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Scott. II-27-87,004-18-11-45.

E + P H. (1946) Department.

MS. SERIES.

G.O. No.

536 E.L.

Dated

11-3-1946

[Despatch Abstract.]

Madras Educational Rules - Rule 92 - Grant of fee concessions to
E. Janaki daughter of Sr. K.V. Krishnan Nayar, Sub Assistant Surgeon -
Papers recorded.

Back Papers.

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

Further Papers.

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

Madras Educational Rules - Rule 92 - Grant or educational concession to K. Janaki.

Memo. N^o. 55240 A/C-18 5/12/45.

The S.C. is requested to

state when the report called for in Govt Memo N^o. 35760 C/45-1 Edu & 27-8-45 may be expected

To The S.C. - ES 30-11-45/45 30/11/45
DUPD KM 6-12-45
JPM 12/12/45

E.T.H(C).

Please see the answer on pp 5, 6, 7, 8 and 9 to the (C) memo 35760 C^{sent} to the S.G. Madras. In the circumstances reported it is for orders whether the matter may be allowed to drop there.

902-11-4409

Department

Madras Government Secretariat

Date _____

Superintendent, Central Record Branch, Fort St. George.

The Librarian, Secretariat Library, Fort St. George.

OL

Date _____[illegible]

Designation

MENT.

Signature

From

Major-General J.P. Huban, O.B.E., K.H.S., I.M.S.,
Surgeon-General with the Govt. of Madras, Madras.

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

No. 55811-E.2. dated 8th December 1945.

Subject:- Madras Educational Rules - Rule 92 - Grant of educational concession to K. Janaki, daughter of Dr. K.V. Krishnan Nair, Sub-Assistant Surgeon.

Reference:- Government Memorandum No. 35760-C/45-1 Edn.,
dated 27th August 1945.

I forward herewith a copy of the explanation dated 18th October 1945 submitted by Dr. K.V. Krishnan Nair, Sub-Assistant Surgeon together with the letter No.2154-H/45 dated 23rd October 1945 from the District Medical Officer, Salem, on the above subject for information. I agree with the remarks offered by the District Medical Officer and consider that no action need be taken against the Sub-Assistant Surgeon in respect of the first charge. As regards the second charge the Sub-Assistant Surgeon has apologized for the language and tone he has used in his appeal petition to Government and officers of Education Department and the same is being communicated to the Director of Public Instruction, Madras and hence no action is necessary in this charge also.

Your obedient servant,

Maillan
for Surgeon-General with the
Govt. of Madras.

kev.5/12.

Copy of letter Ref.No.2154-H/45 dated 23rd October 1945 from the District Medical Officer, Salem, to the Surgeon-General with the Government of Madras, Madras.

Ref:-Your No.Ref.55811-2-E.2. dated 2-10-45 regarding Dr. K.V. Krishnan Nair, Sub-Assistant Surgeon, Local Fund Dispensary, Ethapur.

I am herewith forwarding the charges framed against Dr. K.V. Krishnan Nair, Sub Assistant Surgeon according to your instructions and his explanation thereon.

He has attempted to derive maximum benefits from Government to educate his children on concessional rates. His claim is that according to Marumakathayam Law it is the duty of the Karanavan of the Thavzhi, as a legal guardian of his children, to educate them and it is this Karanavan who gave the certificate of indigency to educate his two-daughters - Janaki and Kanthimathi, and they were granted the concession for some time. This is in accordance with Madras Educational Rule 33 Para (2). The parent, Dr.K.V. Krishnan Nair, father of the children cannot therefore, be held liable for the certificate given by his brother-in-law who is the legal guardian of his children under Marumakathayam Law.

As regards his first son he obtained concession on the ground that the boy's father (i.e.) Dr.K.V. Krishnan Nair was an ex-military man, probably because this concession was granted only to children of ex-Army men as the Marumakathayam Law could not be known to Military authorities. This may, however, be verified. It will, therefore be seen that he obtained maximum concessions legally for his children -- first by bringing forward his previous military service in the case of his son and the poverty of the Thavzhi Karanavan in the case of his daughters. This latter is permissible under Madras Educational Rules 33 and 92. His conduct, therefore, can only be considered as unmoral and I do not think that any offence has been committed by him especially as there does not seem to be any rule which prohibits him from obtaining these two concessions. Legal opinion may, however, be obtained on the points raised by him on Marumakathayam Law.

As regards charge (2) he has expressed his regret and apologised for the language used by him against the officers of the Educational Department. I recommend that his apology may be accepted and communicated to the Officers concerned.

