

Sol (1915) Department.

Mr. SERIES.

G.O. No. 431

DATED 26-4-15

[Despatch Abstract.]

Permission to appear for special tests
Declining to reconsider the
orders refusing C. Sivaramaaya
Translator, District Court, Chingleput,
(Criminal Judicial test)

R F.D.-80-

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EDUCATIONAL DEPARTMENT



Received 25 MAR 1915 191

Registered 2578/ 1915

Subject.

Forwarding for orders copy of letter from the District Judge, Chingleput, requesting permission for C. Sivaramaiya, Translator of his Court, to appear for the Criminal Judicial Test.

ENCLOSURES.

No.

Spare copies.....

R.O.C. No. 924/15.

Station Madras, Dated the 23rd March 1915.

From (Name) G. S. White, Esq.,

(Designation)..... Dy. Registrar High Court,
Appellate Side.

To the 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 a copy of letter No.434, dated 4th March 1915, from the District Judge, Chingleput (together with its enclosures), recommending that C. Sivaramaiya, Translator, District Court, may be permitted to appear for the Criminal Judicial Test.

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

Dy. Registrar.

K.V.V.
Kv3:—

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Copy of letter from the District Judge, Chingleput,
to the Registrar, High Court, Madras, No. 434 dated 4th
March 1915.

I have the honour to forward for the favourable orders
of the High Court an application from my Court Translator
C. Sivaramaiya for permission to appear for the Criminal
Judicial Test. He has put in a service of 25 years in the
Judicial Department and is thoroughly competent to discharge
the duties of the higher offices in the District Court. Though
he has not passed the higher University Examinations, having
had the advantage of Collegiate education, he can talk and
write English well. If he is allowed to appear for the
examination, I think he will pass it and thereby he will render
himself eligible for promotion. I request the High Court
be kindly pleased to obtain the sanction of Government for
granting the permission asked for. Once before in 1912 when
this matter was moved, the Government were not pleased to pass
favourable orders. (Vide G.O. No. 312 dated 11-4-1912, Educa-
tional). Since then, the rules seem to have been relaxed so
far as the Revenue Department is concerned by empowering the
Board of Revenue to exempt their subordinates from the prescribed
educational qualifications to appear for the Precis-writing Test,
the Criminal Judicial Test, Higher or the Revenue Test, Higher
Grade, Vide, note 7 to article 4 of the rules relating to the
Special Test Examinations, G.O. No. 1312 dated 20-11-1914. Trusting
that similar concession can be granted to officers in the Judicial
Department in special cases, I have again addressed on the same
matter.

M.G.B.

less.

Considered
negatives -
(Z)

Not relaxing

To

V. Verugopaul Chetty, Esq., I.C.S.,

District & Sessions Judge,

CHINGLEPUT.

Honoured Sir,

I request that your honour will be pleased to recommend

"5. The following authorities and officers may sanction exemption from the provisions of article 3" (regarding Special Tests to be passed for special posts) "to the extent specified in each case:"

me to Government

for permission -

to apply for the

Criminal Judicial

"1. Government may sanction the exemption of any person or any class of persons, such orders issuing in the Educational Department."

Test under arti-

cle 5 (1) of the

Page 18 of
G.O. 1312 Ed. 20-11-14

Public Service Notification in the circumstances stated below.

Having passed the Matriculation Examination of the Madras University in 1884, I studied in the First in Arts Examination classes of the Madras Christian College in the years 1886 and 1887.

Subsequently in June 1890, I entered Government Service and with a long and varied service of about 25 years in almost all grades of Courts---District Munsiff's Court, High Court of Madras on its Appellate and Original side, Madras Court of Small Causes, Cantonment Magistrate's Court, and Subordinate Judges Court---am at present the Tamil and Telugu Translator (and Interpreter) of the District and Sessions Court of Chingleput on Rs.75/- per mensem which, I am holding for the past 11 years. Though I have passed the margin-

ally noted

1. The Translation Test, Higher grade, Tamil (and Telugu).
2. Precis-Writing Test, Higher grade.
3. The Account Test, Higher grade, and
4. The Civil Lower.

Special Tests

I am not now

eligible for the next higher appointments of Head Clerk or -

5 4

Sheristadar in a District Court on Rs.100 and Rs.150, respectively, unless I pass the Criminal Judicial Test for which I cannot apply according to the rules in force at present, unless I pass the First in Arts Examination now known as the Intermediate Examination. Though the subjects of this examination are not now so numerous and varied as they were before the present new University Regulations were brought into force, and though I am prepared to go in for the Examination, I am not allowed to apply for it unless I undergo a further course of one year in an Arts College which at my present age of 47 may not be a commendable or a feasible one.

