

~~E67~~ (1946) Department.

Re

SERIES.

14

G.O. No.

1729
Edw

Dated

9. 9. 1946

[Despatch Abstract.]

Rules - Municipal Councils and District Boards - Establishments
Discharge of probationers in the L.P. or B.Ed. grade - Amendments -
Drafts published.

Back Papers.

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

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
No.	529	Edn.	17-3-47.				

Re.No. A3-23021-45.

Nellore District Board Office,

Dated 14-2-46.

From

Sri Rao Bahadur P. Govindureddi,
President, District Board, Nellore.

To

The Secretary to Government,
Education and Public Health Department,
M a d r a s.

Sir,

Subject:- Appeal - Sri O. Subrahmanyam, B.A., B.Ed., -
Acting senior assistant - Board Secondary schools -
Against orders of reversion during the period from
23-12-44 to 10-1-45.

For the five sections in the higher forms of the Board High School, Kandukur in the school year 1944-45, there were two L.T. grade mathematics assistants on the staff of the school when it reopened on 20-6-45. One of the L.T. grade mathematics assistants, Sri D.V. Krishniah, M.A., B.Ed., had to be granted leave from 21-6-44; and the vacancy could not be filled up by a mathematics graduate immediately for want of candidates qualified to teach the subject. The vacancy was filled up by appointing candidates of other subjects as a stop-gap arrangement till a qualified mathematics graduate could be secured for service. Subsequently, the vacancy was advertised; and one of the applicants, Sri Ch. Madhavarao, B.A., B.Ed., (Mathematics) was appointed in the place from 7-11-44. In the consequential arrangements that were made, one Sri S.V. Krishnamachari, B.A., B.Ed., (Literature) who had been working in the leave vacancy of Sri D.V. Krishniah was provided elsewhere in the arrangements that were made consequent on the grant of leave to one Sri K. Venkatappiah, M.A., L.T., permanent senior assistant, Bd. High School, Kavali. After expiry of the leave granted to him, Sri K. Venkatappiah, the permanent senior assistant, had to be provided with a posting from 23-12-44, which could be found only by discharging or reverting the junior most probationer in the L.T. cadre. The last junior in the cadre Sri Ch. Madhavarao, B.A., B.Ed., being a mathematics graduate could not be discharged from service in view of the absolute and unavoidable need for a mathematics assistant for the Board High School, Kandukur. The next incumbent above him in the order of juniority, one Sri G.K.V. Subrahmanyam, B.Sc., B.Ed., also had to be retained in order to provide for the teaching of science in the Bd. High School, Kanigiri, where he was working. The same contingency stood in the way of discharging even the next two juniors above Sri G.K.V. Subrahmanyam, i.e., (1) Sri D. Ramaiah, B.A., B.Ed., (Mathematics) and (2) Sri K.V. Subrahmanyam, B.A., B.Ed., (Mathematics) as the teaching of Mathematics could not be arranged for in the several schools under the Board in the event of their discharge. In the circumstances, stated above, the next man in the order of juniority one Sri O. Subrahmanyam, B.A., B.Ed., (History) acting senior assistant, Bd. High School, Kanigiri, though a senior to the above mentioned four acting teachers was reverted to the junior cadre with effect from 23-12-44.

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2. Sri O. Subrahmanyam, B.A.; B.Ed., thereupon preferred an appeal to the Director of Public Instruction, Madras on 31-1-45 against the said orders of his reversion to the junior cadre; and the Director of Public Instruction, Madras issued orders in his Dis.No. 3665/45 dated 27-10-45 (copy enclosed) to the effect that Sri O. Subrahmanyam should be appointed to the L.T. Cadre forthwith, discharging if need be, Sri Ch. Madhavarao, B.A., B.Ed., the last probationer in the cadre and that the service irregularly gained by the latter from 23-12-44 to the date of reappointment of the former to the L.T. cadre be declared as not counting for probation.

3. * I have to state, in this connection, that the appellant Sri O. Subrahmanyam is at present working as L.T. grade assistant from 6-8-45, having been ~~xxx~~ reemployed in the subsequent vacancies that occurred in the cadre and that Sri Ch. Madhavarao the last junior in the said cadre left service of this Board having tendered his resignation with effect from 4-8-45. But however, in as much as the reversion of the appellant from 23-12-44 was made under ~~x~~ unavoidable circumstances considering the subject needs of all the schools under the Board as aforesaid, I felt that the orders contained in the latter half of paragraph 1 of the Proceedings issued by the Director of Public Instruction, Madras in his Dis.No. 3665/45 dated 27-10-45 needed revision in view of the statutory provision in the second proviso of explanation (2) of sub rule (ii) of rule 18 of the rules relating to the establishments under District Boards issued with G.O.No. 2342, L.S.G., dated 2-6-36 (as subsequently amended) and I addressed the Director of Public Instruction, Madras in this office letter dated 22-11-45 (copy enclosed) with a request to reconsider the orders and revise them accordingly. In reply, the Director of Public Instruction, Madras stated in his letter dated 30-11-45 (copy enclosed) that as Sri O. Subrahmanyam was reverted for want of a vacancy, but not due to the abolition of any post in the B.Ed., grade, the rule quoted by this office is not applicable in his case and that the question of revision of the orders already issued by him would not therefore arise.

