

Home (1919) Department.
Education

Ordinary SERIES.

G.O. No. *986*

DATED *12.8.19*

INDEXED

[Despatch Abstract.]

Exemption.

Declining to sanction the ----- from the provisions of article 1 of the Public Service Notification of P. Deva-
raja Ayyar and K. Sankunni Nayar, 6th and 7th clerks, in the
District Munsif's Court, Walluvanad.

BACK PAPERS.

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

FURTHER PAPERS.

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

C.F.—29.

DEPARTMENT.

Received



191

Registered

191

Subject.

Forwarding two applications from P.Devaraja Ayyar and K. Sankunni Nayar, 6th and 7th clerks in the District Munsif's Court of Walluvanad for exemption from Examination Rules.

ENCLOSURES.

No. 3

Spare copies

R.O.C.

No.

2060/19

Station

Madras

Dated the 22nd July

1919

From (Name)

G.S.White Esquire(Solicitor)

(Designation)

Deputy Registrar, High Court,

Appellate Side.

To The Secretary to the Government of Madras,

Home(Education)

Department.

Hon'ble Sir,

I am directed to forward for the orders of His Excellency the Governor in Council two applications to the High Court from P.Devaraja Ayyar and K.Sankunni Nayar, 6th and 7th clerks of the Court of the District Munsif of Walluvanad for exemption from the Examination Rules so as to enable them to hold posts carrying a salary up to Rs.30/-.

A copy of a letter No.2150 dated the 9th July 1919 from the District Judge of South Malabar forwarding the two applications is enclosed.

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

G.S.White

Deputy Registrar.

MCB.

Pan

P.T.O.

Copy of letter from the District Judge of South Malabar, No.2150
dated the 9th July 1919, to the Registrar, High Court, Madras.

I have the honour to forward herewith two applications from
P.Devaraja Ayyar and K.Sankunni Nayar, 6th and 7th clerks of the
Court of the District Munsif of Walluvanad for exemption from the
examination rules.

To,

The Honourable the Chief Justice and the Honourable Judges
of the High Court of Judicature at Madras.

Through,

The District Judge of South Malabar,
Calicut.

With the kind permission of the district Munsiff of
Walluvanad.

The humble memorial of P. Devaraja Aiyar, 6th Clerk,
District Munsif's Court of Walluvanad.

Your Lordships' memorialist most respectfully begs to
place the following facts before your Lordships for your
Lordships' kind consideration and favourable orders.

The memorialist is a clerk on Rs.20 attached to the
District Munsif's Court of Walluvanad. He was first appointed
as a Copyist in 1892 and was taken to the superior service as
an Amin in the said Court in 1897. He has passed ^{the} then Middle
school examination in the 2nd class and appeared for the Matri-
culation examination but the effort was without success.
Notwithstanding this fact, the District Munsif found him com-
petent for ^a clerk's post and in 1914 he was appointed as a clerk
on Rs.20 in the same Court. During the period of his long
service, the memorialist has been discharging his duties to the
entire satisfaction of his superiors.

The memorialist begs to submit that, prior to the intro-
duction of the recent reorganization of the clerical establish-
ment, about the general benefit of which the memorialist was
fully confident, he was holding the 5th clerk's post in the said
Court---a post on Rs.25 under the revised scheme---. But un-
fortunately for want of requisite educational qualifications in
him, he was reduced to the post of the 6th clerk to the choice
of a junior clerk, who has in fact to discharge the same duties
which the memorialist was doing.

That the grant of the recent increase of pay is the out-
come of the spontaneous sympathy of the Government in respect

of the suffering lowpaid subordinates at this hardpressed time, is a fact beyond question. In this state of affairs, the already existing staffs of the clerical establishment are not allowed in general to enjoy this charitable act of the Government, because some of them have not completely fulfilled the educational conditions, is a matter entitled to the most sympathetic consideration of the High Court.

The High Court, However, viewed the above grievance and have observed in their proceedings dated 4th April 1879 (No. 607), in G.O. No. 895 dated 21st April 1879 and High Court proceedings No. 818 dated 9th May 1879 that "servants, ^{should} not be displaced unless they are superannuated or unequal to their work, when a revision of pay is conferred to the posts they have been holding." For a kind perusal of the Honourable High Court, a copy of the above proceedings is herewith attached.

