FOR RECORD ONLY.

Government of Madras.

LAW AND EDUCATION DEPARTMENT

G.O. No. 1785, 14th September 1926

University—Andhra—Candidates who appeared for the Madras University examinations and failed—Right of the Madras University to hold examinations—Papers recorded.

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READ—the following papers :—

I

Letter from M.R.Ry. C. D. S. CHETTI Garu, M.A., Registrar, Andhra University, to the Secretary to Government, Law (Education) Department, dated Bezwada, the 8th June 1926, No. 59.

[Examinations—whether candidates who failed in the Madras University examinations might appear for the Andhra University examinations.]

With reference to the possibility of the Andhra University figuring as a factor in the next September examinations, whether jointly with the Madras University or otherwise, I have the honour to refer the following two points for the opinion of Government :—

(1) Whether candidates who passed any one part in the Madras examinations could sit for the other part in the Andhra University examinations and whether, if they pass, they could be regarded as Andhra University Intermediates or B.A.'s as the case may be.

(2) Whether candidates who having appeared for the Madras examinations and failed, could sit for the Andhra University examinations.

With respect to both these matters, the Vice-Chancellor's opinion is that the candidates in question could sit for the Andhra examinations and, if they qualified themselves, they could be regarded as intermediates or graduates of the Andhra University.

When the Act and the Statutes provide that the Madras University graduates resident of or domiciled in the Andhra University area could be enrolled as Andhra University graduates, he feels that *a fortiori* there ought not to be any objection to opinions above expressed.

I am directed to refer this to the kind opinion of Government and to request the favour of an immediate reply.

II

Memorandum No. 1783 C-1, Education, dated 26th July 1926.

Section 44 of the Andhra University Act, 1925 (Act II of 1926), provides that " notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed."

The Vice-Chancellor of the Andhra University contends (extract from his letter enclosed *) that the moment the Andhra University begins to hold examinations students in the Andhra University area, who have qualified themselves to appear for the examinations, whether as students from the colleges in that

* Not printed.

area or as private candidates, will not be entitled to sit for the Madras University examinations but can sit only for the Andhra University examinations. The Vice-Chancellor states that the wording of the analogous section of the Lucknow University Act, 1920 (United Provinces Act V of 1920), namely, section 47, supports his view.

2. A different view was taken in a letter to the Vice-Chancellor sent from this office extract * from which is enclosed.

3. The Advocate-General is requested to favour the Government with his opinion as to the correctness of the view taken by the Vice-Chancellor.

V. T. Krishnama Achariyar,
Secretary to Government.

To the Government Solicitor.

III

Opinion No. 119.

Letter from the Government Solicitor, Madras, dated the 2nd August 1926, No. 1431.

Abstract.—Forwarding the following opinion of the Advocate-General, dated 31st July 1926:—

I do not think the Vice-Chancellor of the Andhra University is right in saying that so soon as the Andhra University decides to hold and does hold examinations, the power or duty of the Madras University to hold its examinations under section 44 of the Act (Andhra University Act) must cease.

Section 44 says that the Madras University shall hold examinations for the benefit of the students referred to "for such period as may be prescribed." That means that those students shall be entitled to appear for the Madras University examinations until the Andhra University should *prescribe* otherwise. "Prescribe" means "prescribe by Statute or Regulation or Ordinance as the particular case may require." This matter is not expressly provided for as the subject of Statute or Ordinance or Regulation and is therefore a matter for a Statute according to section 16 (3) which vests in the Senate all residuary powers and "all powers requisite to give effect to the provisions of the Act." Until the Senate comes into existence and passes a Statute, the Madras University must go on holding examinations, that is, admitting the students to its examinations. (On this matter the different language of the Lucknow University Act cannot throw any light.)

The Vice-Chancellor is not empowered to make a Statute under the Act or the Schedule for this purpose and his holding of examinations under the provisions of section 47 (4) cannot operate as a prescription under section 44 terminating the power or the duty of the Madras University under that section.

T. R. V. Sastri,
Advocate-General.

Order—No. 1785, Law and Education, dated 14th September 1926.

Recorded.

(By order of the Government, Ministry of Education)

V. T. Krishnama Achariyar,
Secretary to Government.

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* Not printed.

7

Law and Education Department.

NOTES CONNECTED WITH G.O. No. 1785, LAW AND EDUCATION, DATED 14th SEPTEMBER 1926.

[Subject.—*Question whether candidates who appeared for the Madras University examinations and failed therein may appear for the Andhra University examinations.*]

From the Registrar, Andhra University, dated 8th June 1926, *No.* 59.

Section 44 of the Andhra University Act provides that "notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed."

'Prescribed' means prescribed by the Statutes, Ordinances or Regulations.

The Andhra University authorities will, in due course, prescribe the period for which students coming under the description in section 44 shall be permitted to attend the examinations of the Madras University. This will apparently be a fairly long period to allow a reasonable opportunity for students who have failed to pass the examinations held by the Madras University.

V.T.K.—13-6-26

2. The specific questions raised by the Registrar are dealt with below:—

(i) *Whether candidates who have failed in any one part of the Madras University examinations can be permitted to sit for that part in the examinations held by the Andhra University.*—This may be considered in two aspects—

(*a*) *Transitory period.*—During this period the Statutes, Ordinances and Regulations of the Madras University shall be deemed to be Statutes, Ordinances and Regulations framed under the Andhra University Act until they are replaced by new Statutes, Ordinances and Regulations.

The examinations held by the Andhra University will, for all practical purposes, be examinations held by the Madras University. This is borne out by the statement made by the Registrar that the Andhra University will possibly figure as a factor in the examinations jointly with the Madras University.

(This statement apparently means that the examinations will be the same but will be under the joint control of the two Universities.)

The examinations being the same, there would seem to be no objection to a student who has failed in one part in the Madras University examination sitting for that part in the examination held by the Andhra University. If the examinations are different, they will be different only in name.

Even if the examinations were not identical, it might be argued that section 44 is obligatory only to this extent, viz., that it compels the *Madras University* to hold examinations for certain students and that it does not necessarily operate to prevent students from sitting for the examinations of the *Andhra University*. In other words, it would be open to a student to attend either the examinations held by the Madras University or those held by the Andhra University during the transitory period.

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(*b*) *Period after the expiry of the term prescribed by the University authorities under section 44 of the Act.*—The object in fixing a period during which the Madras University shall hold examinations is to prevent hardship that might be caused to students who had undergone courses of study in accordance with the regulations of the Madras University, by having to attend examinations held by another University, the courses leading to which and the standards whereof might possibly be different. As stated above, a fairly long period will probably be allowed by the Andhra University in the regulations to be framed. If this is done, there might be ordinarily no case for permitting students to attend the Andhra University examinations unless they undergo the courses of study prescribed by that University. Special cases may arise, of students who have failed in the Madras University examinations in spite of the chances allowed under section 44. The question whether such students should be permitted to attend the Andhra University examinations in whole or in part is one to be decided by the Andhra University authorities and special exemption may be granted in their favour in the regulations to be framed by the Andhra University. The question need not be considered at present.

(ii) *Whether, if the students pass the examinations, they could be regarded as Andhra University intermediates or graduates.*

If the students are permitted to sit for the examinations, there would appear to be no objection to their being styled Andhra University intermediates or graduates. The nomenclature does not seem to be very important. The final examination is the criterion.

V.T.K.—13-6-26.

(iii) *Whether students who have failed in the Madras University examinations 'in whole' may be allowed to sit for the Andhra University examinations.*

If a student who has failed in one part of an examination held by the Madras University is allowed to sit for that part in an examination held by the Andhra University, there is no obvious reason why a student who has failed in all the subjects in the former should not be allowed to sit for all the subjects in the latter.

V.T.K.—13-6-26.

The remarks made under item (i) (a) and (b) above apply to this also.

C. RAMANUJA ACHARIYAR—12-6-26.

G.N.—11-6-26.

Please put up a draft reply.

E.A.V.—11-6-26.

V. T. KRISHNAMA ACHARIYAR—13-6-26.

Demi-official from M.R.Ry. C. RAMALINGA REDDI Garu, M.A., M.L.C., Vice-Chancellor, Andhra University, Bezwada, to the Private Secretary to His Excellency the Governor, dated the 9th June 1926.

1. Since I last wrote to you, a new situation has arisen in respect of supplementary examinations to be held in September-October In my letter, dated 25th May 1926, I hinted that these examinations will be conducted jointly by the two Universities and that I had reason to believe that the negotiations initiated with this view would result in some scheme agreeable to both parties.

2. Yesterday our Registrar got a communication from the Madras University to the effect that they were not prepared to agree to a joint conduct of the examinations.

3. Under the circumstances, it appears to me to be very necessary that the Andhra University should hold the examinations independently. I enclose the tentative *calendar which has been prepared to give effect to this very necessary development in the activities of the Andhra University.

* Not printed.

4. I don't apprehend any practical difficulties in the way of carrying out the project here adumbrated. I have already summoned a meeting of the Principals of First-grade Colleges within the University area and a few other members of the Advisory Committee for the 19th of this month. The details will be settled at that gathering. After giving the matter my best consideration, it is my deliberate judgment that there are no insuperable difficulties in the way of conducting these examinations ourselves.

5. The examinations that fall due in September-October season are the following :—

The Intermediate, the B.A., the L.T. and the M.B. & B.S. I don't propose to hold the teaching and the medical examinations ; for the number concerned is very small while the preparations, especially in regard to the Medical examinations, are elaborate.

I propose to hold the Intermediate and the B.A. examinations for these count with the public, as the numbers affected are larger, in a peculiar degree and are an important element in the credit and good-will that the University has to accumulate.

6. The legal position in respect of these and other examinations in the Transitory period is as follows :—

(1) Under Transitory Provision 44, the Madras University is bound to hold examinations for our students for such period as may be prescribed, that is to say, by the Andhra University.

(2) But, on the contrary, it is obvious that, as there can be no concurrent jurisdiction, once the Andhra University holds examinations, the students who are within its jurisdiction cannot appear for the Madras examinations ; that is to say, if the Andhra University arranges for the Intermediate and the B. A. examinations next September-October, then those who had qualified themselves to appear for that examination, whether as college students or as private candidates, by reason of the attendance they had put in in the Andhra area colleges, will not be entitled to appear for the Madras University examinations, but must sit for the Andhra University examinations. In my view the moment the Andhra University arranges for an examination the jurisdiction of the Madras University automatically terminates to that extent. It is, I believe, on a view analogous to this that Government, in their communique No. 327, Law (Education), dated 3rd March 1926, decreed that various Andhra Senators had vacated their seats on the Madras Senate.

I think a similar notification by Government may be necessary on the point here presented also ; for if the Andhra University can take the positive step of arranging for its own examinations, it cannot decree the incompetence of the Madras University to admit to its examinations students thus provided for by the Andhra University.

7. In the Registrar's letter to the Education Secretary No. 59, dated the 8th June 1926, two further points were raised, which also may be included here as completing the possible legal aspects of this step. In that letter it has been contended by me that students who have passed in one part of the Madras University might sit for the other part in the Andhra University and if they pass in our examinations they would be eligible for the degree or promotion as the case may be in the Andhra University ; that similarly candidates who have appeared for the Madras examinations and failed, may take up Andhra University Examinations, provided they are members or alumni of the Andhra affiliated colleges. My contention is that the Andhra University starts, so to speak, at the point at which things were on April 1926, and the credits (or discredits) that the candidates coming within its jurisdiction possessed on that date count, so to speak, in the books of the Andhra University.

8. I expect to be able to appoint the Boards of Studies on the 19th of this month and the Boards of Examiners within a fortnight from that date. I am strongly of opinion that, if after the recent negotiations and transactions this University fails to hold the September-October examinations, at least for the Intermediate and the B.A. candidates, it will have a very, very bad effect. I am therefore proceeding with the arrangements.

9. I therefore request the kind approval of His Excellency the Chancellor for holding these examinations and it would facilitate my work a great deal, if such approval could be conveyed to me by telegraph, if possible.

LAW AND EDUCATION DEPARTMENT.

It was originally proposed that September examinations might be conducted by the Andhra University conjointly with the Madras University. The latter not having agreed to this arrangement, the Vice-Chancellor now proposes that the Andhra University should hold the examinations independently. The examinations are to be held only for the Intermediate and the B.A. degrees. The Vice-Chancellor has enclosed a tentative calendar for the examinations to be held and requests the approval of the Chancellor by wire. As the Vice-Chancellor is confident that there will be no practical difficulties in holding the examinations independently, the proposal may be approved.

2. In paragraphs 6 and 7 of his demi-official ante, the Vice-Chancellor raises some legal questions. The points raised in paragraph 7 are dealt with in the note on pages 1 and 2 ante. Those in paragraph 6 are examined below.

3. The Vice-Chancellor considers that, in case the Andhra University arranges to hold September examinations, the students in the Andhra University area who have qualified themselves to appear for the examinations, whether as students in the colleges in the Andhra area or as private candidates. will *not* be entitled to appear for the Madras University examinations, but must sit for the Andhra University examinations. Submitted that this view is not correct Section 44 provides (i) that those who have been studying for examinations of the Madras University should be permitted to complete their course in preparation therefor, (ii) that the Madras University should hold examinations for such students according to its own curriculum of studies, and (iii) that this arrangement should continue for the period that may be prescribed.

The Vice-Chancellor appears to argue that this section, while imposing an obligation on the Madras University to hold an examination and while requiring that facilities should be provided for students for completing their courses according to the Madras University curricula, does not prevent the Andhra University from compelling such students to appear for the examinations held by it after it has started holding the examinations. This argument is not valid. Section 44 clearly says that the student studying for any examination of the Madras University should be permitted to complete his course in preparation therefor. The words underlined clearly show that the student should have the right not only to complete his course according to the Madras University curricula, but also to appear for the examination of that University. This right will subsist for the full period which will be hereafter prescribed by the University authorities. This is so far as students who are studying in the colleges in the University area are concerned.

V. T. K—13-6-26.

As regards private students, the liberty allowed to them is greater. They can appear for the examination of the Madras University provided they possess the requisite course certificates, as long as the Madras University makes such a qualification valid for appearance for its examinations. But during the period of transition and for the period that may be prescribed hereafter the Madras University is bound to admit them and provide for the examinations.

C. RAMANUJA ACHARIYAR—13-6-26.

* Added to this file.

The above is correct. Please put up a draft letter answering this letter and also the one in the linked file.*

V. T. KRISHNAMA ACHARIYAR—13-6-26.

A draft demi-official is submitted.

C.V.V.—14-6-26. C.R.—14-6-26.

The letter may be kindly issued by the Private Secretary to His Excellency the Governor if it is approved.

V.T.K.—15-6-26.

As to the replies in paragraphs 2 and 3 I would suggest the Advocate-General may be consulted as he is here now. The Secretary may kindly see him and obtain his view also.

A. P. P[ATRO]—15-6-26.

Please take the file to Advocate-General and consult him.

V.T.K.—15-6-26.

The Advocate-General has given the note below :—

Note.

A student who has failed in an examination of the Madras University and is privately preparing for the same examination a second time is within section 44 of the Andhra University Act and can appear for the examination of the Andhra University or the Madras University at his option.

