Secy II-27—15,004—22-8-46.

E & H (1946) Department.

MS SERIES.

29

G.O. NO. 2431 Edn

Dated 20/12/1946

[Despatch Abstract.]

Appeal - Venkataraman, Sri C.R. - Ex-Headmaster - Municipal High School, Kodaikanal - Petition against ~~re-instatement~~ termination of services - Orders passed.

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. No.

Sectt. II-74.

Department.

List of records put up

Number.	Date.	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the paper.

(P.T.O.

Number.	Date.	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the paper.

Ref. R.C. No. 491/46 dt 22.7.46

MUNICIPAL OFFICE
No.
22. JUL. 1946
KODAIKANAL.

C 3

4342-46
-C-1

22.7.46.

From

Sri C.R.Venkataraman, B.A.,L.T.,
Headmaster, Municipal High School,
Kodaikanal.

To

The Secretary to Government of Madras,
Education and Public Health Department,
M A D R A S.

Through

The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

42862

Sir,

2 - AUG 1946

Sub:- APPEAL - C.R.Venkataraman - Headmaster, Municipal High School, Kodaikanal - memo No.3772-46/C1 dated 9-7-1946 - of the Commissioner, Kodaikanal Municipality - Termination of Service.

I beg to submit my appeal against the orders of the Commissioner, terminating my services as Headmaster of the Municipal High School, in his order No.3772-46-C2 dated 9-7-'46.

2. I was first entertained as Headmaster of the incomplete Municipal High School, Kodaikanal on 1st September 1944 in the scale of Rs.65-5/2-100. After serving for 10 months I was further appointed as Headmaster of the complete High School in the scale of Rs.110-10/2-170 admissible to the Headmaster of a High School on the selection to the post by the Divisional Inspector of Schools, Madura in view of my competency and efficient work. I was doing my duty to the entire satisfaction of the Commissioner and the Officers of the Educational Department. The Inspection Reports of the Officers sent from time to time will prove the truth of the statement. While facts are such, the Municipal Council, in its Resolution No.82 dated 6-7-1946, resolved to terminate my services after giving one month's notice on the ground of incompetency. The Commissioner has accordingly issued a

notice to me terminating my services.

3. The Resolution referred to in the Memo and said to have been recorded by the Municipal Council, Kodaikanal is unjust, uncalled for, impolite and highly defamatory. It is unjust because the Council has caused the termination of my services on flimsy grounds all on a sudden directing the Commissioner to give notice without giving me in writing an opportunity to explain myself before any definite course of action was decided upon by them. It is defamatory because the Council has used the term "Incompetency" in its resolution No.82 dated 6-7-1946, which, I apprehend, is an unjustified slur on my capacity as an experienced teacher and tends to affect my future career to a great extent unless this be made to be unconditionally withdrawn.

4. The reason assigned for judging my capacity as a teacher is neither convincing nor sound in the face of the observations made by the Educational Officers in their - in their Inspection Reports in the successive years when I have been in-charge of this High School. It is well known and every reasonable man is aware, that the results of a High School, particularly started quite recently, and that in a Hill Station having peculiar problems depend - upon various factors, such as previous history of the -- pupils and their foundation, the quality of the material available for being sent for the examination, the circumstances which hindered their regular study of the subjects in the School curriculam, chiefly English, throughout the High School course by such handicaps as, inadequate staff imperfect accomodation, want of appliances for teaching and above all want of reciprocity and mental contents of the pupils. In this particular school the cause for the

present results in the S.S.L.C. Examination is due to the combination of many if not all the factors stated above.

5. It has been my privilege for the past 18 years as teacher in various schools on various capacities in the -- Presidency, that my competency has never been questioned and it has always been one of praise. But it is unfortunate - that my work and competency have not been judged in the proper perspective by this Council, nor have the opinion of the competent authorities obtained before recording such unwarranted remarks on my efficiency. The remarks of the Educational Officers in the last 2 years of my service in this High School will show where the fault lies.

6. I beg to submit that I have been greatly insulted and penalised by the Municipal Council for acts done or -- omitted to be done in previous years in the matter of educating the pupils on sound and appropriate lines. It may be remembered that the omissions were mainly due to the want of response of the Council to the advise of the Educational Authorities for appointing promptly a suitable staff, supply the necessary equipments and the like.

7. I beg to submit that the Council is not a competent authority to pronounce an opinion on my work which is a -- technical matter.

Rule 7(2) (a) B/6157A

8. I am a probationer having put in a service of one year 10 months and 21 days. Under Rule 4 of the Establishment Rules I should have been informed of the grounds on - which the Commissioner proposed to take action and should have given me an adequate opportunity to defend myself. The - Commissioner appears to have been unfortunately compelled to act on the resolution of the Council and issue the notice to

me without satisfying the requirements of the rules.

Under the circumstances, I request that the Government may be pleased to set aside the orders of the Commissioner and keep the same order in abeyance pending the disposal of the appeal petition. I further request that all the connected records may kindly be called for and orders be passed very early as the notice period expires on 9-8-1946 when I will be discharged from service on that date.

I beg to remain,

Sir,

Your most obedient Servant,

C.R. Venkataramaan.

Encl: Copy of memo
Ref:No.3772/46-C-2 dated
9-7-46 of the Commissioner,
Kodaikanal Municipality.
Kodaikanal,
22nd July '46.

Copy to The Director of Public Instruction, Madras.
" The Inspector of Local Boards & Municipal Councils, Madras.
" The Divisional Inspector of Schools, Madura.
" The District Educational Officer, Madura.

Ref.No.3772/46-C.2.

Municipal Office, Kodaikanal,
Dated the 9th July 1946.

MUNICIPAL SCHOOL * KODAIKANAL * No. 82 Date 22-7-46

Memo.

