

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

1907.

Enclosures

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G.O., No. 429, 5th July 1907.

Educational Rules.

Amending rule 29 of the -- fixing the maximum strength of a class and requesting the Director of Public Instruction to dispose of, in accordance with the amended rule, the petition of A. Duraiswami Aiyar of Tiruvalur regarding the admission of his son in the Board High school.

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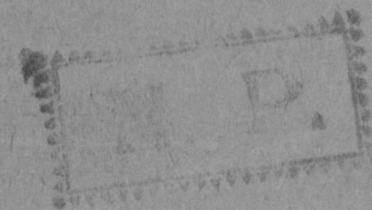
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Educational (1907) Department.

ORDINARY PRINTED.

G.O., No. 429

DATED 5. 7. 07



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6/7/07

[Despatch Abstract.]

Educational Rules

Amending Rule 29 of the —
fixing the ~~number~~ maximum strength
of a class and requesting the D. P. D
to dispose, in accordance with the amended
rule, the petition of A. Duraiswami
Aiyar of Tiruvalur regarding the admission of
his son in the Board High School.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

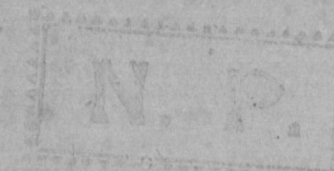
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Enclosures

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G.O., No. 429, 5th July 1907.



Educational Rules.

Amending rule 29 of the -- fixing the maximum strength of a class and requesting the Director of Public Instruction to dispose of, in accordance with the amended rule, the petition of A. Duraiswami Aiyar of Tiruvalur regarding the admission of his son in the Board High school.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

Petition—from A. DURAISWAMI AIYAR, C/o GOPALA AIYAR, South Madavilagam, Tiruvalur, Tanjore district.

To—the Secretary to Government, Educational Department.

Dated—the 1st May 1907.

I beg to prefer the following appeal against the Proceedings of the Director of Public Instruction, Madras, Dis. No. 2336, dated 17th April 1907. The facts of the case are briefly as follows:—

My son D. Natarajan was a pupil of the III form of the Board High school, Tiruvalur, and got promoted to the IV form. Since he was unwell in the beginning of the year, he could not attend school on the reopening day and had to absent himself from class for a number of days.

Then early in February, when the boy turned up, the headmaster refused admission to him saying that there are only two sections in the IV form and that each section contains the maximum number of pupils, viz., 40.

Now there are two articles in the current Madras Educational Rules, which speak of the strength of a class in a secondary school for boys for general education, viz., article 29 for secondary schools in general and article 86 (i) for secondary schools under public management. The former enjoins that the strength of a class shall not exceed 40, unless the class is thereupon divided into two sections. Article 86 (i) says "without the sanction of the Director, the strength of a class in a secondary school shall not *continuously* exceed 40."

Evidently in framing these two rules, the Government has made some distinction between schools under private management and those under public management; because in the case of a private school, whenever there is a necessity for the appointment or removal of a teacher, the manager can do it himself at once; whereas in the case of a school under public management, this cannot be done without the Government's sanction, which cannot be had during the year in question. Hence, I should think, the necessity of the word *continuously* in article 86 (i). Therefore the word "continuously" here means "for more years than one", so that for the first time when the strength of a class in a secondary school under public management has to exceed 40 boys, the headmaster himself may admit boys, of course bearing in mind the efficiency of the class; and may include the proposed permanent arrangement (viz., the addition of a section) in the administration report of the school for the year and in the budget estimate for the next year. But if by an addition of a few boys any permanent arrangement cannot be made for the next year, then according to article 86 (i) the Director's sanction may be applied for, for the strength of a section of a class to exceed 40 *continuously*, i.e., for more than one year.

Besides, there have been usually three permanent sections in the IVth form of the school here, for the last four or five years. Last year also it worked in three sections; but this year owing to the introduction of the new Educational Rules, besides the headmaster, there had to be a teacher for every section of a class; but since this is a school under public management, arrangement could not be immediately made to appoint an additional teacher in the place of headmaster, and so the IVth form was reduced from three to two sections. Owing to this reduction, many boys that are natives

of this place and that have been in the school for the last three years are refused admission. This is really a hardship! Particularly so in the case of my boy, his uncle being an assistant master in the same school, and the boy's education having been under his immediate supervision for the last six or seven years.

Besides, article 86 (i) of the current Madras Educational Rules says that the Director's sanction should be got only when the strength of a class *continuously* exceeds 40, i.e., when the strength of the class has to exceed 40 for more years than one. This was clearly pointed out to the headmaster of the school, who under instructions from the Inspector of Schools, did not abide by article 86 (i) but quoted article 29 (which has no reference whatever to the schools under public management) and refused admission.