Under the present state of affairs, the memorialist fears that he has to pull on these hardpressed days with his scanty pay of Rs. 20 and worse still, that he will be in the same position when he retires at his old age from the service.

Under these circumstances, the memorialist most respectfully begs to submit that the Honourable Judges of the High Court may be graciously pleased to bestow their sympathetic consideration on the facts submitted herein, and to allow him either an exemption from educational qualifications up to Rs. 30 so as to ^{secure} ~~secure~~ his previous post of the 5th clerk on Rs. 25 under the revised scheme or ^{to} remain himself as an Amin on Rs. 25, having regard to the long service which he has put in and the well-known high price of living articles for the present. For which act of kindness and charity, the memorialist, as in duty bound shall ever pray.

Wallawarad
dated 3-5-1913.

P. S. Raja Rao
Memorialist.

No. 607.

Proceedings of the High Court of Judicature at Madras, 4th April 1879.

Read petitions from certain of the Gumastahs in the District Munsifs' Courts of-----complaining that their services are to be dispensed with on the introduction of the new scheme of Judicial Establishment for the Mofussil, sanctioned by the Government in favour of persons who understand English forwarded to the High Court for disposal with the acting chief secretary's letter dated 11th ultimo.

The High Court are of opinion that the petitioners should not be displaced unless they ~~are~~ either superannuated or unequal to their work. Men of better educational qualifications may take their place as ^{vacancies} ~~vacancies~~ arise, but it is neither fair nor desirable that they should displace officers of long service and acknowledged efficiency merely because they have no knowledge of the English language.

(True extract.)

(Sd.)

W. Morgan
Ag. Registrar.
Appellate side.

Judicial Department.

Proceedings of the Madras Government.

Read the following letter from the acting Registrar of the High Court, Madras dated 9th April 1879 No. 643. I am directed to submit for the consideration of His Grace the Governor in Council, letter No. 131 dated 20th Feb. 1879 from the District Judge of Tinnavelly, referring for the orders of the Government and this Court, some correspondence between their officer and the Accountant General as to the applicability of the examination rules to certain clerks who have not passed the prescribed tests, but who are otherwise competent to discharge the duties of their appointments and I am to recommend the Judge should, under the circumstances stated be allowed to retain such of his staffs as are thoroughly efficient although they have not passed the tests usually required.

Order thereon, dated 21st April 1879 No. 895.

Under the circumstances represented by the acting District Judge Tinnavelly His Grace the Governor in Council is pleased to sanction the retention of the writer and Gumastahs mentioned, on the higher ~~rate~~ of pay (Rs. 20) on the understanding that the men will not

be eligible for further promotion without passing N. C. S. examination.

2. This order will be held to apply to other Courts as well in carrying out the revision of Judicial Establishments sanctioned in G. O. dated the 19th November, 1878 No. 2343.

(True extract.)

(sd.) C. G. Master

Ag. Chief secretary.

(True copy.)

(sd.)

W. Morgan
Ag. Registrar
Appellate side.

No. 818.

Proceedings of the High Court of Judicature at Madras, 9th May 1879.

Read letter from the District Judge of -----dated-----1879 No. -----

In the letter above recorded the District Judge referring to the proceedings of the High Court, dated 4th April 1879 No. 607, states that he is at present unable to communicate the order of the High Court to the petitioners as he does not know who the petitioners are.

The District Judge further proceeds to state that he is not conscious of having displaced any of the Gumastahs of the Munsifs' Courts; that he had declined to promote such of the Head Gumastahs of the Munsifs' Courts as does not understand English, many of them being in his opinion unqualified to hold the post of Head clerk on Rs. 40; that he had offered such persons the post of 2nd clerk on Rs. 20 and had allowed the Munsifs to select any Head clerk out of the list of qualified persons prepared by himself.

