[Edl. / 6.]

800—15-7-01.

1

Educational (1904) Department.

ORDINARY MS.

G.O., No 499

DATED 11 . 8 . 04

INDEXED.

[Despatch Abstract.]

Petition

Rejecting the appeal preferred by B. Sitaramayya, late Headmaster, Govt Lower Secondary School against his dismissal from the public Service

BACK PAPERS.

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

FURTHER PAPERS.

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

[J./52.] 2,000—29-10-00.

Educational

~~Judicial~~ (1904) Department.

C.E. 1

2

CURRENT No. 1152 ~~2086~~

ASSIST. SECY TO GOVT. LOCAL, REV. & LEG. DEPTTS. JUL. 1904

From

[Name] The Collector and

[Designation] Govt Agent, Godavari

[Station] Cocanada

Ans. / Put up please [illegible] 16/8/04 [illegible] Read 18/8

Placed 20/6 [illegible]

Endorsement No. 2581 d/ 1.7.04.

Transferred to the Educational Department

7/8

15-7

A. G. Campbell

30.6.04

Under Secretary

~~Ref. No.~~ Pet No. 49

Dated 11. 6. 1904

Enclosures 39

Received 1-7 ~~14. 6~~ 1904

Registered 1-7 ~~15. 6~~ 1904

SUBJECT.

Submitting with remarks petition from B. Seetharamayya late Head Master Govt Lower Secondary School Polavaram appealing against his dismissal from service.

BACK PAPERS.

FURTHER PAPERS.

To

The Chief Secretary to Government,

Judicial Department.

Sir,

EJ

GW 14-5-04

TO,

HIS EXCELLENCY

THE RIGHT HONORABLE J. Thompson Esq; M.A., C.S.I., I.C.S.

THE GOVERNOR AND PRESIDENT IN COUNCIL

FORT SAINT GEORGE.

AND THE HONORABLE MEMBERS OF HIS COUNCIL,

THROUGH

THE Collector and Government Agent;

Godavari District;

Cocanada.

May it Please Your Excellency in Council,

The Humble Appeal Petition of Basavarazu Seetharamayya, late Head Master, Government Lower Secondary School, Polavaram; Godavary District now residing at Rajahmundry.

MOST RESPECTFULLY SHEWTH THAT,

1 The petitioner was entertained in the Educational Department in the year 1883, and was at the time of his dismissal on 3—9—1900, the Head Master of the Government Lower Secondary School, Polavaram, Godavary Agency, on a monthly pay of Rs 30, the ground of his dismissal being that the petitioner had misappropriated a sum of Rs 39 sanctioned for the purchase of library and prize books for the school.

2 The circumstances under which Your Excellency's petitioner was dismissed are these:—

That on the report of the petitioner on 21-3-'00, the Agency Deputy Collector on due enquiry, first suspended and afterwards transferred four of the assistant masters, on whose misrepresentations, the Government Agent on the Deputy Collector's unjustifiable recommendation transferred the petitioner to the interior of the malarial tracts of the Agency reducing him to Rs 15 (Vide Enclosure I (a) dated 17—6—'00, and (b) dated 7—7—'00 respectively), and subsequently not only dismissed him for the alleged misappropriation of the said Rs 39 (Vide Encl. II dated 1-9-1900) but also criminally prosecuted him but the petitioner was ultimately acquitted on appeal by the Sessions Judge who reversed the finding and sentence of the Joint Magistrate. In the course of the judgment the Sessions Judge observed as follows:—

p. 13—24 CF

p 25—26 ..

page 27 CF

"That the accused ever used Rs 39 he drew for his own use is *not proved.* The prosecution *has entirely failed to prove the elements necessary to constitute the offence, firstly* as to the accused's actual misappropriation of the money *there is no proof. Even if* G. Narayana Row was not the real person through whom the accused *was getting books, he certainly seems to have been getting books through some one else. The accused therefore appears to have been certainly taking steps to get the books and there is nothing to show that he ever tried to make any one (not even the Agency clerk who inspected the Library)* believe that he had already supplied all the books for which he had drawn the Rs 39" and concluded the judgment thus :—