In pursuance of the resolution of the Municipal Council No. 82, dated 6-7-1946, Mr.C.R.Venkataramn Iyer, B.A.,L.T.,Headmaster of the Municipal High School,Kodaikanal, is given notice that his services will no longer be required by the Municipality one month from the date of receipt of this notice.

(Sd.) A.J.John,
Commissioner,

K.G/9-8

To

C.R.Venkataraman Iyer,B.A.,L.T.,
Headmaster,Municipal High School,Kodaikanal.

(True copy).

Despatched 9th July 1946.

(True copy) By Order,
Sd. M.S.Rangaswami,
Ag.Manager.

(True copy)

6 6

AUG 8.4P. 02986 C.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

SECRETARY TO GOVT. EDUCATION AND PUBLIC HEALTH DEPT. 5.24 7 AUG 1946 44835

NOTICE. This form must accompany any inquiry made respecting this telegram.

Charges to pay. Rs. A. Office Stamp.

Handed in at (Office of Origin). Date. Hour. At (Office). Service Instructions. Words.

TO-LK KODAIKANAL 8-29 RPPD SECRETARY TO GOVT

EDUCATION & HEALTH MADRAS =

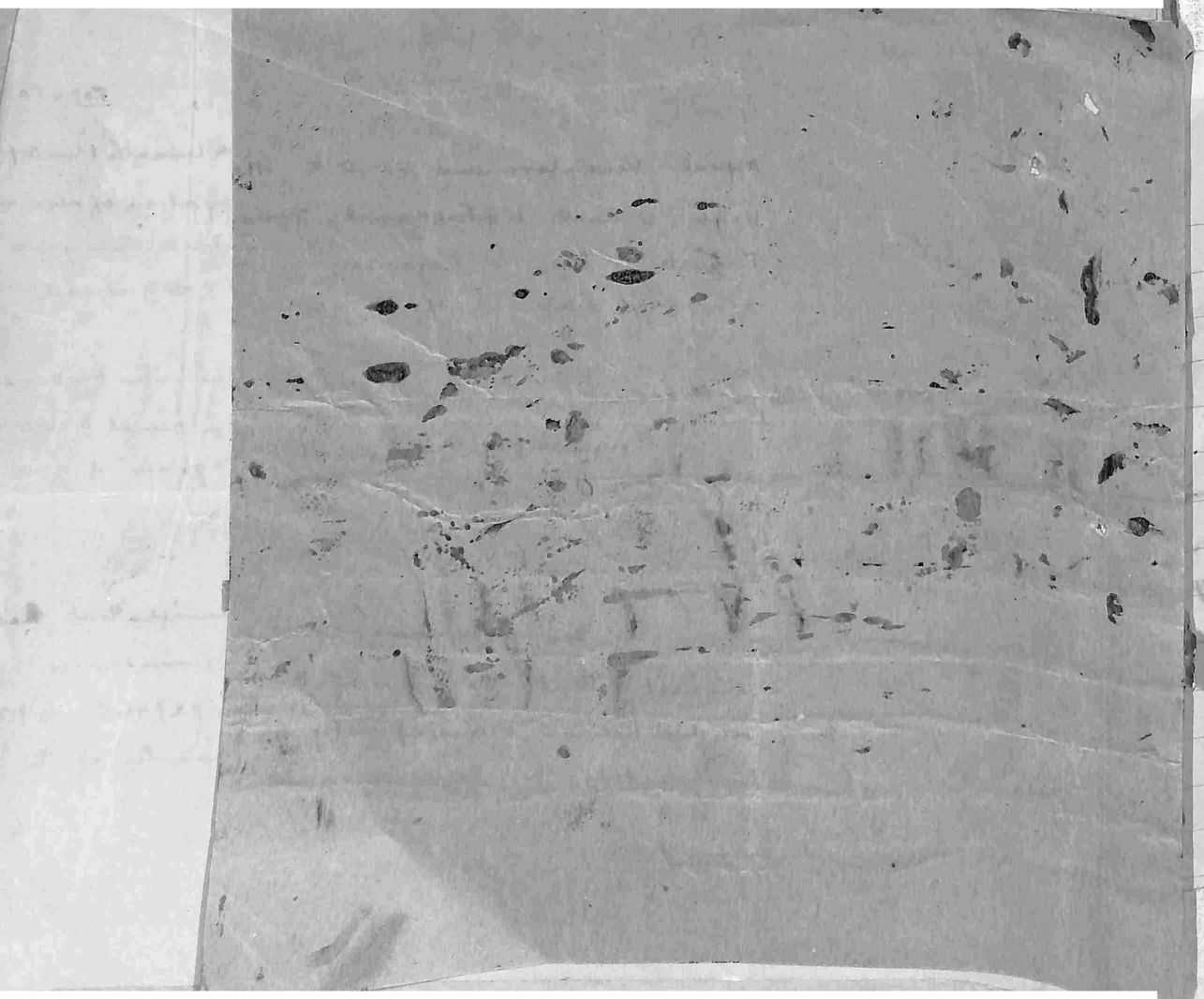
MY APPEAL PETITION DATED JULY TWENTYSECOND

NOTICE EXPIRES TOMORROW PRAY INTERIM STAY

ORDER COMMISSIONER PENDING DISPOSAL MUNICIPAL

HIGH SCHOOL = HEADMASTER =2E9

N.B.—The name of the Sender, if telegraphed, is written after the text.



D.D.

8/ 7 Esp N (A

Appeal. Venkataraman Sri. C.R. Headmaster Municipal High School Kodaikanal - Termination of services - Request to keep the Commissioner's order in abeyance pending disposal of the appeal - Negatived

---

Con 40990/46- Petition from Sri. C.R. Venkataraman Headmaster Municipal High School Kodai Kanal dt 22.7.46

— do — Telegram dt 8.9.46

9/8/46

Memo. No. 40990-B1/46-2 dt 9/8/46.