The District Judge states that he is not aware who were petitioners referred to in the High Court Proceedings of 4th April 1879 No. 607. The names of those petitioners are now given marginally for the information of the Judge and it will be a duty of the latter to see that the orders of the Court are duly communicated through the several District Munsifs to the petitioners concerned and that full effect is given to such orders. The High Court cannot accept without qualification the District Judge's statement that he is not conscious of having displaced any of Head Gumastahs of the Munsifs' Courts. The displacement of those who had been the chief ministerial servants of their courts was a very practical and effective supersession of the officials affected. In the steps which he has taken

the District Judge appears to have proceeded on a misconception of the object and aim of the changes recently introduced. The object aimed at was to provide an increase of the salaries which were admittedly inadequate. It was intended to remunerate properly, existing incumbents; not to reduce them to officers of less responsibility. It is undoubtedly most desirable that the Head clerks of the Munsifs' Courts should understand English; but the High Court are not at present prepared exact this qualification from officers who have already filled that office and are otherwise competent.

In communicating to the District Munsifs, a list of persons whom the district Judge considered qualified for the post of Head Clerk and directing the Munsifs to make their selection from this list, the District Judge somewhat exceeded the powers conferred on him by law---sections 22 and 23 of Act III of 1879.

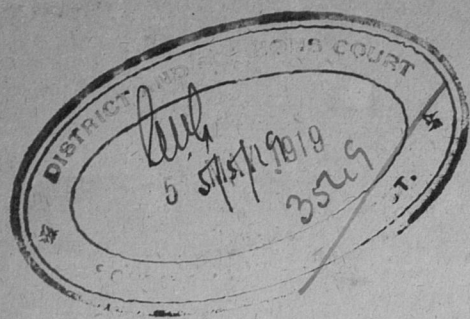
(True extract.)

(sd.)

T. Weir.

Ag. Registrar

Appellate side.



No 1321

*Forwarded for favourable
Consideration. The applicant
has put in a service of 21 years.
He has been discharging his
duties well and satisfactorily.
He writes a very good hand
and maintains the registers
neatly. He would have been
promoted to a clerk's place
of Rs 25 but for his education-
al disqualification. He
deserves well the exemption
applied for.*

*R. Venkatachalam
4/5/19. Dms*

To
The Honourable Chief Justice and the Honourable Judges of
the High Court of Judicature at Madras.

Thro'

The District Judge of South Malabar
at Calicut.

With the kind permission of the District Munsiff

of Walluvanad.

The humble memorial submitted by K. Sankunni Nair,
7. clerk; District Munsiff's Court, Walluvanad.

Your Lordships' humble memorialist begs to submit the
following few facts for your Lordships' kind consideration and
favourable orders.

The memorialist is a clerk attached to the District
Munsiff's Court of Walluvanad. He has studied up to the 5th
Form of the secondary school and was first appointed as an Amin
in the said Court in February 1912 and was doing the duties of a
clerk all along. Notwithstanding want of educational quali-
fications in him, the District Munsiffs found him competent for
a clerk's post and, in 1917, he was confirmed as a clerk on Rs.
20 in the same Court. In the discharge of his duties, the
District Munsiffs, under whom he had to serve, found him competent ^{enough}
and he had thus the opportunities of attending to almost all the
responsible duties of an ordinary clerk in the said Court.

The memorialist humbly begs to submit that under the
present revised scheme of the clerical establishments, which was
the outcome of the spontaneous sympathy of the Government in the
case of low paid servants, the memorialist was confident and
hopeful enough to hold a share of the benefit of the increased
pay sanctioned thereunder to the clerks in general. But on
account of his not having fulfilled the ^{educational} ~~conditions~~ ^{conditions}
educational ^{rules}, he was unable to enjoy the said benefit and
the clerks, junior to him in service, had to be given preference
in the appointments made under the said scheme.

Under the above circumstances, the memorialist humbly

begs to submit that, having regard to the view of the High Court, ^{and} the benign Government as laid down in the H. C. proceedings dated 4--4--1879 (No. 307) in G. O. No. 895 dated 21--4--79 and High Court proceedings No. 818 dated 9--5--79, and the terrible increase of the value of foodstuffs at the present time the Honourable Judges of the High Court may be graciously pleased, to have a sympathetic consideration of the circumstances stated herein and allow the memorialist an exemption from educational qualifications up to Rs. 30--0--0. For which act of kindness and charity the memorialist, as in duty bound, shall

Ever pray.

Wabavanae.

dated 3-5-1919

K. Sankunni Vair

Memorialist.

Subject.
Exemption from
examinations.