4. I am inclined to think that the interpretation given by the Director of Public Instruction, Madras that when, for want of a vacancy, a person has to be discharged or reverted from the B.Ed., ~~xx~~ grade, it has to be done strictly in accordance with seniority irrespective of the subject requirements of the institutions deserves reconsideration in as much as such a course would sometimes make it impossible to ~~x~~ arrange for the teaching of all the subjects under the secondary school leaving certificate scheme in accordance with the provisions of the Madras Educational rules. For instance, in the present case, the District Board could not make satisfactory arrangements for the teaching of Mathematics and Science in the several schools under it by retaining Sri O. Subrahmanyam, a History ~~xxxxx~~ graduate, on the establishment in preference to a Mathematics or Science L.T. grade assistant. In the light of

the facts stated above, I request that Government may kindly be pleased to order that the second proviso of explanation (2) of sub rule (ii) of Rule 18 of the Rules relating to Establishments under District Boards is applicable not only in cases where a person has to be discharged on the abolition of a post but also when it has to be done for want of a vacancy if the ~~xxxx~~ District Board cannot make satisfactory arrangements with the existing staff, for the teaching of all subjects under the Secondary School Leaving Certificate scheme otherwise than by retaining a junior person in preference to his senior.

[Signature]
President, 20/1/46.
District Board, Nellore.

R.A.14-2-P. *[Signature]*

Copy of Proceedings Dis.No. 3665/45 dated the 27th October, 1945 of the Director of Public Instruction, Madras.

Sub:- APPEAL - Sri O. Subrahmanyam, Asst.-Secondary Schools - Dt. Board, Nellore - For Seniority in the L.T. and Secondary Grades - Orders passed.

Read the following:-

- (1) Appeal dated 31st Jan. 45 from Sri O. Subrahmanyam.
- (2) Endorsement D.Dis.No. 2621/45 dated 29th March, 45 of the President, Dt. Board, Nellore.
- (3) Endorsements ROC.No. 45-A/45 dated 24th August 1945 of the Division Inspector of Schools, Anantapur.

Sri O. Subrahmanyam, should be considered junior to Sri K. Sravamanandaram and ~~xxx~~ Sri Y. Narasimharao and senior to Sri K.V. Subrahmanyam, Sri D. Ramanian Choudhari, Sri G.K. V. Subrahmanyam and Sri Ch. Madhavarao in the L.T. Cadre. The President, District Board, is therefore requested to appoint Sri O. Subrahmanyam in the L.T. Cadre ~~x~~ forthwith, discharging if need be, Sri Ch. Madhavarao the last probationer in the L.T. Cadre and to declare the service irregularly ~~x~~ gained by the latter from 23rd December 1944 to the date of reappointment of Sri O. Subrahmanyam to the L.T. Cadre as not counting for probation.

2. As regards his ~~seniority~~ seniority in the Secondary Grade Cadre, Sri O. Subrahmanyam may be informed that he is senior to Sri Y. Narasimharao, Sri K.V. Subrahmanyam, and Sri G.K.V. Subrahmanyam only.

3. Sri O. Subrahmanyam is referred to the President, Dt. Board, for orders on his appeal.

Copy of letter Ro.No. A3-23031-45 dated 22-11-45 from the President, Dt. Board, Nellore to the Director of Public Instruction, Madras.

Subject:- Appeal - Sri O. Subrahmanyam, B.A., B.Ed., - Acting Senior assistant, Bd. Secondary schools - For seniority in the L.T. and secondary grades and against orders of reversion ~~xxxxxx~~ during the period from 23-12-44 to 10-1-45 -

P.T.O.

Orders - Revision of.

Reference:- Your Proceedings Dis.No.3665/45 dated 27-10-45.