Then all these facts were brought to the notice of the Inspector who was requested to instruct the headmaster to be guided by article 86 (i) and not article 29. But the Inspector too—inasmuch as he had already once instructed the headmaster to be guided by article 29, for he seems to have ignored the existence of article 86 (i) which deals with secondary schools under public management—without disposing the paper himself submitted it to the Director for orders.

In reply to this the Director has sent me his Dis. No. 2336, dated 17th April 1907, which runs as follows:—

"The petitioner should be informed that the Director cannot allow the strength of a class, even in schools under public management to exceed the number prescribed in rule 29 of the Madras Educational Rules."

Here too, no reference whatever is made to article 86 (i) which has special reference to the secondary schools under public management. It is a pity that the Director too, the head of a department, should have ignored the existence of a rule, even when the same was spoken of a dozen times in the application, and thus deprived some of the poor native boys of this place of the benefit of article 86 (i), which the Government have, in their magnanimity and far-sightedness and for reasons already stated above, been benevolent enough to provide.

Article 86 (i).—Without the Director's sanction, the strength of a class in a secondary school (under public management) shall not *continuously* exceed 40.

Here the word "continuously" cannot have any sensible meaning, other than "for more years than one." From this it is clear that the headmaster himself might have admitted into a class, without anybody's sanction, more boys than 40, of course taking into consideration the efficiency of the class. But wishing to be enlightened on the point he addressed the Inspector, who, unfortunately for the boys and probably for the Board schools in general, has in haste ignored the existence of article 86 (i), which the headmaster referred to, and referred him to article 29 which has no direct bearing to secondary schools under public management. The Director also has taken a similar course. So article 86 (i) if it is to be ignored by every officer in the department may as well be removed. But as long as it is approved and included in the rules to be followed by the department, it must not be ignored. The Director's sanction was not necessary to admit more boys than 40 into a class for the first time, and when the headmaster wanted to be quite sure of it he applied to the Director for instructions, the latter need not have referred the headmaster to article 29, but might have instructed him in plain words to use his discretion in making such admissions into a class. Instead of this he has directed the headmaster to abide by article 29. This means he attaches no meaning to the word "continuously" in article 86 (i).

This is why the petty matter of the admission of a boy into a class has had to be applied for to the Government itself.

In these circumstances, I request you will be pleased to consider the facts of the case and enlighten the Educational department on the exact meaning of the word *continuously* in article 86 (i) of the Educational Rules and on the application of the same article.

The boys have already suffered loss of school instruction for one full term. I therefore request that this paper may be treated as very urgent and disposed of as such before the 23th June 1907 when the school reopens.

II

Endorsement No. 1096-1, dated 16th May 1907.

Referred to the Director of Public Instruction for remarks.

C. A. SOUTER,
Assistant Secretary to Government.

To the Director of Public Instruction with petition (to be returned).

III

Ref. on C. No. 3800/07, dated 1st June 1907.

Resubmitted to Government.

The order against which petitioner complains was based on the conviction that it was not intended to give to schools under public management any concessions withheld from schools under private management. The rules in Chapter III of the Madras Educational Rules are applicable, except where it is expressly stated to the contrary, (e.g., in rule 66), to schools under public as well as private management. Rule 86 (1) is certainly inconsistent with rule 29 and seems to have been copied from the fourth edition of the Madras Educational Rules without reference to rule 29 of the 5th edition. It was intended to alter the wording of rule 86 (i) at the next revision of the rules. But advantage may now be taken of this opportunity to order the omission of the word "continuously" in the rule under reference.

T. T. LOGAN,
Ag. Director of Public Instruction.

Order—No. 429, Educational, dated 5th July 1907.

Rule 29 of the Educational Rules lays down that no additional pupil shall be admitted to a class when there are already 40 pupils upon the rolls in that class unless the class is thereupon divided into sections and that no section of a class shall have more than 40 pupils upon the rolls.

2. The Government however consider that the limit of 40 prescribed in the above rule as the maximum strength of a class should not be absolute and that managers of schools should be authorised in special circumstances to admit, with the previous sanction of the Director of Public Instruction, pupils in moderate excess of this limit. The rule will accordingly be amended by inserting between the words "shall" and "be" the words "without the sanction of the Director."

3. The Director of Public Instruction will be requested to dispose of the petition, in accordance with the amended rule.

4. The petitioner will be referred to the Director of Public Instruction to whom his petition has been transferred for disposal.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.
"petitioner (paragraph 4 only).
Gazette.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 429, EDUCATIONAL, DATED
5TH JULY 1907.

