

Law (Education) (1925) Department.

Ord. SERIES.

G.O. No. 2099

DATED 9-12-1925

[Despatch Abstract.]

University

Act, 1923 - Section 36 (2) - Resolution
of the Senate - exemption of a class
of persons from the production
of attendance certificates -
legality - Notes - Recorded

BACK PAPERS.

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

FURTHER PAPERS.

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

CF. 30-41,000-8-9-24.

LAW (EDUCATION)

DEPARTMENT.

Received



192

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L.A. 3585092

3/1/25-

Subject.



University-Section 36(2)-Vice-Chancellor's ruling-
ers solicited.

ENCLOSURES.

No.

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R.C. No. 1934. 2/28.

Station Madras, Dated the 20th October 1925

From (Name) R.G. Grieve Esq., M.A.,

(Designation) Ag. Director of Public Instruction

To The Secretary to the Government of Madras,

LAW (EDUCATION) Department.

Sir.

I have the honour to state that the following proposition with the amendment was accepted at the meeting of the Senate (University of Madras) held on the 24th October 1925:-

"That it be a recommendation to the Academic Council and to the Syndicate to recommend the exemption from, and to exempt, respectively, the production of the necessary certificates of attendance from the head of a constituent or an affiliated college every bona fide certificated teacher of not less than three years' service in a recognised educational institution appearing for a University Arts Examination provided that the subjects he brings up for that examination are such as not to

line 8

" 9

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require a course of practical training in a laboratory"

Amendment -

* Lines 8+9 in this letter
"Line 5, insert 'when' between 'that' and 'the', delete 'are such as not to', convert the full stop into a comma and add 'he produces a certificate of having done the laboratory work from the Professor of the subject in a constituent or affiliated college teaching that subject to the requisite standard'."

2. The following is an extract from the proceedings of the adjourned meeting of the Academic Council held on the 13th March 1925.-

"9. The Standing Committee of the Academic Council presented its recommendation on a reference to the Academic Council by the Syndicate of a communication from the President, Secondary Grade Teachers' Association, Tadpatri, forwarding extract from the Proceedings of a meeting of the Association advocating that teachers of at least three years' continued service in recognised schools should be allowed to appear for the University examinations without the production of the certificates of attendance required therefor by the Regulations.

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The Standing Committee reported that in its opinion, it is neither possible under the Act to pass a general rule of the kind nor is it desirable in the interests of sound education.

In the absence of Mr. H.S. Duncan, Mr. R.G. Grieve moved that the opinion of the Standing Committee be accepted.

Mr. M. Ratnaswami seconded the motion.

Mr. K.S. Vaidyanatha Ayyar moved the following amendment.

That the Agendum 9(3), be referred to the Faculty of Arts for consideration and report.

Rao Bahadur K.V. Rangaswami Ayyangar seconded the amendment.

After discussion in which Mr. V. Saranatha Ayyangar, Mr. M.S. Sabhesan, the Rev. Dr. W. Meston, Mr. S. Satyamurti, Mr. K.A. Nilakanta Sastri, Mr. P. Subramanya Aiyar, the Rev. L. Proserpio, the Rev. Dr. A. Moffat and Rao Bahadur K.B.

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Ramanathan took part, the amendment was put to the meeting and lost.

Mr. S. Satyamurti demanded a poll which was taken with the result that 40 members voted for the amendment and 43 members against it, 5 members remaining neutral.

* * *

The original motion was thereupon put to the meeting and carried."

3. The following amendment was ruled out of order at the meeting of the Council of Affiliated Colleges held on the 16th March 1925.-

"The Syndicate shall have power to grant exemption from the production of the annual certificate of attendance to every bona fide certificated teacher of not less than three years' service in a recognised educational institution, appearing for a University Arts Examination, provided (1) that the subjects he brings up for that examination are such as not to require a course of practical training in a laboratory, and (2) that he produces a certificate from the head of a constituent or an affiliated college, declaring that he has undergone a satisfactory private course of studies under the supervision of the staff of the college."

4. I raised at the meeting of the Senate with the Vice Chancellor the point of order as to the admissibility of the resolution referred to in para 1 of this letter. He ruled that it was in order. I held then and do still hold that the resolution was ultra vires as being opposed to section 36(2) of the Madras University Act of 1923; the words "every" and "special" in this section do not seem to connote a class of persons. A motion recommending the rejection of a similar proposal referred to in para 2 of this letter was adopted at the meeting of the Academic Council, while an analogous motion referred to in para 3 of this letter was ruled out of order by Dr. Macphail at the meeting of the Council of the Affiliated

-4-

Colleges. The present Vice Chancellor held that the proposition in para 1 of this letter was different in character and was in order; but at the adjourned meeting of the Academic Council held on the 15th August 1925 a motion to the following effect was ruled out of order by him in the light of section 36(2) of the Madras University Act.-

"That Lady candidates who apply to be permitted to sit for the Intermediate and B.A. Degree Examinations in Arts and Science, without undergoing the prescribed course of studies in a recognised college, be exempted from the necessary certificate of attendance, if they satisfy the Syndicate as to the circumstances under which they have not been able to attend a college regularly and if they produce certificates from the Principal of any first grade college testifying to their proficiency and fitness to sit for the examinations".

