[E.]

500—1-8-05.

Educational (1904) Department.

ORDINARY MS.

G.O., No. 114

DATED 19-2-04

1

78

INDEXED.

[Despatch Abstract.]

Petition

Rejecting the appeal from V. R. Venkataramana Aiyar, late Sub-Assistant Inspector of Schools against the order of dismissal passed upon him by the late Director of Public Instruction.

BACK PAPERS.

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

FURTHER PAPERS.

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

Ec 804/04 p 285/04 Secy

Ec 1935/05

Wl Ed please let me see file about one T R Venkatarama Aiyer whose appeal I noted on 2 years or so ago. He was an Asst Surgn in S Arcot dismissed by ms-G H Stuart

RLP 19 XI 05

Submitted.

RLP 20/11/15 20/11/15

Returned with thanks

RLP 20.XI.05

PTO

Stock Form No. 127
2,000—12-2-03.

Educational (1903.) Department.

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CURRENT No. 2106

From

[*Name*] The Hon'ble Mr. A. G. Bourne, D.Sc., F. R. S.,

[*Designation*] Director of Public Instruction,

[*Station*] Madras.

R.C No. Cl. 65/03 *Received* 27 DEC 1903 LOCAL & MUNICIPAL SECRETARIAT 190 (after 3 pm)

Dated 23rd December 1903.

Enclosures 4 files and one appeal with its enclosures. *Registered* 24-12- 1903.

SUBJECT.

Submitting with remarks an appeal from M.R.Ry. T. R. Venkatarama Aiyar late Sub-Assistant Inspector of Schools, Tindivanam Range, against the order of dismissal passed upon him by the late Director of Public Instruction.

BACK PAPERS.

FURTHER PAPERS.

To

The Secretary to Government,

Educational Department.

Sir,

I have the honour to submit for the orders of Government the accompanying appeal from M.R.Ry. T.R.Venkatarama Aiyar, late Sub-Assistant Inspector of Schools, Tindivanam Range, against the order of dismissal passed upon him by the late Director as the result of an enquiry conducted at first by the Assistant Inspector of Schools of the Arcot Division and later on by the Director himself into certain irregularities brought to notice in petitions addressed to the Director, and to the Inspector of Schools of the Southern Circle.

2. The history of the case is briefly thus:--

In March last, a letter, presumably pseudonymous, was received in this Office making certain allegations against the Sub-Assistant. This letter was sent to the Inspector of Schools who forwarded it together with two similar communications received by him, to the Assistant Inspector for enquiry and report. The charges made against the Sub-Assistant, which are given in full in enclosure (B.File I), are two and are briefly stated below:--

(1) that he employed one C.S. Vaidyanada Aiyar a dependent of his office and drew pay for him while the latter was also employed as a teacher in a primary school in Tindivanam; and

(2) that he examined for results grants a school in Nagar in October 1902 though he knew that the school was not in existence for over seven months prior to October, and thus failed to satisfy the conditions for a grant examination.

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The Assistant Inspector on receipt of the letters above referred to, proceeded at once to Tindivanam and thence to Nagar, inspected the necessary records in both places, and after a preliminary enquiry into the alleged facts submitted his report No. 505, dated 6th May 1903 (File III) to the Inspector who thereupon recommended the immediate suspension of the Sub-Assistant. The order of suspension was issued by the Director in his Proceedings No. 2339, dated 12th May 1903 (Enclosure A, File I), and a full report was called for. This, after a fuller enquiry into the case, was submitted by the Assistant Inspector in his office No. 1505-S, dated 12th June 1903 (File III) and forwarded to the Director under cover of the Inspector's letter No. 497/S, dated 18th June 1903 (File II). The Director found that though copies of the complaints against the Sub-Assistant had been furnished to him he was not given a formal statement of the charges. This statement was then prepared in this office and sent to the Sub-Assistant (Encl: B, File I) and he was asked to submit his explanation in writing. At the same time the Director thought it desirable to enquire into the matter himself and he arranged to meet the Assistant Inspector, the Sub-Assistant, and the witnesses at Tindivanam on the 16th July. From the evidence furnished at this enquiry and that given by the Assistant Inspector in his report, the Director was apparently convinced that the charges were true, and he passed the order of dismissal in his Proceedings No. 4663, dated 28th July 1903 (Enclosure C, File I).

3. In his appeal the Sub-Assistant makes certain complaints against the procedure adopted by the inspecting officers in the conduct of the case (paras 2--8). These are dealt with seriatim below:--

Para. 2. [That he was not supplied with copies of all the records bearing on the case (e-g) Bhuminada Mudali's statement before the Director and those of two Supervisors]. He was given copies of all papers of importance. A list of these is given in (Enclosure D, File I). No statements of Bhuminada

Mudali

Mudali or of the two Supervisors referred to as having been taken by the Director are to be found in the office nor is it known to the office whether any such statements were taken.

Para. 3. [That he was ignorant of the charges against him when he was placed under suspension]. He could not have been ignorant of the charges when he received the order of suspension for at the Assistant Inspector's preliminary enquiry which was held before the suspension he was informed of the complaints against him though he was not given at this stage a formal statement of the charges. This enquiry was held on 28th April and he was suspended on 12th May.

Para. 4. [That he was not furnished with the original petitions against him]. Copies of these petitions were sent to him by the Assistant Inspector in his Office No. C.524, dated 26th May 1903 (Enclosure 15 to Inspector's report No. 497 S, dated 18th June 1903, File II). He was several times called upon by the Assistant Inspector to present himself at the office so that he might peruse the records connected with the case, but this he persistently declined to do.

Para.5. [That no explanation in writing was taken from him, his two letters of complaint Nos. S.31, dated 2nd June 1903, & S.39, dated 3rd July 1903, written to the Director having been accepted as letters of explanation]. M.R.Ry. Venkatarama Aiyar's letter No. S.31, dated 2nd June 1903 (Enclosure C of the appeal) was written immediately after the Assistant Inspector's second enquiry and before the latter's report was received in the Director's Office. On the receipt of this report the Director asked the Sub-Assistant if this letter was to be taken as his explanation (Enclosure B, File I). He then submitted his second letter No. S.39, dated 3rd July 1903, (Enclosure D of the appeal) and asked the Director to consider these two letters as Parts I & II of his explanation. Part III that he refers to at the end of his letter (Part II) was never submitted and was unnecessary, as the Director at this stage personally enquired into the case.

Pages 91-107 of file

Pages 109-115 of file

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Para.6. [That the evidence was all taken behind his back, and that he was not permitted to cross-examine witnesses even at the Director's enquiry]. The Assistant Inspector in his Memorandum No. 544, dated 1st June 1903(Enclosure(g) to Inspector's report No. 497/S, dated 18th June 1903, File II) informed M.R.Ry. Venkatarama Aiyar that he was at liberty to cross examine the witnesses himself, but no pleader or clerk would be permitted to assist him in the preliminary departmental enquiry, that his request to be furnished with the original complaints could not be granted, and that any records he might wish to refer to would be placed at his disposal at the office. M.R.Ry. Venkatarama Aiyar replied that he was not in a fit state of mind to cross examine the witnesses, and that he should be given a list of the witnesses with copies of the statements already given by them, and permitted to engage a certificated Vakeel to conduct his defence. It is not known in this office whether the Director allowed him to cross examine the witnesses during the Director's own enquiry at Tindivanam.

Para.7. With reference to the various statements made by him in this paragraph I would make the following observations:-

(1) Appasamy Aiyar is the Supervisor of Primary Schools, Tindivanam Taluk, and appears to have been the proper person for the Assistant Inspector to have taken to Nagar to help him in the investigation of the complaints made in connection with the Nagar school.

(2) M.R.Ry. Venkatarama Aiyar was suspended because it was thought that if he remained in office he might tamper with the records and obstruct the enquiry. His letters and his conduct before and after his suspension seem to indicate attempts in this direction. As soon as he knew that the Assistant Inspector was engaged in securing the records and papers connected with his case he began to give trouble by writing vexatious letters. In his No. 830, dated 3rd May 1903, (Enclosure I-a to the Inspector's report No. 497-S, dated 18th June 1903, File II) he complained that Supervisor Appasamy

Appasamy Aiyar whom the Assistant Inspector took to Nagar in connection with the enquiry had absented himself from his office without his leave and wanted to know whether his pay for the day he was away with the Assistant Inspector was not to be disallowed. This was before he gave over charge. After the preliminary enquiry a memorial purporting to be from some persons at Nagar stating that the school there had not been closed was received by the Inspector (Enclosure R to the Assistant Inspector's report No. 1505-S, dated 12th June, File III). Another one was received in this office asking for the immediate transfer of M.R.Ry. M. Singaravelu Mudaliar, the Assistant Inspector from the division(Enclosure E, File I). It appears probable that these were instigated by M.R.Ry. Venkatarama Aiyar or his friends. M.R.Ry. T.R.Venkatarama Aiyar received the order of suspension on the morning of the 16th May(Encl:(a) to Inspector's report No. 497-S, dated 18th June 1903, File II). In it he was required to hand over charge to his clerk --- immediately. He did not do so until the evening of the 18th. He asked his clerk to give him a statement to the effect that he received charge of all the papers from him. But as M.R.Ry. T.R.Venkatarama Aiyar had from time to time taken papers from the office and returned some and retained others the clerk refused to commit himself to a statement of that kind. M.R.Ry. T. R. Venkatarama Aiyar refused to give over charge to the clerk unless he gave him such a statement. The latter therefore asked him to hand over charge to the Assistant Inspector who was at the station then. But he refused to do this either. A compromise was eventually made the clerk consenting to write the words "as far as I know I have taken charge of all papers from him". At about 5-45 P.M. on the 18th he gave over charge to the clerk. Vide enclosure(b) to the Inspector's report No. 497-S, File II.

(3) M.R.Ry. T. R. Venkatarama Aiyar asked that the enquiry be transferred from the Assistant Inspector on the ground that the latter was prejudiced against him. When this was refused

he

he began to accuse the Inspector also of being prejudiced against him. It was thought unnecessary to transfer the enquiry from M.R.Ry. Singaravelu Mudaliar's hands as it was then practically over and the writing of the report was almost completed.

(4) As mentioned already there is no record of what happened at the Director's enquiry except the evidence of certain witnesses in the Director's handwriting. M. R. Ry. Venkatarama Aiyar's statement that he was ignorant of the charges can hardly be true seeing that he was able to formulate them in his first letter of explanation submitted immediately after the completion of the Assistant Inspector's enquiry. He received copies of the complaints before the second enquiry was held.

Para.8. He here repeats his imputation of prejudice and hostility towards him on the part of the Assistant Inspector. There seem to be no grounds whatever for this belief and M.R.Ry. T. R. Venkatarama Aiyar adduces no facts in support of it. The Assistant Inspector does not appear to have entertained a high opinion of M.R.Ry. T. R. Venkatarama Aiyar and the behaviour of the latter during the enquiry was hardly that of an innocent man.

4. In paras 9 & 10 he deals with the first charge. While admitting the fact of C. S. Vaidyanada Aiyar's dual employment he pleads that he was not at the time aware of it, nor was it possible for him to know it since Vaidyanada Aiyar's work in the school as Drill and Music instructor required him to be there only an hour before 10 and an hour after 3 leaving him thus free to attend office during the usual hours. In regard to these points it is urged by the Assistant Inspector in his letter No. C.505, dated 6th May 1903(File III) that it was well known in Tindivanam that Vaidyanada Aiyar lived with the Sub-Assistant, was fed and clothed by him, and was in fact treated almost as a member of his family. In these circumstances it is

hardly

hardly conceivable that M.R.Ry. T. R. Venkatarama Aiyar was not aware of Vaidyanada Aiyar's employment as a teacher. Further it is pointed out that it was he who obtained this post for Vaidyanada Aiyar and that he so far used his influence on his behalf as to secure the rejection of qualified applicants - Vide enclosures S,T & V to the Assistant Inspector's report No.1505/S dated 12th June 1903--File III. The statement again that Vaidyanada Aiyar was Drill and Music instructor is hardly borne out by the records of the school in the acquittance roll of which(File IV) he is entered as first assistant, the scale of salaries being as given below:--

Headmaster.	₹. 10.
First assistant.	,, 8.
Second assistant.	,, 7.
Third assistant.	,, 5.

His position in the school would seem to indicate that he was entrusted with more important duties than the mere teaching of Drill and Music, and that his attendance at the school must have been in the usual school hours. The statements of the several witnesses at the Assistant Inspector's enquiry show that perfect freedom was given to Vaidyanada Aiyar as regards his attendance at the Sub-Assistant's Office.

5. In paras 11 & 12 he passes on to the more serious of the two charges--the examination of a school that was ineligible for grants. This charge also he meets with an avowal of ignorance. While admitting the fact that the school was closed on the 31st March 1902, he alleges that he was not aware of its non-existence between that date and October when it was examined, and that the evidence on this point as well as on other points connected with this charge, viz, that the registers were concocted documents, and that pupils belonging to other schools were presented for the grant -- examination, is unreliable not having been furnished by independent witnesses. The facts as shown by the records of

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the case appear to be these:--

The Nagar charity school was established in 1896 by one Venkataramanjulu Naidu with Bhuminada Mudali as its teacher on ~~Rs.~~ 9+1/3 results grant. Venkataramanjulu Naidu died in May 1901 and the monthly payment to Bhuminada Mudali then ceased. The latter then took up the school himself as Manager and worked it till the beginning of 1902 when he left for Tindivanam where with the help of the Sub-Assistant he obtained employment in the Victoria Primary school. In March Appasamy Aiyar the Supervisor visited Nagar and found the Nagar school closed (Vide his diary enclosure L to the Assistant Inspector's report No. 1505 S, dated 12th June 1903, File III). In September he again visited the place and no mention of this school is made in his diary in which however an unaided school(Rungasamy Pillai's) is noted (Vide Diary enclosure L to the Assistant Inspector's report No. 1505 S, dated 12th June 1903, File III). On both occasions he was informed by the village munsiff that the Nagar charity school was closed as Bhuminada Mudali had left the place for Tindivanam(Enclosure E to the Assistant Inspector's report No. 505, dated 6th May 1903, File III). In the annual return for the year ending 31st March the Nagar school was returned as an aided school closed(Enclosure K to Assistant Inspector's report No. 1505 S, dated 12th June 1903, File III), and the Assistant Inspector in his report of the 12th June states that Bhuminada Mudali submitted no annual returns in March 1902 and no G application in June 1902. At the time of the tabulation of the G application about the 6th of September the Sub-Assistant suddenly pointed out the omission of the Nagar school from the H list and asked the Supervisor why no G application was received on behalf of the school and was informed that the school was not in existence. The Sub-Assistant then observing that the application might have been sent by post and miscarried, directed Appasamy Aiyar to obtain at once a G application from Bhuminada Mudali who was at Tindivanam and to include the school in the H list.

