

Education (1916) Department.

Misc SERIES.

G.O. No. 612-13.

DATED 2-6-16

[Despatch Abstract.]

Memorial. Forwarding with remarks to the Govt of India a — from Mr N. D. Sanyal against the action of the Madras Government in not confirming in his appointment the D.E.S. as Professor of Geology in the Presidency College, Madras.

CN^o 1809 Ee

C.F.—20.

EDUCATIONAL DEPARTMENT.



Received 22/5 1916 Registered

Subject.

Submitting with remarks an application from Mr. N.D. Daru, Professor of Geology, Presidency College, Madras, requesting that he may be allowed to continue in his present appointment.

ENCLOSURES

No.

N. Ref on Cur No. 3885/1916.

Spare copies:

Station Camp, Ootacamund, Dated the 21st May 1916

From (Name) The Hon. Mr. J.H. Stone, M.A., C.I.E., F.R.S.,

(Designation) Director of Public Instruction.

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

Sir,

89

7 2 3
N. Ref on Cur No. 3885 / 1916, dated 21st May 1916.

S u b m i t t e d.

2. Government are well aware of the circumstances in which it was decided to terminate Mr. Daru's probation.

3. As he has referred to an interview with me I may supplement his account of it by saying that I told him that his best course with a view to securing his permanent retention in the college was to take the steps necessary for putting the teaching of Geology on a proper footing.

L. Stone
Director of Public Instruction.

M. S. S.

Again G.O., No. , dated

Current No. 1809 Edl. from the

Current No. from the

190 .

No. 3885, dated 21.5.1906.

No. , dated 190 .

SUBJECT.

application to the Govt. of India from Mr. Daru requesting to be allowed to continue in his present appointment.

Attention is solicited to the Hon. Mr. Toddhunter's notes dated the 6th October 1915 and the 21st October 1915 on pages 2 and 3 of the notes with G.O. no 405 Edl., dated the 8th April 1916 which contain the reasons for ~~that~~ ^{the} determination ² of the services of Mr. Daru. His reversion was decided upon in consultation with the Govt. of India and the Secretary of State has already been asked to recruit an officer from home in Mr. Daru's place - despatch no. 1 Edl., dated the 22nd April 1916. For orders whether Mr. Daru's application

may be forwarded to the Govt. of India with the intimation that application has been made to the Secretary of State for a new officer

2. As regards Mr. Daru's contention that the termination of the probation period without the ^{immediate} issue of any specific orders ~~ipso facto~~ as to confirmation or reversion ~~ipso facto~~ gives him the right to confirmation, it is submitted

(T)

Yes
23/5/16

That no such inherent right is recog-
nized as a matter of course. In the
absence ^{in this case of} any definite agreement on
this point, such as that referred to
by Mr. Darn on pages of current file,
the inference would ordinarily
be the other way, that pending
express confirmation the probation
once imposed continues, though the
originally fixed period has expired.
No doubt the Department failed
to submit his case for orders as
to confirmation in proper time;
but it was equally Mr. Darn's
look out to have moved in, and
cleared up, the matter. Implications
and indirect inferences should
not be regarded as conferring
any specific claims. ~~in substance~~
There seems to be no doubt that
until Mr. Darn's interview with
the Secretary (Mr. Toddhunter) in October
1915 there was no definite inten-
tion of reverting ~~to Darn~~ him to
the Geological Department. This, however,
does not prevent the Govt. from
changing their mind subsequently.

CA
12.5-16

cf. page 39 notes, with
fo 405 Es (T)
8-4-16

Draft a brief letter to India Bureau up to Merrill and stating the facts succinctly.

[Signature]
25.5.16.

A draft letter to the Govt. of India is submitted for approval.

Box No 19
30-5-16

[Signature]
26.5.16

[Signature]

[Signature]
29.5.16.

Approved. Please see serial annex 5.

[Signature]
31.5.16.

[Signature]
1.6.16.

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

[Faint handwritten notes and stamps at the bottom of the left page.]

READ AGAIN G.O. No. 405 Edl., dated 8th APRIL 1916.

” ” ” ” ” 191 .

READ ALSO:—

C. No. 1809 Ed1, From the D.P.I., No. 3885, dated 21st May 1916

" " " " , " , " 191

" " " " , , " 191

ORDER.
Mis.

No. 612 Edl mis 7 2.6.16, dated _____ 191

The memorial submitted by

Mr. N.D. Daru will be forwarded to
the Government of India.

To

The Director of Public Instruction

Letter :- No. 613 Edl mis 8 2. 6. 16

To

The Secretary to the Govt. of India,
Department of Education.

Sir,

I am directed to forward ~~the~~ memorials submitted by Mr.N.D.Daru, Acting Professor

of Geology in the Presidency College, Madras, against the action of this Government in not confirming him in his appointment in the Indian Educational Service.

2. In regard to the circumstances under which it was decided to terminate Mr. Daru's probation in the Indian Educational Service, I am to invite attention to the correspondence ending with your letter to this Government, No. 184, dated the 29th February 1916. Mr. Daru ~~was~~ contends that, when his probationary period ended in June 1915 ^{the fact that} ~~and~~ no specific order ^{was} issued at once as to confirmation or reversion, ^{given him} ~~he obtained~~ ipso facto the right to confirmation. ^{be ed} ~~I am to observe~~ ~~in reply that, in the absence of any agree-~~ ~~ment to a different effect the inference-~~ ~~in a case like this is that pending express~~ ~~confirmation the probation once imposed~~ ~~continues until after the expiry of the~~ ~~period of it originally fixed.~~ I am to add that an application ^{since} ~~has~~ been made (on the 22nd April last) to the Secretary

p. 49 p. 405-52 ①
8. 4. 16

A E the G. C. cannot accept this contention. He is of opinion that the period of probation must be regarded as being continued until final order is passed.

Secretary of State for the Department
of an officer to the Indian Department
I have etc.

H. P. P.

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.

PAYERS NOT FILED UP, BEING WANT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.