As for the question whether a student who has passed some subjects of an examination which can be passed in compartments in the Madras University can appear for the Andhra University examination in those subjects alone in which he had not passed the examination, there is difficulty. It is true that the rules of the Madras University have been made the initial rules of the Andhra University by the Act and the Madras rules authorize the passing of some examinations in compartments. The Andhra University may be assumed to have adopted the same rules. But that does not solve the question. If the student who has passed in some subjects appeared for the remaining subjects in an examination of the Madras University itself, he completes that examination according to the rules of that University and gets all the privileges of one who has passed that examination under the rules of both universities. If however one who has passed some subjects in an examination of the Madras University desired to appear for other subjects only in the corresponding examination of the Andhra University and claimed the right to combine the result of the two examinations for securing to himself a certain qualification or right, one finds no support for it in the rules of either University. Each University can hold examinations and each may confer the privileges attached to the passing of its examinations. But the Statute does not support the binding in one artificial unity of the unconnected parts of two examinations which belong to different universities though they might be assumed to be of equal value as a test of merit. Such a combination of the result of two examinations of two different educational organizations must at the least be supported by a rule properly framed, if it can at all be achieved by the exercise of rule-making power.

A

If, as was originally contemplated, the two Universities held a combined examination, it would have averted the problem as that examination would then have belonged to both the Universities.

OOTACAMUND,
16*th June* 1926.

T. R. VENKATARAMA SASTRIYAR,
Advocate-General.

LAW (EDUCATION) DEPARTMENT.

With reference to A above, an addition has been made to paragraph 3 (i) for approval.

C. RAMANUJA ACHARIYAR—16-6-26.
V. T. KRISHNAMA ACHARIYAR—17-6-26.
A. P. P[ATRO]—17-6-26.
G[OSCHEN]—17-6-26.

Demi-official from the Private Secretary to His Excellency the Governor, to the Vice-Chancellor, Andhra University, dated 17th June 1926.

I am desired to refer to your D.O. No. 59, dated 9th June 1926 and your Registrar's official letter to Government of the 8th instant, regarding the holding of examinations by the Andhra University. I am to say that His Excellency the Chancellor has no objection to your proposal that the Andhra University should hold examinations in September for the Intermediate and the B.A. degrees independently of the Madras University, and accepts the tentative calendar for examinations enclosed by you.

2. I am to explain, however, that His Excellency the Chancellor is unable to accept your view that, in case the Andhra University arranges to hold examinations in September, the students in the Andhra University area, who have qualified themselves to appear for the examinations, whether as students in the colleges in that area or as private candidates, will not be entitled to appear for the Madras University examinations but can sit *only* for the Andhra University examinations. Section 44 of the Andhra University Act imposes an obligation on the Madras University to hold examinations for such students for a certain period. The wording of the section also clearly shows that the students in question have the right not only to complete their course according to the Madras University curricula, but also to appear for the examinations of that University. This right will subsist for a period which will be prescribed hereafter by the Andhra University authorities, with due regard to the equities of the case.

As regards private students, they may appear for the examination of the Madras University provided they possess the requisite term and other certificates, so long as the Madras University make such qualifications valid for appearance for its examinations. But during the period of transition and for the period that may be prescribed hereafter, the Madras University is bound to admit them and to provide for their examination.

3. I am to reply as follows to the specific questions raised in your Registrar's letter of the 8th instant:—

(i) *Whether candidates who have failed in any one part of the Madras University examination can be permitted to sit for that part in the examinations held by the Andhra University.*

It would be open to a student to attend either the examinations held by the Andhra University or those held by the Madras University during the transitory period. A specific rule should however be framed expressly authorising this course—that is, the combination of the results of two examinations of two different educational organizations.

(ii) *Whether, if the students pass the Andhra University examinations, they could be regarded as Andhra University Intermediates or B.A's.*

The final examination is the test for determining to what University an Intermediate man or a graduate belongs.

(iii) *Whether students who have failed in the Madras University examinations may be allowed to sit for the Andhra University examinations.*

Yes.

Demi-official from M.R.Ry. C. RAMALINGA REDDI Garu, M.A, M.L.C., Vice-Chancellor, Andhra University, Bezwada, to the Private Secretary to His Excellency the Governor, dated 22nd June 1926.

[Your demi-official of the 17th June 1926.]

While it solved some of our difficulties in a way favourable to the development of the Andhra University, it has created another which makes it impossible for me to hold the September examinations for the Intermediate and the B.A. as at present arranged.

In the informal conversations I had with some of the authorities in Madras and the discussions of the Advisory Committee it was throughout assumed that if the Andhra University provided the necessary examinations, the option of the students to take either the Madras or the Andhra examinations could be terminated by an Andhra University Regulation and that the candidates could be required to take only the Andhra examination. The interpretation put by us upon section 44 was that it was intended to protect the student from being left unprovided for whether in the matter of studies or examinations and not to give him, as is assumed in your demi-official, a vested right to take up the Madras University examinations. Our view was that the student should not be left unprovided for and that if and when the Andhra University provides the examinations his right to appear for the Madras examinations could be taken away under the phrasing " for such period as may be prescribed ". But the interpretation put by His Excellency the Chancellor alters the situation radically from my point of view.

2. Let me analyse the consequences of the present ruling—

(1) Dual examinations could be held not merely in September of this year, but next March-April also when the main examinations are held.

(2) Students qualifying to appear privately from the Andhra area would have the option of taking the Madras Examinations in March and September 1927 and subsequently.

(3) So long as the Andhra candidates are deemed to have this legal right, we shall have to provide the Madras University with the centres and other facilities required in our area.

(4) Students now studying in the senior classes and those who have earned the right to appear as private candidates would naturally discuss the relative qualities and advantages of the two examinations held for identical subjects and courses, which I don't think would be conducive to the creation of a proper *esprit de corps*.

(5) Since the organization of the Andhra University colleges is far from complete, there being no provision for subjects like the Natural Sciences, or for honours classes in any subject, and since further all the Government professional colleges also excepting the Medical College at Vizagapatam are included in the Madras area (such as the College of Engineering, of Agriculture and of Law), it is quite likely that students would feel that by taking the Madras University Examinations, they would have a better chance of gaining admission to these institutions in Madras. And this will again result in a further depreciation of the *esprit de corps* in the Andhra colleges. According to the present practice of the Madras University an exemption is required in each case for a student from the other Universities in India to gain admission to any of their colleges. The candidate who has passed the Andhra Intermediate or the Andhra B.A. would require the special permission of the Madras Syndicate before he could be admitted to a Madras University institution and this differential system of admissions may induce some of the students, the cleverer ones more especially, to desert the Andhra University examinations in favour of the Madras.

3. I respectfully invite the attention of His Excellency the Chancellor to the very undesirable situation that may be thus evolved. I would like my boys to sink or swim together and am sure His Excellency the Chancellor would like that sort of spirit to prevail amongst

his Andhra students. If His Excellency and the Government would use their good offices and obtain from Madras University a general recognition for the Andhra Intermediate and B.A. as equivalent to the Madras Intermediate and B.A. respectively, the point here raised will, to some extent, lose its force. But in the absence of any such general recognition of equivalence, the integrity of the Andhra educational system will be seriously impaired.

4. I can understand the force of the observation in your demi-official: "This right will subsist for a period which will be prescribed hereafter by the Andhra University authorities with due regard to the equities of the case", in so far as it applies to professional courses of studies like the Medical courses of Vizagapatam. The students studying in the Vizagapatam Medical College may feel that the Madras degree has a good-will behind it which the Andhra degree may not possess. So, for the students from the second year classes upwards who are there, it would be necessary to accord this option of taking the Madras examinations if they choose; and in regard to the Vizagapatam Medical College there is no intention, as far as I am concerned, of holding the Andhra University examinations at all excepting for the boys who have joined since April 1926, so that the batches of students who entered as members of the Madras University will complete their courses as such and also take their examinations at Madras. Major Anderson told us at the committee meeting which met on the 19th instant that he would like to see some changes made in the current system of admissions and examinations. Needless to add that while we welcomed the liberal changes he adumbrated, the general idea conveyed to him was that these could take effect only in the first year classes if the Academic Council was agreeable.

5. Incidentally I may remark that Major Anderson also was of the opinion that section 44 gave the Andhra University the power to terminate the permission given to our students to appear for the Madras University examinations. Writing to me confidentially a member of the Madras Syndicate advised me to request the Syndicate to reconsider its present refusal to hold joint examinations for the Andhra students and added that if they again refused they might be requested to transfer to us the applications and fees received from our area. I mention this to show the basis on which our project for holding the September examinations proceeded till His Excellency's ruling was conveyed to me. Our committee, as I informed you, met on the 19th. Your demi-official of the 17th reached me on the 20th; and I was not in a position to inform the committee of the (to us) new situation thereby created and take their advice.

6. The wording of section 44 seems to justify the view I had taken in two ways; firstly by vesting in the Andhra University the right to prescribe such period; secondly while it lays down that the Madras University shall hold examinations for such students, it does not expressly vest the Andhra area student with the right to take those examinations even after we provide him with the needful test. According to my reading of it, so far as studies are concerned, he has the right to complete his courses in accordance with the Madras Regulations. Lest he should be left in the lurch, so to speak, the Act imposes an obligation on the Madras University to hold examinations at which such students may appear, provided, as I interpret it, the Andhra University does not provide the needful examinations.

I hope I shall be excused for writing fully on this subject for I consider it a matter of fundamental importance both from the point of view of the Andhra University and from that of the internal life of its colleges.

I am only the trustee for the future University authorities. His Excellency the Chancellor and his Government have invested me with extraordinary powers, but these can only be exercised under a due sense of moral obligation to the future authorities that will soon be in working order.

One of several courses may be adopted by the future Academic Council; it may decide to request the Madras University to agree to a joint conduct of the Intermediate, the B.A., the Teaching and the Medical examinations for the transition classes, which is obviously the best solution; or if the view is held that the students have been given by section 44 a vested right to take up the Madras examinations, they may forego holding the Andhra University examinations till the period of exclusive Andhra examinations commences; or they may adopt the course that I had proposed to follow, namely, hold Andhra examinations and to that extent restrict the competence of the Madras University to occupy the same field; or they may possibly accept dual examinations as contemplated by the ruling under reference.

7. In determining my present conduct, I must be guided by my estimate of the probable support I would receive from the future University authorities. I doubt very much whether dual examinations will receive the support of those authorities. Furthermore, the supplemental examination in September is chiefly for the benefit of candidates who have failed in previous examinations excepting a few stray individuals who appear as fresh candidates. All of them are private candidates. In their case, the moral influence of the colleges cannot be brought to bear. Many of them must have already sent their applications to the Madras University. Under the present interpretation of section 44 their applications cannot be transferred to the Andhra University and it is not likely therefore that under the circumstances and in view of the time already lost and the delay in issuing our notification, the causes for which have already been explained to you in a confidential letter, our September examinations will be the success that

I had anticipated. Though teaching is the highest function of a University, evaluating the work of the taught is also a very important function, perhaps next in order only to teaching. Postponing the holding of examinations will have a depressing effect on the public and the colleges. But in view of all the circumstances and the importance of the issues involved, I think it best to leave the matter to the unfettered decision of the future Academic Council and propose to abandon the project of holding the September-October examinations. I have given the matter my most anxious consideration but I feel that I should not undertake the responsibility of holding the September examinations under this optional system consistently with what I conceive to be my duty to the future Academic authorities.

8. If, however, His Excellency the Chancellor and the Government would kindly see their way to permit me to proceed according to my interpretation of section 44, the present arrangements will be proceeded with according to the time-table.

9. I have asked the different Boards of Studies to meet on the 3rd July and send up their recommendations regarding the paper setters for the September examinations. I humbly request that a reply may be sent to me so as to reach me before the 29th, which will enable me to issue the necessary directions to the Chairmen.—

LAW AND EDUCATION DEPARTMENT.

As the Vice-Chancellor points out in paragraph 7 of his letter the examination in September is intended mainly " for candidates who have failed in previous examinations ", all of whom are " private candidates ". As regards these, the Advocate-General has stated as follows :—

" A student who has failed in an examination of the Madras University and is preparing for the same examination a second time is within section 44 of the Andhra University Act and can appear for the examination of the Andhra University or the Madras University at his option ".

2. The Vice-Chancellor is therefore wise in his decision not to hold examinations in September.

3. As soon as the Andhra University authorities are constituted, the whole policy of (*a*) examinations and (*b*) reciprocity between the Andhra University and Madras University in regard to the recognition of their examinations should be considered with a view to a settlement being arrived at. For the present, there is no need to raise these questions. In the meantime, the question about the interpretation of section 44 raised by the Vice-Chancellor will be further examined.

A. P. P[ATRO]—25-6-26.

4. The Vice-Chancellor may be informed as above.

V. T. KRISHNAMA ACHARIYAR—25-6-26.

On section 44, the Advocate-General's view is unequivocal on the point. The students have the option until the Andhra University has passed statutes on etc:, matter. There is no use of labouring the point any more. The examinations, the should be organized when the University bodies are fully formed. It is wise to wait and proceed steadily and not to precipitate matters.

A. P. P[ATRO]—25-6-26.

The Private Secretary will reply as above.

G[OSCHEN]—27-6-26.

Letter has issued.

E. C. SMITH—27-6-26.

Demi-official from M.R.Ry. C. RAMALINGA REDDI Garu, M.A., M.L.C., Vice-Chancellor, Andhra University, to the Private Secretary to His Excellency the Governor, dated the 29th June 1926, No. 59.

With reference to your demi-official, dated the 27th June 1926, in which it is stated that the question raised by me about the interpretation of section 44 will be further examined, I enclose herewith an extract * from the Lucknow University Act, in which the view I have taken finds embodiment On an analogous reasoning, my contention must be upheld.

* Not printed.

As regards the September examinations, I have definite information that two members of the Madras Syndicate have requested that body to reconsider its decision not to hold joint examinations I shall be glad if His Excellency can see his way to bring about this co-operation between the two Universities.

LAW AND EDUCATION DEPARTMENT.

In his demi-official *above* the Vice-Chancellor of the Andhra University raises the question of the interpretation of section 44 of the Andhra University Act. He states that the analogous provision in the Lucknow University Act, namely, section 47, supports his contention that, once the Andhra University begins to hold separate examinations, the candidates in the Andhra University area who are qualified to appear for those examinations shall not have the right to appear for the examinations held by the Madras University but must sit for the examinations held by the Andhra University.

2. The sections quoted are compared below :—

Section 44 of the Andhra University Act.	Section 47 of the Lucknow University Act.
Notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed.	Notwithstanding anything contained in this Act or the Ordinances, any student of King George's Medical College, Canning College, the Lucknow Christian College or the Isabella Thoburn College who, immediately prior to the commencement of this Act, was studying for any examination of the Allahabad University higher than the Intermediate examination shall be permitted to complete his course in preparation therefor, and the University shall provide for such students instruction and examinations in accordance with the prospectus of studies of the Allahabad University, Until such examinations be provided every such student may, notwithstanding anything contained in the Indian Universities Act, 1904, be admitted to the examinations of the Allahabad University.

The words " the University " in section 47 of the Lucknow University Act mean the " Lucknow University "—vide section 2 (i) of the Lucknow University Act. The differences between the two sections are as follow :—

(i) The Lucknow University Act casts on the *new University* (*Lucknow University*) the obligation of providing instruction and examinations for students who had been studying for the Allahabad University examinations prior to the commencement of the Act. No such obligation is imposed on the Andhra University by the Andhra University Act, for the transitory period.