The petitioner is informed that his request that the order of the Commissioner Kodaikanal Municipality No 3772/46 C2 dt 9.7.46 terminating his services as headmaster of the

9

May be held in abeyance

Municipal High School pending the disposal of the appeal cannot be complied with.

9.8.46.

To

The petitioner
through the Commissioner
Kodaikanal mfg.
~~with telegraphic reply~~
~~Forwarded~~

9.8.46

10

8

Express

Telegram.

To

[The] Headmaster
Municipal High school
Kodaikanal.

9/8/46

Request [for] stay order

cannot be complied with

T.M.
9/8/46

Health

9.8.46

N.DIS.4342/46-DATED 27TH JULY 1946.

EDUCATION + P.N.,

SUBMITTED TO THE SECRETARY TO GOVERNMENT, ~~LOCAL ADMINISTRATION~~ DEPARTMENT, MADRAS. THROUGH THE CHAIRMAN, MUNICIPAL COUNCIL, KODAIKANAL.

--

A full report on the facts of this case has been submitted to Government through the Inspector of Municipal Councils and Local Boards in my letter No.4097/46, dated 9-7-46. I have received a telegram from the Inspector on 25-7-46 that the papers have been submitted to Government for orders.

2. The statement of the petitioner in para (8) of his appeal is, however, not correct. A copy of the order of appointment dated 18-6-45 is enclosed. It will be seen that Sri C.R. Venkatarama Iyer has in that order been appointed "temporarily to act as headmaster" of the High School. As such, he cannot be regarded as a probationer, and the termination of his services, without assigning any reason is perfectly in order.

3. Actually this subject was under the consideration of the Appointment Committee, which met on 29-6-46, and adjourned, consideration of the matter till 8-7-46, pending replies from other members of the panel as to how long they would take to join duty, if appointed. While I cannot say what would have been the decision of the Appointment Committee on this date, I would say, as a member of the =Committee, that it was probable that the services of the headmaster would have been terminated, not on account of incompetency, but for various other reasons, such as lack of co-operation among teachers in the school in the previous year, and because of a general feeling of dissatisfaction among a large class of people.

4. But as I have reported in my letter of the 9th July, some members of the Council without waiting for the decision of the Appointment Committee requested the Chairman to convene an urgent meeting of the Council to consider the question of terminating the services of the headmaster, and the Chairman, without insisting on the 10 days' notice prescribed in rule 3 of Schedule III of the Madras District Municipalities Act convened an urgent meeting of the Council, wherein I was requested to terminate the services of the headmaster with one month's notice. This resolution is obviously in excess of the powers of the council and an encroachment on the powers of the Appointment Committee. As such, I have referred it to Government for orders and am awaiting a reply. The wording of the resolution of the Council, alleging incompetency on the part of the headmaster is also unfair, and not justified.

5. Copies of the resolutions of the Council and proceedings of the Appointment Committee are enclosed.

29-7-46
COMMISSIONER.

Municipal Office,
Kodaikanal,
K.G./27--7--1946.

Encs:

DESPATCHED
29 JULY 1946

(Forwarded)
Chairman, K.M.C.

DIRECTOR OF PUBLIC INSTRUCTION
8 - AUG 1946
MADRAS

8 8 13

Edn HPH (B1) Dept.

Endt. No. 40990-B1/46-1 Edn dt 7/8/46.

Referred to the Director of Public Instruction for remarks.

(By order)

D. [illegible]
Asst. Secy. to Government.

5/8/46
5/8/46

To

The Director of Public Instruction,
Madras (with enclosure
(to be returned with reply).

9 9 14 10

COPY OF COUNCIL'S RESOLUTION NO.77 DATED 28--6--46.

To consider and decide as to the steps to be taken to improve the efficiency of the Municipal High School.

DIRECTOR OF PUBLIC INSTRUCTION
8 - AUG 1946
MADRAS

The council is dissatisfied with the present state of affairs in the school and request the Appointment Committee to reconsider the appointment of the present headmaster and to inform the council of their decision.

Sd/- E.R. Logan,
Chairman, K.M.C.

/True Copy/

COPY OF COUNCIL'S RESOLUTION NO.82 DATED 6--7--1946.

To consider the following subject moved by Mr.V. Thirugnanam Pillai and others:--

"In continuance of the resolution passed on 28-6-46, this council moves the following resolution to be more specific on the subject.

As it is clearly seen from a perusal of the marks obtained by the S.S.L.C. pupils and of the school and presidency averages in the various subjects and dspecially in english the present condition of the school is very unsatisfactory. This council resolves in the interest of the future progress of the school to request the Commissioner to give a month's notice immediately to the Headmaster on probation and to take immediate action for incompetency.

The Commissioner is also requested to call for candidates immediately either from the panel or by advertisement and to appoint a suitable candidate in formity with the rules.

If suitable hadnsa=re not forthcoming for the present pay of the headmaster, this council resolves to recommend to Government to give a higher start.

The Commissioner is also requested to communicate immediately a copy of this resolution to the District Educational Officer.

Moved by Thirugnanam Pillai.
Seconded by A.K. Narayna Kone.
Mr. Janab Abdul Ghani not voting-CARRIED.

In continuance of the resolution passed on 28-6-46, this council moves the following resolution to be more specific on the subject. As it is clearly seen from a perusal of the marks obtained by the S.S.L.C. pupils and of the school and presidency averages in the various subjects and especially in English the present condition of the school is very unsatisfactory. Therefore, this council resolves in the interest of the future progress of the school to request the Commissioner to give notice immediately terminating the services of the present headmaster who was appointed only temporarily and whose incompetency has been proved by the result of the school in the S.S.L.C. examination.

The Commissioner is also requested to call for candidates immediately either from the panel or by advertisement and to appoint a suitable candidate in conformity with the rules.

