

[E.]
009-21-11-07.

Educational (1908) Department.

ORDINARY MS.

G.O., No. 257

DATED 1.4.08

Dec

pro

C

[Despatch Abstract.]

Exemption from the Examination Rules.

Recdng papers relating to a proposal to
grant the Secretaries of Government the power of making
temporary exemptions for purposes of acting and temporary
vacancies.

BACK PAPERS.

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

FURTHER PAPERS.

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

NOTES.

Chief Secretariat.

X

X

X

In the list of powers of exemption in the Public Service notification the Secretaries of Government have not been granted the power which is possessed by numerous Heads of departments of exempting for acting and temporary vacancies. This is apparently an accidental omission and the Educational Department may be requested to rectify it.

C.M.S.
27-1-08.

H.B.
28-1-08.

To Educational (U.O.)

Educational Department

I see no objection - but of course
Department can make it as
they have not classes of cases
will come up to light.

30/1



OP no 77
28-1-08

Ed. C. 2060/30/1

PD
30/1

A requisition was sent to the Revenue Department on 3--2--08 for the original of G.O.No.936 Revenue dated 22nd April 1907 which is required for the disposal of this current. But it has not yet been received. That department may now be requested u.o. to furnish Educational with that order for reference and return.

P.R.
3-3-08.

K.R.
3-3-08.

C.A.S.
4-3-08.

Revenue Department.

(C.No.870 A, Educational, u.o. dated 5--3--1908).

To Under Secretary,

A requisition for the original of G.O. No.936 Revenue, dated 22nd April 1907 was sent by the Educational Department on the 3rd February 1908; and they have ^{now} sent a reminder for the same.

2. The original of G.O. No.936 Revenue, dated 22nd April 1907, has been put up in standing file of Current No.204 B of 1907 (Bd.'s reference No.42 Salt dated 20-2-07) for revising the scope and method of special Test Examination to be passed by the officers of the Salt, Abkari and Customs Department.

3. Orders are requested.

C.V.V.
6-3-08.

Send a printed copy with notes and asking if that won't do.

D.T.C.
6-3-08

3.

To Under Secretary.

It is a miscellaneous G.O. and it has been sent to the Educational Department. The notes have not been sent as originally ordered. For Orders whether a copy of the notes may be taken and the same furnished to the Educational department.

C.V.V.
6-3-08.

Please show me the paper and don't waste time.

D.T.C.
7-3-08.

Send Educational a typed copy of notes required and type at once.

D.T.C.
7-3-08.

To Under Secretary.

L A press copy of G.O. No.936 Revenue (Confidential) dated 22nd April 1907 with notes^{vi} put up. The file may now be sent to Educational Department.

C.V.V.
17-3-08.

D.T.C.
17-3-08.

Educational, u.o

Educational Department.

Page 7. K. Clause (1) to Article 4 ~~and clause 1 to 2 to 3 to 4~~ of the Public Service Notification states that Government in the educational department may exempt from the operation of clause 1 of the Nohif and sanction the "employment of unpassed candidates

Page 8. K.

Vide Goue. 936 Rev. L.
22-4-07

Page 17 of K. W. Goue.
936 Rev 22-4-07. L.

marginal notes - do. do.

do - do.

Page 18 - do. do.

4.

"in any appointment or class of appointments". ~~and under~~
~~Article 5 (1) of the same notification, sent in the Dept.~~
may sanction the exemption of any person or any
~~(Art. 5 of the notification as regards~~
"class of persons" from the Special tests prescribed
for certain particular posts.

2. The question as to what department should deal with the applications for exemption from examination rules arose ^{also} last year in connection with the exemption of certain Inspectors of Salt, Abkari and Customs department, in which the orders issued in the Revenue Department.

3. When the file was circulated to the Hon'ble Mr. Forbes in the ^{Ed} department, the Hon'ble Member observed:-

"Questions of exemption are dealt with in the Educational Department and the file on that point should not have been sent in circulation before this department had expressed its views." ^{He also asked} and asked "do orders as to exemption issue in Revenue even on the decision taken?"

^{As in his note of 19-4-07 the Secretary, Educational Dept. observed:-}
"The actual exemption order usually issues in the Educational Department and the general form in the order of the administrative department is" further orders (on the subject of exemption) "will issue in the Educational Department".

5. On this, the Hon'ble Mr. Forbes further noted:-

"The Revenue Secretary ought to have seen that the case being one of exemption from the tests should have come from the Revenue department direct to the Educational Department with such recommendations as they saw fit to make before it went in further circulation. That is a fundamental

"fundamental rule of procedure x x x x.
 "I think also the cardinal rule is that orders
 "which primarily concern a particular department
 "should issue in that department. Exemptions
 "from Educational tests have so far been relegated
 "to Educational Department."