Copy of proceedings No.2154-H/45 dated 10th October 1945 of the District Medical Officer, Salem, to Dr.K.V.Krishnan Nair, L.M.P., Sub-Assistant Surgeon, Local Fund Dispensary, Ethapur.

Read - the following:-

(1) Letter No.55811-2-E.2. dated 2-10-45 of the Surgeon-General with the Govt. of Madras, Madras, enclosing Government Memorandum No.35760-G/45 Education dated 27-8-45 and letter from Director of Public Instruction, Madras and connected papers.



DEPARTMENT.

Received 19 Registered 19

Subject. E. P. N. depl
Encl. 55240-A. C/45-2 - dated 5.1.46

Referred to the Director of
Public Instruction for remarks.
(By order)

J. B. M. Nair
Assistant Secretary

To the Director
of Public Instruction

ENCLOSURES.

No.

No.

Spare copies

Station, Dated the 19

From (Name)

(Designation)

-2-
The following charges are framed against Dr.K.V.Krishnan Nair, L.M.P., Sub-Assistant Surgeon, Local Fund Dispensary, Ethapur.

Charge No.1.-

That he in 1940 claimed educational concessions granted to the dependants of ex-army men on behalf of his son K.V. Gopinath stating he was the parent and guardian of the said boy and that it was his responsibility to educate him. In the same connection he has stated that he was responsible for the education of his six other children which was costing him nearly Rs.160/- per mensem out of his salary of Rs.175/- per mensem. Giving the above as the reason he had also produced a poverty certificate to the effect that his income is not sufficient to meet the expenditure on the education of his children (vide letter Roc.No.D.7083/40 dated 10-12-40 of the Commissioner of Land Revenue) and the Government were pleased to sanction the concession on behalf of the statement.

But when claiming education concession under Rule 92 of Madras Educational Rules on behalf of his daughter K.Janaki in July 1944 he has taken recourse to setting up her uncle as her guardian (stating that as he belonged to a Malayali-Marumakkathayam family the uncle of the pupil and not the father should be considered as the rightful guardian) since there is a fixed income limit for the purpose and his own income is above the same. That he a responsible Government servant has adopted such tactics for claiming a concession from Government amounts to gross misdemeanour.

Charge No.2.-

That he in his appeal petition dated 28-5-45 sent to the Secretary in charge of Education with the Govt. of Madras not only levelled unfounded and irresponsible allegations against responsible high officials including Director of Public Instruction, Madras, but also used most discourteous and highly objectionable tone (vide paragraphs 5, 6 and 7 of his petition). This amounts to gross breach of discipline.

He is therefore, hereby directed to submit his written explanation to the above said charges within a week from the date of receipt of this memo., failing which it will be taken that he has no explanation to offer and the charges will be disposed of on their merits without waiting for his explanation. He is also directed to state definitely whether he desires to be heard in person.

Copy of petition dated 18th October 1945 from Dr.K.V. Krishnan Nair, L.M.P., Sub-Assistant Surgeon, Local Fund Dispensary, Yethapur, to the District Medical Officer, Salem.

With reference to the proceedings dated 10th October 1945 bearing No.2154-H/45, I submit the following explanation.-

Charge No.1.- The allegations and statements in para. 1 of charge No.1 are not substantially correct. It is no doubt true that I claimed concession for my son A.V.Gopinath as an Ex-Army man. But I never represented that I am the legal guardian or technical guardian of my son. A.V. Padmanabha

contd:-

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-3-
Padmanabha Menon, Tavazhi, Karanavan of the Marumakkathayam family of which my son A.V. Gopinath is a member, is his lawful guardian and continues to be so. But as a parent, I have as much a duty to maintain and educate my children as the lawful guardian. It is in that capacity as a parent and with a view to educate my son, who is one of my dependents, that I claimed the necessary concession on the basis of my military service, which I submit I am entitled to. The fact that A.V. Padmanabha Menon is the legal guardian was never suppressed.

2) I served during the Great War of 1914-20. The concessions claimed as an Ex-Army man, are based on separate orders of a different category from those claimed under M.E. Rules 92 and 33 para 2. The certificates required in the former are (1) Paternity, (2) Military service, and (3) Poverty certificate - stating whether the father is not affluent enough to educate his children.

3) In 1940, I claimed concession not only for my son A.V. Gopinath, but also for my daughter A.V. Kunhi Lakshmi. I could claim it only for these two as the concession was restricted only to those born before 1922, though I had 6 other children. The application on behalf of K.A.V.Gopinath was returned by the Director of Public Instruction, on the ground that it was applicable only to Art College (Gopinath was in the Engineering College, Guindy). I appealed to the Government and the Government was pleased to grant the concession prayed for.

