



# ENQUIRY REPORT

*Regarding*

IRREGULARITIES IN APPOINTMENT

&

CONSTRUCTION WORK

*of*

BIHAR AGRICULTURAL UNIVERSITY, SABOUR (BHAGALPUR)

*Submitted by:*

*Justice Syed Md. Mahfooz Alam*

Former Judge, Patna High Court



## REPORT

By notification No.BAU-1-/2015-161/GS(I) dated 21/06/2016 of the Governor's Secretariat, Bihar, H.E. the Governor & Chancellor, Universities of Bihar, in exercise of power conferred upon him under Section 19(7) of Bihar Agricultural University Act. 2010, has been pleased to authorise me to conduct enquiry in respect of the irregularities committed in Bihar Agricultural University, Sabour in the matter of appointment of Asstt Professor-cum-Junior Scientists as well as of construction of buildings and other issues raised in the complaint petitions annexed with the notification besides violations of Acts, Statutes and other relevant provisions. The said notification was handed over to me by O.S.D. (Judicial), Governor Secretariat, at my residence along with copies of complaints of S/Shri Anand Singh, Mithilesh Kumar Singh, Sushil Kumar Modi and Jitan Ram Manjhi. OSD also informed me that the place of enquiry was fixed at the Guest House, Bihar Veterinary College, Patna.

On receipt of the Notification I perused the complaint petitions of the above mentioned persons and thereafter I decided to call for point wise reply and clarification from the Bihar Agricultural University authorities on each and every allegations levelled in the complaint petitions. Accordingly, I sent the copies of the allegation petitions to the Director (Administration) / Registrar, Bihar Agricultural University, Sabour asking them to submit para wise reply to the allegations. After receipt of the reply of the University and on perusal of the reply, I decided to examine all the Expert Members of the Selection Committee in view of the allegations that in the interview of the candidates for the post of Asstt Professor-cum-Junior Scientist, irregularities and favouritism in large scale have been committed. I also decided to make on the spot inspection of the construction work and for this purpose, I visited Bihar Agricultural University, Sabour and Horticulture College, Noorsarai and obtained photo copy of relevant documents. On the basis of spot verification as well as verification of the

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records with regard to appointments and constructions, I have prepared this report. It is to be mentioned here that in all the allegation petitions of the above mentioned persons and the complaints of several other persons received during enquiry, most of the allegations are identical and so they are being taken up point wise.

**(1) Regarding allegation of irregularities committed in construction of Tissue Culture Laboratory at Sabour:**

There is allegation that Tissue Culture Laboratory was constructed in Bihar Agricultural University at a cost of Rs 2.6 crore without calling for any tender and without preparing any proper estimate and specification. There is further allegation that the entire work was done on the instruction of the then Vice-Chancellor Mr Mewa Lal Choudhary.

The University's stand is that the decision to construct the Tissue Culture Laboratory was taken before creation of Bihar Agricultural University, Sabour by the authorities of Rajendra Agricultural University, Pusa. The proposal of construction of Tissue Culture Laboratory at Sabour Agricultural College at a cost of Rs 425.54 lakh was duly approved by the Board of Management of Rajendra Agricultural University, Pusa in its 78<sup>th</sup> meeting dated 21.02.2010. As per the reply of the University the construction of Tissue Culture Laboratory was not simply a construction of laboratory but the scope of work included construction of tissue culture labs, office building, green house, net house, poly house, installation of generator, water pumping station along with operational cost for running the Tissue Culture Laboratory for a period of three years. The University has refuted the allegation that construction of building as well as laboratory of Tissue Culture was done without calling for tender or expression of interest. As per the reply of the University, Tissue Culture Laboratory was a new venture in the whole State of Bihar and no expertise/specialisation was available within the State as such a Committee headed by Associate Dean-cum-

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Principal, Bihar Agriculture College, Sabour was constituted which decided to invite Expression of Interest first and accordingly a draft notice of Expression of Interest (Annexure-A) was prepared incorporating the terms and conditions for establishment of Tissue Culture Laboratory for production of one million plants per year in built to operate basis including construction of building, laboratories and associated facilities etc. Thereafter, notice inviting Expression of Interest was sent for publication and also downloaded on website. The same was published in Hindustan Times, Patna and Delhi on 27/07/2009 (**Annexure-A/1 and A/2**). In response to the advertisement, three agencies namely; (i) M/S Saveer Biotech Ltd, New Delhi (ii) M/S Pooja & Sons Biotech Ltd, Ambala Cantt, Haryana and (iii) M/S A.K. Gupta & Co., Rohini, New Delhi, submitted Expression of interest for establishment of Plant Tissue Culture Laboratory which were opened before the Committee headed by Associate Dean-cum-Principal, Bihar Agriculture College, Sabour on 2<sup>nd</sup> September, 2009 2009 (**Annexure-A/3**). But the Committee Members were not satisfied and as such, another draft notice inviting expression of interest for construction of Tissue Culture Laboratory and its building was issued on 19<sup>th</sup> September, 2009 under the signature of Associate Dean-cum-Principal, BAC, Sabour which was published in Hindustan Times, New Delhi edition on 24/09/2009 (**Annexure-A/4**). The University has also stated that the tenders were invited through media also. It is stated that in response to the second Expression of interest, altogether six Expression of interest were received which were placed before the Committee on 09/11/2009 along with comparative charts. The proceeding of the meeting dated 09/11/2009 (**Annexure-A/5**) will show that the Committee shortlisted two firms namely; M/S Sheel Biotech Ltd and M/S Saveer Biotech Ltd and asked both the companies to submit DPR including total expenditure on the project. Accordingly both the firms submitted DPR along with the total cost of project which were opened before the duly constituted Committee on 11/07/2010 and the Committee accepted the tender of M/S Saveer Biotech Ltd