"What the *prosecution had to prove was actual misappropriation* or *the submission by* accused of a final account or bill or the making of some representation that the money had been properly spent when in fact it had not been so spent. This the prosecution has failed to prove" (Vide Encl: III dated 29—7—01).

p.28-37

3 The following facts and figures also throw light on the petitioner's case.

14—3—1900	Indent submitted.
17—3—1900	Indent sanctioned.
21—3—00	Appellant's report against his assistants.
30—3—00	Bill cashed.
26—4—00	Suspension and transfer of the Assistant Teachers.
From 7—5—1900 to 12—6—1900	School closed for summer vacation for about 40 days, during which recess the petitioner was away from Polavaram.
Between 11—5—1900 and 17—6—1900	Enquiry made by the Agency Deputy Collector regarding his alleged misappropriation &c. &c. &c.

From the above, the petitioner begs to submit that it is highly improbable that the petitioner could ever have misappropriated the said allowance within the short space of about 40 days, especially when he complained against his assistants, *and when he particularly knew that his assistants were consequently bitterly hostile* towards him and petitioned against him to the Agency Deputy Collector. After the indent was sanctioned, the petitioner, as a matter of fact, paid the said Rs 39 *in advance* to one Gandikota Narayana Rao, a contractor and bookseller, who then opened a book-shop at Rajahmundry, and obtained from him *"a duly executed Stamped Receipt"* for the said sum undertaking to supply the petitioner with the books noted in a list furnished to him. The said Narayana Rao supplied some books from his stock and promised to supply the rest immediately on the arrival of fresh books, but unfortunately, the said G. Narayana Rao was induced by the said Assistants to deny all knowledge of the said transaction and was also actuated by fear that he might get into trouble in consequence of the proceedings then being taken by the Deputy Collector against Your Excellency's petitioner.

4 The only charges that were at length formulated against the petitioner are:—

(1) Criminal misappropriation of Rs 39 and

(2) Forging of a receipt.

The latter was abandoned altogether in the Lower Court itself as groundless, as also remarked by the learned Judge in his judgment. The petitioner was acquitted of the former charge in the Sessions Court. Then, it is clear that *there is no evidence whatever in support of either of the charges.* The little that was adduced by the Prosecution was *discredited* by a Competent Tribunal of Justice and the said Agent's order of dismissal is based on the same evidence, which *for reasons stated by the Judge is unworthy of credit.* Therefore, the petitioner is *not guilty* of any misconduct, even in the management of the school, which deserved such a heavy reduction and such an unjust transfer due to the ungrounded and only prejudiced opinions infused in the mind of the late Government Agent, by Mr. A. C. Woodhouse, Agency Deputy Collector who, *from the very commencement,* was against the petitioner being entertained as the Head Master at Polavaram; but for Vernor Alexander Brodie Esquire who favored the petitioner with the appointment reversing on appeal the former's orders enclosed (Vide EnclosureNo IV dated 10—12—1898). p38 CF

5 After acquittal by the District and Sessions Judge, Godavari, the petitioner submitted a petition on 21—10—02 (Enclosure V(a)) to the Collector and Government Agent, Godavari District, requesting him to reconsider the matter and to reinstate him in his former appointment, or, in any other post of equal pay in any of the Schools, which the Government Agent declined to do, on the ground that the petitioner is "weak in the head" and that "his acquittal by the Sessions Court was due to the fact that that Court did not understand the nature of the bill drawn by the petitioner," (Encl: No V(b) despatched 5—11—02) p.39-46 p.47

6 Subsequently, the Inspector of Schools, Northern Circle recommended the cancellation of the order of dismissal and his reinstatement (Encl. VI dated 1—6—03) but owing to the misfortune of the petitioner, the Government Agent was not pleased to do it, but, stuck to his former order (Vide Encl. No VII dated 30—6—03). Furthermore, the petitioner most humbly submits that the Government Agent should have respected the finding of the Sessions Judge and the recommendation of the Inspector of Schools, Northern Circle and reconsidered the matter and restored the petitioner to his former appointment. p.48 p.50

