

Law (1925) Department.
(Education)

Ordinary SERIES.

G.O. No. 304

DATED 3-3-1925

[Despatch Abstract.]

S U I T S.

Recovery of Grants-in-aid--George Middle School
Kallidaikurichi--appeal against the judgment in O.S.
No. 63/22--District Munsif's Court, Ambasamudram--sanctioned.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
8.	12418	6.9.21					
	984A.	22.8.22					
	1408	17.11.22					
	304	3.8.25					

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	173	4.2.26					

LAW(EDUCATION) DEPARTMENT.

C.F. 81-10138-8-9-24.

CURRENT No.

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



Subject.

SUITS - (Tinnevely) - Ambasamudram District Munsif Court -
O.S. 63/23 - Grants in aid - Recovery - Appeal.

ENCLOSURES
No.....
Spare copies.....

Endorsement No. A.1145

Station.....Madras....., Dated the 27th February 1925.

From W. Scott Brown Esq., I.C.S.,
Secretary.

Land Revenue and
The Board of Revenue, Revenue Settlement, etc.
Separate Revenue.

Resolution
Reference.

M. E. Couchman Esq., C.S.I., I.C.S.,
Commissioner of Land Revenue.

Read the following:-

Letter from H.H. Burkitt Esq., I.C.S., Collector of
Tinnevely, No. A-2-4978-22, dated 22nd February 1925:

ENDORSEMENT.

Submitted to Government for orders.

W. Scott Brown
SECRETARY.

To the Secretary to Government, Law (Education) Department
with records and enclosures.
Copy to the Collector of Tinnevely.

V.C/27.2.25.

Very urgent
Wire
according
Sanction
for appeal.
VTK
28.2.

2

3

Copy of letter from H.H. Burkitt Esquire, I.C.S.,
Collector of Tinnevely, No. A-2-4978-22, dated 22nd February
1925:-

Reference:- B.P. No. 3476, Routine, dated 22-11-1922

The institution of the above suit was sanctioned in
G O. 1408 Law (Education) Department, dated 17-11-1922.

(placed below)

2. A copy of the notice of suit served on the correspondent
of the ^{above named school} (George Middle School - now National School) and a copy
of the plaint filed in court are enclosed. The suit has been
dismissed with costs of defendant. A printed copy of the judg-
ment and a copy of the decree together with certified copies
of the material exhibits filed in the case and of the deposi-
tions of witnesses are submitted herewith.

3. The decision of the District Munsif and the arguments
advanced by him for his conclusions seem to be erroneous.
The District Munsif has held that the building has not been
diverted to purposes other than those approved of by Government
within the meaning of rule 55 of the Grant in Aid Code, not-
withstanding the fact that the defendant (the Correspondent
of the National School) who is his only witness admits that the
lines adopted or intended to be adopted by the National School
were just the reverse of those followed by Government before
the nationalisation of the school and that the National School
freed itself from Government control and Government aid, In
regard to the furniture grant too, the District Munsif has
held that the school was not closed within the meaning of
rule 59 of the Code, as there was no actual closure and as some
school - though it be the National School was working with the
furniture.

4. Such a decision of the District Munsif should not be left
unchallenged.

5. The local Government Pleader who was consulted has

not received / prepared the enclosed draft memorandum of appeal and is of the

same need
pp. 7-8 info

3

following opinion:-

"I consider the case a fit one for appeal. The reasoning of the judgment appears to me to be quite erroneous. There is an important question of principle involved, which requires determination by a higher judicial authority than a District Munsif."

6. I therefore recommend that an appeal may be filed and request that the draft memorandum of appeal enclosed approved. The latest date for filing the appeal is 4-3-1925.

27/2/25

Mr. J. E. M. J. (Spicer)

Copy of Decree

4

In the Court of the District Munsif of Ambasamudram.

Thursday the 20th day of November 1924.

Original Suit No.63 of 1923.

The Secretary of State for India in Council through the Collector of Tinnevely. Plaintiff.

Against

The Educational Society in management of the George Middle School, now called the National School, Kalli daikurichi, through its Secretary and Correspondent Mr.K.V.Ananthanarayana Ayyar, Pleader, Ambasamudram. Defendant.

Claim for recovery of Rs. 1708-0-0 being the balance of the building grant and for a decree directing the defendant to deliver to any office deputed by the Collector, Tinnevely the articles of furniture purchased with the Government grant.

