

Law (Education) (1926) Department.

Ordinary SERIES.

G.O. No. 103, m

DATED 23rd January
1926

[Despatch Abstract.]

Elementary Education Fund

Pay overdrawn by the headmaster, Pudiapetika school
Cannanore--recovery of--waived.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
			684 42 24-9-25				

FURTHER PAPERS.

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

C.F. 5,000-10-6-25

DEPARTMENT.

Received 192 Registered 27357 192

Subject.

Audit objection.



Requesting that the Government may be pleased to remove the ----- in respect of payments made to the Headmaster of Pudiapeetika School from 1-10-1921.

ENCLOSURES.	
No.	Nil
Spare copies.	Nil

R.O.C. No. 9/25

Station Cannanore, Dated the 11-9-1925. 192

From (Name) M.R.RY RAO SAHIB K.CHANTAN Ayl:

(Designation) Chairman, Municipal Council, Cannanore.

To The Secretary to the Government of Madras,
Local Self Government Department.

Sir, Madras.

I have the honour to state that in the Audit report on the Elementary Education Fund account of this municipality for the year 1924-25 the Examiner of Local Fund accounts asks for recovery of Rs 304/- from the Headmaster of Pudiapeetika Elementary School for mappillas, being the excess pay drawn by the teacher during a period of over three years extending from 1-10-1921 to 30-11-1924. His pay is now Rs 22/- per mensem. The circumstance in which Muhammed Hussan Saheb was retained as Headmaster of Pudiapeetika School even after the VI standard was proposed to be opened and subsidy received are given below.

1. In G.O.No. 1541 Law (Education) dated 22-10-1921

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Government sanctioned a subsidy for opening VI standard in Pudiapetika School from 1-10-21 and the amount of the subsidy was received on 4-1-1922.

2. On 5-12-1921 before the money was received I addressed the Sub:Assistant Inspector of mappilla Schools to propose a qualified hand to fill up the vacancy. He could not get one and therefore recommended a Hindu matriculate (untrained) for the post. The District Educational Officer did not agree with the Sub:Assistant Inspector but said that the services of a trained hand should be secured. This was on 1-2-1922.

3. Kilaphet movement was going on and a National School was started in this town. As mappillas took lively interest in this movement the strength of Pudiapetika School went down very much. On 1-10-1921 the attendance in the School was 24 out of a total strength of 70. Again on 1-2-1922 it was 45 out of 52. These are dates of inspection by the Sub:Assistant Inspector.

4. On 4-2-1922 the President, District Educational Council communicated to me in his letter No. 321/ dated 26-1-22 the following views of the Inspector of Schools, Malabar District. "The very fact that the Educational Department has had to approve of the opening of these schools under public managements is tantamount to recognition". The School had been in existence for a very long time with V standard as the highest and Muhamed Saheb was Headmaster all along. It was through his indefatigable efforts ^{influence} that the School was able to retain its strength against the great force mentioned above.

5. Muhamed Saheb holds a trained teacher's certificate of

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the Lower Secondary grade. He had twice appeared for the matriculation Examination and the Headmaster of the School from which he appeared for matriculation spoke highly of his character and ability. No rules were ever communicated to this Office stating that a Lower Secondary grade teacher should be treated only as one of Higher Elementary grade. I had also to keep in view the fact that the appointment of any one other than a mappilla of local influence would bring about complete ruin of the School at the time. Rule 2 of the Rules framed under the Elementary Education act section 41 (2) lays down that ordinarily the Headmaster of an Elementary School with the standard above V should hold a secondary trained teacher's certificate. It is clear from the word ordinary that exception can be taken to the Rule when it is absolutely necessary owing to the competency of the teacher. The rule did not differentiate between Lower Secondary and Upper Secondary certificates nor did it even imply that secondary trained teachers should always be employed as such. The wording of the rule allowed me discretion to appoint even an Elementary grade teacher if circumstances necessiated it. On 1-2-22 the Sub: Assistant Inspector found improvement in the management of the School by Muhamed Hussain Sahib at his inspection and ordered the teacher to open VI Standard. If the teacher was unfit to hold the post of Headmaster he should not have asked the teacher to open the higher standard. I expected him to record his candid opinion in the Inspection ~~and~~ book and to communicate the fact to me lest I should be put into this awkward position.