7 The petitioner, who was not weak either in his head or in his body, *grieved* at the new charge of *mental weakness imputed* to him by the Government Agent, *personally and by letter* dated 28—11—03 (Encl. No VIII) begged of him to send the petitioner to a Medical Officer for observation and report as to his mental fitness for service in the Educational Department, but the said Agent was not pleased to grant the petitioner *even* this most *reasonable* and *modest request* (Vide Encl. No: IX dated 21—12—03). p.52 p.53

8 Against the said order of the Government Agent, Godavary, refusing to reconsider the petitioner's case, this humble appeal is now preferred, as the petitioner begs to submit that he had to abandon from this all hopes of attempting at seeking any redress or any favor from the Government Agent, Godavari, and Your Excellency's humble petitioner now most respectfully prays that as the District & Sessions Judge, on a careful perusal of all the papers connected with his case pronounced that there was not a shadow of criminal offence in the affair, and honorably acquitted him of all the charges laid against him, he might be restored to his former appointment, *as it has invariably been the practice of Government to reinstate public servants immediately upon acquittal after a judicial trial.*

9 Ever since his acquittal and dismissal, the petitioner has been making earnest attempts to obtain all necessary copies of his case so far as it related to departmental enquiry at least, for preferring this appeal to Your Excellency ~~the Governor~~ in Council but he was from time to time refused such copies except on payment of heavy search fees and stamps against the express Proceedings No. 3990 dated 30 July 1902 of the Director of Public Instruction, which distinctly states that "no search fees and stamps shall ever be charged for any copies furnished by the Education Department," a copy of which was submitted to the Agency Officers (Encl 1X dated 30-7-02) that after endless delays, prolonged correspondence, and considerable worry, Your Excellency's humble petitioner had to obtain the necessary copies to prefer this appeal at a very heavy expense of about Rs 30 in the shape of search fees and copy stamps and that too but partially (Vide Enclosures X(a) to inclusive) although he was trying his utmost since the receipt of the order of dismissal by him, that is, the 3rd of September '00 for copies of records, and on or about the very date the following orders were passed by the Agency Deputy Collector, Godavari:—

p.54-71

" Petitioner is informed that his commuication will be replied to when orders from the Government Agent are fully complied with," and that "two of the papers are of a confidential nature, and that copies of the same cannot be granted until the orders of the Government Agent have been complied with" (Vide R. C. No 2 of 1900 Con dated 4—9—00 and I74 of 1900 despatched 5—9—'00 enclosed).

p.54-55

10 The above record of the Proceedings against the petitioner clearly shows that the Government Agent and the Agency Deputy Collector were greatly prejudiced against the petitioner and subjected him to serious and unmerited hardships, firstly, on the alleged misappropriation of Rs 39 and secondly on the alleged ground of mental weakness which the petitioner never had, which fact may, if Your Excellency be pleased, be ordered to be verified by the petitioner's subsequent services in the Municipal and Aided Schools, and also by a reference to the Inspector of Schools, Northern Circle, and the Assistant Inspector of Schools, Godavari Kistna Division, Officers who have had a personal knowledge of the petitioner for a very long time, and who will not fail to do justice to him if they are afforded an opportunity to speak of him as they have long been very carefully inspecting his work as a teacher before and since his acquittal.

