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(1945) Department.

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G.O. No.

56 Edu.

Dated

15-1-1945

[Despatch Abstract.]

S.S.I.C.

Sri P.V.R. G.K. Chowdury - Alteration of date of birth - Reference answered.

Back papers.

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

Further papers.

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

M. Balachandrudu,
Advocate.



No.7, Ramaswamy Street,
Theyagarayanagar,
Madras, 4th Decr. 1944.

(2)

To

The Secretary to Government,
Education & Public Health,
Fort St. George - Madras.

Sir,

57240

Sub:- Date of birth - correction of - copy of the
registered notice dated 30-10-1940 to the
D.P.I., Madras - supplement to.

The date of birth of my client one Sri. P.V.R.G.K. Chowdury was incorrectly entered as 21-2-1919 instead of 21-2-1921 in the Secondary School Leaving Certificate (S.S.L.C. Register Serial No. 61861-D). Therefore he submitted an application dated 19th February 1944 to the Director of Public Instruction explaining the circumstances as to how the mistake occurred. He furnished the necessary documentary evidence showing the date of birth as entered in his S.S.L.C. Register was wrong and incorrect and prayed for orders -- directing the alteration of the date of birth from 21-2-1919 to 21-2-1921 in the S.S.L.C. Register as otherwise his whole career would be affected. But the Director of Public Instruction rejected my client's application saying that "applications for alteration of date of birth in the S.S.L.C. Register are not entertained after the pupil left the school and appeared for the S.S.L.C. examination". Thereupon seeing that there is no other alternative and to see that the date of birth is corrected in his S.S.L.C. Register in accordance with the certificate of Register of births, my client caused ~~him~~ a notice dated 30-10-1944 through me to be sent to the D.P.I., a copy of which was sent to you.

copy at p. 7 CF.

It is to supplement that copy of my notice to you, I am instructed by my client, the said Sri. P.V.R.G.K. Chowdhury, to send a copy of his petition dated 19--2--1944 to the D.P.I., to you and submit that it is just to direct the alteration in the face of the proof produced by my client regarding his correct date of birth. If the Government is pleased to think otherwise my client has no other option than to adopt

the course adumbrated in my notice dated 30--10--1944 for justice.

M. Balu Raman
Advocate.

To

The Director of Public Instruction,
Nungambakkam, Madras.

The humble application of P.V.R.G.K.
Chowdhury of No. 52, Oilmonger Street,
Royapettah, Madras, most respectfully sheweth.

Respected Sir,

I most humbly beg to submit the following for your kind consideration for your orders directing the alteration of my date of birth from 21--2--1919 to 21--2--1921 in my Secondary School Leaving Certificate (S.S.L.C. Register Serial No. 61861-D).

2 My full name is Panda Venkata Raja Gopala Krishna Chowdhury. I am a Hindu, Non-Brahmin, Kamma by caste. I was born on 21--2--1921 in the family of which the surname is ~~Velagapudi~~ "Velagapudi", my natural father's full name being Velagapudi Ramiah. It will be clear from the true extract in Telugu from the Register of Births herewith enclosed as Annexure A. Since it is in Telugu, a true translation of it is submitted. *not recd.*

3 On 8--3--1928 I was given in adoption by my natural parents Velagapudi Ramiah and Nagabhushanamma to Panda Venkamma to be adopted to her late husband Panda Rangiah who died issueless. Annexure B is a printed invitation in Telugu sent by ^{my} adoptive mother Panda Venkamma to friends and relatives inviting them to attend the adoption ceremony on 8--3--1928. Since it is in Telugu, a true translation of it in English is submitted. Annexure C is a true copy of the Registered Deed of Adoption dated 9--3--1928 in Telugu executed by my adoptive mother in my favour. A true English translation of it is also *not recd.*

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submitted. Ever since, my surname of my natural family viz. "Velagapudi" was changed to that of "Panda" the surname of my adoptive family, Hence I, who was Velagapudi Venkata Rajagopala Krishna Chowdhury before 8-3-1928, became Panda Venkata Raja Gopala Krishna Chowdhury on and after 8-3-1928, the date of my adoption. Thenceforward my name was entered as Panda Venkata Raja Gopala Krishna Chowdhury or P.V.R.G. Krishna Chowdhury in School and College records and all other public records.

