation of Prof. Sudip Sanyal, Professor, IIIT-Allahabad.**

The Board accepted the resignation of Prof. Sudip Sanyal, Professor, IIIT-Allahabad, w.e.f. 1.7.2017, which was submitted by him to the Director (Offg.), IIIT-Allahabad and accordingly being accepted by the Director on 3.4.2017.

The Institute places on record its appreciation for Prof. Sudip Sanyal for his contribution as the Faculty Member of IIIT-A as well as Dean (Faculty Affairs) & Dean (R&D).

- (F) To approve Annual Statement of Accounts for FY 2016-17 of the Institute.**

The FC in its 36th Meeting held on 22nd May, 2017 vide Agenda Item No 4 approved the Annual Statement of Accounts for the Financial Year 2016-17 and recommended its approval by the BoG.

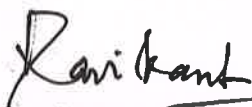
The Board accepted the recommendation of the FC and approved the Annual accounts for FY 2016-17.



O.P. Srivastava
Secretary, BOG, IIIT-A



P. Nagabhushan
Director, IIIT-A



Ravi Kant
Chairman, BOG, IIIT-A



भारतीय सूचना प्रौद्योगिकी संस्थान, इलाहाबाद

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F.No.IIIT-A/Sec. BOG /2017

Dated: April 17, 2017

Office Order

Sub: Constitution of Sub-committee of BOG-reg.

While considering the Agenda Item No. 3.03 in compliance of the Hon'ble Supreme Court Judgement in SLP No. 13914 to 13926 of 2016 and all connected matters, the Board of Governors of the Institute in its third meeting held on 10.4.2017, constituted a Sub-committee consisting of the following members:

1. Sh. Sanjay Sharma -Chairman
2. Prof. Uma Shankar Tiwary, Dean (IRP)- Member
3. Prof. Sudip Sanyal, Dean (FA)- Member

The Sub-Committee of the BoG would examine the representations received from 17 faculty members in response to the notices served to them, provide opportunity of hearing to each affected faculty and have a fresh look. Apart from this, the Sub-Committee is also authorized to take any other steps deemed fit to ensure observance of principles of natural justice.

The designated Sub Committee will submit its report for each affected faculty member separately to the BoG in its next meeting.


Secretary,

BOG, IIIT-Allahabad

Copy to:

- **Chairman, BOG**
- **Hon'ble Director**
- **All Concerned**



भारतीय सूचना प्रौद्योगिकी संस्थान, इलाहाबाद
Indian Institute of Information Technology, Allahabad

(A University Established under sec. 3 of ugc Act. 1956 vide Notification No. F. 9-4/99-U. 3 Dated 4/08/2000 of Govt. of India)

(A Centre of Excellence in IT, Established by Govt. of India)

Deoghat, Jhalwa, Allahabad-211012 (U.P.) INDIA

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F.No.IIIT-A/Sec. BOG (R) /2017

Dated: May 2, 2017

Office Order

Sub: Constitution of Sub-committee of BOG-reg.

This is in continuation to the Office Order F.No.IIIT-A/Sec.BOG/2017 dated April 17, 2017 regarding constitution of a Sub-committee to look into the matter of affected faculty members in compliance to the Hon'ble Supreme Court Judgement in SLP No. 13914 to 13926 of 2016. As Shri Sanjay Sharma, Chairman of the Sub-committee unable to spare time due to his prior engagements, hon'ble Chairman, BOG has directed rest of the Sub-committee members to go ahead without Shri Sanjay Sharma and submit its report for each affected faculty member separately to the BOG in its next meeting so that the issue of affected faculty members may be settled within the stipulated time as directed by the Hon'ble Supreme Court. The other terms and conditions of the Sub-committee shall remain unchanged as notified vide the Office Order dated 17.4.2017.

The Institute will provide secretarial assistance to the Sub-committee.


Secretary

BOG, IIIT-Allahabad

Copy to:

- The Hon'ble Chairman, BOG
- Hon'ble Director
- All the members of the BOG
- All Concerned

IIITALLAHABAD

Deputy Registrar (Admin) <dr.a@iiita.ac.in>

Fwd: Re-constitution of Sub-Committee-reg.

1 message

DIRECTOR <director@iiita.ac.in>

To: DR FA <dr.fa@iiita.ac.in>, "Dr. Asheesh Kummar Kummar" <dr.a@iiita.ac.in>

Tue, May 2, 2017 at 12:08 AM

PI take n/A

G C Nandi

----- Forwarded message -----

From: **Ravi Kant** <rkant644@gmail.com>

Date: Tue, May 2, 2017 at 11:23 AM

Subject: Re: Re-constitution of Sub-Committee-reg.

To: **DIRECTOR** <director@iiita.ac.in>

I agree with your recommendation to go ahead without Mr Sharma. Please take necessary action . Thank you.
Ravi Kant

Sent from my iPad

On 01-May-2017, at 1:05 PM, **DIRECTOR** <director@iiita.ac.in> wrote:

Respected Sir,

The attachment is enclosed for your kind approval.

Regards

G C Nandi

----- Forwarded message -----

From: **Mukesh Rawat** <mukesh@iiita.ac.in>

Date: Mon, May 1, 2017 at 12:19 PM

Subject: Re-constitution of Sub-Committee-reg.

To: Director IIITA <director@iiita.ac.in>, "Prof. G.C Nandi" <gcnandi@iiita.ac.in>

Respected Sir,

May kindly find attached herewith the scanned copy of the Note.

Best regards,

Mukesh

Prof G C Nandi

Director (Offg), Indian Institute of Information Technology, Allahabad.

<Reconstitution of Sub-committee.pdf>

Prof G C Nandi

Director (Offg), Indian Institute of Information Technology, Allahabad.

INDIAN INSTITUTE OF INFORMATION TECHNOLOGY, ALLAHABAD

F. No.: IIIT-A/Sec. BOG/SLP /2017

Date: May 01, 2017

NOTE

Sub: Re-constitution of Sub-committee of BOG.


While considering the Agenda Item No. 3.03 the BOG in its third meeting held on 10.4.2017, has decided to constitute a Sub-committee to look into the matter of affected faculty members in compliance to the Hon'ble Supreme Court Judgement in SLP No. 13914 to 13926 of 2016. Accordingly, a Sub-committee was formed consisting of the following and notified vide Office Order F.No.IIIT-A/Sec. BOG/2017 dated April 17, 2017A:

1. Sh. Sanjay Sharma -Chairman
2. Prof. Uma Shankar Tiwary, Dean (IRP)- Member
3. Prof. Sudip Sanyal, Dean (FA)- Member

In this context, Principal Secretary, U.P. Govt. vide its letter F.No. 6005-78-2-2017-57 EL/98TC dated 21st April 2017 has informed the Institute that due to other important assignments during this period it would not be possible to spare Sh. Sanjay Sharma for the said meetings. Subsequently, vide letter F.No. IIIT-A/111/2017 dated 21st April, 2017 he was requested by the Institute to spare Mr. Sharma for some time. A number of telephonic requests have also been made by the Director to the Principal Secretary in this regard but till date no written confirmation has been received. The undersigned has also contacted Sh. Sanjay Sharma several times and requested him to spare some time for the meeting but he expressed his inability as no instructions were given by the Principal Secretary to him.

