

Statement of facts on Police Case against Mewar University' Officials and Bank officials under FIR No.9/2016 u/s 20/467/468/471/120B/511/34 of IPC&3(1)/9/3(5) of SC/ST Act.

AND

FIR No.12/2016 u/s 420/467/468/471/120B of IPC&139 (1)(d) and Section 13(2) of PC Act and 3(2) of SC/ST Act.

Mewar University is a State Private University established and incorporated by the Government of Rajasthan under the Mewar University, Chittorgarh Act, 2009 (Act No.4 of 2009). The Mewar University is thus, a University recognized by the University Grants Commission under Section 2 (f) of the University Grants Commission Act, 1956.

The object of the University is to undertake Research and Studies in various disciplines as specified under the Act and other disciplines as the University may determine from time to time to achieve excellence and impart and disseminate knowledge in such disciplines. The University Act empowers the Mewar University to grant and confer various degree, diploma or certificates and other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons. Thus, Mewar University is entitled to confer degrees as per section 22 of the University Grants Commission Act, 1956.

Mewar University is thus, an autonomous body, which is self financed and does not receive any aid or grant from any Government body. The Mewar University is also a member of the Association of Indian Universities (AIU).

Keeping in view its objectives, the Mewar University has been providing technical and professional education to the poor, needy and vulnerable section of society specially belonging to SC/ST, OBC and Minority categories. One of the mission of the promoters of the University is to reach out to the unreached and poor, needy and vulnerable section of the society so as to provide them adequate access to the field of higher and professional education. A Broacher of Mewar University is enclosed as **Annexure-I**.

433 students of SC/ST from Uttarakhand took admission in the University in various general courses under various faculties. The said students were granted provisional admissions and no

money was charged from them as per policy of the University. At the time of admission, we issued books and uniform to all such students and as per the requirement of the scheme, their scholarships claim was uploaded on the website of Department of Social Welfare of Uttarakhand and Bank Accounts were also opened by the students because it was a mandatory requirement to fill the Bank Account No. in the scholarships claim as scholarships was to be credited directly in the bank account of only students concerned under Post Matric Scholarships Scheme of the Government of Uttarakhand.

The students admitted in the University were supposed to attend the regular classes, but unfortunately, most of them did not turn up to attend the classes. In the circumstances, the students were contacted time and again over telephone and were clearly informed to attend the classes. However, when there was no response from the admitted students, the official letters for attending the classes and remove the deficiencies in their admission forms were sent to the students and it was also informed that in absence of the required attendance and completion of admission form, their admission may be cancelled. This process was going on from Admission Department of the University so as to persuade and counsel the students to attend the classes and complete the formalities of admission form.

In the meanwhile, University exams were announced and students being the poorest of the poor category could not come to attend the classes, due to heavy rain and flood situation in Uttarakhand. In the circumstances, on the request of the students, revisionary classes were arranged in Uttarakhand itself as a special case and as a onetime measure. The said revisionary classes were attended by many students and finally they appeared in the examinations. But, it was clearly informed to the students that the marks-sheets will not be given to them until they come to attend regular classes from next semester in the main campus of the University at Chittorgarh.

Subsequently, since the students did not attend the classes and some irregularities were also noticed in the examination held, the Controller of the Examination of the University brought the position before Higher Authorities in the month of September, 2015. On the very same date, the University Authorities immediately ordered to cancel the examination and to take action for cancellation of admission, if required. Finally, it was brought to the notice of Higher Authorities

that admission had been cancelled and due information was given to Director, Department of Social Welfare, Haldwani vide letter dated 22nd March, 2016 of Controller of Examination regarding cancellation of admission of students for Academic Year 2014-15 and 2015-16 and the letter written to respective District Social Welfare Officers of Uttarakhand was received by their Office at Haldwani (Nainital) on 28th March, 2016. This information was also given personally to Vigilance Officer, Shri Arvind Dangwal, when he visited first time our camp office at Vasundhara (Ghaziabad) before first FIR was registered in this matter.

It was clearly brought to the notice of Higher Authorities of the State Government that University has not received a single penny on account of scholarships either from the Government or from the students so far. It was also informed to the concerned officers that there was no need to release any scholarships to the students admitted in Mewar University for Academic Year 2014-15 and 2015-16. A copy of the letter written to concerned officers is enclosed herewith for your kind perusal as **Annexure-II**.

it is clear that since 31st March 2016, Vigilance Department of Uttarakhand State is after the University and its officials and wants to destroy the image of the University as well as its officials. As mentioned above, there was no transfer of money to the University as well as to students of Uttarakhand who took admission in Mewar University. Since FIR was lodged, the administration of Mewar University including the Chancellor/Chairperson has been fully cooperating with the police department. Chairperson visited Dehradun Vigilance department twice and on 12th June, 2016 he went to Haldwani to cooperate in the enquiry. He went there on the request of S.P. (Vigilance) Haldwani. He was assured that S.P. (Vigilance) needs certain clarifications and he will not arrest him. But despite this, the Hon'ble Chairperson of Mewar University was arrested, even though he was having Arrest Stay Order from Uttarakhand High Court, copy of which is annexed as **Annexure-III**.