11 It is a standing rule of this benign British Administration that a person should never be punished more than once on the same charge and subjected to *bis vexari* and the present case presents an unusual exception to the said principle; that the petitioner was made to suffer in several ways and most terribly for this single error or slight omission, *if there be any*, in his attempts to rectify the many drawbacks in the discipline of the school owing to the strong prejudice created by his subordinates who complained of the petitioner's severity against them; that the series of punishments, namely; heavy reduction from Rs 30 to Rs 15, and transfer to Gujjumamidivalasa, the most malarious and interior of the Rumpa Agency, Chodavaram Division; the refusal to grant two months' sick leave although duly supported by a Medical Certificate; his suspension, and while under suspension compelling him to mark his attendance daily in a register kept at that time for the purpose until the Governmentt Agent's orders were received upon the subject by the Agency Deputy Collector, *although an Officer under suspension should as a rule be allowed to leave the station requiring his address if necessary* (Vide Encls. XI(a) 2nd para and (b) Leave Letter, while under suspension) and lastly, dismissal and criminal prosecution, which plunged the petitioner in very heavy expenses & hardships, not to speak of the ignominy, & the grievous distress he underwent in passing through this terrible ordeal, to which the petitioner was subjected, are too hard to be borne, and that the circumstance—that Your Excellency's humble petitioner was forced to accept for fresh and good books some totally damaged and moth-eaten ones and maps in which the portions of the covers and inside pages of almost all the books are greatly eaten away by white-ants and which are all in a quite different condition from which the petitioner originally gave them, as no sufficient and proper care was bestowed thereon—in lieu of Rs 39 also remitted by him—which was paid once again in addition to the payment of an equal amount to the contractor and bookseller (please vide para 3 supra), and that he was further compelled in writing to desist from claiming damages for the same—testifies to what revengeful attitude is taken by the Collector and the Agency Deputy Collector, and that the punishment of dismissal &c., &c., awarded to the petitioner and already suffered is very severe and out of all proportion to the offence charged.

p.72-4

12 The petitioner upon his acquittal, had also fully represented his hard case to the Inspecting Officers of the Education Department, and on their kind recommendation, the Director of Public Instruction was pleased in his Proceeding Dis: N: 1918 dated the 3rd of April 1902 (Encl XII), to permit his being entertained in Board and Aided Schools, and that consequently, he discharged the duties of an Assistant Master in some of the Aided Lower Secondary Schools of this District, and is now holding the Assistant Teachership in the Municipal Lower Secondary School, Rajahmundry.

p.75

13 The petitioner is a trained Matriculate and passed the requisite examinations earning the reputation of a good teacher as would appear from the numerous testimonials (granted to him before and after his acquittal Encl XIII), which will receive their due weight and satisfy Your Excellency as to whether he is competent now to be a teacher, as well as from the prize awarded to him by the Principal, Teachers' College, Saidapet while he was undergoing training there during 1890-91 for the best essay written by him "Upon the impressions produced at the sight of the objects in the Government Central Museum, Madras;", that your petitioner served hard continuously for a period of over 19 years in the department, *with honor and rectitude* in the Agency Tracts of Bhadrachalam and Polavaram exposing himself to the dangerous effects of malaria and was kept up merely by the hope that he would enjoy the fruits of his labours in the shape of *a hard-earned pension or gratuity*; but that at the end of such long and approved good service, his livelihood was all on a sudden, unjustly cut off without the petitioner being given any fair chances even by the Government Agent, of explaining his conduct in the matter, when there were books yet to be supplied, and when there was no case made out at all from the beginning against this poor petitioner, who is now left quite adrift in the world at an age at which he cannot at all hope to befit himself well for any other occupation (than service in Government Departments) having spent 19 years of the best part of his life in Government Service.

p.76-80

14 In conclusion, Your Excellency's humble petitioner, most respectfully and obediently prays, in consideration of all the foregoing facts and circumstances,

Your Excellency will be moved with compassion at the cruel and unprecedented treatment that has been accorded to Your Excellency's most unfortunate petitioner by the Government Agent and the Agency Deputy Collector, Godavari, and that Your Excellency will be pleased,

(i) to graciously cancel the said orders of reduction and dismissal passed by the late Government Agent, Godavari, and to order his reinstatement in his former appointment as the Head Master of the Polavaram Lower Secondary School; or;

(ii) to order that he may be favoured with any other pensionable situation of equal pay in any branch or department of Government Service without prejudice to the petitioner's previous service as he is fully qualified for the same; or;

(iii) to allow him *such pension or gratuity as* the petitioner may be found deserving of; for his past hard-earned Agency Services of about 19 years in Bhadrachalam and Polavaram; or;

(iv) at least, to kindly permit his being re-entertained in Government Service as the offence for which he was at the beginning summarily dismissed has been subsequently declared by a competent Judicial Tribunal to have been wholly unfounded,

(v) and thus save the petitioner from his undeserved condition into which he has been thrown and graciously grant the petitioner some substantial relief for the miseries and hardships he was subjected to.

