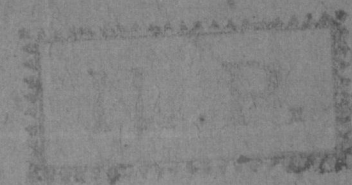


12-5-96.
Educational (1905) Department.

ORDINARY PRINTED.

G.O., No. 473

DATED 11-7-05



ORIGINAL

[Despatch Abstract.]

Educational Rules.

Asking the D.P.D. to inform the Collector of Madras that the — are issued under the Common law right of Prop. as of private persons to manage their business on specified terms.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

1905.

Enclosures

Spare copies

ORIGINAL

G.O., No. 473, 11th July 1905.

Educational Rules.

Asking the Director of Public Instruction to inform the Collector of Madura that the — are issued under the common law right of Government, as of private persons, to manage their business on specified terms.

NOTES CONNECTED WITH G.O., No. 473, EDUCATIONAL, DATED
11TH JULY 1905.

[SUBJECT.—*Authority for the Madras Educational Rules.*]

From the Director of Public Instruction, No. 5344, dated 28th June 1905.

Presumably there is no legal force in the order. But if the pupil is admitted to any recognized school, recognition to that school will be withdrawn.

Note hereon please.

H. D. TAYLOR—30-6-05.

The Educational Rules have no force of law; they have not been issued under any Acts or enactments.

2. Colonel Macdonald, a former Director of Public Instruction, issued in 1880 a set of Standing Orders for the Educational Department. These were amended and amplified from time to time by Mr. Grigg, who succeeded him. In 1889, a Committee was appointed to revise these Standing Orders—*vide* G.O., No. 729, Educational, dated 29th November 1889. Following the lines sketched by Government, the Committee drew up a set of rules which it recommended for adoption under the designation of the "Madras Educational Rules". The Government sanctioned these rules in G.O., No. 72, Educational, dated 2nd February 1891.

3. If the dismissed pupil is admitted into any recognized school, recognition to that school will be withdrawn; if admitted into any aided school, both recognition and aid will be withdrawn.

T. KANAKASUNDARAM PILLAI—3-7-05.

A. GALLETTI—5-7-05.

The Director of Public Instruction may be informed accordingly.

H. D. TAYLOR—6-7-05.

I don't know what you mean by "accordingly".

2. The letter of the Collector of Madura is such as Mr. Bedford might be expected to produce. Tell the Director to tell him that the authority for the Educational Rules is the common law right of the Government as of private persons to manage their business on specified terms.

J. T[HOMSON]—8-7-05.

Draft.

H. D. TAYLOR—10-7-05.

A draft is placed below for approval.

T. KANAKASUNDARAM PILLAI—10-7-05.

Issue.

A. GALLETTI—10-7-05.

H. D. TAYLOR—10-7-05.

[G.O., No. 473, Educational, dated 11th July 1905.]

5.
Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1905.

Enclosures

Spare copies

G.O., No. 473, 11th July 1905.

*Please let me see the
original of this.*
11/7/05

Educational Rules.

Asking the Director of Public Instruction to inform the Collector of Madura that the — are issued under the common law right of Government, as of private persons, to manage their business on specified terms.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction, Madras.

To—the Secretary to Government, Educational Department.

Dated—28th June 1905.

No.—Ref. on Cur. 5344.

I have the honour to submit for favour of the orders of Government the accompanying copy of a letter from the Acting Collector, Madura, to the Inspector of Schools, Southern Circle, together with a copy of the notice of suit referred to.

2. The second plaintiff was dismissed by the Headmaster of the Victoria Memorial school, Periyakulam, for misconduct and was debarred under rule 50 of the Madras Educational Rules from admission into a recognized school until January 1906.

3. Notification to that effect was published in the Madura District Gazette.

ENCLOSURES.

Letter—from J. P. BEDFORD, Esq., I.C.S., Acting Collector of Madura.

To—the Inspector of Schools, Southern Circle.

Dated—4th June 1905.

No.—Ref. on Cur. 920/Ver.

With reference to your letter No. 409 M., dated 7th April 1905, I have the honour to request you to let me know under what authority vested in Government the Educational Rules were framed, as it is contended in the notice of suit that the issue of the notification is illegal and beyond the right of the Government.

Notice of Suit.

IN THE DISTRICT MUNSIF'S COURT OF PERIYAKULAM.

ORIGINAL SUIT No. OF 1905.

(1) Krishna Aiyar } Plaintiffs.
(2) K. Venkataraman }

and

(1) V. Ramabhadra Nayudu } Defendants.
(2) R. Subrahmanya Siva }
(3) The Secretary of State for India in Council }

Under Section 424, Civil Procedure Code.

Letter—from P. N. Subrahmanya Aiyar, Pleader, residing at Periyakulam, for the plaintiffs herein.