In 1912 I approached Government with a similar request but unsuccessfully (Vide G.O. No.312, Educational, dated 11th April 1912). Since then the Government have been pleased to take a more lenient and sympathetic view in such matters and have accordingly in their Order No.987 Educational, dated 19th August 1914 been pleased to authorise the Board of Revenue with powers of exemption from higher educational qualifications for

"Note 7 to article 4. "Notwithstanding anything in article 4, and the notes (1) and (2) thereunder, the Special Tests shall also be open to candidates who are exempted by the Board of Revenue, from the general educational qualification prescribed therein provided that the exemption granted by the Board shall not enable a candidate to appear more than three times for the Precise-writing Test, the Criminal Judicial Test, Higher grade, or the Revenue Test, - Precise-writing Test which are

qualifying tests for the post of a Deputy Collector.

In consideration of my long, varied and honest service of about 25 years under Government as may be gathered from the enclosed copies of testimonials and my advanced age of 47 and my having already had the benefit of a College education for two years, I humbly request your honour will be pleased to recommend my case for the kind and sympathetic consideration of Government to exempt me from the general educational qualifications prescribed under the rules, and to

In Di 589/12 Punjab
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Page 22 of 22
1312 ED 28/20.11.14
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accord me permission to apply for the Criminal Judicial Test Examination which I submit I shall be able to pass.

I beg to remain,

Honoured Sir,

Your honour's most obediert & humble
servant,

C. Sivaramaia

Translator,

23rd February 1915.

District & Sessions Court,

Chingleput.

7 6

Testimonials of C. Sivaramaiya,
Translator, District and Sessions Court,
Chingleput.

A.L. Hannay Esq., Registrar, High Court, was pleased to endorse on my application to the District Judge of Chingleput as follows on the 2nd of April 1900.

"Forwarded and recommended.

The applicant bears good reputation in office of being smart and intelligent"

On the 22nd June 1902 the same gentleman was pleased to say,

" I quite appreciate the reasons which induce you to try for promotion outside the Court. Promotion in the office is I know, very slow and I shall be glad to assist you by my recommendation when referred to by any officer to whom you may apply"

M.O. Parthasarathi Aiyangar Esq., M.A. & M.L., Third Judge, Court of Small Causes, Madras certified on the 15th January 1901:-

" Mr, C. Sivaramaiyar was Interpreter of the Third Court for about six months and he has done his work satisfactorily"

Major E. Waller, Contonement 1st class Magistrate, St. Thomas Mount(now at Rawalpindi in the Punjab) in his testimonial of the 7th June 1904, says:-

" C. Sivaramaiya has served under me as Head Clerk - since 30th October last. He is hard-working, intelligent and in my opinion thoroughly honest and straightforward and

reliable as an Interpreter. He is being transferred on -
 promotion and as I am also being transferred, the highest -
 praise I can give him is that I hope my successor may get
 even half as good a man as his Head Clerk"

 R.D. Broadfoot Esq., District Judge of Chingleput -
 endorsed on my application to the Chief Judge, Court of Small
 cause Madras as follows on the 3rd January 1905.

"Forwarded and recommended.

The applicant has been Translator here for about
 ten months and he did his work well"

 F.H. Hamnett Esq., District Judge of Chingleput was -
 pleased to recommend to the Chief Presidency Magistrate,
 Egmore, Madras in these terms on the 20th July 1905.

X	X	X	C. Sivaramaiya, Translator of
			my Court here knows Tamil and Telegu and a good deal of -
			Hindustani. I have found him a competent and smart -
Translator	X	X	X.

 The late T. M. Swaminatha Aiyar Esq., District Judge of
 Chingleput in forwarding my application to the Chief Presidency
 Magistrate, Egmore, was kind enough to say on the 5th August
 1905

X	X	X	X	Though I am, having
				recently joined the Court, not in a position to express any
				opinion, still my Sheristadar says that he is a capable -
				officer. The testimonials the applicant holds also show
				that what my Sheristadar represents must be a fact.

(True copies and extracts)

G. Sivaramaiya

NOTES.

OFFICE NOTE.

C.F. 16-17-2-14.

SUBJECT. Exemption from the examination rules.

From the Registrar, High Court. No. 924/15 dt. 23.3.15.

Register No. 1134.

p. 2 of C.F.

p. 2 of C.F.