If suitable hands are not forthcoming for the present pay of the headmaster, this council resolves to recommend to Government to give a higher start.

The Commissioner is also requested to communicate immediately a copy of this resolution to the District Eductional Officer and Divisional Inspector.

Sd/- E.R. Logan,
Chairman, K.M.C.

/True Copy/

EXPIRED

~~This is only a copy of the appeal petition sent.~~

COPY OF APPOINTMENT COMMITTEE RESOLUTION NO.4 DATED 29-6-46.

--

To consider the resolution of the Committee passed at a meeting held on 31-5-45 appointing temporarily Sri C.R. Venkatarama Iyer as headmaster of the Municipal High School.

Resolved to ask the other three candidates on the panel, sent by the Divisional Inspector of Schools, as to how long they will take to join duty here, in case any of them is appointed as headmaster.

Resolved also to adjourn this meeting till Monday 8th July 11 A.M. to consider their replies.

Sd/- E.R. Logan, Chairman,
Sd/- S.E. Abdul Ghani,
Sd/- A.J. John, Commissioner.

(TRUE COPY)

COPY OF APPOINTMENT COMMITTEE RESOLUTION NO.5 DATED 8-7-1946.

To consider the resolution of the Committee passed at a meeting held on 31-5-45 appointing temporarily Sri C.R.Venkatarama Iyer as headmaster of the Municipal High School.

Since the Committee is of opinion that the resolution of the council on 6-7-46 is an encroachment on the powers of the appointment committee, resolved that this matter may be referred to Government for orders.

The Committee appoints Sri J.A. Paul Raj to act as headmaster, in place of the present headmaster. The commissioner will please issue Order of appointment, ten days from this date 8th July 1946.

Sd/- E.R. Logan, Chairman,
Sd/- S.E. Abdul Ghani,
Sd/- A.J. John, Commissioner.

(TRUE COPY)

COPY OF PROCEEDINGS OF THE MUNICIPAL COMMISSIONER KODAIKANAL.
Ref.No.459/45-B.1.Dd/18-6-45.

Sub: Establishment - Municipal High School, Kodaikanal - Appointment of Headmaster.

Read: Panel received from the Divisional Inspector of Schools, Madura for the appointment of a Headmaster for the Municipal High School.

--

ORDER: With effect from 11-6-45 Sri C.R. Venkatarama Iyer, present Headmaster of the Secondary School is appointed temporarily to act as Headmaster of the Municipal High School on a pay of ~~Rxx~~ Rs.110-10/2-170 plus the usual Hill and Dearness Allowances with effect from 11-6-45.

He will furnish a cash security of Rs.100/- and execute a security bond.

Sd/- A.J. John,
COMMISSIONER.

(TRUE COPY)

---

11 16

4973-46

20-8-46

MUNICIPAL OFFICE No. 20 AUG. 1946 KODAIKANAL

From

C.R.Venkataraman B.A.,L.T.,
Headmaster,
Municipal High School,
Kodaikkanal. (Madura Dt.).

To

The Secretary to Government,
(Education and Public Health Department),
Government of Madras, Madras.

Through

The Commissioner,
Kodaikkanal Municipality,
Kodaikkanal.

Respected Sir,

Subject: Appeal Petition - C.R.Venkataraman - Head Master - Municipal High School, Kodaikkanal - continuation of:-

---

1. In continuation of my Appeal petition dated 22nd July 1946, I beg to point out that as per proceedings of the Municipal Commissioner, Kodaikkanal, Ref: No. 3772-46-C.1 dated 8-8-46 (copy enclosed), ordering me to hand over charge to the First Assistant of the School, I have done so on the afternoon of the 9th Inst., in strict obedience to the above order (under protest).

2. I beg to add that the two appointment orders

i. Ref.No. 2685-44-B.1 dated 19-7-1944 (copy enclosed).
& ii. Ref.No.459-45-B.1 dated 18-6-45 (copy enclosed)

by which, I was appointed as Headmaster, of the Municipal High School Kodaikkanal show that I am a permanent servant of the Kodaikkanal Municipality having served it for one year 11 months and 9 days and as such, Rule No. 45 of the Statutory Rules relating to appointment and punishment of officers and servants of Municipal Councils published in G.O.No. 3648-1.S.G., dated 18-8-36 (as amended) will apply.

3. I beg to add further, that no specific charges were framed against me; Nor, was I given any opportunity to explain myself.

4. While Inspecting Officers in the two years 1944-45 and 45-46 on their inspecting the school have never remarked in their Inspection Reports that my work was unsatisfactory, But, the Council's Resolution No. 82 dated 6-7-46 contains statements quite unwarranted and which are against the considered opinions of the Inspecting Officers who alone are the competent authorities to judge the work and competency of the Headmaster of a High School. Again, I beg to point out, in particular, that the said Resolution was passed by a divided opinion in the teeth of protests from a large number of educated public and parents in the form of Mahazirs; and also a letter of protest from Mrs.Van Someran, a European lady Councillor and a number of the Educational Standing Committee of the Council. It is to be noted, that the way in which two emergent meetings were convenend in quick succession, show, with what vindictive spirit the said resolution was sponsored and carried out only by a few ill-conceived and evil-minded Councillors.

5. I beg to add that though the Commissioner is aware of my appeal to Government and final orders not yet received thereon, has issued proceedings to hand over charge to the 1st --

Assistant, which I have done (under protest).

In these circumstances, I earnestly pray that all connected records be called for and scrutinised and justice rendered to me.

I beg to remain,
Respected Sir,
Your most obedient Servant,

C.R. Venkataramier

Kodaikkanal,
10th August 1946.

Enc: Copy of
(1). Proceedings of the Municipal Commissioner, Kodaikkanal, Ref. No. 3772-46-C.1 dated 8-8-46,

(2). Proceedings of the Municipal Commissioner, Kodaikanal, Ref. No. 2685/44-B.1 dated 19-7-44.