On the other hand the obligation is placed on the Madras University for holding the examination.

(ii) The Lucknow University Act specifically limits the period during which the Allahabad University shall hold examinations to the interval between the commencement of the Act and the time when the new (Lucknow) University shall hold examinations.

The Andhra University Act contains no such specific provision. It leaves the period to be prescribed by the statutes to be framed after the University authorities are constituted.

3. On page 6 *ante* the Vice-Chancellor argues that a student's right to appear for the Madras University examinations can be taken away by virtue of the existence of the words " for such period as may be prescribed " in section 44. This argument is not valid. The period referred to therein is the period to be fixed in the statutes to be framed after the University authorities are constituted. It is not clear how this phrase can be construed to mean " no period at all," for this is what the Vice-Chancellor's suggestion would amount to. In this connection attention is solicited to paragraph 2 (*b*) of the notes on page 2 *ante*.

4. The Advocate-General has stated that students can appear either for the Andhra University examinations or for the Madras University examinations. This sets the question at rest. It has also been pointed out above that section 47 of the Lucknow University Act adopts a wording different from section 44 of the Andhra University Act and cannot support the Vice-Chancellor's contention.

5. The Vice-Chancellor has already stated that he is not in favour of undertaking responsibility for holding separate examinations under the optional system. He now suggests that His Excellency may persuade the Madras University to hold examinations jointly with the Andhra University.

6. The file may be submitted to M-2 and His Excellency.

G.N.—7-7-26. E.A.V.—7-7-26. C. Ramanuja Achariyar—7-7-26.

The immediate question is about the September examinations. So far as these are concerned, we have advised the Vice-Chancellor to give up the idea of a *separate* examination by the Andhra University.

2. As regards a joint examination, apparently the Syndicate of the Madras University is being moved to reconsider its original decision. I am not at all certain what "joint examination" means. I have spoken to the Registrar of the Madras University on the subject and he has promised to send me copies of the correspondence. When these are received any further steps that may be needed may be taken.

3. The question as regards the examinations to be held early in 1927 is bound up with others relating to reciprocal recognition of examinations by both universities, etc. It was therefore suggested to the Vice-Chancellor of the Andhra University that the subject should await a comprehensive examination by the newly constituted authorities of the Andhra University. In the meantime I shall have the legal questions at issue properly elucidated.

V. T. Krishnama Achariyar—8-7-26.

The Vice-Chancellor refers to "joint examination" which is not clear to any one yet. On what lines a scheme of joint examination can be conceived is a matter of serious doubt.

Until the Syndicate of the Madras University has accepted any proposal, the question cannot be taken up.

The best way in which the question could be solved is that the Vice-Chancellor should discuss the matter with the Madras Vice-Chancellor and the Syndicate and clear the doubts, if any. He may be advised to do this immediately. To my mind there is no legal question. The wording of section 44 is clear. The analogy of Lucknow Act does not hold good here.

A. P. P[atro]—8-7-26.
G[oschen]—13-7-26.

Demi-official from the Private Secretary to His Excellency the Governor, to the Vice-Chancellor, Andhra University, dated 18th July 1926.

[Section 44 of the Andhra University Act, 1925 (Act II of 1926)—Joint examinations by the Madras University and the Andhra University—Your D.O. No. 59, dated 29th June 1926.]

I am desired to say that His Excellency the Chancellor has considered your argument that, on the analogy of section 47 of the Lucknow University Act, 1920, it must be held that section 44 of the Andhra University Act, 1925, operates to prevent students in the Andhra University area who have qualified themselves for the Madras University examinations from appearing for those examinations, from the date on which the Andhra University holds examinations of its own.

2. I am to explain that His Excellency the Chancellor finds some difficulty in accepting your view for the reasons mentioned below.

Section 47 of the Lucknow University Act casts on the newly established University the responsibility for holding examinations during the transitory period for students who had qualified themselves for the examinations of the *Allahabad* University.

Section 44 of the Andhra University Act places no such obligation on the Andhra University. On the other hand it casts the duty on the Madras University to arrange for and hold examinations during the transitory period for students in the Andhra University area.

Further, while the Lucknow University Act specifically limits the period during which the Allahabad University shall hold examinations to the interval between the commencement of the Act and the date when the Lucknow University provides examinations, the Andhra University Act contains no such provision. It leaves the period in question to be prescribed by the Statutes.

The effect of this seems to be that the right of the students to appear for the examinations held by the Madras University will subsist for the period to be prescribed by the Andhra University authorities.

3. The most urgent question for the moment is about the examinations to be held in September and October. In regard to these, the best course from every point of view—legal and administrative—is for the Andhra University to abandon the idea of separate examinations. The feasibility of *joint* examinations is one for you to decide in consultation with the Syndicate and the Vice-Chancellor of the Madras University. A personal consultation is obviously desirable as an early settlement has to be reached in the matter.

4. The more important question as regards the examinations to be held early in 1927 is bound up with others relating to reciprocal recognition of examinations by both universities and other cognate subjects. These matters should await a comprehensive examination by the newly constituted authorities of the Andhra University, with a view to negotiations being entered into with the Madras University authorities. In the meantime the legal questions at issue will be elucidated in consultation with the Advocate-General.

———

Please see the Secretary's note on page 10 *ante* and paragraph 4 of the demi-official above.

A draft memorandum to the Advocate-General is submitted for approval.

G.N.—22-7-26. E.A.V.—22-7-26. C. Ramanuja Achariyar—24-7-26.
V. T. Krishnama Achariyar—24-7-26.

[Memorandum No. 1783-C-1, dated 26th July 1926]

From the Government Solicitor, dated 31st July 1926, *Opinion No.* 119.

The Advocate-General agrees in the view expressed in paragraph 2 of the demi-official above.

His opinion may be communicated to the Vice-Chancellor. A draft demi-official is submitted. It has to be issued by the Private Secretary to His Excellency the Governor. The file may be sent to the Private Secretary to His Excellency the Governor through M-2.

C.R.—5-8-26.
G.N.—5-8-26. V.T.K.—6-8-26.
A. P. P[atro]—14-8-26.

The Private Secretary will reply.

G[oschen]—17-8-26.

Demi-official issued.

E. C. Smith—18-8-26.

Edit and print up important portions.

V.T.K.—21-8-26.

[G.O. No. 1785, Law and Education, 14th September 1926.]

27 SEP 1926

FOR RECORD ONLY.

Government of Madras.

LAW AND EDUCATION DEPARTMENT

G.O. No. 1785, 14th September 1926

University—Andhra—Candidates who appeared for the Madras University examinations and failed—Right of the Madras University to hold examinations—Notes recorded.

READ—the following papers :—

I

Letter from M.R.Ry. C. D. S. CHETTI Garu, M.A., Registrar, Andhra University, to the Secretary to Government, Law (Education) Department, dated Bezwada, the 8th June 1926, No. 59.

[Examinations—whether candidates who failed in the Madras University examinations might appear for the Andhra University examinations.]

With reference to the possibility of the Andhra University figuring as a factor in the next September examinations, whether jointly with the Madras University or otherwise, I have the honour to refer the following two points for the opinion of Government :—

(1) Whether candidates who passed any one part in the Madras examinations could sit for the other part in the Andhra University examinations and whether, if they pass, they could be regarded as Andhra University Intermediates or B.A.'s as the case may be.

(2) Whether candidates who having appeared for the Madras examinations and failed, could sit for the Andhra University examinations.

With respect to both these matters, the Vice-Chancellor's opinion is that the candidates in question could sit for the Andhra examinations and, if they qualified themselves, they could be regarded as intermediates or graduates of the Andhra University.

When the Act and the Statutes provide that the Madras University graduates resident of or domiciled in the Andhra University area could be enrolled as Andhra University graduates, he feels that *a fortiori* there ought not to be any objection to opinions above expressed.

I am directed to refer this to the kind opinion of Government and to request the favour of an immediate reply.

II

Memorandum No. 1783 C-1, Education, dated 26th July 1926.

Section 44 of the Andhra University Act, 1925 (Act II of 1926), provides that "notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed."

The Vice-Chancellor of the Andhra University contends (extract from his letter enclosed *) that the moment the Andhra University begins to hold examinations students in the Andhra University area, who have qualified themselves to appear for the examinations, whether as students from the colleges in that

* Not printed.

area or as private candidates, will not be entitled to sit for the Madras University examinations but can sit only for the Andhra University examinations. The Vice-Chancellor states that the wording of the analogous section of the Lucknow University Act, 1920 (United Provinces Act V of 1920), namely, section 47, supports his view.

2. A different view was taken in a letter to the Vice-Chancellor sent from this office extract * from which is enclosed.

3. The Advocate-General is requested to favour the Government with his opinion as to the correctness of the view taken by the Vice-Chancellor.

V. T. Krishnama Achariyar,
Secretary to Government.

To the Government Solicitor.

III

Opinion No. 119.

Letter from the Government Solicitor, Madras, dated the 2nd August 1926, No. 1434.

Abstract.—Forwarding the following opinion of the Advocate-General, dated 31st July 1926:—

I do not think the Vice-Chancellor of the Andhra University is right in saying that so soon as the Andhra University decides to hold and does hold examinations, the power or duty of the Madras University to hold its examinations under section 44 of the Act (Andhra University Act) must cease.

Section 44 says that the Madras University shall hold examinations for the benefit of the students referred to "for such period as may be prescribed." That means that those students shall be entitled to appear for the Madras University examinations until the Andhra University should *prescribe* otherwise. "Prescribe" means "prescribe by Statute or Regulation or Ordinance as the particular case may require." This matter is not expressly provided for as the subject of Statute or Ordinance or Regulation and is therefore a matter for a Statute according to section 16 (3) which vests in the Senate all residuary powers and "all powers requisite to give effect to the provisions of the Act." Until the Senate comes into existence and passes a Statute, the Madras University must go on holding examinations, that is, admitting the students to its examinations. (On this matter the different language of the Lucknow University Act cannot throw any light.)

The Vice-Chancellor is not empowered to make a Statute under the Act or the Schedule for this purpose and his holding of examinations under the provisions of section 47 (4) cannot operate as a prescription under section 44 terminating the power or the duty of the Madras University under that section.

T. R. V. Sastri,
Advocate-General.

Order—No. 1785, Law and Education, dated 14th September 1926.

Recorded.

(By order of the Government, Ministry of Education)

V. T. Krishnama Achariyar,
Secretary to Government.

* Not printed.

For Record only

University – Andhra – candidates who appeared for the Madras University examinations and failed – right of the Madras University to hold examinations – Please file

Law and Education Department

G.O. No. 1785, dated 14th September 1926

Read—the following papers :—

I

Letter from M.R.Ry. C. D. S. Chetti Garu, M. A., Registrar, Andhra University, to the Secretary to Government, Law (Education) Department, dated Bezwada, the 8th June 1926, No. 59.

[Examinations—whether candidates who failed in the Madras University examinations might appear for the Andhra University examinations.]

17 SEP 1926

With reference to the possibility of the Andhra University figuring as a factor in the next September examinations, whether jointly with the Madras University or otherwise, I have the honour to refer the following two points for the opinion of Government.—

(1) Whether candidates who passed any one part in the Madras examinations could sit for the other part in the Andhra University examinations and whether, if they pass, they could be regarded as Andhra University Intermediates or B.A.'s as the case may be.

(2) Whether candidates who having appeared for the Madras examinations and failed could sit for the Andhra University examinations.

With respect to both these matters, the Vice-Chancellor's opinion is that the candidates in question could sit for the Andhra examinations and, if they qualified themselves, they could be regarded as Intermediates or Graduates of the Andhra University.

When the Act and the Statutes provide that the Madras University Graduates resident of or domiciled in the Andhra University area could be enrolled as Andhra University Graduates, he feels that *a fortiori* there ought not to be any objection to opinions above expressed.

I am directed to refer this to the kind opinion of Government and to request the the favour of an immediate reply.

II

Memorandum No. 1783 C-1, Education, dated 26th July 1926.

Section 44 of the Andhra University Act, 1925 (Act II of 1926), provides that "notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed."

The Vice-Chancellor of the Andhra University contends (extract from his letter * enclosed) that the moment the Andhra University begins to hold examinations students in the Andhra University area, who have qualified themselves to appear for the examinations whether as students from the colleges in that area or as private candidates, will not be entitled to sit for the Madras University examinations but can sit only for the Andhra University examinations. The Vice-Chancellor states that the wording of the analogous section of the Lucknow University Act, 1920 (United Provinces Act V of 1920), namely, section 47, supports his view.

2. A different view was taken in a letter to the Vice-Chancellor sent from this office extract * from which is enclosed.

* Not printed.

3. The Advocate-General is requested to favour the Government with his opinion as to the correctness of the view taken by the Vice-Chancellor.

V. T. Krishnama Achariyar,
Secretary to Government.

To the Government Solicitor.

III

Opinion No. 119.

Letter from the Government Solicitor, Madras, dated the 2nd August 1926, No. 1431.

Abstract.—Forwarding the following opinion of the Advocate-General, dated 31st July 1926:—

I do not think the Vice-Chancellor of the Andhra University is right in saying that so soon as the Andhra University decides to hold and does hold examinations, the power or duty of the Madras University to hold its examinations under section 44 of the Act (Andhra University Act) must cease.

Section 44 says that the Madras University shall hold examinations for the benefit of the students referred to "for such period as may be prescribed." That means that those students shall be entitled to appear for the Madras University examinations until the Andhra University should *prescribe* otherwise. "Prescribe" means prescribe by Statute or Regulation or Ordinance as the particular case may require. This matter is not expressly provided for as the subject of Statute or Ordinance or Regulation and is therefore a matter for a Statute according to section 16 (3) which vests in the Senate all residuary powers and "all powers requisite to give effect to the provisions of the Act." Until the Senate comes into existence and passes a Statute, the Madras University must go on holding examinations, that is, admitting the students to its examinations. (On this matter the different language of the Lucknow University Act cannot throw any light.)

The Vice-Chancellor is not empowered to make a Statute under the Act or the Schedule for this purpose and his holding of examinations under the provisions of section 47 (4) cannot operate as a prescription under section 44 terminating the power or the duty of the Madras University under that section.

T. R. V. Sastri,
Advocate-General.

Order — No. Law and Education dated September 1926

Recorded

By order of the Government,
Ministry of Education

V. T. Krishnamachariar

It is requested that all communications should be addressed to the Registrar, Andhra University and not to any one by name.

ANDHRA UNIVERSITY.

No 59 of 26.

Bezwada, 8th June, 1926.

Enclosures. Nil.

From

M. R. Ry. C. D. S. CHETTI Garu, M. A.,
REGISTRAR.

SECRETARY TO GOVT. OF MADRAS
3-JUN-1926
LAW DEPARTMENT

To

The Secretary to Government,
Law (Education) Department,
Fort St. George, Madras.

Subject: Examinations - whether candidates who failed in the Madras University examinations might appear for the Andhra University Examinations.

Reference :—

GOVT
17 SEP 1926

Sir,

With reference to the possibility of the Andhra University figuring as a factor in the next September examinations, whether jointly with the Madras University or otherwise, I have the honour to refer the following two points for the opinion of Government.

1. Whether candidates who passed any one part in the Madras examinations could sit for the other part in the Andhra University Examinations and whether if they pass, they could be regarded as Andhra University Intermediates or B.A.'s as the case may be.

