

Educational (1900) Department.

ORDINARY MS.

G.O., No. 85

DATED 18. 2. 01

INDEXED.

[Despatch Abstract.]

Informing the High Court that if a special representation is made on behalf of Abdur-Rahman Sahib Arabi, he will be exempted from the Ex⁴/₂ rules.

BACK PAPERS.

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

FURTHER PAPERS.

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

3,000-5-11-00.

Edl
Judicial (190/) Department.

CURRENT No. *109*

CURRENT NO.
0286
JUDICIAL

From

[Name] A. L. Hannay, Esquire, I.C.S.,

[Designation] Registrar of the High Court of Judicature

[Station] MADRAS.



Ref. on Cur. No. 2911 of 1900.

Dated 18th January 1901.

Enclosures Two.

Received 22 - 1 - 1901

Registered 22 - 1 - 1901

Edl 28.1.01

SUBJECT.

Forwarding for orders an application from the 1st Clerk of the District Court of Chingleput together with a copy of the District Judge's letter forwarding the same.

BACK PAPERS.

*By 149 in 2723-3-00
269 in 76-7-00*

FURTHER PAPERS.

Edl 19/2

Ref on memo. 2911. 2

To

The Chief Secretary to Government,
Judicial Department.

Honourable Sir,

I am directed to forward for the orders of His Excellency the Governor in Council an application from Abdul Rahman Arabi, 1st Clerk of the District Court of Chingleput, relating to the interpretation of the --- Public Service Notification so far as it applies to the post of Record-keeper of the District Court, together with a copy of letter No. 1415, dated 22nd December 1900, from the District Judge, forwarding the same.

I have the honour to be,
Honourable Sir,
Your most obedient servant,

E. L. Hanway
Registrar.

A. S.

Jan 21. 01.



3

Chingleput.
21st December, 1900.

Set C. Tate Esquire,

Mag. Dist. Chingleput.

Thro. The Chingleput.

Most Respected Sir,

Registered
it
being time
when he is
20.12.00

20.12.00

20.12.00

With due respect and profound submission I humbly beg to submit the following lines to your Honour's kind consideration and favourable orders.

That I am a descendant of the 1st Caliph in Mecca. That my forefathers were receiving a liberal allowance from the then Sultans of Turkey. That my connection with His Presidency commences with my grandfather who being greatly admired for his great attainments in Arabic literature, came to India as an adventurer. The then ruling nabob of the Carnatic family Azamza Bahadur detained him much against his will and granting him every indulgence and liberty offered him a high post in his own levee and paid him out of his own Treasury.

I beg to state that my father was granted a Carnatic stipend for the faithful services rendered by my grand-father and he commuted the same under the existing rules to a permanent gratuity. The Capital was invested in different trade-actions which proved a failure. In these circumstances I was educated so far as to enable me to get a footing under the British Government.

I further beg to state that I was employed in various capacities in the Revenue, Salt and Police Departments and at present hold an appointment in the Judicial Department. In consideration of my noble descent and the pittance of pay, which is scarcely enough to maintain me and my family Mr. McCarthy the then District

district Judge, strongly recommended me for the post of the Deputy Superintendent of the Reformatory School, Chingleput in which I failed.

I beg to state that I have passed the General Test and Precise-writing Higher Grade Examinations and am conversant with English, Telugu & Tamil. I beg to enclose Copies of testimonials as to my abilities and good conduct.

Should I be so fortunate as to be successful in getting the Record Keeper's place, under your patronage, there will be nothing wanting on my part to discharge the duties entrusted to me to your Honour's entire satisfaction.

For this act of kindness and benevolence I shall, as in duty bound, ever pray for your Honour's long life and prosperity.

I beg to remain
Most Respected Sir,
Your Honour's most obedient Servant.

As to the Examination Rules I made a note hereunder.

