

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

1909.

Enclosures

Spare copies

G.O., No. 247, 27th April 1909.

Exemption from Special Tests.

Informing the Inspector-General of Police that the contention of S. N. Murti Rao, clerk, District Police office, Anantapur, that under note (1) of the Public Service Notification he need not pass the Special tests for the post of Manager and Accountant is not correct.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from D. W. G. COWIE, Esq., I.C.S., Inspector-General of Police, Madras.
To—the Chief Secretary to Government.
Dated—the 3rd March 1909.
No.—R.C. 159 P.R.

I have the honour to submit the following case for the orders of Government.

2. In August 1907, I appointed one S. N. Murti Rao, a clerk of the District Police office, Anantapur, an Accountant in the same office on probation, and as he was not qualified under the examination rules, I applied to Government for his exemption from the Account Test, Higher Grade, Précis-writing Test and the Departmental Test in Police Orders and Practice. The exemption was granted in G.O., No. 461 R., Educational, dated 28th August 1907, from 1st August 1907 until the publication of the results of the examinations to be held in October 1909. The Précis-writing Test having been abolished, the man has still to pass the other two before he can be confirmed. He represents however that under note (1) to the Public Service Notification it is unnecessary for him to pass these two tests as he was in permanent Government service before 1st July 1894 and the tests for Managers and Accountants were prescribed long after that date. The note he refers to says that the rules in the Public Service Notification shall in no wise affect the promotion of persons who held permanent appointments before they first came into force on 1st July 1894 provided that their promotion was not barred by any rules previously in force. As the note stands, the Accountant appears to be justified in his contention that he need not pass the examinations now required of him. If this be so, I request that G.O., No. 461 R., Educational, dated 28th August 1907, may be cancelled in order that I may sanction his confirmation.

Order—No. 247, Educational, dated 27th April 1909.

The Inspector-General of Police will be informed that the contention of S. N. Murti Rao that under note (1) in the preamble to the Public Service Notification he need not pass the Special tests for the post of Manager and Accountant in District Police offices, is not correct. The note does not authorize promotion to appointments for which Special tests may have been prescribed of persons who have not passed the required tests.

2. The attention of the Inspector-General will be drawn to paragraph 2 of G.O., No. 648, Educational, dated 28th October 1904, under which the Departmental Test in Police Orders and Practice prescribed therein for the post of Accountant in District Police offices should be passed by all persons who are appointed to that post subsequent to the date of that order.

(True Extract.)

A. BUTTERWORTH,
Ag. Secretary to Government.

To the Inspector-General of Police.
" the Director of Public Instruction.
" the Commissioner for Government Examinations.
" the Superintendent, Government Museum.
" all other Departments of the Secretariat, except Pension and Legislative.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 247, EDUCATIONAL,
DATED 27TH APRIL 1909.

[SUBJECT.—The question whether a person who held a permanent appointment before the 1st July 1894 is not exempted from passing the special tests.]

Previous papers.			
G.O., No.		dated	
482		28th July	1886.
" "	485	" 25th June	1891.
" "	317	" 9th May	1894.
" "	327	" 29th "	1896.
" "	638	" 12th October	"
" "	17	" 13th January	1897.
" "	96	" 16th February	"
" "	68	" 13th "	1900.
" "	127	" 15th March	"
" "	648	" 28th October	1904.
" "	757	" 21st December	"
" "	666	" 13th October	1906.
" "	735	" 13th Nov.	"
" "	420 R.	" 10th Dec.	"
" "	301	" 18th May	1907.
" "	238 R.	" 27th "	"
" "	461 R.	" 28th Aug.	"
" "	397	" 21st May	1908.
" "	630	" 3rd Sept.	"

From the Inspector-General of Police, dated 3rd March 1909, No. 159.

The Inspector-General of Police enquires whether, having regard to note (1) to the Public Service Notification, S. N. Murti Rao, who held a permanent post under Government on the 1st July 1894 should, before he could be appointed to the post of accountant in the District Police office, pass the Account test, Higher grade, and the Departmental test in Police Orders and Practice, which were prescribed as qualifying tests for the post long after that date.

2. Accountants in District Police Offices are now required to pass—

- (1) the Criminal Judicial test, Lower grade,
- (2) the Account test, Higher grade, and
- (3) the Departmental test in Police Orders and Practice.