In view of the above, it is requested that Hon'ble Chairman, BOG may be requested to reconstitute a Sub-committee of the BOG, IIIT-A so that the issue of affected faculty may be settled within the stipulated time as directed by the Hon'ble Supreme Court of India.

Submitted for kind consideration and approval pl.

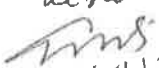

(O.P. Srivastava)
Secretary, BOG
IIIT-Allahabad

Hon'ble Director pl.

Respected Sir,

We may go ahead without Mr Sharma.

Placed for your kind decision


11/5/17 (Off. Dir.)



भारतीय सूचना प्रौद्योगिकी संस्थान, इलाहाबाद Indian Institute of Information Technology, Allahabad

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F.No.: IIIT-A/DR(E&A)/90 /2017

Date: 4th May, 2017

Dr Anurika Vaish
506/A, Mamfordganj
Allahabad 211 002
Mob 9415235172
Email: anurika@iiita.ac.in

Sub: Opportunity of Hearing before the Sub-committee of BoG

Ref: (i) This Institute Letter No IIIT-A/DR(E&A)/962/2017 dated 31st March, 2017.
(ii) Your reply dated: 10.4.2017 received through email/post on 12.4.2017

Dear Dr. Anurika Vaish,

This is in compliance to the Hon'ble Supreme Court Judgement in SLP No. 13914 to 13926 of 2016. In this connection a subcommittee has been formed by Board of Governors, IIIT-Allahabad. The Sub Committee has gone through your representation. It has taken into account the concern of some of the affected faculty members regarding Comparative Chart enclosed with Ann.-A as page no. 18 to 33 of the notice served. The Sub-committee after deliberating the reply and notices served to each affected faculty members resolved that all individual facts will be verified from applications submitted, certificate attached/original documents produced or any other facts brought to the notice of the Committee, not with the Comparative Chart served as page nos. 18 to 33 to all affected faculty members. It has further been decided by the designated Sub-committee to call each affected faculty member to appear before it on a scheduled date and time for affording an opportunity of hearing.

In this context, you are, therefore, requested to appear before the designated sub-committee on **12th May, 2017 at 10:00 AM** in the Board Room of Admin Building, IIIT-A. You are also requested to bring all supported documents in original, deemed fit to produce them before the designated sub-committee of BoG.

No TA/DA will be borne by the Institute for this purpose.

With regards,

Yours sincerely,

Deputy Registrar (E & A)

Copy to:

➤ **Hon'ble Members of the Sub-committee**

**Report of the Sub-Committee of BOG constituted vide Agenda Item
no. 3.03 of 3rd BOG Meeting Dated 10th April 2017 in the matter of
the appointments made by the institute on 6th April 2013**

Indian Institute of Information Technology Allahabad (IIITA) was established in 1999 by the Government of India, Ministry of Human Resource Development, as a centre of excellence in Information Technology and allied areas. It is currently governed by parliamentary act before which it was a deemed university under the IIITA Society (registered in the Year 1999) and governed by its Society Memorandum of Association (MOA) which was framed by MHRD and its Board. In the year 2011, after adoption of UGC Rules and Regulation 2010, new MOA was registered by IIITA which triggered several controversies and some of these were settled by Hon'ble High Court Allahabad in the year 2014.

IIITA made appointments on various teaching positions on 6th April 2013. Subsequently, on 1st Feb 2014 the Board of Management (BOM) in its 8th meeting cancelled these appointments. Some of the affected persons went to Hon'ble High Court Allahabad. Hon'ble High Court Allahabad passed a detailed judgement in the matter on 11.12.2015. In accordance with the judgement of Hon'ble High Court the BoM took some actions but again some of the petitioners moved fresh Writs and Contempt applications in Hon'ble High Court Allahabad. In response, IIITA approached Hon'ble Supreme court vide SLP no. 13914 to 13926 of 2016. Recently, Hon'ble Supreme Court passed following instructions in these SLPs:

"7. All that the appellants should have done is to make available a copy of the Status Report discussed in the Eighth Board Meeting which led to cancellation of their appointments and afford an opportunity of making a representation and hearing. Short of that, the appellant-Institute has taken several other steps. Maybe they have intended well but worked out poorly. The teachers could not have been issued the show-cause notices based on any decision taken subsequent to the judgment.

8. Since we intend to remit the matters to the Institute with a direction to start the process from the stage of the judgment of the High Court dated 11.12.2015, we do not propose to make any further observations in this regard. Accordingly, these appeals are disposed of as follows:

A. The appellant-Institute shall serve a copy of the Status Report discussed in the Eighth Board Meeting to the affected teachers forthwith and also provide a further period of two weeks for making a fresh representation. On receipt of the representations, the affected teachers shall be given an opportunity of hearing on all the aspects referred to in the Status Report and on the reasons for termination as referred to in the Eighth Board Meeting. Thereafter, the Board shall take a fresh decision in the case of each individual in accordance with law. We make it clear that the only notice which the teachers could have been issued is on the basis of the consideration in the Eighth Board Meeting and not thereafter. The Status Report considered by the Eighth Board Meeting and the decision taken by the Eighth Board Meeting shall be treated as show-cause notice by the affected teachers.

B. The decisions in the Fourteenth and Fifteenth Board Meetings, as far as the further course of action for implementation of the judgment dated 11.12.2015 is concerned, are wholly unwarranted and are set aside.

[Signature]
22/05

C. Since the cancellation of appointment and consequential termination have been set aside by the High Court in the judgment dated 11.12.2015, the teachers concerned are to be deemed to be in service under law until a fresh decision is taken as per the judgment. In this context, we may also extract a submission made by the Counsel for the appellant-Institute in the High Court in Contempt Application No. 645 of 2016, which reads as follows:

"Shri Navin Sinha, learned Senior Advocate assisted by Shri Rohan Gupta, for the opposite party, however, submits that in view of the inquiry being undertaken by the opposite party regarding irregularities in the appointment of the applicants and other affected teachers, they are not allowed to work against their post. However, he submits that as per his instructions, the applicants/appointees would be paid their salary even for the period of non working i.e. from the date of order dated 11.12.2015 passed by the Writ Court till a decision is taken by the Board. This period would not be treated as the period of non working of the applicants/appointees."

However, we make it clear that in case any of the teachers has been working elsewhere or has been working in a different capacity in the Institute, such teachers shall not be entitled to the benefit of the above declaration. Their further fate will depend on the fresh decision to be taken by the appellant.

D. The appellant-Institute shall take a fresh decision within a period of two months from the date of receipt of the representations from the affected teachers.

E. Since we have set aside the decisions in the Fourteenth and Fifteenth Board Meetings, the contempt petitions and writ petitions do not survive. Accordingly, those contempt petitions and writ petitions are struck off from the file of the High Court of Judicature at Allahabad.

9. There shall be no order as to costs."

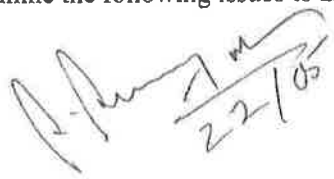
In compliance to the aforesaid orders, the Director IIITA issued letters dated 31.03.2017 to all the seventeen concerned affected teachers, a sample copy of the letter is attached as Annexure No. 1. Subsequently, in this matter, the Board of Governors (BOG) of IIITA resolved to constitute a sub-committee of the Board consisting of following members:

1. Prof. Uma Shanker Tiwary, Dean (IRP) IIITA, and
2. Prof. Sudip Sanyal, Dean (FA) IIITA, as Member,

with following mandate,

"The Sub-Committee of BOG would examine the representations received from seventeen faculty members in response to the notices served to them, provide opportunity of hearing to each affected faculty and have a fresh look. Apart from this, the Sub-Committee is also authorized to take any other steps deemed fit to ensure observance of principles of natural justice. The Designated sub-committee will submit its report for each affected faculty member separately to the BOG in its next meeting."