The position of the appellant Sri O.Subrahmanyam, B.A., B.Ed., in the L.T. cadre as determined in paragraph 1 of ~~xxx~~ your above proceedings quite agrees with the list of probationers arranged in the order of their seniority maintained in this office. ~~xxxx~~ With regard to his position in relation to Sri K.Sravanandam Rao, B.A., B.Ed., in the junior cadre ~~willxxx~~ ~~xxxxxxx~~ the list of probationers maintained here will be suitably ~~am~~ amended.

2. As regards the orders contained in the last sentence of paragraph 1 of the proceedings, I have to state that the appellant, Sri O.Subrahmanyam was already appointed to the L.T.Cadre with effect from 6-8-45 and that Sri Ch.Madhavarao B.A., B.Ed., the last junior in that cadre left service of this Board having tendered his resignation with effect from 4-8-45. There is therefore no question of either discharging him or annulling service irregularly gained from 23-12-44. But however I feel that the orders contained in latter half of paragraph 1 of ~~x~~ your proceedings require reconsideration in view of the statutory provision in the second proviso of explanation (2) of sub rule (ii) of Rule 18 of the Rules relating to the establishments under the District Boards issued with G.O.No. 2342, L.S.C., dated 2-6-36 (as subsequently amended) which requires that for the purpose of discharge, assistants in the L.T. or B.Ed., grade shall be grouped according to the subjects they teach and that where the grouping is likely to cause hardship to the existing assistants with a service of not less than five years in the L.T. or B.Ed. grade, the unit for discharge or reversion shall be the group of the assistants taken as a whole if the District Board can make satisfactory arrangements with the existing staff for the teaching of all the subjects under the secondary school leaving certificate scheme in accordance with the provisions of the Madras Educational Rules. The reversion of the appellant Sri O.Subrahmanyam during the period from 23-12-44 to 10-1-45 became inevitable as he happened to be the junior most in the group of the History graduate assistants which was overrepresented considering the needs of schools and as his juniors who belong to the other subject groups could not be discharged in view of the imperative need for instruction in the instructions in the subjects in which they were qualified. The management was therefore obliged to revert the appellant to junior cadre, and Sri Ch. Madhavarao the last junior appointed to teach Mathematics in the L.T. cadre. I therefore request you to kindly reconsider this part of the orders and issue revised orders in the matter at an early date.

Copy of letter No.1914-G/45 dated 30-11-45 from the Director of Public Instruction, Madras to the President, Dt.Board, Nellore.

Subject:- Appeal - Sri O.Subrahmanyam, Assistant, Secondary schools, - Dt.Board, Nellore - Revision of Director's Orders thereon - Not necessary.

Ref:- Your letter No.A3-23031-45 dated 22-11-45.

The second proviso under explanation (2) of Rule 18(a) of the establishment rules as introduced in G.O.1496, Edn., dated 23-6-38 is applicable only when a person is discharged or reverted on account of the abolition of a post. When a person is discharged or reverted for want of a vacancy, Rule 8(3) of the establishment rules is alone applicable. As Sri O.Subrahmanyam was reverted for want of vacancy but not due to abolition of any post in the B.Ed. grade, the ~~rule~~ rule quoted by you in your ~~xxx~~ letter referred to above is not applicable. Hence the question of revision of the orders already issued in my Proceedings Dis.No.3665/45 dated 27-10-45 does not arise.

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Education & Public Health

Endorsement No. 10852 B1/46-1

Education 26-2-46

7/Referred

Forwarded to the Director of Public Instruction for remarks.

25/2/46

(By Order)

Asst. Secretary to Govt.

To The Director of Public Instruction, Madras.

25/2/46
10852

Office of the Director of Public Instruction, Madras.
Dr. S.R.U., Saver, M.A., D.Sc., I.E.S.,
Director of Public Instruction, Madras

R.C.No.475-G/46.

Dated 16th June 1946.

Subject.

District Board, Nellore--Gri O. Subrahmanyam, L.T.
Assistant--Secondary Schools--Appeal against reversion
to the Secondary Grade cadre--Review of Director's
orders thereon.



33147

(M)

REFERENCE:-
Government Endorsement No. 10852-B1/46-1
Education dated 26.2.1946.

Resubmitted.

H-1-3 ante

2. In his letter R.C.No. A3-23031/45 dated 14.2.1946 the President, District Board, Nellore requests Government to order that the second proviso to explanation (2) of sub-rule (a) of Rule 18 of the establishment rules, as introduced by G.O.No. 1496-Education dated 28.6.1938 be made applicable not only to cases where a person has to be discharged or reverted on the abolition of a post but also when he has to be discharged or reverted for want of a vacancy. As the rules stand at present, provisions under Rule 18 of the establishment rules are applicable only when any post or posts are abolished and provisions of Rule 8(3) of the said rules have to be followed for the purposes of discharge or reversion of a person for want of a vacancy. This was pointed out to the President, District Board in the Director's letter to him R.C.No. 1914-G/45 dated 30.11.1945.

