

Education and Public Health (194 5) Department.

Miscellaneous SERIES.

G.O. No. 28. RxHx Edn.

28

¹⁹⁴⁵
Dated 5th January 1944.

[Despatch Abstract.]

Establishment - Board Secondary Schools - List of probationers
and copies of appointment orders to be sent to Headmasters.

...

Back papers.

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

Further papers.

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

C.F. 32.

Local Administration Department

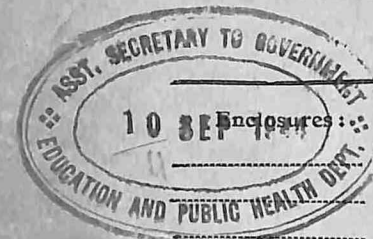
Received.....Registered.....

From (Name) Rao Bahadur Zabdatul Aqra
Sri B.B. Sarvarayadu, Zamindar of
Designation Kapileswarapuram etc.,
President, District Board, East
Station Godavari, Cocanada.

To

The Secretary to Government,
Education & Public Health De-
partment,

M a d r a s.



A-4- No. 2455 DB of 43 dated 9-9-1944.

Sir,

Sub: Establishment - Local bodies - Secondary schools -
rights of probationers and their re-employment
further instructions - solicited.

44781

Under rule 8 (1) of the Statutory rules relating to the establishments under District Boards published in G.O. No. 2342 L.S.G. dated 2-6-36, as subsequently amended, every person appointed to hold a post in superior service is required to complete a probation of 2 years within a continuous period of 3 years satisfactorily before confirmation. Under rule 3 of sub rule (3) of rule 8 of the same rules persons who have completed their probation or are on probation are to be reverted or discharged as the case may be in the order of seniority and they are to be re-employed under rule 8 (4) of the said rules, in the inverse order laid down in Sub Rule (3). In the explanation under rule 3 (3) of the said rules it is laid down, that juniority as between persons who are on probation in a grade or as between persons who have completed their probation in a grade shall be determined with reference to the date of first appointment other than that made under rule 8 (A) of the Establishment rules or rule 2 of the communal rotation rules. In cases where probation was completed before 30-1-40, it is to be determined with reference to the date of completion. This is the position with reference to the statutory rules about seniority, probation and re-employment of probationers.

In para 2 of G.O. No. 671 Edn. and P.H. dated 1-5-41 it is laid down, that a probationer who is not reappointed as teacher in his turn and who fails to appeal against it at the first opportunity should be deemed to have forfeited his right of appeal unless he adduces satisfactory reasons for not preferring the appeal in the first instance.

In the first para of the same G.O. Government have declared that appointments made without consulting the Educational authorities wherever required and without observing the communal rotational rules should be treated as on temporary basis whether such appointments were declared temporary or not by the appointing authorities. The rules referred to in this para are statutory rules and any appointments made violating such rules shall be considered irregular.

On-see In this District, there are some cases, where juniors were appointed in the past overlooking the claims of their seniors without recording any reasons and the seniors were not informed of such appointments and such seniors are considered with reference to para 2 of G.O. No. 671 Edn. & P.H. dated 1-5-41 to have forfeited their seniority over such juniors appointed for the reason that they failed to prefer an appeal against such orders of supersession of claims. As a matter of fact, this para of the G.O. is not clear whether probationers who have failed to prefer an appeal in the first instance as detailed therein will forfeit their seniority also and under the statutory rules a position is contemplated in this rule, it also affects the said seniority even after completion of probation by the affected probationers. In such a case, it is to be reconciled how the executive instructions in G.O. No. 671 Edn. P.H. dated 1-5-41 will supersede the claims established under statutory rules. There is an argument put forth by some of the teachers whose

seniority was affected on account of their failure to prefer an appeal to the effect that there was no possibility for them to know that their claims were superseded as the list of probationers arranged in the order of seniority and the orders appointing juniors were never communicated to them, that owing to the general understanding as per para 1 of the G.O. quoted above that appointments which did not last for 3 months would not count for probation, they did not prefer appeals; that para 2 of the said G.O. cannot be given retrospective effect and that as a matter of fact the appointing authorities are to make appointments in the order of seniority only and any appointments made ignoring seniority and violating the statutory rules should be considered irregular and therefore treated on temporary basis on the analogy of the instructions in para 1 of the same G.O. unless they ~~are~~ made for sufficient reasons communicated to the affected seniors so as to enable them to prefer appeals.

