

## **Enquiry Report**

**BACKGROUND:** An Enquiry by the undersigned has been conducted during 28th - 30th September, 2006 at Banaras Hindu University, Varanasi. The enquiry had been ordered by the Commission to find out whether Shri Dhananjay Tripathi an RTI user has been victimized by the Public Authority for his using the Act.

Shri Dhananjay Tripathi, an ex student of Bachelor of Physical Education had filed an RTI application requesting the Public Authority to make enquiry report public in the matter of death of Shri Yogesh Rai, another student of the B.P.E, BHU, Varanasi. Shri Tripathy passed the B.P.E in the year 2005-06 and appeared in the entrance test for admission in M.P.E (M.P.Ed form 2006)

**FACTS AND ANALYSIS:** The Banaras Hindu University conducts entrance examinations to admit students in the Graduate/Post Graduate Classes. Each course has a predefined eligibility condition and lays down the minimum qualifications for evaluating the performance of the candidates. For admissions, there is a provision for Institutional preference, spelt out as follows:-

"Institutional preference will be available to BHU students (excepting MCA course) as per directive of Supreme Court, to a maximum of 25% out of the seats in the open category. A "Banaras Hindu Univeristy Student" is one who has been admitted through University Entrance Test, BHU and has passed the Qualifying Examination from BHU in the year of the test or one year immediately preceding the test. Any seat left vacant 'preferential' seats for 'BHU students' consiquent upon the aforesaid directions shall be made available for open General Category Candidates"

The evaluation of the candidates is done according to the merit on the basis of the aggregate marks secured in the test provided he/she fulfils the minimum eligibility criteria and secures the minimum qualifying marks in concerned test as to be decided by

university. However, (a) for M. Sc. (Ag) the minimum qualifying marks are 35% for general category and 30% for SC/ST Candidates (b) for M.P.Ed. the minimum qualifying marks in physical test (Physical + Skill) are 45%. **The university reserves the right to modify the minimum qualifying marks in the entrance test.**

Admission to the professional course which is under contention is M.P.Ed. As is indicated, the physical test consists of the physical and the skills test. The candidates are evaluated for 200 marks in terms of the timing in the one Canadian test, whereas the skill test is evaluated for 100 marks. Therefore the physical test is conducted for 300 marks. The evaluation of these 300 marks is done manually by a group of external examiners, whose names are recommended by the head of Department at BHU. As per the qualifying marks, one has to secure at least 45% in the physical test, which is 135 in order to get his/her name included in the merit list.

The Canadian test is a set of 8 physical exercises, which ought to be completed successfully as early as possible so as to secure maximum marks (Annexure-I). A candidate may be given another chance if he/she wants to improve his/her performance. On the other hand, skill 'test' is conducted for any one of the games opted for by the candidate viz. Kabaddi, Cricket, Hockey, Athletics, Basket Ball etc. Surprisingly, the method of conversion used in evaluating the Canadian test is neither published nor explained to the candidates by the Department of Physical Education, BHU, thereby leaving all the candidates completely in the dark about their scores despite of having their timings of completion known to them. There is no mechanism by which it is ensured that timings announced at the time of the Canadian test is the same which is recorded by the examiner. This results into a great amount of incredibility about the method of scoring in the Canadian test. The 'skill' test on the other hand has two parts - playing ability and the skill.

The Canadian and the skill test's both were conducted on 6th and 7th of June-2006 in the ground of the Department of Physical Education. On both the days, Varanasi, including the BHU campus, witnessed rainfall to the tune of 4.0 mm as per the records of the Deptt. of Meterology. This was supported by the newspaper reports

as well (Annexure-II & III). Shri Dhananjay Tripathi and 4 other students (names of the candidates are withheld on their request) informed to the undersigned that due to the rains before the Canadian test, the surface was wet and they all were aware of the consequences of their performances on the wet surface. A group of BHU candidates appearing for the test went to Prof. D.K. Dureha, Head of the Deptt. Physical Education and expressed their concern about their performance on the wet surface. To this, the H.O.D. verbally assured them that he would ensure that the relaxation to this effect is granted. However, Prof. Dureha emphatically disputed this that there was any conversation at all which took place on the said day. He, in fact, disputed about the rainfall either on the day of the test or before that.