This is only an inference for his not mentioning it in his diary

Bhuminada Mudali who was sent for came and filled in a G form in the presence of Supervisors and clerks supplying the figures though he had no registers with him and delivered it for ~~the~~ tabulation--Vide statements of Supervisors and clerks(EnclosureN and Bhuminada Mudali's own statement(Enclosure M to the Assistant Inspector's report No. 1505 S, dated 12th June 1903, File III). Bhuminada Mudali had no school at Nagar at the time but in his statement before the Assistant Inspector he says that when he left for Tindivanam he left his school in charge of two men and that it was never closed. This statement is hardly credible seeing that it was because he was unable to maintain his school that he took up employment at Tindivanam. After putting in the G application in which he appears to have entered imaginary figures as is proved by the fact that the figures in the G form(Enclosure I to the Assistant Inspector's report No. C.505, dated 6th May 1903,File III), and those in the attendance register for September 1902(File IV) which is itself according to the Departmental theory and Bhuminada Mudali's admission a concocted document do not tally(see marginal statement), he took three months leave, proceeded to Nagar and revived his school on 3rd October 1902. The registers of attendance appear to have been all written up at one sitting - an irregularity frequently committed by Bhuminada Mudali, as admitted by ~~Bhuminada Mudali~~ him in his statement (Enclosure M to the Assistant Inspector's report No. 1505 S, dated 12th June 1903, File III) and about a fortnight after this the school was examined for grants. Further evidence of the recent revival of the school is given by the pupils who declared that the grant examination took place about 10 days after they joined the school, and their statements are attested by the village munsiff(Enclosure F to the Assistant Inspector's report No. C.505, dated 6th May 1903,File III). Sriramulu Naidu

Standards--G Form.		Attendance register.
Infant.	10 ------	20
First	12 ------	10
Second.	8 ------	12
Third.	4 ------	11
Fourth.	2 ------	..

teacher

teacher of the unaided school at Nagar admits that at the request of Bhuminada Mudali he sent 5 of his pupils to be examined for grant at the Sub-Assistant's examination and received ~~R.~~ 6 from the grant earned--Enclosure G to the Assistant Inspector's report(File III) and enclosure F-(File I) evidence of Rungatham~~a~~ Pillay taken by the Director. The names given by Sriramulu Naidu occur in the Nagar charity school registers for October. Further the entries in the Nominal Roll (Enclosure J,File III) for 5 months from November 1901 to March 1902 do not agree with those in the registers and 6 names appear in the former that find no place in the latter. Again in the H list(Enclosure O,File III) for 1903-04 of the Tindivanam Range, page 2, the name Nagar is inserted between lines 21 & 22 in the handwriting of the clerk showing that it was ~~separately~~ apparently entered under special orders or after the list has been prepared. Finally from the two letters of Ramakrishna Naidu the brother of the deceased Manager of the school, submitted with the Assistant Inspector's supplemental report No. 1524 S, dated 16th June 1903 it seems to be clear that the school was revived on October 3,1902 (bottom of File III). One of these letters is addressed to the Sub-Assistant and was found in the files of his office. If this letter is genuine(and there appears to be no reason to doubt this), it is clear that the Sub-Assistant was aware that the school was not in existence for some time prior to October. It would also appear that he was instrumental in bringing about its revival. All these facts,viz, the entries in the Supervisor's Diaries, the entry in the H list, the non-submission of the G application, the omission of the school in the annual returns, the suspicious appearance of the registers, and the discrepancies between these and the entries in the Nominal Roll, the fictitious figures in the G application taken in conjunction with the statements made by the Village munsiff, the pupils and the other witnesses that were heard and the evidence given in the letter of the Manager above referred to,would seem to afford

conclusive

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But this applies only up to March 02. From april 02 the names appear in the attendance Regr. BSL

The Letters are plainly genuine. But of course it may be that what the writer says is untrue. They are not conclusive evidence. BSL

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conclusive proof that the school was not in existence till a few days before the grant examination began and that the Sub-Assistant was aware of the fact. M.R.Ry. T. R. Venkatarama Aiyar's only explanation of his failure to examine the registers is that he did not suspect any irregularities. This omission on his part was to say the least gross neglect of duty. The registers are obviously in a most unsatisfactory state, and in his evidence taken before the Director M.R.Ry. Venkatarama Aiyar admits that he took no trouble whatever to scrutinise them.

6. The Sub-Assistant refers in his appeal to the fact that no motive has been alleged for his misconduct. In regard to this I may observe that in the petitions in which his irregularities were first brought to notice he is stated to have acted with a view to dishonest gain. He was interested in obtaining employment for Vaidyanada Aiyar as a teacher in order that his pay as temporary clerk might be taken as payment for the latter's support; and his conduct in the Nagar school case may be explained on the supposition that he shared with the Manager the grants earned by the school. It does not appear however to have been thought desirable or necessary to enter into the question of motive. The investigation appears to have been restricted to the facts embodied in the charges.

7. Paras. 13--15 of the appeal are merely recapitulatory.

8. Paras. 16--17. I have no remarks to make on the matters referred to in these paras, except that it appears to me that certificates of good conduct and work given in different circumstances have no bearing on the present case. As regards the past record of the Sub-Assistant I would invite the -- attention of Government to Dr. Duncan's letter No. 10698 dated 16th September 1898 read in G.O.No.709, Educational, dated 14th November 1898.

9. The reports of the Inspector and those of the -- Assistant Inspector together with their enclosures, one

acquittance

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acquittance roll and 7 registers are submitted herewith in original in 3 Files and I request that they may be returned to this office when they are no longer necessary.

I have the honour to be,

Sir,

Your most obedient servant,

A. T. Bourns

Director of Public Instruction.

Original.

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No 48 S.

Tindivanam.
17th October, 03.

To

HIS EXCELLENCY LORD AMPTHILL, G.C.I.E.,
Governor of Fort St. George,
Madras.

Through
THE DIRECTOR OF PUBLIC INSTRUCTION.

May it please Your Excellency,

I beg leave most respectfully to appeal from the order of the Director of Public Instruction dismissing me from the post of Sub Assistant Inspector of Schools, Tindivanam Range on two alleged charges as follows:--

(1) Continuing "to pay as temporary clerk a certain C. S. Vaithinatha Aiyar who was at the same time employed as teacher in the Victoria Primary School, Tindivanam".

(2) Examining "for results grants in October 1902 a school in the village of Nagar near Tindivanam knowing that the school had no existence until a few days before the examination".

2. I beg most respectfully to represent that in presenting this appeal, I am considerably handicapped by not being furnished with copies of all the records bearing on the case; copies of the few papers furnished to me being insufficient to thoroughly represent my grievances. Copies of the statements made by Bhuminatha Mudali before the --- Director of Public Instruction and by two of the three Supervisors have not been granted to me, and being ignorant of the various papers forming the record of the case, I am unable to specify the further papers of which copies have been denied to me. This appeal may, therefore, be incomplete in various particulars; but should the Government of

Your

Your Excellency find it so, I beg that reference may be kindly made to me to enable me to further explain matters.

3. Before dealing with the merits of the charges themselves and of the evidence recorded in support of them, I beg leave to lay before Your Excellency-in-Council, the various serious irregularities in the conduct of the enquiry, the one-sided nature of the same, the harassment to which I was put during its protracted course, how these conspired to prejudice the trial and result in a grave miscarriage of justice. I regret to have to state that before a prima facie case had apparently been made out, and my suspension obtained on grounds which are open to question, I was quite ignorant of what the charges against me were, my repeated requests to be furnished with the same, their nature and source having been refused on every occasion. A recital of the procedure followed by the enquiring officer will convince Your Excellency-in-Council, that I was not accorded a fair trial and that I was convicted and punished without giving me facilities for defending myself.

4. It appears that the Director of Public Instruction received a pseudonymous petition charging me with various crimes and misdemeanours which its author or authors pressed upon the attention of the authorities by subsequent petitions addressed to the Inspector of Schools in charge of the Circle. These petitions (Vide copies enclosed as Exhibit A) formed the basis of the enquiry which resulted in my dismissal. I am sorry to observe that, in spite of frequent and persistent requisitions, both verbally and by means of letters, they were not shewn me; although after a great deal of delay and vacillation, copies of them were granted. But the refusal to shew the originals has, I submit, prejudiced me materially in my defence. The matter is not so trivial as it seems at first sight. My defence is that the

Pages 71-85 infra-

charges

charges are trumpt up ones, and to enable me to establish the same, it was necessary to trace the authors of these petitions and to prove that the very men who were instrumental in thus stabbing me in the dark, have since been equally instrumental either in directly bearing testimony to support them or in procuring evidence for the purpose. There is, I submit, absolutely no reason, why my reasonable prayer --- which I urged time after time should have been refused. But this is but the first of a series of unfair proceedings in the conduct of the enquiry, of which I beg permission to complain, and which, I beg to press, has ended in my unjust --- punishment and ruin for life.

5. Government has repeatedly laid down that when the conduct of a public servant forms the subject matter of an enquiry, the enquiring officer should first formulate the charges against that public servant together with the nature of the evidence in support of them, and then put him on his defence and take his explanation <u>in writing</u> (Vide Extract enclosed as Enclosure B). I regret to mention that this --- wholesome procedure prescribed by Government has been honored in the breach. The show of an attempt at obtaining my explanation was, no doubt, made by the Assistant Inspector, but being denied copies of the evidence recorded against me, and being also required to answer questions off-hand, without the aid of any records and the necessary time for consideration, he himself practically rendered it impossible for me to offer any explanation. Two letters of complaint written to the Director of Public Instruction by me is set down for my explanation (Vide copies of my letters Nos.31.S/2-6-03 & <u>39.S</u> 3-7-03 marked as Enclosures C and D), but they can scarcely be considered as such seeing that they were written in ignorance of the nature of the charges and the evidence in support of them.

Pages 87-89 infra

Pages 94-115 infra

6. It is a well established rule of procedure that no

no evidence may be recorded against an accused person in his absence, unless it is impossible to procure his attendance. But every bit of the evidence on record in this case has been recorded behind my back and without even allowing me an opportunity of cross-examining the witnesses. With every respect for the Director of Public Instruction, I am forced in the interests of truth and justice to state that even he set at naught this imperative requirement of procedure. It is true that there was a paper tender by the Assistant Inspector of certain witnesses for cross-examination, but he would -- neither let me know the offences with which I am accused, nor furnish me with copies of statements made by the witnesses to enable me to do so. These facts are all borne out by the record and if this is so, Your Excellency-in-Council will see that the evidence on record should be held inoperative. The following account of the history of the enquiry will throw more light on the incredible nature of the evidence on which I have been adjudged guilty.

7. The pseudonymous petition charging me among other things, with corruption, with examining a fictitious school for results grant, and with fraudulantly paying as temporary clerk a dependent who was a teacher in the Victoria Primary School was forwarded to the Inspector of Schools who in turn sent it on to the Assistant Inspector apparently for enquiry. Upon receipt of this, that officer called in the help of one Appasami Aiyar, a Board school supervisor working under me whom I made an enemy of, by reporting that he was unfit for duty in that Taluq. The Assistant Inspector was well aware of the fact and the consequent bad feelings he, naturally enough, entertained towards me. Nevertheless, he took him, with what motive has now to be guessed from the manner in which the enquiry was conducted. These two officers proceeded to the village called Nagar, for the purpose it is said, of obtaining possession of the registers &c. of

the

the Nagar charity and other aided schools, to preclude the possibility of my tampering with them, should I know that an enquiry was to be held with respect to the examination for grant of the Nagar Charity School. If this were merely the object of taking Appasami Aiyar, that object could have been achieved by taking me also along with him, as such a course would have while making it impossible for me to tamper with, destroy or suppress them, rendered the procedure immune -- against subsequent aspersions by me. But more had to be done and more was done in the way of taking statements from the Managers and teachers of schools. These statements, it must be remembered, were recorded in my absence but in the presence of one of whose hostility to me there is ample record. Having made them commit themselves to certain statements, to induce them to do which there was present on the spot one who was seeking opportunities to wreak his vengeance on me, the Assistant Inspector came over to my office and took statements from my clerks and others, all without giving me any information. Fortified with these records, the Assistant Inspector of schools gave me a faint idea of what he was about but would not let me see the original petition, nor at first even a copy of it, nor of the statements taken from the teachers, clerks and supervisors, and yet, he would insist on my rendering an explanation offhand in the way of answering his questions. The Director was in the meantime prevailed upon to sanction my suspension, alleging that a <u>prima facie</u> case had been made out, and that the Assistant Inspector and the Inspector apprehended that the annual returns would be delayed if the course suggested by them, viz., my suspension, were not sanctioned. What warrant there was for -- their fears, has yet to transpire. Being by this time convinced that the Assistant Inspector's mind had been poisoned against me, and fearing that both my interest and justice would suffer if he were allowed to continue the enquiry, I

petitioned

petitioned the Inspector in vain for redress and for taking away the enquiry from the Assistant Inspector's hands. The --- Director too was appealed in this connection by several letters copy of one of which (vide Enclosure E)herewith submitted for the kind favour of Your Excellency's perusal. The letter contains an unvarnished account of the improper mode of enquiry, but the only relief I could obtain from the --- Director was a promise that I would be allowed to cross-examine the witnesses---a consolation uttered to the ear, but broken to the hope by the Assistant Inspector who agreed to allow me to cross-examine the witnesses, but at the same time threw every obstacle in the way by refusing to inform me what the charges against me and what the statements of the witnesses in support of them were. It is obvious that without knowing what the specific offences are with which a person is charged and what the statement of each witness relevant thereto is, cross-examination is useless even if possible, and this is exactly the predicament in which I found myself when permission was granted to me to cross-examine the witnesses. The above disclosures would be incredible were they not true, but they are amply supported by the exhibits submitted (Vide Enclosures F, G and H). Practically, therefore, the statements of witnesses on the record are those obtained and recorded in my absence. They were deposed to by witnesses who were influenced by men ill-disposed towards me, and are therefore entirely worthless as evidence, especially because they have not been elucidated or tested by cross-examination. Even the statements recorded by the Director are not free from taint in this wise, as I was not allowed to be present when he examined the witnesses, nor was I allowed to cross-examine them. I may be permitted to state here that these witnesses, having once before made a statement to the Assistant Inspector and having since been produced before the Director under a summons from the Sub Collector as for

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for a revenue enquiry (vide copy of summons enclosed under Enclosure I) they were frightened into believing that if they did not stick to the statements to which they had already committed themselves, trouble would ensue. It is not clear why the aid of the Sub Collector was requisitioned in order to secure the attendance of these men, unless it were to frighten them with consequences as suggested above, especially in view of the fact that the witnesses examined being with the exception of the Village Munsiff, all of them school teachers, and Managers and subordinates of the Educational department, they would have readily complied with an order from the Director to attend his enquiry. The indefensible manner in which I was shut out from the proceedings throughout the enquiry, vitiates the entire proceedings and renders the evidence unreliable and worthless. On these grounds alone, the order appealed against cannot stand.