4 I am a graduate of the Madras University, having passed the B.A. Degree Examination in September 1943. Before I attended the B.A. Degree examination, I applied to the Registrar of the Madras University to change my name from P.V.R.G. Krishna Chowdhury to P.V.R.G.K. Chowdhury. The Official Memo No. E.10554, dated 9th September 1943, from the Registrar, Madras University is enclosed herewith, as Annexure D. I got the change of my name published in the Fort St. George Gazette, dated July 20, 1943, Part II - Miscellaneous Notifications of Interest to the Public, page 629, enclosed herewith as Annexure E. Annexure F is my Secondary School Leaving Certificate i.e. the S.S.L.C. Register Serial No. 61861 D, in the first page of which were shown, among others, my name as Panda Venkata Raja Gopala Krishna Chowdhury, my father's name as Rangayya (my adoptive father) and my date of birth as 21--2--1919.

5 Since my date of birth is 21--2--1921 as testified to by the Annexure A, the true extract from the Register of Births, my date of birth as entered in the Secondary School Leaving Certificate (Annexure F) is a mistake and obviously wrong. When time came for me to be sent to school I was admitted to the Third Form in H.M. School, Dhulipudi, Guntur Dt. My adoptive father having been dead and my natural

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father not having been acquainted with the admission of pupils to the school, I was entrusted to some gentleman to be admitted to the school who gave the required particulars at the time of my admission to the school gave my date of birth as 21--2--1919 without any knowledge of my true and correct date of birth.

6 I was unaware of the incorrectness of the entry regarding my date of birth in the Secondary School-Leaving Certificate. After I entered my B.A. ~~Degree~~ course I understood that there would be hardly time for me to take up any Government job before I completed my 25 years according to the date of birth entered in my Secondary School-Leaving Certificate (S.S.L.C. Register - Annexure F). When I brought this to the notice of my natural mother she told me that the year of my birth was 1921 but not 1919. Therefore I obtained the extract from the Register of Births (Annexure A), in which my correct date of birth was entered viz. 21-2-1921, and found my date of birth as entered in the S.S.L.C. Register was wrong.

7 I most respectfully submit the incorrect date of my birth as entered in my S.S.L.C. Register viz. 21-2-1919 would affect me in many ways throughout my career as the date in the S.S.L.C. Register is the criterion of proving my age whenever I seek any employment or for any other purpose in my life.

8 I humbly beg to invite the attention of the Director of Public Instruction to the latest ruling of the High Court of Judicature at Madras on 28--4--1943 that "the Government gives the widest discretion to the Director of Public Instruction that wherever a case of a clerical error or a bona fide mistake or manifest injustice is brought to his notice, despite all the general rules, he may make the alteration". Owing to a mistake committed by a gentleman to whom I was entrusted to be admitted to the school by whole career will be effected if my date of birth as given in the

cf. portion "B"
on (2) 4 CF.
90.884.50
25.6.43.

from above

S.S.L.C. Register viz. 21-2-1919, which is wrong, is not altered as 21-2-1921, the correct date of my birth.

Therefore I humbly pray that the Director of Public Instruction will be pleased to order the necessary alteration to be made in my Secondary School Leaving Certificate (S.S.L.C. Register) Annexure F in my date of birth from 21-2-1919 to 21-2-1921.

I beg to remain,

Respected Sir,

Your most obedient servant,

(Sd) P.V.R.G.K. Chowdhury

(True copy)

M. Balachandrudu
Advocate

Education & Public Health

Depy

NO
Encls 157240-1-B-Edn., 49-12-44

Referred to the Director of
Public Instruction for very early
remarks.

E. A. Chakravartty

Assistant Secretary

9.12.44

M. Balachandrudu, B.A., B.L.,
Advocate.

No. 7, Rameswamy Street,
Theyarayanagar,
Madras, 20--10--1944.

To
The Director of Public Instruction,
Nungambakkam, Madras.