After going through the responses received from the affected teachers, the judgments of Hon'ble High Court, Allahabad and Hon'ble Supreme Court and in accordance with above mandate the committee decided to examine the following issues to assist the BoG to take the appropriate decision in this regard:



2/17

1) Reasons for Advertisement being wrong

- 1.1. Applicability of UGC Regulation 2010 on IITA.
- 1.2. The records of creation of various teaching posts at IITA, the applicability of 'Service and Recruitment rules' of IITA.
- 1.3. Examining the advertisements issued by the institute after the issuance of UGC regulations 2010 by UGC till the issuance of 4-tier flexi structure by MHRD i.e. year 2011, 2012 and 2013.

2) Requirement of Teaching/Research/Industrial Experience and counting of the period of experience

- 2.1. Finding the standard way for counting the "experience" of the candidates.
- 2.2. Examining the screening committee recommendations, selection committee recommendations etc.

3) The Power of relaxation in Experience and Academic Qualification

- 3.1. The status report, the relevant issues communicated by the seventeen affected candidates in this matter and Board's view
- 3.2. The issue of the power delegated by the Board and the relaxation that may be granted as discussed in 6th meeting of the Board.
- 3.3. The (inadvertent) mistakes committed by the then Director and/or the Board and the relevant communications of Board members.

To discuss on the above said three major issues, it is crucial to place the replies received from seventeen affected teachers in response to the notices served to them and providing opportunity of hearing to each affected person by inviting them for personal interaction. The representations received from the 17 affected persons are placed at Annexure No. 10-26.

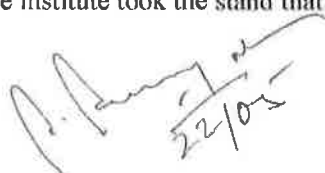
The committee has thoroughly studied each letter. The candidates were invited for personal interaction on 12th-13th May 2017. The video recording of complete proceedings was done. All relevant documents were checked from the originals. Separate reports are prepared containing the further details in this regard. The observations of the committee on the above issues are reported hereunder:

1) Reasons for Advertisement being wrong

- 1.1. Applicability of UGC Regulation 2010 on IITA.
- 1.2. The records of creation of various teaching posts at IITA, the applicability of 'Service and Recruitment rules' of IITA.
- 1.3. Examining the advertisements issued by the institute after the issuance of UGC regulations 2010 by UGC till the issuance of 4-tier flexi structure by MHRD i.e. year 2011, 2012 and 2013.

1.1. Applicability of UGC Regulation 2010 on IITA.

As long as Dr. M D Tiwari was holding the position of the Director, IITA and the Chairman, BOM, the institute took the stand that UGC (Institutions Deemed to be Universities) Regulations,


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2010 were adopted by the society in 2011, but UGC Regulations on Minimum Qualifications for Appointment of Teachers and other academic staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010 [UGC MQ regulation 2010] were not adopted hence it is not applicable to IIITA. However, Hon'ble High Court Allahabad did not accept this stand of the institute as reflected in the judgment passed in Writ 56744 of 2012, Pritish Kumar Varadwaj Vs UoI and others. Perhaps, due to the aforesaid stand, the institute did not change the requirements given in the advertisement issued by it for recruitment of faculty members 2011, 2012 and 2013.

Therefore, under the orders of Hon'ble High Court Allahabad passed in the Writ 56744 of 2012, the board undertook the matter again by taking the stand that UGC MQ Regulation 2010 should be applied. But most of the affected teachers of 2013, in their writ petition in Hon'ble High Court Allahabad and their counter affidavits in Hon'ble Supreme Court insisted that Recruitment and Service Rules of the Institute were applicable during their appointment and have taken the stand which is contrary to the stand of the Institute that UGC MQ Regulation 2010 were applicable in the matter of appointments/selections in 2013. This was also one of the issues that IIITA requested Hon'ble Supreme Court to decide the matter. However, no explicit instructions have been passed by either Hon'ble High Court or Hon'ble Supreme Court while deciding the SLP. However, the progress of BOM in this direction as reflected in the minutes of fourteenth and fifteenth of Board were set aside and institute has been directed to take a fresh decision in this regard.

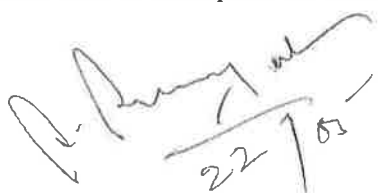
1.2. The records of creation of various teaching posts at IIITA, the applicability of 'Service and Recruitment rules' of IIITA.

The academic posts in the Institute are created and sanctioned by MHRD, GoI and communicated to the Institute through various G.O.s as placed at Annexure No. 2. In this G.O.s following posts were created in the Institute:

Si. No.	Name of the Post	Pay Scale as per 5 th Pay Commission
1.	Professor	18400-500-22400
2.	Associate Professor	16400-450-20000
3.	Assistant Professor	12000-420-18300
4.	Lecturer on Contract*	10000-325-15200

* According to recruitment and service rules (1999) of the Institute.

G.O.s also mentioned that the posts will be in IIT-pay scales, subject to the condition that the recruitment rules of these posts are as in IITs. Accordingly, in 3rd BOG meeting of IIIT Allahabad


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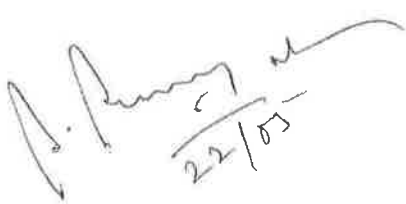
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dated 18th November 1999 vide agenda item no. 3, Recruitment and Service Rules as per IIT's rules, as placed at Annexure No. 3 were approved.

On examining the available records, it is observed that in these documents at some places corrections are done by hand without any signatures. Recruitment and Service Rules available in official records is annexed by many petitioners in their Writ Petitions at Hon'ble High Court Allahabad, as placed at Annexure No. 4. The same was referred by the Institute in its counter in the Writ 56744 of 2012, Prithish Kumar Varadwaj Vs UoI and others. Bare perusal of these rules it can be inferred that they were amended as per the resolution under Item 1 (b) of the 33rd meeting (Urgent) of BoG dated 15.10.2011.

If the Board decides to set aside the UGC Regulations 2010 then, in order to avoid any conflict on this issue, it is recommended that above version of 'Recruitment and Service Rules' may be applied in this case. In the Recruitment and Service Rules, following pay scales and qualifications for various academic posts available in the Institute as given in Schedule B may be considered to be referred in the advertisement of 2013 (where the advertisements refers to for details please see the website www.iiita.ac.in):

S.N.	Post / Pay Scale *	Essential Qualifications	Experience and other conditions of Service
01.	Director Rs.25000/- (fixed)	An eminent educationist / scientist / technologist	
02.	Professor (Rs.18400-500-22400)	Ph.D. with first class or equivalent grade at the preceding Degree in an appropriate branch /discipline with a very good academic record throughout.	Minimum 10 years Teaching/Research/Industrial experience of which at least 4 years should be at the level of Associate Professor in IITs, IISc. Bangalore, IIMs and NITIE Mumbai at an equivalent level in any such other Indian or foreign institutions / institutions of comparable standards.
03.	Associate Professor (Rs.16400-450-20000)	Ph.D. with first class or equivalent grade at the preceding Degree in an appropriate branch /discipline with a very good academic record throughout.	Minimum 6 years Teaching/Research/Industrial experience of which at least 3 years should be at the level of Assistant Professor or equivalent.