This suit coming on Wednesday the 19th day of November 1924 for final disposal before M.R.Ry.L.S.Parthasarathy Ayyar Avergal B.A.,B.L. District Munsif in the presence of Mr.H.N.Thirumalaisamy Ayyar, pleader for the plaintiff and of Mr.R.Venkatachalam Ayyar and Mr.G.Sankarasadasiva Ayyar, pleaders for the defendant and having stood over to this day for consideration it is ordered and decreed that the suit be and the same hereby is dismissed and this court doth further order and decree that the plaintiff do pay defendant Rs.87-2-0 for his cost and bear his own Rs.264--1--0.

Given under my hand and the seal of the court this 20th day of November 1924.

(Sd) L.S.Parthasarathair, District Munsif.

Table with 2 main columns: Costs of suit. and Rs. Amount. Sub-headers: Plaintiffs to be borne. and Rs. A. P. Rows: 1. Stamp for plaint., 2. Do for power., 3. Do for exhibits list., 4. Pleader's fee on Rs.1708/-, 5. Subsistence for witness., 6. Commissioner's fee., 7. Service of process., 8. Stamp on petition., Total.

Defendant to be paid by plaintiff.

	Amount.		
	Rs.	A.	P.
1. Stamp for power.	1	0	0
2. Do for. doct. list.	0	12	0
3. Pleader's fee on Rs.1708/-	85	6	0
4. Subsistence for witnesses.	0	0	0
5. Service of processes.	0	0	0
6. Commissioner's fee.	0	0	0
Total.	87	2	0

(Sd) L.S.Parthasarathy Ayyar,
District Munsif.

N.B. The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as the records will be liable to be destroyed after three years or after six years from this date according to the nature of the exhibit under the rules for destruction of records.

R. Srinamakrishnan
For Collector.

KS.23-2.

mmp
23/2/25

SUIT NOTICE.

From

M.Ry. Rao Bahadur S.Kumarasamy Reddiar Avl.,
Government Pleader, Tinnevely.

To

The Correspondent,
George Middle School,
Kallidaikurichi.

Sir,

With reference to your correspondence with the Inspector of Schools ending with your letter No.342 dated 31-3-22, I am to inform you that the Government, in modification of its previous order on the subject have decided to assess the portion of the building grants to be recovered from you at the sum of Rs. 12,150 (Rupees Twelve thousand and one hundred and fifty) only and to call upon you to pay the balance yet due from you out of this sum. This is to give you notice that if within a week from the date of your receipt of this letter, you do not pay the balance of Rs.1708/- still due a suit will be filed against your school for the recovery of the said amount, If by that time you do not also comply with the demand made of you in accordance with Article 59 of the Grant in Aid Code regarding the furniture of your school you are hereby informed that your obligation to sell the furniture to the Government will also be enforced through Court.

(Sd) S.Kumarasamy Reddiar,
12-12-24.

Government Pleader.

R. Srinamakrishnan
For Collector.
mmp 23/2/25

In the Court of the District Judge at Tinnevely.

A. S. No. of 1925.

Between

The Secretary of State for India
in Council through the Collector
of Tinnevely.

Appellant,

And

The Educational Society in manage
ment of the George Middle School
now called the National School,
Kallidaikurichi through its ---
Secretary and Correspondent ---
Mr.K.V.Ananthanarayana Ayyar.

Respondent.

On appeal from the Court of the District Munsif of Ambasamudram.

Original Suit No. 63 of 1923.

Between

The Secretary of State for India
in Council through the Collector
of Tinnevely.

Plaintiff.

And

The Educational Society in manage
ment of the George Middle School
now called the National School,
Kallidaikurichi through its Secre-
tary and Correspondent Mr.K.V.Anantha
narayana Ayyar.

Defendant.

Appeal under section 96 Rule 1 O.XLI C.P.C.

1. The Secretary of State for India in Council through the
Collector of Tinnevely . Appellant.

The adress of the appellant for service of all notices and
process is the same.

2. The Educational Society in management of the George Middle
School, now called the National School, Kallidaikurichi through
its Secretary and Correspondent Mr.K.V.Ananthanarayana Ayyar,
Pleader, Ambasamudram. Respondent.

The appellant abovenamed begs to submit this appeal against
the decree of the District Munsif of Ambasamudram in the abovenamed
suit dated the 20th November 1924 on the following among other
grounds:-

1. The decree of the Lower Court is against law and the weight of evidence.

2. The Lower Court has not correctly appreciated the evidence in the case oral and documentary.

3. The Lower Court has not correctly understood and applied Rules 55 and 59 of the Grant in Aid Code.

4. The Lower Court ought to have held that there has been a ~~division~~ diversion as contemplated in Rule 55 and that the Government are entitled to the refund asked for.

5. The Lower Court has misconstrued the allegations in the plaint.

6. The evidence of D.W.1 (the Correspondent of the School) shows that the School is being conducted free of all Government control and on independent "national" lines which have never received the approval of the Government and the Lower Court has altogether ignored his evidence.