(3). Do. Do of No. 459/45-B-1 dated 18-6-45.

Copy to
1. The Inspector of Local Boards and Municipal Cojncils, Madras,
2. The Director of Public Instruction, Madras,
3. The Divisional Inspector of Schools, Madura.
4. The District Educational Officer, Madura.

(True Copy).

Proceedings of the Municipal Commissioner, Kodaikkanal.
Present: Mr.A.J.John,
Ref: No. 3772/46-C.1 Dd//8-8-46.

Read: This office Memo No. 3772/~~3772~~/46-C.1 dated 9-7-1946 and proceedings No. 3772/46-C.1 dated 22nd July 1946.

Order:

In pursuance of the notice given to the Headmaster, Sri.C.R.Venkataramier, in this office Ref.Memo No.3772/46-C.2 dated 9-7-46, he is hereby required to hand over charge to the 1st Assistant Sri.V.Narayana Rao on the afternoon of the 9th August 1946.

The 1st Assistant will make a report of having taken over charge as above, so as to reach me before 5.P.M., on 9-8-46 without fail.

(Sd). A.J.John,
Commissioner.

(True Copy).

Proceedings of the Commissioner, Kodaikkanal Municipality,
Present Mr.A.J.John,
Ref.No. 2685/44-B.1 dated 19th July 1946.

Read: Application of Sri. C.R.Venkataramier of Batlagundu and the leeter of the District Educational Officer, Madura No. Roc.47-C/44 dated the 12th July 1944.

Sub: Establishment - Municipal Secondary School - Appointment of a Physical Science L.T.

Order.

Sri. C.R.Venkataramier B.A.L.T., is appointed to act as Headmaster of the Municipal Secondary School. He will draw a pay of Rs.65/- in the scale of 65-5/2-100 plus a Hill allowance of Rs.13-8-0 and Dearness Allowance of Rs.13/- per mensem.

He will join duty forthwith. A post copy of telegram sent to him on 17-7-1944 is sent herewith.

(Sd). A.J.John,
Commissioner.

(True Copy).

Proceedings of the Commissioner, Kodaikkanal Municipality.
Present: Mr.A.J.John,
Ref. No. 459-45-B1 dated 18-6-45.

Sub: Establishment - Municipal High School - Kodaikkanal
Appointment of Headmaster.

Read:- Panel received from the Divisional Inspector of Schools, Madura for the appointment of Head Master for the Municipal High School.

Order: With effect from 11-6-1945 Sri.C.A.Venkatarama Iyer permanent Head Master of the Secondary School is appointed temporarily to act as Head Master of the Municipal High School, on a pay of Rs.110-10/2-175 plus the usual hill and dearness allowances.

He will furnish a cash security of Rs.100/- and execute a security bond.

(Sd). A.J.Jon,
Commissioner.

Dated 13-6-1946.

(True Copy).

N.Dis.4975/46 dated 27th August 1946.

Submitted to the Secretary to Government, Education and Public Health Department, through the Chairman, Municipal Council, Kodaikanal.

2. A report on this matter has already been submitted to Government through the Inspector of Municipal Councils and Local Boards in my letter No.4097/46, dated 9-7-1946. An earlier appeal of the headmaster has also been submitted to Government by me in my N.Dis.4342/46, dated 27-7-46, with my remarks on the appeal.

Municipal Office,
Kodaikanal,
Dated: 27-8-1946.

/Forwarded/

E.R. Logan

Chairman, K.M.C.

27-8-46
COMMISSIONER.

DIRECTOR OF PUBLIC INSTRUCTION
7 SEP 1946
MADRAS

Edn. & PH (B1) Dept.

Endt. No. H0990-B1/46-3 Edn Dt 4/9/ 1946.

Forwarded to the Director of Public Instruction, Madras, in continuation of Endt. No. H0990-B1/46-1 Edn. Dt 7/8/46.

(By order)

Assistant Secretary to Govt.

3/9/46

To
The Director of Public Instruction, Madras.
(with pp 17-22 in orgl. to be retd. with reply).

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S.
Rc.No.2140-A1/46, dated 20th September, 1946.

Sub: Appeal- Sri C.R.Venkataraman, Headmaster, Municipal High School, Kodaikanal against discharge from service.

Ref: Government Endts.Nos.40990-B1/46-1 Edn., dated 7-8-1946 and 40990-B1/46-3 Edn., dated 4-9-1946.

DIRECTOR OF PUBLIC INSTRUCTION MADRAS
26 SEP 1946

Resubmitted in continuation of this office Proc.dated No.2140 A1/46 dated 16-8-1946.

2. The main point to be considered in arriving at a decision on the appeal of Sri C.R.Venkataraman is whether his appointment as Headmaster of the high school is to be deemed to be a regular one with probationery rights or not. The Commissioner states that the appellant cannot be regarded as xxx a probationer. But from the wording of the resolution dated 31-5-45 (copy enclosed) of the appointment committee it is clear that Sri C.R.Venkataraman was seledted as headmaster only because it had reason to suppose that his name was or would be in the panel. Secondly, in his Proc.dated 18-6-45 the Commissioner cited the panel received from the Divisional Inspector of Schools, Ramnad Division. This panel contained the name of the appellant. Thirdly, the appointment was ordered to be temporary but it was not definitely stated it was under Rule 7 A of the establishment rules without probationery rights. The Divisional Inspector had also removed his name from the panel in 1946-47 as it is unnecessary to retain it when appointed once. In these circumstances, the appointment of Sri C.R.Venkataraman will have to be treated as confering full probationery rights on him in the cadre of Headmasters, this will be in conformity with the decision of the Government in similar cases recently.

