

Home (191 *9*) Department.

Education

Ordinance SERIES.

G.O. No. *589*

DATED *10-5-19*

INDEXED

[Despatch Abstract.]

S u i t

Sanctioning the defence of G.S.No. 37/19 on the file of the Principal District Munsif's Court, Badagara, filed by one Kaliyandi for the recovery of the teaching grant assigned to the Appilla school at Malankoral for 1916-17.

BACK PAPERS.

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

FURTHER PAPERS.

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

34610
5457195

HOME (EDUCATION)

DEPARTMENT.

C.F.—20.

Received



Registered

1919.

Subject.

Submitting copy of notice and plaint filed by one Kalliyani in the Principal District Munsif's Court, Badagara, against Government for the recovery of the teaching grant assigned to a certain Mappilla School and request to direct the Collector of Malabar to engage the services of the Government Pleader to defend the suit on behalf of Government.

ENCLOSURES.

No.

Spare copies

R. C. No. 3991/19

Station Madras, Dated the 3rd May 1919

From (Name) the Hon'ble Mr. R. Littlehales, M. A.,
(Designation) Ag. Director of Public Instruction
M A D R A S.

To The Secretary to the Government of Madras,
HOME (EDUCATION) Department.

Sir,

In submitting the enclosed letter received from the Secretary to the Commissioner of the Board of Revenue, Land Revenue, Madras, together with all its enclosures I have the honour to state that the Plaintiff in the present suit applied to the Principal District Munsif, Badagara, for the attachment of the teaching grant assigned for the year 1916-17 to the Mappilla Elementary School, Nalankoral of which the 2nd Defendant in the present suit was the correspondent and manager. The usual prohibitory orders was served by the Principal District Munsif, Badagar

on the Assistant Inspector of Schools, Malabar District, on the 3rd March 1917 requesting him to withhold payment of the grant pending further orders of the Court. The grant assigned to the school was thereupon withdrawn by Government under Article 2 of the Grant-in-Aid Code in G. O. No. 949 Home (Education) dated 18th July 1917. Subsequently the Vakil for the Plaintiff served a notice of suit on the Collector of Malabar and this was submitted to Government with my letter R. C. No. 8026/17 dated 8th October 1917 which was recorded in G. O. No. 1313 Home (Education) dated 22nd October 1917. As the Plaintiff has now filed the suit I have the honour to request that Government will be pleased to direct the Collector of Malabar to engage the services of the Government Pleader of the District to defend the suit on behalf of Government forwarding to him, if necessary, a copy of G. O. No. 949 Home (Education) dated 18th July 1917 withdrawing the teaching grant of the school which was attached by the District Munsiff in March 1917.

I have the honour to be,

Sir,

Your most obedient Servant,

Naamine

for Director of Public Instruction

Y. V. /2/5

11/3/17

XXII A 35-355-6 14.

Resolution No. 1250 Routine

BOARD OF REVENUE,

Land Revenue

Madras, 1st May 1917

FROM

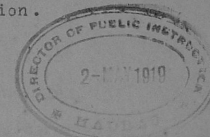
THE SECRETARY TO THE COMMISSIONER OF

Board of Revenue, Land Revenue

TO

MADRAS,

The Director of Public Instruction.



SIR,

I am directed to forward for necessary action the accompanying letter from the Collector of Malabar submitting a notice and copy of the plaint in C.S. No. 337/19 on the file of the Principal District Munsiff's Court, Badagara filed by one Kalyani against Government regarding the attachment of a grant due to the Manager of a Moolah School.

I have the honor to be,

Sir,

Your most obedient Servant,

Om
for Secretary

To the Director of Public Instruction with Collector's C.M/1-5 letter, notice of hearing & plaint.

1919.

BOARD OF REVENUE.

Land Revenue.

MADRAS.

To

The Director of Public In-
struction.

Letter, dated 1st May

1919.

B.P. No. 1250 Routine

Subject.

Suit (Malabar)

Forwarding to Director of Public
Instruction notice of the date of
hearing of a suit instituted against
Government.

Ref. 4399-A-4/19.

Malabar Collector's Office,

Calicut, 23rd April '19.

From

J.F. Hall, Esq., I.C.S.,

Ag. Collector of Malabar.

To

The Secretary to the Commissioners

Land Revenue, Madras & S.

Sir,

I have the honour to forward a notice and copy of the
plaint received from the Principal District Munsiff, Badagara
in O.S.No.337/19 on his file.