The Special Test and Public Service Notification was originally brought to light in 1891 to take effect from 1894. That Notification prescribed tests for certain posts to which tests were not prescribed before. In that a concession was given to men in public service who were enlisted before 1894 by saying that persons who were qualified for appointments under the then rules would be duly eligible for promotion. Now under the rule existing prior to 1891, Precise Higher was the only test prescribed for

for the Record Keeper's post and so was qualified for Record Keeper under that rule. Perhaps it may be said that in the light of the new Circular of the High Court reversing Raghava Chari from Nazir's post, that old rule does not hold good. This objection is more imaginary than real.

En Do
No 461
20.7.1900

For: (1) The Circular now received does not touch Record Keeper's appointment.

(2) It touches only Head clerk & Nazir's post.

(3) When there was a question about Head clerk's appointment, Nazir's post too was included in that Circular which shows that Record Keeper's appointment was not at all thought of appointment of (4) and above all the Record Keeper is unlike the appointment of Nazir and Head clerk where a technical knowledge of law is required.

I would surmise that it may be said that the Circular applies to Record Keeper's post in an analogous way but for the matter of that it may be quoted here that when a reference for a similar analogous case was referred to High Court

about

present post.

(Sd) Mc-Carthy
Dt & Sec. Judge
Chingleput
6-4-1890

Endorsement on the application
for the post of Dy. Supdt
Rif. School, Chingleput.

The writer of this has my
permission to make the appli.

Calcutta. He has worked to
my satisfaction during the
time I have been here & I have

x no doubt he would do well
in the post he seeks.

(Sd) S. J. Mc-Carthy
Dt & Sec. Judge
24-2-88

5. Abdul Rahman Arabi has
my permission to apply for
an appt. in the Recd. & other
Departts. He has satisfac-
torily discharged his duties

(Sd) J. W. Best
Dt Judge

Chingleput
27th Jan 1892

Copy of letter from the Ag. District Judge of Chingleput, No.
1415, dated 22nd December 1900, to the Registrar of the High Court
of Judicature, Madras:-

I have the honour to request the opinion of the High Court
on the following matter relating to the interpretation of the --
Public Service Notification.

2. The Translator of my Court having been appointed Head Clerk
of the City Civil Court, Madras, on probation for 3 months I have
appointed to the Record-keeper of my Court as Translator on pro-
bation for that period and the 1st Clerk of my Court one Abdul
Rahman Sahib Arabi, as Record-keeper. The only test prescribed
for the Record-keeper's post under the Rules in force prior to 1st
July 1894, was Precise-writing and the 1st clerk has passed that --
test. Under the Rules now in force, the Record-keeper in any --
Court other than the High Court drawing a salary of Rs. 50 is ---
required to have passed the Translation Test, Lower Grade, and --
Precise-writing also where his salary is 60 and above. The 1st
clerk has not passed the Translation Test, Lower grade, and that
Test is not, in fact, prescribed for the post of Record-keepers in
the High Court.

3. Again the Proceedings of the High Court, Dis. No. 461, dated
20th July 1900, refer only to the post of Head Clerk in a District
Munsif's Court and the High Court had to cancel recently an ---
appointment made to the post of Central Nazir by this Court, ---
following the ruling of the Government quoted in the said Pro-
ceedings (Vide Dis. No. 614, dated 9th September 1900).

4. I am not quite sure if the order of the Government embodied
in the High Court Proceedings applies to the post of the Record-
keeper also in Courts other than the High Courts. The whole of
the Registrar's letter is not quoted and there may have been --
special reasons for enforcing the said tests in the case of Dis-
trict Munsifs' Head Clerks. There is further no apparent reason

10/

why the same test prescribed for the post of Record-keeper in the High Court should not be sufficient for the post of Record-keeper in Courts other than the High Court. As a matter of fact, no test is prescribed for the post of Record-keeper in the High Court ^{where} ~~where~~ the salary is below Rs.60.

5. The 1st clerk has passed the late General Test and Precis, Higher. He knows Tamil and Telugu also though he has not passed the Translation test. He is reported to be a very useful clerk in my office and the Record-keeper's work is seldom required to translate any papers. I forward his application which shows that he is a Mahomedan deserving of special consideration.

