

Law (1926) Department.
(Education)

Ordinary SERIES.

G.O. No. 1438

DATED 29-7-1926

[Despatch Abstract.]

Grants.

Teaching---not to be paid for liquidation of debts of
managers--District Educational Councils--informed.

BACK PAPERS.

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

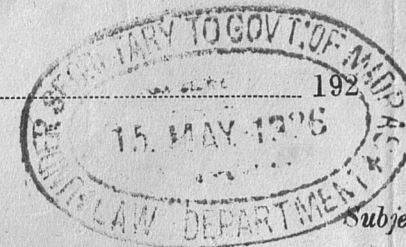
FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
2101	10-10-26						
308	MSA	6-2-34					
	Memo	3272c	4-12-34				
	So	2824	19-2-35				
	"	21954	2-11-35				
	"	1478	22-1-37				

C.F. 30-5,452-8-8-28.

DEPARTMENT.

Received



Registered

153 1926

Requesting the Government to issue orders in the matter of payment of the arrear teaching grants due to the Adi Andhra Day and Night schools, Chendalur, Darsi Range.

ENCLOSURES.

No.

Ref. No. 57-E.C. of 1925.

Spare copies.

Station Nellore, Dated the 29th. April, 1926

From (Name) M.R. Ry. B. Ramachendra Reddi Garu, B.A., M.L.C.,

(Designation) Vice President, in charge, section 19(2), District Educational Council, Nellore.

To The Secretary to the Government of Madras,

Law (Education) Department.

Sir,

Reference:- This office letter 10-1-1926 and G.O.No.48 R. Law (Education) Department dated 22-1-1926.

Margin.*

1. Adi Andhra Day, Chendalur, Darsi Range. Rs.48.
2. Adi Andhra Night, Chendalur, Darsi Range. Rs.36.

quoted above, I have the honour to state as follows:

The teaching grant (as noted in the margin) due to K. Yacob, manager of the Adi Andhra Day and Night schools, -- Chendalur, Darsi Range for 1924-25 was withheld during March, 1925, owing to a prohibitory order issued by the District Munsif, Kani-giri under rule 46 of Order XXI and section 60 and 151 of the Code of Civil Procedure. The District Munsif and the manager of the schools now advise this office to remit the amount of grant of

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the two schools to the District Munsif's Court, Kanigiri, so
that the same may be paid towards the decree against the
manager of the schools.

(N) In G.O.No.48 R Law (Education) Department dated 22-1-26
the Government permitted the payment by this District Educational
Council to the manager of the Adi Andhra Day and Night schools,
Chendalur, Darsi Range of the arrear teaching grant due to them
for 1924-25. As the question now raised is whether the amount
of grant due to these schools for 1924-25 may be paid to the
District Munsif's Court, Kanigiri, consistently with G.O.No.522
Law (Education) Department dated 1-5-1922, I request you to be
so good as to ~~xxxxxx~~ obtain the orders of the Government in the
matter, as to the procedure to be adopted in this as well as
similar cases.

I have the honour to be,
Sir,

Your most obedient servant,

B. Ramachandrasekhari 9.5.26
Vice President, in charge,

J.J.S.1-5-1926.

section 19(2).

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Law (Ed.) Dept.

D.E.C., Nellore. Arrear teaching grants -
Payment to Court against the debts of
manager.

[C.N. 18/11/26]
pp 12cb

From the D.E.C., Nellore, Ref No. 57 E.C. 25 of
29.4.26

page 3 of fo. 90 E.C.
20.2.21
(T)

fo 522 (1922)
1.5.22.
(N)

According to the Adv-General's opinion
dated the 21st January 1901, teaching grants
are not subject to attachment in suits
against managers of schools. The practice
in the past has, however, been to withhold
the grant absolutely in such cases so as
to render the attachment order inoperative.
This practice has been followed, not in
the interests of the manager of the school
in his private capacity but in the interests
of the schools. Vide para 3 of the D.P.'s letter
to the Adv-General and the last sentence of
the Adv-General's ~~opinion~~ opinion on page 3
of fo. 13-90 E.C., of 20.2.1901. In the
present case, though the manager of the schools in
question has agreed to utilize the grant
in liquidation of his debts, the grant cannot
be paid for that purpose. The D.E.C. may
therefore be informed that the instruction
in

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in G.O. no 522, Law Dept of 1-5-22.
should be adhered to in this and
other similar cases.

CM 1841A

The file may be sent to the D.P.D. no.
for remarks.

21/5

D.P.D.

Law no 1841A-1

DP.D. 1303-B/26

U.O. Reply no 1303-B/26, 27.5.26



Lapse with the
concluding remarks
of the Sect. note.

27/5/26 L. En 2036A
7/6/26

Law Dept

A draft order is submitted.
I am not sure will the U.S. (Drafting)
advise?

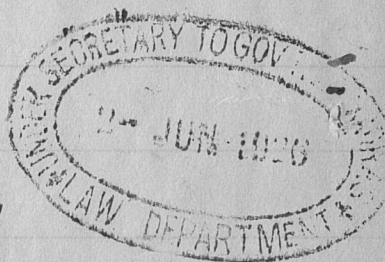
6/6

V.T.K.
7.6

U.S. (Drafting)

Law (Drafting) Department

The Advocate General's opinion at flag T
cannot now govern the grants-in-Aid to elementary
education. The principles laid down in the Grant-
in-Aid Code are inapplicable to elementary educa-
tion, which is now regulated by the provisions of
the Madras Elementary Education Act (VIII of 1920)
and the rules framed thereunder. Under section



9.6.26

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-5- (4)
section 24(1)(f), it is the duty of the District
Educational Council to pass orders on applica-
tions under section 42 for grants in aid on
behalf of elementary schools under private
management. Section 42 gives power to the
District Educational Council not only to admit
schools to aid but to cancel any order grant-
ing admission to aid--please see sub-section(2).

