

Educational (1913) Department.

ORDINARY MS.

G.O., No. 471 Est.

DATED 23-5-1913 .

[Despatch Abstract.]

Exemption from examination rules — Declining
to sanction the proposal of the S.D. Judge of
N. Malabar to exempt Han Katabachal
Padmanabha Ayyar, Central Nazir of the
N. Malabar S.D. Court, from the Criminal
Judicial test, lower grade.

EDUCATIONAL DEPARTMENT.

Received 190 , Registered *C. 1303-108* 190 .

Subject.

Forwarding a copy of letter from the District Judge of North Malabar requesting that Venkatachalam Padmanabha Aiyar, Central Nazir of his Court may be exempted from passing the Criminal Judicial Test Lower grade.



ENCLOSURES.

No.

Spate copies

R.O.C. No. 1132/13.

Station *Madras* , Dated the *16th April* 190 .

From (Name) *Arthur Davies, Esquire.*

(Designation) *Deputy Registrar, Appellate Side High Court.*

To The Secretary to the Government of Madras,
Educational Department.

Hon'ble Sir,

I am directed to forward for the orders of the Government a copy of letter No. 171, dated 28th March 1913 (with its enclosures) from the District Judge of North Malabar requesting that Venkatachalam Padmanabha Aiyar, Central Nazir attached to his Court may be exempted from

SA 1914

passing the Criminal Judicial Test, Lower grade.

I have the honour to be,
Hon'ble Sir,
Your most obedient Servant,

W. D. in
Dy. Registrar.

DESPATCHED
18 APR 1913

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Copy of letter from the District Judge, North Malabar to the Registrar, High Court, Madras, No. 171, dated 28th March 1913.

I have the honour to request you to obtain the sanction of Government exempting Venkitachalam Padmanabha Aiyar Central Nazir attached to this Court, from passing the Criminal Judicial Test, Lower Grade, so as to enable him to qualify himself for the post of the Head Clerk of District Court, as I am entirely satisfied with his work and consider him fit to be a Head Clerk.

2. Venkitachalam Padmanabha Aiyar having passed the Matriculation Examination in 1889 joined the Judicial Department in 1893 first as an Amin in the District Court, South Malabar, and then in 1899 as Assistant Record-keeper and Shorthand-writer of this Court. He was promoted as Central Nazir on Rs. 40 in January last.

3. After his first appointment in 1893 he had no chance of appearing for and passing the Criminal Judicial Test, Lower Grade, as that examination was not thrown open to Matriculates from and after that year. He has, however, passed Test A-Criminal Law, Higher Grade--which under the Public Service Notification is considered equivalent to Criminal Judicial Test, Lower Grade, (Vide note at foot of the schedule to the abstract of the Rules relating to Public Service Examinations, page 69). It is mainly on that ground that the concession which I recommend is prayed for.

4. An abstract of his service in the Judicial Department and a list of all the Examinations passed by him with dates are appended to this letter.

List of Examinations passed.

Black

- | | |
|---|--|
| (1) Matriculation .. | Gazette page 15, dated 25-2-1890--R.No.1868. |
| (2) Handwriting Test .. | 7, ,, 23-6-1891 ,, 1347. |
| (3) Shorthand (Elementary) .. | 1, ,, 3-8-1897. ,, 210. |
| (4) Precis writing Test .. | 7, ,, 15-3-1898 ,, 1026. |
| (5) Commercial Correspondence
(Intermediate) | 2, ,, 26-7-1898 ,, 236. |
| (6) Shorthand (Intermediate),, | 3, ,, 23-8-1898 ,, 236. |
| (7) Typewriting (Elementary),, | 2, ,, 4-7-1899 ,, 378. |
| (8) Translation (Lower) .. | 6, ,, 29-1-1901 ,, 2518. |
| (9) Civil Judicial Test .. | 7, ,, 17-2-1902 ,, 2518. |
| (10) Account Test (Lower) .. | 3, ,, 24-12-1907 ,, 1268. |
| (11) Translation (Higher) .. | 3, ,, 9-1-1912 ,, 1182. |
| (12) Test A--Criminal Law
(Higher Grade). | 2, ,, 4-3-1913 ,, 66. |

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S. S. P. S.

District Judge,
North Malabar.