Sir,
Under instructions from my client Sri. P.V.R.G.K. Chowdhury, B.A., residing at No. 52, Oilmonger Street, Royapettah, Post, Madras, I have to write to you as follows:--

My client by his application dated 19th February 1944 with the necessary enclosures applied to you for the alteration of his date of birth in his S.S.L.C. Register from 21-2-1919 which is wrong to 21-2-1921 which is the correct date of birth. My client's said application to you dated the 29th February 1944 may be treated as part and parcel hereof. You by your L.Dis. on C.275 E/44 dated 20-3-44 informed my client that "applications for alteration of date of birth in the S.S.L.C. Register are not entertained after the pupil left the school, and appeared for the S.S.L.C. Public examination." My client states that you or the Government can direct the alteration in cases of bona fide mistakes and manifest injustice despite all the general rules. But you are unwilling to direct the alteration in spite of the evidence of my client produced before you. On account of this, my client sustains irreparable loss and his whole career in public life will be affected. Therefore I hereby call upon you to direct the necessary alteration in my client's S.S.L.C. Register as he prayed for in his application to you dated 19-2-1944 from 21-2-1919 to 21-2-1921, failing which, please take notice that my client will be constrained to institute the necessary legal proceedings for effecting the necessary alteration holding you liable for all my client's costs incidental thereto.

Yours faithfully,

(Sd). x x x

Advocate.

Copy to the Secretary to Government
Education and Public Health,
Fort St. George, Madras.

(True copy).

7. Medical relief (other than the provision of infectious diseases hospitals and other measures to deal with infectious diseases) does not come within the purview of the Bill. An arbitrary division of the resources of a local body, on a percentage basis, for expenditure on the several services does not seem practicable. The constitution of a Public Health Fund implies that a local body can make a contribution from its general funds to the

6. The suggestion to constitute a separate Public Health Fund seems to be the most feasible alternative. The average of the net ordinary expenditure incurred on public health purposes from the general fund during the three years preceding the constitution of the Public Health Fund, any additional amount required for expenditure being found either from provincial funds or by compelling the local authority to raise taxation for the purpose. If this proposal is accepted a definition of the term Public Health Fund is necessary.

5. Some municipal councils have both water and drainage schemes are now spending more than 40 per cent of their total revenues on public health purposes including medical relief, water-supply and drainage while those councils which do not have water-supply or drainage schemes spend about 25 to 30 per cent only of their revenue on public health services. In the case of district boards, however, the percentage spent is much less. Hence many local bodies will find it difficult to balance their budget if they are required to earmark not less than 40 per cent of their total income for expenditure under "public health." Further as the percentage of expenditure under public health to the total income of individual local bodies vary considerably it is not practicable to prescribe any uniform limit.

4. It is observed that the income of local bodies are of two kinds, (a) revenue raised or obtained for general purposes (e.g., general taxation and miscellaneous revenue and surpluses) and (b) revenue raised or obtained for specific purposes [all other items of revenue not mentioned under class (a)]. Generally speaking it is objectionable to encroach on any of the items of revenue raised for specific purposes and only a reasonable portion of the revenue raised for general purposes may be earmarked or spent on particular purposes. If more funds are required for specific purposes it is always desirable to raise revenue separately for those purposes, e.g., scavenging tax, water and drainage tax, etc.

3. A statement showing the income and expenditure under the various heads and their respective percentage to the total income for all municipal councils and all district boards taken together is at pages 441-442 infra. Another statement showing the percentage of the total income spent on public health purposes including medical relief and water and drainage account in respect of certain selected municipal councils and district boards is at pages 443 and 444 infra.

2. The proposed Public Health Bill requires a local authority to make adequate provision for treatment of infectious diseases but it is silent about the provision of medical relief for non-infectious diseases. It is therefore doubtful whether the term "expenditure under public health" occurring in clause 130 of the Bill will include expenditure under medical relief also.

1. The proposed Public Health Bill requires a local authority to make adequate provision for treatment of infectious diseases but it is silent about the provision of medical relief for non-infectious diseases. It is therefore doubtful whether the term "expenditure under public health" occurring in clause 130 of the Bill will include expenditure under medical relief also.

Local Administration Department.

C. H. MASTERMAN—6-1-38.

M. T. DURAISWAMI AYYANGAR—23-12-37.

If public health measures are to be carried out successfully according to the provisions of this Bill, it is necessary to prescribe that a definite percentage of the receipts of local body should be set apart for public health purposes. As in the case of the financing of water-supply and drainage schemes, the local body should raise the rate of the general property-tax in order to secure funds for public health expenditure up to 40 per cent of its total receipts. There seems to be no objection to constitute a separate fund for this purpose provided that the limit of 40 per cent is adhered to.