7. The Lower Court has also erred in its finding with regard to the effect of the resolution referred to in para 7 of its judgment

8. The Lower Court has erred in its view that Rule 59 of the Grant in Aid Code requires that the institution "should be" physically closed" before ~~the~~ provisions could be applied.

9. The school has ceased to be a recognised educational institution and must be deemed to have been closed within the meaning of Rule 59.

10. The Lower Court ought to have found Issue i in favour of the appellant and granted a decree as prayed for .

Particulars of valuation.

Court fee on Rs.1708 as paid in the Lower Court.

Rs. 42 P.
172-7-0.

on Re.1 being the provisional value of the articles of furniture

0-8-0

172-15-0

Value of the relief claimed in the plaint.

Rs.1709--0--0

decreed Nil

in the appeal. Rs.1709--0--0

List of Records . O.S.No.63 of 23 in the District Munsif Court
Ambasamudram.

1. Typed copy of plaint.	1
2. Certified copy of plaint.	1
3. do of written statement on behalf of defe defendant.	1
4. do of Issues.	1
5. do of depositions P.W.1	1
6. do of do D.W.1	1
7. do of exhibits A, B, B1, B2, C, C1, C2, C3, D.E. F, G.G1, G2, G3, G4, G5, H, H1, J, K, L, M, N, N1, O, P, P1, P2, Q and Q1.	31
8. Confidential file.	1
9. File D.No.2488 of 13, and 6291 of 08.	2
10. File 2214 of 22 B3.	1
11. File L.D.7351 of 21B3.	1
12. Current file.	1
13. File D.Dis.344 of 20, and 6412 of 21B3 (only docket sheet)	2
14. File Dis.146 of 17, 783 of 18, 206 of 18 and 581 of 20.	4
Total	49
15. Copy of Judgment.	1
16. " Decree.	1
17. ,, Suit Notice.	1
18. Draft memorandum of appeal.	1

[Signature]

For Collector

22/2/05

[Signature]

For Collector

23/2/05

Recovery of grant-in-aid -
George Middle school, Kallidaikurichi

p. 11 upa

(Placed below)

In go. 304 of 3.3.25, the

govt. have sanctioned the filing of
an appeal against the order in o.s.
no. 63 of 23 on the file of the Dt. Munsif
court, Ambasamudram, in the matter
of the suit for the recovery of the
grant-in-aid paid to the George
middle school, Kallidaikurichi. In
applying for the sanction of govt, the
collector has asked that the draft
memorandum of appeal enclosed
by him may be approved. The
memorandum has since been
received - pages 7-8 etc.

The case may be resubmitted
to C₂ for orders whether ^(the memo:) ~~it~~ may be
approved. If so, a telegram ^(to that effect) may
be sent to the collector as the ^{latest} date
for filing the appeal is 4th March

all rove.
no need to
be trouble C₂
✓ 17K
4. 3

can
4/3

Telegram ✓

cur
3.3.25

CA
3.3.25
J

20
The coll. of Dinnavilly.
Continuation [of] my
telegram [dated the] 28th February.
govt. approve memorandum of
appeal forwarded with your letter
to Board of Revenue [R.] A-2-4978-22
dated 22nd February.

TELETYPE

And by 4/3.

Post copy

cur
4.3.25

When despatched

Initials.

Suits - Recovery of grants-in-aid -
~~NAKINAM~~ - George Middle School, Kallidai-
kurichi - Appeal against the judgment in
O.S. No. 63/23 - District Munsif's Court,
Ambasemudram - Sanctioned.

” ” ” ” ” 192 .

C. No. From the Collector of Tinnevely, No. A-2-4978, dated 22 - 2 - 1925.

" " " " Bd. of Rev. I. R. & Sett. Indt. A. 1145, " 27-2-1925.

” ” ” ” ” ” 192

Mis.

No. 304, dated 3-3-1925

The Government sanction the filing of an appeal against the order in O.S. No. 63 of '23 on the file of the District Munsif's Court, Ambasamudram.

2. The following telegram will be despatched to the Collector of Tinnevely: --

TELEGRAM.

Your letter to (the) Board of Revenue No. A. -2-4978-22, dated 22nd Feby. (1925) (The) Government accord sanction for filing appeal against order of District Munsif, Ambasamudram, in O.S. No. 63/23. on his file.

To the Board of Revenue, L.R. & Sett.,
(Q. & C.)
" Collector of Tinnevely
(with records). (Q. & C.)

8/4
28.2.25

OK
28/2/25

2.3

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

192

READ AGAIN G.O. No. _____
 192

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 FILED OF, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.E.—

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