3. The Commissioner's Memo. No.3772-/46-C.2 dated 9-7-1946 against which the present appeal is preferred is not one of termination of probation but is one of dispensing with the services of the appellant. With reference to the provisions of Rule 7(2)(a) of the establishment rules, Sri C.R.Venkataraman, who was first appointed to the L.T. cadre in September, 1944 as the headmaster of the incomplete high school, should have been reverted to the L.T. cadre if he had been appointed to it in 1944 with probationery rights or if there was a vacancy in this lower post or if a person junior to him was holding such a lower post. The rights of reversion to the L.T. cadre cannot be set aside and his services cannot therefore be dispensed without complying with the usual formalities. If this appointment to the L.T. cadre is also to be terminated, it will have to be done separately.

In either case the provisiond of rule 7(2)(a) of the Establishment Rules will have to be observed.

for Director of Public Instruction.

To
The Secretary to Government,
Education and Public Health Department.

Rm.24/9.

p.t.o.

24/9

..2.. 23

Copy of N.Dis.4342/46 Dated 27th July 1946 of the Commissioner, Kodaikanal Municipality.

A full report on the facts to this case has been submitted 8

Copy of: Resolution of the Appointment Committee dated 31-5-45.

Appointment of a Head-Master for the Secondary School in the scale of 110-10/2-170.

Resolved that Sri C.R.Venkatarama Iyer, the present Headmaster may be appointed temporarily for the post of head-master subject to the inclusion of his name in the panel sent by the Divisional Inspector of Schools.

Sd. E.M.Logal;
Chairman, M.M.C.

/ True copy/

for Director of Public Instruction.

MM.24/9. 24/9

16/7/K 24

Edn. & P.H. Department (B1).

Cro. No. 40990 B1/46.

APPEAL - Venkataraman, Sri C.R. - Headmaster - Municipal High School, Kodaikanal - Petition against termination of services. 15

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pp16-17 c/o — Petition from Sri C.R. Venkataraman, Ex-Headmaster, Municipal High School, Kodaikanal, dated 10-8-46.

p20 c/o — Endorsement of the Commissioner, Kodaikanal Municipality, N.Dis.No.4975/46 dated 27--8--46.

p22 c/o — From the Director of Public Instruction, R.C.No. 2140-G1/46 dated the 20th September 1946.

5/10/46

MEMO NO. 40990-B1/46-1 Edn. dt 5/10/46.

Sri C.R. Venkataraman was first appointed to the L.T. cadre as ~~the~~ headmaster of the incomplete high school in the Commissioner's Proceedings ~~Ref~~.No. 2685/44-B1, dated the 19th July 1944. In the subsequent proceedings No.459/45-B1, dated the 18th June 1945, appointing him temporarily to act as headmaster of the Municipal High School on Rs.110--10/2--170 he was referred to as the permanent headmaster of ~~the~~ Secondary

p.18 c/o
p.15 c/o

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school. It is not clear how he could have been made permanent without putting in the prescribed period of probation. In any event, if he was considered to be unfit to hold the post of headmaster of the complete high school, he should have been reverted to the L.T. cadre from which he was promoted in accordance with the provisions of rule 7(2)(a) of the rules relating to establishments under municipal councils and his services should not have been dispensed with, without observing the usual formalities. The Commissioner, Kodaikanal Municipality is requested to explain clearly why the procedure was not adopted and to submit for reference the original records connected with the appointment of Sri C.R. Venkataraman as headmaster on both the occasions, his service register and also the original records connected with the termination of his services.

To

The Commr., Kodaikanal Mpty., thro' the C.M.C.
The D.P.I.

Copy of letter Ref.No.5648/46-C1 dated the 8th November 1946 from the Commissioner, Kodaikanal Municipality, to the Secretary to the Government of Madras, Education and Public Health Department.

Sub: Municipal Council, Kodaikanal - Headmaster - Municipal High School - Termination of service - Resolution - Cancellation of.
Ref: Government Memo No.38863-B1-46-3 Edn., dated 13--9--46.

The council has at its special meeting held on 11-10-46 cancelled its resolution No.82 dated the 6th July 1946. A copy of its resolution No.192 dated 11-10--46 is enclosed.

2. With reference to Government Memorandum No.40990-B1-46-4 dated 5-10-46 Sri C.R. Venkatarama Iyer was first appointed to act as Headmaster of the incomplete High School in this office proceedings No.2685/44-B1 dated 19--7--46 and in this office proceedings No.459/45-B1 dated 18--6--46 he was temporarily appointed to act as headmaster of the complete High School. In the proceedings it is stated as "present Headmaster" and not as "permanent Headmaster". If it is stated as "permanent" in the copy of the proceedings given to the Headmaster, it may be an error in typing.

3. Since the council at its meeting held on 6-7-46 resolved to give notice immediately terminating the services of the Headmaster, I have given effect to the resolution under Section 22 of the Madras District Municipalities Act, as I did not get any instructions from Government till 9-8-46, suspending the resolution of the council, though I made a detailed report to Government in my letter No.4097/46 dated 9-7-46. Further a communication No.40990-B1/46-2 dated 9--8--46 intended for Mr. C.R. Venkatarama Iyer was sent by Government through me on 9--8--46 in which Mr. C.R. Venkatarama Iyer was informed that Government did not propose to keep the resolution of the council in abeyance. In view of this communication, I had no sort of authority for holding up action on the resolution of the council. In view of the above circumstances the procedure prescribed in rule 7(2)(a) of the rules relating to establishments, was not adopted.

4. The following connected records are submitted herewith:

1. D.Dis.No.2685/45 — 152 pages.
2. R.Dis.No.459/45 — 86 pages.
3. D.Dis.No.3772/46 — 116 pages.

5. After the cancellation of council's resolution No.82 dated 6--7--46 at its meeting held on 11-10-46, the Appointment Committee met on 25--10--46 and it has resolved that the notice issued to the Headmaster on 9--7--46 may be considered to be one issued under the authority of the Appointment Committee. A copy of the Appointment Committee's resolution dated 25-10-46 is also submitted.