2. The suit has been filed by K. Kalyani against Govern-
ment and another T. Raman Gurukkal. The 2nd defendant owed the
plaintiff some money as per decree in S.C. suit No.1627/16 on
the file of the Principal District Munsiff, Badagara for which
plaintiff applied for attachment of Rs.96, the grant due to 2nd
defendant from Government as Manager of a Moplah school. When
the Court asked the Assistant Inspector of Schools to forward
the bill for the attached amount it was informed that the amount
had been forfeited under section 2 of the Grants-in-aid Code
under the orders of the Director of Public Instruction. Plain-
tiff questions the legality of the above order and prays for a
decree against Government.

3. In 1917 plaintiff sent a notice of the suit and it was
forwarded to the Director of Public Instruction for necessary
action under B.S.O. 92 (i). I request that the Director may be
asked to take action to defend the suit. I am informing the
District Munsiff accordingly.

4. The suit stands posted for hearing on the 13th June 1919.

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

Iskhan Kumbh
For Ag. Collector.

DESPATCHED
24 APR 1919

K.R.M.

PAGES 5 TO 8

SUBSTITUTE FOR DETACHED ENCLOSURE.

Home (80th) DEPARTMENT.

G.O. No. 589, dated 10.5.1919.

FORWARDED TO THE Collector of Malabar

WITH The G.O. mentioned above.
G.O. No. _____, dated _____ 1919.

DATE 12.5.1919

EXAMINER'S INITIALS SP
DESPATCHER'S INITIALS 12/5/19

(^N68) enclt

P-2 01 P82

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900
P/2/01

Subject

Suit

Name (Edw)

6. 915/18, from the D. P. D., R. C. 299, 19, 2nd Mo.

As required in para 12 of the process of standing order issued with G. C. No. 545 Jull, 11th March 1915 the D. P. D. has not stated if he took legal opinion as to whether the suit filed by the plaintiff is sustainable or not. If the plaintiff has a case, there is obviously no need to maintain defence to and incur the additional expenditure involved therein. The Advocate General has no doubt given a ruling in 1901 that Teaching grants of this kind are not liable to attachment - vide p. 2 of G. C. No. 90 Edl, 1st 20th Feb. 1901; and if that be so, the Plaintiff has no case. But in this instance the attachment has been actually made and the Plaintiff states that the subsequent G. C. cancelling the grant is invalid. In any case it seems to be the safer course to ask the D. P. D. to obtain legal opinion as per standing order before the defence of the suit is undertaken. Draft memo. ruled.

(The suit stands posted for hearing 7.5.19 on 18th March 1919 - p. 4, c. 4.)

With the Advocate General's opinion before him, the D. P. D. can hardly

4. para 12 of plaint at p. 6, c. 4 & para 2 - p. 4, c. 4

Exactly what happened in the case in 1900 Edl 20/2/01 A 95

EXAMINER'S INITIALS

DEPARTMENT'S INITIALS

(2)

he expected to consult any law officer. The opinion is clear and it is needless to make any further reference. He Collects may, as proposed by the D.T.I., be asked to instruct the foot-plate to Defend the suit. A copy of fo. 949-81.7.17 and a copy of the Advocate General's opinion may be furnished to him.

Q
8/5/19

8/5/19

A draft order is subd.

Q
9.5.19

Q
9.5.19

8/5/19

Hm

8/5/19

Seobb. II.10 $(\overline{x}) = 5,002 \quad 13 \quad 1-19 \quad (6)$

Home DEPARTMENT.

Surrendering the defence of G. S. No. 327 (Ed. 21) on
the title of the ~~Principal~~ ^{Principal} court, Badagara, filed by
one Kalyani for the recovery of the teaching grant
assigned to the Mappilla School at Nalamkoral
for 1916-17

READ AGAIN G.O. No., dated 191 .

” ” ” ” ” 191 .

READ ALSO:—

READ ALSO:-
C. No. 915, From the D.P.G., Re. No. 3991 dated 3.5.1961

” ” ” ” ” ” 191

” ” ” ” ” ” ” 191

ORDER

No. 589, dated 10.5. 1919.

Ms.

b. 3, c. 4

The Govt. sanction the
defence of G. S. No 337/19 on
the file of the Principal Dist.
Munshi's Court, Badagara.

3 The books of Mahabharat is requested to instrument the Govt: Pleader to defend the suit. A copy of Gov. No. 949 Adm., d/1st July 1917 and a copy of the Advocate General's opinion d/21st

p. 3 of G.O. 902d. (D)
20.2.01

January 1901, regarding the
community of teaching grants
from attachment in India
against

against school managers
are furnished to the collector
for use in connection with
the defense of the suit.

Q
9.5.49
A
9.5.49
10/5/49

To the Collector of Malabar
with ltr in No. 9496
& copy of Advocate General's
opinion at p. 3 of No. 902
& pp 5-8 (attached)
Copy to the D.P. (74)

6/12/5-

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 LETTOS.

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

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