

1-11.
E & L.
68
2,100-15

Educational (191 /) Department.

ORDINARY MS.

G.O., No. 256

DATED 1-5-1911.

20

[Despatch Abstract.]

Permission to appear for special tests

Declining to permit K. Srinivasa
Sastri, Head clerk Dt Munsifs' Court,
Penukonda, to appear for the Criminal
Judicial test, Lower grade.

BACK PAPERS.

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

FURTHER PAPERS.

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

[E & L.]
68
2,100-15,000.

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.

[P.T.O. FOR PUT UP PAPERS.]

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.

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.

Stock Form No. 134.
4,000-10-2-10.



Received 191 , Registered 7 4 191/ 2

Subject.

Forwarding the application with enclosures of
K. Srinivasa Sastri for permission to appear for
Criminal Lower, with remarks.

ENCLOSURES.

No. 5

Spare copies

R.O.C. No 648/11.

Station Madras, Dated the 6th April 1911.

DESPATCHED
8 APR 1911

From (Name) Arthur Davies, Esq.
(Designation) Deputy Registrar, High Court
Appellate Side.

To The ~~Chief~~ Secretary to the Government of Madras.
Educational Department.

Hon'ble Sir,

I am directed to forward, for the orders
of His Excellency the Governor in Council, the
application with its enclosures, of K. Srinivasa
Sastri, Head Clerk, Penukonda District Munsif's
Court, for permission to appear for Criminal Judi-
cial Test, Lower Grade, together with a copy of

7-4-11

25/

the District Judge's letter recommending the same
and making a suggestion for an amendment in the 3
rules so far as the judicial department is concerned,
and the District Munsif's letter forwarding the
above application. I am also directed to request
that the necessary sanction may be accorded.

I have the honour to be,

Hon'ble Sir,

Your most obedient servant,

Artt Davies
6.4.11

Deputy Registrar.

20/6/11
K.V.V.

3/2

Copy of letter from W.W. Phillips, Esq., I.C.S.,
District Judge of Bellary, dated 27th February 1911,
No. 853.-

9

I have the honour to forward herewith for orders
an application from K. Srinivasa Sastri, Head Clerk,
District Munsif's Court, Penukonda, for permission
to appear for the Criminal Judicial Test Lower.

*The rules were for the
1st time introduced in 1895
- G.O. 865 D.S. 7-11-1895*

2. Under the new rules the applicant is debarred
from appearing for this test because he is not an
F.A., and does not hold a diploma in Commerce. It
seems to be rather hard that clerks already in service
should be debarred from qualifying themselves for
promotion merely because they do not hold a diploma
in Commerce, which is not of much use to them in the
Judicial Department. I would therefore recommend
this case for favourable consideration and suggest
that some amendment may be made in the rules so far
as the Judicial Department is concerned, for there
must be many similar cases of hardship.

*This is a general question
on which the H. Ct. does
not offer any remarks*

3. The District Munsif's forwarding letter of
recommendation is enclosed.

*2ak
6/4/11*
K.V.V.

820
14 FEB 1911

To

THE DISTRICT JUDGE,

BELLARY

Honoured Sir, *Hrs: the District Munsif, Penukonda*

I, K. Srinivasa Sastri, Head clerk of the Penukonda District Munsif's Court, beg to leave to apply for exemption enabling me to appear for the Criminal Judicial test Lower Grade, which I cannot at present do as I am only a Matriculate. Otherwise I am qualified for the place of the Sheristadar of a District Court having passed (1) Translation Test Lower grade (Telugu). (2) Civil Judicial Test. (3) Translation Test Higher grade (Telugu) and (4) Translation Test Lower grade (Canarese).

2. The restriction arises out of a Public Service Notification published in Fort St. George Gazette Part I.B. pages 610 to 625 dated 22-12-1908 which prohibits Matriculates from applying for Criminal Lower unless they hold a diploma in commerce at the Government Technical Examination.

3. The resulting hardship not only to me personally but to Subordinates of my class consists in their long Service with-- accumulating experience counting for nothing, while the Matriculate with a diploma in commerce though fresh from school is placed on a better footing. I am only 34 years of age and-- the restriction leaves not much for me to look forward to by-- way of advancement.

4. A kind perusal of the memorandum subjoined will show that a subordinate of a Judicial Department is decidedly at a disadvantage comparing him with his brother subordinates in the Revenue Department.

