

Law (1925) Department.
(Education)

Ordinary SERIES.

G.O. No. 1261
1261

DATED 20-7-1925

[Despatch Abstract.]

Elementary Education - Transfer of management of elementary
Schools - Reference from the District Educational Council,
South Arcot - answered.

BACK PAPERS.

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

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CF. 11,000-8-9-24.

Education

DEPARTMENT

Received



Registered



Subject.

Death cases of managers of aided elementary schools - soliciting instructions for dealing with - 5/6/25

Law (Edn) Department

Encl. No 1983A-1 of 12-6-25

Referred to the Director of Public Instruction for remarks.

(By Order)

Ramanujachari
Asst. Secretary to Govt.

R.C. No. 478/25 D.E.C.

ENCLOSURES.

No.

Spare copies

Station Cuddalore N.T., Dated the 3rd June 1925.

From (Name) M.R. Ry V.J. Samu Pillai Avergal B.A., B.L.,

(Designation) President, District Educational Council,

South Arcot, Cuddalore N.T.

To The Secretary to the Government of Madras,

Law (Education) Department.

Ft. St. George, Madras.

Sir.

I have the honour to submit the following facts and solicit instructions thereon:

Rule 6 of the rules framed under section 42(2) of the Madras Elementary Education Act of 1920 states that applications for change of management of an institution should be made to the District Educational Council. Such applications are considered and sanctioned by the District Educational Council only when the recognised manager, whether he be a teacher-manager or an independent manager, consents in writing for such transfer and not otherwise. This seems to have been the practice before the District Educational Council came into existence.

When therefore a recognised manager of an elementary school, whether he be a teacher-manager or an independent manager dies.

2.
suddenly without leaving the required consent for the transfer of management the Council finds it unable to sanction the transfer on the application of the legal heirs of the deceased. For the Council is of opinion that an elementary school does not form a part of the heritable estate of the deceased and that aid granted is only personal. For these reasons the District Educational Council resolved last year to treat such schools, whose recognised manager died without leaving any consent, as closed for good and to pay teaching grant due to the deceased manager only for the period that he was living even though his legal heirs or assistants managed to run the school for the remaining part of the official year in question. It invariably happens in these cases that the legal heirs of the deceased not only apply for full grant but also apply for transfer of management of the school in their name. But for want of necessary enabling provision in the rule their request is not complied with. This works real hardship in certain cases; for when a manager dies his school is treated as closed and consequently removed from the aided list; it cannot be revived or started again except by a fresh application. Though there is no time fixed for application for recognition, rule 3 of the rules framed under Section 42(2) of the Madras Elementary Education of 1920 requires that application for aid must be submitted on or before the 30th September except in cases where the new applicant is a trained teacher. Thus necessarily the school has a break of some months, in certain cases even of one year. A long standing school therefore comes to an abrupt close. This difficulty becomes all the greater in cases where the school is run by an independent manager. Though the school does not suffer by his death but continue to work as before yet his successor in office is not recognised as the manager of the school without an application of transfer of management signed by his predecessor in office. I request therefore that ^{Government} may be pleased to instruct me on the following points:

- (1) Whether, when a teacher manager or an independent manager of a recognised school dies, the school run by him can be continued on the aided list without a fresh application for aid and recognition by his successor, without transfer of management being sanctioned.
- (2) Whether transfer of management can be sanctioned solely on the application of the legal heirs of the deceased or by his successor in office as the case may be.

- 3
- (3) Whether teaching grant can be paid for the period the school had been working even after the death of the manager.
- (4) If fresh application for aid by the new manager was necessary whether it can be entertained if presented after the prescribed time.

I have the honour to be,

Sir,

Your most obedient servant,

W. S. S. S.
President,
District Educational Council,
South Arcot.

S.A.A/3-6-25. Exd. *2/6*

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JUN 4 1925

Received.....192 . Registered.....192 .

Subject.

District Educational Council, South Arcot - Transfer of Management
of Elementary Schools.

ENCLOSURES.

No.

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R.C. No. 1332-B/25.

Station Madras, Date the 10th July, 1925.192 .From (Name) R.C. GRIEVE, Esq., M.A., F.R.G.S.,(Designation) AG: DIRECTOR OF PUBLIC INSTRUCTION.

To The Secretary to the Government of Madras,

LAW (EDUCATION)

Department.

Sixx

Law (Education) Endorsement No. 1983 A-1 dated 12-6-25 on
letter R.C. No. 478/25.D.E.C., dated 3-6-25 from the
President, District Educational Council, South Arcot.

Resubmitted.

2. The arguments put forth by the Council for declining to sanction the transfer of management of aided Elementary Schools on behalf of the legal heir of the deceased do not seem to be acceptable, as the school is the property of the deceased and as the legal heir is responsible for the assets and liabilities of the deceased. Before the coming into force of the Madras Elementary Education Act of 1920, the

(P.T.O)

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ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DETTO.

PAPERS NOT FILED OF, BEING MEANT FOR DESPATCH
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