The Criminal test, Lower, and the Account test, Higher, were prescribed for the post of accountant in District Police offices by G.O., No. 68, Educational, dated 13th February 1900, and the Departmental test in Police Orders and Practice by G.O., No. 648, Educational, dated 28th October 1904.

Vide paragraph 3 of Inspector-General of Police's letter on page 3 of the Government Order.

3. Government Order, No. 648, Educational, dated 28th October 1904, also prescribed the Criminal test and the Account tests, Higher and Lower grades and the Departmental test in Police Orders and Practice for certain other posts in the Police Department and declared that—

"The present permanent incumbents of the appointments now brought within the scope of article 5 of the Public Service Notification will not be required to pass the tests prescribed for these appointments for the purpose of retaining their posts."

4. S. N. Murti Rao, whose case the Inspector-General of Police now submits for the orders of Government, is a clerk in the District Police Office, Anantapur. He now acts as an accountant in the same office on probation. As he has not passed the Account test, Higher grade, and the Departmental test in Police Orders and Practice prescribed for the post, he has been exempted from them by Government until the publication of the results of the examinations to be held in October 1909—*vide* G.O., R. No. 461, Educational, dated 28th August 1907.

5. S. N. Murti Rao represents that as he (Murti Rao) was in permanent Government service before 1st July 1894 and as the special tests for managers and accountants in District Police Offices were prescribed long after that date, it is not necessary for him (Murti Rao) to pass those special tests, in order to be eligible for appointment to that post. The Inspector-General states that as note (1) to the Public Service Notification stands, Murti Rao appears to be justified in his contention that he need not pass the examinations now required of him. The Inspector-General accordingly requests that, if the contention of Murti Rao is correct, G.O., R. No. 461, Educational, dated 28th August 1907, may be cancelled in order that Murti Rao may be confirmed as an accountant.

6. Note (1) to the Public Service Notification, runs—

"The rules contained in this notification shall in no wise affect the promotion of persons who held permanent appointments before they first came into force on the 1st July 1894, provided that their promotion was not already barred by any rules previously in force, nor shall they apply to persons acting in appointments for which, though qualified under the rules in force on the 30th June 1894, they may not be qualified under the present notification, such persons being eligible for confirmation in the appointments in which they are officiating if they fall permanently vacant before termination of the acting incumbency, and for promotion after such confirmation, provided that they have passed the Middle School Examination in the first class and are otherwise deemed fit for such further promotion."

7. This note applies, it is submitted, to the case of persons who on the 1st July 1894 held permanent appointments on Rs. 15 per mensem or upwards in the superior service of Government, provided that they had passed "either the General Test Examination or the Middle School Examination in the first class". It states that such persons will even after the 1st July 1894 be eligible for promotion to higher

posts even though they may not have passed either the Madras Upper Secondary Examination or the Matriculation Examination of the Madras University which on the 1st July 1894 became the minimum educational qualification for appointments on Rs. 15 per mensem or upwards in the superior service. But it does not, it is submitted, state that such persons can be promoted to appointments for which special tests have been prescribed—Compare the case disposed of in G.O., No. 327, Educational, dated 29th May 1896.

K. RANGASWAMI AIYANGAR—26-3-09.

8. Moreover, G.O., No. 648, Educational, dated 28th October 1904, which prescribed the Departmental test in Police Orders and Practice for the post of accountant in District Police Offices, clearly states that only those who held permanently the post of accountant on the date of that order would not be required to pass it for continuing to hold that post. It is thus obvious that candidates like Murti Rao who came to be appointed to the post of Accountant in a District Police Office after the 28th October 1904 (the date of G.O., No. 648, Educational, dated 28th October 1904), should pass the test before they can be appointed to that post.

9. The Inspector-General of Police may, it is submitted, be informed that note (1) in the preamble to the Public Service Notification only refers to the promotion after 1st July 1894 of persons who had passed either the old general test or the Middle school examination in the first-class and who on that date held permanent appointments on Rs. 15 per mensem or upwards in the superior service to posts for which no

special tests have been prescribed and that it does not authorise the promotion to appointments, for which special tests may have been prescribed after the 1st July 1894, of persons who have not passed the required tests. The Inspector-General's attention may also be drawn to paragraph 2 of G.O., No. 648, Educational, dated 28th October 1904, which prescribed the departmental test in Police orders and practice for the post of Accountant in District Police offices and which exempted only those who held that post permanently on the 28th October 1904 from passing that test for retaining their appointments.