*vide notice
published in
Part B of
8th March 1910
pp. 68 & 69*

85
b

5. I therefore respectfully beg that in view of what is submitted above the Government may be moved to alter the Public--Service Notification in such a way as to remove the hardship--or if it is considered not feasible to do that, to recommend--me for exemption to appear for the said examination considering my service of 13 years in this Department to enable me to qualify myself for the post of Sheristadar ^(Na. Rs 150) or Head clerk of District Court. ^(Na. Rs 100)

6. Copies of testimonials granted by officers under whom I --served are herewith submitted for favour of kind perusal.

I beg to remain,

Honoured Sir,

Your honour's most obedient Servant.

Dated 8th February 1911

P E N U K O N D A.

to Srinivasa Rao

Head Clerk.

MEMORANDUM.

6/7
820
14 FEB 1911

A Matriculate who is allowed to appear for Revenue, Account and Translation tests of Lower grade, can aspire to be a Huzur Sheristidar on Rs. 200/- in the Revenue Department without passing Criminal Judicial Test - Vide table published in page 111 Part 1.B of the Fort St. George Gazette dated March 8th 1910.

But the same matriculate in the Judicial Department according to the same table where chances of promotion are fewer, cannot aspire to the place of District Court Head clerk on Rs. 100/- much less to that of a District Court Sheristidar on Rs. 150/- because, he is not allowed to appear for Criminal Judicial Test which is necessary for both the places.

While a matriculate, who has obtained a diploma in commerce in a Government Technical Examination, is placed on a better footing in respect to his eligibility to appear for Criminal Judicial Test (vide note 2 of the subjoined notes in the Public Service Notification Page 610 - 625 - Part 1.B For St. George Gazette dated 22-12-1908), a subordinate matriculate's service with accumulating experience in a ministerial branch of a Government Department, which demands a good deal of trust and training, counts for nothing.

This is a hardship and in fairness to hard worked subordinates in the subordinate Judicial Service where there is not much to look forward to by way of promotion, it is but just to place them on equal footing with their brethren in the Revenue Department and allow them to appear for and pass the Criminal Judicial Test Lower grade to make them eligible for the place of a District Court Head clerk or Sheristidar should there be a chance. In fact, a matriculate as pointed above is allowed to appear for Civil Lower, Account Higher, Translation Higher and

Revenue Lower but not to Criminal Lower.

K. Srinivasa Sastri

8.2.11.

COPIES OF TESTIMINIALS.

1. In reference to your letter No. 1664 dated 20th current, I have the honour to state that the conduct of the acting Head-Master (K. Srinivasa Sastri), Narayanadevarakeri, so far my knowledge goes, has been very satisfactory.

(Signed) T. Somasundara.,

Assistant Inspector of Schools.

26-10-1897.

BELLARY.

2. With reference to your letter No. 602/3D dated the 23rd instant, I have the honour to inform you that Kaivalyapuram - Srinivasa Sastri is a clerk of my court for the last four months. He has passed the Matriculation Examination of the Madras University in 1895, and has been discharging the duties entrusted to him quite satisfactorily. From his service register I find that his age to be 21 and from his behaviour in court I consider him to be a well-conducted young man.

(Signed) V. Suryanarayana.,

District Munsif.

30-7-1899.

BELLARY.

3. In forwarding herewith for favourable consideration the application of K. Srinivasa Sastri, 7th clerk of this court, I have the honour to state that this clerk is hard-working and obedient. He has put in 3 years service and has passed Matriculation with Hand-writing and Translation Lower (Telugu). He writes a good hand. His character is good.

(Signed) V. Suryanarayana.,

District Munsif.

18-9-1900.

BELLARY.

9
4. This (K. Srinivasa Sastri) is the 7th clerk of this court. He has worked under me for two and half years. He is an intelligent and hard-working young man. I am glad to certify to his fitness for promotion which I have not been able to give there being no vacancy. He writes a very good and neat hand.

(Signed) V. Suryanarayana.,

District Munsif,

31-10-1900.

BELLARY.

5. I have the honour to forward herewith an application of K. Srinivasa Sastri, 7th clerk of my court, for your favourable consideration.

The applicant is one of the best clerks of my court. He is an intelligent and hard-working clerk.

(Signed) V.G. Narayana Iyer.,

District Munsif.

8-7-1901.

BELLARY.

I beg to record that he (K. Srinivasa Sastri) has been doing very good work here and performing the duties of Examiner-- in addition to his own duties (as Deputy Nazir) and doing all sorts of work in this court in which 4 posts have been permanently vacant.

(Signed) M. Deva Rao.,

District Munsif.

BELLARY.

15-8-1904.

HOSPET.

7. I submit herewith the application of K. Srinivasa Sastri the Head clerk of this court for favourable consideration.

He has been doing work as Head clerk of this court, under me, for the last 1½ years, and I am glad that he has been dili-

gent

10/10
and systematic in doing his duties. More than every thing ---
else, he is well-behaved, honest young man.