3. The arguments advanced by the President, District Board for the consideration of subject requirements of the school even in cases of discharge for want of vacancies are based on the peculiar needs of educational institutions and it would be meaningless to insist on the retention of a L.T. Assistant in History for want of a vacancy in that subject when a Mathematics or Science man is required for the school on the mere ground that the History man is senior to Mathematics or Science man in the L.T. cadre as a whole. The vacancies should be considered in groups according to subject requirements and I suggest that ousting or reversion of L.T. Assistants for want of vacancies should be regulated according to subject requirements of the school as in the case of their ousting or reversion on account of abolition of posts.

4. If the above proposal is acceptable to Government the following amendments to the establishment rules may be considered:

(1) In rule 7(3)/8(3) of the said rules, the words "in the unit concerned" shall be inserted between the words "vacancies" and "shall".

(ii) The explanation under Rule 7(3)/8(3) of these rules may be numbered as

Explanation (1) and the following may be added as

"Explanation (2)--The unit for purposes of selection of persons for discharge or reversion shall be the group of holders of posts of the same grade or of higher grades, if any, to which transfers, appointments or promotions are normally made"

(iii) in Rule 7(3)/8(3), after explanation 2, the following proviso shall be inserted, namely:--

P.T.O.

"Provided that for the purposes of this sub-rule (3), assistants in the L.T. or B.Ed. grade in the scale of Rs. 65-5/2-100 in secondary schools shall be grouped according to the subjects they teach. If any such assistant teaches more than one subject he shall, for the purpose of grouping, be deemed to teach such subject as the President of the district board

the executive authority of the Municipal Council may in consultation with the District Educational Officer or, as the case may be, the Inspectress of Girls' Schools, determine. But where the grouping is likely to cause hardship to the existing assistants with a service of not less than five years in the L.T. or B.Ed. grade the unit for discharge or reversion shall be the group of assistants in the L.T. or B.Ed. grade taken as a whole if the District Board/Executive authority can make satisfactory arrangements with the existing staff for the teaching of all the subjects under the S.S.L.C. Scheme in accordance with the provisions of rule 13 of the Madras Educational Rules."

Don

For Director of Public Instruction.

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

ks.18-6.

20/12/46

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(6)

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

Order Ms. No. *172-9* Education, dated *9-9-1946*.

Subj:- Rules - Municipal Councils and district boards - Establishments - Discharge of probationers in the L.T. or B.Ed. grade - Amendments - Drafts - published.

Refce:- From the Director of Public Instruction, Rc. No.473-G/46 dated 16-6-46.

1704

196-172-157

*2/12/46
Keep clean of*

Under rule 7 (3) and rule 8 (3) of the rules relating to establishments under Municipal Councils and district Boards ^{rule 8 (3) relating to} ~~respectively~~ the discharge of probationers for want of vacancies should be made in the order of juniority. Recruitment to the L.T. or B.Ed. grades in Secondary Schools under Local Bodies is made with reference to the requirements of teachers qualified to teach the various subjects, and the subject requirements of the school have therefore to be taken into consideration when selecting probationers in that cadre for discharge or reversion for want of vacancies. It is ^{not} therefore possible to regulate the discharge or reversion of probationers strictly in the order of juniority as laid down in the rules referred to above. The Director of Public Instruction has therefore recommended that the rules should be amended providing for the grouping of probationers in the L.T. or B.Ed. grades according to the subjects they teach for purposes of discharge or reversion for want of vacancies as has been done for purposes of discharge or reversion on the abolition of posts. The Government accept the D.P.I.'s recommendation.

The appended notifications will be published in the Fort St. George

Gazette.

*12/12/46
18/12/46*

To

The D.P.I., Madras.
The Insp. of M. C. &
Local Boards.
L.A. Department.
The Supdt., Govt. Press,
for publication in the
F.S.G.G.

Extra copies 2

16.8.46. 13.8.46

Appendix.

P.T.O.

APPENDIX.

Notification I.