10. The draft order placed below is for approval.

T.K.—25-3-09.

K. RANGASWAMI AIYANGAR—26-3-09.

The office-note seems clearly correct.

C. A. SOUTHER—26-3-09.

Of course the contention is invalid. By consulting the *original* of the Government Order of May 1894 you will find why note (1) was put in. It is not correctly worded for it was never intended to apply to article 5 of the notification of 1894, but only to articles 1 and 2.

Owing to oversight in the Secretariat the date in note (1) has not been altered from time to time as each new notification issued as was the intention. There is nothing magical about the date "1st July 1894." That date should appear in the latest notification as "22nd December 1908" apparently. The object simply was to ensure that when a man had got a footing permanently in Government service, whether by exemption or otherwise, he was to be allowed *la carrière ouverte aux talents* and was not to be kept down to Rs. 15 or some other low grade. It carried out a principle but it was not intended to affect the special tests. We must revise the notification to make its meaning on these points clear. Bring to me.

A. BUTTERWORTH—27-3-09.

The order in the individual case in point is correct and it may issue. I am, however, of opinion that the note (1) to the Public Service notification has been consistently misinterpreted in consequence partly of the continuance therein of the dates mentioned in the first issue of the notification. Those dates should have been altered in each fresh notification.

Taken out for issue.
K. RANGASWAMI AIYANGAR—27-4-09.
Issued as G.O., No. 247, Educational, dated 27th April 1909.

One of the objects* of the note was to allow of the promotion of men who have been exempted from the examination rules (such at least is my recollection). The two provisos to the note were inserted later

* This is my recollection, but I cannot verify it from the papers put up.

A. BUTTERWORTH..

and were the result of a misapprehension of the intention of Government.

Note (1) should really run—

"The rules . . . permanent appointments before the date of this notification nor shall they . . . , after such confirmation."

But in fact the last part of the note has ceased to have any meaning because there can be no such acting appointments lasting since 1894. Note (1) should therefore simply run—

"The rules . . . permanent appointments before the date of this notification."

or we might say, to prevent any misunderstanding as to the effect of special tests such as has arisen in the present case,

"The rules contained in paragraph 1 of this notification shall in no wise affect the promotion of persons who held permanent appointments before the date of this notification."

I have been further considering this matter.

The Commissioner might be told to insert in next issue the words "paragraph 1 of" between "contained in" and "this notification" as that change merely makes the rules clearer.

The other amendments of note (1) which I suggested above would be of importance only (for the general educational qualifications have not been altered materially since 1st July 1894) to this extent that they would make it clear that a man who has been *exempted* from the general educational qualifications may rise indefinitely (except to appointments for which special tests which he has not passed may have been prescribed).

This is a thing which I have always wished to see recognized for I regard it as bad policy to exempt men for special rates of pay only.

But Honourable Member might not share my views on this point and I doubt whether it is, therefore, worth noting and sending up the question. The matter may be dropped.

A. BUTTERWORTH—1-5-09.

The draft is for approval.

T.K.—3-5-09.

K. RANGASWAMI AIYANGAR—3-5-09.

May the order issue?

C. A. SOUTER—3-5-09.

Yes, this is all right. Of course the words "provided that their promotion was not already barred by any rules previously in force" are contrary to the original intention of Government in framing the note, but we need not touch on that. It was Mr. Davidson who first made the error and the Hon'ble Mr. Grose did not notice his mistake.

A. BUTTERWORTH—4-5-09.

Official Memorandum No. 489-I, dated 4th May 1909.

With reference to paragraph 1 of G.O., No. 247, Educational, dated 27th April 1909, the Commissioner for Government Examinations is requested when next republishing the Public Service Notification to insert the words "article 1 of" between the words "contained in" and "this notification" in the first line of note (1) to the notification, so as to make the meaning of the note clearer.

[G.O., No. 247, Educational, dated 27th April 1909.]

C.No. 489 from the I.G. of Police, No. 159, dated 3rd March 1909.

ORDER:- 21 No. 247 dated 27-4-09

P.S.