2. Whether candidates who, having appeared for the Madras examinations and failed, could sit for the Andhra University examinations.

With respect to both these matters, the Vice-Chancellor's opinion is that the candidates in question could sit for the Andhra examinations and if they qualified themselves, they could be regarded as Intermediates or Graduates of the Andhra University.

When the Act and the Statutes provide that the

the Andhra University area could be enrolled as Andhra University Graduates, he feels that a fortiori there ought not to be any objection to the opinions above expressed.

I am directed to refer this to the kind opinion of Government and to request the favour of an immediate reply.

I have the honour to be,

S i r,

Your most obedient servant,

Registrar.

~~Law and~~ Education Deptt.

Memo No. 1983-1 dated 26 7 26

Section 44 of the Andhra University Act, 1925, (Act II of 1926), provides that "notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed."

The Vice-Chancellor of the Andhra University contends that the moment the Andhra University begins to hold examinations students in the Andhra University area who have qualified themselves to appear for the examinations whether as students from the colleges in that area or as private candidates will not be entitled to sit for the Madras University examinations but can sit only for the Andhra University examinations. The Vice-Chancellor states that the wording of the analogous section of the Lucknow University Act, 1920, (United Provinces Act No.V of 1920),

his opinion as to the correctness of the view taken by the Vice-Chancellor.

22.7.26. 22.7.26 25/7

DESPATCHED
27 JUL 1926

To

The Government Solicitor

(with copy of the Andhra University Act, 1925 and the Lucknow University Act, 1920 ~~extract from Vice-Chancellor's Do to be returned.~~) 59/26 29-6-26)

~~with reply~~

* extract from Vice-Chancellor's Do pages 35-36 ref. (+ Rows 3 & 4) 33-3-26. ¶ 29 ref. pages 1 & 2 only

(C)

25/7/26

Op No.119

OPINION.

GOVT. SECRETARIAT TO GOVT. OF MADRAS
2 AUG 1926
LAW DEPARTMENT

Ref:-- Memorandum No.1783 C-1
Dated 26th July 1926,
Education Department.

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I do not think the Vice-chancellor of the Andhra University is right in saying that so soon as the Andhra University decides to hold and does hold examinations, the power or duty of the Madras University to hold its examinations under section 44 of the Act (Andhra University Act) must cease.

Section 44 says that the Madras University shall hold examinations for the benefit of the students referred to "for such period as may be prescribed". That means that those students shall be entitled to appear for the Madras University examinations until the Andhra University should prescribe otherwise. "Prescribe" means prescribe by Statute or Regulation or Ordinance as the particular case may require. This matter is not expressly provided for as the subject of Statute or Ordinance or Regulation and is therefore a matter for a Statute according to section 16 (3) which vests in the Senate all residuary powers and "all powers requisite to give effect to the provisions of the Act". Until the Senate comes into existence and passes a Statute, the Madras University must go on holding examinations, that is, admitting the students to its examinations. (On this matter the different language of the Lucknow University Act cannot throw any light).

Extract from Sec 47 on p.2 ref.

The Vice-chancellor is not empowered to make a Statute under the Act or the Schedule for this purpose and his holding of examinations under the provisions of section 47 (4) cannot operate as a prescription under section 44 terminating the power or the duty of the Madras University under that section.

(Sd) T.R.V. Sastri
Advocate General.

Madras,
31st July 1926.

(True Copy)

LAW DEPARTMENT

From

C. Moresby,

Government Solicitor,

M a d r a s.

To

The Secretary to Government,

Educational Department,

M a d r a s.

Madras 2nd August 1926)
)
Received)

No. 1434

Forwarded with reference to Memorandum No.1783 C-1 dated the 26th July last of the -- Educational Department Madras with its enclosures.

C. Moresby

Government Solicitor.

Krappawal.

8/9/26

14.5.24

LAW (EDUCATION) DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 1783, LAW (EDUCATION), DATED 14th SEPTEMBER 1926.

[SUBJECT.—*Question whether candidates who appeared for the Madras University Examinations and failed therein may appear for the Andhra University examinations.*]

17 SEP 1926

From the Registrar, Andhra University, dated 8th June 1926, *No.* 59.

Section 44 of the Andhra University Act provides that "notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed."

'Prescribed' means prescribed by the Statutes, Ordinances or Regulations.

The Andhra University authorities will, in due course, prescribe the period for which students coming under the description in section 44 shall be permitted to attend the examinations of the Madras University. This will apparently be a fairly long period to allow a reasonable opportunity for students who have failed to pass the examinations held by the Madras University.

V T.K.—13-6-26

2. The specific questions raised by the Registrar are dealt with below:—

(i) *Whether candidates who have failed in any one part of the Madras University examinations can be permitted to sit for that part in the examinations held by the Andhra University.*—This may be considered in two aspects:—

(a) *Transitory period.*—During this period the Statutes, Ordinances and Regulations of the Madras University shall be deemed to be Statutes, Ordinances and Regulations framed under the Andhra University Act until they are replaced by new Statutes, Ordinances and Regulations.

The examinations held by the Andhra University will, for all practical purposes, be examinations held by the Madras University. This is borne out by the statement made by the Registrar that the Andhra University will possibly figure as a factor in the examinations jointly with the Madras University.

(This statement apparently means that the examinations will be the same but will be under the joint control of the two Universities.)

The examinations being the same, there would seem to be no objection to a student who has failed in one part in the Madras University examination, sitting for that part in the examination held by the Andhra University. If the examinations are different, they will be different only in name.

Even if the examinations were not identical, it might be argued that section 44 is obligatory only to this extent, viz., that it compels the *Madras University* to hold examinations for certain students and that it does not necessarily operate to prevent students from sitting for the examinations of the *Andhra University*. In other words, it would be open to a student to attend either the examinations held by the Madras University or those held by the Andhra University during the transitory period.

V.T.K.—13-6-26

(*b*) *Period after the expiry of the term prescribed by the University authorities under section 44 of the Act.*—The object in fixing a period during which the Madras University shall hold examinations is to prevent hardships that might be caused to students who had undergone courses of study in accordance with the regulations of the Madras University, by having to attend examinations held by another University, the courses leading to which and the standards whereof might possibly be different. As stated above, a fairly long period will probably be allowed by the Andhra University in the regulations to be framed. If this is done, there might be ordinarily no case for permitting students to attend the Andhra University examinations unless they undergo the courses of study prescribed by that University. Special cases may arise of students who have failed in the Madras University examinations in spite of the chances allowed under section 44. The question whether such students should be permitted to attend the Andhra University examinations in whole or in part is one to be decided by the Andhra University authorities and special exemption may be granted in their favour in the regulations to be framed by the Andhra University. The question need not be considered at present.

(ii) *Whether, if the students pass the examinations, they could be regarded as Andhra University Intermediates or graduates.*

If the students are permitted to sit for the examinations, there would appear to be no objection to their being styled Andhra University Intermediates or graduates. The nomenclature does not seem to be very important. The final examination is the criterion.

V.T.K.—13-6-26.

(iii) *Whether students who have failed in the Madras University examinations in whole' may be allowed to sit for the Andhra University examinations.*

If a student who has failed in one part of an examination held by the Madras University is allowed to sit for that part in an examination held by the Andhra University, there is no obvious reason why a student who has failed in all the subjects in the former should not be allowed to sit for all the subjects in the latter.

V.T.K.—13-6-26.

The remarks made under item (i) (a) and (b) above apply to this also.

E.A.V.—11-6-26.
G.N.—11-6-26.

C. RAMANUJA ACHARIYAR—12-6-26.

Please put up a draft reply.

V. T. KRISHNAMA ACHARIYAR—13-6-26.

Demi-official from M.R.Ry. C. RAMALINGA REDDI Garu, M.A., M.L.C., Vice-Chancellor, Andhra University, to the Private Secretary to His Excellency the Governor, dated Bezwada, the 9th June 1926.

1. Since I last wrote to you, a new situation has arisen in respect of supplementary examinations to be held in September-October In my letter, dated 25th May 1926, I hinted that these examinations will be conducted jointly by the two Universities and that I had reason to believe that the negotiations initiated with this view would result in some scheme agreeable to both parties.

2. Yesterday our Registrar got a communication from the Madras University to the effect that they were not prepared to agree to a joint conduct of the examinations.

3. Under the circumstances, it appears to me to be very necessary that the Andhra University should hold the examinations independently. I enclose the tentative *calendar which has been prepared to give effect to this very necessary development in the activities of the Andhra University.

* Not printed.

4. I don't apprehend any practical difficulties in the way of carrying out the project here adumbrated. I have already summoned a meeting of the Principals of First-grade Colleges within the University area and a few other members of the Advisory Committee for the 19th of this month. The details will be settled at that gathering. After giving the matter my best consideration, it is my deliberate judgment that there are no insuperable difficulties in the way of conducting these examinations ourselves.

5. The examinations that fall due in September-October season are the following:—

The Intermediate, the B.A., the L.T. and the M.B. & B.S. I don't propose to hold the teaching and the medical examinations; for the number concerned is very small while the preparations, especially in regard to the Medical examinations, are elaborate.

I propose to hold the Intermediate and the B.A. examinations for these count with the public, as the numbers affected are larger, in a peculiar degree and are an important element in the credit and good-will that the University has to accumulate.

6. The legal position in respect of these and other examinations in the Transitory period is as follows:—

(1) Under Transitory Provision 44, the Madras University is bound to hold examinations for our students for such period as may be prescribed, that is to say, by the Andhra University.

(2) But, on the contrary, it is obvious that, as there can be no concurrent jurisdiction, once the Andhra University holds examinations, the students who are within its jurisdiction cannot appear for the Madras examinations; that is to say, if the Andhra University arranges for the Intermediate and the B A. examinations next September-October, then those who had qualified themselves to appear for that examination, whether as college students or as private candidates, by reason of the attendance they had put in in the Andhra area colleges, will not be entitled to appear for the Madras University examinations, but must sit for the Andhra University examinations. In my view the moment the Andhra University arranges for an examination the jurisdiction of the Madras University automatically terminates to that extent. It is, I believe, on a view analogous to this that Government, in their communique No. 327, Law (Education), dated 3rd March 1926, decreed that various Andhra Senators had vacated their seats on the Madras Senate.

I think a similar notification by Government may be necessary on the point here presented also; for if the Andhra University can take the positive step of arranging for its own examinations, it cannot decree the incompetence of the Madras University to admit to its examinations students thus provided for by the Andhra University.

7. In the Registrar's letter to the Education Secretary No. 59, dated the 8th June 1926, two further points were raised, which also may be included here as completing the possible legal aspects of this step. In that letter it has been contended by me that students who have passed in one part of the Madras University might sit for the other part in the Andhra University and if they pass in our examinations they would be eligible for the degree or promotion as the case may be in the Andhra University; that similarly candidates who have appeared for the Madras examinations and failed, may take up Andhra University Examinations, provided they are members or alumni of the Andhra affiliated colleges. My contention is that the Andhra University starts, so to speak, at the point at which things were on April 1926, and the credits (or discredits) that the candidates coming within its jurisdiction possessed on that date count, so to speak, in the books of the Andhra University.

8. I expect to be able to appoint the Boards of Studies on the 19th of this month and the Boards of Examiners within a fortnight from that date. I am strongly of opinion that, if after the recent negotiations and transactions this University fails to hold the September-October examinations, at least for the Intermediate and the B A. candidates, it will have a very, very bad effect. I am therefore proceeding with the arrangements.

9. I therefore request the kind approval of His Excellency the Chancellor for holding these examinations and it would facilitate my work a great deal, if such approval could be conveyed to me by telegraph, if possible.

LAW (EDUCATION) DEPARTMENT.

It was originally proposed that September examinations might be conducted by the Andhra University conjointly with the Madras University. The latter not having agreed to this arrangement, the Vice-Chancellor now proposes that the Andhra University should hold the examinations independently. The examinations are to be held only for the Intermediate and the B.A. degrees. The Vice-Chancellor has enclosed a tentative calendar for the examinations to be held and requests the approval of the Chancellor by wire. As the Vice-Chancellor is confident that there will be no practical difficulties in holding the examinations independently, the proposal may be approved.

2. In paragraphs 6 and 7 of his demi-official ante, the Vice-Chancellor raises some legal questions. The points raised in paragraph 7 are dealt with in the note on pages 1 and 2 ante. Those in paragraph 6 are examined below.

3. The Vice-Chancellor considers that, in case the Andhra University arranges to hold September examinations, the students in the Andhra University area who have qualified themselves to appear for the examinations, whether as students in the

colleges in the Andhra area or as private candidates, will *not* be entitled to appear for the Madras University examinations, but must sit for the Andhra University examinations. Submitted that this view is not correct. Section 44 provides (i) that those who have been studying for examinations of the Madras University should be permitted to complete their course in preparation therefor, (ii) that the Madras University should hold examinations for such students according to its own curriculum of studies, and (iii) that this arrangement should continue for the period that may be prescribed.

The Vice-Chancellor appears to argue that this section, while imposing an obligation on the Madras University to hold an examination and while requiring that facilities should be provided for students for completing their courses according to the Madras University curricula, does not prevent the Andhra University from compelling such students from appearing for the examinations held by it after it has started holding the examinations. This argument is not valid. Section 44 clearly says that the student studying for any examination of the Madras University should be permitted to complete his course in preparation therefor. The words underlined clearly show that the student should have the right not only to complete his course according to the Madras University curricula, but also to appear for the examination of that University. This right will subsist for the full period which will be hereafter prescribed by the University authorities. This is so far as students who are studying in the colleges in the University area are concerned.

V. T. K—13-6-26.

As regards private students, the liberty allowed to them is greater. He can appear for the examination of the Madras University provided he possesses the requisite course certificate, as long as the Madras University makes such qualification valid for appearance for its examinations. But during the period of transition and for the period that may be prescribed hereafter the Madras University is bound to admit them and provide for the examinations.

C. RAMANUJA ACHARIYAR—13-6-26.

The above is correct. Please put up a draft letter answering this letter and also the one in the linked file.

V. T. KRISHNAMA ACHARIYAR—13-6-26.

A draft demi-official is submitted.

C.V.V.—14-6-26. C.R.—14-6-26.

The letter may be kindly issued by the Private Secretary to His Excellency the Governor if it is approved.

V.T.K.—15-6-26.

As to the replies in paragraphs 2 and 3 I would suggest the Advocate-General may be consulted as he is here now. The Secretary may kindly see him and obtain his view also.

A. P. P[ATRO]—15-6-26.

Please take the file to Advocate-General and consult him.

V.T.K.—15-6-26.

The Advocate-General has given the note below :—

Note.

A student who has failed in an examination of the Madras University and is privately preparing for the same examination a second time is within section 44 of the Andhra University Act and can appear for the examination of the Andhra University or the Madras University at his option.

As for the question whether a student who has passed some subjects of an examination which can be passed in compartments in the Madras University can appear for the Andhra University examination in those subjects alone in which he had not passed the examination, there is difficulty. It is true that the rules of the

Madras University have been made the initial rules of the Andhra University by the Act and the Madras rules authorise the passing of some examinations in compartments. The Andhra University may be assumed to have adopted the same rules. But that does not solve the question. If the student who has passed in some subjects appeared for the remaining subjects in an examination of the Madras University itself, he completes that examination according to the rules of that University and gets all the privileges of one who has passed that examination under the rules of both universities. If however one who has passed some subjects in an examination of the Madras University desired to appear for other subjects only in the corresponding examination of the Andhra University and claimed the right to combine the result of the two examinations for securing to himself a certain qualification or right, one finds no support for it in the rules of either University. Each University can hold examinations and each may confer the privileges attached to the passing of its examinations. But the Statute does not support the binding in one artificial unity of the unconnected parts of two examinations which belong to different universities though they might be assumed to be of equal value as a test of merit. Such a combination of the result of two examinations of two different educational organisations must at the least be supported by a rule properly framed, if it can at all be achieved by the exercise of rule-making power.