It is proposed to make the following
~~The following draft of certain~~ amendments to the rules relating to establishments under municipal councils published with the late Local Self-Government Department Notification No. 687, dated the 2nd June 1936, at pages 316 to 318 of Part I-A of the Fort St. George Gazette, dated the 16th June 1936, as subsequently amended, *which it is proposed to make* in exercise of the powers conferred by sections 73 and 74 and ~~clause (a) of sub-section (2) of section 303~~ ^{(2)(a)} of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), and rule 37 of Schedule IV to the said Act, *The draft of the amendments is accordingly* ~~the said Act, is hereby published as required by clause (a) of section 304 of the~~ ^{clause (a)} said Act, for general information.

amendment
 Notice is hereby given that ~~The draft~~ ^{will be further} ~~proceeded with~~ ^{considered} after the expiry of six weeks from the date of publication ^{in the light of such} ~~of this notification~~ and that ~~any objections or suggestions which~~ ^{as} may be received ~~with respect thereto~~ before the expiry of the period, ~~aforsaid, will be considered by the Government of Madras.~~

Draft Amendments.

In rule 7(3) of the said rules —
in the opening paragraph after words

(i) ~~between the expressions~~ ^{words} 'for want of vacancies' and 'shall be' the expression "in the unit concerned" shall be inserted;

(ii) ~~The existing~~ ^t explanation shall be numbered as Explanation (1) and *in that explanation the word "and" occurring at the end shall be omitted;*
 the following shall be added as Explanation (2), namely:—

" Explanation (2). The unit for purposes of selection of persons for discharge or reversion shall be the group of holders of posts of the same grade or of higher grades, if any, to which transfers, appointments or promotions are normally made;

Provided that for the purposes of this sub-rule, ~~the~~ assistants in the L.T. or B.Ed. grade in the scale of Rs. 65-5/2-100 in secondary schools shall be grouped according to the subjects they teach. If any such assistant teaches more than one subject he shall, for the purpose of grouping, be deemed to teach such subject as the Executive authority of the Municipal Council may in consultation with the District Educational Officer or, as the case may be, the Inspectress of Girls' Schools, determine. But where the grouping is likely to cause hardship to the existing assistants with a service of not less than five years in the L.T. or B.Ed. grade the unit for discharge or reversion shall be the group of assistants in the L.T. or B.Ed. grade taken as a whole if the ~~District Board~~ Executive authority can make satisfactory

satisfactory arrangements with the existing staff for the teaching of all the subjects under the S.S.L.C. Scheme in accordance with the provisions of rule 13 of the Madras Educational Rules."

Notification II.

it is proposed to make the following
~~The following draft of certain~~ amendments to the rules relating to establishments under district boards published with the late Local Self-Government Department Notification No. 688, dated the 2nd June 1936 at pages 318 to 320 of Part I-A of the Fort St. George Gazette, dated the 16th June 1936, as subsequently amended, *which it is proposed to make* in exercise of the powers conferred by section ³ 70, ~~sub-section (1) of section 71 and~~ ^{(2)(a)} ~~clause (a) of sub-section (2) of section 199~~ of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and ~~clause (a) of sub-rule (1) of rule 1-0 of Schedule V to the said Act,~~ ^{(1)(a)} *The following draft of the amendments is hereby published, as required by* ~~section 200 clause (a) of section 200~~ of the said Act, for general information.

The draft amendments
 Notice is hereby given that the draft ~~will be further~~ ^{considered} after the expiry of six weeks from the date of publication ^{in the light of} ~~of this notification~~ and that ~~any objections or suggestions which~~ ^{such} may be received ~~with respect thereto~~ before the expiry ^{that} of the period, ~~aforsaid, will be considered by the Government of Madras.~~

Draft Amendments.

In rule 8 (3) of the said rules —

(i) ~~between the expressions~~ ^{words} 'for want of vacancies' and 'shall be' the expression ^{words} "in the unit concerned" shall be inserted;

(ii) ~~The existing~~ ^t explanation shall be numbered as Explanation (1) and the following shall be added as Explanation (2), namely:—

" Explanation (2). The unit for purposes of selection of persons for discharge or reversion shall be the group of holders of posts of the same grade or of higher grades, if any, to which transfers, appointments or promotions are normally made;

Provided that for the purposes of this sub-rule ~~(2)~~, assistants in the L.T. or B.Ed. grade in the scale of Rs. 65-5/2-100 in secondary schools shall be grouped according to the subjects they teach. If any such assistant teaches more than one subject he shall, for the purpose of grouping, be deemed to teach such subject as the President of the district Board may in consultation with the District Educational Officer ^{or} as the case may be, the Inspectress of Girls' Schools, determine. But where

the grouping is likely to cause hardship to the existing assistants with a service of not less than five years in the L.T. or B.Ed. grade the unit for discharge or reversion shall be the group of assistants in the L.T. or B.Ed. grade taken as a whole if the District Board can make satisfactory arrangements with the existing staff for the teaching of all the subjects under the S.S.L.C. Scheme in accordance with the provisions of rule 13 of the Madras Educational Rules. "

10.8.46

10.8.46

Abstract.