1	2			
Dist Court Sulchy	Acting	Rs 25 + 5	8-9-12	8-
Local allow: as shorthand writer		(Rs 20)		
Do Do	Permanent	Rs 20	1-8-12	31-
Local allow: as shorthand writer		(Rs 20)		
Dist Court North				
Malabar Jilicherry	Acting	Rs 20 + 8	1-9-12	9-
Local allowance as shorthand writer		(Rs 20)		
2 ^d Clerk - Do Do	Permanent	Rs 20		
Local allow: as shorthand writer		(Rs 20)	10-11-12	19-
1 st Clerk - Do Do	Acting	20 + 8		
Local allow: as shorthand writer		(Rs 20)	20-11-12	31-
2 ^d Clerk - Do Do	Permanent	Rs 20	1-1-1913	26-
Local allow: as shorthand writer		(Rs 20)		
Central Nazim, District	Permanent	Rs 40	27-1-1913	
Court North Malabar				
Local allow: as shorthand writer				
@ Rs 20				

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District Court of North Malabar,
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Extract from the Service Agreement

Name of appointment (1)	Whether Substantive or acting or protem (2)	Pay (3)	Date of appointment (4)	Date of termination of appointment (5)
3 rd Grade Amin, District Court, South Malabar	Acting: Sub- protem	Rs 12	23 rd October 1893	16 th September
- Do -	Permanent	Rs 12	17 th September 1894	14 th November 60
7 th Clerk: Additional St. Munshi Court Calicut	Ag: Sub- prob.	Rs 15	15 th November 1894	23 rd November 60
6 th Clerk: - Do	Ag: sub- protem	Rs 15	24 - 11 - 94	8 - 12 - 1
3 rd Grade Amin St. Court South Malabar doing duty in the said Court.	Permanent	Rs 12	9 - 12 - 1894	17 - 12 -
8 th Clerk additional St. Munshi Court Calicut	Sub protem	Rs 15	18 - 12 - 94	4 - 1 -
3 rd Grade Amin St. Court South Malabar doing duty in the said Court.	Permanent	Rs 12	5 - 1 - 1895	9 - 6 -
8 th Clerk add. St. Mf. Court Calicut	Sub- protem	Rs 15	10 - 6 - 1895	15 - 1 -
7 th Clerk add. St. Mf. Court Calicut	Sub- protem	Rs 15	16 - 1 - 96	16 - 7 -
8 th Clerk add. St. Munshi Court Calicut	Permanent	Rs 15	17 - 7 - 96	17 - 7 -
5 th Clerk: add. dist Munshi Court Calicut	Sub- protem	Rs 15+2	17 - 7 - 96	19 - 10 -
8 th Clerk: add. dist Mf. Court Calicut	Permanent	Rs 15	20 - 6 - 96	11 - 11 -
5 th Clerk: add. dist Munshi Court Calicut	Sub- protem	Rs 15+2	12 - 11 - 96	21 -
4 th Clerk: add. dist Munshi Court Calicut	- Do -	Rs 15+2	22 - 7 - 97	10 -

Confirmation

12 Promotion

12 Reversion

12 Promotion

9/12 Reversion

9/13 Promotion

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SS. P. D.
District Judge.

Cont. Calicut	8 th Clerk; asst. St. Manager	Permanent	Rs 15	11-11-97	8-3
Cont. Calicut	4 th Clerk; asst. St. Manager				
Cont. Calicut	8 th Clerk; asst. St. Manager	Ag.	Rs 15+1	9-8-98	8-
Cont. Calicut	7 th Clerk - do do	Permanent	Rs 15	9-4-98	15-6-
6 th Clerk - do do	do do	do	Rs 15	16.6.98	31-8-
4 th Clerk - do do	do do	do	Rs 15	1.9.98	26-1-
6 th Clerk - do do	do do	Ag.	Rs 15+2	27-1-99	9-4-
4 th Clerk - do do	do do	Permanent	Rs 15	10.4.99	2.7-
6 th Clerk - do do	do do	Ag.	Rs 15+2	3.7-99	17.7-
Assistant Record Keeper Dist.	do do	Permanent	Rs 15	18.7-99	21-8-
Cont. of North Malabar	do do	Sub-protym	Rs 15 +	Local all. as short hand writer Rs 20	1-9-99 11-12-
do do	do do	Permanent	Rs 15	12-12-99	31.12-
10 th Clerk Dist. Cont. N. Malabar	Illichery.	Local all. as short hand writer	(Rs 30)		
8 th Clerk Dist. Cont. N. Malabar	Illichery.	Permanent	Rs 15	1-1-1903	15-9-
6 th Clerk do do	do do	Local all. as short hand writer	(Rs 30)	16.9.03	16.9.0
6 th Clerk do do	do do	Ag. +	Rs 15+2 (Rs 30)	16.9.03	13-12-
6 th Clerk do do	do do	do	do		
5 th Clerk do do	do do	Permanent	Rs 17 1/2 (Rs 30)	14.12-03	12-1-
4 th Clerk do do	do do	Local all. as short hand writer	Rs 20	15-1-04	31-1-
3 rd Clerk do do	do do	do	Rs 20	1-2-04	16-8-0
4 th Clerk do do	do do	do	Rs 20	15-8-04	30-9-
3 rd Clerk do do	do do	do	Rs 20	1-10-04	30-9-
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C. No. 1301 From the High Court App. No. 1132/13 dated 16/4/1913.