For which act of kindness and mercy Your Excellency's humble petitioner shall, as in duty bound ever pray.

The humble petitioner begs to remain,
Gracious Lord,
Your Excellency's most obedient,
dutiful, and devoted servant,

B. Seetharamayya.

Late Head master, Government
Lower Secondary School; Polavaram
Address At Present
Assistant Master, Municipal Lower
Secondary School; Rajahmundry
residing at Innespeta, Rajahmundry
Godavari District.

Station:—Rajahmundry
Date:—26—4—1904

LIST OF ENCLOSURES OR EXHIBITS ANNEXED.

Enclosure marked	I(a)	Ref on C No 769/Genl. of 00 dated 17-6-1900 report.
" "	,, (b)	D. Dis. No. 212/Ag. dated 1-7-00 about reduction.
" "	II	Dismissal order dated 1-9-00.
" "	III	District & Sessions Court Judgment dated 29-7-01.
" "	IV	Order for Joining dated 10-12-1898.
" "	V(a)	Petition dated 21-10-02 to the Govt. Agent.
" "	,, (b)	Government Agent's Order No. 76 Ag. of 02 dated 5—11—02.
" "	VI	Recommendation of the Inspector of Schools Northern Circle dated 1—6—03.
" "	VII	Order of Government Agent thereon dated 30-6-03.
" "	VIII	Petition dated 28-11-03 to the Government Agent.
" "	IX	Government Agent's order thereon dated 21-12-03.
" "	X(a) to (m).	inclusive orders etc. for grant of copies.
" "	XI(a)	Suspension order.
" "	,, (b)	Leave Letter, while under suspension.
" "	XII	Proceedings No. 1918 dated 3-11-02 of the Director of Public Instruction.
" "	XIII	Copies of Testimonials.

P. S.— Any other records or information relating to the petitioner's case will be duly submitted when necesssry and called for.

V. V, Press: Rajahmundry.

Pet 49/Ag of 04

B. Seetharamayya

CURRENT NO.
2036
JUDICIAL

7

Ref Pet No. 49/Ag of 1904 dated 11-6-04.

Submitted to the Chief Secretary to Government, Judicial Department, Madras.

2. The petitioner presents this appeal against an order of dismissal passed more than 3½ years ago, i.e., on 28-8-00. The Sessions Judge's order of acquittal referred to in para 5 of the petition was passed on 29-7-1901. The judgment of the Sessions Judge was delivered to the petitioner on 7-8-01. More than a year after this judgment , i.e. on 24-10-1902 the petitioner applied to Mr. Cumming to cancel the order of dismissal in consideration of his acquittal by the Sessions Judge and was informed on 29-10-02 that the order would not be reconsidered. Petitioner was off and on petitioning the Government Agent. In para 8 of the petition he styles this an appeal against an order passed on his last petition on 21-12-03. This appeal was presented more than 4 months after this last miscellaneous order of 21-12-03. Petitioner should if he wished, have appealed to Government in time after the dismissal order of 28-8-00 or after his acquittal by the Sessions Judge on 29-7-01.

p 53. Cf.

3. In his letter Ref No. 769 dated 17-6-00 the Agency Deputy Collector reported to the Government Agent that the petitioner who was then headmaster of the Polavaram L. S. School had been mismanaging the school, had quarrelled with his four assistants and harassed them with a number of unnecessary orders that the school order book contained numerous instances of petitioner's unfitness for controlling an establishment like the school, and that a much graver charge of petitioner having intentionally defrauded Government of school library and prize allowances was pending enquiry, and meanwhile recommended his reduction to Rs. 15 as schoolmaster of Guzzumamidivalasa in Chodavaram Division. This recommendation was approved by the Government Agent.