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04.	Assistant Professor (Rs.12000-420-18300)	Ph.D. with first class or equivalent grade at the preceding Degree in an appropriate branch /discipline with a very good academic record throughout.	A minimum of three years teaching/research/professional experience, excluding the experience gained while pursuing Ph.D. Candidate should have demonstrated research capabilities in terms of publications in reputed journals and conferences.
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General Conditions

- [1] Government of India policy on reservation of faculty positions as applicable to IITs, including that for persons with disability, will apply.
- [2] A mere fulfillment of required minimum qualifications and experience does not entitle a candidate to be called for an interview / discussion.
- [3] The Institute reserves the right to fill or not to fill the posts advertised.
- [4] No correspondence whatsoever will be entertained from the candidates regarding postal delays, conduct and result of interview, and reasons for not being called for interview or selection.
- [5] Depending upon the qualification and experience, a higher start / salary may be offered in deserving cases.
- [6] Separate online application must be filled, if a candidate is applying for a faculty position in more than two Departments / Centres / or Schools.
- [7] The candidates called for interview will be paid IInd AC Train fare from their place of residence / work and back by the shortest route.
- [8] Applicants interviewed for a particular post in any area of specialization but not found suitable may be considered for the lower post in the same area of specialization.

1.3. Examining the advertisements issued by the institute in (after the issuance of UGC regulations 2010 by UGC till the issuance of 4-tier flexi structure by MHRD i.e.) year 2011, 2012 and 2013.

IITA issued an advertisement in January 2011 and then the modified the said advertisement thereafter. 2011. The modifications done are as follows:

"Professor: 9 years teaching / research / industrial experience of which at least 5 years should be at the level of Assistant Professor / Associate Professor" modified as "Professor: 10 years teaching / research / industrial experience of which at least 5 years should be at the level of Associate Professor."

Following clause has also been added in the modified advertisement:

"MHRD is actively considering the pay sclase of faculty of IITs as equivalent to IITs as available under Six Pay Commission Report. In case it is approved faculty will get grade pay equivalent to faculty of IITs otherwise that of existing ones available to the faculty of IITs."

[Signature]
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Although no document could be traced for finding the reason behind these modification in the proceedings of board or otherwise.

The advertisement published in 2012 is exactly same as that of modified advertisement of 2011. But, the advertisement dated 30th January 2013 was different in terms of the qualifications asked for the Professor,

"Professor: 10 years teaching / research / industrial experience of which atleast 5 years should be at the level of Assistant Professor and Above"

Yet again, the committee could not trace the reason behind these modifications. The copy of the advertisements of 2011, 2012 and 2013 as placed at Annexure No. 5.

It seems that the advertisements were inadvertently manipulated (tailor made) to benefit some individuals on the instructions of the then Director Dr. M D Tiwari. They were not in compliance with any norms what so ever we assume to be applicable on the Institute in 2013.

2) Requirement of Teaching/Research/Industrial Experience and counting of the period of experience

2.1. Finding the standard way for counting the "experience" of the candidates.

2.2. Examining the screening committee recommendations, selection committee recommendations etc.

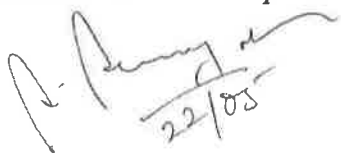
2.1. Finding the standard way for counting the "experience" of the candidates.

If the board resolved to validate the applicable service and recruitment rules and the provision of relaxations as discussed in (2) and (5) above then the larger issue in applicability of the minimum qualification and experience required for the appointment, relaxation possible and counting the experiences can be addressed. These clarifications shall form the basis on which the Board shall take final decision in present case.

In this background, we intend to leave it to the board to decide the applicability of the minimum qualification, relaxation possible as per the resolution of 6th BoM and experience required for the appointment in the present cases.

The guidelines related to the counting of past services for the direct recruitment is however not available in the Recruitment and Service Rules of the Institute. It is an established position in law that for appointment to a regular post, the required experience also has to be in a regular post of comparable nature irrespective of the Institution from which such experience is gained. Experience gained as a Guest Faculty cannot be considered equal to experience gained under a regular post. Anything which is not defined in the rules may be used for finding the experience of the candidates which states as follows:

" The previous appointment was not as guest lecturer for any duration, or an ad hoc or in a leave vacancy of less than one year duration. Ad hoc or temporary service of more than one year duration can be counted provided that:


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- (i) the period of service was of more than one year duration;
(ii) the incumbent was appointed on the recommendation of duly constituted Selection Committee; and (iii) the incumbent was selected to the permanent post in continuation to the ad hoc or temporary service, without any break."

2.2. Examining the screening committee recommendations and the selection committee recommendations.

It is observed that the screening committee has allowed many candidates as special cases but it did not record any reason for such recommendations. The then Director approved this recommendation without recording the reasons. This clearly raises a doubt.

Since the Director being the Chairman of BoM and Chairman of the selection committee therefore it was the responsibility of the then director Dr. M D Tiwari to exercise the power of relaxation as per the mandate by the BoM and as per the provisions of recruitment and service rules of the Institute. Dr. Tiwari should have informed the members of the Selection Committee about the extent of relaxation which can be granted and the manner in which such powers could be exercised with respect to the appointment of the academic staff. Composition of selection committee require some mandatory nominations from the Board and the Chancellor which was not present as per the official records but we have discovered one office note by DR (E) in which Dr. Tiwari, the then director, by his own wish, written the names of all the nominees without any endorsement either by the Board or the Chancellor. The office note is placed at Annexure No. 6. The committee found that no resolution is present in the minutes of the Board supporting such nominations. Further, the chancellor through an email denied any such nomination in the selection committee. The email from the Chancellor is placed at Annexure No. 7. However it is not reflected in the recommendations of the Selection Committee because of following reasons:

- a. Excessive relaxation in terms of experience was granted by the selection committee while recommending some of the candidates.
- b. Relaxation in the minimum qualification was also granted by the selection committee while recommending some of the candidates.
- c. No justification of exceptionally outstanding merit as defined necessary by the advertisement is provided while recommending the candidates with relaxation
- d. Unusual recommendations were recorded by the selection committee in respect of many candidates like Dr. Shashikant Rai, Dr. Saurabh Mishra, Dr. Ashutosh Kumar Singh, Dr. Pavan Chakraborty, Dr. Vijayshri Tiwari, Dr. Ranjana Vyas, Dr. Lokendra Kumar Tiwari, Dr. Sonali Agarwal.
- e. Same selection committee with change of one / two internal members interviewed and recommended candidates for all the streams like IT, ECE, Management, Bioinformatics and Cyber Law and Information Security.
- f. It may be noted that the selection committee did not recommended any change in the terms and conditions of appointment to any selectee but the appointment letter issued to some selectees state that the appointment is on contract for 3 years followed by a probation period of 2 years. No such format of appointment letter was ever discussed in BoM.