In the present case, the District Education-
al Council may cancel the order admitting the
school under reference to aid. On cancellation
of the order the attachment will be rendered
inoperative. Again under Rule 2 of the rules
framed under section 42(2) the District Educa-
tional Council has power reserved to it to
withhold the grant altogether. The rules do not
prescribe any grounds on which this power is to
be exercised. The language of the rule is 'with-
hold it (the grant) altogether and take such
other measures as the occasion may appear to
require in cases where there has been a --
falsification of registers, misrepresentation
regarding the employment of teachers &c'. The
proper construction is that in all cases the
withholding of the ^{grant} ~~ground~~ may be resorted to
and that other measures may ~~also~~ be employed
in the cases specified. Thus the rule seems
to vest absolute power of withholding the
grant in the District Educational Council.
This power may be exercised in this case.

In conclusion, I am of opinion that the
attachment is valid but it may be rendered
nugatory by the District Educational Council

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-4-

acting in the manner indicated above.

A. S. 1/7

Ex no 1159-1
1-7-26

Edm. Dept.

The opinion given in the Law (Draft) ^{materially} Dept. note above differs from the view taken in G.O. No. 522, Law (Edm), of 1.5.22, only in one respect, viz, that ^{while} in this G.O. it was held that teaching grants to elementary schools were not liable to attachment as in the case of the grants in aid to other institutions, ~~while~~ according to the Law (Draft) opinion, an attachment of the teaching grants to elementary schools ^(This alteration of opinion is due to the altered condition caused by the ELSED Act) is valid. To render the attachment order ^{alternative} inoperative two courses are, however, suggested in the above note, viz, (1) to cancel the order admitting the schools to aid and (2) to withhold the grants altogether. The second alternative is simpler and is also the same as the procedure suggested to the D.E.C's in G.O. No. 522, Law (Edm), of 1.5.22.

D.E.C's

CM 1841A

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D.E.C's may now be instructed to strictly adhere to this practice.

A revised draft order is submitted.

DA
6-7-26

CA
7-7-26

be
BN

Adv Gen. may see u.o. & say whether he agrees with the draft order.

V.T.K.
8/7

AT.
12/7/26

with copies of G.O.
No. 90 Ed 20.2.1901
& No 208 4/10/22.

Adv. Genl.

Leon 40/841. A-3
8-7-26



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AT 2

No. 113

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⑥
H. E. 2845A
23/7/26
OPINION.

Ref:- Education U.O. 1841 A-3
Dated 8th July 1926,
Law (Education) Department.



It is not right to say that a change of law as to attachability has been made by the Madras Act VIII of 1920. There is no debt that is recoverable from the Government or the District Educational Officer. The final direction in the proposed draft order that the grant might and should be withdrawn shows that there is no debt. I see no ground for saying that the attachment is good but may be defeated by the withdrawal of the grant. Until the money reaches the hands of the manager, there is no property or debt due attachable under the law. It is enough to say that the grant might be withdrawn without conceding that it is attachable.

Madras,
22nd July 1926

H. E. S. S. S. S.
Advocate General.

Al's opinion on
page 6 ante

Con. 1821A

Law (Drafting) Dept.

The Adv-General ~~does not~~
disagrees with the opinion of the Law (Drafting)
Dept. on the question of attachability of
teaching grants to aided elementary
schools. Submitted that the original
draft order passed by the Secretary may now issue.
~~draft order passed by the Secretary may now issue.~~

~~draft order passed by the Secretary may now issue.~~
After its issue the file may be
sent to Law (Drafting) for noting the Adv-General's
opinion.

CR
27.7.26
✓

Issue to Law (Drafting)
V.T.K.
8/7

Issued

26.7.26

1841A.4
307/26

Sy. 1531
31.7.26

L. E. 3024A
27/8/26

Law (Drafting) no

Law (Drafting) Dept

The opinion of the A.G. has
been extracted. The file may
be returned to Law (Education)

K.V.R.
31.7.26

Con
2.8.26

Law (Con)

Sy. no. 1531-1
2.8.26

Date. / Initials.

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Cross Refee

H. E. Council, Nellore

READ AGAIN G.O. No....., dated

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” ” ” ” ”

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READ ALSO:—

C. No. 186/A From the P. Dec., Nellore, No. 57 ec/125, dated 29.4.1926.

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ORDER.

No. 1438, dated 29 . 7 . 1926.

mis

The President, Dr. Edl.

Council, Nellore, is informed that the teaching grant due to the Adi Andhra Day and Night Schools, Chendalur, ~~for~~ should not be paid into the Dt. Munsif's Court for liquidating the debts of the Manager of the Schools. The instructions in G.O. No. 522, Law (Gen), of 1.5.22, should be strictly adhered to in this and similar cases.

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The P.D.E., Mellor. ✓

„ Presidents of other D.C.s ✓

Exr. of L.F. acc'd

✓

(N)

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30.06

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~~V.TIC~~

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 BITTO.

PAPERS NOT FILED OF, BEING MEANT FOR DESPATCH
IN ORIGINAL.

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