To—the Collector of Madura, Local Agent to the Secretary of State for India in Council, the third defendant.

K. Venkatarama Aiyar, the second plaintiff herein above named, is the undivided son of the first plaintiff and has just within a few months completed his 18th year and has become a major.

2. The said second plaintiff has been a pupil of the Victoria Memorial High School, Periyakulam, up to June 1904, and was then a pupil of the Fifth form class of the said school.

3. The said second plaintiff was dismissed from the said school in or about July 1904 for reasons not known to the plaintiffs and the plaintiffs have no manner of information or knowledge why the second plaintiff was so dismissed.

4. While the said plaintiff was trying to obtain information why he was so dismissed from the school and was making endeavours to get himself re-admitted in the school or otherwise provide himself with necessary certificates to seek admission into schools elsewhere, the defendants 1 and 2 voluntarily assaulted the said second plaintiff and caused illegal restraint to, and wrongful confinement of, the said plaintiff on 17th September 1904.

5. The second plaintiff had to take legal proceedings against the said defendants 1 and 2 thereon, which formed the subject of enquiry in Calendar Case No. 787 of 1904 of the file of the Stationary Second-Class Magistrate of Periyakulam, who dismissed the complaint giving the benefit of section 95, Indian Penal Code, to the said defendants.

6. The case was taken to the District Magistrate of Madura in Revision case No. 48 of 1904 wherein the Additional District Magistrate of Madura concurred with the Lower Court and dismissed the petition on 5th November 1904.

7. While further steps were being taken to obtain the necessary copies of records for laying the case before the High Court of Judicature, Madras, and upon the one-sided report of and at the instance of the defendants 1 and 2 a notification in the official District Gazette of Madura under date the 1st February 1905 and under the authority of C. Nagoji Rao, Esq., the Inspector of Schools, Southern Circle, has appeared, that the second plaintiff shall not be admitted into any of the recognized schools until January 1906.

8. The above notification is illegal and improper and the defendants by their acts as detailed above have almost completely ruined the future education and worldly and pecuniary prospects of the said second plaintiff Venkatarama Aiyar and have put the plaintiffs to an immense loss and damage.

9. This damage may be valued at even not less than Rs. 10,000 but the plaintiffs herein unable to bear all costs of litigation upon a large amount, are content to claim a damage of Rs. 2,500.

10. The cause for this action is the dismissal of the said plaintiff No. 2 as above said from the said school and the appearance of the notification under the authority of the Government Educational officer prohibiting the admission of the said second plaintiff into any other recognized school until January 1906 and is dated the day of the said notification on 1st February 1905 and at Periyakulam.

11. The plaintiffs will sue for a declaration that the dismissal of the second plaintiff from the said Victoria Memorial High School and the publication of the notification prohibiting the admission of the second plaintiff as abovesaid into any other recognized school are illegal and void and for a decree awarding the damages claimed of Rs. 2,500 with all costs and other reliefs incidental to the cause.

Pray take notice that on the expiry of two months prescribed by law after the service of this notice a suit will be filed by the plaintiffs herein in the District Munsif's Court of Periyakulam against the Secretary of State for India in Council and other defendants stated herein for reliefs stated in paragraph 11 *supra*.

Order—No. 473, Educational, dated 11th July 1905.

The Collector of Madura should be informed that the Educational Rules are issued under the common law right of Government, as of private persons, to manage their business on specified terms.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.

G. O. No. 473, dated 11th July 1905.

Please let me see the original of this.

G.S.
4-8-05.

The original has been obtained from Madras
and is submitted.

Hon^{ble} Mr Stokes
C. S. Y.

8/8/15

9/8/15

Lucy H. H. H.

1905

Educational (190⁵) Department.

CURRENT No. 1220

From

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

[Designation] Director of Public Instruction,

[Station] Madras

Presumably there is no legal force in the order.
But if the pupil is admitted to any recognized
school, he is entitled to the school which he is entitled to.

With kindest regards

3/10/05

Ref. on Cur No. 5344/05

Dated 28th June 190⁵

Enclosures 2

Received 29 JUN 1905

Registered 30 - 6 - 1905

SUBJECT.

Submitting for orders of government copy of a letter from the
Collector of Madura requesting information under what authority
vested in Government the Madras Educational
Rules were framed.

BACK PAPERS.

FURTHER PAPERS.

10. The S. P. S. - 200. *sent*
11/2/52

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.
190

DATED

CURRENT No. 1220 — A

ENCLOSURE TO G. No. 1220 — A

ORDER OF GOVERNMENT ... A ..

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.

NUMBER OF COPIES
REQUIRED.

Order complete. 35

Letter only.

Order complete with Letter.

7P
also 152

Go to notes

CMW
13/7/55