Municipal Councils and district boards - Establishments -
Use of probationers in the L.T. or B.Ed. grade - Amendments -
Published.

Education & Public Health Department.

Dated the 9th September 1946.

.1729 Man.

Read:--

From the Director of Public Instruction, Re.No.473-G/46
dated the 16th June 1946.

ORDER: Under rule 7 (3) of the rules relating to establishments under Municipal Councils and rule 8 (3) relating to district boards the discharge of probationers for want of vacancies made in the order of juniority. Recruitment to the L.T. or B.Ed. grades in Secondary Schools under Local Bodies made with reference to the requirements of teachers qualified to teach the various subjects, and the subject requirements of the school have therefore to be taken into consideration when selecting probationers in that cadre for discharge or reversion for want of vacancies. It is not therefore possible to regulate discharge or reversion of probationers strictly in the order of juniority as laid down in the rules referred to above. The Director of Public Instruction has therefore recommended that the rules should be amended providing for the grouping of probationers in the L.T. or B.Ed. grades according to the subjects they teach for purposes of discharge or reversion for want of vacancies as has been done for purposes of discharge or reversion on the abolition of posts. The Government accept the Director of Public Instruction's recommendation.

The appended notifications will be published in the Fort St. George Gazette.

(By Order of His Excellency the Governor)

P.S. Viswanatha Ayyar,
Secretary to Government.

To
The Director of Public Instruction, Madras.
The Inspector of Municipal Councils & Local Boards.
The Local Administration Department.
The Superintendent, Government Press for publication in the Fort St. George Gazette.
Forwarded/By Order.

Superintendent.

PL/9.9.

APPENDIX.
Notification.

In exercise of the powers conferred by section 73, 74 and 203 (2)(a) of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), and rule 37 of Schedule IV to the said Act, it is proposed to make the following amendments to the rules

rules relating to establishments under municipal council published with the late Local Self-Government Department notification No. 687, dated the 2nd June 1936, at pages 316 to 320 of Part I-A of the Fort St. George Gazette, dated the 1st June 1936, as subsequently amended. The draft amendments is accordingly published as required by section 304 clause (a) of the said Act, for general information.

The draft amendments will be further considered after six weeks from the date of publication in the light of such objections or suggestions as may be received before the expiry of the period.

Draft Amendments.

In rule 7(3) of the said rules--

(i) in the opening paragraph after the words 'for want of vacancies' the words "in the unit concerned" shall be inserted;

(ii) the Explanation shall be numbered as Explanation (1) and in that Explanation the word "and" occurring at the end shall be omitted;

(iii) the following shall be added as Explanation (2) namely:

"Explanation (2). The unit for purposes of selection of persons for discharge or reversion shall be the group of holders of posts of the same grade or of higher grades, if any, to which transfers, appointments or promotions are normally made.

Provided that for the purposes of this sub-rule, assistants in the L.T. or B.Ed. grade in the scale of Rs. 65-5/2-100 in secondary schools shall be grouped according to the subjects they teach. If any such assistant teaches more than one subject he shall, for the purpose of grouping, be deemed to teach such subject as the Executive Authority may, in consultation with the District Educational Officer or, as the case may be, the Inspectress of Girls' Schools, determine. But where the grouping is likely to cause hardship to the existing assistants with a service of not less than five years in the L.T. or B.Ed. grade taken as a whole if the Executive authority can make satisfactory arrangements with the existing staff for the teaching of all the subjects under the S.S.L.C. Scheme in accordance with the provisions of rule 13 of the Madras Educational Rules".

Unit for discharge or reversion shall be the group of assistants in the L.T. or B.Ed. grade

Notification II.

NOTIFICATION

In exercise of the powers conferred by sections 70, 71 and 199 (2)(a) of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and rule 1-3 (i)(a) of schedule I annexed to the said Act, it is proposed to make the following amendments to the rules relating to establishments under district boards published with the late Local Self Government Department notification No. 687, dated the 2nd June 1936 at pages 318 to 320 of Part I-A of the Fort St. George Gazette, dated the 1st June 1936, as subsequently amended. The following draft of the amendments is accordingly published as required by section 200 clause (a) of the said Act, for general information.

The draft amendments will be further considered after six weeks from the date of publication in the light of such objections or suggestions as may be received before that period.

Draft Amendments.