A

If, as was originally contemplated, the two Universities held a combined examination, it would have averted the problem as that examination would then have belonged to both the Universities.

OOTACAMUND,
16*th June* 1926.

T. R. VENKATARAMA SASTRIYAR,
Advocate-General.

LAW (EDUCATION) DEPARTMENT.

With reference to A above, an addition has been made to paragraph 3 (i) for approval.

C. RAMANUJA ACHARIYAR—16-6-26.
V. T. KRISHNAMA ACHARIYAR—17-6-26.
A. P. P[ATRO]—17-6-26.
G[OSCHEN]—17-6-26.

Demi-official from the Private Secretary to His Excellency the Governor, to the Vice-Chancellor, Andhra University, dated 17th June 1926.

I am desired to refer to your D.O. ~~No.~~ No. 59, dated 9th June 1926 and your Registrar's official letter to Government of the 8th instant, regarding the holding of examinations by the Andhra University. I am to say that His Excellency the Chancellor has no objection to your proposal that the Andhra University should hold examinations in September for the Intermediate and the B.A. degrees independently of the Madras University, and accepts the tentative calendar for examinations enclosed by you.

2. I am to explain, however, that His Excellency the Chancellor is unable to accept your view that, in case the Andra University arranges to hold examinations in September, the students in the Andhra University area, who have qualified themselves to appear for the examinations, whether as students in the colleges in that area or as private candidates, will not be entitled to appear for the Madras University examinations but can sit *only* for the Andhra University examinations. Section 44 of the Andhra University Act imposes an obligation on the Madras University to hold examinations for such students for a certain period. The wording of the section also clearly shows that the students in question have the right not only to complete their course according to the Madras University curricula, but also to appear for the examinations of that University. This right will subsist for a period which will be prescribed hereafter by the Andhra University authorities, with due regard to the equities of the case.

As regards private students, they may appear for the examination of the Madras University provided they possess the requisite term and other certificates, so long as the Madras University make such qualifications valid for appearance for its examinations. But during the period of transition and for the period that may be prescribed hereafter, the Madras University is bound to admit them and to provide for their examination.

3. I am to reply as follows to the specific questions raised in your Registrar's letter of the 8th instant :—

(i) *Whether candidates who have failed in any one part of the Madras University examinations can be permitted to sit for that part in the examinations held by the Andhra University.*

It would be open to a student to attend either the examinations held by the Andhra University or those held by the Madras University during the transitory period. A specific rule should however be framed expressly authorising this course—that is, the combination of the results of two examinations of two different educational organizations.

(ii) *Whether, if the students pass the Andhra University examinations, they could be regarded as Andhra University Intermediates or B.A's.*

The final examination is the test for determining to what University and Intermediate man or a graduate belongs.

(iii) *Whether students who have failed in the Madras University examinations may be allowed to sit for the Andhra University examinations.*

Yes.

Demi-official from M.R.Ry. C. RAMALINGA REDDI Garu, M.A, M.L.C., Vice-Chancellor, Andhra University, to the Private Secretary to His Excellency the Governor, dated Bezwada 22nd June 1926.

[Your demi-official of the 17th June 1926]

While it solved some of our difficulties in a way favourable to the development of the Andhra University, it has created another which makes it impossible for me to hold the September examinations for the Intermediate and the B.A. as at present arranged.

In the informal conversations I had with some of the authorities in Madras and the discussions of the Advisory Committee it was throughout assumed that if the Andhra University provided the necessary examinations, the option of the students to take either the Madras or the Andhra examinations could be terminated by an Andhra University Regulation and that the candidates could be required to take only the Andhra examination. The interpretation put by us upon section 44 was that it was intended to protect the student from being left unprovided for whether in the matter of studies or examinations and not to give him, as is assumed in your demi-official, a vested right to take up the Madras University examinations. Our view was that the student should not be left unprovided for and that if and when the Andhra University provides the examinations his right to appear for the Madras examinations could be taken away under the phrasing " for such period as may be prescribed ". But the interpretation put by His Excellency the Chancellor alters the situation radically from my point of view.

2. Let me analyse the consequences of the present ruling :—

(1). Dual examinations could be held not merely in September of this year, but next March-April also when the main examinations are held.

(2) Students qualifying to appear privately from the Andhra area would have the option of taking the Madras Examinations in March and September 1927 and subsequently.

(3) So long as the Andhra candidates are deemed to have this legal right, we shall have to provide the Madras University with the centres and other facilities required in our area.

(4) Students now studying in the senior classes and those who have earned the right to appear as private candidates would naturally discuss the relative qualities and advantages of the two examinations held for identical subjects and courses, which I don't think would be conducive to the creation of a proper *esprit de corps*

(5) Since the organization of the Andhra University Colleges is far from complete, there being no provision for subjects like the Natural Sciences, or for honours classes in any subject, and since further all the Government professional colleges also excepting the Medical College at Vizagapatam are included in the Madras area (such as the College of Engineering, of Agriculture and of Law), it is quite likely that students would feel that by taking the Madras University Examinations, they would have a better chance of gaining admission to these institutions in Madras. And this will again result in a further depreciation of the *esprit de corps* in the Andhra colleges. According to the present practice of the Madras University an exemption is required in each case for a student from the other Universities in India to gain admission to any of their colleges. The candidate who has passed the Andhra Intermediate or the Andhra B.A. would require the special permission of the Madras Syndicate before he could be admitted to a Madras University institution and this differential system of admissions may induce some of the students, the cleverer ones more especially, to desert the Andhra University examinations in favour of the Madras.

3. I respectfully invite the attention of His Excellency the Chancellor to the very undesirable situation that may be thus evolved. I would like my boys to sink or swim together and am sure His Excellency the Chancellor would like that sort of spirit to prevail amongst his Andhra students. If His Excellency and the Government would use their good offices and obtain from Madras University a general recognition for the Andhra Intermediate and B.A. as equivalent to the Madras Intermediate and B.A. respectively, the point here raised will, to some extent, lose its force. But in the absence of any such general recognition of equivalence, the integrity of the Andhra educational system will be seriously impaired.

4. I can understand the force of the observation in your demi-official: "This right will subsist for a period which will be prescribed hereafter by the Andhra University authorities with due regard to the equities of the case", in so far as it applies to professional courses of studies like the Medical courses of Vizagapatam. The students studying in the Vizagapatam Medical College may feel that the Madras degree has a good-will behind it which the Andhra degree may not possess. So, for the students from the second year classes upwards who are there, it would be necessary to accord this option of taking the Madras examinations if they choose; and in regard to the Vizagapatam Medical College there is no intention, as far as I am concerned, of holding the Andhra University examinations at all excepting for the boys who have joined since April 1926, so that the batches of students who entered as members of the Madras University will complete their courses as such and also take their examinations at Madras. Major Anderson told us at the committee meeting which met on the 19th instant that he would like to see some changes made in the current system of admissions and examinations. Needless to add that while we welcomed the liberal changes he adumbrated, the general idea conveyed to him was that these could take effect only in the first year classes if the Academic Council was agreeable.

5. Incidentally I may remark that Major Anderson also was of the opinion that section 44 gave the Andhra University the power to terminate the permission given to our students to appear for the Madras University examinations. Writing to me confidentially a member of the Madras Syndicate advised me to request that Syndicate to reconsider its present refusal to hold joint examinations for the Andhra students and added that if they again refused they might be requested to transfer to us the applications and fees received from our area. I mention this to show the basis on which our project for holding the September examinations proceeded till His Excellency's ruling was conveyed to me. Our committee, as I informed you, met on the 19th. Your demi-official of the 17th reached me on the 20th; and I was not in a position to inform the committee of the (to us) new situation thereby created and take their advice.

6. The wording of section 44 seems to justify the view I had taken in two ways; firstly by vesting in the Andhra University the right to prescribe such period; secondly while it lays down that the Madras University shall hold examinations for such students, it does not expressly vest the Andhra area student with the right to take those examinations even after we provide him with the needful test. According to my reading of it, so far as studies are concerned, he has the right to complete his courses in accordance with the Madras Regulations. Lest he should be left in the lurch, so to speak, the Act imposes an obligation on the Madras University to hold examinations at which such students may appear, provided, as I interpret it, the Andhra University does not provide the needful examinations

I hope I shall be excused for writing fully on this subject for I consider it a matter of fundamental importance both from the point of view of the Andhra University and from that of the internal life of its colleges.

I am only the trustee for the future University authorities. His Excellency the Chancellor and his Government have invested me with extraordinary powers, but these can only be exercised under a due sense of moral obligation to the future authorities that will soon be in working order.

One of several courses may be adopted by the future Academic Council; it may decide to request the Madras University to agree to a joint conduct of the Intermediate, the B.A., the Teaching and the Medical examinations for the transition classes, which is obviously the best solution; or if the view is held that the students have been given by section 44 a vested right to take up the Madras examinations, they may forego holding the Andhra University examinations till the period of exclusive Andhra examinations commences; or they may adopt the course that I had proposed to follow, namely, hold Andhra examinations and to that extent restrict the competence of the Madras University to occupy the same field; or they may possibly accept dual examinations as contemplated by the ruling under reference.

7. In determining my present conduct, I must be guided by my estimate of the probable support I would receive from the future University authorities. I doubt very much whether dual examination will receive the support of those authorities. Furthermore, the supplemental examination in September is chiefly for the benefit of candidates who have failed in previous examinations excepting a few stray individuals who appear as fresh candidates. All of them are private candidates. In their case, the moral influence of the colleges cannot be brought to bear.

Many of them must have already sent their applications to the Madras University. Under the present interpretation of section 44 their applications cannot be transferred to the Andhra University and it is not likely therefore that under the circumstances and in view of the time already lost and the delay in issuing our notification, the causes for which have already been explained to you in a confidential letter, our September examinations will be the success that I had anticipated. Though teaching is the highest function of a University, evaluating the work of the taught is also a very important function, perhaps next in order only to teaching. Postponing the holding of examinations will have a depressing effect on the public and the colleges. But in view of all the circumstances and the importance of the issues involved, I think it best to leave the matter to the unfettered decision of the future Academic Council and propose to abandon the project of holding the September-October examinations. I have given the matter my most anxious consideration but I feel that I should not undertake the responsibility of holding the September examinations under this optional system consistently with what I conceive to be my duty to the future Academic authorities.

8. If, however, His Excellency the Chancellor and the Government would kindly see their way to permit me to proceed according to my interpretation of section 44, the present arrangements will be proceeded with according to the time-table.

9. I have asked the different Boards of Studies to meet on the 3rd July and send up their recommendations regarding the paper setters for the September examinations. I humbly request that a reply may be sent to me so as to reach me before the 29th, which will enable me to issue the necessary directions to the Chairmen.—

As the Vice-Chancellor points out ~~in his demi-official~~ in paragraph 7 of his letter the examination in September is intended mainly "for candidates who have failed in previous examinations", all of whom are "private candidates". As regards these, the Advocate-General has stated as follows :—

"A student who has failed in an examination of the Madras University and is preparing for the same examination a second time is within section 44 of the Andhra University Act and can appear for the examination of the Andhra University or the Madras University at his option".

2. The Vice-Chancellor is therefore wise in his decision not to hold examinations in September.

3. As soon as the Andhra University authorities are constituted, the whole policy of (*a*) examinations and (*b*) reciprocity between the Andhra University and Madras University in regard to the recognition of their examinations should be considered with a view to a settlement being arrived at. For the present, there is no need to raise these questions. In the meantime, the question about the interpretation of section 44 raised by the Vice-Chancellor will be further examined.

A. P. P[ATRO]—25-6-26.

4. The Vice-Chancellor may be informed as above.

V. T. KRISHNAMA ACHARIYAR—25-6-26.

On section 44, the Advocate-General's view is unequivocal on the point. The students have the option until the Andhra University has passed statutes on the matter. There is no use of labouring the point any more. The examinations, etc., should be organized when the University bodies are fully formed. It is wise to wait and proceed steadily and not to precipitate matters.

A. P. P[ATRO]—25-6-26.

The Private Secretary to ~~His Excellency the Governor~~ will reply as above.

G[OSCHEN]—27-6-26.

Letter has issued.

E. C. SMITH—27-6-26.

Demi-official from M.R.Ry. C. RAMALINGA REDDI Garu, M.A., M.L.C., Vice-Chancellor Andhra University, to the Private Secretary to His Excellency the Governor, dated the 29th June 1926, No. 59.

With reference to your demi official, dated the 27th June 1926, in which it is stated that the question raised by me about the interpretation of section 44 will be further examined, I enclose herewith an extract * from the Lucknow University Act, in which the view I have taken finds embodiment. On an analogous reasoning, my contention must be upheld.

* Not printed.

As regards the September examinations, I have definite information that two members of the Madras Syndicate have requested that body to reconsider its decision not to hold joint examinations. I shall be glad if His Excellency can see his way to bring about this co-operation between the two Universities.

LAW (EDUCATION) DEPARTMENT.

In his demi-official *ante* the Vice-Chancellor of the Andhra University raises the question of the interpretation of section 44 of the Andhra University Act. He states that the analogous provision in the Lucknow University Act, namely, section 47, supports his contention that, once the Andhra University begins to hold separate examinations, the candidates in the Andhra University area who are qualified to appear for those examinations shall not have the right to appear for the examinations held by the Madras University but must sit for the examinations held by the Andhra University.

2. The sections quoted are compared below :—

Section 44 of the Andhra University Act.

Notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed.

Section 47 of the Lucknow University Act.

Notwithstanding anything contained in this Act or the Ordinances, any student of King George's Medical College, Canning College, the Lucknow Christian College or the Isabella Thoburn College who, immediately prior to the commencement of this Act, was studying for any examination of the Allahabad University higher than the Intermediate examination shall be permitted to complete his course in preparation therefor, and the University shall provide for such students instruction and examinations in accordance with the prospectus of studies of the Allahabad University. Until such examinations be provided every such student may, notwithstanding anything contained in the Indian Universities Act, 1904, be admitted to the examinations of the Allahabad University.

The words "the University" in section 44 of the Lucknow University Act mean the "Lucknow University"—vide section 2 (i) of the Lucknow University Act. The differences between the two sections are as follow :—

(i) The Lucknow University Act casts on the *new University* (*Lucknow University*) the obligation of providing instruction and examinations for students who had been studying for the Allahabad University examinations prior to the commencement of the Act. No such obligation is imposed on the Andhra University by the Andhra University Act, for the transitory period.

On the other hand the obligation is placed on the *Madras* University for holding the examination.

(ii) The Lucknow University Act specifically limits the period during which the Allahabad University shall hold examinations to the interval between the commencement of the Act and the time when the new (Lucknow) University shall hold examinations.

The Andhra University Act contains no such specific provision. It leaves the period to be prescribed by the statutes to be framed after the University authorities are constituted.