[SUBJECT.—Admission of a student into the Fourth form of the Board High school, Tiruválur.]

Previous paper.

G.O., No. 509, Educational, dated 31st July 1906.

From M.R.Ry. A. Duraiswami Aiyar, dated 1st May 1907.

The petitioner states that the Educational authorities have refused admission to his son into the fourth form of the Board High school, Tiruválur, on the ground that the strength of the class should not exceed 40. He contends that rule 86 (1) of the Educational rules is not absolute and notes that his son was a pupil of the third form of the school and was promoted to the fourth form; but that owing to illness the boy was unable to attend the school on the reopening day.

2. The petition may perhaps be referred to the Director of Public Instruction for remarks.

3. A draft is placed below for approval.

T.K.—14-5-07.

C. A. SOUTER—16-5-07.

[Memorandum No. 1096/1, Educational, dated 16th May 1907.]

From the Director of Public Instruction, dated 1st June 1907, No. 3800.

The Director of Public Instruction states that the order against which the petitioner complains was based on the conviction that it was not intended to give to schools under public management any concessions withheld from schools under private management. He states that rule 86 (1) of the Educational rules is certainly inconsistent with rule 29 and seems to have been copied from the fourth * edition of the Madras Educational rules without reference to rule 29 of the fifth edition. He therefore recommends that the word "continuously" in rule 86 (1) may be omitted.

2. The Director of Public Instruction appears to be right and his recommendation may, it is submitted, be accepted.

3. The petitioner may be informed that the Government see no reason to interfere in the matter.

T.K.—9-6-07.

CURRENT FILE.

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From	Number.	Date.	Pages.
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memo.	1096-1	16-5-07	8
[1338] - The D.P.I.	3800	1-6-07	9470

PAPERS PUT UP WITH CURRENT No.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
509	31-7-06	S.C.		

Papers of other departments.

Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

70/1338/07

1096-1 ✓

92

Ed No. 1338.

Educational Department.

CN. 1096.

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End. 1096-1 2 16.5.07

Referred to the D.P. I for

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Remarks.

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2. The D.P. I with petition
(to be returned)
despatched 16/5/07

The original current
was returned
to the petitioner.

Stock Form No. 135.
4,000-27-4-06.

EDUCATIONAL DEPARTMENT.



ENCLOSURES.

No.

Spare copies

Ref. on c. No. 3800/07

Station Madras , Dated the *12th June* 1907.

From (Name) The Hon'ble Mr. T.T. LOGAN, B.A.,

(Designation) Ag. Director of Public Instruction.

To the Secretary to the Government of Madras,
Educational Department

Sir,

103

9 a
10 p

R.C. No. 3800/7 dated 1st June 1907.

Re-submitted to Government.

The order against which petitioner complains was based on the conviction that it was not intended to give to schools under public management any concessions withheld from schools under private management. The rules in chapter III of the Madras Educational Rules are applicable, except where it is expressly stated to the contrary (e.g. in rule 66 -), to schools under public as well as private management. Rule 36(i) is certainly inconsistent with rule 29 and seems to have been copied from the fourth edition of the Madras Educational Rules without reference to rule 29 of the 5th edition. It was intended to alter the wording of rule 36(i) at the next revision of the Rules. But advantage may now be taken of this opportunity to order the omission of the word "continuously" in the rule under reference.

Rule 36(i)
pages of
1905 edition

Arthur Mayhew
31-5-7

For Director of Public Instruction.

R.S.
31/5/07

K.P.D.

NOTES.

C. No. 1096 From the *A. Duraimuni Aiyar* - No. , dated 1-5-1907.

SUBJECT. Admission of a student into the IV form of the Board High School, Tiruvahur.

The petitioner states that the Educational Authorities have refused admission to his son into the fourth form of the Board High School, Tiruvahur, on the ground that the strength of the class should not exceed 40. He contends that rule 86(1) of the Educational Rules is not absolute and notes that his son was a pupil of the third form of the school and was promoted to the fourth form; but that owing to illness the boy was unable to attend the school on the reopening day.

2. The petition may perhaps be referred to the D.P.I. for remarks.

3. A draft is placed below for approval.

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14-5-07

Col
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[Memo no. 1096-1 Edl dated - 16-5-07]

From the D.P.I. no. 3800, dated 1-6-07.

The D.P.I. states that the order against which the peti. complains was based on the convictions

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2P 2

that it was not intended to give to schools under public management any concessions withheld from schools under private management. He states that Rule 86 (1) of the Educational Rules is certainly inconsistent with Rule 29 and seems to have been copied from the fourthth edition of the Madras Educational Rules without reference to Rule 29 of the 5th edition. He therefore recommends that the word "Continuously" in Rule 86 (1), may be omitted.