The Inspector-General of Police will be informed that the contention of S.N. Murti Rao that under note (1) in the preamble to the Public Service Notification he who was in permanent Government service on the 1st July 1894 need not pass the Special tests for the posts of Manager and Accountant in District Police Offices, which were prescribed ~~from~~ after the 1st July 1894, is not correct. The note does not authorize ~~the~~ promotion to appointments ~~which~~ for which Special tests may have been prescribed subsequent to 1st July 1894, of persons who have not passed the required tests.

2. The attention of the Inspector-General will be drawn to para. 2 of G.O. No. 648 Educational, dated 28th October 1904, under which the Departmental Test in Police orders and Practice prescribed ^{therein} ~~by the orders~~ for the post of Accountant in District Police offices should be passed by all persons who are appointed to that post subsequent to the date of that order.

To

The I.G. of Police.
The D.P.I.
The C.G.E.
The S.G.M.

all other Depts of the Secretariat except Pension and Legislative

25/4/09

25.3.09

26.3.09

26.3.09

27/4/09

ORDINARY.

PRESS SLIP.

PREFERENCE.

URGENT (a).

EDUCATIONAL
LEGISLATIVE DEPARTMENT.

Current No., dated.....190

G.O., No. 247, dated 27-4-1909.

Number of MS. pages sent { Correspondence including order or orders
(b¹)
Notes.....

Exemption from special test - Informing the S. H. Munkh Rao, Clerk to the Public Service Commission that under note (1) of the Public Service Commission he need not pass the special test for the post of Manager. He is not correct.

Number (c) of copies required when struck off (not including copies for volumes and editors' table which are retained in the Press).

Complete Correspondence and orders.

Notes

FOR RECORD.*

Madras Records	...	30	15
Ooty Records	...	3	3
For filing with original	...	1	1
Total	...	34	19

FOR ISSUE.†

	Letter only.	Complete G.O.	Special issue copies of G.O. (b)		Notes
			No.	Papers.	
Signature copies.....					
India Office.....					
Govt. of India.....Dept.					
Public Department.....					
Judicial Department.....					
Financial Department.....					
Revenue Department.....		50			
Public Works Department.....					
Local and Municipal Department.....					
Dept.					
Total					
The Director of Public Instruction.....		5			
The Comr. for Govt. Examinations.....		5			
The Superintendent, Govt. Museum.....		5			
The Surgeon-General.....					
The Accountant-General.....					
The Collector of.....					
The P. D. B.....					
The I. G. of Police.....		5			
The.....					
The.....					
The.....					
The.....					
The.....					
The.....					
Total					

* Copies distributed on.....*(Press Clerk.)

† Copies distributed on.....*(Despatcher.)

* To be initialled and dated.

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b¹) For rules regarding printing of notes, see the rules in G.O., No. 1220, Public, dated 30th November 1900.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Deputy Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Deputy Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, but only the first time when they appear on the left side, the initials alone being printed later.

A
Please send proof in triplicate. The papers have been carefully edited.

Please send proof
24-0.....Clerk.

MS.....Supdt.

B
Proof returned corrected. Please strike off and send number of copies as indicated.

Type may be released after usual interval at once.

.....Clerk.

.....Supdt.

C
As the matter is clear manuscript and has been carefully edited, proof need not be sent. Please print and supply number of copies as indicated.
Type may be released after usual interval.

25-0.....Clerk.
see att A.
MS.....Supdt.

(b) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

SPECIAL INSTRUCTIONS.

So proofs to be sent as early as possible.

MS
7-5-09

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.		
Received in Press on.....	<i>8/5/09</i>	<i>Lb</i>	
First proof furnished on.....	<i>12/5/09</i>	<i>Lb</i>	
Call for revised proof received on.....			
Revised proof furnished on.....			
Corrected proof received for striking on.....	<i>17/5/09</i>	<i>MS</i>	
Final copies supplied on.....	<i>22/5/09</i>	<i>Lb</i>	
Account of copies.	Complete copies.	Notes.	Issue copies.
Supplied to Secretariat for Record.....	<i>24</i>	<i>19</i>	
" " " Issue.....	<i>70</i>		
For Volumes.....	<i>76</i>		
For E. T.....			
Total ...	<i>120</i>	<i>19</i>	