8. But I beg further to show that the officer who conducted the enquiry was extremely biased against me and that I had not, in consequence, a fair trial. I have already indicated that did he intend to act fairly he should have conducted the enquiry overboard, should have taken me to Nagar village in the first instance when he obtained possession of the registers, or at any rate, he should have abstained from taking with him a subordinate who entertained feelings of animosity towards me. But his subsequent conduct at the enquiry seems to belie any suggestion of fairness on his part, as his reports amply demonstrate. It will be noticed that unless the truth of the allegation in the pseudonymous petition were assumed, there was no necessity for apprehending that I would destroy or suppress the registers &c., or for forbearing to give me any information regarding the enquiry he was instituting. Having started with this idea, there is perhaps nothing surprising in the subsequent behaviour of the Assistant Inspector, in his recording evidence behind my back, in his refusing to allow me copies of the statements of witnesses,

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in his disallowing me access to record and in throwing every impediment in the way of my cross-examining witnesses and rendering explanation. He was in fact the prosecutor and though apparently final orders were passed by the Director on the Inspector's report, both were influenced by the prejudiced and onesided report of the former which at every step discloses his bias. In his report, the Assistant Inspector does not hesitate to use the most violent language in disparaging me and in regard to the character of men who did not give statement in support of his theory, he has something to insinuate. Soon after my suspension and when it was alleged that the Nagar school did not exist, I applied for sanction to prosecute Bhuminatha Mudali, the Manager of the school, for the fraud, if any, practised by him, but the Assistant Inspector misunderstood that the application was to prosecute himself and this circumstance, it is manifest from the report, incensed him and intensified his hostility towards me. In the concluding para of his report, the Assistant Inspector himself says that he was contemplating to report me for objectionable correspondence when the present complaints were referred to him for enquiry. He also says in it that had he disposed of my correspondence, the delay in replying to which I complained of--"It would have gone hard with me much sooner". From the above, his attitude of mind when he entered upon the enquiry might well be gauged, and I submit it was such as rendered him unfit for according me a fair and impartial trial. The result was the series of irregularities pointed out already culminating in a manifestly prejudiced and unfair report, and the unmerited punishment on it of an officer of long service. For the reasons stated, the entire trial is bad and the order based on it cannot therefore stand, but on the merits themselves, I shall prove that a case does not lie.

9. The first charge against me is that I employed

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and paid as temporary clerk one Vaithinatha Aiyar who was at the same time employed as teacher in the Primary School. The half truths which the allegation contains, make the charge read~~ly~~ serious, but when I have fully explained the matter, Your Excellency-in-council will be convinced that I am blameless in the matter. The statement itself is, I admit true, but were I aware of the fact and deliberately allowed it to go on without orders, some blame might be attached to me (I deliberately say only some blame for reasons which I shall adduce later on) but as it was, I was ignorant of the whole matter until after the enquiry into the charge. Vaithinatha Aiyar was employed by me as temporary clerk from 25th October 1901 to 8th February 1902. The period for which he received pay in both capacities extended to 19 days ending with 8th February 1902. In the first place there is absolutely no proof that I was aware of Vaithinatha Aiyar's appointment in the Victoria Primary school, except an inference which my superiors, including the Director, draws from an alleged fact that I was invariably consulted by the Committee and the Secretary of the school, in making appointments. I shall presently show that the premises from which the inference is drawn are incomplete and that the conclusion is therefore necessarily wrong and unwarranted. The Victoria Primary school came into being on the 20th or 21st January 1902 and Vaithinatha Aiyar's appointment in that institution dates from that day. There is some so-called evidence that as the school developed, I was more often than not consulted by the management in regard to appointments, but to argue backwards from that circumstance and to infer that I must have been consulted also in the matter of Vaithinatha Aiyar's appointment is obviously wrong and untenable. It may be that as Vaithinatha Aiyar's term as temporary clerk was about to be over, he took time by the forelock and sought the appointment at the school which he probably knew had just been open-

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opened or it may be that the management of their own accord offered the place to him, as they knew he would be available. But there is not a scrap of evidence to show that I was consulted by either party. Further, on the day on which the school was started, and Vaithianatha Aiyar entered upon his duties at this school, I left for Vellore and could not possibly know anything about it until after my return. His work in my office during the period I was away was to put up references, and despatch papers to my Camp, and to sort papers for preservation and destruction. Having received the papers properly referenced from Head Quarters as usual, and having on my return found that great progress had been made in the sorting of records, there was nothing to rouse my suspicion that the clerk had taken up the appointment in question or for the matter of that, that he was employing his time otherwise. I returned to Head Quarters fully eleven days after and for the remaining eight days since, that is, up to the 8th of February during which he was employed as temporary clerk in my office, he used to attend as usual and do his work satisfactorily. He was responsible for the fair copying and despatch of letters and orders, and for referencing papers. The records of my office will bear out that Vaithinatha Aiyar was, in fact, doing these duties in my office during the above period. What was then the occasion for me to learn or to enquire whether Vaithinatha Aiyar was, or had also been, at the same time employed in the Victoria school during the above period? From the above, it will be clear that I was utterly ignorant of his appointment in the Primary school. Both the Assistant Inspector and the -- Director lay considerable stress on the fact that since -- Vaithinatha Aiyar was really employed in the school, and since the Secretary says that if the former did not do his work, he would not have been paid, it is certain that Vaithinatha Iyer could not have attended office, and that therefore, his absence from office would certainly have been noticed by me.

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But what was Vaithinatha Aiyar's work in the school, no one cared to enquire and find out before these conclusions were drawn. Vaithinatha Aiyar was not employed as a full time teacher, nor was he engaged for the full day, but was employed as drill and music Instructor, and his work at the school did not require his attendance in it for more than an hour in the morning and an hour in the evening. The rest of the time he was not bound to spend in the school, nor did he -- actually do so, as the Director's Proceedings and the Assistant Inspector's report suggest. If the fact of a temporary clerk's absence from the office for an hour in the morning and evening for a period of eight days in February did not attract my notice, I submit there was nothing strange in it. Nor is it a sufficient ground for presuming that I must have been aware of such absence, and being aware deliberately allowed him to do so. I have now shown that there is no evidence, either direct or indirect regarding my knowledge of Vaithinatha Aiyar's appointment in the Victoria Primary school, that as a matter of fact I was not consulted in his appointment, that the inference from the evidence on record that I was consulted in making certain subsequent appointments and must therefore have been so consulted even before, is erroneous, that he did, as a matter of fact, work in my office during the period in question, that being absent from Head Quarters for eleven days from the date on which Vaithinatha Aiyar entered upon his duties in the Victoria Primary school, I could possibly have known nothing of the affair, that his absence from office during office hours for a period of eight days did not extend to more than an hour in the morning and evening, and was not therefore of such long duration as to attract my notice, and that the duties of his appointment in the school did not require long absence as surmised by my superiors. It is evident from the above that I have not deliberately allowed Vaithinatha Aiyar to draw pay as a temporary clerk knowing that he was at the same

time

my

time employed as a teacher in the Victoria Primary school nor had I any means of knowing his engagement there during the period in question; I am therefore altogether blameless in the matter.

10. Granting for the sake of argument that it was with my knowledge that Vaithinatha Aiyar was employed in the Victoria Primary school, and that during that period I allowed him to work in my office as temporary clerk and drew pay, there is, I submit, little that is wrong in the peculiar circumstances of the present case. There is a sum of Rs.45/- sanctioned under temporary establishment charges for the purpose of securing scriptory help at the time of preparation of annual returns ~~and~~ &c. There is no specified appointment to be made, there being no sanctioned scale of establishment. It would therefore scarecely have been improper for me to arrange for getting the work done by piece-work and expend the allotment accordingly. While this is so, there can be nothing objectionable in Vaithinatha Aiyar who was employed in my office in this connection, taking up an appointment elsewhere at the same time. But I have already shown that I was unaware of his being so employed and I am therefore blameless under any circumstances.

11. The next and more serious charge against me is that I examined for results grant, a certain Nagar Charity School, which it is alleged had no existence until a few days prior to the examination. The facts relating to this charge are as follows:-- One Venkataramanjulu Naidu of Madras started a Primary school at Nagar in memory of his father, and employed as teacher of it one Bhuminatha Mudali on a monthly salary of Rs.10/- or so. The school under this man's guidance became popular, but owing to the sudden death of the founder, the pay of the Head master Bhuminatha Mudali fell into arrears. His brother and successor was appealed to for the payment of the arrears and the future conduct of the school, but as the

successor

successor, Ramakrishna Naidu, was unwilling to continue the school and refused to pay the arrears of salary due to Bhuminatha Mudali; he lodged a suit for the recovery of the arrears. The grants earned by the school during the year had not then been disbursed as the registered Manager had died, and as his successor would not accept the responsibility of the school. But as the 31st of March was fast approaching and as the certifying memoranda had to be cashed before that date, so that the amount may not lapse, the matter had to be settled one way or the other. Bhuminatha Mudali therefore wrote to the successor of the registered Manager and obtained an authority from him authorising the payment to him of the amount of the grant, thereby discharging the departmental liability to the manager's heir and successor. On the strength of this letter I got cashed the certifying memoranda and paid the amount to Bhuminatha Mudali on my own responsibility a proceeding I was under the rules competent to do. Meantime a decree had also been obtained for the amount by Bhuminatha Mudali. Despairing of getting a salary, and having had to prosecute a suit for recovering the arrears of pay due to him, Bhuminatha Mudali left Nagar and took upan appointment in the Victoria Primary school, which the Secretary who was also his Vakil in the suit, offered to him. The immediate result of this step was the temporary closing of the Nagar Charity school, but being prevailed upon by some of the locally interested people, he revived the school and placed it in charge of paid teachers, himself continuing as the Head master of the Victoria Primary school. When the Supervisor visited Nagar in March 1902, he found the school closed and returned it as such in his annual return of schools as it stood on the 31st of March 1902. In September 1902 when Return H of schools to be examined for results grants were being prepared, I noticed that the Nagar Charity school which had done well in previous years, did not find a place there. But knowing that the school had been revived under Bhuminatha Mudali, I asked the Supervisor to look

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look into the matter and obtain the G.Form Application. It may be asked why I took the trouble to do this. The reason is that in the case of all schools once brought on the list some explanation has to be offered for their omission from the next list. Supervisor Appasami Aiyar within whose charge the school is situated, went to Bhuminatha Mudali and obtained the G.Form application which was prepared in his presence by the Manager at the Victoria Primary school and handed to him, and not in my office as deposed to by the Supervisors and clerk. But this is a small matter. In the following October, I examined the school in the usual course, without as minutely scrutinising the registers and Nominal Roll with the particulars given in G.Form Application, as I might have done, if I had suspected foul play. About 25 pupils (I write the figures from memory which are therefore subject to correction) were presented for examination, of whom I found about ten ineligible for admission to the examination and passed a still smaller number for grant. What is now contended is that as a matter of fact, the Charity school was not revived but that a few pupils from adjacent unaided schools were collected and fraudulently presented for examination, that the Nominal Roll and registers were concocted documents, and that I set up Bhuminatha Mudali to do all this, for what purpose it is not alleged or suggested in any of the papers forming the record. The evidence in support of these various allegations, is, as already mentioned, unreliable. It is sought to prove that the Charity school did not exist from the fact that in Return No. 4 the same was shown as closed. But this is a return of schools as it stood on the 31st March 1902 and does not go to prove that it was not revived afterwards. To justify me to examine the school for results grant it is enough if the school worked continuously for three -- months before the submission of the G.Form Application and six months before the date of the examination. It is enough therefore, if the school was in existence from May and continued

Rule 61 of Grant in aid Code page 21

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continued to work till October, in which month the examination was held. Thus Return No.4 does not go to prove anything beyond the fact that this school did not exist on the 31st March, a state of affairs admitted by Bhuminatha Mudali, the Manager. The next item of evidence on which much reliance is placed is the circumstance that the registers are in the handwriting of Bhuminatha Mudali who was absent in Tindivanam as teacher of the Victoria Primary school. But Bhuminatha Mudali appears to have been very particular about the neatness of his school registers, and therefore fair-copied those maintained by his teachers. This is Bhuminatha Mudali's explanation for their being in his handwriting---an explanation which might appear disingenous, but which is --- nevertheless true as an inspection of the previous years' registers of the school whose genuineness is admitted, will prove. These registers also look, as if they were written at one sitting by Bhuminatha Mudali. Had he been asked to produce them he would have done so and this would have thrown an altogether different complexion on the matter. It is further contended that the pupils presented for examination are those collected from the unaided school managed by one Rengathama Pillai but under the tuition of one Sriramulu Naidu, a statement from the former being extorted to support the same. Further proof is also adduced by the statement of some pupils who were examined in the above connection. With regard to this evidence, I beg to submit that the statement of Rengathama Pillai who was never confronted with me, (but who had previously given a statement to me) and whose evidence was not subject to any test in the way of cross-examination is not believable for the simple reason that it is extremely unlikely that he would have allowed his pupils to be presented for examination by Bhuminatha Mudali without any benefit to him. In his deposition, he says he never received any portion of the grant and yet he would make believe that he allowed the latter to fraudulently present his pupils. The

statement

Of course he will not admit receipt of any part of the grant, as to do so, would make him a partner in the fraud on Govt.