5 In order to decide once for all such cases without giving any scope for appeals and also to prepare finally a list of probationers in the order of seniority I request that the Government may be pleased to give further instructions about the application of para 2 of G.O. No. 671 Ed. & P.H. dated 1-5-41 on the several points raised above and on the following points

(1) Whether the probationers who fail to appeal as laid down in para 2 of the G.O. 671 Ed. P.H. dated 1-5-41 will forfeit their seniority also.

(2) the date from which para 2 of the said G.O. is to be given effect to.

(3) whether there is any necessity to communicate to the probationers the probationers' list and also orders appointing juniors, to the seniors whose claims were overlooked on the basis of the 2nd proviso to rule 23 of the establishment rules published in G.O. No. 2342 ISG dated 2-6-36 as amended.

(4) as to how the present cases may be disposed of.

Early orders are requested.

SDR/6-9.

President, Dt. Bd.

Mem No. 44781-1 B Ed. & 22-5-44

Referred to the D P. for early remarks

MUS
22/5

To the D P. with agt my

Office of the Director of Public Instruction, Madras.
R.C.No.1908-G/44 dated 14th November 1944.

Subject:—East Godavari District Board—Secondary Schools—Teachers—rights of probationers and their re-employment—remarks offered.

B. a d:—Letter from the President, District Board, East Godavari, A4-2455-DB/43 dated 4.9.1944.

Resubmitted to Government with reference to their Memorandum No. 44781-1-B-Edn. dated 22.9.1944.

2. If the appointing authority had followed the statutory rules strictly in regard to the appointments of outsiders and the reappointment of probationers, there would have been no occasion for appeals from aggrieved teachers. The very fact that provision has been made in the statutory rules for submission of appeals, makes it clear that there will be occasions when appointing authorities may fail to observe the rules and that the aggrieved parties should prefer appeals to the proper authority for the redress of their grievance. So, the argument advanced in para 4 of the President's letter that any appointments made, ignoring seniority and violating statutory rules should be considered irregular and therefore treated as ~~an~~ on temporary basis, is not acceptable. No doubt the aggrieved teachers, who could not have got information regarding the supersession of their claims etc. in time, may not be able to appeal against such irregular appointments within the specified period, but provision has been made in the rules that such appeals may be entertained by the appellate authority, if satisfactory reasons are adduced for the delay. So, in regard to the first query raised in para 5 of his letter, the President may be informed that the teachers would not be deemed to have forfeited their rights of appeal, if satisfactory reasons were adduced for not preferring the appeals in the first instance.

3. As regards the second query, the President may be informed that the instructions in para 2 of the G.O. would take effect from the date of the G.O. i.e. 1.5.1941.

4. In regard to the third query, it is submitted that it is not always possible for the appointing authority to communicate a copy of the list of probationers to all the probationers individually, as some of the probationers might have sought employment elsewhere and their addresses may not be known to the appointing authority. It is equally difficult for the appointing authority to communicate to the seniors every case of appointment and promotions of their juniors. The best thing that can be done under the circumstances is that the appointing authority may be asked to communicate a copy of each of the orders of appointment and reappointment in a Secondary School to all other secondary schools under the Board. The probationers waiting for reappointment should

P.T.O.

: 2 :

leave their address (inclusive of change of address) with the Headmasters of the Secondary schools from which they were last ousted and each probationer should keep himself in touch with their Headmaster and ascertain from him if there is any supersession of his claims for reappointment or for promotion. The responsibility for ascertaining the necessary information from the Headmaster concerned in regard to the supersession of the appellant's claim will rest on the appellant himself. As the Headmaster of each secondary school is aware of what is happening in other secondary schools under the Board in regard to the filling up of vacancies, it should be possible for the appellant to obtain the necessary information from the Headmaster of the school, from which he was last ousted. [If this suggestion is agreed to, Government may issue necessary instructions to local bodies in the matter on the above lines.]

5. The last query of the President as to how the present cases should be disposed of cannot be definitely answered, in the absence of detailed particulars of each case. The President may be informed that each case has to be decided on its own merits, when the aggrieved teachers submit their appeals to the appellate authority.

T. Ling Nayyar

For Director of Public Instruction.

To The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George, Madras.

ks. 1511.

8/15/11

25/12/44 *MD/212*
pages 1-2 CME 44781/44. From the P.D.B., East Godavari,
No A-4-2455 DB dated 4-9-44.
pages 3-4 " 54807/44. Endt. of the D.P.I., R.C.M. 1908
844, 8 14-11-44.