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Extract from Proceedings of the Municipal Council, Kodaikanal passed at its meeting held on 11th October 1946.

Resolution No.192.

Government Memorandum No.38863-B1-46-3 Edn. dated 13th Sep 1946 asking whether the Council is willing to cancel the resolution No.82 dated 6th July 1946 regarding the terminati

services of the Headmaster, Municipal High School, and note of the Commissioner explaining the position.

Moved by Major E.O. King, Seconded by Mrs.Vansavran.

That as the resolution passed by the Council No.82 dated 6th M July 1946 is ultra vires as pointed out by Government it is now resolved to cancel the above resolution.

sd. E.R. Logan.
Chairman.

Extract from the proceedings of the Appointment Committee, Kodaikanal, Municipality passed at its meeting held on 25th October 1946.

Resolution No.8.

Subject: Paper regarding termination of the services of Sri C.R. Venkataramier, ex-headmaster, of the Municipal High School.

pp13-14 of (b)

The Committee has considered Memo No. 38863-B1-46-3 Edn. dated 13th September 1946 from Government in the Education and Public Health Department and the resolution of the council passed at the special meeting held on 11-10-46. Although the committee resented the unwarranted interference of the council when the subject was under the consideration of the appointment committee, the committee is also in agreement with the council that the progress of the school during the year of service of Mr C.R. Venkatarama Iyer was far from satisfactory, and that a change of personnel was desirable. Since Mr. C.R. Venkataramier has got the notice of one month required under the rules, no further action seems to be called for. The Committee, therefore resolves that the notice issued to Mr. C.R. Venkataramier on 9th July 1946, may be considered as one issued under the authority of the committee. The Committee resolves also that the termination of the services of Mr. C.R. Venkataramier is not in any way a reflection either on his teaching ability or his fitness for the post of headmaster, in some other school.

sd. A.J.John.
Commissioner.

sd. E.R.Logan
Chairman,
Kodaikanal Municipal Council.

Cno No 99051/46

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A 19/12

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(a) 51-3 of 2-7 of

p55 of (R)

Edn. & P.H. Department (B1). 25/17

APPEAL - Venkataraman, Sri C.R. - Ex-headmaster - Municipal High School, Kodaikanal - Petition against termination of services - Orders passed.

From Sri C.R. Venkataraman, Ex-headmaster, Municipal High School, Kodaikanal, dated the 22nd July 1946.
From the Commissioner, Kodaikanal Municipality, N.Dis.4342/46 dated the 27th July 1946.
From Sri C.R. Venkataraman, Ex-headmaster, Municipal High School, Kodaikanal, dated the 10th August 1946.
From the Director of Public Instruction, R.C.No.2140-C1/46 dated the 20th September 1946.
From the Commissioner, Kodaikanal Municipality, Ref.No.5648/46-C1 dated the 8th November 1946.

ORDER MS.NO. 2431 EDUCATION, dated 20-12- 1946.

The services of Sri C.R. Venkataraman, headmaster, Municipal High School, Kodaikanal were terminated after giving a month's notice as required by the Municipal Council in its resolution No.82 dated the 6th July 1946, as it was considered necessary to have a change of personnel in the post of headmaster of the high school. Subsequently, the Appointment Committee in its resolution No.8 dated the 25th October 1946 agreed with the Council and resolved that the notice issued to the headmaster should be deemed as one issued under the authority of the Committee. The headmaster has now appealed to Government against the orders of the Commissioner dispensing with his services.

2. Sri C.R. Venkataraman was first appointed regularly as a L.T. Assistant in the Municipal High School, Kodaikanal. He was subsequently promoted temporarily as headmaster of the school.

P.T.O.

If he was found unfit for the post of headmaster, he should have been reverted as L.T. Assistant as required by rule 7(2)(a) of the rules relating to establishments under Municipal Councils. The procedure followed by the Commissioner in having terminated his services was irregular. The Government therefore allow the appeal and direct that the appellant be reinstated as L.T. Assistant from the date on which his services were dispensed with, the period of his absence from that date being treated as leave to which he was eligible on that date.

3. The appellant is referred to the Commissioner, Kodaikanal Municipality, for orders on his appeal.

17/12/46

12/12/46

18-12-46

To

Sri C.R.Venkataraman,
Ex-headmaster, M.H.S.,
Kodaikanal, through
the Commr., Kodaikanal
Municipality.
The Commr., Kodaikanal
Mpty., thro' the CMC.
The D.P.I.

(with Q, Z and R in original).

20/12

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

Appeal - Venkataraman Sri C.R. - Headmaster, Municipal High School, Kodaikanal. - Petition against termination of services.

C-No.40990/46 - From Sri C.R.Venkataraman,Headmaster, Municipal High School, Kodaikanal, dated 22-7-1946.

In its resolution No.82 dated 6-7-1946, the Municipal Council,Kodaikanal, requested the Commissioner to give notice to the headmaster of the Municipal High School who was appointed only temporarily as he was considered to be incompetent, in view of the results of the school students in the S.S.L.C. Examination. The Commissioner accordingly gave one month's notice to the headmaster. The headmaster has now submitted to Govt. an advance copy of his appeal against the Commissioner's order in which he requests the Govt. to keep the order in abeyance pending disposal of the appeal.

2. The headmaster was appointed temporarily by the Appointment Committee pending the inclusion of his name in the panel. His name is now in the panel. The Appointment Committee has appointed another in the panel to succeed the present headmaster on the expiry of the period of notice. It has therefore agreed with the Municipal Council that the headmaster's services should be terminated. The Govt. cannot ~~therefore~~ direct the Commissioner to hold the order in abeyance pending the disposal of the appeal.