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statement, I submit, is hardly credible. On the other hand, Sriramulu who is acknowledged on all hands to have been the teacher contradicts Rengathama Pillai and corroborates Bhuminatha Mudali. He states he was employed by the latter, that he marked the attendance on loose sheets of paper which were now and again initialled by Rengathama Pillai who had been desired by Bhuminatha Mudali to supervise this school also as he was away in Tindivanam. As regards the pupils' statements, they may be tutored to state anything. The Village Munsiff, in his examination by the Director of Public Instruction, states "There was no Bhuminatha Mudali's school". Had he been asked whether the Nagar Charity school had been revived after its closure in March, perhaps he would have answered the question in a different manner. As Bhuminatha-Mudali had left Nagar and had been in Tindivanam, it is probable that the local people never connected the school with the Manager's name. It may therefore be that the Village Munsiff was speaking what he believed to be the truth, but it does not conclusively establish that that was the truth. Supervisor Appasami Aiyar says that in the first week of -- September when the G.Form Applications were being tabulated in my office, I insisted upon the fact of the revival and existence of the Nagar Charity school in spite of his remonstrance to the contrary and directed him to obtain a G.Form application therefor. This Supervisor visited Nagar a fortnight afterwards on the 27th of September 1902 and this afforded him an opportunity of further enquiring into the matter and reporting the facts. If, as a matter of fact, the school did not exist, was it likely that Supervisor Appasami Aiyar would have refrained from placing the facts on record by a special report, if necessary, and from protesting against its inclusion in the H. List especially in view of the strained relations between us. It is significant that the authorities have not taken statements from any independent witnesses regarding the revival of this school, save for the one

obtained

obtained from the Village Munsiff. If the Assistant Inspector or the Director had enquired of the guardians of pupils who were presented for the examination or who were borne on the registers of Bhuminatha Mudali and were they confronted with me and their evidence subjected to cross-examination, their testimony upon the existence or non-existence of the school would have been unexceptionable, but as it is, I regret to have to state that the deponants, whose statements are on record, being subordinates of the Assistant Inspector who would rather do violence to truth than risk his good-will, their evidence should be received with the greatest caution. Moreover, I beg leave most respectfully to put to Your Excellency-in-council whether it was probable, that having previously offended the Supervisor by reporting him as unfit for duty, I would have run the risk of creating, in his charge, a school which had no existence in fact, and examine and pay results grant to it in spite of his remonstrance. The results grants earned by this school amounted to only about Rs.30/-. For this paltry sum, supposing the worst namely that I was to have pocketed the whole money myself, would I have deliberately sought the means of forfeiting my service and my appointment, and courted ruin, especially in view of the fact that exposure of the fraud was easy and almost certain, as the Supervisor was out of terms with me and had besides, protested against its inclusion. I submit the whole story is too incredible. If I was actuated by ulterior motives, would I have rejected so many pupils as ineligible for examination, and out of the remaining passed only a smaller number for grant?

12. The charge against me is that I induced Bhuminatha Mudali to fraudulently gather a few pupils, concoct registers, in fact practise deception and earn some grant. This is certainly a grave offence falling within the cognisance of the Penal Code. If the evidence already on record

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is trueand reliable, it ought to stand in a Court of law. Besides there is the confession of Bhuminatha Mudali himself, which, if it were voluntary, is a good piece of evidence -- against him. Why should not the man have been prosecuted for practising this daring fraud, if it were a fraud, and if there is evidence in support of it. That this was not done is significant. For the above reasons, Your Excellency-in-council will see that the story is as improbable as the evidence is incredible.

13. In the foregoing paragraphs, I have shown that the Assistant Inspector who enquired into the charges against me was extremely prejudiced, that he would not at first even let me know what the charges against me were, but would, nevertheless, require me to answer his questions offhand, that he did not, even after repeated requests, furnish me with copies of the statements recorded ~~permi~~ by him or allow me to take copies, that he did not at first permit me to cross-examine the witnesses, and when ~~he~~ finally he did so, he made it impossible to be availed of by keeping me in the dark as regards the charges, and the nature of the statements of the deponants as his own orders submitted herewith (vide enclosures marked F.G. & H.) will prove, that no proper charges with the nature of the evidence in support of the same were either drawn up, or any explanation on them taken as required by the prescribed procedure, that the statements on record being taken behind my back are worthless and inoperative, that even the statements taken by the Director were taken in my absence, so that my presence was from start to finish, altogether excluded from the enquiry, that these irregularities have materially prejudiced me, and are such as to vitiate the whole proceedings. To have held me guilty on the basis of such proceedings and to have punished me with dismissal, was a grave miscarriage of justice and unmerited wrong done to me--a wrong which I beg your Excellency-in-council will right by quashing the order of dismissal and restoring me to office.

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office.

14. Upon the merits, I have pointed out with regard to the first charge, that Vaithinatha Aiyar was not employed at the Victoria Primary school with my knowledge, or after consulting me, that there is no evidence whatever on the point that being away for the first eleven days of the period he was so employed, I could not possibly have known the fact, that having regard to the fact that Vaithinatha Aiyar's duty as drill Instructor and music teacher did not occupy more than an hour in the morning before 10, and an hour in the evening after 3, it was quite possible that his absence in the office for a period of one hour for the brief space of eight days was not noticed by me, that therefore there is no proof whatever that I deliberately allowed him to continue in my office and drew pay, that even granting for the sake of argument that I allowed him to do so there was nothing wrong in view of the fact that sanction was not for a specified establishment, but only an allotment of Rs.45/- for extra help for the preparation of annual returns and the budget &c., and that therefore viewed from any point of view my conduct and action in the matter is entirely free from blame.

15. I have also brought to your Excellency's notice that there is neither reliable nor conclusive evidence that the Nagar Charity school did not exist continuously for six months prior to the date of my examination, that Return No.4 merely proves that the school remained closed on the 31st March, that the fact of the registers appearing to have been written at one sitting is due to reasons explained, that the registers kept by Bhuminatha Mudali in previous years also look as if they were written at one sitting, that his explanation of the circumstance is therefore true, that Rengathama Pillai made one statement to me, in direct opposition to which, he gave another before the Director, that his statement before the latter that he allowed Bhuminatha Mudali to

present

present his pupils for examination knowing it to be wrong, and without any benefit to himself, is incredible, that as against this, there is the evidence of Sriramulu which proves the revival of the Charity school and its existence under his tutorship, that the evidence of the Village Munsiff proves nothing beyond that he knew of no school called "Bhuminatha school", that the statement of the boys is worthless as they may be tutored to say any story, that if it were a fact that the Supervisor protested that the Nagar Charity school did not exist when the G.Form Applications were tabulated, and I maintained the contrary and insisted upon its inclusion in the H.List and the obtaining of the G.Form Application, it was as probable as it was natural that the Supervisor would have, when he visited ~~the~~ Nagar a fortnight afterwards, inquired into the matter and reported the fact, that on the other hand, it was extremely improbable that I would have, in view of the strained relation between the Supervisor and myself, and in spite of his protests, acted in the manner alleged and deliberately examined and passed results grants in respect of a school that did not actually exist, that no motive for my doing so being alleged, it is the more improbable on that account, that even did I wish to fraudulently profit myself by examining bogus schools, the Nagar Charity school being under the charge of a hostile Supervisor, was the last place one would have thought ~~of~~, that therefore the theory of the non-existence of the school and of my setting up Bhuminatha Mudali to get up the show for the alleged purpose is both improbable and untrue. The charge has not, I submit, been made out and I am in justice entitled to an acquittal.

16. I have taken the liberty to invite your Excellency's attention to the manner in which my suspension was obtained viz., upon a vague apprehension that the annual returns would be delayed. Having done this, I was directed to remain at Tindivanam. I then applied for being granted subsistence

subsistence allowance, which was refused. When an officer is placed under suspension with orders to remain in a specified place, it is usual to allow him the means wherewith to live. The rigour of the rules was enforced in my case, but not the corresponding concessions which the same rules provided. This, however, is but one instance of the way in which I was harassed not to mention the humiliations to which I was unnecessarily put during the progress of the enquiry.

17. I have put in about 23 years in Government service, and I am consequently nearing the time of my retirement. It is indeed very hard that during the declining years of my life, I am already 47, I should be deprived of my appointment, ruined for life and thrown adrift in the world, with no means of earning a livelihood--all upon alleged charges which were held to have been substantiated on evidence recorded behind my back, on surmises and wrong inferences. The Director lays some stress on my past record which he does not consider satisfactory from two circumstances referred to in the concluding portion of his Proceedings. Though the Government has laid down that evidence of past misconduct is not admissible, and ought ~~se~~ not to operate in the judgment of cases similar to mine (Vide copy of Board's Standing Orders submitted herewith as enclosure B). I beg to state that whereas it is true that I was removed in May 1889 from the position of Sub Assistant Inspector for alleged direlection of duty, I was restored to office by the same officer on appeal. Soon after the Honorable Mr. C. H. Stuart himself gave me a certificate, copy of which I enclose (marked J) and which will prove that there really was no blackmark. With regard to the contemplation in 1898 to transfer me from the Inspectorate, I beg to state that the same officer since promoted me (vide copy of Proceedings enclosed as Enclosure K),--a fact which goes to show that the transfer was intended on a misapprehension. There has thus been nothing established -- against me in the past, and I therefore beg that in passing

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orders

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orders on my appeal, Your Excellency-in-council may not be influenced by them. Further, on the other hand, my character and work in the Department have been throughout good as the enclosed copies of testimonials will demonstrate (vide Enclosure L).

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18. In conclusion, I beg to pray that Your Excellency-in-council may be graciously pleased to send for the records and peruse them in the light of the representations herein made, to quash the order of dismissal passed and to order my restoration to office.

I beg leave to subscribe,
May it please Your Excellency,
Your most obedient and humble servant,

T. R. Venkatasamiappa

Late Sub Assistant Inspector of schools
Tindivanam Range.

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Cl. 65

Cl. No. 65 f 03

Department of Education.

No. 48 S.

Enclosures. 12. (Twelve)

Dated 17-10-03
Despatched 19-10-03
Received

Subject.

Submitting appeal against the order of dismissal passed by the Director of Public Instruction and praying for the appeal petitioner (T. R. Venkatarama Aiyar) being restored to his office as Sub Assistant Inspector of schools, Tindivanam Range.

Encl 1 2106.

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Enclosure - A. 38

Tindivanam,
13th March 1903.

Foul Play No.1.

To

The Director of Schools,
M a d r a s.

Sir,

The school Sub Assistant Inspector, Venkatarama Aiyar in Tindivanam Division is dishonest and bribe taking and the following is a serious charge against him reported to you for taking immediate action at once. There was a grant school at Nagar in Tindivanam Taluq. Its Manager and founder died in 1901, before receiving grant bill for the school for 1901. There were some objections for giving money to the bill but on Venkatarama Aiyar's responsibility money was paid. He took much pains because he received a bribe of Rs.55. After Manager's death the school grew weaker and weaker and last collapsed about March or February 1902. Its teacher Bhuminatha Mudali closed the school and was employed afterwards in Victoria Primary school, Tindivanam. Venkatarama Aiyar was only the busy member of this school in being over zealous and in his thirst to improve this Hindu school, he plans for the closure of the mission school for he says that one cannot be done without the other. Though Nagar school ceased to exist since March 1902 it was set down for grant examination to 6th October 1902. This was done in December 1901, when the school existed. The school from February to September 1902 existed only in the heated imagination of -- Venkatarama Aiyar. He has examined the school for grant in October 1902 for half the profit.

Foul Play No.2.

Nagar is a village in Tindivanam Taluq. Its founder and Manager died in 1901. After his death the school was made over to the name of the teacher Bhuminatha Mudali. The teacher

teacher kept school for a very short time and as he had not proper income from it he collapsed and closed it in February 1902. On 22nd March 1902 the school Supervisor visited the village but found the Nagar aided school fully closed. He has reported so in his Diary for the month. In April succeeding no annual return was sent to the school either by the Manager or teacher or by any body else. In May 1902, it was classified in the Annual returns under aided school closed. In June 1902 no body sent G. Form to the school for 1903-1904 either to the Supervisor or to the higher Inspectors for it did exist till then. About 27th September 1902 the Supervisor again visited the village but even then the school existed not. He therefore visited a new unaided school, just then started to meet the Educational requirements in the village. This is quite different from the registered Nagar aided school. Its registers numerical strength, manager and school house are everything new and different. The new unaided school registers only are checked by Taluq school Supervisor. In October 1902 this continuously seven months closed school was examined for grant though its registers did not bear the checked initials of the Supervisor. Grant bills issued and passed for payment recently.

Who, why and how the foul play played? In 1901 the founder of the school died. The grant bill was sent in March 1902. The Treasury officers refused payment to this bill. The Sub Assistant Inspector Venkatarama Aiyar strongly compelled for the payment for he took a Bribery of Rs.27 from Bhuminatha Mudali. He further received a bribery of Rs.13 for transferring the school in favour of Bhuminatha Mudali without the consent of the registered manager's heir and without the knowledge of the Inspector of schools. We are told it was accordingly done.