On perusing the records at the office of the Controller of Examinations, it was observed that Shri Dhananjay Tripathi, who appeared in Cricket (to be tested for skills) and the Canadian test was awarded the following marks:

Physical Test:	Canadian Test:	56/200
	Skill Test (Cricket)	46/100
	Total:	102/300 = 34%
Entrance Test:		205/300 = 68% (Annexure-IV)

There are 20 seats in the M.P.Ed. Which were filled as per the following details:

General:		9
General BHU	Students:	3
Female:		3
SC:		3
ST:		2

However, there was scope for 22 admissions in M.P.Ed during 2006-07 (Annexure-V). There were 6 merit lists that were prepared by the University this year - General, SC, ST, Sports, employee's/wards and the BHU students. Shri Tripathy contested for the BHU students as he is an old BHU student. There were 6 old BHU students who appeared for the entrance test including Shri Dhananjay Tripathy. However, the merit list for the BHU students

had 5 names and this list did not include the name of Shri Dhananjay Tripathy. Out of these 5 names the first 4 are figuring in the Ist 9 in the combined merit for the general category (Annexure-VI) whereas the candidate at the 5th place in the BHU merit list also figures in the SC merit and also the employee's ward merit list.

The merit list for the Deptt. of Physical Education was not uniformly prepared over the last two years. During 2005-06, a combined merit list, that is of those who qualified the physical test and those who could not qualify the physical test was prepared and sent to the Department and it was left to the Department to finalise admissions to the candidates. The Department of Physical Education from the combined merit list brought out a provisional merit list wherein each category of candidates were placed in waiting list (Annexure-VII). In the same list at 8(A), name of Ms. Priti Jaisawal appears as a wait listed candidate though Ms. Jaiswal could not qualify in the physical test as is mandatory as claimed by the Department and the BHU Administration. Ms. Jaiswal during the test conducted in 2005-06 scored 64/300 in the physical test and 250/300 in the theoretical paper (Annexure-VIII). However, she could not be admitted in the M.P.E Class for the same year, as there were no drops out from the employee's ward quota. **This proves that these rules are not strictly followed and are amended as per the convenience of the BHU Administration and their beneficiaries.**

The minimum qualification for admissions to the M. Sc (Ag) courses as prescribed in the information bulletin 35% for general category and 30% for SC/ST candidates. M.Sc (Ag.) is also one of the professional courses like M.P.E (M.P. Ed.) as per the information bulletin. The fact that seats are not filled up due to the minimum qualification fixed at 35%, the Department for the last two years have been requesting the V.C., BHU to lower down the minimum criteria so that the economic and academic prudence is exhibited. As reported by the Director, the Institute of Agricultural Sciences, BHU, the Controller of Examinations has been delegated this power by the V.C. to lower down/waive off the minimum criteria to the extent that the seats in each of the courses are filled up (Annexure-IX). During 2006-07 the Institute of Agricultural

Sciences admitted the candidates after relaxing the minimum qualifications to the considerable extent.

**CONCLUSION:** If the merit list would have been prepared as was prepared in 2005-06, Shri Dhananjay Tripathy would have found a place in the composite merit list in the BHU candidate category.

It is established beyond any doubt that the minimum qualification criteria is modified as and when required and the candidates are admitted as per the convenience of the BHU administration. In the present case, the Department of Physical Education had all the three seats vacant in the BHU candidate category and yet the name of Shri Dhananjay Tripathy, a BHU candidate was not considered since he was not favoured by the H.O.D., Physical Education. The relaxation rule cannot be applied at one place and denied at another. In fact, the purpose of waiver/lowering of the minimum qualification should remain same to fill up the seats in such a way that there is an adequate representation of the candidates from each category in the final admission list.