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- g. Dr. M D Tiwari, the Director knew the extent of relaxation which may be granted to the exceptional candidates while recommending them for appointment, as per the resolution of 6th BoM meeting (as he was the Chairman of BoM also). But unfortunately, it was found from the recommendations of Selection Committee (of which the chairman was again Dr. M. D. Tiwari) that this was not mentioned in the recommendations of the selection committee which is normally the practice. Usually the recommendation committee mentions the extraordinary qualifications of the candidate due to which any relaxation is given and the quantity of relaxation given.

3) The Power of relaxation in Experience and Academic Qualification

- 3.1. The status report, the relevant issues communicated by the seventeen affected candidates in this matter and Board's view
- 3.2. The issue of the power delegated by the Board and the relaxation that may be granted as discussed in 6th meeting of the Board.
- 3.3. The (inadvertent) mistakes committed by the then Director and/or the Board and the relevant communications of Board members.

3.1. The status report, the relevant issues communicated by the seventeen faculty members in this matter and the Board's view

The status report as presented in the 8th BOM meeting has 3 parts;

(a) **Annexure no. 16.1:** the updated information including the Writ Petition of Rahul Gupta V. Union of India & others with WP NO. 18534 of 2013 and Dr. Raj Kishore Prasad V. Union of India & others with WP NO. 29200 of 2013. Relevant excerpts are as follows:

"The institute conducted the interview for faculty positions on April 6, 2013 but series of objections were raised on the process followed for the aforesaid appointment including the advertisement, screening, interview, result announcement and the Instant joining given to the internal candidates."

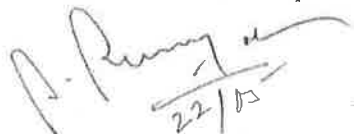
"In response to a mail from Shri Rahul Gupta and Dr. Rajkishore Prasad, Hon'ble Chancellor, Prof. Govardhan Mehta has shown his concern on this matter through an email to all members of the Board dated Aug 6, 2013 which states as follows:

"Dear Colleagues:

This has reference to a mail marked to all of us, It is important for all connected with IIIT/A governance to ensure that all the Rules and Regulations under force are followed in letter and spirit.

Best wishes". "

No valid reason could be found for not reporting these writ petitions and their interim orders to the Board in the 7th meeting. It seems that the erstwhile Director Dr. M D Tiwari deliberately kept the board uniformed about the proceeding in the above matters for misguiding the Board. The Board came to know the complete facts about these appointments in 8th meeting held on 1st


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Feb 2014 only. That may be the reason for reconsidering the appointment issue again in the eight board meeting.

(b) **Annexure no. 16.2:** The unapproved minute of Agenda Item No. 12 of 7th Board Meeting as signed and circulated by Dr. M D Tiwari was presented. It appears that the Board identified the flaws in the constitution of the selection committees. Further, it is observed that when the minutes of 7th BoM were presented in Agenda no. 1 of 8th meeting for approval, the board disapproved it and the actual minutes were rerecorded under the Agenda Item No. 1 of 8th BoM. Therefore the minutes under Agenda Item No. 12 of 7th Board meeting is the minutes as recorded and approved in Agenda Item No 1 of 8th Board Meeting and the earlier circulated minutes of 7th BoM under the signature of Dr. M D Tiwari was rejected as the minutes of 7th BoM meeting.

(The recorded statement of the then secretary of the Board, Prof. Vyas under Agenda Item No. 1 of 8th BoM is reproduced hereunder for reference:

“At this point, Prof O P Vyas, Member Secretary of the 7th BOM, who was also present in the 8th meeting of the BOM as a member of the BOM, apprised the Board as follows:

He was asked by the erstwhile director to sign the minutes of the 7th meeting, as were communicated to the BOM members earlier. Prof Vyas was in disagreement with the way the minutes on above agenda items were written as that was not what had transpired in the 7th BoM meeting. Prof Vyas further apprised that he was then pressurized to sign the same, and since he was unable to withstand the pressure, he was compelled to resign from the post of the Member Secretary of the BOM. Consequently, the minutes as circulated to the members, were signed by erstwhile director singly in his capacity as the Chairman of the BOM.

This revelation by the former BOM Member Secretary took all the BOM Members by surprise. It then resolved to put in place such systems and processes which would deter any Future incumbent to resort to such means.”

In this regard, the committee also found the emails of Prof. Manindra Agrawal dated 15.7.2013 and 16.8.2013 which are reproduced hereunder:

Email from Prof. Manindra Agarwal dated 15.7.2013 to Dr. M D Tiwari and other members of the board.

“Dear Professor Tiwari,

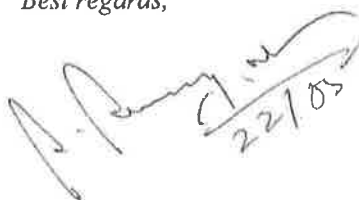
With this mail, I am confirming my participation in the BoM meeting on 20th July. I will arrive by AI flight AI 412 reaching Delhi at 9:50 hrs on 20th and return by AI flight AI 811 same day at 16:15 hrs. I also request the following issue to be listed as an agenda item in the meeting:

1) Provisions in the MOA of the Institute for appointments of faculty and director

*In addition, I request you to please ensure that *only* the board members are present during the meeting.*

Best regards,

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-Manindra"

Email from Prof. Manindra Agarwal dated 16.8.2013 to Dr. M D Tiwari and other members of the board.

"Dear Professor Tiwari,

I do not think the minutes as recorded at present reflect the decisions of the BoM correctly. I request you to send me the word file of the minutes and I would like to make certain changes to it. I am copying to other external board members and will seek their views also to finalize the minutes

Best,

-Manindra"

Email reply of Dr. M D Tiwari dated 16.8.2013 on the above email to Prof. Manindra Agarwal

"Dear Prof. Agarwal,

This has reference to your mail dated August 16, 2013 in respect of Minutes of the 7th Meeting of the Board of Management of IIT – Allahabad.

You are requested to kindly send your comments so that the same may be placed before the board in the next meeting while confirming the Minutes.

With regards,

Yours Sincerely,

M. D. Tiwari"

The above thread of email exchange between Dr. M D Tiwari and Prof. Manindra Agarwal itself indicate that the minutes of 7th board meeting were incorrectly recorded and will be rectified during the confirmation of minutes in the next meeting of the Board. However, from the said minutes itself the committee found it strange as to:

- Why the selection committee was not constituted properly? and
- What were the intentions of then Director IITA, Dr. M. D. Tiwari for preparing, signing and circulating misconceived draft of minutes of 7th BoM meeting.

(c) **Annexure no. 16.3:** Contain list of candidates appointed / given increments on 6.4.2013. Many candidates raised questions for overwriting in the document, mismatch of facts and some affected faculty have even called it forged.

(d) **Page 17 – 33 of the letter:** Some affected candidates asked that whether these documents were part of the status report? It was clarified to them that these papers were not the part of status report but presented on table during the 8th BoM meeting.

It is observed that almost all candidates raised questions in this part and hence the status report. Some errors in the charts of (d page 17-33) were also identified and communicated by some of


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the affected candidates. Most of them have insisted that this status report should not be taken into account by the Board while taking the fresh decision. The committee has cross checked the issues from the available official documents and it is discovered that status report has few typographical mistakes, grammatical errors, and unsigned hand written stuff. In fact, the committee has noticed several such mistakes in all previously held board meeting agenda items, minutes and many other official documents.