4. In his letter 25-7-00 the Deputy Collector reported about the petitioner's fraud referred to in the above

above para. From this report ~~the then Government Agent~~ Mr. Stuart, the then Government Agent, concluded that the retention of so unscrupulous a person as petitioner in the public service was impossible and accordingly dismissed him. After the Deputy Collector signed the fair copy of his letter, (dated 25-7-00) he received a medical certificate dated 24-7-00 signed by the Assistant Surgeon, Rajahmundry recommending petitioner for 2 month's leave as he was suffering from mental weakness and delusions. But Mr. Stuart sanctioned his prosecution for offences under S.S. 409 and 471 Indian Penal Code, holding that the Medical certificate could not be taken as any indication of petitioner's mental condition 4 months back and that it was for petitioner to prove in Court that he was not responsible for the crime previously committed owing to his mental debility. The Deputy Collector's letter and Mr. Stuart's order will be found in this office bundle D.Dis. No. 362/Ag dated 28-8-00 (enclosed)

B

5. Petitioner was accordingly prosecuted before the Joint Magistrate, Rajahmundry and was convicted under Section 409 I.P.C. But the Sessions Judge acquitted the ~~prisoner~~ petitioner on appeal. In this office letter Ref No. 618/Ag of 01 dated 11-12-01 Mr. Stuart recommended an appeal to the High Court against the Sessions Judge's order of acquittal. But in its order No. 78 dated 15-1-02 Government considered that the case was not of sufficient importance to render it desirable that an appeal should be preferred.

Px

6. On 24-10-02 petitioner applied to Mr. Cumming requesting to be restored to Government Service, but he declined to reconsider Mr. Stuart's order of dismissal, observing that petitioner was acquitted by the Sessions Court because the Court did not understand the nature of the bill drawn by the petitioner, and that in any case the petitioner's defence in the criminal case was that he was weak in the head. Petitioner again applied to Mr. Cumming through the Inspector of schools, Northern Circle. But Mr. Cumming did not alter his view and informed the Inspector that the fact that petitioner

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8

petitioner was acquitted by the Sessions Court was absolutely no reason why the order of dismissal should be cancelled. How the Sessions Judge was mistaken regarding the nature of the bill drawn by the petitioner was already explained in para 9 of this office letter Ref. No. 618/Ag of 01 dated 11-12-01 to Government quoted above. Copy of the Sessions Judge's judgment forms an enclosure to the petition. It may be noted that the Judge, while acquitting the petitioner, remarks at the end of Judgment, thus: "Accused's conduct after he was charged with fraud is "suspicious, but this is not inconsistent with the fact that he "was conscious of having contemplated a fraud."

P
Go. 78
15-1-02

7. Petitioner's complaint in para 9 of the petition about copies is not intelligible. The rules in the Educational Department in the matter of copies do not affect the procedure in this Department. The papers enclosed by him show that he got all the necessary copies long ago.

8. As to paras 10 and 13 of the petition, the record speaks for itself, and does not show any prejudice on the part of the officials who had to deal with him. Petitioner's past or subsequent conduct and capacity, even though they may have been good, cannot affect the specific charges for which he was dismissed. As for the petitioner's past, however the records in this office show the following account of him.

(1) In 1894 petitioner was the 1st Assistant master in Bhadrachalam L. S. School, when the Headmaster and the Assistant Inspector of Schools reported that the petitioner was indifferent to his work, impertinent and insubordinate; and thereon the Inspector of schools recommended him to be sent on reduced pay to a Primary school. The then Special Assistant Agent Mr. Spencer, while reporting the above views of the Educational Officers, said that the pupils of the second Form in a body refused to attend the school owing to petitioner's incapacity and cruelty and added his own experience that petitioner was impertinent to his superiors. On the Special Assistant Agent's re-

recommendation, petitioner's temporary reduction for 6 months as Headmaster of Waddigudem school was ordered by Mr. Le Fanu. Petitioner applied to Mr. Brodie for a reconsideration of the above order; but he declined to interfere and observed that it was based on very good grounds.

