

Report Preparation by the Internal Committee

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How report should be prepared by the Internal Committee members in consultation with the External Committee members was elaborately perused in the case of *Jaya Kodate V/S Rashtrasant Tukdoji Maharaj Nagpur University, Hon'ble Mumbai High Court* has ruled as per the following:

Para 47.

47. In these writ petitions, the so called report of majority is authored by NGO member Smt. Pankule who kept herself away from the proceedings of ICC on many as also on important occasions Her report shows her singular effort and does not mention any deliberations with Dr. Ghatole or Dr. Brahamankar. We have already noted above the objections by Petitioners to the inclusion of these two members as part of ICC.

There is nothing before us to reveal that these two members have given any thought to the controversy. Merely because they have placed their signatures at the end of personal report of Smt. Pankule, in this situation, Respondents can not be said to have discharged burden cast upon them to demonstrate that Dr. Ghatole or Dr. Brahamankar has applied mind to the material on record.

In any case, they have not applied mind to the report submitted by Presiding Officer Professor Madhugiri. Her report shows an effort made by her to call for reports from individual members but then that again is not enough to fill in the lacuna. Material on record shows absence of spirit of cooperation between the ICC members. As the deliberation was never even attempted and there is no effort made collectively either to agree or to disagree, we cannot read either of the two reports placed on record which are deprived of its fundamental joint character or nature. Both the reports are therefore discarded. As such, there is no reason to examine the perversity or otherwise of any of such unsustainable reports.

The above observation in the Order the Hon'ble Judge had categorically described, how a REPORT has to be prepared, post inquiry, which needs to be submitted as a recommendation to the employer.

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