In rule 8(3) of the said rules -

(i) in the opening paragraph, after the words 'for want of vacancies' the words "in the unit concerned" shall be inserted;

(ii) the Explanation shall be numbered as Explanation (1) and the following shall be added as Explanation (2), namely:-

"Explanation (2). The unit for purposes of selection of persons for discharge or reversion shall be the group of holders of posts of the same grade or of higher grades, if any, to which transfers, appointments or promotions are normally made:

Provided that for the purposes of this sub-rule, assistants in the L.T. or B.Ed. grade in the scale of Rs. 65-5/2-100 in secondary schools shall be grouped according to the subjects they teach. If any such assistant teaches more than one subject he shall, for the purpose of grouping, be deemed to teach such subject as the president of the district board may, in consultation with the District Educational Officer or as the case may be, the Inspectress of Girls' Schools, determine. But where the grouping is likely to cause hardship to the existing assistants with a service of not less than five years in the L.T. or B.Ed. grade the unit for discharge or reversion shall be the group of assistants in the L.T. or B.Ed. grade taken as a whole if the district board can make satisfactory arrangements with the existing staff for the teaching of all the subjects under the S.S.L.C. Scheme in accordance with the provisions of rule 13 of the Madras Educational Rules.

Establishment - District Board, Nellore - Probationers in the L.T. Cadre - Discharge for want of vacancies to be regulated with reference to requirements for teaching all the subjects - Amendment of rules.

G.No.10852/46 - From the P.D.B., Nellore, R.C.No.A-3-23031/45 dated 14-12-45.

According to G.O.No.190 Edn., dated 27-1-1937 and the proviso ^b the clause (i) of rule 1 of the rules relating to the appointment and punishment of officers and servants of local boards, recruitment to vacancies in the L.T. or B.Ed. cadre in the secondary schools under district boards should be made with reference to the requirements of teachers qualified to teach the various subjects. Under sub rule (3) of rule 8 of the rules relating to establishments under district boards, the discharge of probationers for want of vacancies should be made in the order of juniority and persons who are on probation should be discharged before persons who have completed their probation. The P.D.B. Nellore, reports that sometimes owing to the ~~paucity~~ paucity of teachers qualified to teach a particular subject, it is found necessary to retain a junior qualified to teach that subject and discharge a senior who is not qualified to teach the particular subject and requests the Govt. that the second proviso to explanation (2) under sub rule (a) of rule 18 of the Establishment Rules according to which assistants in the L.T. or B.Ed. grade should be grouped according to the subjects they teach for purposes of discharge ^{or reversion} on the abolition of posts may be made applicable for discharge for want of vacancies.

2. Attention is solicited to the remarks of the D.P.I. in para.3 of his letter on page 7 c.f. He considers that in view of the peculiar needs of educational institutions the vacancies in the L.T. or B.Ed. cadre should be grouped according to subject requirements and ousting or reversion of L.T. Assistants for want of vacancies should be regulated according to subject requirements of the school as in the case of their ousting or reversion on account of abolition of posts and

suggests

suggests that rule 8(3)/7(3) of the rules relating to establishments under District Boards/Municipal councils may be ~~amended suitably~~.
The Director's suggestion may be accepted.

3. Explanation (2) suggested by the D.P.I. ~~is not necessary~~.
Sub rule (3) of rule 8 of the rules relating to establishments under District Boards seems unnecessary. The rule obviously refers to probationers in a particular grade which should be regarded as a separate unit so far as discharge or reversion from that unit is concerned. The last sentence in the proviso suggested by the Director on p.8 c.f. does not also seem to be quite suitable so far as probationers are concerned. If a provision is considered necessary to consider cases of hardship the following may be made:--

"But where the grouping is likely to cause hardship to a ~~particular~~ probationer who has completed his probation, it may for special reasons be departed from with the previous permission of the D.E.O. provided satisfactory arrangements can be made with the remaining staff for the teaching of all the subjects under the S.S.L.C. scheme in accordance with the provisions of rule 13 of the Madras Educational Rules".

The remarks of L.A. may be invited u.o.

19.7.46

There seems to be nothing wrong in accepting the Director's suggestions.

His suggestion no. 1 is necessary & must be accepted.
His suggestion no. 2 seeks to deprive the term 'unit' in clear terms to avoid any mis-conception and must be agreed to. His suggestion no. 3 follows only a similar provision in Madras Rule 18 of the rules.

relating to his order of discharge or reversion in consequence on his abolition of post. The objection here is he have a similar procedure in regard to his discharge or reversion of persons who he has due to want of vacancies on abolition of post and it is desirable that he provide in his case that he may be considered same. L.A. may see for details.