In February 1902 Bhuminatha Mudali asked for a teachership in a Board school as he had no proper income in Nagar

aided

aided school. T. R. Venkatarama Aiyar got him employed and he himself spoke about him in his capacity as a member of Tindivanam Victoria Primary and had him employed in it. Venkatarama Aiyar considered himself to be the only active intelligent member of the Committee and he therefore thursted the Bhuminatha Mudali as its head master, did not care for the words of this factitious member. Bhuminatha Mudali could not pull on long in the school. He therefore wanted T. R. Venkatarama Aiyar to allow him to go back to his village Nagar and revive the long closed school. He had however to remain in the school till the grant examination time which was conducted in September last shortly after Venkatarama Aiyar advised him to take leave from the village and collect the stray boys and make a show of school; for in December 1901, Nagar aided school was posted for grant examination on October 1902 as it existed at the tabulation of G. forms in December 1902. G. form was obtained for 1903-1904 from Bhuminatha Mudali at the hour of the tabulation of G. forms in September last and the three Taluq Supervisors knew how, when and where why was it obtained. Compare the G. form figures with those noted in the Registers for the month and the difference will be plain.

T. R. Venkatarama Aiyar gave the evil advice to Bhuminatha Mudali to go to Nagar in September last after the grant examination of Victoria Primary school and directed him to mark all the balance attendance for months during which the school did not exist in order to have the continuity of -- school course and to have a show school and he promised to examine it for grant in the succeeding month when it w... posted. Accordingly and per his evil advice a ... existed only in the imagination was ushed int... ccomplete register in the hand-writing of B... for the broken period was created in a sir... katarama Aiyar's own house at Tindivanam. ... tant Inspector went to Nagar a few days

and examined the school for grant for half the profit. The grant bill too is issued and cashed. A more treachery by a public servant of a responsible situation cannot be conceived and had as a parallel. The Taluq Supervisor Appaswami Aiyar, clerk Krishnaswami Aiyar and Nagar villagers will testify if Record evidence be not convincing.

Foul Play No. I.

Tindivanam,
14-8-03.

One Vaithianatha Aiyar was a free family servant of T. R. Verkatarama Aiyar, School Sub Inspector, Tindivanam. He was given annually the remuneration of the office temporary clerkship. In 1902, Vaithianatha Aiyar was recommended for the temporary clerkship but before the receipt of orders he was taken as an assistant master in the Victoria Primary school, Tindivanam. He was a pukka teacher in the school during January and February 1903 and has drawn pay for the period (vide the acquittance roll and Teachers' attendance Register).

But M.R.R. T. R. Venkatarama Aiyar has dishonestly drawn pay for the same man and for the same period under the false declaration that he was his temporary clerk in his office in January and February 1903 (vide this office acquittance roll). This is false and imposing. He has cheated the Government with the bad motive of recovering the servant's feeding -- charge. This sort of dishonesty by a big public servant needs prompt enquiry and speedy remedy.

Direct the Assistant Inspector of schools to go to Victoria Primary school without notice and raising no alarm and let the Acquittance Roll and Masters' attendance register of the school be secured first and kept under lock and key. Ask on oath the school Head Master Krishna Row and his office - clerk Krishnaswami Aiyar and the mystery will then be unfold-

ed

unfolded. No time is to be lost for T. R. Venkatarama Aiyar is an active member of the school and will tamper with the important record and we hear he is uneasy now.

Walls have ears and there are wire pullers in all offices. Send this confidentially to the enquiring officer and he -- should also treat it confidential and secret till he makes the enquiry and secure Records.

(Sd) Gnanathikkam.

(True copy)

(Sd) M. Singaravelu.
Asstt. Inspr. of schools.
Ag. in Arcot Dn.

26-5-03

3. P.M.

(True Copy)

T. R. Venkatarama Aiyar

17/10/03.

Late Sub Asst. Inspr. of Schools
Srivaikuntam Range

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Enclosure - A.

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15-4-03.

Tindivanam.

To

The Director of schools,

M a d r as.

Through the Inspector of schools.

Most Honored Sir,

The Tindivanam school Inspector, Venkatarama Aiyar is dishonest. He has with him a young brahmin who is a cook, a temporary clerk and bribe extracting man. In January 1902 he had no employment. Sub Inspector Venkatarama Aiyar appointed him as a teacher in Victoria Town school. A few days after he got sanction for a temporary clerk to his office. He did not appoint any but drew pay for Vaithianatha Aiyar misrepresenting this teacher as his temporary clerk and drew pay for him in December 1901 and January and February 1902. While Vaithianatha Aiyar was not a clerk but was a regular teacher during the period when pay was drawn on misrepresentation as temporary clerk. The Sub Assistant has therefore cheated the Government. The above thing is true. If you compare the Acquittance Roll and Masters' Attendance for the period under reference, the dishonesty of Venkatarama Aiyar will be clear. To find the truth please request the Sub Collector to go unnoticed to Tindivanam Victoria Primary -- school in Perumal Koil street and to take at once the Acquittance Roll and Masters' attendance from November 1901, and then let him have it under lock and key with him. Then let him go to Sub Assistant Inspector's office and take his Acquittance Roll, compare it and when you are convinced that humbug is played, suspend the dishonest Sub Assistant Inspector at once and make the enquiry in full. Pay is drawn in both.

(Sd) Appusamy

(True copy)

(Sd) M. Singaravelu Mudaliar

Asstt. Inspr. of schools.
Ag. in Arcot Dn.

26-5-03.

(True Copy)
T. N. Venkatarama Aiyar
Late Sub Asst Inspr
17/10/03 Kingsmen Range

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Enclosure- A.

18-4- 1903. 44

To

The Director of schools,

M a d r a s.

Through the Inspector of schools.

Sir,

The school Inspector, Venkatarama Aiyar in Tindivanam Division is dishonest and bribe taking from teachers and the following is a very serious charge against reported to you for taking immediate action in the matter.

There was a grant school at Nagar in Tindivanam Taluq and its founder and Manager Venkataramanjulu Naidu died about January 1901. After his death, the school was transferred to Bhuminatha Mudali, its teacher. He kept it for some time and as it was not yielding any income he closed it about Februay 1902 and got a teacher's place in Victoria Primary school, Tindivanam in March 1902. In all returns it was stated as aided school closed. From the time of its closure till September 1902 the little Inspector of the Taluq has gone to the village, four or five times at fair intervals and on each occasion neither was there this old closed school nor any pyal school keeping registers. He says so in his Diary and in his monthly accounts. Even if you enquire him this moment he will tell you the mystery. Such a died school has been examined for grant in October last and grant bill too is prepared by Venkatarama Aiyar for getting the promised bribery of half the grant income this year. The following shows how the contract was settled. Bhuminatha Mudali who closed Nagar school in February 1902 and got a teacher's place in Tindivanam Victoria Primary school did not like to serve there long. He therefore wanted Venkatarama Aiyar to permit him to go to Nagar back and start the closed school but Venkatarama Aiyar gave him an evil advice. He asked him to take leave in Victoria school, Tindivanam and to go

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at once to Nagar (for it was the month of September then) collect all stray boys and sit with them till 6th October 1902 when it was set down in the printed list for grant examination and to give him the lion's share of the Results grant. It was accordingly agreed upon. Venkatarama Aiyar got him leave in Tindivanam Victoria Primary school as he was the very active member of the school who wants to strengthen it at the cost of the Mission school. Thus by his connivance and advice, a dead school was declared as living and it was examined for grant in October last and he had half the profit. Ask the school Supervisor Appaswamy Aiyar, clerk Krishnaswamy Aiyar and the other Supervisors and the mystery will be clear.

Enclosure - A.

(Sd) Ramasamy.

(True copy)

(Sd) M. Singaravelu Mudaliar

Asstt. Inspr. of schools.

Ag. In Arcot In.

26-5-03.

3. P.M.

(True Copy)

T. R. Venkataramanayar.

Late Sub Asstt Inspr of Schools

17/10/03 Tindivanam Range

Enclosure - A.

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~~44~~

Enclosure - B.

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STANDING ORDERS.

of the

BOARD OF REVENUE.

(Vol.I)

133. Enquiries in cases of misconduct:- pp.397.

2. Rules for the conduct of enquiries:-(i) An enquiry in judicial form should precede an order or recommendation for dismissal, or other serious punishment. The charge against a Public servant, whether it be inefficiency or misconduct or any other ground of dissatisfaction should be reduced to writing and communicated to the accused for such explanation as he may have to offer.

(ii) The accused should be brought before the enquiring officer in person, and should be told of the charge he has to meet, and of the evidence and arguments in support of the charge, before he is required to defend himself.

(iii) The evidence, in whatever form received, should be noted and explained to the person charged. All evidence, which, in the opinion of the enquiring officer conduces to moral conviction, is admissible, but the decision should be based solely on the evidence admitted. The accused should be allowed reasonable time to place on record a full written statement for the defence. He should likewise have access to the records in his case, and to all documents which he may wish to consult, provided that no original papers are removed from the precincts of the office on any pretext.

(iv) When passing orders, the authority holding the enquiry should always record in English, in his own handwriting a statement showing briefly but clearly, the charges brought against the accused official, the evidence supporting those charges, the defence put in by the accused in respect of each charge, and the opinion of the enquiring authority on each charge.

3. Previous good Character.- In passing orders consideration should be given to the previous character of the subordinate concerned, and specially to any specific instances of good service that may have been officially noted in his favour. Apart from the question of evidence, it will be good for the Public Service, if subordinates are able to feel that a good character and acts of good service stand them in real stead when their conduct is exposed to question.

4. Previous bad character.- The admission of evidence of previous bad character requires great caution, for if one fault is taken as evidence of another, there is the danger of the first punishment of a small fine expanding by a sort of natural growth into dismissal.

5. Removal on suspicion.- (i) In some cases a compromising suspicion may in itself be sufficient reason for removing a subordinate from the service of Government. If so, it should be stated, and there should be no pretence of proof when there is only suspicion. The subordinate should not be dismissed with disgrace, but allowed to resign, or simply relieved of his office. And in such cases, it is more necessary than ever that the exact case against him should be carefully recorded, in order that he may, if possible satisfy any other employer.

(ii). If a man has earned or nearly earned his pension, his would not be a proper case for removal on suspicion. He would necessarily be an old servant of Government who has reached a time of life when it would be most improbable that he could turn to any other occupation for a livelihood. The sudden beggary of a man whose working days are drawing to a close is as serious an exercise of power as the Penal sentence of a Court of Justice and should not be inflicted on haphazard principles.

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Enclosure - B.

#91 qp

Enclosure - C.

48

No. 31.S
2-6-03.

To

The Director of Public Instruction,

Madras.

Honoured Sir,

With reference to your Honor's Proceedings No. 2399 keeping me under suspension pending the submission of a full report on the charges against me, I most humbly beg to submit the following.
13-5-03

2. On the 26th May 1903 at 3.30 P.M. the Assistant Inspector of Schools sent me after a delay of 10 days three copies of the so-called paper complaints with his C.No. 524 - which do not enable me to understand the charges in the light
26-5-03
of the letter No. 365.S/9-5-03 of the Inspector of Schools Southern Circle based as it was on the original report of the Assistant Inspector of Schools, Arcot Division. In my letter Nos. 15.S/27-5-03 & 16.S/28-5-03 I applied to him for all - papers being furnished to me once for all. I fear M.R.Ry., Singaravelu Mudaliar avergal in his deep grudge towards me may delay the furnishing of the required papers and try his best to prolong my suspension period. The Inspector of -- Schools, Southern Circle by his want of sympathy for a subordinate public servant of my stamp and by his returning all papers appears to be possessed against me and I therefore beg to give the following explanation partly as far as the papers are concerned.

furnished to me (as in the original)

3. With reference to the copies of complaints furnished to me, as far as I am able to see the so-called signatories are only imaginary persons and if the complainants be forthcoming, I am prepared to meet all their charges. The allegations are only imaginary and are put forth with the avowed intention of getting me into trouble. I beg to be allowed to have the originals with a view to find out the authors

if

Enclosure - C.

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if practicable. There are three distinct allegations embodied in the complaints furnished and I desire to meet one at a time.

4. The first allegation is that the Temporary clerk C. S. Vaithianatha Aiyar drew pay for a particular period both as a Temporary clerk and as a teacher in the Victoria Native Primary School, Tindivanam. On the 27th of last month, the Assistant Inspector of Schools took a statement from me on this subject and told me that for 19days only the Temporary clerk drew pay as a teacher also. The enclosed copy of the letter of C. S. Vaithianatha Aiyar dated 19th May 1903 will bear testimony. I was not in Tindivanam for the first eleven days and even after that, I did not know that he had any engagement to the prejudice of his duties as a Temporary clerk in Tindivanam. Had I known that, I would have ordered him to give up either the one or the other. For want of a suitable Temporary clerk in Tindivanam this C. S. Vaithianatha Aiyar who was working as the Temporary clerk in Trichinopoly Girls Range was selected and was required to assist my clerk in office work. As I was moving on tour of inspection and as my clerk also followed me, there was no attendance marking and there were no fixed working hours for this Temporary clerk, He continued to work for a longer period than that for which he was paid. The handwriting of this clerk for the period for which he was not paid can be found out by official communication sent out of the office and by other records. Two persons by name Krishna aiyar and Narayanaswami aiyar were my ~~clerks~~ cooks and this C. S. Vaithianatha aiyar continued only as the Temporary clerk. I beg to submit that I cannot be held responsible for what I am not aware of.

Second allegation.