6. I have therefore appointed the said 1st clerk as Record-keeper - sub. pro tem. and refer the matter for the opinion of the High Court; and I have further the honour to request that if my action be held not correct the Government may be moved to exempt my 1st clerk from passing the Translation test, Lower Grade, seeing that no test is prescribed for the post of Record-keeper in the High Court when the pay is only Rs.50 and only Precis-writing is prescribed when the pay is 60 and above and because the clerk is a deserving officer of unblemished and trustworthy character who has passed the Precis-writing Test.

Handwritten signature and date
Jan 21. 01

1901...
Ind. Dept.
Enclos. No. 2
To
C. No. 286

2/107

Indraai Department

[ct 286] From the High Court Rec No 294 of 18-1-901

Endorsement: No: 132, dated 25th January 1901.
Transferred to the Educational Department

Handwritten signature
Assistant Secretary



Handwritten initials and date
SKG
24/1-01

2
The Educational Department.

C. No. 107

SUBJECT

Translation test, lower grade.

FOR ORDERS

H Under article 5 and schedule B [page 7] of the public service notification, a candidate for the post of record-keeper or clerk on Rs. 50 and upwards in the correspondence department of any court other than the high court should have passed the translation test, lower grade. The district judge of Chingleput has however now promoted to the post of record-keeper of his court (one ^{ur-Rahman} ~~Abd. al Rahman~~ ~~sahib Arabi~~) who has not passed this test. The district judge thinks that as the test was not prescribed for the post under the rules in force prior to 1st July 1894 and as ^{ur-Rahman} ~~Abd. al Rahman~~ was qualified for promotion under those rules, the fact of his not being qualified under the present rules should not stand in the way of his promotion. He is not also sure whether the ruling in G.O. no. 269 Est., of 6th July 1900

I

is applicable to this case. Morones, translation lower, he says, is not required for the post of record-keeper in the high court.

2. If however, the view taken by him is wrong, he requests that Abd-al Rahman may be ^{especially} exempted as he is reported to be a useful clerk and is a musulman deserving of special consideration.

3. It is submitted that the district judge is wrong in supposing that the translation test, lower grade, was not wanted under the old rules for the post of record-keeper. In the notification on pages 179-185 of the Fort St. George gazette of the 10th August 1869, this is prescribed as a qualifying test for the post. Even otherwise under the ruling in G.O. no. 269 Est., of 6th July 1900, it is necessary for Abd-al Rahman to pass the test before he can be ~~become~~ ^{eligible for} promoted to the post of record-keeper.

4. It is however for consideration whether Abd-al Rahman should not be special-ly exempted as he is a musulman and is said to be a deserving man.

²¹ Draft Reply as at A, stating that if a special representation is made

Portion marked into tape.

I

A

in regard to Abd-al Rahman, Govt. will take it into consideration.

LA

MS

14. 2. 1

A draft is placed below.

²¹ 14/2/11

may issue with H.H.'s approval.

MS
14/2/11

14. 2. 1

” ” ” ” ” 190

READ ALSO:—

C. No. 107, From the Judicial department, No. 132, dated 25th Jan'y. 1901.

” ” ” ” ” ” 190

" " , " " , " , " 190

2008/16/2/1

ORDER No. 85, dated 18.2.1901

Mis

I

Under the ruling contained
in G.O. n^o. 269 Ed., of 6th July 1900
it is necessary for 'Abd. ur-
Rahman' sahib arabi to pass
the translation test, lower, before
he can be promoted to the
post of record-keeper. If how-
ever the High Court ^{should desire to} ~~can~~ make
a special representation in regard
to him, Govt. will be prepared
to ~~take it into consideration.~~
entertain it favourably.

74/21

14 $\frac{n}{d}$

CHAP

14.2

This G.O. will I suppose ~~not~~ be sent with the usual covering letter or other formality.

This is an absolute
rule & I

16.222

The Hon'ble the Chief Justice

with cash or ratio

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

190 .

READ AGAIN G.O., No. _____, DATED
 190 .

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

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