3. The petitioner has no right of appeal against the termination of temporary appointment. He contends he is a probationer. Even so, it is open to the appointing authority to terminate the probation for reasons to be recorded in writing ~~and no appeal will lie to Govt.~~ The receipt of the petition forwarded through the proper channel may be awaited.

2/8/46

[Encl no 40990-1 a/ps 8 7-8-46]

CRO 44833/46. From the Headmaster Municipal High School, Kodaikanal Dt 8-8-46.

Please see the ~~telegram~~ from the petitioner on p 6 cf. He may be informed that ~~this~~ request that the Commissioner's order may be held in abeyance pending the disposal of the appeal petition cannot be complied with. The appeal submitted through the proper channel has been referred to the DPI. and a draft telegram ~~are~~ submitted below for approval.

KOK
4.8.46.

The Sender of his telegram has also given his reply. We can convey his reply by telegram below.

8.8.46. P.S.

[Memo no 40990 - B1/46 - 2 Edn dated 9.8.46] pp 8-9 cf

[Telegram to the Headmaster MCH High School Kodaikanal 9.8.46] p 10 cf

From the Commissioner Kodaikanal Municipality N. Dis 4342/46 dated 27.7.46 p 12 cf

From CR. Venkataraman, Kodaikanal dt 10.8.46 - pp 16-17 cf

Please see the further petition from Sri. CR. Venkataraman on pp 16-17 cf. and the remarks of the DPI. on p 22 cf. From the copies of the appointment orders on p 18 cf. it will be seen that the first appointment of Sri CR. Venkataraman as headmaster of the incomplete high school was a regular one and was also regarded as a permanent one.

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As pointed out by the DPI in para 3 of his letter on p 22 cf. if the appellant was considered unfit to be the headmaster of the Complete high school he should have been reverted to the L.T. Cadre in accordance with the provisions of rule 7(2)(a) of the Establishment rules. It is not clear why this was not done. The remarks of the Commissioner Kodaikanal Municipality may be obtained on this point and he may also be requested to submit for reference the original records connected with the appointment of Sri CR. Venkataraman.

A draft memo is submitted below for approval.

p 240, B 6157-A

KOK
28.9.46

DPM 1/10/46 S M/W

(Memo No. 40990 B1/46-4 Edn dated 5/10/46.)

p 24-25 cf

From the Commissioner, Kodaikanal Municipality, Ref.No. 5648/46-C1 dated the 8th November 1946.

Please see the copy of the letter from the Commissioner, Kodaikanal Municipality on pages 26-7 c.f.

2. The appellant was appointed to act as headmaster of the then incomplete Municipal High School (in the L.T. Cadre). He was subsequently appointed temporarily as headmaster of the Municipal High School pending the inclusion of his name in the panel. The appointment should have been regularised after his name was included in the panel. This was not done. The Appointment Committee has approved the termination of services of Sri C.R. Venkataraman as headmaster on the ground that a change of personnel is necessary in the interests of the school. In view of these proceedings it may be deemed that the appointment of Sri C.R. Venkataraman as ~~headmaster~~ temporary has been duly terminated.

p 559 Pl. office file at (R)

p 78 Pl. office file at (Z)

Perusal of the Committee on p 27 cf

3- When the appellant was considered to be unfit for the post of headmaster, he should have been reverted to the L.T. cadre from which he was promoted as headmaster in accordance with the provisions of rule 7(2)(a) of the rules relating to establishments under Municipal Councils. But his

p 35 Pl. office file no. 151-A

P.T.O.

services were dispensed with from 9th August 1946. This was irregular. The explanation of the Commissioner in this regard is not satisfactory. There was no necessity for him to refer the matter to Government. He should have pointed out to the Appointment Committee the correct procedure to be followed in the matter, and obtained an order of reversion to the L.T. cadre. It is therefore for consideration whether the appeal may be allowed and orders may be issued to the effect that Sri C.R. Venkataraman should be deemed to have reverted as L.T. Assistant from the date on which his services were terminated as headmaster of the Municipal High School, Kodaikanal. The period of his absence from duty from that date may be treated as on leave.

4. The file may be circulated to H.M.(Education).

8/12/46

8/12/46

The Municipal Council, Kodaikanal, in its resolution No.82 dated the 6th July 1946 resolved to request the Commissioner to give a month's notice immediately to the headmaster on probation and to take immediate action for incompetency. The Appointment Committee in its resolution No.8 dated the 25th October 1946 has agreed with the Council that a change of personnel in the post of headmaster, Municipal High School, Kodaikanal, was desirable and resolved that the notice issued to the headmaster would be deemed as one issued under the authority of the Committee. Neither the resolution nor the Committee's proceedings go to show that the services of the headmaster should be dispensed with. But unfortunately the Commissioner has given notice to the effect that the services of the headmaster would not be required by the Municipality after one month from the date of receipt of the notice. As observed by the Director in para 2 of his letter on page 22 c.f., the ~~headmaster~~ appellant was first appointed to the L.T. cadre in September 1944 as headmaster of ~~the~~ an incomplete High School. If he had been found unfit as headmaster of the Municipal High School, under rule 7(2)(a) of the Establishment Rules he should have been reverted as L.T. Assistant. If as intended by the Council's resolution

P.T.O.

any action should be taken for incompetency, separate proceedings should have been started in this respect. This the Commissioner did not resort to. The Commissioner may ~~now be~~ therefore be directed to reinstate the appellant as a L.T. Assistant from the date on which his services were dispensed with, the period of his absence from that date being treated as leave to which he was eligible on that date.

2. The file may be circulated to H.M.(Edn.).

10.12.46

TSA 15.12.46

H.M.(Edn.)

SECRETARIAT, EDUCATIONAL & PUBLIC HEALTH DEPARTMENT 16 DEC 46 GOVERNMENT OF MADRAS

A draft order is submitted below for approval.

18.12.46

17/12/46

17/12/46