6. Muhamed Hussan Sahib was therefore appointed on 13-2-22 for

for the post of Rs 28/- and the Proceedings was communicated to the Sub:Assistant Inspector immediately through the District Inspector on 15-2-22. The appointment was to take effect from 1-10-21 from which date money was available for payment. The teacher was warned to improve the strength and attendance of the School. On his inspection on 27-2-23 the Sub:Assistant Inspector found 123 pupils present out of the total strength of 154. It was on this date that the Sub: Assistant Inspector remarked in the inspection book that application for recognition of the VI Standard should be sub-
-mitted and that VII standard should also be opened, under the management of the same Headmaster. He did not say then that he was disqualified for the post. I must here repeat that the Sub:Assistant Inspector should have recorded his opinion that the teacher was disqualified to hold the post and the VI Standard already opened should not be allowed to continue before the appointment of a qualified teacher as Headmaster.

7. On 30 5-23 the Sub: Assistant Inspector recommended the appointment of a mappilla of Tellicherry. In his endorsement dated 29-5-23 he said " if the Headmaster cannot, as the Chairman thinks, be replaced the applicant may at least be entertained as the first Assistant". Is there anything more than his statement required to convince any reasonable man that his sole motive was to create trouble against the Headmaster in order to benefit the candidate? Before this he came to me in person to urge the claims of this candidate. It appears they are relations. I declined to appoint him.

8. Then the trouble commenced. Even though he remarked " no doubt

doubt the present Headmaster is a man of great influence among the guardians of the place and will be of very great use in keeping the prestige of the School", the Sub:Assistant Inspector returned to me the application for recognition saying that the building was not sufficiently spacious which fact he discovered for the first time and that the Headmaster was disqualified and would not forward it to the District Educational Council. I measured the building again and pointed out that the measurement of the building was sufficient under the rules. I had also to request him to forward the application for recognition to the District Educational Council Malabar for disposal. When the application reached the District Educational Council he vehemently opposed the recognition of the School. I brought to the notice of the Council that the Sub:Assistant Inspector was acting with a personal bias. The Council was about to recognize the School on my strong personal recommendation; but its consideration had to be adjourned and I was not able to attend the meeting subsequently not being a member and the member who succeeded me took no interest in the matter not being a Municipal Councillor. The matter was pending with the District Educational Council for nearly 18 months. It finally declined to grant recognition on 25-6-24, and the sub: Assistant Inspector communicated to me this resolution in August 1924.

9. The acting Inspector of Schools apparently wants to support his subordinate and asked me to secure the services of a

trained

trained hand; but I was not able to get another and therefore appointed Muhamed Hussain Saheb to the post. The Inspector would not tolerate the fact that the manager of an Elementary School even though he may be a Chairman of Municipal Council should decide as to the suitability of a teacher to fill up a certain appointment. I need hardly submit that the educational authorities are advisory bodies and that the power of appointment is vested in the Chairman. The same District Educational Officer visited Pudiapetika School on 6-2-1924 and remarked. "The accommodation was not quite sanitary. Some of the classes are not airy and well lit. New admission may be stopped till better accommodation is secured. It is insufficient even as it is. Saw the Headmaster teaching". I may add that his remarks are inconsistent with the fact. If accommodation was insufficient the Educational Officers should not have recommended the opening of the VI Standard ~~or~~ obtained sanction for a subsidy for the purpose; as a matter of fact the building has been found spacious enough according to the measurement under the Rules. If the teacher was unfit to teach the class the District Educational Officer would have certainly remarked unfavourably on his teaching, but he has made no such remarks. I regret the attitude of the District Educational Officer. He did not like that the power to select candidates to fill up appointments has not been reserved for him no matter whether the person selected is fit to occupy a particular post or not.

10. On 23-12-24 the District Educational Officer reported me to the District Inspector of Local Fund Accounts and I believe to the Assistant Examiner of Local Fund Accounts also and asked ^{me} to get a refund of the sums over drawn by the teacher. Para 2 of his letter R.O.C.No.1857 dated 24-12-24 runs as follows "I am directed to invite your attention to G.O. No. 1583 L & M dated 10-8-1921 and to inform you that the expenditure incurred on the maintenance of the unrecognised higher standards is inadmissible under G.O.No.1583 L & M dated 10-8-21. I may also be informed of the extra expenditure so far incurred on account of the unrecognised standards". I am not in a mood to find fault with. But I may point out that there was no necessity to quote a G.O. twice over in the course of a sentence consisting of a few words. I believe it shows the spirit in which he had drafted the letter. Apparently the District Educational Officer was then in a frame of mind that he wanted to penalise me for intruding upon the sphere of power reserved for him. The appointment order was communicated to him on 15-2-1922. But he waits for 2 years and ten months to report me to the auditor and ask for information regarding "inadmissible" charges.