SUBJECT.

Exemption of Venkatasachalam Padmanabha Aiyar, Central Nazim of the North Malabar D² Court, from passing the Criminal Judicial Test, lower grade.

Para 3, page 3 of C.P.

do

(copy put up)

The D² Judge of North Malabar recommends that V. Padmanabha Aiyar, Central Nazim of his court, may be exempted from the Criminal Judicial Test, lower grade, so as to enable him to qualify himself for the post of head-clerk of the D² court. Padmanabha Aiyar has passed ~~the~~ Test A (Criminal Law, Higher grade) of the Special Tests prescribed for officers of the Salt, Abkari & Customs Dept^t. ~~But the Special Test Notification states that~~ The D² Judge states that the concession is prayed for ^{(especially} ~~with~~ reference to the footnote to the ~~Public~~ Special Tests Notification printed on page 69 of the pamphlet "Abstract of the rules relating to the Public service examinations in the Madras Presidency." This note says that the Criminal

The word "equivalent" lends support for such assumption. The notes at the foot of page 55 of the pamphlet is clear and conveys correctly the intention. ^{the portion of this note} ~~the portion of this note~~ may be taken up separately.

Pages 55+58 of the pamphlet put up.

Please also see the report on pages 40 & 41 of the 1st. No. 15 of the 1st. 1000. (A)

"valent to test A, Criminal law, higher grade."

From this, the DE judge assumes that ~~the~~ that the reverse also holds good and that therefore Test A is equivalent to Criminal just test, lower grade. From an examination of the nature & scope of the ~~subject~~ two tests it will be seen that the surmise of the DE judge is not correct. Criminal judicial test, lower grade, has all the subjects prescribed for the Test A and includes in addition ~~with~~ Medical jurisprudence. ~~It~~ Further the papers set for the several subjects comprised in Test A ~~with~~ more particularly relate to matters which come within the range of a Salt officer's work. Hence this test is decidedly inferior to the Criminal judicial test, lower grade, which is a more general test, not being ^(confined) to any particular Dept^t. It is therefore submitted that Test A cannot be considered as equivalent to Criminal judicial test, lower grade.

2. If, however, ^{it is considered that} the candidate should be exempted from passing the ~~test~~ Criminal judicial test, lower grade, in consideration of the fact that he has passed ~~about~~ in almost all

Page 3. Cf.

Para 2. Sol. note
on page 2. ante

Consideration whether his dept. should
support ^{or not} the St. Judge's recommendation especially
to exempt the Clerk from passing Criminal Judicial
test, lower grade, especially view of the
fact that the applicant has already passed
in almost all the subjects of the test.

2. The Special Test notification
the 6.5.13 - how at S does not deal with
the tests prescribed for officers of
the Salt and Akbari dept. The
object of the test-note at p. 4 & 11 -
particularly at p. 11 - is not clear.
Moreover the note as worded would
lead one to suppose that the Salt
test-A was a higher qualification than
the Criminal, lower.

For orders.

CO. 9573 Is he referred from appearing
for Criminal from now?

52
1075

us.

Said yes. matriculates are competent
to appear for the examination only if they have
obtained the Diploma in Commerce.

Vide Note (2) to
the Spl. Test

p. 2 notes
para. 3 p. 3 of

Edw. have negated Mr Robert's "main ground" for recommending the concession.

[Signature]
1913

[Signature]

The circumstances do not seem special enough. I presume it is not difficult to get qualified candidates in Malabar.

B 13 5 13

Edw. u.o.



Jus. & S. 1333 B-1
13.5.13



SK
Recd 17/5-1913

Educational Department

A draft letter is submitted for approval.

SK
17/5/13

CR
17.5.13

app. W 22/5

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READ ALSO:-
C. No. 1303, From the High Court of Justice, No. 113 ²/₁₃, dated 16. 4. 1913.
Cathay

190

[illegible]

No 471 Sol^{his}, dated 23. 5. 1903.

With reference to the D^o
Registrar's letter R.O.C No 1132/13
of the 16th April 1913, I am directed
to state that H.E. the Governor
in Council regrets that he
is unable to sanction the
exemption ~~from~~ of Venkatachalam
Ramanabha Aiyar from the
criminal judicial test case

proposal of the
Dl. Indge of N. Malabar
to

High Court of Justice
Cathay
18. 4. 12

Letter
200

With reference to the 12
signature letter of 11/12/12
of the High Court of Justice
to state that the Government
is unable to sanction the
employment of such persons
as the Government is unable to
sanction the employment of such persons

When given for copying
When copied
When examined
When signed

191

READ AGAIN G.O. No.
191

DATE

CORRECT No.

ENCLOSURE TO C. No.

ORDER OF GOVERNMENT.

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DETAIL.

PAYERS NOT SILENT UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.