PO 102
I agree
28.7.46

E.E.P.H.
10.10.1952-23/10/52

27.7.46

28.7.46

L.A. Dept. (G)

This Dept. may agree

with the view of the E.P.H. Dept. above, and the file returned to them.

28.7.46

29.7.46

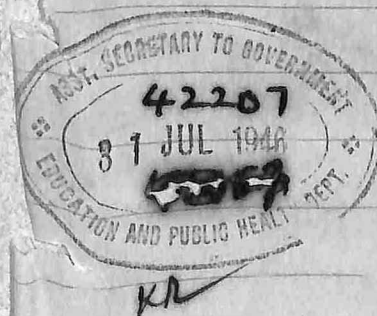
28.7.46

29.7.46

Secy 28.7.46
E.E.P.H.



L.A. No. 23-66-19
29.7.46



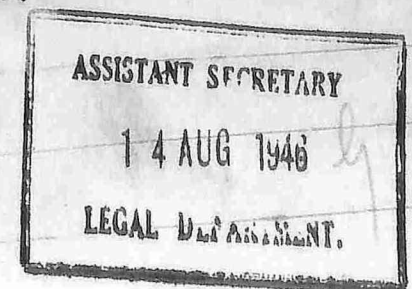
Please see the remarks of L.A. above.

A draft order publishing the amendments to the rules relating to establishments under municipal councils and district boards proposed by the D.P.I. is submitted below for approval. It may be sent to the Legal Department for scrutiny.

18.8.46

E.E.P.H.

10.10.1952-33/10/52
d. 14.8.46



10/8/46

B.S.W.

Legal

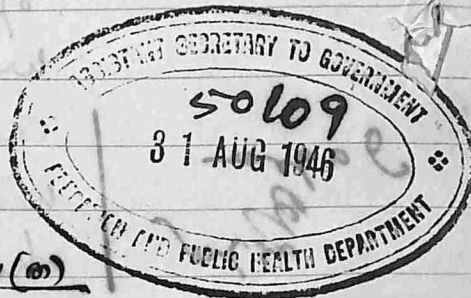
LEGAL DEPARTMENT.

The alterations indicated in red ink on the draft notifications may be made.

28/8/46 F.P.H.

Ug no 5884-1

28-8-46



SPN (M)

KA

The alterations indicated by the legal department will on the draft notifications may be accepted.

The file may be circulated to HM (con) for approval before issue.

21/9/46

4/9/46



TSA 7-9-46

H.N. (Ech)

POST COPY OF TELEPHONIC MESSAGE. Dated 16-9-46.

From The Director of Public Instruction, Madras.

To 55568

The Secretary to Government, Education and Public Health Department.
Sub:- Establishment Rules - Municipal Councils and District Boards - Amendments to the.

Ref:- G.O.No.1729 Edn., dated 9-9-46.

In the proviso to Explanation (2) in the Draft Amendment under Notification I appended to the Govt. Order referred to above, the following words have been omitted between the words "Grade" and "taken" "the unit for discharge or reversion shall be the group of assistants in the L.T., or P.Ed., grade".

Necessary correction may be kindly issued.

for Director of Public Instruction.

PKR.17/9

sd

94

1869



E & P. H. (B1)

Rules - Municipal Councils and District Boards -
Establishment - Discharge of probationers in the d. T or
B. Ed grade - Draft amendments - G. O. MS no 1729

dated 9.9.46
Read. Co 1729
Read. - Post copy of T. M. dated 16.9.46 from the

Erratum
Corrigendum - Issued.
Memo no. 555 G.S. / 46-1 B. Ed. d. 26-9-46
F.S.G.S. The following Erratum will be published in the

In the proviso to Explanation (2) in
the draft amendment to Rule 7(3) of the rules
relating to establishments under Municipal Councils
issued in G. O. MS no 1729 dated 9.9.46 and

published in the Rules Supplement to Part I B. Educational
of the Fort St. George Gazette dated 27th Sept 1946

The following shall be inserted between the words
'in the d. T or B. Ed grade' and 'taken as a unit' -
'the unit for discharge or re-employment' shall be the

group of assistants in the L.T., or B.Ed., grade.

(14)

ND

has
24/9
1946

25/9/46

25/9/46

to

✓ the D.P.P.

✓ the Insp. of M.C.s
and Local Boards
✓ the L.A. Dept.

✓ the Supdt. Genl.
Press for publication

in the J.S.G.G.

25/9/46

28-5-58

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Note: the omission of the words

referred to in the T.M. of the D.P.P. has occurred in the
first copy (p. 13-15) sent to him
and to the L.A. Dept. The draft memo above is for
approval.

has
24/9
1946

25/9/46

25/9/46