11. The subsidy was first received on 4-1-1922 and the appointment was made on 13-2-22. The salary of the teacher was disbursed monthly after that date. Five audits were conducted and three audit reports and final statements were submitted to Government. The auditor had audited the Establishment audit Register together with the service Register and Office order

Book. He had checked the expenditure with all of them.

I am sure he would not plead ignorance of the existence of the G.O. quoted by the District Educational Officer; yet, he did not raise any objection. I was therefore confirmed as to the correctness of the view taken and the legality of the appointment made by me.

12. In the audit report on the Elementary Education Fund of this Municipality for 1924-25 it is stated in paragraph 5 that the total inadmissible sum paid to Muhamed Hussain Saheb from 10-1-21 to 30-11-24 was Rs 304/- and that the Chairman reports that recovery is being made in instalments at Rs 2/- per month. This report is incorrect. Extract of the audit notes for I half of 1924-25 on Elementary Education Fund and the reply thereon are quoted below.

"Audit notes Chairman has ordered recovery of the amount from the teachers from the date of refusal of recognition viz: 25-6-1924. The recovery of the amount may be reported.

Reply It is being recovered in monthly installments of Rupees two. This Office order No.6 dated 7-1-25 is as follows.

"~~This~~ The Headmaster, Pudiappeedika School is directed to report whether he is willing to remain in the school on Rs 22/- per mensem. He will have to refund the amount over drawn by him after the recognition of the VI Standard was refused by the District Educational Council" The amount referred to is only Rs 48/- This sum is being recovered in monthly instalments of Rs 2/- each. I have not mentioned any

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to 7.1.25
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anywhere that the sum of Rs 304/- will be recovered from the teacher in instalments of Rs 2/- In fact it is impossible to do so as the teacher is not likely to remain in the School for more than two or three years and as he is a penniless man. It may not be out of place to state that every consideration should be shown to a man who stood to his gun during the great Khilaphate trouble.

13. I have made it abundantly clear in the above paragraphs that the persons responsible for over payment, if any, are mainly the Deputy Inspector of Schools and the Checking Officers of Local Fund Accounts. These Officers are to assist the Chairman by pointing out to him in time irregularity if any that may be committed by him. If they have been clear on the point from the very beginning all this unnecessary correspondence could have been avoided.

14. I have therefore the honour to request that the Government ~~that~~ may be pleased to remove the audit objection in respect of payments made from 1-10-21 to ~~25-6-24~~ 24.11.24.

15. In conclusion I would submit that I still maintain that the District Educational Council is wrong in considering that Muhamed Hussain Khan is disqualified to hold the post of the Headmaster to teach the VIth: Standard in the School and that no recovery whatever need be made from him.

The Council is also emphatically of opinion that the objection raised is not valid and that even supposing it is valid no recovery should be made for the reasons stated by me in as much as the teacher is an individual who has loyally

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devoted his whole life time to the Council.

16. It is perhaps superfluous to add that I have by my own personal exertions succeeded ⁱⁿ ~~securing~~ securing a sum of Rs 26000/- in lump sums to the Council in addition to increasing the resources of the municipality in various ways. It is a matter for regret that the Checking Officers now a days, forget that their duty is not only to find fault with the Council; but also to assist the Chairmen by proper advise in time. They do not feel disposed to discuss important matters personally with the Chairmen. If Government are pleased to issue necessary instructions to them on the point much unnecessary correspondence and worry to Honorary workers can be avoided.

I have the honour to be,

Sir,

Your most obedient servant,

M. H. H. H.

Chairman.

C.No. 27357 from the C.M.C. Cannanore No. 9 D. 11.9.25

Sub.

Request for overruling an audit objection re: the payment of Rs. 304 made to the Headmaster of Pudiapetika School from 1.10.21 - Cannanore M.C.

The audit objection relates to the recovery of Rs. 310 paid to the Head Master of Pudiapetika School from 1.10.21 to 30.11.24 for opening the VI Standard which has not been recognised by the St. Educational Council. This amount was met from a subsidy sanctioned by Govt. in G.O. No. 1541 Law (Edn). D. 22.10.21.

The objection is based on the ground that for maintaining an additional higher standard in the school is an unauthorised person & that the school the St. Educl. Officer have refused to recognize the VI standard.