5. The second allegation is that I received illegal gratification for the amount of grant to the extent of about Rs. 200 that was due to the deceased Manager S. P. Venkatara-

manjulu

Naidu of the S.P.N.Charity School at Nagar having been paid to Bhuminatha Mudali. The untruth of this allegation will be plain by the fact of the decree No. 195 of 1902 on the file of the District Munsiff, Tindivanam, by which Bhuminatha Mudali had a right to receive the full amount of grant. On account of the lapse of a large amount of about Rs.200 not being cashed during the year and with a view to avoid writing explanation for the lapse, I pointed out the decree and recommended the payment of the amount in the name of the decree holder. It is the practice in this Range to recommend the payment of certifying Memoranda standing in the name of a deceased Manager to the right claimant for the amount. There was another case of death of a Manager in Permukkal School and the payment was made in the name of his wife. Further, a copy of the decree has been sent in No. 1017/24-5-02 to the President, Taluq Board, Tindivanam. By virtue of the Court decree, Bhuminatha Mudali was entitled to the full amount of grant and I believe there was also a surplus amount left as being due to Bhuminatha Mudali even after the full amount of grant was paid to him. No favour was shown him excepting the securing of the encashment of the certifying Memoranda within the official year which I was in duty bound to secure.

Third allegation.

6. The pseudonymous petition writers themselves are not consistent and clear about this allegation. They seem to say that the school in Nagar that was examined by me for grant for 1902-1903 had not the qualifying attendance or had no real existence. On this point I beg to state I have been guided mostly by the Nominal Roll and registers presented by Bhuminatha Mudali as Manager of one of the best schools in the Taluq. I halted in Nagar for the night of the day preceding the grant examination. Early morning of the next day, I walked to the aided school in Nerkunam village at a distance of about a mile and ascertained from Rangathama Pillai, the

teacher

teacher and Manager of that school that the school of Bhuminatha Mudali in Nagar was kept up by teachers appointed by him during his absence from the village to conduct a Civil Suit and during his temporary employment in the Victoria Native Primary school, Tindivanam. After finishing the grant examination of Nerkunam school, I came to Nagar accompanied by Rangathama Pillai and his father Shunmuga Pillai. In the presence of these two, my clerks and others the grant examination of the school in Nagar was conducted by me. There were several pupils ineligible for want of attendance and the school earned about Rs.30 which was only about 1/6 of the grant the school used to earn in previous years. As Bhuminatha Mudali used to be very clean and careful in maintaining registers as will be borne out by his registers for the previous years, I did not feel any suspicion regarding the truth of the registers. Further, the very poor attendance of about twenty five pupils as compared with a strength of over a hundred pupils during the previous years coupled with a large number of ineligible pupils did not produce any suspicion in my mind. From what I know of the conduct of Bhuminatha Mudali the people of Nagar and of the history of the Charity School in Nagar maintained by the late S. D. Venkataramanjulu Naidu I believe there was no foul play.

7. The Supervisor Appaswami Aiyar is physically unfit to move about being wanting in eye-sight and hearing. He is very slow in Inspection work and his clerical work is highly faulty. Several reports were sent to the Assistant Inspector of schools regarding his inspection work &c., but no proper notice was taken of the same. It is the practice in the Range for Supervisors of Primary schools to report at the beginning of every month the names of schools registered for grant but which became closed ~~bee~~ before grant examination with reasons for the same. This Supervisor did not report about the school in Nagar having been closed in September or

October

give, if required.

9. The copy of the Mahazar from the residents of Nagar and adjoining villages herein enclosed under exhibit IV will clearly show that the school of Bhuminatha Mudali in Nagar was in existence but M.R.Ry., Singaravelu Mudaliar avergal, B.A during his very short stay and very imperfect inquiry in Nagar failed to find out the truth. I beg to enclose herein a copy of letter No. 9/5-12-02 of Bhuminatha Mudali addressed to the Head Master, Session school, Tiruvannamalai and which is supported by the written statement of the said Sriramulu Naidu to the same Session school teacher in Bhuminatha Mudali's school in Nagar for six months. It will be observed from the above that my examination of the school in Nagar carried with it no foul play. If the Assistant Inspector of schools, M.R.Ry., Singaravelu Mudaliar avergal, on account of his undue favour to his subordinates and strong grudge towards me should have collected unfair and untrue statements that Bhuminatha Mudali duped me, I am prepared to prosecute him before a Magistrate on the strength of records which will be handed over to me.

(as in the original) to the copy where he was a teacher

10. The allegation to the effect that I am one of the Managers of Victoria Native Primary School, Tindivanam is unfounded and untrue. I have had nothing more to do with the school than examine it occasionally like other schools. I have occasionally given my opinion to the Secretary and Members of the Managing Committee on the subject of managing school in accordance with the departmental rules and this I did in obedience to the personal instruction given me by M.R.Ry., M.Singaravelu Mudaliar avergal on the subject of improving Results Hindu Schools in Cusbah stations. The Victoria Native Primary school is only a development of the Komutti street Telugu Results school of Audinarayana Ayah which continued to get grant for several years.

11. On the 27th of last month, M.R.Ry., Singaravelu Mudaliar

Mudaliar avergal took a statement from me regarding the temporary clerk and he said that he did so under the orders of the Inspector of schools Southern Circle. In my letter No. 830/4-5-03 I addressed the Inspector of schools, Southern Circle on this subject but no orders have as yet been received. The intentional omission on the part of this officer to take a statement from me that very same day regarding my grant examination of the school in Nagar may throw considerable light on the premedidated and planned stratagem, to run up to Nagar take a number of unfair statements, and submit such a report as to secure my immediate suspension. In 1901 the very same Assistant Inspector of schools referred to me for remarks an anonymous petition in his No. 2803 S/9-10-01, which I replied in my letter No. 2129/30-11-01. It is not now known why the very same officer failed to refer these complaints to me for explanation before he submitted the report that led the Inspector of schools, Southern Circle, propose my suspension.

12. It is now almost three years since I assumed charge of Tindivanam Range and M.R.Ry., C. Nagoji Rao avergal, B.A., Inspector of Schools, Southern Circle, did not come even once to Tindivanam. I was told that the hurried and imperfect enquiry on the three so-called paper complaints was supplemented by personal report to the Inspector of schools, during his recent stay in Cuddalore for conducting the Practical Test. Had the Inspector of schools himself enquired into the truth of the paper complaints, he could have found out the truth if he had not any prepossession against me or if he had by virtue of his position in life, service and education the evenness of mind at least for the sake of arguement to hear the other side.

13. As a public servant with my sense of duty and eagerness to maintain discipline for the sake of advancing Primary Education, if I should have failed to please all at all times, is that a fault of mine? If malcontents here and there should take advantage of the open strong grudge of the Assistant

Inspector

Inspector of schools against me, is it just that I should be condemned and ruined? The extent to which M.R.Ry., Singaravelu Mudaliar avergal is unjustly favouring the subordinates and enable them to behave in objectionable ways will be seen by the unanswered office Nos. of mine to the extent of over 20 which may be called for at any time.

14. As regards the unjust and cruel procedure I beg to submit that the Inspector of schools, Southern Circle, in his No.450.S/29-5-03 has denied me the very ordinary privilege generally granted to the wounded party in British Administration. My present worth as can be ascertained and as compared with my brother officers will bear testimony to my honesty. I further beg to refer your Honor to school masters and Managers in about 18 districts of the Presidency I have served. On account of a few malcontents who are indirectly supported and favoured by M.R.Ry., Singaravelu Mudaliar avergal it is not just that I should be suspended without the complaints being shown me and an explanation thereon having been taken from me at the first instance. The delay in furnishing me with copies of paper complaints and the refusal in Nos. 445.S/28-5-03 & 459.S/30-5-03 of the Inspector of schools, Southern Circle, to grant me copies of the papers as applied for by me to enable me to cross-examine the witnesses and produce them for the same granted in your Honor's Proceedings No. 2339/03 dated 27-5-03 deserve your Honor's notice. After all I am not informed of any specific charges and even the copy of letter No.365.S/9-5-03 of the Inspector of schools has been denied me not to speak of other papers and statements.

15. As I am kept unjustly under suspension and as it is my interest to clear myself even when I am not made known of the so-called specific charges I beg most humbly to submit this part explanation and pray for the suspension order being cancelled and I be exonerated even from the suspicion cast upon me by my two native superiors without my knowledge.

16.

16. As there are many objectionable course of official irregularities that will also be proved against the Assistant Inspector of schools M.R.RY., M. Singaravelu Mudaliar Avergal and as they all relate to Local Board servants and are being kept by him undisposed of, I beg most humbly to request that I may be allowed to bring them to your honor's notice in self defence for the purpose of proving the strong grudge he bears me. As I am a poor public servant of over 22 years service and as I have served in all Branches of the Educational Department and pleased my superiors mostly Europeans, I most humbly beg to be favoured with early orders on the subject of this correspondence without further opportunity being allowed to my immediate superiors to prolong my period of suspension.

17. As no explanation was called for from me on the three copies of paper complaint furnished to me in C.No.524/26-5-03 of the Assistant Inspector of schools, Arcot Division, and as no specific charges have yet been communicated to me, I have not sent a copy of this explanation through the proper channel.

I beg to remain,

Honored Sir,

Your most obedient servant,

(Sd.) T. R. Venkatarama Aiyar,

Sub Asst. of schools,

Tindivanam Range,

(now under suspension pending enquiry)

(True copy)

Note:

The red ink corrections have been made in the Director's office

T. R. Venkatarama Aiyar

Late Sub asst. Inspr of Schools

17/10/03 Tindivanam Range

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Enclosure - C.

Enclosure - D.

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No. S.39/3rd July 1903.

To

The Director of Public Instruction,

Madras.

Honored Sir,

In obedience to your Honor's Proceedings No. R.C. 3339 1-7-03 I most humbly beg to submit the following "part" explanation in continuation of my letters Nos.S.30/2-6-03, S.31/2-6-03 and beg to solicit the favour of your honour's kind consideration of the salient defects in the course of procedure adopted by my immediate superiors, M.R.Ry.,M. Singaravelu Mudaliar Avergal and M.R.Ry.,C. Nagoji Rao Avergal.

2. The three signatories as borne out by the copies furnished me, are Gnanadikkam, Appuswami and Ramaswami. To the best of my knowledge these are only imaginary and bogus names in Tindivanam as I know of no English knowing person passing by such names. It is not known why the natural course of enquiry regarding the existence or otherwise of the above - signatories did not suggest itself to the enquiring officer M.R.Ry.,M. Singaravelu Mudaliar. Perhaps, he saw that constitutes the offence of forging the names of imaginary persons and wanted to suppress the same in order to shield the real writers of those complaints who are known to him. The intentional omission on the part of the enquiring officer to try his best to trace the authors of the three paper complaints and his denying to show me the original complaints even when repeatedly requested coupled with a lot of circumstantial and recorded evidence will lead one to think that he has had a hand in bringing to existence the pseudonymous complaints in Tindivanam. The malcontent D. Sivaswami Aiyar Supervisor of Schools, Villipuram Taluk in conjunction with T. S. Krishna Rao, the Head Master of the Victoria Native Primary School, Tindivanam, C. Appaswami Aiyar, the Supervi-

sor

Supervisor of Primary Schools, Tindivanam Taluq and P. Krishnaswami Aiyar, clerk of the office of the Sub Assistant Inspector of Schools, Tindivanam Range appear [from the enquiries made by me] to have drawn up the complaints in consultation with M.R.Ry., M. Singaravelu Mudaliar Avergal. All these malcontents have been observed by me to be moving in close intimacy with one another and with the Assistant Inspector of schools, Arcot Division, more especially after my suspension. T. S. Krishna Rao above specified has been helping M.R.Ry., Singaravelu Mudaliar in collecting unfair statements, drafting, and doing office work. Perhaps, the original complaints stand in the Hand-writing of either T. S. Krishna Rao or D. Sivaswami Aiyar or both and M.R.Ry., Singaravelu Mudaliar being afraid of my making out the authors has up to date evaded showing me the original complaints [together with postal covers]. [I beg most humbly to solicit the favour of your Honor's kind consideration of the reason for M.R.Ry., M. Singaravelu Mudaliar avergal not having shown me the original complaints &c.] The above specified four malcontents are referred to as witnesses even by the paper complainants. I have known Sivaswami Aiyar coming very often to Tindivanam during the months of March, April, May and June 1903.

3. In the absence of papers applied for by me in Nos. S.5/23-5-03, S.6/23-5-03, S.7/23-5-03, S.11/25-5-03, S.12/25-5-03 S.15/26-5-03, S.15/27-5-03, S.16/28-5-03, S.17/28-5-03, S.18/29-5-03, S.19/29-5-03, S.20/30-5-03, S.21/30-5-03, S.22/30-5-03, S.23/30-5-03, S.24/31-5-03, S.25/31-5-03, S.26/31-5-03, S.27/31-5-03, S.28/1-6-03, S.33/10-6-03 and S.38/19-6-03 numbering in all Twenty two, I am not able to see how the charges specified in your Honor's Proceedings under reference have been formulated by my immediate superiors. However, to avoid further delay in the disposal of the papers and, in the absence of reference papers, records &c., I beg most humbly to submit that my letter No. F.31/2-6-03

may

The portions enclosed in brackets are not found in the original.

may be considered as part I Explanation for the two specified charges and this letter may be considered as Part II Explanation.

4. Till the moment M.R.Ry.,M. Singaravelu Mudaliar avergal on the 27th April 1903, told me in my office that c. S. Vaidinatha Aiyar drew pay for 19 days in two places as a -- teacher in the Victoria Native Primary School, Tindivanam, and as a temporary clerk, of the office of the Sub Assistant Inspector of schools, Tindivanam Range, I did not know it nor had I any opportunity to know it before-hand since my clerk P. Krishtnaswami Aiyar also failed,perhaps intentionally, to bring that matter to my notice.

5. To the best of my knowledge I ascertained the existence of the S.P.N. Charity School at Nagar and I did not examine the school knowing it to have been closed from 16th February to 3rd October 02. In support of my true assertion that the school in Nagar did exist I beg to reiterate what I have already submitted viz., that the said Bhuminadha Mudali and the said Streeramulu Naidu, Manager and teacher respectively have given written statements to a third party (the Head Master of Sessional school, Tiruvannamalai) that for six months Sriramulu was a teacher in Bhuminadha Mudali's school which is no other than S.P.N. Charity school at Nagar. Under the rules G form application should be received and forwarded by the Supervisors of Primary Schools only if those schools had been in existence for a period of three months prior to the application.

