

Education and Public Health (1946) Department.

SERIES.

G.O. No. 1485 E 1488

Dated 30.7.46.

[Despatch Abstract.]

University - Madras - Election to the Academic Council - from the Senate - Dr. V. Govindan Nair, Lecturer, Andhra Medical College, Vijayaputur - Nomination - Disqualification - Protest against - Papers recorded.

ref
31/7

Back Papers.

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

Further Papers.

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

Maharanipeta
Vizagapatam
3rd June 1946

From

Sri V. Govindan (Nair) L.M.S., L.R.C.S., M.R.C.P., F.R.F.P.S.,
Member, Senate, University of Madras,
Andhra Medical College, Maharanipeta, P.O.,
Vizagapatam.

A1/2521

To

The Vice-Chancellor,
University of Madras, University Buildings,
Chepauk, Triplicane, Madras.

No: 12/46

Sir:

I was a candidate for election to the Academic Council from the Senate according to Section 23 (a) Class II (2) of the Madras University Act. Nomination papers were filed on my behalf and after scrutiny I was informed by the Registrar in his letter No: A 2744 dated 18-5-46 that my nomination was declared invalid as the nominee should be one who is not engaged in teaching.

I wrote to the Vice-Chancellor regarding the invalidation of my nomination with my objections to the same and requesting him to declare my nomination valid and include my name in the list of valid nominations and stay further stages of this election till this question of validity of nomination is decided. To this the Registrar in his letter No: A 2779 dated 23rd May 46 replied thus "under law 13 of Chapter XIX of the laws of the University, the Registrar of the University has been authorised by the Vice-Chancellor to do all things necessary in connection with the election of four members to the Academic Council by the members of the Senate; and I reject that under exercise of the powers delegated to me by the Vice-Chancellor, I cannot accept the contention that you are 'not engaged in teaching'".

Under Statute 2 of Chapter XIX of the Laws of the University, I therefore request you to refer this matter to the Chancellor for his decision. The facts of the case are as follows:

1. That I was a candidate for election to the Academic Council under Section 23 (a) Class II (2) of the Madras University Act. to be elected by the Senate from its own body who are not engaged in teaching. My nomination was rejected as the Registrar thought that I was engaged in teaching. My contention is that for purposes of this election I should be considered as "not engaged in teaching".

2. The point for decision is the meaning of the words "engaged in teaching" occurring in Section 23 (a) Class II (2). These words may have two meanings. 1. A straight forward common sense meaning - a teacher. 2. A meaning in a wider sense - any one engaged in giving any instruction to anyone e.g. a lawyer who teaches his apprentice-at-law or his junior; a parent who teaches his own child etc. It is evident that the intention of the legislature is not to give such a wider meaning to these words as to exclude almost every one from the operation of the Section quoted above.

Therefore the words "engaged in teaching" can have only one meaning i.e. "a teacher". The word "teachers" is defined in the act under Section II (j) thus "teachers" means such professors, readers, lecturers and other persons giving instructions in University Colleges or laboratories, in constituent, affiliated or oriental colleges or in hostels as may be required by the statutes to be teachers.

As the Andhra Medical College, Vizagapatam in which I am engaged in teaching is not a University College or a laboratory, constituent, affiliated or oriental college of the University of Madras I should not be considered to be "engaged in teaching" for purposes of Section 23 (a) Class II (2) of the Madras University Act.

Further in the Andhra University Act enacted by the same legislature and having the same Chancellor as the Madras University the expression used for the identical purpose is "teachers" (vide section 22 I, (i) Class II (1) of the Andhra University Act) and not "engaged in teaching" and the definition of the "teachers" also is the same in both the acts.

In the above circumstances I request you to declare my nomination valid and allow me to contest the election. If the election has already been conducted, the election may be declared null and void.

V. Govindan Nair
Member, Senate, University of Madras.



UNIVERSITY OF MADRAS.

2870
UNIVERSITY BUILDINGS,
CHEPAUK,

No. A 3133.

Madras, 18 JUN 1946

From

The Vice-Chancellor,
University of Madras.

To

The Private Secretary to
His Excellency the Chancellor,
Madras Governor's Camp, India.

Sir,

I have the honour to refer to His Excellency the Chancellor for decision, under Statute 2 of Chapter XIX of the Laws of the University, (University Calendar, Volume I, Part I, 1945-46), the enclosed objection petition from Sri V. Govindan, B.M.S., L.R.C.S., M.R.C.P., F.R.F.P.S., regarding the validity of the recent election of four members of the Academic Council by the members of the Senate under Section 23 (a), Class II - Other members - sub-clause (2) of the Madras University Act.

The facts of the case and the objections have been set out in the petition, but I should like to make the following observations.

(1) Under Section 23 (a), Class II - Sub-Clause (2) of the Act, five members are to be elected to the Academic Council by the Senate from its own body who are not engaged in teaching. On receipt of a nomination paper of Mr. V. Govindan, who is Lecturer, Andhra Medical College, Vizagapatam, for election to the Senate under the above section of the Act, the nomination paper, on scrutiny, was declared invalid, as the nominee was engaged in teaching, and the election was proceeded with excluding the nomination of the petitioner.

(2) It has been contended by the petitioner that as he was not a teacher as defined in the Act (within the 'Jurisdiction of the University') he cannot be construed as being engaged in teaching. The point therefore for decision is whether the petitioner is "engaged in teaching" within the meaning of the above Section of the Act or not.

