

Edn & P.H. (1946) Department.

MS. SERIES. ①

G.O. No. 2035 Edn.

Dated

25/X/1946.

order on p 7

[Despatch Abstract.]

Schools - Aided elementary - Discharge of teachers - Rule
13(2) of the rules for recognition - Amended.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms	1703	Edn.	3.9.40.				
Ms	1903	Edn.	24.8.39				

Further Papers.

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

EDUCATION DEPARTMENT.

Received



Registered.....19

Subject.



Elementary Education - Aided Schools - Rule
13 (2) of the rules for recognition relating
to discharge of teachers - Amendment - Proposed.

28944

ENCLOSURES.

No.

Spare copies.....

R.C. No. 866-B.2/46

Station M a d r a s, Dated the 28th M a y 1946.

From (Name) G.L. Lobo Esq., B.A., (Hons.) Cantab,
(Designation) Deputy Director of Public Instruction
in-charge,

To The Secretary to the Government of Madras,
EDUCATION AND PUBLIC HEALTH Department.

Sir,

As per rule 13 (2) of the Rules for recognition of Elementary Schools, if the management violates the provision of this sub-rule, it shall be bound to pay to the teacher his salary for a period of 3 months and if a teacher violates the provisions of this sub-rule, his service register shall be withdrawn for a period of 3 months. Thus, if a teacher quits service without due notice, the rules, as at present, provide only for the withdrawal of the Teachers' Service Register. Teachers who ~~may~~ leave service without notice in order to take up better employment elsewhere are greatly handicapped by the above rule.

2. A case has now been brought to my notice where a teacher who left the service of a school is prepared to pay the management 3 months salary in lieu of notice instead of being punished by withdrawal of his service register. The position taken by the teacher is worthy of consideration.

para 3.....

p 10 or (B)
GON 1703
3-9-40

3. I consider that just as the management can give 3 months pay instead of 3 months notice, the teacher too should have the right to refund 3 months salary if he wants to go off without giving 3 months notice. I am of the opinion that teachers who ~~xxx~~ leave service without notice in order to take up better employment under the District Board or elsewhere will be glad to exercise this option, rather than be without any work for three months and thereby probably lose for good their chance of securing that or some other better employment. After all, the object of the present rule is to act as a deterrent against teachers who are inclined to leave service without notice. The option now proposed to be given will continue to act as a deterrent. This is no doubt a pecuniary compensation to the management, but it frees the teacher to take up any other job.

4. If Government agree with the views expressed above, I propose the following amendment to Rule 13(2) of the Rules for recognition viz., The following additional proviso may be added at the end of the sub-rule.

"Provided that if a teacher pays the management 3 months' salary in lieu of 3 months notice, his service register shall not be withdrawn".

Stanley

for Director of Public Instruction.

RR.30/5.

22/5

Exp. II
21

Certain g.o.s required for the disposal of this current case being traced. This may lie out till 13.6.46 or till the g.o's become available whichever is earlier.

68
7/6/46
7/6/46

7/6/46

③

E. & P.H (C.1)

3

25/69
Memo. 28944 C/46 Edu- 3 dated 5/9/46.

Schools - Aided elementary - Discharge of teachers - Rule 13(2) of the rules for recognition - Amendment

Ref:- D.P.I.'s letter No.866-B.2/46 d.-23.5.46 and U.O. reply No.2730-B.2/46 dated 2-8-46.

The amendment proposed by the Director allows the teacher to leave the school on paying the requisite amount in lieu of 3 months' notice, without consulting the convenience of the school authorities. This is likely to dislocate the working of the school, as the management may not be able to find a ~~xxxxxxxx~~ substitute for the teacher all at once. The provision for giving notice either by the teacher or by the management should be such as will not in any way affect the efficient working of the school. It has therefore been suggested that option to give notice or make payment

-2

ment in lieu of notice by the management and by the teacher should be subject to the condition that the teacher leaves the school only at the end of the year. The D.P.I. is requested to offer his remarks on the suggestion and to propose suitable amendments to the rules.

jsm
4/9/46

B
5.9.46

To
The D.P.I.
jsm
7.9.46

From

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

Education Department.