The HOD, Physical Education did not exercise this option since it was obvious that he never wanted Shri Dhananjay Tripathy to be admitted in the M.P.E course. This is the reason for which he filled all three seats of the BHU Candidate quota from the open category and denied admission to Shri Dhananjay Tripathy, the only BHU candidate left out of the final list. Whereas the intentions and the actions of Prof. Dureha, H.O.D., Physical Education exhibited a narrow mindedness, the consequences resulted into a violation of the natural justice. On many occasions, as pointed out by the students, teachers and the administrative staff, Prof. Dureha exhibited his high handedness in every walk of Departmental Affairs. Prof. Dureha, H.O.D. of the Physical Education, BHU, clearly played a pivotal role in denying admission to Shri Dhananjay Tripathi. It is left open however, whether this role of Prof. Dureha was prompted down by the University Authorities or he himself exhibited this brilliance to please his superiors.

**RECOMMENDATIONS:** It is therefore recommended that the Commission may consider directing the BHU administration to:

- i. Follow a uniform moderation policy for admission in M.P.E. course for the year 2006-07 as done by them for M.Sc. (ag.);
- ii. Publish the conversion table used for evaluating the Canadian test in the Information Bulletin;
- iii. Prepare the merit list not only by indicating the aggregate marks but also the separate marks scored each candidate in the entrance and the physical efficiency test;
- iv. Admit Shri Dhananjay Tripathi in the M.P.E. course for the year 2006-07 with immediate effect and grant him a grace period upto the date of admission for the purpose of attendance;
- v. To ensure that an application seeking information from the University under RTI Act-2005 is not victimized in future.

(Pankaj K.P. Shreyaskar)  
Under Secretary  
& Asstt. Registrar  
Phone No. 011-26717354

LIST OF BHU OFFICIALS WITH WHOM  
Was INTERACTION DURING THE PERIOD OF  
ENQUIRY

1. DR. S. P. MATHUR, D.R. (A)
2. DR. VISHWANATH PANDEY, P.R.O.
3. PROF. D. K. DUREHA, H.O.D., DEPTT. OF PHYSICAL EDUCATION
4. DR. SUSHMA GILDIYAL, READER, DEPTT. OF PHYSICAL EDUCATION
5. DR. RAJIV VYAS, LECTURER, DEPTT. OF PHYSICAL EDUCATION
6. DR. R.N. SINGH, COACH, ATHELETICS
7. PROF. S.R. SINGH, DIRECTOR, INSTITUTE OF AGRICULTURAL SCIENCE
8. PROF. JANARDAN SINGH, DEAN, INSTITUTE OF AGRICULTURAL SCIENCE
9. PROF. D.K. SUJAN, H.O.D., AGRICULTURAL EXTENSION
10. DR. K.M. TRIPATHY, ASSTT. DIRECTOR (YOGA) DEPTT. OF PHYSICAL EDUCATION

11. DR. K.P. UPADHYAY, CONTROLLER OF EXAMINATION
12. DR. B.K. PANDA, ADDL .CONTROLLE OF EXAMINATION
13. SHRI VIDYA SAGAR, GENERAL SECRETARY, UNIVERSITY SPORTS BOARD
14. DR. S.P. TIWARI, OBSERVER FOR THE CANADIAN TEST
15. DR. DASRATH GOND, OBSERVER FOR THE CANADIAN TEST
16. SHRI N. SUNDRAM, REGISTRAR

### **LIST OF STUDENTS**

1. SHRI DHANANJAY TRIPATHY
2. 4 STUDENTS WHO HAVE BEEN ADMITTED IN 2006-07 BATCH OF M.P.ED.
3. 6 SENIOR STUDENTS OF THE DEPTT. OF PHYSICAL EDUCATION
4. 1 STUDENT OF THE DEPTT. OF HINDI.



CIC/OK/A/2006/00051  
Central Information Commission  
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Old JNU Campus, New Delhi - 110 067.

Dated: 04-09-2006

To

Shri A.K. Dubey,  
Public Information Officer & Registrar,  
University of Delhi,  
Delhi - 110 007.

Sub; Information under the Right to Information Act-2005.

Sir,

Please refer to your letter No. R (PIO) 2006-07/dated 24-07-2006. In this connection, it is stated that the contents therein are being taken as compliance report and the Commission has cognizance of your compliance.

This is for your information please.