3. On page 6 *ante* the Vice-Chancellor argues that a student's right to appear for the Madras University examinations can be taken away by virtue of the existence of the words "for such period as may be prescribed" in section 44. This argument is not valid. The period referred to therein is the period to be fixed in the statutes to be framed after the University authorities are constituted. It is not clear how

this phrase can be construed to mean "no period at all," for this is what the Vice-Chancellor's suggestion would amount to. In this connection attention is solicited to paragraph 2 (*b*) of the notes on page *ante*.

4. The Advocate-General has stated that students can appear either for the Andhra University examinations or for the Madras University examinations. This sets the question at rest. It has been pointed out above that section 47 of the Lucknow University Act adopts a wording different from section 44 of the Andhra University Act and cannot support the Vice-Chancellor's contention.

5. The Vice-Chancellor has already stated that he is not in favour of undertaking responsibility for holding separate examinations under the optional system. He now suggests that His Excellency may persuade the Madras University to hold examinations jointly with the Andhra University.

6. The file may be submitted to M-2 and His Excellency.

G.N.—7-7-26. E.A.V.—7-7-26. C. RAMANUJA ACHARIYAR—7-7-26.

The immediate question is about the September examinations. So far as these are concerned, we have advised the Vice-Chancellor to give up the idea of a *separate* examination by the Andhra University.

2. As regards a joint examination, apparently the Syndicate of the Madras University is being moved to reconsider its original decision. I am not at all certain what "joint examination" means. I have spoken to the Registrar of the Madras University on the subject and he has promised to send me copies of the correspondence. When these are received any further steps that may be needed may be taken.

3. The question as regards the examinations to be held early in 1927 is bound up with others relating to reciprocal recognition of examinations by both universities, etc. It was therefore suggested to the Vice Chanceller of the Andhra University that the subject should await a comprehensive examination by the newly-constituted authorities of the Andhra University. In the meantime I shall have the legal questions at issue properly elucidated.

V. T. KRISHNAMA ACHARIYAR—8-7-26.

The Vice-Chanceller refers to "joint examination" which is not clear to any one yet. On what lines a scheme of joint examination can be conceived is a matter of serious doubt.

Until the Syndicate of the Madras University has accepted any proposal, the question cannot be taken up.

The best way in which the question could be solved is that the Vice-Chanceller should discuss the matter with the Madras Vice-Chanceller and the Syndicate and clear the doubts, if any. He may be advised to do this immediately. To my mind there is no legal question. The wording of section 44 is clear. The analogy of Lucknow Act does not hold good here.

A. P. P[ATRO]—8-7-26.
G[OSCHEN]—13-7-26.

Demi-official from the Private Secretary to His Excellency the Governor, to the Vice-Chancellor, Andhra University, dated 18th July 1926.

[Section 44 of the Andhra University Act, 1925 (Act II of 1926)—Joint examinations by the Madras University and the Andhra University—Your D.O. No. 59, dated 29th June 1926.]

I am desired to say that His Excellency the Chancellor has considered your argument that, on the analogy of section 47 of the Lucknow University Act, 1920, it must be held that section 44 of the Andhra University Act, 1925, operates to prevent students in the Andhra University area who have qualified themselves for the Madras University examinations from appearing for those examinations, from the date on which the Andhra University holds examinations of its own.

2. I am to explain that His Excellency the Chancellor finds some difficulty in accepting your view for the reasons mentioned below.

Section 47 of the Lucknow University Act casts on the newly-established University the responsibility for holding examinations during the transitory period for students who had qualified themselves for the examinations of the *Allahabad* University.

Section 44 of the Andhra University Act places no such obligation on the Andhra University. On the other hand it casts the duty on the Madras University to arrange for and hold examinations during the transitory period for students in the Andhra University area.

Further, while the Lucknow University Act specifically limits the period during which the Allahabad University shall hold examinations to the interval between the commencement of the Act and the date when the Lucknow University provides examinations, the Andhra University Act contains no such provision It leaves the period in question to be prescribed by the Statutes.

The effect of this seems to be that the right of the students to appear for the examinations held by the Madras University will subsist for the period to be prescribed by the Andhra University authorities.

3. The most urgent question for the moment is about the examinations to be held in September and October. In regard to these, the best course from every point of view—legal and administrative—is for the Andhra University to abandon the idea of separate examinations. The feasibility of *joint* examinations is one for you to decide in consulation with the Syndicate and the Vice-Chancellor of the Madras University. A personal consultation is obviously desirable as an early settlement has to be reached in the matter.

4. The more important question as regards the examinations to be held early in 1927 is bound up with others relating to reciprocal recognition of examinations by both universities and other cognate subjects. These matters should await a comprehensive examination by the newly-constituted authorities of the Andhra University, with a view to negotiations being entered into with the Madras University authorities. In the meantime the legal questions at issue will be elucidated in consultation with the Advocate-General.

Please see the Secretary's note on page 10 *ante* and paragraph 4 of the demi-official above.

A draft memorandum to the Advocate-General is submitted for approval.

G.N.—22-7-26. E.A.V.—22-7-26. C. RAMANUJA ACHARIYAR—24-7-26.
V. T. KRISHNAMA ACHARIYAR—24-7-26.

[Memorandum No. 1783-C-1, dated 26th July 1926]

From the Government Solicitor, dated 31*st July* 1926, *Op. No.* 119.

The Advocate-General agrees in the view expressed in paragraph 2 of the demi-official above.

His opinion may be communicated to the Vice-Chancellor. A draft demi-official is submitted. It has to be issued by the Private Secretary to His Excellency the Governor. The file may be sent to the Private Secretary to His Excellency the Governor through M-2.

C.R.—5-8-26.
G.N.—5-8-26. V.T.K.—6-8-26.
A. P. P[ATRO]—14-8-26.

The Private Secretary ~~to His Excellency the Governor~~ will reply.

G[OSCHEN]—17-8-26.

Demi-official issued.

E. C. SMITH—18-8-26.

Edit and print up important portions.

V.T.K.—21-8-26.

[G.O. No. , Law (Education), September 1926.]

P. Secy.

Law (Education) Department

C.No.1783 C - From the Registrar, Andhra University
No.59 of 26 dated 8-6-26.

Subject.- Asking whether candidates who appeared for the Madras University Examinations and failed therein may appear for the Andhra University examinations.

Section 44 of the Andhra Univeraity Act provides that "notwithstanding anything contained "in this Act or the Ordinances, any student of a "college affiliated to the University who was stud- "ying for any examination of the Madras University "shall be permitted to complete his course in pre- "paration therefor and the Madras University shall "hold for such student examinations in accordance "with the curricula of studies of that University "for such period as may be prescribed."

'Prescribed' means prescribed by the Statutes, Ordinances or Regulations.

The Andhra University authorities will, in due course, prescribe the period for which students coming under the description in section 44 shall be permitted to attend the examinations of the Madras University. This will apparently be a fairly long period to allow a reasonable opportunity for students who have failed, to pass the examinations held by the Madras University.

2. The specific questions raised by the Registrar are dealt with below:-

(i) Whether candidates who have failed in any part of the Madras University examinations can be permitted to sit for that part in the examinations held by the Andhra University.

This may be considered in two aspects:-

(a) Transitory period.

During this period the Statutes, Ordinances and Regulations of the Madras University shall

be deemed to be Statutes, Ordinances and Regulations framed under the Andhra University Act until they are replaced by new Statutes, Ordinances and Regulations.

The examinations held by the Andhra University will, for all practical purposes, be examinations held by the Madras University. This is borne out by the statement made by the Registrar that the Andhra University will possibly figure as a factor in the examinations jointly with the Madras University.

(This statement apparently means that the examinations will be the same but will be under the joint control of the two Universities.)

The examinations being the same, there would seem to be no objection to a student who has failed in one part in the Madras University examination, sitting for that part in the examination held by the Andhra University. If the examinations are different, they will be different only in name.

Even if the examinations were not identical, it might be argued that section 44 is obligatory only to this extent, Viz., that it compels the Madras University to hold examinations for certain students and that it does not necessarily operate to prevent students from sitting for the examinations of the Andhra University. In other words it would be open to a student to attend either the examinations held by the Madras University or those held by the Andhra University during the transitory period.

(b) Period after the expiry of the term prescribed by the University under section 44 of the Act.

The object in fixing a period during which the Madras University shall hold examinations is to prevent hardship that might be caused to students who had undergone courses of study in accordance with the regulations of the Madras University, by having to attend examinations held by another University, the courses leading to which and the standard whereof might possibly be different. As stated on page ante, a fairly long period will

will probably be allowed by the Andhra University in the regulations to be framed. If this is done, there might be no case for permitting students to attend the Andhra University examinations unless they undergo the courses of study prescribed by that University. Special cases may arise, of students who have failed in the Madras University examinations in spite of the chances allowed under section 44. The question whether such students should be permitted to attend the Andhra University examinations in whole or in part is one to be decided by the Andhra University authorities and special exemption may be granted in their favour in the regulations to be framed by the Andhra University. The question need not be considered at present.

(ii) Whether, if the students pass the examinations they could be regarded as Andhra University Intermediates or graduates.

If the students are permitted to sit for the examinations, there would appear to be no objection to their being styled Andhra University Intermediates or gradutates. The nomenclature does not seem to be very important. The final examination or the criterion.

(iii) Whether students who have failed in the Madras University examinations in whole may be allowed to sit for the Andhra University examinations.

If a student who has failed in one part of an examination held by the Madras University is allowed to sit for that part in an examination held by the Andhra University, there is no obvious reason why a student who has failed in all the subjects in the former should not be allowed to sit for all the subjects in the latter.

The remarks made under item (i) (a) & (b) above apply to this also.

[redacted]

V.T.K.

V.T.K.

V.T.K.

The Academic Council may frame regulations in respect of such students under sec-23(2)(f) of the Act.

Pl. 1 cf

Pl. 1 cf

The section says "The Syndicate shall hold etc"

are not inconsistent with the powers of the Act

S.N. E.A.V. 11.6.26. 11.6.26

Ramanuja Acharyar 12/6

5

Please put up a Draft reply

V.T.K. 13.6.

Do issue - pp 15-17 infra

V.Urgent

GOVERNMENT HOUSE.

Ootacamund,

11th June 192[illegible].

Dear Mr. Krishnamachariar,

I am to send you for necessary action the enclosed letter from the Vice-Chancellor of the Andhra University.

Yours sincerely,

M.R.Ry.

Rao Bahadur

V.T.Krishnamachariar Avl., C.I.E.

Secretary to Government,

Law Department,

Stonehouse Hill.

C.R. Reddy M.A.m M.L.C.,
Vice-Chancellor.

Encl. I. 59/26.

Andhra University,
Bez wada,
9th June 26.

Immediate.

Demi-official from Mr. C. Ramalinga Reddi Garu M.A., M.L.C.
Vice-Chancellor, Andhra University
To the Private Secretary to His Excellency the Governor

Dear Mr. Conran Smith,

1. Since I last wrote to you, a new situation has arisen in respect of supplementary examinations to be held in September-October. In my letter dated 25th May 1926, I hinted that these examinations will be conducted jointly by the two Universities and that I had reason to believe that the negotiations initiated with this view would result in some scheme agreeable to both parties.

2. Yesterday our Registrar got a communication from the Madras University to the effect that they were not prepared to agree to a joint conduct of the examinations

3. Under the circumstances, it appears to me to be very necessary that the Andhra University should hold the examinations independantly. I enclose the tentative calendar which has been prepared to give effect to this very necessary development in the activities of the Andhra University.

4. I don't apprehend any practical difficulties in the way of carrying out the project here adumbrated. I have already summoned a meeting of the Principals of First-grade Colleges within the University area and a few other members of the Advisory Committee for the 19th of this month. The details will be settled at that gathering. After giving the matter my best consideration, it is my deliberate judgment that there are no insuperable difficulties in the way of conducting these examinations ourselves.

5. The examinations that fall due in September-October season are the following:-

The Intermediate, the B.A., the L.T., and the M.B.,& B.S., I don't propose to hold the teaching and the medical examinations; for the number concerned is very small while the preparations, especially in regard to the Medical examinations, are elaborate.

I propose to hold the Intermediate and the B.A. examinations for these count with the public, as the numbers affected are larger in a peculiar degree and are an important element in the credit and good-will that the University has to accumulate.

6. The legal position in respect of these, and other examinations in the Transitory period, is as follows:-

1. Under Transitory Provision 44, the Madras University is bound to hold examinations for our students for such period as may be prescribed, that is to say, by the Andhra University.

2. But, on the contrary, it is obvious that , as there can be no concurrent jurisdiction, once the Andhra University holds examintions, the students who are within its jurisdiction cannot appear for the Madras examinations; that is to say, if the Andhra University arranges for the Intermediate and the B.A. examinations next September-October, then those who had qualified themselves to appear for that examination, whether as college students or as private candidates, by reason of the attendance they had put in in the Andhra area colleges, will not be entitled to appear for the Madras University examinations, but must sit for the Andhra University examinations. In my view the moment the Andhra University arranges for an examination the jurisdiction of the Madras University automatically terminates to that extent. It is, I believe, on a view analogous to this that Government, in their communique No 327 Law(Education) dated 3rd March, 1926 decreed that various Andhra Senators had vacated their seats on the Madras Senate.

I think a similar notification by Government may be necessary on the point here presented also; for if the Andhra University can take the positive step of arranging for its own examinations, it cannot decree the incompetence of the Madras University to admit to its examinations students thus provided for by the Andhra University.

7. In the Registrar's letter to the Education Secretary No. 59/26

dated the 8th June 26, two further points were raised, which also may be included here as completing the possible legal aspects of this step. In that letter it has been contended by me that students who have passed in one part of the Madras University might sit for the other part in the Andhra University and if they pass in our examinations they would be eligible for the degree or the promotion as the case may be in the Andhra University; that similarly candidates who have appeared for the Madras examinations and failed , may take up Andhra University Examinations, provided they are members or alumni of the Andhra affiliated colleges. My contention is that the Andhra University starts, so to speak, at the point at which things were on April 26, and the credits (or discredits) that the candidates coming within its jurisdiction possessed on that date count, so to speak, in the books of the Andhra University.

8. I expect to be able to appoint the Boards of Studies on the 19th of this month and the Boards of Examiners within a fortnight from that date. I am strongly of opinion that, if after the recent negotiations and transactions this University fails to hold the September-October examinations, at least for the Intermediate and the B.A. candidates, it will have a very, very bad effect. I am therefore proceeding with the arrangements.

9. I therefore request the kind approval of His Excellency the Chancellor for holding these examinations and it would facilitate my work a great deal, if such approval could be conveyed to me by telegraph, if possible.

Yours Sincerely,

C. R. Reddy

E. Conran Smith Esq., C.I.E., I.C.S.,
Private Secretary to His Excellency the Governor,
Madras Governor's Camp.

TENTATIVE CALENDAR FOR EXAMINATIONS TO BE HELD IN OCTOBER.

19th June.	Constitution of the Board of Studies.
3rd July.	First meeting of the Board of Studies. Suggestions of ~~means~~ names for Examinerships to be made.
6th July.	Notification of centres of Examination.
10th July.	Last day for payment of fees and submitting applications.
19th Aug.	Last day for submitting Certificates.
21st Aug.	Last day for receiving Examination papers from the Chairmen of the Conducting Boards.
8th Sept.	Last day for receiving Examination papers from the Printers.
27th Sept.	Issue of Examination papers to the several centres.
4th Oct.	Examinations commence.