I am confident that he would perform the duties of Sheris-
tidar to the entire satisfaction of his superior. In any case,
he deserves to get the Head clerk's post. I shall be glad to
learn that he gets one of these appointments.

(Signed) C.V. Sampath Aiyangar.,

District Munsif.

15-3-1909

H O S P E T.

8. K. Srinivasa Sastri was sub protom Head Clerk in the ----
District Munsif court, Penukonda, when I presided over it. I --
found him to be a useful and efficient ministerial officer. He
is well posted in all branches of work which such an officer is
required to know. He always kept the office in good order and
rarely allowed correspondence to fall into arrears. He de--
serves speedy confirmation and further promotion.

(Signed) C. Varadarajulu.

Late Ag. District Munsif.

Guntur.

P E N U K O N D A.

23-4-1910.

True copies

K. Srinivasa Sastri

Head Clerk

8.2.11

Dio No 343

13.2.11

No. 91-Cl-1-4-8

District Munsif's Court
Ponnalunda

Dated 13 February 1911

FROM

M R R

S. Narasinga Rao, Ponthuluguru, B. A.

District Munsif

TO

THE District Judge,

Bellary.

SIR,

I beg to forward herewith a petition from my Head Clerk K. Brimivasa Sastri praying for exemption enabling him to appear for Criminal Judicial Test, Lower grade.

2. K. Brimivasa Sastri has been working under me as Head Clerk since I took charge of this Court. I have always found him to be diligent and honest. He is an efficient Ministerial Officer and in fact I can confidently endorse the opinions of the Officers under whom he served.

3. As pointed out by him in his petition and in his memorandum, the rule prohibiting Matriculates from appearing for Criminal Lower works a real hardship and it is but just that a concession should be shown in the

Case of such deserving men as the applicant.
Certain concessions are shown to candidates
in the Ceded Districts where education is
backward and it is but fair that a
concession is extended to my Head Clerk in
this respect also and that he may be allowed
to appear for the examination referred to
by him.

4. He has passed all the departmental
tests. He has good prospects of becoming
a Head Clerk or Sheristadar of the District Court
if he passes the Criminal Law. He has
put in an unblemished service of 13 years
and his present age is only 34.

5. I have known of a case where a
matriculate was exempted and allowed to
appear for the 1st Grade Readership Examination
and he having passed the examination 2 or 3
years ago has been appointed to act as
District Drummer recently.

6. Under these circumstances I think
it is a fit case and therefore beg to commend
his application for favourable consideration
by the District Court.

I have the honor to be,
Sir,

Your most obedient servant
S. Narayan
District Drummer

Case of such deserving men as the applicant.
JUDICIAL DEPARTMENT.
Certain concessions are shown to candidates
in the Ceded Districts where education is
backward and it is but fair that a
concession is extended to my Head Clerk in
this respect also and that he may be allowed
to appear for the examination referred to
by him.

Received
Despatched
Dated
The District Court
has good prospects of becoming
a Head Clerk or Sheristadar of the District Court
if he passes the Criminal Law. He has
put in an unblemished service of 13 years
and his present age is only 34.

I have known of a case where a
matriculate was exempted and allowed to
appear for the 1st Grade Readership Examination
and he having passed the examination 2 or 3
years ago has been appointed to act as
District Drummer recently.

Under these circumstances I think
it is a fit case and therefore beg to commend
his application for favourable consideration
by the District Court.

I have the honor to be,
Sir,
Your most obedient servant
S. Narayan
District Drummer

From The District Munsif
Pudukkottai

To The District Judge
Beccary.

No.

343

Dated 13th

Despatched 13th

Received February 1911.

Enclosure (3)

SUBJECT.

Submitting the petition from
C. Dinakaran Sastri, Head Clerk
his Court for exemption
enabling him to appear for
provisional judicial Test,
lower grade.

820

14 FEB 1911

NOTES.

C. No. 818 From the Dy Registrar, High Court No. 6487, dated 6. 6. 1901.

SUBJECT. Recommending that K. Srinivasa Sastri Head clerk, Dy. munsif's Court, Pennkonda, may be permitted to appear for the Criminal Judicial test, Lower Grade.

page 2 of C.F.

At the instance of the Dy. Judge of Bellary (Mr. W. W. Phillips) the High Court recommends that K. Srinivasa Sastri, Head clerk of the Dy. munsif's Court, Pennkonda, (pay Rs 50 p.m.) may be permitted to appear for the Criminal Judicial test, Lower Grade.

page 4 of C.F.