Establishment - Teachers in
Secondary Schools - Re-appointment or
promotion - Instructions.

Memo No 44781-3B-Edn., d/- 18-12-44.

pages 3-4 A copy of the endt. of the D.P.I.
read above is communicated to the P.D.B.,
East Godavari. The Govt. concurs in
the remarks contained therein.

To the P.D.B., East Godavari (C.I. am) *20/12/44*
the D.P.I. *DPD 20/12/44*

5-12-44

pages 1-2 cf
" 3-4 cf

63/51
Received from Examiners
on 8.1.45 at 4 PM
WD
8165
164930 2362154
2-6-36

Vide from 14 on
pages 3 to 6

5

C.No. 44781/44, From the P.D.B, East Godavari, A4. No. 2455
DB/43, dated 4-9-44.
" 54807/44. Endt. of the D.P.I, R.C.No. 1908G44, d/14-11-44.

Edn. & P.H. Dept (B)

Establishment - ~~xxxxxx~~ Board Secondary
Schools - List of probationers and copies of appointment
orders to be sent to Headmasters.

Order Ms. NO. 28 Edn. dated 5.1.1945.

Under the ordinary service rules, probationers
ousted for want of vacancies are entitled to re-employment
in subsequent vacancies in their turn. In order that such
probationers awaiting re-employment in Dt. Board Secondary
schools may be acquainted with their position in the
service list, Presidents of Dt. Boards are requested to
send to the Head-master of every secondary school under
the Board concerned a list of probationers classified
into
(a) approved probationers,

(b) other probationers,
and (c) probationers ousted for want of vacancies and awaiting re-employment.

The Presidents should further communicate to every Head-master in question a copy of every order, as it is issued, relating to the appointment or discharge of any one from the list.

2. Persons ousted from employment in Board Secondary

schools should leave with the Head-master concerned, ~~their~~ ^{their addresses} ~~addresses~~

addresses and also keep in touch with him. The Head-master

should give ~~them~~ ^{probationers awaiting re-employment} every opportunity to satisfy themselves, with reference to the lists and orders mentioned above that their

~~claims~~ ^{claims} for re-employment have not been over-looked.

30.12.44

4/1/45

To

The Pts. of all D.Bs
The D.P.I.

The Inspector of M.Cs
& Local Boards.

Opd
JOS

11/1

4/1/45
Placed below

Extracted in
p 2 of

Opinion
2/2/45
To the D.P.I. with
copy of report to be
sent with reply
Am 16/1/45
" 6/2/45

4/1/45
Cms. 44781, From the P. D.B., E. Godman, No A-4-25500
8-4-44

Items 44781. 1 B B & 22-8-44

Establishment. Teachers in Schools

Probationers - application of rules. Instructions

Referred to the D.P.I. for early

remarks.

6/1/45
16/9-44

22.9.44

Note

The instructions in G.O. 671 B & 1.5.41
were issued at the instance of the D.P.I.
He is the Authority to dispose of appeals from
teachers against supersession of their claims
for re-employment etc and his advice will

be ^{helpful in} ~~useful for~~ deciding the General points raised by the President.

6/16/9 m 16-9-44

There have been far too many general orders and it would be worse to maintain from adding one more to them on the basis of this letter. Looking at the size of the school staffs and the size of a District, it would be humanly impossible to communicate to the persons concerned or believed to be concerned lists of probationers & copies of orders appointing each one from the list. Every person is expected to look after his interests as well as he can and if ~~for some reason or other~~ when he finds that he has a grievance it is up to him to make the best case possible and, where there is a work of the law involved (as time-limited) to address reasons why it should not be rejected on that ground, leaving it to the appellate authority to decide. For orders whether the answers to persons may be

① yes; ② Disposition of some — unless of course National Board orders are added

③ No.

5(4) will require no answer

5
16-9-44 S

I do not see how we can answer this point 1. By reason of not affecting of a worst case of re-employment. A very large number of B with the of further re-employment & discharge but with the loss of the number of probationers which will be him by virtue of his date of first appointment, which must be known by him (leaves). Point 3 deals with the cost of terms discharge as cost of abolition of law etc. — a distinction by perhaps have to be made. Any is 7. Two as of abolition. But prefer that would give a further as time. Now as far as all persons interested? by 1828

Remarks of the
Rules 8 and 9.—Section 64 of the Act
practitioners and owners or occupiers of houses
or public building, every keeper of a lodge
information regarding notified diseases.
rule and recast as follows, the other rule
ments made:—

"8. The executive authority shall
hand-bills and by beat of tom-tom
posed by section 64 of the Madras
practitioner (including hakims and
public building, every keeper of
every owner or occupier of a house
in the manner provided in that s

The suggestion of

S.K.—17-1-40.