(3) In this connection, I wish to point out that the term 'engaged in teaching' has not been defined in the Act, and has in this context been definitely used in the larger sense as embracing any person engaged as a teacher in any recognised Institution, whether such institution is situated within or without the jurisdiction of the University. This interpretation would seem to be justified, on the basis of the constitution of the Academic Council, which is purely an academic body consisting of teachers providing for representation of varied types of academic interests; and the intention of the Act would seem to be to provide for the representation of some non-academic element from the Senate, which is the supreme Governing Body of the University.

I request you to place the above communication with the

petition.

P.T.O

2-297/44
2-893/41
2-883/41
2-297/38
2-83/39
2-894/49

petition of Mr.V.Govindan before His Excellency the Chancellor,
and communicate to me his decision at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

A.S. Mudshai

VICE-CHANCELLOR.

ks/17/6/-

2-2820/46 Government House,
Ootacamund,
21st June 1946.

My dear Viswanatha Ayyar,

I am to send you the accompanying letter from the Vice-Chancellor, Madras University, and its enclosure, regarding an objection raised in connection with the recent election of four members of the Academic Council by the members of the Senate, and to say that His Excellency would be glad if this could be examined in consultation with the Legal Department and the case circulated through the Ministers concerned with advice as to the reply to be sent.

Yours sincerely,

P.S. Ayyar

P.S. Viswanatha Ayyar Esq., ICS.,
Secretary to Government,
Education & Public Health dept.

Guindy,
26th July 1946.

From A.J. Platt Esq., OBE., ICS.,
Private Secretary to H.E. the
Governor,

To The Vice-Chancellor,
University of Madras.

Sir,

University - Madras - Election to
the Academic Council from the
Senate - Dr. V. Govindan Nair,
Andhra Medical College, Vizaga-
patam - Nomination - Invalida-
tion - Protest against.

Ref: Your letter No. A.3133, dated
18th June 1946.

I am to say that His Excellency
the Chancellor has examined the
objection petition from Dr. V. Govindan
regarding the rejection of his nomi-
nation for election to the Academic
Council, and agrees with the views
expressed in your letter quoted above.

2. His Excellency considers that
(PTO)

-2-

there are no reasonable grounds to set aside the election in question, and he therefore declines to interfere, but would be grateful if you would communicate the reasons to Dr. Govindan.

Your obedient servant,

Private Secretary to
H.E. the Governor.

Copy for Sectt. file

E. & P. H. (B.1)

University - Madras - Election to the Academic Council -
from the Senate - Dr. V. Govindan Nair, Lecturer, A.M.C.,
Vizagapatam - Nomination - Invalidation - Protest against

C.No. 33475/46 - From the P.S.G.No. 2-2820/46 dated
21.6.1946.

May be sent to Legal u.o. for remarks.

RS
26/6
WSN
26/6/46

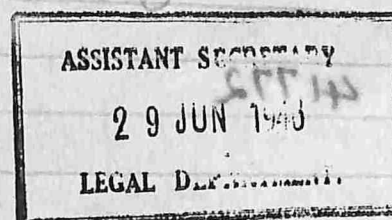
27/6/46 / B. 28.6.46

Legal

E. & P. H. (B.1)

No. No. 33475-B/46-12dn
28.6.46.

4562



LEGAL DEPARTMENT.

Section 23 (a) Class II (2) of the Madras University Act refers to "five members elected by the Senate from its own body who are not engaged in teaching". The petitioner's contention is that the words "who are not engaged in teaching" should be construed as meaning "who are not teachers" as defined in section 2 (j). This contention does not seem to be tenable, as the reference to persons who are not engaged in teaching is deliberate. Items (3) and (4) of ^{(23(a) class II (2))} that section specifically refer to "teachers" and if reference to "teachers" is intended in item (2) also, the expression "teachers" would have been used instead of the words "who are not engaged in teaching". The fact that in the Andhra University Act section 22 ⁽ⁱ⁾ Class II (1), the expression "teachers" is used cannot be used as an argument to construe the words "who are not engaged in teaching" as meaning "teachers" as defined in the Act. The position stated by the Vice Chancellor at B on p.2 c.f. is therefore correct.

Legal 20. 4562-1
11.7.46

28/10/7/46 S

10/2/46



Please see the legal Dept's remarks on p 1 ante.
They consider that the position stated by the Vice-Chancellor
at B on p 2 of is correct. The Vice-Chancellor may
be informed accordingly and he may be requested
to inform Mr V. Govindan that his request cannot
be complied with.

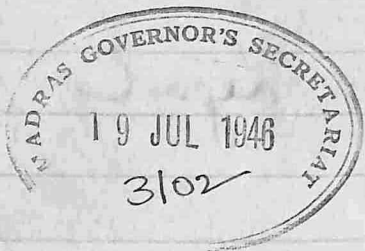
may be
appd
B. 7. 46

The file may be circulated to HM (Law)
HM (Gen) & H.E.

12-7-46

12/7/46

13-7-46



H.D. (Law)

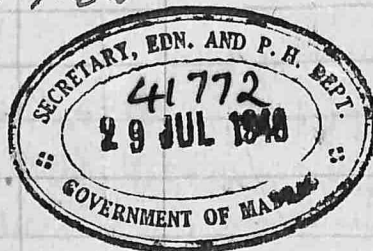
15-7-46

H.D. (Edn)

T&A
18-7-46

15/7/46

H.E. psl Mr. agrees. The
Vice-Chancellor has been informed
accordingly
26-7-46



The papers may now be

Order 1488 Edn dated 30-7-46.
Ms.

Recorded

Index

2
307

29-7-46

30/7/46