8 Please see G.O. 312 Etdy dt. 11-4-12 in which the Govt. declined to permit C. Sivaramayya, Translator, Dt. Court, Chingleput, to appear for the Criminal Judicial test. The Dt. Judge of Chingleput now submits an application for a reconsideration of the previous orders. The only ground he urges in support of his application is that "since then the rules seem to have been relaxed so far as the Revenue Dept. is concerned by empowering the Board of Revenue to exempt their subordinates and that similar concession may be granted to officers of the Judicial Department in special cases."

2. The Dt. Judge, no doubt, is mistaken in supposing that by the delegation of extended powers to the Board, the Govt. intended that the rules should be unduly relaxed. On the other hand, they relied on Board to exercise its powers judiciously and

* Sanctioned in G.O. 529 Etdy dt. 18.7.14. (2)

to invest the High Court with similar powers as the
~~did not feel any~~ "security that the delegation (of powers)
 would be judiciously exercised" - vide the Hon'ble
 Mr. Cardew's note on p. 6 quote. to G.O. 839 of the 18th
 July 1914. It is therefore clear that on the ground put
 forth by the St. Judge the previous orders cannot
 be reconsidered.

3. The remarks of the Judicial Department ~~also~~
 however may be obtained too.



Coluo 1134-1

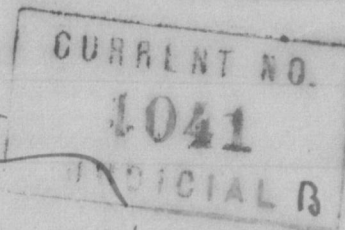
31.3.15

April 3

29.3.15 *[Signature]*

31.3.15 *[Signature]*

Regd 31.3.15



Just. Dept.

For the h.s.

As regards delegation of powers
 to the High Court, attention may also be
 invited to G.O. no. 2572 of 23.11.1914.
 This dept. may agree with Sd. that no
 reasons have been adduced for
 reconsidering the orders issued in G.O.
 312 Sd. dated 11.4.1912.

PRR
 24/15 - The quota is not what the delegata
 appears but what exempting the
 petition. Please point out the ground

as it is decided that a man
may not appear for an examination: & what
is the particular justification missing in the
present case.

41.18
914

For the U.S.

Under note 2 to art. 4 of the
Special test notification, only candidates
who have passed the first or the
intermediate examination are eligible to
appear for the criminal judicial test -
the applicant being only a matriculate
he seeks for exemption from this rule
to appear for the test. The exemption
is usually granted by the Govt. only if
it is made in the interests of the
public service. vide notes to go. 610 Vol.
dated 1.9.1911 & go. no. 322 Vol. dated 11.6.12
In the present case, the application is
not made in the interests of the public
service but solely on personal grounds.
It was on this ground that the
exemption was refused in 1912. As
regard the ground on which
the cr. judicial test was restricted
to candidates possessing the J.D. or the

page 21 of 80.
1312 Vol. Y
20.11.14

p. 12 of Flag V
pp 8-9 applies to
Flag X
p 10 & notes to
Flag. I

Flag X

Intermediate examination attention is invited to the notice to go no 215 EOL dated 6.3.1912

PRM
9.4.15

Sec.

This recommendation for this exempta is not made in the public interest; then seems to be no ground to reconsider the refusal of 1912

13/4

EOL 100
13/4/15

Educational Department

A draft order is submitted for approval.



PRM
17.4.15

138
19.4.15

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

pp 24 5
Flag W

Recd no: 1041 B
14th Apr

” ” ” ” ” ” 191 .

C. No. 1134, From the High Court, No. 924/15 dated the 23-3-1915

191

” ” ***** ” ” ***** ” ” ***** ” ” ***** 191 .

Letter
~~ORDER.~~
Mis.

No. 431 Volume, dated 26-4, 1915.

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

With reference to Mr. White's
letter R.O.C no 924/15, dt the 23-3-15,
I am directed to state that the
Govt. see no sufficient reason to
reconsider the orders conveyed in
Mr. Davidson's letter no 312 Ed, dt
the 11th April 1912, declining to
permit Mr. R. C. Sivaramayya,
Translator, Dist Court, Chingleput,
to appear for the Criminal Judicial
test.

I have cc

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 $\frac{129}{19.4.15}$

23/4/5.

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of which the Chief Justice of the Court of Probate at New York has been informed.

At the reference to the letter of the 21st of April 1911, it is stated that the Court has no sufficient reason to refuse to receive evidence in cases where the evidence is taken from a witness who is not a resident of the State of New York. The Court has decided that the Court has no sufficient reason to refuse to receive evidence in cases where the evidence is taken from a witness who is not a resident of the State of New York.

When given for copying
When copied
When examined
When signed

191 .

AGAIN G.O. No. 191 . DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH BILLS

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL

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