[-Vide Column 8 of the prescribed G form of application.] The Supervisor Appaswami Aiyar received and forwarded in September 1902 the G. form application for the S.P.N. Charity School at Nagar which itself clearly would show that the -- school existed for the required period.

6. As regards the allegation of Nominal Roll entries not tallying with those of the admission and attendance Registers,

I distinctly remember having taken from the Manager a declaration in the " Nominal Roll" to the effect that the entries therein made are correct, I am afraid of the Registers &c. having been since tampered with and beg to be allowed to explain this portion of the charge also, after a reference to the registers &c. It is strongly rumoured here that Bhuminadha Mudali has been persuaded to give certain untrue and unfair statements. (as in the original) Before I look into the entries I am unable to state from memory who made them and I also desire to be allowed to put certain questions to the same Bhuminadha Mudali in case he should have given any statement against the nominal roll entries originally prepared by him and given me under his signature and declaration. I most humbly beg to request that I may be also allowed to cross-examine the witnesses, if any, whose evidence might have been taken behind my back by the enquiring officer, if the charges are based upon the said evidence.

Enclosure-D.

7. I believe my whole correspondence numbering in all 39 will enable any unbiased gentleman to judge of my innocence. If these be not considered sufficient I beg most humbly to request that I may be furnished with all necessary papers and records referred to in Para 3 supra and also return numbers 4 and 7 for 1901-02 referred in Charge 2 (a) of your Honor's Proceedings under report, to enable me to submit further explanation as Part III.

I most humbly beg to remain,

Honored Sir,

your most obedient servant.

(Sd) T.R.Venkatarama Aiyar.

Note:
The red ink Corrections have been made in the Director's office.

(True copy)

T. R. Venkatarama Aiyar.

Late Sub asst Inspn. of schools
17/10/03 Tindivanam Range

Enclosure-D.

59 117

Enclosure-E. 59

No. 30 S.

Tindivanam,
2nd June 03.

To

The Director of Public Instruction,
Madras.

Honoured Sir,

In continuation of my previous letters on the subject of specific charges etc not having been furnished to me, I most humbly beg to state that the Inspector of Schools, Southern Circle, writes to me in all sorts of ways. In one communication, he says that no copies of any letters will be given me. In another, he says that the witnesses cannot be called again for cross examination, as though they were once called and I was given notice of the same. Again in another communication, he says that perhaps the enquiry is practically closed and that I have not availed myself of the opportunity given.

2. He, however, said that I may, if I be anxious, be permitted to attend the office of the Assistant Inspector of Schools and papers be read to me. But the Assistant Inspector of Schools informed me that I may go on with the cross examination without giving me the specific charges and materials for conducting cross examination.

3. In consideration of the strained feelings between me and the Assistant Inspector of Schools and in strict obedience to the spirit of your Honour's Proceedings No. 2399/03 27th May 03 with a view to secure smooth, impartial and just enquiry as regards cross examination of the witnesses, I requested permission of the Assistant Inspector of Schools to allow me to bring an agent and a clerk to help me during the enquiry. He first wanted me to give their names and on my telling him that I intend bringing a Certificated pleader and a clerk that may be available for the day he may fix, he informed me that they will not be permitted during departmental enquiry. In the same communication, he directed me to attend his office for cross -

examining

cross-examining witnesses at 2 P.M., yesterday and I received his order at 11 A.M., without being furnished with the specific -- charges or papers. I wrote to him immediately for being allowed to see the papers and for some time to prepare for the cross-examination. I sent the letter and personally attended the office at the appointed hour.

4. I requested him to let me know the specific -- charges which he said he himself knew not and said that the Inspector of Schools might frame charges lateron. I then requested him to read out his letter which he said he was not -- authorised to do. I then asked him to read the letter of the Inspector of Schools read in the order of suspension to which he replied that he had no copy of the same. He neither tendered the witnesses for cross-examination nor did he give me their statements for my proceeding with the cross-examination. He then directed me to give oral answers to his questions which I was about to note down on paper. He said he had no orders to permit me to take down notes and said that he would submit my letter for the orders of the Inspector of Schools just as he was doing with all my previous letters. I once more requested him to be informed of the specific charges and to be shown the -- original paper complaints which too he said he had no orders to comply with. I then pointed out to him how I have been applying to him for the specific charges and papers almost every day by numbered letters and how I am still kept in the dark as to the specific charges I am called to explain. Though it is now <u>eighteen</u> days after the order of suspension reached my hands and though the Assistant Inspector of Schools has continued to stay in Tindivanam all this time, it has been my misfortune to be kept still in the dark probably with the motive of gaining time to work out a prearranged plan to ruin me. In these circumstances, I have no other recourse than to represent what transpires here to your Honour and await for the favour of just

orders

orders.

I most humbly beg to remain,

Honoured Sir,

Your most obedient and humble servant,

(signed) T.R. Venkatarama Aiyar

Sub-Assistant Inspector of Schools, Tindivanam.

(Under suspension pending the submission of a full report)

(True Copy)

T. R. Venkatarama Aiyar.

Late Sub asstt Inspr of Schools
17/10/03 Tindivanam Range

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Enclosure-E.

Clerk Sub Asstt Inspr of Schools
Tindivanam Range
17/10/03

(True Copy)

(Under suspension pending the submission of a full report)

Sub-Assistant Inspector of Schools, Tindivanam.

(signed) T.R. Venkatarama Aiyar

Your most obedient and humble servant,

Honoured Sir,

I most humbly beg to remain,

orders.

Enclosure-F.

123

From

The Inspector of Schools,

Southern Circle.

To

The Assistant Inspector of Schools,

Arcot Division.

Dated 29th May 1903.
Despd.

No. 450 S

Ref. His No. C.525/26-5-03

x x x x x x x

M.R.Ry., Venkatrama Aiyar should be informed that no copies of any letters could be furnished to him at this stage.

x x x x x x x

(Signed) C. Nagoji Row,

Inspector of Schools,

Southern Circle.

(True extract)

C. No. 536/30-5-03

Communicated to M.R.Ry., Venkatrama Aiyar with reference to his letters Nos. S.13/26-5-03 and S.15/27-5-03.

M. Singaravelu Mudaliar;

Asstt. Inspr. of Schools,

Ag. in Arcot Dn.

30-5-03.

(True Copy) T.R. Venkatramana aiyar.

Late Sub asstt Inspr of Schools

17/10/03 Tindivanam Range

Encl 6/2106

Enclosure – F.

Enclosure - G

63

From

The Inspector of Schools,

Southern Circle.

To

The Assistant Inspector of Schools,

Arcot Division.

Dated 30th May 1903.
Despatched

No. 453.S

C. No. 530/28-5-03

M. R. Ry., Venkataramier's request cannot be complied with.

(Sd) C. Nagoji Row,
Inspr. of Schools,
Southern Circle.

(True copy)

C. No. 539/31-5-03

Communicated to M.R.Ry., T.R. Venkatarama Aiyar, Sub Asstt. Inspector of Schools, Tindivanam Range (under suspension) with reference to his No. S. 16/28-5-03.

(Sd) M. Singaravelu Mudaliar,
Assistant Inspector of Schools,
Ag. in Arcot Dn.

31-5-03.

(True Copy) ----------

T. R. Venkatarama Aiyar
Late Sub Asst. Inspr. of Schools
17/10/03 Tindivanam Range

Encl 7/2106

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if

Enclosure - G.

Encl 8.
2/06

~~64~~
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Enclosure - H.
64

Department of Public Instruction.

From

The Inspector of Schools,
Southern Circle.

To

The Sub Assistant Inspector of Schools,
Tindivanam Range,
(under suspension)

Dated 30th May 1903.
Despatched.

No. 459 S.

Reference His Nos. S.17/28-5-03 & S.19/29-5-03

M.R.Ry., Venkatarama Aiyar is not to dictate to his superiors what they are to do.

The enquiry is perhaps practically closed now and if M.R.Ry., Venkataramier has not given any explanation, it is because he has declined to avail himself of the opportunity which was given him of hearing the charges against him and the statements in support of these charges and of inspecting the records which go to prove the charges. If, however, -- M.R.Ry., Venkataramier is anxious to know now at least what the charges against him are, what evidence there is against him, he may be permitted to attend the Assistant Inspector's office and be told what the charges are and shown the records and statements in support of the charges and any explanation which he may give orally or in writing be submitted.

The witnesses cannot be called again to enable M.R.Ry., Venkataramier to cross-examine them or can the papers he wants be furnished to him now.

C. Nagoji Row,
Inspector of Schools,
Southern Circle.

(Issue copy) 'to be told' has been underlined by C.W. Venkatarama Aiyar, Insp. of Schools Tindivanam Range, Late Sub Asst. Inspr.
17/10/03

Enclosure - H.

Encl 9
21806

Enclosure - I.

C.V. RAMACHANDRA RAO
16 JUL 1903
TAHSILDAR

SUB COLLECTOR OF SOUTH ARCOT

Copy of a
Summons to appear
as a witness before the
Sub collector, S. Arcot, on 18-7-1903.

(Seal) A. D.C, Reilley.
16/7/03. Asst. Collector

(True Copy)

V. R. Venkatarama Aiyar
Lab Sub Asstt Inspr of Schools
Tindivanam Range

17/10/03

TAHSILDAR
C.V. RAMACHANDRA RAO
16 JUL 1903
SUB COLLECTOR
OF SOUTH ARCOT

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Enclosure - I.

Enclosure - J.

No. 1388.

Office of the Inspector of Schools,
Central Circle,
Hospet, 16th July 1890.

From

The Inspector of Schools,
Central Circle.

To

The Inspectress of Girls Schools,
Southern & Western Circles.

Madam,

In reply to your letter No. 3527 dated 9th July I have the honor to say that P. R. Venkatarama Aiyar has been my Head clerk during the two months that I have been in charge of this office, and that his work has been done to my satisfaction. He has accompanied me on tour and has been of considerable assistance to me in the Inspection of schools apart from his ordinary duties as head clerk.

I have the honor to be,
Madam,
Your most obedient servant,
(Sd) C. H. Stuart,
in charge office of the Inspector
of schools, C. Circle.

(True copy)

P. R. Venkatarama aiyar
Late Sub asstt. Insptr. of Schools
17/10/03 Tindivanam Range

Enclosure - J.

Enclosure - K.

No. 2988 A.

Extract from the Proceedings of the Director of Public Instruction, dated 8th March 1899.

Promotions.

The Director resolves to make the following promotions among the Sub Assistant Inspectors of Schools:-

Name.	Range.	Present Class.	Class to which promoted.	Date of taking effect.	Remarks.
M.R.Ry., T.R.Venkatarama Aiyar.	Hosur Range	Probationary class	Third class	1st January 1899	Vice M.R.Ry S.V.Melagiri Rao promoted.

x x x x x x x

(A true extract)

(Signed) D. Duncan,

Director of Public instruction.

(True copy)

(Sd) V. T. Seshadriachari,

Personal Assistant to the Director of Public Instruction.

(True copy)

T. R. Venkatarama Aiyar.

Late Sub Asst. Inspr. of Schools

17/10/03 Dindigul Range

Enclosure - K.

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Enclosure - K.

Enclosure - L.

135

Copies of testimonials of M.R.Ry., T. R. Venkatarama Aiyar of the Educational Department.

I.

T. R. Venkatarama Aiyar has been my head Clerk during the two months that I have been in charge of this office and his work has been done to my satisfaction. He has accompanied me on tour and has been of considerable assistance to me in the inspection of schools apart from his ordinary duties as head clerk.

(Signed) G. H. Stuart,
Ag. Principal, Presidency College
in charge of the office of the Ins-
16th July 1890. pector of schools, Central Circle.

II.

I hereby certify that Mr. T. R. Venkatarama Aiyar, F.A., an Assistant Master in this Institution from March 1880, has attended (with permission) lectures in Chemistry and Botany at the Agricultural College, Saidapet that he takes the Preparatory Matriculation Class in Science and that he has been preparing for the B.A. Degree Examination for the last 3 years.

Government High School, (Sd) Pierre E. Messenier,
Saidapet, 7th July 1885. Head Master.

III.

During the time I was in charge of the Central Circle I was very much pleased with the way in which T. R. Venkatarama Aiyar discharged his duties as Head Clerk.

(Sd) Geo. Bickle,
5th May 1892. Ag. Inspector of Schools,
Central Circle.

IV.

During the short time I have been acting in this Circle, T. R. Venkatarama Aiyar has given me every satisfaction in the discharge of his duties and I consider him qualified for the post of a Sub Assistant Inspector of Schools in as much as he has passed all the tests prescribed for that class of officers and in addition to the above is well aquainted with the office-work of an Inspecting officer.

(Sd) T. T. LOGAN,
Inspector of Schools,
Southern Circle.

22nd February 1892. Ag. in Central Circle.

V.

I have known T. R. Venkatarama Aiyar for a short time as a teacher of the Saidapet High School; he has given me satisfaction both in the performance of his duties and in his general character & conduct.

(Sd) C. W. Burrough
Ag. Head Master
High School,
Saidapet.

July 5th 1880.

VI.

Government High School,
Saidapet,
25th September 1882.

T. R. Venkatarama Aiyar, a trained First in Arts man, is an Assistant Master of this School with which he has been connected for nearly (3) three years.

He is hardworking, painstaking as a Teacher & a young man

man of energy and promise.

I am of opinion that wherever entertained, he will, while upholding the discipline of a class, also make himself a popular teacher.

(Sd) Pierre E. Messenier,
Head Master.

VII.

After Venkatarama Aiyar had been working in this office for 6 months I recommended him for the Head Writership and he was appointed thereto in February 1890 and I am glad to find that he has given satisfaction to the three officers who have acted for me and he seems well acquainted with Educational rulings and Departmental proceedings.

(Sd) John Bradshaw,
Inspector of Schools,
16th May 1892. Central Circle.

VIII.

T. R. Venkatarama Aiyar worked to my entire satisfaction when I was in charge of the Central Circle. I shall be glad to hear of his promotion.

(Sd) T. T. Logan,
Ootacamund, Southern Circle.
23-5-92.

IX.

