

Law (Eden) (1925) Department.

Ordinary SERIES.

G.O. No. 922

DATED

2-6-1925

[Despatch Abstract.]

Petition - M.R.Ry. K. P. Gopala Panikkar Aversal request for
certain damages rejected.

BACK PAPERS.

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

FURTHER PAPERS.

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



Thro,

His Excellency The Governor in Council
Fort St. George, Madras.

The Director of Public Instruction
Madras.

The humble memorial of H. P.
Gopala Paniker, Tailor's Street
Sulbampet, Palghat.

Most Respectfully sheweth

I that the memorialist begs to bring to
your Excellency's kind notice that he submitted
two petitions dated 25th and 27th March 1924
to the Director of Public Instruction Madras,
complaining against Mr. Seshachalam, the Chief
Superintendent S.S. L.C. Examination, March 24
Mission High School Centre, who illegally disal-
lowed his son, H. G. Raghavan, a student of the VI
Form M. M. High School Palghat, from entering
the examination hall and answering the question
papers, on an unfounded allegation of nonpayment
of school fees for 5 instalments and praying for da-
mages of Rs 1000 sustained by him on account of the
illegal and unjustifiable of the said Mr. Seshachalam
the then Headmaster of the Mission High School,
and the Director in his Proceedings No: 4276/24
dated 2nd December 1924, copy herewith enclosed,
has passed his finding to the effect that Mr.
Seshachalam's action in this case was unjusti-
fiable and illegal, but passed no orders on his

p. 44

prayer for damages, were. Though full 13 months have now elapsed, and in consequence the memorialist on the 13th Instant submitted a petition to the Director praying that the Mission Board might be ordered to make good the wrongful loss sustained by him on account of the illegal and unjustifiable action of the Chief Superintendent and he deeply regrets he has not yet received any orders thereon, though in hourly expectation of the same. The boy has lost two years, lost his expenses for the period at the rate of Rs 50 per mensem, lost his school fees as well as the examination fees besides the amount of Rs 19.14.00 which the present Head Master Mr. Jesumran illegally collected from the memorialist on account of alleged fees for the short term, before granting him after a wilful delay of 19 days a transfer certificate which the boy urgently wanted to join the Native High School Palghat. He regrets to submit that any further delay in granting him the damages claimed will only entail his issuing a registered notice to the Secretary of State and his suing in a Judicial Court for damages claimed.

II That there has already been an extraordinary delay of 13 months and no orders have been passed making good the wrongful loss sustained by the memorialist. It has been proved at the enquiry of the Director that the Chief Superintendent's action was illegal and unjustifiable and that the memorialist has sustained damages thereby needs no further proof. There

the only point to be decided is what the amount of damages to be awarded is, which the Government itself can very easily determine, and he is at a loss to know why there should be any more delay in granting him the damages claimed. He thinks he is highly mistaken in having waited so long for orders instead of immediately seeking remedy in a Judicial Court for damages sustained, which course he is now forced to pursue with all unwillingness, he having no other go. He cannot find words to express the worry and vexation in his mind caused by the illegal action of the Chief Superintendent, who in spite of the Director's Proceedings is still in the service of the Mission Board as an Assistant Teacher of the Tellicherry High School and let off scot-free, while the memorialist has suffered serious loss by his illegal and unjustifiable action.

III The memorialist therefore prays your Excellency will be graciously pleased to pass early orders sanctioning the amount of damages claimed.

For which act of mercy he shall as in duty bound,
Dated 24th April 1925.

Ever Pray
K. Choral Sahib
24/4/25

Proceedings of the Director of Public Instruction
 Dis No. 4276/24 Madras Dated 2nd December 1924. x (7)

Read endorsement R.C. No. 624/24 dated 11th November 1924 from the District Educational Officer, Malabar and letter no. nil dated 25th November 1924 from Mr. B. R. P. H. Muni Krishna Rao, M.A. and B. A. S. T. Assistant, Government Victoria College, Palghat. Also letter no. 557/24 dated 30th October 1924 from Rev. G. E. Phillips, M. A.

The District Educational Officer is informed that Mr. Victor Seshachalam, chief Superintendent of the S. S. & C. examination held in March 1924, should not have turned the pupil H. G. Raghavan out of the examination hall in as much as the name of the pupil was included in the list of the pupils selected to appear for the examination. Mr. Victor Seshachalam, with in consequence of his unjustifiable action he debarred in future from superintending at Government examinations. He will not be appointed in future to any Examination or Assistant Examinership in connection with a Government examination.

2. Permission is granted to the pupil to join a recognized High School immediately. The break in the continuity of his school course will also be condoned on receipt of an application therefor. An application for exemption from putting in the prescribed attendance in the long term of 1924-25 should be obtained and submitted to the Director after the pupil joins a school.

3. Rev. Phillip, Correspondent, M. M. High School Palghat is informed that the action taken in this case by Mr. Victor Seshachalam, formerly Head master of the M. M. High School X Palghat tends to raise doubts in the mind of the Director as to whether Mr. Seshachalam is a person fully competent to assume the responsibilities and duties of the posts he is asked to fill.

Timeover

By order (Sd) - Narayana Swamy
 24/12/25 Senior Superintendent.

Received



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Registered

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Subject.

h. En 1277 B
 14/5/25

Petition of K.P. Gopala Panikkar - requesting for certain damages - submitted with remarks.

ENCLOSURES.

No.

R.O.C. No. 700 D/25

Spare copies

Station Madras, Date the 11th May 1925 192

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,

Submitted.

2. From the Proceedings quoted on page 4 of the petition, it may be observed that every thing that could be done by this department in the matter has been done.

The break in the continuity of the student's school course has been condoned and he has also been exempted from putting in the required attendance during 1924-25.
 3. The question of obtaining damages from Mr. Seshachalam is one in which Government cannot interfere and the petitioner may be informed accordingly. There is no question of Government's being liable for damages.

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for Director of Public Instruction.

(5)

Law (En) Dept

CNo 1277B. From the D. P. O. Rec. No 700 B/25

dated 11.5.25.

Subject: Petition of K. P. Gopala Sankkar
requesting for certain damages.

The petitioner claims a damage to the extent of Rs 1,000/- as compensation for the loss alleged to have been sustained by him on account of his son being prevented from entering the exam hall, in which the S.S.C. exam for 1924 was being held by Chief Supdt. one Mr. V. Seshachalam. His grievances are that his son was prevented from entering the exam hall by the Chief Supdt on an unfounded allegation of non-payment of school fees for 5 instalments.

PRICE

(vide D.P.O. proceedings
No 4276/m 8.2.12.m.) p. 4

The matter was brought to the notice of the D.P.O. Attention is invited to the action taken by him in the matter, which appear to fully meet the case.

(1) He has declared the action of Mr. V. Seshachalam in turning out the pupil from the exam hall to be "unjustifiable".

(2) Mr Seshachalam has been debarred in future from superintending at Govt exams or from being an Asst or Chief Examiner for any such examinations.

Рис 2

Since sanctioned DP.I.)

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Law (En) DEPARTMENT.

Petition - M. R. R. K. P. Gopala Panickar
request for certain damages.
rejected.

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P. Pala Panikkar, No. _____, dated 24.4. 1925

B. J. Rec., 700 5/25. " 11. 5- 1925

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No. 922, dated 2-6- 1925

2/. As regards the question of obtaining damages from the Chief ~~Executive~~ Superintendent for expelling his son from the S. S. C. examination held in 1924, the Govt are unable to interfere in the matter.

The Petitioner
(through the D. C. J.)

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READ AGAIN G.O. No. _____
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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.B.—

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