(2) In his letter Dis. No. 845--8 dated 14-8-98 to the Director of Public Instruction reporting on the state of education in Godavari during 1897-98, the Assistant Inspector of schools G. K. Division remarked about the petitioner thus:- "B. Sitaramayya now in charge of the Bhimavaram sub range did "bad work as a schoolmaster and was therefore appointed Inspect"ing schoolmaster in January last. Even in this capacity "he is found wanting. He seems to be self willed and not a-"menable to correction."

9. As to para 11 of the petition, he was not punished more than once for anything. He was transferred to Guzzamamidivalasa on reduced pay for mismanagement &c., and he was dismissed for defrauding Government.

10. The following bundles of this office are herewith submitted for reference and favour of return.

Dis. No. 6/Ag dated 18-1-95. ✓
" 44/Ag dated 27-4-95. ✓
D. Dis. No. 216/Ag dated 2-8-99. ✓
" 212/Ag dated 1-7-00 ✓
" 362/Ag dated 28-8-00 ✓
" 403/Ag dated 30-11-00. ✓
" 19/Ag dated 21-1-02. ✓
" 110/Ag dated 30-6-03. ✓
" 244/Ag dated 21-12-03. ✓

CHIEF SECRETARY
14-JUN. 1904
GOVERNMENT OF MADRAS

Ramarao
For Acting ~~Collector.~~ Government Agent
11. 6. 04.

Ex.
11-6-04

82

9

EDUCATIONAL DEPARTMENT.

[E./2]
1,500—7-10-03.

Fc 1331/04

C. No. 1152 From the Judicial Departt. No 2581, dated 1-7- 1904.

SUBJECT.

Appeal petition of B. Sitaramayya

Endorsement No. 345 d/ 9-7-04

Referred to the Director of Public Instruction for remarks.

Despd
9/7/4

Re
8/7/4

Pd
9/7/4

To.
The D. P. I.
with Encls. (39)
} Despd with 39 enclosures 9/7/4

1,000-11-3-01.

Educational (1904) Department.

CURRENT No. 1331

SECRETARY TO GOVERNMENT, 1 AUG 1904 LOCAL & MUNICIPAL DEPARTMENT

From

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

[Designation] Director of Public Instruction, Madras.

[Station] Ootacamund.

N. Ref on Cur. No. 7-4/04.

Dated 1st August 1904.

Enclosures 39

Received 1-8-1904.

Registered 1-8-1904.

SUBJECT.

Returning, with remarks, Endt. No. 345, dated 9th July 1904, upon a petition from B. Sitaramaiya, late Headmaster, Govt. Lower Secondary School, Polavaram, appealing against his dismissal from service.

Despd 1-8-04

BACK PAPERS.

Memo 345/04 ✓

FURTHER PAPERS.

To

The Secretary to Government,

Educational Department.

Sir,

With reference to your endorsement No. 345, Edl, dated 9th July 1904 upon a petition from B. Sitaramanya, late Headmaster, Govt. Lower Secondary School, Polavaram, herewith returned with 39 enclosures, I have the honour to state that I agree with the Government Agent and consider that the man was rightly dismissed.

2. The only action taken in the matter by this Department was that referred to in paras 6 and 12 of the petition. I have ascertained from Mr. Williams Pillai, Inspector of Schools in the Circle that his recommendation referred to and upon which Mr. Stuart acted was not based upon any knowledge of the man but merely upon the fact that the District Judge had acquitted him.

3. The petitioner's record is not a good one: he was considered unsatisfactory as a teacher and unfit to be in the responsible position of Headmaster in 1893. He was again unsatisfactorily reported upon in 1896 while his increments were stopped for unsatisfactory work by Mr. Monro, while acting as Director in 1894.

4. The Assistant Inspector reports that he is now doing fairly satisfactory work at the Municipal Lower Secondary School, Rajahmundry, as an assistant master.

I have the honour to be,

Sir,

Your most obedient Servant,

A. G. Bourne

Director of Public Instruction

[E./2]
1,500—7-10-03.

EDUCATIONAL DEPARTMENT.

C. No. 1152 From the Judicial Departt: No 2581, dated 1-7-1904.

SUBJECT.

Appeal petition of B. Sitaramayya, late Head master of the Govt: Lower Secondary School, Polavaram.