R. C. NO. 2344-E/44

Office of the
Director of Public Instruction,
Madras, Dated 13-12-1944.

From Sir R.M. Statham M.A., C.I.E., I.D.S.,
Director of Public Instruction, Madras.
To The Secretary to Government,
Education and Public Health Department.
Subject: S.S.I.C. - Sri P.V.R.G.K. Chowdury - Cor-
rection of date of birth.

IN resubmitting herewith the papers re-
ferred for my remarks in Government Endorsement No. 57240-1-
B. Edn., dated 9-12-1944, I have the honour to state as
follows:-

IN his original petition dated 19-2-44
as Sri Chowdury himself admitted that the gentleman who
admitted him in school gave the date of birth as 21-2-1919
the question of correction did not arise and he was in-
formed that his request could not be entertained. There-
fore the statement of the Advocate in the opening sen-
tence of his letter to Government dated 4-12-1944 "that
the date of birth of his client was incorrectly entered
as 21-2-1919 instead of 21-2-1921 in the S.S.I.C." is
incorrect and contrary to facts.

IN this connection I may also invite the
attention of Government to Government Order No. 39 Edn.,
dated 12-1-1944 and state that the case of Sri Chowdury
does not come under any of the categories mentioned therein.

For Director of Public Instruction.

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C.No. 57240. From Sri M. Balachandrudu, Advocate, Theyagarayanagar dated 4-12-1944.
 59199/44. From the D.P.I., R.C.No. 2244-E/44, dated 18-12-44.
 S.S.L.C. - Sri P.V.R.G.K. Chowdury - Alteration of date of birth.

Graduate of the Madras University
 On 19-2-1944 Sri P.V.R.G.K. Chowdury applied to the

D.P.I. for correction of his date of birth in his S.S.L.C. Register, from 21-2-1919 to 21-2-1921. Along with his application he produced, as evidence, an extract from the Birth Register. The reason adduced by Sri Chowdury for the alteration was that the gentleman who had him admitted in III Form in the Hindu Middle School, Chulianur did not know the correct date of his birth and gave, for entry at the time of admission, a wrong date. viz. 21-2-1919. The D.P.I. rejected the application, saying that "applications for alteration of date of birth in the S.S.L.C. Register will not be entertained after the pupils left the school and appeared for the S.S.L.C. Public Examination". Upon this, Sri Chowdury caused a lawyer notice also to be sent to the Director, on 30-10-44. Apparently the Director did not send any reply.

2. Now the Lawyer has addressed Government. The Advocate's letter is in the form both of an appeal against the Director's orders and also of a final notice. From the Director's remarks obtained on this communication, it is seen that the Director rejected the original application on the basis of Mr. Chowdury's own statement that the gentleman to whose care he was entrusted for admission into the School mentioned in Form I above gave the date as 21-2-1919. The Director's point is that the date was not incorrectly entered and further that the circumstances of Sri Chowdury's case are not such as to call for alteration of the date, according to the orders in the G.O. at "K" 17. The view held by the Director appears to be correct. No action seems called for.

3 It is for consideration whether a reply should be sent to the Advocate or he may be left to himself to take legal proceedings, if he chooses to do so.

A reply and go. Draft for appl.

22/12/44
 21/12/44

22/12/44

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Memo. 57240-2 B.E. of 2-1-45
 FD From Sri. M. Balachandrudu, Advocate, 4-12-44

Sri. P.V.R.G.K.; Chowdury - Alteration of date of birth in the S.S.L.C.

The Govt. understood that what was entered in the S.S.L.C. was the date of birth as given by the individual who took Sri Chowdury for admission to the school. The note in the letter cited above, viz., that the date of birth was incorrectly entered in the certificate is not in accord with facts.

Govt. Do not consider it necessary to interfere with the order passed by the D.P.I. mentioning employment to select candidates for the public service. 22-12-44

A.R

21/12/44
 22/12/44

Superintendent.
 27/12/44
 28/12/44

(Issued as Memo No 57260-2 B. Edm. 8 2-1-45) p 10 of 10

The papers may be

Order NO 56 Edm dated 15.1.1945.
MS Recorder

SS/51
C. 151
12-1-45

3
13.1.45

S.S.-L.C

Sri P.V.R. G.K. Chowdhury
Alteration of date of
birth - Reference
answered.

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