2/ The Chairman thinks that the objection is not justifiable on the following grounds. 1. 2.22 The Sub Inspr. of schools inspected remarked during his inspection on 1.2.22 that he was found improvement in the management of the school by the Head Master (Muhammad Hussain Sahib) and ordered the Head Master to open VI standards. Secondly the S.A. Inspr. informed the chairman only on 27.2.23 that he should submit an application for recognition of the

VI Standard and also asked him to open VII Standard under the management of the same headmaster, but he did not say then that the headmaster was disqualified for the post. Only after his the chairman refused to appoint a relation of the S.A. Inspector as headmaster in the 6th Assistant, his application for recognition of the VI Standard was not approved by the S.A. Inspector on the ground that the school building was not sufficiently spacious and the headmaster was disqualified. It is alleged that

the Inspector later on influenced the Dr. Educational Cl. to pass a resolution declining to grant recognition ^{and this resolution} which was communicated to the chairman only on 25.6.24.

The subsidy had been received monthly from 4.1.22 and disbursed to the headmaster. Five audits were conducted after the opening of the VI Standard and all accounts were checked, but this irregularity was not pointed out in any one of them. In these circumstances the chairman ^{must} that the audit objection should be overruled.

3/ In view of all these facts it is reasonable that the audit objection should be overruled & that the

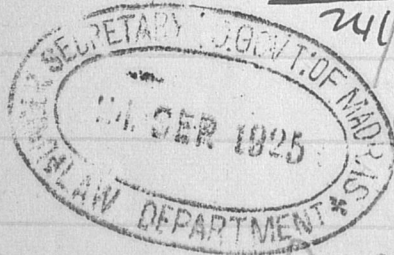
p. 4 c.f.

p. 4 c.f.

p. 5 c.f.

p. 7 c.f.

13.2.22 by the ins. m. but effect was given to it from 1.10.22 on the ground that a subsidy was available from the Govt.



L.S.G. W.O. 27357-124
Dy 23.9.25

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3 The chairman makes serious allegations against the headmaster that he attempted to have a relative of his appointed as the headmaster & that on refusal he took steps to get the Ed. authorities decline the recognition. It is further stated that the headmaster made inquiries into this matter.

4. After the matter was audited and found correct, it was admitted that there is no use of objecting to it in subsequent audits. As the fact of the headmaster's resignation has been reduced to Rs 22.00, no recovery made, excess payment made to him being made since recognition was refused, the excess payment made previous to the refusal of recognition.

With these remarks the case was transferred to the Law Department for disposal.

L-25713
24/9/25

27/9/25

Law & Edu. Secy

Law (Co. Rep. H)

Examiner of L.F. Accounts

The ~~Chairman~~ may be requested to offer

his remarks on paras 2 & 4 up to 3 ante

3/10/25
MB
B. H. N. S.

10/10/25

Ex. L.F. accounts no

A. Co. no. 3652 A. J.
9/10/25



Ex. c. no. 493

12.10.25

Examiner's Office.

The school in question has been under the control of the Municipal Council since May 1891, with the fifth standard as the highest. In Government Order No. 1541, Law (Education), dated 22nd October 1921, a provincial subsidy of Rs. 336/- per annum was sanctioned for the specific purpose of opening the sixth standard - vide Appendix H at page 34 of that Government Order. The sixth standard was accordingly opened from 2nd February 1922 and the Chairman allowed Muhammad Sahib who was the then head-master of the school to continue as such even after the opening of the sixth standard and allowed him the higher pay. A difference of opinion arose between the Chairman and the Educational authorities. The Chairman was advised by the Educational Officers to appoint a secondary grade teacher as the head-master. Instead of this he allowed the old head-master who was the holder of a 'service certificate' - who had passed the old Middle School Examination - to continue on the ground that he was personally satisfied that the teacher could converse in English. The recognition of the sixth standard was therefore delayed. The District Educational Officer who visited the school on 6th February 1924 found that the head-master

was 54 years of age according to his admission and that his teaching was old fashioned and ineffective and that there were some defects in regard to the accommodation and ventilation of the building. The Chairman was obstinate in not replacing the teacher and the District Educational Council at a meeting held on the 25th June 1924 refused to grant recognition of the sixth standard unless a secondary grade trained teacher was appointed. The Chairman was still obstinate and instead of continuing the sixth standard after appointing a teacher of the necessary qualification, closed that standard and kept on the old teacher as head-master of the school with the fifth standard as the highest. In Government Order No. 1684, Law (Education), dated 29th September 1925 it was ordered that the subsidies paid for the purpose should be recovered.