The Vigilance Department arrested the Chancellor/Chairperson of Mewar University who remained in judicial custody for more than 83 days and ultimately Uttarakhand High Court vide its order dated 30.8.2016 granted him the bail. In those 83 days, the chancellor / Chairperson of Mewar University remained under continuous stress and trauma in Nainital Jail. The Chairperson is a gentleman and highly qualified person and holds very good reputation in

society. He faced such a humiliating situation and ill treatment from vigilance department of Uttarakhand which was never expected from them. By this action of police, his social and professional life is also smeared. A copy of profile of Chairperson, Dr. Ashok Kumar Gadiya is enclosed as **Annexure-IV**.

The Chairperson of Mewar University has written various letters to Hon'ble Governor, Uttarakhand, Hon'ble Chief Minister, Uttarakhand, ADG(Vigilance),Dehradun and to concerned Police Officers who were enquiring the matter before he was arrested, but unfortunately, nothing was done. A copy of said letters are enclosed as **Annexure –V**.

Besides the Chairperson / Chancellor of Mewar University, 4 other officers of University, namely, Mr Gaurav Goel, Mr Dilip Mineria, Mr Anees Mohd. and Mr Shamim (ex-employee) also had to remain in judicial custody for more than 4 months and ultimately now they are released on bail vide order passed by Hon'ble High Court of Uttarakhand. Despite the above, Vigilance Department of Uttarakhand is still hunting another 4 Officers of the University i.e. Dr. R.K. Paliwal, Mr Syed Mehdi, Mr Keshav Kohli and Mr. Nikhil Garg who can be arrested any day, despite the fact that these officers are nowhere at fault and no money of Uttarakhand Government has been siphoned off by any one, either by students or by University.

As pointed out above, there was no involvement of University in respect of getting the scholarships as it is known to everyone that scholarships of SC/ST students is directly transferred to the accounts of the students. It is a matter between the students and Social Welfare department of the state. It is the students who apply for scholarships and it is Social Welfare Department who verifies the scholarships by way of physical verification of the students in the concerned institutions. If it is found to the satisfaction of the concerned officer of the Social welfare department, scholarships is granted, otherwise it is rejected. It is normal activity. Lacs of students of SC/ST category are applying for scholarships and thousands are granted the scholarships. It does not mean that those who could not receive the scholarships are criminal and criminal cases are registered against them and the institution in which they are studying should be dragged in criminal conspiracy. The University is nowhere in the picture but it is unnecessarily being dragged in the case and highlighted in the media showing that University is engaged in a scam. When even not a single penny was received by the students,

then how it could reach the University. Simply by forwarding application of scholarship filled-up by students will not fetch money to the students or to the University. It is a matter of common knowledge which Vigilance Department could not understand. They hurriedly lodged FIR on the complaint of a junior advocate, Mr S K Divakar, aged about 28 years. He was an employee of Mewar University working as legal advisor and he made a complaint with malafide intention to extract money from University by illegal means. Vigilance department without making any enquiry with the University and its authorities, straightway lodged two FIRs, whereas as explained above, the University had already cancelled all the admissions, scholarships claims, examination and results of SC/ST students of Uttarakhand and the same information was given to Director, Social Welfare Department, Uttarakhand and also to officer concerned of Vigilance department before lodging of FIR's. As a matter of a fact, there was no need to register FIR's on 31st March alleging an attempt to grab scholarships which is not justifiable, because on the day of lodging FIR, there was no possibility remaining alive even to attempt to grab the scholarships. It is also evident from their own investigation report. Attempt to grab scholarships will only be possible when there is Collusion between Mewar University, Students, Bank officials and Social Welfare department which is nowhere seen, observed and found.

It is submitted that the offences booked under various sections of IPC, Prevention of Corruption Act and SC/ST Act against the officials of Mewar University as can be seen from FIR and charge sheet, are not applicable at all to the officials on their activities in relation to admission of students under SC/ST category of Uttarakhand. Copies of FIRs and Charge Sheets are enclosed as **Annexure-VI** which clearly indicates that the admission forms have been signed and documents relating to admissions have been given by students themselves without any force. The bank account opening forms were also signed by the students and there is no forgery as such in relation to any documents.

It is also relevant to point out that there is no involvement of any of the University' official including Chancellor/Chairperson in so called scam. As shown in the FIR and Charge Sheet, Police (Vigilance) has tried to make out the case on the basis of apprehension, presumption and conjecture. They failed to provide single evidence against the University' officials.

It is also clear that none of the University' officials has any type of criminal history, whereas the complainant, Mr S K Divakar is habitual offender of criminal mind-set.

University officials helped the Govt. by way of informing the concerned authorities in time so as to withhold the scholarships since University had cancelled the admissions. It is also relevant to point out that most important activity in the disbursement of scholarships of SC/ST students under Post Matric Scheme is physical verification of the students and physical verification of the documents of the students is to be done by the officials of Social Welfare Department in the campus of institutions, where the students took the admission. Such activity could not be carried out successfully and before such activities commenced, University cancelled the admissions and due intimation was given to the concerned officers as discussed above. Therefore, in view of such facts and circumstances there is no attempt of any sort on the part of the University to grab the scholarships. So, the entire exercise of vigilance (Police) is pre-mature and deserves to be quashed. A copy of the Government Order showing procedure for disbursement of scholarships is enclosed as **Annexure-VII**.