2. Srinivasa Sastri has passed the Matriculation examination and also the Civil Judicial and the Translation tests. If he passes the Criminal Judicial test, Lower Grade, also, he will qualify himself for the posts of head clerk (pay Rs 100) and Sarishtadar (pay Rs 150) of a Dy. Court. He is not, however, eligible to appear for that test unless specially permitted by Govt. to do so - vide note (2) to art. 4 of the Special tests notification. This note is referred to by the Dy. Judge as "the new rules" under which the applicant is debarred from appearing for the test, because he is not an F. A. and does not hold a diploma in Commerce.

Cf. items 2 & 4 under "G. Judd Deptt" on pages 10 & 11 of the Public Service Notification put up. B

para. 2 of Dy's letter on page 3 of C.F.

It will be observed that this is not a new rule. It was long before Srinivasa Sastri entered service introduced in 1895 and has been in operation ever since.

C - Vide G.O. 865 Edl dt 7th November 1895. Srinivasa Sastri is now 34 years old and has put in a service of 13 years in the Judicial department.

3. It is for consideration whether the recommendation of the High Court may be accepted and Srinivasa Sastri permitted

permitted to appear for the Criminal Judicial test, Lower Grade. The Judicial department may be requested to state whether that department supports the High Court's recommendation.

4. In submitting Srinivasa Sarthi's case to the High Court the ^{Judge} suggested that clause (ii) of note (2) to Art. 4 of the Special tests notification might be amended so as to enable Matriculates who do not hold a diploma in Commerce to appear for the Criminal Judicial test, Lower Grade, so far as the Judicial department was concerned. The High Court does not however offer any remarks on ~~that~~ ^{this} point. It does not therefore appear to be necessary to examine the question. The remarks of the Judicial department may be obtained on this point also.

PP
20.4.11

Please see para. 2 of the petition and para. 2 of the St. Judge's letter. The petitioner attempts to make out that the rule prohibiting Matriculates from appearing for the Criminal Judicial test, lower grade, was introduced only in 1908, and that therefore he has a grievance. The rule however is an old one, and was introduced in 1895, long before the applicant ~~was~~ entered Govt. Service, and the argument based on the hardship to the applicant caused by

Vile page 3 of CF.

80 86588
7-11-95

C

By the introduction of the rule seems to be quite untenable.

20
22. 4. 11
Secy

The rule complained of was introduced in 1895, and the petitioner joined Gov Service in 1898 - Further the application for exemption is made on personal grounds and not in the interests of the public service. Submitted there are no grounds to sanction it.

22/4/11

Circled in Box No 28.

H.M.

I also say

The District Judge is mistaken in ~~supposing~~ ^{supposing} ~~to be~~ ^{to be} ~~detained~~ ^{detained} from appearing for the Criminal Judicial Dept, lower grade, by new rules. The provision to which exception is taken, viz. Rule 2 & Article 4 of the S.T. Notification, is based on P.O. No. 865 E.O. of 7.11.95 & has been in force for 15 years. In these circumstances the Govt report that they cannot make a special relaxation in favour of the applicant.

Justice approach

24. 10. 11

Secy 28.4.11

Will

Submitted that the above orders may be Communi-
 cated to the High Court in the form of a letter, ^(as is usually done -) The
 draft letter placed below is submitted for approval

PP
 28.4.11 20
 30.4.11

hms
 1/5/11

[Ex. no. 256 his d/1-5-11]

” ” ” ” ” 19

C. No. 818, From the Dy Registrar, High Court, No. 6487, dated 6.4.1911.

19

19

No. 256, dated 1. 5. 1911.

To,
Hon'ble the
The Chief Justice of the High Court
of Judicature at Madras,
Hon'ble Sir,

With reference to Mr. Davies' letter
R.O.C. No. 64 of 11 d. 6th April 1911, I am
directed to state that the District Judge
is mistaken in supposing K. Srinivasa
Sastri to be debarred from appearing
for the Criminal Judicial test, lower grade,
by new rules. The provision to which
exception is taken, namely, Note (2) to
Article 4 of the Special Tests Notification
is based on G.O. 865 Edld, 7th November
1895 and has been in force for 15 years.

Lu

1.19 CF. To be dropped
Signed copy below

NOTES

Page 19

In these circumstances the Govt. regret that they cannot make a special relaxation in favour of the applicant.

I have to.

PP
28.4.11

1/5/11

30.4.11

When given for copying _____
When copied _____
When examined _____
When signed _____

191

READ AGAIN G.O., No.
191

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT.

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

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Q = Copy Heading only.