B. Sitaramayya, late Head master of the Govt: Lower Secondary school at Polavaram in the Godavery Agency, was on the 1st Septr: page 27 of the current file. 1900 dismissed from the service for having defrauded the Government of Rs. 39 sanctioned for the purchase of library and prize books for the school. He was criminally prosecuted for misappropriation and convicted by the Joint Magistrate of Rajahmundry, but on appeal page 37 of the current file. was acquitted by the Sessions Judge. He now prefers an appeal to the Govt: and prays that the order of dismissal passed on him by the Govt: Agent may be cancelled and that he may be reinstated in his former appointment as head master of the Lower Seconda school at Polavaram, or that he may be favored with any other pensionable situation una the Govt: or such pension or gratuity as h may be found deserving of for his past servi

2. A duplicate copy of the above petition was submitted to the Govt: direct by th petitio

petitioner in May last in which he stated that a copy of it had been forwarded to the Govt: through the Director. This has not yet been received. Submitted therefore that the present petition may be referred to the Director for remarks.

at G

Rec
7/7/04

Rec

PJ
7/7/4

1407
8 7.04

The draft Endt: placed below may issue.

Rec
8/7/04

PJ 9/7/4

[Endt: no. 345 d/ 9-7-04]

From the D.P.I. no. I-4 d/ 1-8-04

The Director reports that B. Sitaramayya's past record as a teacher is not a good one: that in 1893 he was considered unsatisfactory as a teacher and unfit to be in the responsible position of head-master: that his increments were stopped for unsatisfactory work by Mr. Munro while acting as Director in 1894 and that he was again unsatisfactorily reported upon in 1896. The Director also states ~~by saying~~ ~~concludes~~, that he agrees with the Govt: Agent and considers that the man was rightly dismissed from the service. In these circumstances this petition may be rejected.

R.N
5-8-04.

B.

The proceedings of the Agent to the Governor no 362 d/ 28th August 1900 dismissing the petitioner from service may be perused. There is abundant proof that the man was thoroughly dishonest. The Sessions Judge also says – page 36 of the current file – "It appears to me therefore that no offence was committed by the accused, though there may be grounds for suspecting that he contemplated committing one." It seems therefore that his dismissal was fully justified.

2. The Director should not have issued his proceedings no 1918 d/ 3rd April 1902 – page 75 of the current file – sanctioning the man's employment in Board & aided schools ~~should not have been issued~~ without consulting the Agent. It is submitted however that nothing need be said at present about this. Nor need the man's continuance in the Munl school at Rajahmundry be ~~prohibited~~ prohibited.

He did it on the recommendation of the Inspector. It may be worth while to find out what were the special circumstances which the Inspector seems to have adduced. Should the Director be asked to submit the Inspector's letter? The Inspector's action seems to require justification.

3. The draft placed below is submitted for approval.

PJ
6/8/4

The DPI has explained that the action taken by the Inspector as reported in para 6-12 of the appeal petition was based on the mere fact of acquittal. The acquittal was, I think, right upon the evidence, but there is no doubt that the man is an unsatisfactory character. And his conduct was highly suspicious. He should not be reinstated.

10/8

Please draft accordingly

11-8-04

Submitted that the draft in the file passed by the Secretary & the Hon. may issue.

PJ 11/8/4

12.8.04

E./12

1,200—7-1903

EDUCATIONAL DEPARTMENT.

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

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

READ ALSO:—

C. No. 1152, From the Judicial Departt:, No. 2581, dated 1-7-1904.

" " 1331, " " D.P.I., " I-4, " 1-8-1904.

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

ORDER No. 499, dated 11-8-1904.

Mis.

Desp
11/8/4

B. Sitaramayya is informed that the Govt: do not see sufficient reason to interfere on his behalf ~~in the matter~~.

Rec
6/8/4

8/8/4

To.
through the ~~Govt.~~ Agent to the Governor Godavari
the petitioner, with the encls: returned.

.. ~~Govt.~~

Despd with encls
15/8/4

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.

N.B.—

A = Copy in full.
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