Since these charts are representing the facts submitted by the affected teachers through their application forms and considering the view/questions raised through their representations, the committee decided not to consider these charts placed from page 18 – 33 in deciding the fate of their appointments. It is also observed by the committee that the BoM in 8th Meeting had cancelled their appointments abinitio (not only based on individual qualifications).

Therefore the committee recommends not to consider the documents from page 18 – 33 of the letter dated 31.3.2017. Further, to avoid the errors in subsequent decision by the Board, the committee decided to prepare fresh charts for each of the affected teachers containing their qualifications and experiences, get it verified by them during the personal interaction scheduled on 12 and 13 May 2013. The committee further recommends that these verified documents shall form the basis of fresh decision by BoG.

From the simple reading of the resolutions under Agenda Item No. 1 and 16 of 8th BoM meeting, it is clear that they are NOT contradictory rather complementary to each other. Because facts recorded under Agenda No. 1 is the true reflection of the resolution passed under agenda No.12 of 7th BOM meeting and cannot be considered as the resolution of 8th BoM. The stand of the Institute as appeared from the resolution in Agenda Item No. 1 and 16 of 8th BOM meeting are as follows: Advertisement was not as per the Norms, Eligibly criteria were unduly relaxed, taking incorrect pretext of the earlier BOM resolutions, Director was neither competent nor authorized to call for any selections, All the appointments should have been made as per the UGC Regulations, There were some problems with the experts of the Selection Committee, BoM has not considered the individual cases of the affected teachers and finally resolved that the process of selection / appointment and other recommendations mentioned by the selection committee therein were wrong an initio.

3.2. The issue of the power delegated by the Board and the relaxation that may be granted as discussed in 6th meeting of the Board.

After issuing the advertisement 30th January 2013, 6th Board meeting was held on 23rd march 2013. Agenda Item No. S-1 and its minutes states as follows:

"To consider the process of appointments of Academic Staff after recommendations of the Selection Committee

The Board was apprised by the Chairman that appointments of teachers on the recommendations of Selection Committees are delayed on account of Meetings of the Board being held after appreciable gap of holding of the Selection Committee

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and some of the selectees get restive and start searching other alternatives elsewhere on account of which the academic staff positions remain vacant.

The matter was considered at length by the Board and it was resolved that appointment letters be issued to the selectees by the Director as per recommendations of the Selection Committees at the earliest and the same may be reported in the next Meeting of the Board."

Therefore in the 6th meeting of BOM dated 23rd march 2013, the then director was given powers to issue appointment letters to the selected candidates and present the same in the next meeting of BOM without mentioning under which rules such delegation was made.

Relevant sections of MOA and Rules related to the present case with respect to the delegation of powers and authority of Board in case of delegated powers:

"5.07 Delegation of Powers of Board of Management

The board of Management may, by a resolution, delegate to the Director or any other officer of the Institution deemed to be university of the standing committee or the Ad-hoc committee such of its power as it may deem fit subject to the condition that the action taken by the Director or the officer concerned or the Standing Committee or the Ad-hoc Committee concerned in the exercise of the powers so delegated shall be reported at the next meeting of the Board of Management."

"24. Delegation of Powers

subject to the provisions of these Rules and Regulations, any authority or officer of the institution deemed to be university, with the approval of Board of Management, may delegate its power to any other authority or officer or person under their respective control and subject to the conditions that the overall responsibility for exercising the powers so delegated shall continue to rest in the authority or officer delegating such powers."

Therefore the ultimate authority responsible in case of exercising delegated powers rest in the authority which delegated such power which in present case is Board of Management of the Institute.

Further, the agenda Item No. S-3 and resolution thereon of the same meeting states as follows:

"To consider and waive conditions of appointment in outstanding cases in the interest academics in the Institute

The Report of Scrutiny Committee of the applications received against recent advertisement was placed before the Members stating that certain candidates having outstanding merits in their academic performances however lack a few days / months required in teaching / research / industrial experience to qualify for the interview.

A. P. Singh
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The Committee recommended that such candidates should also be called for Interview.

The matter was discussed at length by the Hon'ble Members of the Board. The Board agreed to the proposal and it was finally resolved that such conditions as may be waived by the Selection committee in the interest of academic advancement of the Institute may be allowed to be waived.

Therefore in the 6th meeting of BOM dated 23rd march 2013, the selection committee was given powers to waive conditions of appointment in outstanding cases in the interest academics in the Institute to the extent of few days / months required in teaching / research / industrial experience for the appointment without mentioning under which rules such relaxations were made.

In this connection Section 41 of Recruitment and Service Rules states as follows:

"41. Relaxation of Rules Where the Director finds that the operation of any of these rules is likely to cause difficulty in the functioning of the Institute, he may place such cases before the Board of Governors for relaxation of any rule or rules. The Board of Governors on merit of such case or cases may relax the requirement (s) of any such rule or rules in a just and equitable manner."

Therefore any relaxation which the board approves in its 6th meeting at agenda item no S-3, shall be exercised in a **just and equitable manner**.

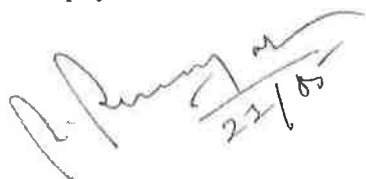
Section 46 of Recruitment and Service Rules states the following:

"46. Interpretations The decision of the Board on all questions relating to the interpretation of the provisions contained in these Rules shall be final."

Therefore the decision of the Board on all questions relating to the interpretation of the provisions contained in these Rules shall be final.

3.3. The (inadvertent) mistakes committed by the then Director and/or the Board and the relevant communications of Board members (if any).

BOM is the appointing authority for appointment of Academic staff but the then Director never took any approval from the BoM to issue the advertisement (issued on 30th January 2013) and initiated appointment process for the academic staff posts. The Board **NEVER** authorized the then Director IITA to advertise the existing academic positions or to initiate any action leading to appointment process in the institute during its 5th Meeting. Minutes of 5th BOM Meeting attached as Annexure No 8. Also the then Director Dr. M D Tiwari kept the board in dark by concealing the fact that his term of 5 years as Director of the Institute has expired on 26.12.2012 and his 6 months extension will expire on 26.6.2013. He also concealed that MHRD had issued a GO vide F.No. 3.11014/11/04-CDN dated 19th July, 2004 which restrict the outgoing director to initiate any appointment/selection 2-3 months before expiry of their term.


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In the 7th Meeting of BOM dated 20th July 2013, the then director proposed the approval of selected candidates but the BOM did NOT approve the same. Rather BOM directed the then Director, IIIT A to: (a) Issue a fresh advertisement. (b) Call the candidates including the appointees of 6th April 2013, therein before the expiry of their probation period. (c) Create a fresh selection committee as per the rules, out of panel of the experts so approved by BOM. (d) And appoint the persons/candidate as per recommendation of fresh selection committee duly approved by BOM. Here it is important to mention that the minutes of 7th meeting, had fraudulently been recorded by the then Director, which was NOT approved by the BOM when it brought for approval in 8th Meeting of BoM.

In 8th BOM meeting, the approval of selection, were reconsidered under agenda No. 16 separately seeking the approval of selections of Academic Staff, but in the view of additional discrepancies observed by BOM members in the appointment process, the BOM resolved that the all the selections made on 6th April 2013 shall be **CANCELLED**. However, from the candidates point of view and with the assumption that no underhand gloving between the affected teachers and the then Director, the Board should have also considered the advertised qualifications and experiences. Also, in 8th meeting the board should have explicitly considered the case of each appointee and took the decision but unfortunately it appears that in view of gross procedural flaws they decided not to consider the individual cases rather went ahead to cancel the whole process as void ab initio.