6. The Revenue Secretary thereupon noted

"The Hon'ble Mr. Forbes' remarks will be
 "carefully noted, and this case, which was regarded
 "as special, will of course not be treated as at
 "all a precedent for issuing exemption orders
 "in this department."

7. The Chief Secretariat now points out

that it is an accidental omission that the
 "Secretaries of Government have not been granted
 "the power which is possessed by numerous heads
 "of departments of exempting for acting and
 "temporary vacancies". It is not clear whether
 the suggestion of the Chief Secretariat is that
 the Secretaries to Government should have power
 to exempt for acting and temporary vacancies in
 the Secretariat departments under them or whether
 it is meant that they ^{should have} power to grant such exemp-
 tions even in respect of offices in the depart-
 ments under them. If the latter is meant, it
 does not appear what advantage will be gained
 by the departments of the Secretariat holding
 equal powers with the heads of departments under them.

~~P.R. 18-3-08. It is now also decided that the~~
~~Department of the Secretariat may delegate any~~
~~power to another department while it appears~~

Page 18 of H.W. Gove 936 Rev L.
 12-4-07

Page 1, *Infra*.

K

* Vide Slip M. in the file placed below.

Vide Slip N. — do —

C.

E

Articles 4(i) and 5(i) of the Public Service notification under which all applications for exemption now come to the Educational Department, did not find place in the ~~Public Service~~ notes of 1904. They were for the first time introduced in the Public Service notes published in 1905. The notes were completely revised in that year, ~~with reference to the abolition of the Department~~ but there is nothing in the notes with Govt. No. 570 Sol. dated 18th August 1905 and 612 Sol. dated 12th September 1905 to show whether the question of delegating the power of sanctioning exemptions to other departments of the Secretariat was considered. Apparently the provisions above referred to were embodied in the notification with reference to the practice then in force, under which all applications were sanctioned by the Sol. Sept.

21.3.08

Lee.

For orders whether any change is required. It has been the accepted principle that exemptions are ordered in Sol. on the recommendation of Depts.

Chd

23.3.8.

The office note appears to proceed on a misapprehension. There is, so far as I can see, no proposition that in case where the sanction of Sol. to an exemption is necessary, no order should issue with the Dept. concerned.

All that is asked for is that Secretaries to Sol. should be included - in respect of ~~off~~ appointments immediately subordinate to them, in the list of officers authorized to grant exemption under Art 4 (2) - (3) of the Notification. There is no desire to restrict the scope of Art 4(1). The requisite alteration may be embodied in the Notification when it is next revised.

AM.

H202
26.3.08

I agree with Mr Taylor's views. There has been a lot of useless wrangling in this case -

H203
25.3.08

To the Chief Secretariat for perusal & favour of action. The matter will be rectified when the Notification is next revised

H202
26.3.08

CIRCULATED IN EDL.
AND LEG. DEPT.
Box Ordinary No. 3
~~Box Confidential~~ No. 10



Ed no. 206.2
26/3/08

Public Dept

Fr the CB



Sub? that this can maybe returned to
E. with thanks. The proposal was only
as regards the office establishment of the
Secretariat. As part of the machinery of
Govt. a Secy. does not exempt in whatever
Dept the exemption order may issue; in
such cases Govt. exempts, but the point
was not raised

Cms
29.3.08

OT. no. 77-1
30-3-08

Ed. no. 28.3.08

Old
20/3

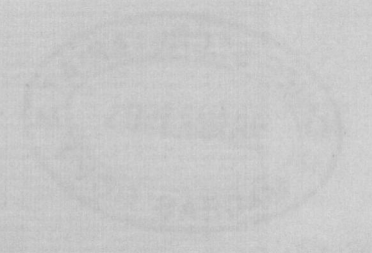
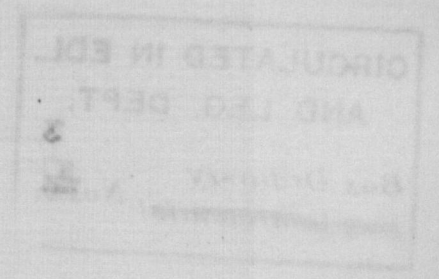
Educational Dept

It is submitted that the papers
may be 'Recorded'.

2. The point will be noted for
Consideration when the Public Service
Notification is next amended.

ED
30-3-08

Ed
21.3.08





READ AGAIN G.O., No. _____, dated _____ 190
" " " " _____, " _____ 190

READ ALSO:-

C. No. _____, From the _____, No. _____, dated _____ 190
" " " " _____, " _____, " _____ 190
" " " " _____, " _____, " _____ 190

ORDER.
mis.

No. 257, dated 1-4- 1908

Recorded.

C. A. S.
31-3-08

When given for copying _____
 When copied _____ } 190 .
 When examined _____
 When signed _____

READ AGAIN G.O., No. _____, DATED
 190 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—
 A = Copy in full
 B = Not to be copied.
 F = Copy abstract only
 Q = Copy heading only.