Exis

7. For each division, the chairman shall
of the following articles on indents submit
the duty of the Cholera Officer to see that
quantities and in fresh and good condition

- (1) Twelve portable tin canisters for
- (2) Eight gallons of cresol or other
officer responsible for the arrange
- (3) Thirty pounds of carbolic acid.
- (4) Six hundred pounds of saw dust
- (5) Four hundred pounds of unslake
- (6) Twenty pounds of permanganate
- (7) Twenty pounds of stabilized chl
or bottles hermetically sealed.
- (8) One pound pro-diarrhoea mixture
potassium permanganate pills (1
- (9) Six galvanized buckets.
- (10) Four towels.
- (11) One enamel basin and stand.
- (12) Sunlight soap (four cakes).
- (13) Horrock's water testing appa
- (14) One spray pump for disinfectio

Prop

4. (e) For each circle, the executive
prompt supply of the following articles on
It shall be the duty of the Cholera Officer
sufficient quantities and in fresh and good

1. Pro-diarrhoea mixture in 1 oz. b
2. Potassium permanganate pills—
3. Potassium permanganate crystals
4. Kaolin 2 grs. tablets—1,000.
5. Turpentine in 1 lb. bottles—2 lb
6. Mustard—1. lb.
7. Cresol or other disinfectants—5
8. Per chloron in 2 lb. bottles (pref
9. Horrock's Water Testing Appa
10. Cadmum Iodide—A.R.—2 oz.
11. Soluble starch—A.R.—2 oz.
- Haffkine's inoculation set with
Spare needles—6.
12. Tincture Iodine in 1/2 lb. bottles
13. Measure glass—4 oz.—3 numbe
14. Minim glass—No. 3 numbers.
15. Bottles, narrow-mouth 2 lb. or

K/2/contemplates service books.

An explicit order (No. 1551 Ed.)

11/6/40 (12.2.37) has also promised

up to date sub: books for all:

Schools. It may be assumed that

have an lists for Sec: as well as

sub: schools at two: we do not

know how they are kept at all

made accessible to the numerous

persons interested. My point was

that the books can be

in a way that they are

in a way that they are

As the D. P. J. deals with

more appeals may be referred to

D. P. J. go?

22.8.44

22.8.44

22.8.44

3. With reference to the second para of the Secretary's note on p.3^{ante} it is submitted that as between a probationer discharged for want of a vacancy and a person discharged on account of reduction of establishment, the latter has a preferential claim for reappointment.-vide proviso to rule 8 (4) and the second proviso to rule 22 of the establishment rules. (pages 197 and 208 of the statutory rules under the Local Boards Act.)

A draft Memo and a draft order are submitted.

whether that the same procedure shd:
apply to H.D. elementary schools also in
which case the work will become
tremendously difficult. Shd. D. H. - 9.
(has asked on this & on the point raised in the
margin! S S)

11/1/44
p54 (Issued as Memo NR 44781-3-B. E.M. 18-12-44)

I have put up a ~~road~~ ^{road} 150. below
to apply to Dr. B.D. Lee. Schools.

It will be difficult to resist a suggestion for a similar ~~case~~ in the case of elms; also, if it should be pointed out that

Director of Public Health, for remarks, if any.

tion to be taken to combat cholera in
the sectional notes, and a copy of the
be issued under section 803 (1) of the
usual draft is to be published inviting
a since been enacted. Under section 81
ke enough rules as they deem fit for the
endemic or infectious disease and for
it is now for consideration whether the
I under section 81 of the Public Health
District Municipalities Act, 1920. If so,
of Public Health, for remarks, if any.

sectional notes.
T. R. NATARAJAN-28-9-38.
P. APPU NAIR-29-9-38.
LEGAL DEPARTMENT.

S. R. Kaiwar-8-8-38.
 C. H. MASTERMAN-9-8-38.
 Legal Department.

ION AND PUBLIC HEALTH DEPARTMENT.
sentence of the proposed rule 11 may
as 'Police and shall be, etc., etc.' may

H. M. Hood-2-8-38.

enforced rigorously may be by separate
B. RAMAKRISHNA AYYAR—2-8-38.

12TH FEBRUARY / 1940

8
by some one later

30.12.64
H
4/11/64

(16)

1/11
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