I have accordingly ^{to} request that Government will be pleased to inform me whether the Vice Chancellor's latest ruling was correct, as I fear that if an illegal resolution is acted upon, there is likely to be trouble in future.

I have the honour to be,

Sir,

Your most obedient servant,

W. C. S. S. S.
for Director of Public Instruction

P.R. K.29/10

(X) Law (Education) Department

C.No. 3589 C - From the D.P.I., R.C. No. 1934 D/25,
dated 31-10-25

Subject:- University of Madras - Senate - Resolution regarding exemption of teachers from the production of attendance certificates - Legality of the Vice-Chancellor's ruling.

A. S.

Section 36 (2) of the Madras University Act provides that "Every candidate for a University Examination shall, unless exempted from the provisions of this sub section by a special order of the Syndicate made on the recommendation of the Academic Council, be enrolled as a member of a constituent college or of an affiliated college. Any such exemption may be made subject to such conditions as the Syndicate may think fit".

2. At its meeting held on the 24th October 1925 the Senate adopted a resolution recommending to the Academic Council and the Syndicate the exemption of every bona fide certificated teacher of not less than three years' service from the production of the necessary attendance certificate before appearing for a University Arts Examination, students taking up subjects requiring a course of practical training in a laboratory having to produce a certificate ~~as~~ having undergone the course from a Professor of the subject in a constituent or affiliated college teaching that subject to the requisite standard.

3. The D.P.I. holds that the resolution is ultra vires as being opposed to section 36 (2) extracted above. The Director is of the opinion that the section does not contemplate the exemption of a class of persons from the production of the certificate. The Director doubts the validity of the Vice

- Chancellor's ruling admitting the resolution was not in order and quotes in support of his opinion that a similar motion was thrown out by the Academic Council on the 13-3-25 that the previous Vice-Chancellor ruled out a similar resolution at the meeting of the Council of affiliated colleges held on the 16-3-25 and that the present Vice-Chancellor ruled out a motion for the exemption of lady candidates from the production of attendance certificates. The Govt. are asked to state whether the Vice Chancellor's ruling was in order as he fears that if the Syndicate acts at the Senate's recommendation difficulties will arise.

4. The Act does not give any powers to the Govt. or the Chancellor to question the legality of a ruling given by the Vice-Chancellor. The only occasion in which the Vice Chancellor can interfere with a resolution of the Senate is when the Senate sends up a statute. In the present case it is a recommendation made by the Senate to the Academic Council and the Syndicate. Before the recommendation can have effect, the Academic Council will have to accept it and the Syndicate should ultimately adopt it. Perhaps the U.S. (Drafting) may be requested to advise whether the Vice Chancellor's ruling was in order can be questioned and whether the

Senate's recommendation is ultra vires.
18-11-25

Section 36(2) imposes the duty of granting exemption on the Syndicate, and that body can act only on the recommendation of the Academic Council. The Senate is not mentioned in this section. What the Senate has done is only to make a recommendation to the two bodies who have

p. 2, c. 1.
p. 3, c. 1.
p. 4, c. 1.

p. 4, c. 1.

Section 30(5)
the Act

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Case No. - 3589 of 1925-26
20-11-25

1794
20-11-25



the statutory power to deal with the exemptions. His recommendation is obviously an administrative act and is not an act under law. The Vice Chancellor's ruling in admitting the resolution does not seem to be incorrect.

19-11-25

U.S. (Drafting)

Law (Drafting) Department

Under section 36(2) of the Madras University Act, the power of recommendation for exemption belongs to the Academic Council and the power of exemption, to the Syndicate. The section does not contemplate a general exemption to any class of candidates. Each case as it comes up, must be judged on its own merits, the Syndicate having power to impose in different cases different conditions subject to which the exemption is to be granted. A general exemption as is recommended in the resolution of the Senate is outside the purview of the section. It is illegal for the Academic Council to recommend and for the Syndicate to grant a general exemption.

The powers of the Senate are specified in section 16 of the Act. The Senate's right to make a recommendation to any other authority of the University may, if at all, fall under section 16(23). But the recommendation of the Senate should be such as is necessary or desirable to further the objects of the

has seen them.



V.TK

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AP. 2 Nov. 1934. 2/28

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2099 of 9-12-1925

Order

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university

Act, 1923

Section 36(2)

Resolution of the
Senate — exemption
of a class of persons
from the production
of attendance certificates
— legality — notes
— recorded

When given for copying
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When examined
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192

READ AGAIN G.O. No.
192

DATED

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ENCLOSURES TO C. No.

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A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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