Le. 11647/B, from the Hugh Ct., R.O. 2060/19.227
4

Of the two applicants for exemption, P. Denevaya Aygar has put in a service of 21 years and the Dist: Munsif would know he is working testifies to his efficient discharge of duties (p. 8, e. f.). Attention is however solicited to the case disposed of in G.O. No. 898 Edn., d/18.7.19 in which the Secy: remarked as follows:—

"The exemption of a Brahman in such
"a highly educated place dist. like
"Malabar can be ill-justified"

The aforesaid remarks may apply to the
case of P. DeVaray in August with equal cogency.
But the candidate appears only in the 30th April 1890
service.

2 The other applicant is

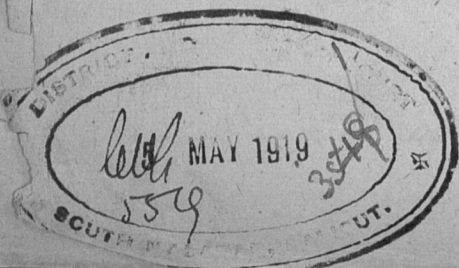
Sankaraneni Nayana, ~~though~~ a non-Brahmin has about half a dozen years' service to his credit and is well reported on in point of work (Dist: Munsif's endt. at p. 10, of If the criterion is, however, one of the availability or otherwise of qualified candidates, or the educational general level of education in the Dist: concerned, it is difficult to say that Sankaraneni Nayana's application deserves to be favourably considered.

3 Apart from the above consider

Forwarded for favourable
Consideration. The applicant
has been working as a fair
copying ^{and as the final copy in original}
clerk and has been dischar-
ging his duties efficiently
and to my entire satisfac-
tion. But for his disqualifi-
cation, I would have pro-
moted him to the post
of a clerk on Rs 25. He
highly deserves ^{the} exemption
applied for.

Atkatabachalam
ayyar
4/5/19 29m

No 1321



NOTES.

considerations the Dist. Judge had no recommendation to make on either of the two applications. (p. 2, c. f.)

4. Judicial may be asked to advise how the applications should be disposed of.

B For remarks,
28.7.19

A
28.7.19

Ind no
Home (Inde) Dept

us.

neither the Dist Judge, South mala bar, nor the High Court recommends the grant of exemption prayed for by the two applicants, but the Dist mun-
Sif under whom they are working, ~~states~~
~~of them highly. In the if the remarks~~
~~of Home Secy at p 3 of go 898~~
~~(dated) 18.7.19, he applied in the~~
~~present case, then the exemption~~
~~can only be given to the 2nd ap-
plicant & to Shankaraj sair.~~

Supports the application. ~~Refers~~
Run ~~in the connection of the~~
5.8.19 ~~the records of the Home Secy at~~

at page 3 of go 898 dated. The Home Secy's remarks reproduced on page 1 anti-
about the condition of Malabar in the matter of education would seem unfavourable to the applicants.

6.8.19

Round 1447 B-1
28.7.19
Jm 22549D
30.7.19

Q M
4.8.19

H 8 + 10 CF.

(R)

This does not seem to be
a drawing case.

9

[Signature]
7-8-9

for 254511-1
7-8-9

Dr. no.

Home (Ed. 11)

A draft letter rejecting the
applications is subd.:

[Signature]
7-8-9
Tel
9-8-9

For ~~also~~ approval.

CA
11-8-9

my
12/8/9

Secbt. II.10 (a) ~~5,002-13 1-19 (6)~~

Home DEPARTMENT.

(Ed. 3)

191

41

READ ALSO:—

131

191

191

Letter
ORDER.

191

To
The Honble: the Chief Justice
of the High Court of Judicature
at Madras.

Handle: Sun,

With refer. to Mr.
White's letter R.O. No. 2060/19, d/
22nd July 1919 forwarding
two applications for exemption
from exam. rules of P. Det.
- Major Angyar & R. Sankunani
Nagar, Sixth and Seventh
clerks in the Dist. Munsif's
Court of Wallahunad, I
am directed to state that

H. E. the Governor in
Council requests that he
is unable to sanction the
exemption applied for.

I have the

2.8.19
Tel
9.8.19

CA
11.8.19

12/8/19

When given for copying
When copied
When examined
When signed

191

READ 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 DITTO.

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

N.B.-

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