2. The D.P.I. appears to be right and his recommendation may, it is submitted, be accepted.

3. The Petr. may be informed that the Govt. see no reason to interfere in the matter.

7K.
9-6-07

Rules 29 and 86 (1) of the revised Ed. Rules correspond to Rules 20 and 60 (1) of the old Educational Rules. In the two latter rules the word "Continuously" occurred. In Rule 29 which is based on ^{old} Rule 20, this word "Continuously" does not occur, while it is found in new 86 (1). There is nothing in the notes with Govt. 509 Ed. dated 31st July 1906, to show why this word "Continuously" was retained in one of the rules

Page 18, Edl. Rules, 5th Edition

Page 7- 20.

* Rule 60 (1) on page 15 of 1905 Edition.

Page 7.

Page 18.

Pages 7 & 18, Educl. Rules 5th Edition.

Pages 8 & 16, Educl. Rules 4th Edition.

Vises page 15 & 41 of H.W. 80509 Ed. V
31.7.06

The Committee on the subject of the proposed
 amendments to the rules of the Board of
 Education, in its report of the 10th inst.
 recommended that the word "shall" be
 changed to "may" in Rule 29, and that the
 word "ordinarily" be added after the word
 "shall" in Rule 20. The Committee on the
 subject of the proposed amendments to the
 rules of the Board of Education, in its
 report of the 10th inst. recommended that
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 and that the word "ordinarily" be added
 after the word "shall" in Rule 20.

Page 18, Rule 29, "shall" to "may"
 Page 7, "shall" to "may"
 Page 12, "shall" to "may"
 Page 10, "shall" to "may"

Page 18, Rule 29, "shall" to "may"
 Page 7, "shall" to "may"
 Page 12, "shall" to "may"
 Page 10, "shall" to "may"

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rules submitted from the other. The D.P. recommendation to omit this word from Rule 26(i) & thus bring it into accord with Rule 29, may perhaps be accepted.

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Submitter that there should be some elasticity in the rules. I would prefer to amend rule 29 by adding after the word "shall" "unless the word after 'ordinarily' or without the sanction of the Director". The latter word are used in old rule 20, which runs "without the sanction of the Director the strength shall not continuously exceed 40".

A

It would be hard to divide a class into sections because there are 41 boys & no prospect of future expansion. If the Director's sanction - or that of the Inspector - is rendered necessary it will draw the attention of the Inspecting Officer to the case & they can then discuss the employment of an additional master, if found desirable.

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106.7

20 av. 68
21-67



To the BPO

I have no objection to Rule 29 being altered so as to read as follows

"No additional pupil shall without the
sanctions of the Director be admitted to
a class &c "

I don't think that "ordinarily" would do. It does not sufficiently indicate that special sanction sh^d be obtained for admissions over 40, & its effect w^d be probably be that the headmasters w^d not trouble to seek sanction until they had been found out at inspection.

Orders are solicited whether Rule 29 may
be modified as at A above, and whether
the petitioner in this case may be informed
that the Govt. see no reason to interfere
on his behalf.

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A draft is placed below for approval.

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DP-J, 3800, 1.6, 1907

[illegible]

No. 429, dated 5-7-1907.

P. S.

Sp 571107

Rec'd from
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Rule 29 of the Educational Rules lays down that no ~~additional~~ additional pupil shall be admitted to a class when there are already 40 pupils upon the rolls in that class unless the class is there.

• upon divided into Sections and that no Section of a Class shall have more than 40 pupils upon the rolls.

2. The Government however
Considers that the limit of 40
prescribed in the above ^{rule} as the
maximum strength of a class
should

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Should not be absolute and that managers of schools should be authorised in special circumstances ^{to admit} ~~with~~ ^{previous} the sanction of the D.P.I. ~~one or more~~ pupils in ^{moderate} excess of this limit. The rule will accordingly be amended by inserting between the words "shall" and "be" the words "without the sanction of the Director."

3. The D.P.I. will ^{be} requested to dispose of the petition, in accordance with the amended rule.

4. The Petitioner will be referred to the D.P.I. to whom his petition has been transferred for disposal.

29.6.07

1.7.7.
2.7.07

+ Please take a copy for the Gazette 8.7.07

To The D.P.I. with original petition
fagetter ^{in m/s} ^{to} ^{retd on 20/7/7} ^{on telephone} ^{all} 20/7/7
Petitioner (Para 4 only)

[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]

First copy sent to Press.

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READ AGAIN G.O., No.
190

DATED

CURRENT No.

ENCLOSURES TO G. No.

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STATEMENT WITH DITTO

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