2. The question now arises as to whether the amount paid to the teacher for having been in charge of the sixth standard from 1st October 1921 to 25th June 1924 over and above the amount which he would have drawn during that period had he been in charge of the school up to the 5th standard (Rs. 28-20) or (30-22) should be recovered inasmuch as that standard was not recognised by the District Educational Council. (It may here be noted that the Chairman allowed the higher rate of pay to the teacher from 1st October 1921, the date from which the subsidy was disbursed though the sixth standard was actually opened on 2nd February 1922). The L.S.G. department state that after the expenditure was audited and admitted it is useless objecting to it in subsequent audits and that the excess payment should therefore be condoned.

3. As regards the point as to how the expenditure was first admitted in audit it has to be stated that it is not usual to inquire in the case of existing old schools under public management which had been approved

of by the Educational authorities, whether the classes therein were recognised or not or to call for any authority. Further the rules framed under the Elementary Education Act, 1920, were only confirmed in Government Order No. 208, Law (Education), dated 21st February 1922, but the sixth standard had been opened in the school in question on 2nd February 1922. The new standard having been opened with reference to Government Order No. 1541, Law (Education), dated 22nd October 1921, it had to be viewed in audit that the question of recognition was purely an administrative matter in the hands of the Educational authorities. The matter was actually under consideration by the Educational officers and if only the Chairman had acted on their advice, recognition would have been granted as a matter of course and it would not have been necessary for the auditor to raise any objection. The Chairman's refusal to replace the teacher by one qualified, led to the refusal of recognition and until the District Educational Council's decision to refuse recognition was communicated to the auditor, he had no grounds on which to raise any objection. It was in December 1924 that the District Educational Officer informed the auditor of the fact that recognition had been refused. Objection was accordingly taken at the next audit.

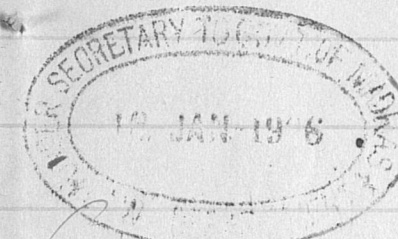
4. It is for Government to decide whether the Chairman acted bona fide in this case and whether the recovery of the illegal payment made to the teacher of a class which was not eventually recognised by the District Educational Council should be waived.

5. Under the rule issued in Government Order No. 1583, L & M., dated 10th August 1921 no portion of a Municipal fund should be applicable to the purpose of maintaining or aiding any educational institution which is not recognised by the Government, the District Educational Council or any other authority duly authorised

by the Government in this behalf to grant such recognition. The District Educational Council having refused to recognise the sixth standard of this school the expenditure on that account from Municipal funds is illegal and the auditor had no option but to suggest the recovery of the excess expenditure. If Government are inclined to waive the recovery it would appear that the best course would be for the Chairman to move the District Educational Council to grant temporary recognition to the class for the period it was actually in existence. If such recognition be accorded the recovery ^{will} ~~would~~ be waived automatically.

Exⁿ No. 493-1 Dated
16.1.26

Law (Edn.) u.o.



Law E No 172 A
18.1.26

Law (Edn.) Dept.
with reference to
[The Suggestion at 'A' above, ~~is not possible~~ ^{it is possible}
~~considered to this case~~ Draft submitted.
If the D.E.C. does not grant temporary recognition ^{and will have to direct that} the question ~~may be considered~~ ^{may be waived} the recovery of the amount in question may be waived. The latter course may be adopted at once to dispose of the question finally. Draft submitted.

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V.T.K.
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When despatched

Law (R.), DEPARTMENT.

Padiapatika School, Cameroon - recovering -
hauled

” ” ” ” ” 192 .

C. No. 122A From the _____, No. _____, dated _____ 192

192

" " " " " " 192

No. 103, dated 23-1- 1926

The Govt are pleased to waive the recovery of the amount drawn as excess pay by Muhammad Hussain Sahib, Headmaster, Pudiapettika elementary School for Mappillas under the Municipal Council, Cannanore, for the period from 2.2.22 to 25.6.24. The excess pay drawn by him from 1.10.21 to 1.2.22 should be recovered.

DESPATCHED

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The CMC. Cannon (with ref. to his
letter re. 9/18 & 9/19/25)

P.D.E. Malabar

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Ex. 2 of KFA

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When given for copying
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192

READ AGAIN G.O. No. , DATED
 192

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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 IN ORIGINAL.

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