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

R.O.C.No.6720-B7/46 dated 27th September, 1946.

Elementary Education--Aided Schools--Discharge of Teachers--
Amendment to Rule 13(2) of the Rules for recognition.
Reference:-Government Memorandum No.28944 C1/46 Education 3
dated 5.9.1946.

I have the honour to submit the following remarks on the suggestion referred to in the Government Memorandum quoted above:-

The suggestion now made by Government is obviously to give better security of tenure to the teachers and at the same time to safeguard the interests of the school. But the following points may be considered in this connection:

1. Most of the Aided managements donot pay their teachers adequate salaries. Hence when an opportunity occurs to get a better job in Board or Municipal service a teacher gives 3 months' notice or wants to leave even without notice so as not to miss the chance of getting the better job. The rule now proposed by Government will cause hardship to the teachers, as it will deprive them of the chances of better jobs.
2. Managers donot ordinarily give 3 months' notice unless a teacher's work or conduct is unsatisfactory. It is not desirable to restrict their freedom of action in this matter because a change in staff is preferable to the continuance of a bad teacher in the school.
3. A teacher does not give notice to a manager unless he or she is dissatisfied with the management. It will not be fair to penalise the teacher by forcing him or her to work under the same management till the end of the school year.
4. A manager will not send off a teacher without notice and by paying him or her 3 months salary unless there be grave reasons for such action. There are very few instances of the kind and in many cases they are justifiable.
5. A teacher would not suddenly give up service because this entails suspension of the Teachers' Service Register for 3 months or refund of 3 months salary. A teacher will do this either when there is an immediate prospect of a better job or when his or her position under the existing management has become intolerable. Here again only very few cases of teachers who ~~leave~~ service suddenly are noticed. In such cases the teacher's liberty to leave should not be fettered.
6. Vacancies in Board and Municipal Schools occur at any part of the year. If underpaid but efficient teachers in aided schools donot try for these vacancies, only inefficient teachers who are without employment will be able to get them. It is neither fair nor desirable that better paid jobs should go to such inefficient teachers.
7. In view of the foregoing reasons it is submitted that the present proposal of Government is not desirable. The penalty of three months' suspension of the Teachers' Service Register or the refund of 3 months' salary in lieu of notice is quite sufficient to deter teachers from leaving service without notice.

S. R. U. Savor

For Director of Public Instruction.

ks.3-x.

jsm
3/4

Abstract.

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Schools - Aided elementary - Discharge of teachers -
Rule 13(2) of the rules for recognition - Amended.

READ:--

G.O.No.1703,Edn.,dated 3-9-40.

From the D.P.I.No.Rc.866 B2/46- dated 28-5-46.

ORDER: 2035 Edu D 25-10-46

The appended notification will be published

in the F.S.G.G:-

To the Director P.S.
To the A.G.
To the S.G.P. for publ.
of notfn. in the Gze.

2 specimens

Appendix.
NOTIFICATION.

The following amendments shall be made to the rules
for the grant of recognition and aid to elementary schools
published with Edn. Dept. Notfn. No.243 dated 21-8-39, at
pp.556-568 of Part I-B of the F.S.G.G. dated 29-8-39, as
subsequently amended:-

Amendments.

CHAPTER I - RULES FOR RECOGNITION.

- (i) In the proviso to sub-rule (2) of rule 13 ^{after} the
word "Provided", the word "further" shall be
inserted.
- (ii) Before the said proviso, the following proviso
shall be inserted:-

"Provided that the teacher may, in lieu of the ^⑤
three months' notice aforesaid, pay to the manage-
ment a sum equal to his salary for three months or
give shorter notice than three months and pay to
the management a sum equal to the amount of his salary
for the period by which the notice given by him falls
short of three months"

ASSISTANT SECRETARY

25 JUN 1946

LEGAL DEPARTMENT.

S 4429

E.P.H. u.o.

28944 C1/46-1

25/6/46.

Note:-

25/6/46.

The views of the D.P.I. in his letter
of 25/6/46 may be agreed to. Legal m
see the draft order

25/6/46.

22/6/46

Legal

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"Provided that the teacher may, in lieu of the three months' notice aforesaid, pay to the management a sum equal to his salary for three months or give shorter notice than three months and pay to the management a sum equal to the amount of his salary for the period by which the notice given by him falls short of three months."