Law(Education)

It was originally proposed that September examinations might be conducted by the Andhra University conjointly with the Madras University. The latter not having agreed to this arrangement, the Vice-Chancellor now proposes that the Andhra University should hold the examinations independently. The examinations are to be held only for the Intermediate examination and the B.A degrees. The V.C has enclosed a tentative calendar for the examinations to be held and requests the approval of the Chancellor by wire. As the V.C. is confident that there will be no practical difficulties in holding the examinations independently, the proposal may be approved.

2. In paragraphs 6 & 7 of his D.O on pp.3-4 ante, the V.C. raises some legal questions. The points raised in paragraph 7 are dealt with in the linked file. Those in paragraph 6 are examined below.

3. The V.C considers that, in case the Andhra University arranges to hold Septr. examinations, the students in the Andhra University area who have qualified themselves to appear for the examinations, whether as students in the colleges in the Andhra area or as private candidates, will not be entitled to appear for the Madras University examinations, but must sit for the Andhra University examinations. Submitted that this view is not correct. Section 44 provides (i) that those who have been studying for examinations of the Madras University should be permitted to complete their course in preparation therefor, (ii) that the Madras University should hold examinations for such students according to its own curriculum of studies, and (iii) that this arrangement should continue for the period that may be prescribed.

The V.C. appears to argue that this section, while imposing an obligation on the Madras University to hold an examination and while requiring that facilities should be provided for students for completing their courses according to the Madras University curricula, does not prevent the Andhra University from compelling such students ~~from~~ to appearing for the examinations held by it after it has started holding the examinations. This argument is not valid. Section 44 clearly says that the students studying for any examination of the Madras University should be permitted to complete his course '<u>in preparation therefor</u>'. The words underlined clearly show that the student should have the right not only to complete his course according to the Madras University curricula, but also to appear for the examination of that University. This right will subsist for the full period which will be hereafter prescribed by the University authorities. This is so far as students who are studying in the Colleges in the University area are concerned.

V.Tk

As regards private students, the liberty allowed to them is greater. ~~He~~ They can appear for the examination of the ~~Madras~~ University provided ~~he~~ they possess~~es~~ the requisite course certificate, as long as the Madras University makes such qualification valid for appearance for its examinations. But during the period of transition and for the period that may be prescribed hereafter, the Madras University is bound to admit them and provide for the examinations.

CR Ramamurthy Acharya
13.6.26

The above is correct.
Please put up a draft letter answering this letter and also the one in the linked file.
V.Tk
13.6.

+ added to this
e-7-2
pp 1-3 n.f

34 8

A draft D.O. is submitted.

cvv
14.6.26.

CR
14/6

Retype as revised
V.Tk
15/6.

Resubmitted
CR
15/6
V.Tk
15/6

cvv
15.6.26

For approval
V.Tk
15/6

M 2

H.E. the Chancellor

The letter may be kindly issued by the P.S.G if it is approved
V.Tk
15/6

In the 2nd para in para 3 I would suggest the Adv. G. may be consulted as he is the best. He may kindly examine & obtain his views also.
A.P.P (Advocate General)
15/6.26

A.S.

Please take the file to Adv Genl and consult him
V.Tk
15/6

The Advocate General has given the note below:—

35

Note.

A student who has failed in an examination of the Madras University and is privately preparing for the same examination a second time is within section 44 of the Andhra University Act and can appear for the examination of the Andhra University or the Madras University at his option.

As for the question whether a student who has passed some subjects of an examination which can be passed in compartments in the Madras University can appear for the Andhra University examination in those subjects alone in which he had not passed the examination, there is difficulty. It is true that the rules of the Madras University have been made the initial rules of the Andhra University by the Act and the Madras rules authorise the passing of some examinations in compartments. The Andhra University may be assumed to have adopted the same rules. But that does not solve the question. If the student who has passed in spme subjects appeared for the remaining subjects in an examination of the Madras University itself, he completes that examination according to the rules of that university and gets all the privileges of one who has passed that examination under the rules of both universities. If however one who has passed some subjects in an examination of the Madras University desired to appear for other subjects only in the corresponding examination of the Andhra University and claimed the

right to combine the result of the two examinations for securing to himself a certain qualification or right, one finds no support for it in the rules of either University. Each University can hold examinations and each may confer the privileges attached to the passing of its examinations. But the Statute does not support the binding in one artificial unity of the unconnected parts of two examinations which belong to different universities though they might be assumed to be of equal value as a test of merit. Such a combination of the result of two examinations of two different educational organisations must at the least be supported by a rule properly framed, if it can at all be achieved by the exercise of rule-making power. (A)

If, as was originally contemplated, the two Universities held a combined examination, it would have averted the problem as that examination would then have belonged to both the Universities.

Advocate General,

Cotacamund,
16th June 1926

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Law

With reference to (A) on page 10 above, an addition in pencil has been made to para. 8(i) for approval.

16/6/26

V.K
17.6.

M2

H.E. the Chancellor

17/6/26

If the V.C. had personally discussed the questions with the V.C. Madras, most of these references would be unnecessary. All the work which he does is being done here.

A.P. Patro
17/6/26

Recheck
17.6.26.

I have issued the letter.
E.C. Smith
18/6

18/6

SECRETARY TO GOVERNMENT (EDUCATIONAL & LAW DEPARTMENTS)
18 JUN 1926
MADRAS

Law (Education) Dept.

15 12

D.O.No: 1288 d/12-6-26

[Demi-Official from the Private Secretary to His Excellency the Governor to the Vice-Chancellor, Andhra University]

I am desired to refer to your D.O. [to the P.S.G.] No. 59/26 dated 9-6-26 and your Regr's official letter to Govt. of the 8th instant, regarding the holding of examinations by the ~~x~~ Andhra University. I am to say that H.E the Chancellor has no objection to your proposal that the Andhra University should hold ~~Sept.~~ in September examinations for the Intermediate and the B.A degrees independently of the Madras University, and accepts the tentative calendar for examinations enclosed by you.

2. I am to explain, however, that H.E the Chancellor is unable to accept your view that, in case the Andhra University arranges to hold examinations in Septr., the students in the Andhra University area, who have qualified themselves to appear for the examinations, whether as students in the colleges in that area or as private candidates, will not be entitled to appear for the Madras University examinations but can sit only for the Andhra University examinations. Section 44 of the Andhra University Act imposes an obligation on the Madras University to hold examinations for such students for a certain period. The wording of the section also clea shows that the students in question the right not only to complete the

course according to the Madras University curricula, but also to appear for the examinations, of that University. This right will subsist for a period which will be prescribed hereafter by the Andhra University authorities, with due regard to the equities of the case.

As regards private students, they may appear for the examination of the Madras University provided they possess the requisite term and other certificates, so long as the Madras University makes such qualifications valid for appearance for its examinations. But during the period of transition and for the period that may be prescribed hereafter, the Madras University is bound to admit them and to provide for their examination.

3. I am also to reply as follows to the specific questions raised in your Regr's letter of the 8th instant.---

(i) Whether candidates who have failed in any one part of the Madras University examinations can be permitted to sit for that part in the examinations held by the Andhra University.

It would be open to a student to attend either the examinations held by the Andhra University or those held by the Madras University during the transitory period.

(ii) Whether, if the students pass the Andhra University examinations they could be regarded as Andhra University Intermediates or B.A's.

The final examination is the test for determining to what University an Intermediate or a graduate belongs.

(iii) Whether students who have failed in the Madras University examinations may be allowed to sit for the Andhra University examinations.

Yes.

Yours sincerely,

M.R.Ry. C.R.Reddy Garu
V.C.Andhra University.

C. R. Reddy, M.A., M.L.C.,
Vice-Chancellor.

Andhra University,
Bezwada,
22nd June 1926.

Law-CR: 38 (camp)
25.6.26

Dear Mr. Conran Smith,

Your D.O. of the 17th June 1926.

While it solved some of our difficulties in a way favourable to the development of the Andhra University, it has created another which makes it impossible for me to hold the September examinations for the Intermediate and the B. A. as at present arranged.

In the informal conversations I had with some of the authorities in Madras and the discussions of the Advisory Committee it was throughout assumed that if the Andhra University provided the necessary examinations, the option of the students to take either the Madras or the Andhra examinations could be terminated by an Andhra University Regulation and that the candidates could be required to take only the Andhra Examinations. The interpretation put by us upon section 44 was that it was intended to protect the student from being left unprovided for whether in the matter of studies or examinations and not to give him, as is assumed in your D.O., a vested right to take up the Madras University examinations. Our view was that the student should not be left unprovided for and that if and when the Andhra University provides the examinations his right to appear for the Madras examinations could be taken away under the phrasing " for such period as may be prescribed". But the interpretation put by His Excellency the Chancellor alters the situation radically from my point of view.

2. Let me analyse the consequences of the present ruling: -

(1. Dual examinations could be held not merely in September of this year, but next March-April also when the main examinations are held.

(2.) Students qualifying to appear privately from the Andhra area would have the option of taking the Madras Examinations in March and September 1927 and subsequently.

(3.) So long as the Andhra candidates are deemed to have this legal right, we shall have to provide the Madras University with the centres and other facilities required in our area.

(4.) Students now studying in the senior classes and those who have earned the right to appear as private candidates would natrually discuss the relative qualities and advantages of the two examinations, held for identical subjects and courses, which I don't think would be conducive to the creation of a proper esprit de corps.

(5.) Since the organisation of the Andhra University colleges is far from complete, there being no provision for subjects like the Natural Sciences, or for Honours classes in any subject, and since further all the Government professional colleges also excepting the Medical college at Vizagapatam are included in the Madras area (such as the College of Engineering, of Agriculture and of Law) it is quite likely that students would feel that by taking the Madras University examinations, they would have a better chance of gaining admission to these institutions in Madras. And this will again result in a further depreciation of the esprit de corps in the Andhra colleges. According to the present practice of the Madras University an exemption is required in each case: for a student from the other Universities in India to gain admission to any of their colleges. The candidate who has passed the Andhra Intermediate or the Andhra B.A. would require the special permission of the Madras Syndicate before he could be admitted to a Madras University institution and this differential system of admissions may induce some of the students, the cleverer ones more especially, to desert the

116 B-1
16

Andhra University examinations in favour of the Madras.

3. I respectfully invite the attention of His Excellency the Chancellor to the very undesirable situation that may be thus evolved. I would like my boys to sink or swim together and am sure His Excellency the Chancellor would like that sort of spirit to prevail amongst his Andhra students. If His Excellency and the Government would use their good offices and obtain from Madras University a general recognition for the Andhra Intermediate and B. A. as equivalent to the Madras Intermediate and B. A. respectively, the point here raised will, to some extent, lose its force. But in the absence of any such general recognition of equivalence, the integrity of the Andhra educational system will be seriously impaired.

4. I can understand the force of ~~your~~ the observation in your D.O., " This right will subsist for a period which will be prescribed hereafter by the Andhra University authorities with due regard to the equities of the case ", in so far as it applies to professional courses of studies like the Medical courses of Vizagapatam. The students studying in the Vizagapatam Medical college may feel that the Madras degree has a good-will behind it which the Andhra degree may not possess. So for the students from the second year classes upwards who are there, it would be necessary to accord this option of taking the Madras examinations if they choose; and in regard to the Vizagapatam Medical college there is no intention, as far as I am concerned, of holding the Andhra University examinations at all excepting for the boys who have joined since April 1926. so that the batches of students who entered as members of the Madras University will complete their courses as such and also take their examinations at Madras. Major Anderson

told us at the committee meeting which met on the 19th inst. that he would like to see some changes made in the current system of admissions and examinations. Needless to add that while we welcomed the liberal changes he adumbrated, the general idea conveyed to him was that these could take effect only in the first year classes if the Academic Council was agreeable.

5. Incidentally I may remark that Major Anderson also was of the opinion that section 44 gave the Andhra University the power to terminate the permission given to our students to appear for the Madras University examinations. Writing to me confidentially a member of the Madras Syndicate advised me to request that Syndicate to reconsider its present refusal to hold joint examinations for the Andhra students and added that if they again refused they might be requested to trasfer to us the applications and fees received from our area! I mention this to show the basis on which our project for holding the September examinations proceeded till His Excellency's ruling was conveyed to me. Our committee, as I informed you, met on the 19th. Your D.O. of the 17th reached me on the 20th; and I was not in a position to inform the committee of the (to us) new situation thereby created and take their advice.

6. The wording of section 44 seems to justify the view I had taken in two ways; firstly by vesting in the Andhra University the right to prescribe such period; secondly while it lays down that the Madras University shall hold examinations for such students, it does not expressly vest the Andhra area student with the right to take those examinations even after we provided him with the needful test. According to my reading of it, so far as studies are concerned, he has the right to complete his courses in accordance with the Madras Regulations. Lest he should be left in the lurch, so to speak, the Act imposes an obligation on the Madras University to hold examinations at which such students may appear, provided, as I interpret it,

the Andhra University does not provide the needful examinations.

I hope I shall be excused for writing fully on this subject for I consider it a matter of fundamental importance both from the point of view of the Andhra University and from that of the internal life of its colleges.

I am only the trustee for the future University authorities. His Excellency the Chancellor and his Government have invested me with extraordinary powers, but these can only be exercised under a due sense of moral obligation to the future authorities that will soon be in working order.

One of several courses may be adopted by the future Academic Council; it may decide to request the Madras University to agree to a joint conduct of the Intermediate, the B.A. , the Teaching and the Medical examinations for the transition classes, which is obviously the best solution; or if the view is held that the students have been given by section 44 a vested right to take up the Madras examinations, they may forego holding the Andhra University examinations till the period of exclusive Andhra examinations commences; or they may adopt the course that I had proposed to follow namely, hold Andhra examinations and to that extent restrict the competence of the Madras University to occupy the same field; or they may possibly accept dual examinations as contemplated by the ruling under reference.

7. In determining my present conduct, I must be guided by my estimate of the probable support I would receive from the future University authorities. I doubt very much whether dual examinations will receive the support of those authorities. Furthermore, the supplemental examination in September is chiefly for the benefit of candidates who have failed in previous examinations excepting a few stray individuals who appear as fresh candidates. All of them are private candidates. In their case, the moral influence of the colleges cannot be brought to bear. Many of them

must have already sent their applications to the Madras University. Under the present interpretation of section 44 their applications cannot be transferred to the Andhra University and it is not likely therefore that under the circumstances and in view of the time already lost and the delay in issuing our notification, the causes for which have already been explained to you in a confidential letter, our September examinations will be the success that I had anticipated. Though teaching is the highest function of a University, evaluating the work of the taught is also a very important function, perhaps next in order only to teaching. Postponing the holding of examinations will have a depressing effect on the public and the colleges. But in view of all the circumstances and the importance of the issues involved, I think it best to leave the matter to the unfettered decision of the future Academic Council and propose to abandon the project of holding the September-October examinations. I have given the matter my most anxious consideration but I feel that I should not undertake the responsibility of holding the September examinations under this optional system consistently with what I conceive to be my duty to the future Academic authorities.

8. If however His Excellency the Chancellor and the Government would kindly see their way to permit me to proceed according to my interpretation of section 44, the present arrangements will be proceeded with according to the time-table.