In 8th meeting, the board condemned various acts of former Director Dr. M. D. Tiwari using very strong words, but took no step for finding ill motive behind these acts including the 2013 appointments.

The BOG of the Institute adopted the UGC (Institutions Deemed to be Universities) Regulations, 2010 in Item 1 (a) of the 33rd meeting (Urgent) of BoG dated 15.10.2011. Revised Memorandum of Association and Rules which were framed and the same were approved by BOG on 15.11.2011 and registered as per Society Registration Act 1860 on 26.11.2011. The copy of Revised Memorandum of Association and Rules as placed at Annexure No. 9. As per UGC (Institutions Deemed to be Universities) Regulations, 2010, the Board of Governors is replaced by the Board of Management and Dr. M.D. Tiwari, being the Director of the Institute that time, also became the Chairman of the Board of Management. Now as per the revised MoA and Rules Dr. M D Tiwari, Ex-Director, IIIT Allahabad became the Director, the chief executive officer, Chairman of BoM and Chairman of the Selection Committee.

Separate report on each affected faculty member appointed on 6th April 2013

1) Separate report on each affected faculty member appointed in 2013.

Here it is important to inform the board that out of 17 affected teachers of 2013, 14 were already working in the Institute in some capacity and were very well aware about the Rules which were applicable in the Institute. The summary for each candidate is placed hereunder as the separate reports at the Annexure No (s). 10-26 which include their qualification summery as verified by them, transcript of their personal interaction, representation of the appointees, the letter issued to them by the Institute on 31.03.2017, recommendation of selection committee and the appointment letter issued to them by the Institute as mentioned in the table, the decision of the board may be noted separately in each case after examining the


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contents of their representation, deliberations of personal Interactions and decision of the Board with respect to the applicable norms. The committee has decided to put the cases in following categories:

1. Affected teacher to whom incitements were awarded by the Selection Committee:

S. No.	Name of the Candidate and Post of Appointment in 2013	Detail of their case is placed at (Annexure No.)
1.	Dr. Sonali Agarwal, Awarded 2 increments by the Selection Committee	10

2. Affected teachers to whom contractual appointment were offered:

S. No.	Name of the Candidate and Post of Appointment in 2013	Detail of their case is placed at (Annexure No.)
2.	Dr. Lokendra Kumar Tiwari, Assistant Professor on Contract Basis for 1 year on the fixed pay of Rs. 40,000/-	11
3.	Dr. Ranjana Vyas, For communication skill on contract basis as Assistant Professor emoluments at PB – 3 with AGP Rs. 8000.	12

3. Affected teachers who claimed that they are not currently employed elsewhere:

S. No.	Name of the Candidate and Post of Appointment in 2013	Detail of their case is placed at (Annexure No.)
4.	Mr. Shashikant Rai, Assistant Professor, Management in PB-3 with AGP of Rs. 8000/-	13
5.	Mr. Ashutosh Kumar Singh, Assistant Professor, Electronics in PB-3 with AGP of Rs. 8000/-	14

4. Affected teachers who are employed elsewhere:

S. No.	Name of the Candidate and Post of Appointment in 2013	Detail of their case is placed at (Annexure No.)
6.	Dr. Praveen Kumar, Associate Professor, Management in PB-4 with AGP of Rs. 9000/-	15
7.	Dr. Ranjit Singh, Associate Professor, Management in PB-4 with AGP of Rs. 9000/-	16
8.	Dr. Triloki Pant, Assistant Professor, Information Technology in PB-3 with AGP of Rs. 8000/-	17
9.	Mr. Saurabh Misra, Assistant Professor, Electronics in PB-3 with AGP of Rs. 8000/-	18

5. Affected teachers employed in the Institute in some other capacity:

S. No.	Name of the Candidate and Post of Appointment in 2013	Detail of their case is placed at (Annexure No.)
10.	Dr. Abhishek Vaish, Associate Professor, Management in PB-	19

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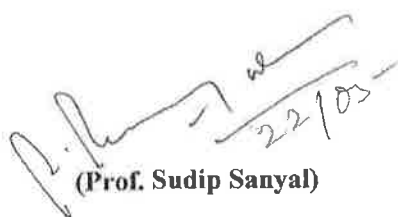
	4 with AGP of Rs. 9000/-	
11.	Dr. Vijayshri Tiwari, Associate Professor, Management in PB-4 with AGP of Rs. 9000/-	20
12.	Dr. Vrijendra Singh, Associate Professor, Management in PB-4 with AGP of Rs. 9000/-	21
13.	Dr. Pavan Chakraborty, Associate Professor, Information Technology in PB-4 with AGP of Rs. 9000/-	22
14.	Dr. K P Singh, Assistant Professor, Information Technology in PB-3 with AGP of Rs. 8000/-	23
15.	Dr. Manish Goswami, Associate Professor, Electronics in PB-4 with AGP of Rs. 9,000/-	24
16.	Dr. Sanjai Singh, Associate Professor, Electronics in PB-4 with AGP of Rs. 9000/-	25
17.	Dr. Anurika Vaish, Professor, Management in PB-4 with AGP of Rs. 10,000/-	26

Therefore, with the above stated facts, we put forward our report to the board to decide the following:

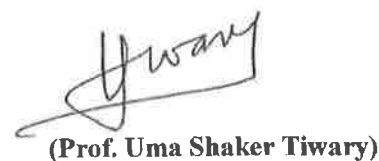
1. Eligibility criteria for various posts advertised in 2013 in accordance with the rules applicable.
2. Counting of past service as experience for direct recruitment.
3. Decide the matter of each of the affected teachers based on the decision taken in 1 and 2.
4. Decide the process of regularization, seniority and benefits who survive after the scrutiny.
5. Decide the process and benefits to those who do not qualify for appointment after the scrutiny process.
6. Fate of contractual appointments.
7. Appropriate action against the erstwhile Director of the Institute Dr. M D Tiwari for dragging the Institute in unnecessary litigations, non observing the rules and resolutions of the board, dereliction of duties as chairman of the Selection Committee, Dereliction of duties in framing spurious terms and conditions given in the appointment letters, maligning the reputation of the Institute and ruining the carrier of some of the deserving candidates.

The committee submits its report to the BoG for consideration.