Abstract.

C. 28944¹/46

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28944 C/46-1

25/6/46.

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see the draft order

20/6/46.

22/6/46

Legal

LEGAL DEPARTMENT

The draft provides only for payment of three months' salary in lieu of three months' notice. There should be no objection to a teacher leaving the school after giving shorter notice than three months if he pays to the management a sum equal to the amount of his salary for the period by which the notice given by him falls short of three months. Such a provision is generally found in service agreements - see, for instance, the proviso to clause 3 of the form of agreement in G.O. No.196, Finance, dated 28-5-1937 as subsequently amended. The proviso in draft amendment (ii), may, I think, be recast as follows:-----

"Provided that the teacher may, in lieu of the three months' notice aforesaid, pay to the management a sum equal to his salary for three months or give shorter notice than three months and pay to the management a sum equal to the amount of his salary for the period by which the notice given by him falls short of three months."

Am. 6/7/46

The remarks of the D.P.I. on the suggestion of the Legal dept. may be invited n.o.

D.P.I. (u.o)

U.O. reply No. 2730 B2/46

Office of D. P. I.,
Madras, 2nd Aug. 1946.

I agree to the draft amendment suggested by the Legal

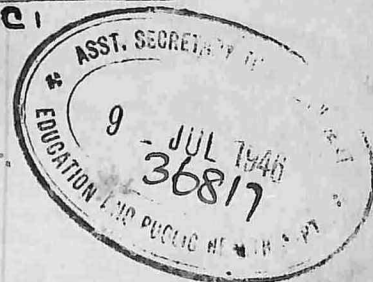
Department.

S. R. Savor.

D. P. I.

E.P.H.

The draft, as attested by Legal



E.P.H. No. 28944 C/46-3
12-7-46

4.43 84

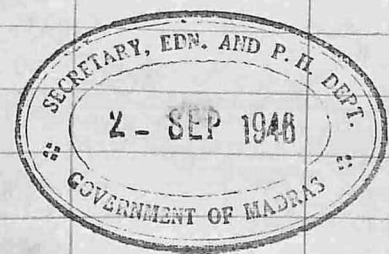
may issue. For order as to circulation.

Am. 8/8/46. Am. 10/8/46 \$ B. S. C.

The amendment allows the Teacher to leave the school on ^{short} notice without consulting the convenience of the school authorities who may not be able to make arrangements all at once for filling up his place in the school. The school is likely to suffer on that account. While the power to option to give notice or pay may be with the authorities, it is not convenient to give the option to the teacher.

17-8-46

The above note of H.M. Law is with consideration. The notice of either should be considered the efficient working of the school. That both should give notice + leave the institution only at the end of the year is a matter worth consideration + worth incorporation in the rules. Mr. D. P. I. may be asked to consider this point of view also + suggest suitable amendments.



ISA
20-8-46

A draft memo to the D.P.I. is subd.

Am. 8/9/46. Am. 4/9/46 \$ B. S. C.

pp 3-4 CF [Issued as Memo. 28944 C/46-3 Edn. of S. 9. 46]
ps CF C. 588520/46. From the D.P.I. Recd. 6720 - 8/46 of 27.9.46

Please see the Memo on pages 3-4

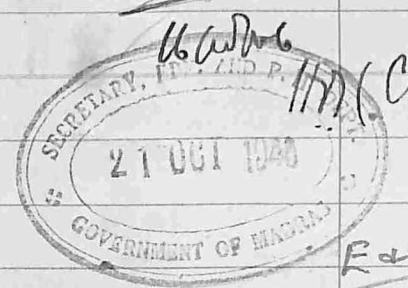
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22964/C1
16/10/

and the Director's reply on page 5 of. The Director is not in favour of the suggestion at A on the previous page. For orders.

JP's View my
to accept
by

1/10/46
10/10/46.
JRM
11/10/46 S



11/10/46 (C.A.) TSA
20-10-46

16/10/46

The draft order on p1 ante CI may now issue.

21/10/46
21/10/46.
JRM
24/10/46

I suppose
seen need
not see
again
P.R.

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