9. I have asked the different Boards of Studies to meet on the 3rd July and send up their recommendations regarding the paper setters for the September examinations. I humbly request that a reply may be sent to me so as to reach me before the 29th, which will enable me to issue the necessary directions to the Charimen.

Yours Sincerely,

C. R. Reddy

E. Conran Smith Esq. C.I.E., I.C.S.,

P

Law[Edn]

In paragraph 6 of his D.O. on pp. ~~3-4~~ 20-21 ante, the Vice-chancellor expressed this view that, in case the Andhra univ. arranged to hold separate examinations, the students in the Andhra univ. area who had qualified themselves to appear for the examinations ~~will~~ would not be entitled to appear for the Madras univ. examinations but must sit for the Andhra univ. examinations this interpretation was based on section 44 of the Andhra univ. Act. This will be found examined in paragraph 3 of note on pp. 6-7 ante ; and in paragraph 2 of D.O. on pp. 12-13 ante, it was explained to the V.C. that this view was not correct. In his present D.O (pp. ~~15-20~~ 18-23 ante), the V.C. contests the above interpretation of Govt. and points out the disadvantages arising from it. He states that, if the chancellor's view is pressed, he proposes to abandon the project for holding the examinations in September, and requests that he may

Exit

Paragraph 2, pp. 18-19 ante

A on p. 23 ante

may (permitted to) be proceed according to his (V.C's) interpretation of section 44. Paragraph 8, p.23 ante

submitted that it appears desirable to obtain legal opinion on the question. For orders whether the Advocate-General may be requested to advise us (the V.C. asks for a reply before the 29th). Paragraph 8, p.23 ante

[He was not consulted specifically on this point previously]

CVV
25.6.26

As the Vice Chancellor points out in his d.o in paragraph 7 of his letter (p.19) the examination in September is intended mainly "for candidates who have failed in previous examinations" all of whom are "private candidates" On this point, the As regards these, the Ado Genl has stated as follows:- "A student who has failed in an examination of the Madras University and is preparing for the same examination a second time is within section 44 of the Andhra University Act and can appear for the examination of the Andhra University or the Madras University at his option" p.12 ante

2. The V.C is therefore

wise in his decision not to hold examinations in September.

3. As soon as the Andhra University authorities are constituted, the whole policy of (a) examinations and (b) reciprocity between the Andhra Un.y & Madras Un.y in regard to the recognition of their examinations should be considered and with a view to a settlement being arrived at. For the present, there is no need to raise these questions. In the meantime, the question about the interpretation of Section 44 as raised by the V.C will be further examined.

4. The V.C. may be informed as above accordingly

V.T.K. Krishnamma Acharya
25.6.

A & P (Platter) 25/6/26

M2

H.E. the Gov.

See

On S. 44, the Advocate General's view is unequivocal on the point. The Students have the option under the Andhra University Act has passed Statutes on the matter - There is no use of labouring the point any more. She (Andhra) has to be organised when the University bodies are fully formed. It is wise to wait & proceed cautiously & not to precipitate matters - 25/6

P.S. (Illegible) wise as above.
Archer
27.vi.26.

Letter has issued
V. E.C. Smith 27/6

INDIA GOVERNMENT OF INDIA
24 JUN 1926

PRIVATE SECRETARY MADRAS

GOVERNMENT HOUSE.
Ootacamund,
2nd July 1926.

Dear Mr. Krishnamachariar,

I am to send you the enclosed letter from the Vice Chancellor of the Andhra University together with an extract from the Lucknow University Act referred to therein for favour of examination.

Yours sincerely,

E. Smith

M.R.Ry.
Rao Bahadur
V.T.Krishnamachariar Avl., C.I.E.,
Secretary to Government, Law Department,
Ootacamund.

C. R. REDDY, M.A., M.L.C.,
VICE-CHANCELLOR.

ANDHRA UNIVERSITY,
BEZWADA.

No. 59/26.

29th June 26.

Dear Mr. Conran Smith,

With reference to your D.O. dated the 27th June 1926, in which it is stated that the question raised by me about the interpretation of section 44 will be-- further examined, I enclose herewith an extract from the Lucknow University Act, in which the view I have taken finds embodiment. On an analogous reasoning, my contention must be upheld.

As regards the September examinations, I have definite information that two members of the Madras Syndicate have requested that body to reconsider its decision not to hold joint examinations. I shall be glad if His Excellency can see his way to bring about this co-operation between the two Universities.

Yours Sincerely,

C. R. Reddy

Enc. I.

E. Conran Smith Esq., C.I.E., I.C.S.,
Private Secretary to His Excellency the Governor,
Madras Governor's Camp.

Transitory Provisions.

Completion of courses for students at Lucknow Colleges.

47. Notwithstanding anything contained in this Act, or the Ordinances, any student of King George's Medical College, Canning College, the Lucknow Christian College, or the Isabella -- Thoburn College who, immediately prior to the commencement of this Act, was studying for any examination of the Allahabad University higher than the Intermediate Examination shall be permitted to complete his course in preparation therefor, and the University shall provide for such students instruction and examinations in accordance with the Prospectus of studies of the Allahabad University. Until such examinations be provided every such student may, notwithstanding anything contained in the Indian Universities Act, 1904, be admitted to the examinations of the Allahabad University.

30

26 P

Law (Education) Department

In his D.O. on page 28 ante the Vice-Chancellor of the Andhra University raises the question of the interpretation of section 44 of the Andhra University Act. He states that the analogous provision in the Lucknow University Act, namely, section 47, supports his contention that, once the Andhra University begins to hold separate examinations, the candidates in the Andhra University area who are qualified to appear for those examinations shall not have the right to appear for the examinations held by the Madras University but must sit for the examinations held by the Andhra University.

Extract on p. 29 ante

'K' on p. 18 ante & para 6 on pp 21-22 ante

2. The sections quoted are compared below:

Section 44 of the Andhra University Act.	Sec. 47 of the Lucknow University Act.
Notwithstanding anything contained in this Act or the Ordinances, any student of a college affiliated to the University who was studying for any examination of the Madras University shall be permitted to complete his course in preparation therefor and the Madras University shall hold for such student examinations in accordance with the curricula of studies of that University for such period as may be prescribed.	Notwithstanding anything contained in this Act or the Ordinances, any student of King George's Medical College, Canning College, the Lucknow Christian College or the Isabella Thoburn College who, immediately prior to the commencement of this Act was higher than the Intermediate Examination shall be permitted to complete his course in preparation therefor, and the University shall provide for such students instruction and examinations in accordance with the Prospectus of Studies of the Allahabad University. Until such examinations be provided every such student may, notwithstanding anything contained in the Indian Universities Act, 1904, be admitted to the examinations of the Allahabad University.

studying for any examination of the Allahabad University

The words "the University" in sec. 47 of the Lucknow University Act mean the Lucknow Univer-

sity" - Vide section 2 (i) of the Lucknow University Act. The differences between the two sections are as follow:-

(i) The Lucknow University Act casts on the new University (Lucknow University) the obligation of providing instruction and examinations for students who had been studying for the Allahabad University examinations prior to the commencement of the Act. No such obligation is imposed on the Andhra University by the Andhra University Act for the transitional period.

On the other hand the obligation is placed on the Madras University for holding the examination.

(ii) The Lucknow University Act specifically limits the period during which the Allahabad University shall hold examinations to the interval between the commencement of the Act and the time when the new (Lucknow) University shall hold examinations.

The Andhra University Act contains no such specific provision. It leaves the period to be prescribed by the statutes to be framed after the University authorities are constituted.

3. On page 18 ante the Vice-Chancellor argues that a student's right to appear for the Madras University examinations can be taken away by virtue of the existence of the words "for such period as may be prescribed" in section 44. This argument is not valid. The period referred to therein is the period to be fixed in the statutes to be framed after the University authorities are constituted. It is not clear how this phrase can be construed to mean "no period at all", for this is what the Vice-Chancellor's suggestion would amount to. In this connection attention is solicited to paragraph 2 (b) of the notes on p. 2 ante.

4. The Advocate General has stated that students can appear either for the Andhra University examinations or for the Madras University examinations. This sets the question at rest. It has also been pointed out above that section 47 of the Lucknow University Act adopts a wording different from section 44 of the Andhra University Act and cannot

put up separately

last sentence of sec. 47

Please see notes on p. 10 ante & para 2 of the D.O. on pp 15-16 ante

p. 12 ante

Please see also Mr. M's note on p. 26 ante

support the Vice Chancellor's contention.

5. The Vice-Chancellor has already stated that he is not in favour of undertaking responsibility for holding separate examinations under the optional system. He now suggests that His Excellency may persuade the Madras University to hold examinations jointly with the Andhra University.

6. The file may be submitted to M.2., and H.E.,

S. N. EH. V
7.7.26.

G. Ramananja Ayyangar
7.7.26

The immediate question is about the september examinations. So far as these are concerned, we have advised the Vice Chancellor to give up the idea of a separate examination by the Andhra University.

2. As regards a joint examination, apparently the Syndicate of the Madras University is being moved to reconsider its original decision. I am not at all certain what "joint examination" means. I have spoken to the Regr. of the Madras University on the subject & he has promised to send me copies of the correspondence. When these are received any further steps that may be needed may be taken.

3. The question as regards the examinations to be held early in 1927 is bound up with others relating to reciprocal recognition of examinations by both universities etc. It was therefore suggested to the Vice Chancellor of the Andhra Univ? that the subject should await a comprehensive examination by the newly constituted authorities of the Andhra Univ? In the meantime

'A' m/p. 23 ante

p. 28 ante

p. 28 ante

p. 25-26 ante

p. 26 ante

Please see also Mr. M's note on p. 26 ante

Law 6

I shall have the legal questions at issue properly elucidated.

V.T.K. Krishnamacharyulu
8/7.

M2

H.E. the Chancellor

The V.C. refers to "Joint Examinations" which is not clear to any one yet. On what lines a scheme of Joint Exns can be conceived is a matter of serious doubt.

Until the Syndicate of the Andhra University has accepted any proposal, the question cannot be taken up.

The best way in which the question can be solved is that the V.C. fully discusses the matter with the Members of the Syndicate and clear the doubts, if any. He may be advised to do this immediately.

To my mind time is the legal question. The reading of S. 44 is clear. The analogy of Lushai Act does not hold good here.

A.G. Pattio

13.VII.26.

SECRETARIAT TOOFERIAL DEPT
14-VII-1926
LEGAL DEPARTMENT

To answer the V.C's exam

LAW 48

With me. I propose discussing this with the V.C. Madras Univ. on the 19th
V.T.K.

Print

X on p. 33 ante

Copies of the correspondence relating to joint examinations, which passed between the two Universities, have been submitted separately to M2. The chief features of the proposal are:—

(i) that the Vice-Chancellor of the Andhra University will have a voice in the selection of Examiners and Asst Examiners;

and

(ii) that the Andhra University will get a share of the fee received from candidates.

2 A draft D.O to the Vice-Chancellor is submitted. It may kindly be issued by the P.S.G.

16.7.26. 16.7.26. 16/7

Retyped & submitted.
17.7.26. V.T.K. 17.7

Retype the draft D.O as revised by me. V.T.K. 17.7

P.S.G u.o

Issued
V.T.K. 17
18.7.26.

Demi official from the Registrar to the Vice-Chancellor, Andhra University dated 18.7.26

35

D.O.No. dated

2988

Section 44 of the Andhra University Act, 1925 (Act II of 1926) - Joint examinations by the Madras University and the Andhra University - Your D.O.No.59 of 26, dated 29-6-1926.

I am desired to say that His Excellency the Chancellor has considered your argument that, on the analogy of Section 47 of the Lucknow University Act, 1920, it must be held that Section 44 of the Andhra University Act, 1925, operates to prevent students in the Andhra University area who have qualified themselves for the Madras University examinations from appearing for those examinations, from the date on which the Andhra University holds examinations of its own.

2. I am to explain that His Excellency the Chancellor finds some difficulty in accepting your view for the reasons mentioned below:--

Section 47 of the Lucknow University Act casts on the newly established University the responsibility for holding examinations during the transitory period for students who had qualified themselves for the examinations of the Allahabad University.

Section 44 of the Andhra University Act places no such obligation on the

Andhra

Andhra University. On the other hand it casts the duty on the Madras University to arrange for and hold examinations during the transitory period for students in the Andhra University area.

Further, while the Lucknow University Act specifically limits the period during which the Allahabad University shall hold examinations to the interval between the commencement of the Act and the date when the Lucknow University provides examinations, the Andhra University Act contains no such provision. It leaves the period in question to be prescribed by the Statutes. The effect of this seems to be that the right of the students to appear for the examinations held by the Madras University will subsist for the period to be prescribed by the Andhra University authorities.

3. The most urgent question for the moment is about the examinations to be held in September and October. In regard to these, the best course from every point of view - legal and administrative - is for the Andhra University to abandon the idea of separate examinations. The feasibility of joint examinations is one for you to decide in consultation with the Syndicate and the Vice-Chancellor of the Madras University. A personal consultation is obviously desirable as an early settlement has to be reached in the matter.

4. The more important question as regards the examinations to be held early in 1927 is bound with others relating to reciprocal recognition of examinations by both universities and other cognate subjects. These matters should await a comprehensive examination by the newly constituted authorities of the Andhra University, with a view to negotiations being entered into with the Madras University authorities. In the meantime the legal questions at issue will be elucidated in consultation with the Advocate General.

Yours sincerely,

To

M.R.Ry. C.Ramalinga Reddi Garu,
M.A. (Cantab),

Vice-Chancellor, Andhra University,

Bezwada.

Please see the Secretary's note on page 33 ante and paragraph 4 of the D.O on pages 35-37 ante.

A draft memo to the Advocate General is submitted for approval.

22.7.26. 22.7.26 25/7 24.7

M 3-4 cf. Memo No. 1783C-1 & 26.7.26

p.5 cf. C. 2420 C - from the Govt Solicitor Cp. No. 119 & 31.7.26.

p.5 cf The Advocate General agrees in the view expressed in paragraph 2 of the D.O on pages 35-37 ante.

His opinion may be communicated to the Vice-Chancellor.

A draft D.O is submitted. It has to be issued by the P.S.G. The file may be sent to the P.S.G. through M 2

5.8.26. 5/8 V.TK 6/8

Edit & print up relevant important portions V.TK 21.8 14/8

Appd M 2

D.O issued. H.E. the Govr P.S. 5.

E.C. Smith Edit P. Print up 18/8. 17.VIII.26.

RECEIVED 20 AUG 1926 APP DEPARTMENTS

(32)

Confdl

pp 35-37 ns.

DO.

My dear Vice Chancellor,

In continuation of my DO, dated the 18th July 1926 on the subject of joint examinations by the Madras University and the Andhra University, I am desired to communicate to you a copy of the Advocate General's opinion No 119, dated the 26th July 1926 on the legal questions raised by you.

Yours sincerely

p. 5 cf.

5.8.26.

V.T.K

6/8

To

Mr. C. Ramalinga Reddi,
Guntur, M.A. (Cantab)
Vice-Chancellor, Andhra
University, Bezwada
(with a copy of the
Adv. Gl's opinion)

p. 5 cf.

GOVT
17 SEP 1926

The more important portions of the notes and the current file have been printed. The papers may be

1785 D/14.9.26
Recorded.

Order / nisi

University

Andhra – candidates who appeared for the Madras University examinations and position right of the Madras University to hold examinations recorded.

8.9.26. 10.9.26

1929