It would appear from the above comparison that in regard to the number of Schools examined for grant and the number of days spent in camp the Tindivanam Range stands foremost, though

though in respect of Schools examined for improvement and of the number of days spent in the inspection of Schools it is the last &c. &c.

M.R.Ry., T.R.Venkatarama Aiyar, though new to the range worked very hard to clear up arrears of work both of Inspection and correspondence left by his predecessor during his serious illness and examined 276 Schools for grant 15 Schools for improvement and also 2 Girls' Schools specially transferred to him between the 26th of July to 31st December 1900 an uphill task which he accomplished with credit without calling in the aid of a special officer. His work was -- thoroughly satisfactory.

Enclosure -1.

Extract from Proceedings of Director of Public Instruction.

No. 6836.

23rd December 1902.

(True copy) T. R. Venkatarama aiyar

Late Sub Asstt Insp of Schools

14/10/03 Tinnevelly Range

Enclosure – L.

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[E. / 2]

1,590—7-10-03.

EDUCATIONAL DEPARTMENT.

C. No. 2106 From the ~~Director of Public Instruction~~ No 1665, dated 23-12- 1903.

SUBJECT.

Appeal from Venkatarama aiyar, late Sub assistant inspector of Schools against the Director's order of dismissal.

With his letter read above Dr. Bourne submits an appeal from M.R.Ry. T.R. Venkatarama aiyar, late Sub-assistant Inspector of Schools, Tindivanam Range, against the order of dismissal passed upon him by the late Mr. Stuart. The charges against the Sub-assistant were

(1) that he employed one C.S. Vaidyanada aiyar, a dependent of his, as temporary clerk in his office and drew pay for him while the latter was also employed as a teacher in a primary School in Tindivanam and

(2) that he examined for results grants a School in Nagar in October 1902 though he knew that the School was not in existence from 16th February to 3rd October 1902 and thus for Six months prior to the date of the grant examination as required in rule 66 of the Grant-in-aid code, that such examination was conducted although the entries in the attendance and admission regd of the School did not tally with those in the normal roll presented to him by the teacher of the said School

* page 2, Current file also enclosure B file no I

Enclosure B in file no I.

* page 21 of the case-copy printed.

chool, and that some boys belonging to another School were in consequence examined for grant as pupils of the School in Nagar.

2. The file submitted is a Voluminous one and contains a mass of correspondence between the Sub assistant Inspector, Assistant Inspector, Inspector and the Director as well as the records of the enquiry held in the case.

3. Paragraphs 9, 10 and 14 of the appeal – pages 39 to 47 and 61 of the Current file – deal with the first of the charges against the Sub assistant and the Director refers to it in paragraph 4 of his letter – pages 11 and 13 of the Current file. C. S. Vaidyanada aiyar was employed as temporary clerk and as teacher in a private School only for 19 days. The Sub assistant's explanation is that he was not aware of it at the time as he was away from Head quarters for the first 11 days of the period and as during these days as well as during the remaining 8 days Vaidyanada aiyar attended regularly to his duties in the office. Even granting that it was with his knowledge that Vaidyanada aiyar was employed as temporary clerk and teacher, there was, he observes, little that was wrong in it.

From the Director's letter and from the Statement made by P. Krishnaswami aiyar, the Sub assistant's clerk, it appears that Vaidyanada aiyar was living with the Sub assistant whose plea of ignorance

*Enclosure C in file III

AG

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There is also the statement of the same clerk [see End 9 in File III] that the Sub-Asst got Vaidyanada Aiyar his appointment at the school — and a statement to the same effect by the Headmaster of the School [see End 2 in File III]

AG

rance cannot therefore be accepted. It is submitted however that this charge in itself is not a Serious one.

4. Paragraphs 11, 12 and 15 of the appeal – pages 47 to 59 (and pages 61-63) of the Current file – deal with the Second charge and the Director refers to it in paragraph 5 of his letter – pages 13 to 21 of the Current file. The Sub assistant urges that there was neither reliable nor conclusive proof that the School did not exist continuously for six months prior to the date of examination in October 1902. He admits that the School was not in existence on the 31st March 1902 but contends that it was revived afterwards. It is however significant that he does not assign any date to this revival to show that the School remained closed only for a short while and that it was in existence continuously for six months before the grant examination. He also admits that he did not scrutinize the registers and nominal roll as minutely as he might have done if he had suspected foul play, but states that the evidence about pupils from another School being examined for grant as pupils of the revived School is unreliable. Dr. Bourne thinks however that the facts elicited at the enquiries by the assistant Inspector and the late Mr. Stuart afford conclusive proof that the School was not in existence till a few days before the grant examination began and that the Sub assistant was aware of the fact. The admission register shows the

*Enclosure 4 in file no. IV

that there were admissions in april, May, November and December 1902, but none between the 5th May and 10th November 1902. The Director's conclusions may be accepted. There is clear evidence in the Statement made by the Sub assistant before Mr Stuart that he was not giving it in a Straightforward manner.

Enclosure 4 in file no I.

5. The remaining portions of the appeal either point out irregularities in the procedure adopted by the Director in holding the enquiries into the case or refer to the appellant's former good character. The Director refers to these in paragraphs 3 and 8 of his letter. * It is submitted that the explanations given by the Director may be accepted. It seems needless to go into details here — the file is already Voluminous. The enquiry was not a judicial enquiry but nevertheless all possible consideration was shown to the Sub assistant.

* pages 3-11 of the ct file
† page 21, ct file

6. In September 1898 Dr. Duncan wrote about the appellant — "whether such an unreliable officer can be continued in ~~office~~ the public service and, especially, in the responsible post of a Sub assistant, through whom a large sum of public money is spent as grant is open to question. I intend to transfer him to the Scholastic or clerical line on the occurrence of a suitable Vacancy" — vide paragraph 8 of his letter no. 16698, dated 16th September 18 in G.O. no. 709 Educational, dated 14th November 1898. P

He was previously degraded from the position of S-A. Inspector in May 1889 vide Director's Proc.s in File I

"Early in May 1896 Mrs Brander strongly recommended this immediate removal from the girls' range on public grounds" (C.O. P) M

the 8th of March 1899, however, he was, instead of being transferred, promoted from the probationary to the third, class of Sub assistants — Vide page 133 of the current

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current file. It is likely ~~known~~ that the promotion was sanctioned ~~in one of Dr Duncan's weak moments~~ out of mistaken Kindness, since six months is too short a period to enable one to retrieve one's character.

7. In December 1902 the late Mr Stuart wrote very highly of the appellant's work — vide page 141 of the current file. In July 1903 he dismissed him: he would not certainly have done this if he were not thoroughly satisfied of the appellant's bad character, and he made the final enquiry himself. It is submitted that there is enough in the records of the case to show that the man is still unreliable and that he acted as he is represented to have done with a view to dishonest gain. The order of dismissal may therefore be upheld and the appeal rejected.

Pdy

16/1/14 File I contains the record of the D.P.I's enquiry and is important.

File II contains petitioner's voluminous correspondence with his superiors and is only of interest as disclosing the puerility of petitioner's mind. It need not be read.

File III contains two reports of the Asst Inspector showing the results of his enquiries and the documents corroborating the reports. The first and shortest of the reports contains almost all that is of real importance. It is clear that if the evidence is believed Bhuminada Mudali, petitioner's tool,

The 2nd report (100 pages) need not be read: it is almost all recapitulary or irrelevant.

prepard a false statement [the form G, Encl I] with the object of cheating Govt into making him a grant: For orders whether he should be prosecuted under I.P.C. 417, if he obtained the grant - it is not clear whether he obtained it or not. The form G2 can be proved false by comparison with the Nominal Roll [Encl J] and the Attendance Registers (Encl III & IV in File IV) and the village munsiff, the children examined and the teacher of another school [Srirámulu Naidu] who furnished the pupils could be called to show that the school for which a grant was claimed had no real existence. - Petitioner's connivance is well established, but there would be no case against him in a criminal court as it could not be proved that he obtained or attempted to obtain any part of the grant. - Bhúminádu Mudali might in any case be prosecuted for attempt to cheat.

File III contains registers which should properly have been put in File III. Sec[y] My 19.04.

Appellant is a Sub-Asst Inspector, 3rd class, on Rs. 100 p.m. His Service up to 1st Jan 1903 was nearly 23 years, & his age was nearly 46. He is an F.A. & trained. He was posted to the Tindivanam Range on 25th July 1900.

As regards the first charge, appellant admits

the facts, viz. that one Vaidyanatha Aiyer was employed as a Teacher in the Victoria Primary School at the same time as he was employed & paid by the appellant as a temporary Clerk in his Office, but he denies that he knew that his temporary clerk was employed in the Primary School, & submits that, even had he known it, there was no reason why he should not get in Vaidyanatha Aiyer to give temporary clerical help, even tho' he was employed elsewhere. Evidence is, however, adduced[x] to show that Vaidyanatha Aiyer actually lived with appellant, was fed & clothed by him, & got the appointment in the Primary School through appellant's help. The plea that appellant did not know of the dual employment is thus evidently false, & the question is whether appellant might reasonably allow a friend of his, who was employed as a temporary clerk in his office, to take up a post as First asst on Rs. 8 in a primary school as well. Such an arrangement would clearly be objectionable, [illegible] but it will be seen that

Employment as Clerk - Oct 01 - 8 Feb 02
" as Teacher - 21 Jan to 8 Feb 02

[x] para 9 of asst Inspr's Rept of 6th May 03. File III.

the employment as Teacher began 19 days before the employment as Temporary Clerk ceased. Appellant's best defence would have been that, as the Temporary Clerkship was about to come to an end, he allowed the man to accept the Teachership for a few days before the Clerkship was over. If this explanation had been frankly offered, the charge would not - I think - have been weighty; but coupled with the false defence it clearly shows the appellant to be unreliable, & unfit for the responsible post of Sub asst.

The second charge is that appellant connived & assisted at the examn. of a bogus school, wh. was ineligible for grant. Here again Appellant admits most of the facts, viz. that the School was returned as closed in March 1902, that he called for the G Form application* on his own initiative in Oct 1902, that he examd. the school without closely examining the registers - "as he might have done if he had suspected foul play". But he does not clearly state whether there was foul play, & he was ignorant of it, or whether the School was actually maintained & was fairly entitled to examn. & t

* Page 52 of 8th in Aid Code.

the grant (Rs. 30) that was paid to it.

The documentary evidence to prove that the School did not exist is not entirely satisfactory. Of the many facts enumerated on pp. 17-18 of D.P.I. 6 report, none is conclusive. The Attendance Regrs have not been kept fr day to day & have been all written up at one time, but this seems to be a common practice, as other Registers are in the same state. The absence of any mention of the School in the Supervisor's Diary of 21st Sept 02, when he visited the village, may be due to intention, as Appellant had already then ordered the inclusion of the School in the H List. The interpolation of the School in that List, wh is dated 10 Sept 1902 is not of much weight, as the school was admittedly omitted at first & entered on the initiative of the appellant. It is said that 6 names of pupils tendered for exam in Oct 1902 are absent fr the School Attendance Regrs, and this wld be conclusive, if these names were absent throughout fr the Attendance Regr; but they are only absent between Nov. 01 & March 02, & are present between April & Oct 02. The only remaining facts appear from the records ~~of the~~ kept under Educl rules are the discrepancies between the figures of attendan as recorded in the Attendance Regrs & those re-

Encl 5 (3)(4)(5). in File IV

Encls 2 (1) & (2), & 3 File IV

Encl. I in File III

Enclosure O - File III

Enclosure J - File III

File IV

I + J in File III. returned in the Nominal Roll and in the G applicn. That the discrepancies are considerable will be seen fr the comparative figs given in margin of p. 17 of the Director's report. Clearly the figures of one or other of the two sets of records were fudged, & the Appellant failed to notice it.

Apart from the documentary evidence, there is the

Encl. G File I oral evidence of the V.M. of Nagar & of the pupils,

Encl. G. File III } of Srivamulu Naidu, asst in the unaided school at
& Encl. H File I } Nagar, who says he lent pupils for examination,

Encl. F. File i & of Rangathama Pillai, Headmaster of the unaided school, who supports Srivamulu Naidu. The late Mr. Stuart heard these witnesses in person & believed their evidence. There are also the letters of

bottom of File III Ramakrishna Naidu, who says the school was not re-opened till 3?-Oct-02. Taking this evidence with the suspicious character of the records connected with the late school at Nagar, there seems to be suffic grounds for supporting the order of dismissal. It is, of course, unlikely that we have got the whole truth, but that appellant, wilfully or negligently, got a grant of Rs. 30 for a school, wh was not properly entitled is, I think, proved. Appellant's previous character was bad, & his false defence on the first charge is much agst him.

The appeal should, I think, be rejected.

AGL 29.1.04

WM

This is a troublesome case; but the man is evidently not a character whose retention in the public interests be retained in the service. I agree with Mr Carden's conclusions on the several charges. The appeal may be rejected

AGL 17/2

Returned from circ 17/2.
AGL

Please draft orders accordingly.

AGL 17.2.04

The draft placed below is submitted for approval.

AGL 18.2.04

AGL 18.2.04

17/2/4

78

E. 12

1,200—7-1903.

EDUCATIONAL DEPARTMENT.

READ AGAIN G.O., No ....., dated ..... 190 .

" " " " ....., " ..... 190 .

READ ALSO:—

C. No. 2106, From the D.P.I, No. Cl 65, dated 23-12- 1903.

" " ....., " " ....., " ....., " 190

" " ....., " " ....., " ....., " 190

ORDER No. 114, dated 19-2- 1904.

mis

The Governor in Council sees no reason to interfere on behalf of M.R.Ry T. R. Venkatarama Aiyar whose appeal against the order of dismissal passed upon him by the late Director of P.I will accordingly be rejected.

Pty 17/2/4

Al 18.2.04

Dfl 18.2.04

desp 18/2/4

To M.R.Ry T. R. Venkatarama Aiyar
The D.P.I with Enclosures returned

Pto Pty desp 20/2/4

Files I to IV not enclosures to Venkatarama Aiyar's petition.

When given for copying
When copied } 190
When examined
When signed

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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