Date:


(Prof. Sudip Sanyal)

Dean (FA) IITA


(Prof. Uma Shaker Tiwary)

Dean (IRP), IITA

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Annexure -1

(Reference: Minutes of Agenda Item No. 4.03 of the 4th BOG Meeting held on 23.05.2017)

Sl. No.	Position	Name	Qualification and Experience as per Advertisement	Qualifications and Experience as per Recruitment and Service Rules of IIT-A; Schedule B (See Rule7)	Discrepancy/ Shortfall if any	Recommendation
1.	Associate Professor	Dr Vrijendra Singh	<p>Minimum Qualification: Ph.D. with first class or equivalent (in terms of grades etc.) at the preceding degree in the appropriate branch, with a good academic record throughout. In addition, for Associate Professor:</p> <p>8 years teaching/ research/ Industrial experience of which 3 years should be at the level of Assistant Professor.</p>	<p>Essential Qualifications: Ph.D. with first class or equivalent grade at the preceding Degree in an appropriate branch/discipline with a very good academic record throughout.</p> <p>Experience and other conditions of service: Minimum 6 years Teaching/Research/ Industrial experience of which at least 3 years should be at the level of Assistant Professor or equivalent.</p>	<p>Shortfall: NIL.</p>	<p>As per recruitment rules Minimum 6 years Teaching/Research/ Industrial experience of which at least 3 years should be at the level of Assistant Professor or equivalent is required. The bar has been raised in the advts.</p> <p>His total Teaching/ Research/ Industrial experience is more than 08 years.</p> <p>RECOMMENDED for acceptance of selection committee decision.</p>
2.	Associate Professor	Dr Pavan Chakraborty	<p>As above</p>	<p>As above</p>	<p>Shortfall: NIL</p>	<p>As per recruitment rules Minimum 6 years Teaching/Research/ Industrial experience of which at least 3 years should be at the level of Assistant Professor or equivalent is required. The bar has been raised in the advts.</p> <p>His total Teaching/ Research/ Industrial experience is more than 08 years.</p> <p>RECOMMENDED for acceptance of selection committee decision.</p>

Sl. No.	Position	Name	Qualification and Experience as per Advertisement	Qualifications and Experience as per Recruitment and Service Rules of IIIT-A; Schedule B (See Rule7)	Discrepancy/ Shortfall if any	Recommendation
3.	Associate Professor	Dr. Pravin Kumar	As above	As above	Shortfall: NIL	<p>As per recruitment rules Minimum 6 years Teaching/Research/ Industrial experience of which at least 3 years should be at the level of Assistant Professor or equivalent is required. The bar has been raised in the advts.</p> <p>His total Teaching/ Research/ Industrial experience is more than 08 years.</p> <p>RECOMMENDED for acceptance of selection committee decision.</p>
4.	Associate Professor	Dr. Ranjit Singh	As above	As above	Shortfall: NIL	<p>As per recruitment rules Minimum 6 years Teaching/Research/ Industrial experience of which at least 3 years should be at the level of Assistant Professor or equivalent is required. The bar has been raised in the advts.</p> <p>His total Teaching/ Research/ Industrial experience is more than 08 years.</p> <p>RECOMMENDED for acceptance of selection committee decision.</p>

Sl. No.	Position	Name	Qualification and Experience as per Advertisement	Qualifications and Experience as per Recruitment and Service Rules of IIIT-A; Schedule B (See Rule 7)	Discrepancy/ Shortfall if any	Recommendation
5.	Associate Professor	Dr. Sonali Agarwal	As above	As above	Shortfall: NIL	She was not promoted/ selected for Associate Professor; however she was given two increments over and above on her basic pay. RECOMMENDED for acceptance of selection committee decision
6.	Assistant Professor	Dr Krishna Pratap Singh	<p>Minimum Qualification: Ph.D. with first class or equivalent (in terms of grades etc.) at the preceding degree in the appropriate branch, with a good academic record throughout. In addition, for Assistant Professor: 3 years teaching/research/ Industrial experience.</p> <p>Experience and other conditions of service:</p> <p>A minimum of three years teaching/research/professional experience, excluding the experience gained while pursuing Ph.D. Candidate should have demonstrated research capabilities in terms of publications in reputed journals and conferences.</p>	<p>Essential Qualifications: Ph.D. with first class or equivalent grade at the preceding Degree in an appropriate branch/ discipline with a very good academic record throughout.</p> <p>Experience and other conditions of service:</p> <p>A minimum of three years teaching/research/professional experience, excluding the experience gained while pursuing Ph.D. Candidate should have demonstrated research capabilities in terms of publications in reputed journals and conferences.</p>	<p>Shortfall in Experience: NIL</p>	<p>He was having Minimum qualification of PhD as on 06.04.2013 with 03 years 04 months and 23 days teaching experience excluding PhD.</p> <p>RECOMMENDED for acceptance of selection committee decision.</p>

Sl. No.	Position	Name	Qualification and Experience as per Advertisement	Qualifications and Experience as per Recruitment and Service Rules of IIIT-A; Schedule B (See Rule7)	Discrepancy/ Shortfall if any	Recommendation
7.	Assistant Professor	Dr. Ashutosh Kumar Singh	As above	As above	<p>Shortfall in Experience: NIL</p> <p>Shortfall in Qualification: PhD not awarded</p>	<p>He was not having Minimum qualification of PhD as on 06.04.2013. He was having more than minimum required teaching experience excluding PhD as per recruitment and Service Rules. He was working on the position of Lecturer on the pay Scale of 15600-39100+AGP7000 in IIITA wef 03.07.10 to the date of interview 06.04.13.</p> <p>He is RECOMMENDED for the post of ASSISTANT PROFESSOR on contract for 5 years on the pay scale 15600-39100 AGP 7000 w.e.f 06.04.2013.</p>
8.	Assistant Professor	Dr. Shashikant Rai	As above	As above	<p>Shortfall in Experience: There is a shortfall of Experience by 02 years 03 months and 26 days in minimum experience as per Recruitment and Service Rules.</p> <p>Shortfall in Qualification: PhD not awarded</p>	<p>He was not having Minimum qualification of PhD as on 06.04.2013. He was having teaching experience only for 8 months 04 days. He was working on the position of Lecturer on the pay Scale of 15600-39100+AGP7000 in IIITA wef 04.07.10 to the date of interview 06.04.13.</p> <p>He is RECOMMENDED for the post of ASSISTANT PROFESSOR on contract for 5 years on the pay scale 15600-39100 AGP 7000 w.e.f 06.04.2013.</p>

Sl. No.	Position	Name	Qualification and Experience as per Advertisement	Qualifications and Experience as per Recruitment and Service Rules of IIIT-A; Schedule B (See Rule7)	Discrepancy/ Shortfall if any	Recommendation
9.	Assistant Professor	Dr. Saurabh Mishra	As above	As above	<p>Shortfall in Experience: NIL</p> <p>Shortfall in Qualification: Ph.D. not awarded</p>	<p>He was not having Minimum qualification of PhD as on 06.04.2013. He was having more than minimum required teaching experience excluding PhD as per recruitment and Service Rules. He was working on the position of Lecturer on the pay Scale of 15600-39100+AGP7000 in IIITA wef 01.07.10 to the date of interview 06.04.13.</p> <p>He is RECOMMENDED for the post of ASSISTANT PROFESSOR on contract for 5 years on the pay scale 15600-39100 AGP 7000 w.e.f 06.04.2013</p>
10.	Assistant Professor	Dr. Ranjana Vyas	As above	As above	<p>Shortfall in Experience: NIL</p> <p>Shortfall in Qualification: NIL (Having PhD on the date of Interview)</p>	<p>She was appointed on assistant Professor emoluments on contract basis</p> <p>RECOMMENDED for acceptance of selection committee decision.</p>

Sl. No.	Position	Name	Qualification and Experience as per Advertisement	Qualifications and Experience as per Recruitment and Service Rules of IIIT-A; Schedule B (See Rule7)	Discrepancy/ Shortfall if any	Recommendation
11.	Assistant Professor	Dr. Lokendra Tiwari	As above	As above	<p>Shortfall in Experience: 01 Year 11 months 05 days.</p> <p>Shortfall in Qualification: NIL (having PhD on the date of Interview)</p>	<p>He was appointed on contract for one year @ Rs 40,000/- fixed (per month)</p> <p>RECOMMENDED for acceptance of selection committee decision.</p>