4) A.V. Kunhilakshmi was a student of the Indian Medical School, Madras. She had given in the school her Tavazhi Karanavan's (A.V. Padmanabha Menon's) name as her legal guardian, being a Marumakkathayee. When the claim for the military concession was made to the Principal of the Indian Medical School, he enquired of me in writing, how I made the claim. I replied that I am her father, though the legal guardian is A.V. Padmanabha Menon, her maternal uncle (Thavzhi Karanavan). The claim was allowed and it went up to the Madras Government, possibly through the Surgeon-General and she got it.

5) In the case of Gopinath, nothing about the legal guardian was mentioned, as it was irrelevant and unnecessary with reference to this concession, which was simply based on the military service of the father. He had not given his legal guardian's name in the College of Engineering where he was.

6) In the case of A.V. Janaki and A.V. Kanthimathi (the initials changed since into K) the claim for half fee concession was based on M.E.R.92 and para 2 of 33. Here the question of legal guardianship as Marumakkathayee comes up. A.V. Padmanabha Menon is the real Tavazhi Karanavan of my children and my Brother-in-law. He is not a faked-up person.

7) I had then 7 children going to various Colleges and Schools in Madras and I have given only the bare truth, that I had to spend more than Rs.160/- a month for their education excluding the concessions. I could get only very little help from their poor Tavazhi Karanavan and legal guardian A.V. Padmanabha Menon.

p.t.o.

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-4-
The claim for half fee concession for Janaki and Kanthimathi was made in 1941 to the Headmaster, Government Model High School, Saidapet, with the poverty certificate of the legal guardian A.V. Padmanabha Menon. It was granted though I had given the applications for their admission giving my status as required. They were having the concession for 3 years.

They were transferred, the former to the Government Girls High School, Salem and the latter to Board High School, Attur. The first was denied the concession whereas the 2nd is still having it. Both of them presented to their heads of schools, certified copies of the poverty certificates presented in 1941 to the Headmaster, Model High School, Saidapet.

From the above circumstances, it will be apparent, that I have not misrepresented facts for obtaining half fee concession to my children.

I have signed as parent and guardian in most of the applications for admission of my children, which is quite consistent with para 2 of 33 M.E.R.

It is nowhere stated, that I, a parent who is an Ex-Army man, could not take advantage of the same, even if I am a person governed by Marumakkathayam Law.

In the above circumstances, I humbly submit, that I have not adopted any tactics ~~that~~ and that I always laid open, the entire facts for consideration of the authorities.

Charge No.2.- It is not true to say, that I have levelled any unfounded and irresponsible allegations against officers in paras 5, 6 and 7 of my appeal petition. I only stated my grievance against the order and the reasons therefor. It is clearly provided in para 2 of the M.E.R. 33 that in the case of Marumakkathayam family, it shall be sufficient, even when the parents are alive if the karanavan of the child's Tavazhi or if there is no separate Tavazhi, the Karanavan of the child's Tarawad executes the authority (namely the poverty certificate).

A perusal of the order of the Head Mistress, Government Girls High School, Salem, would clearly show, that she has not gone through para 2 of rule 33 M.E.R. referred to above and I had naturally to infer that her order was not based on a proper apprisement or appreciation of the relevant rules.

The Inspectress of Schools, Coimbatore, has stated in her order, that no other guardianship could be recognised for the purpose of concession under rule 92 M.E.R. This statement of law is clearly opposed to Madras Educational Rules, and one is apt to infer that the Inspectress neither read rule 33 nor the substantive law relating to guardianship of person and property.

In such circumstances, I had to infer that she did not personally address her mind to the question, but was guided by the order of her subordinate.

contd:-

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-3- 6
The Director of Public Instruction also refused the concession without giving any reasons in his order. There was nothing in his order to show that he considered the combined effects of rule 92 and para 2 of rule 33, M.E.R. and that after such a consideration, he came to the above decision. Hence I inferred that he was also guided in a routine way, by the orders of his subordinates, for a mere perusal of the relevant rules, would have enabled him to come to a different conclusion, and in the circumstances I had reasons to believe that the Director of Public Instruction passed orders without reference to the relevant rules.

I never used these expressions in a spirit of disparagement or disrespect to the authorities. If I have used expressions, in any sense offensive, I apologise for the same.

I desire to be heard in person on these charges. In addition I want to cross examine the then (1) Headmistress of the Government Girls' High School, Salem (2) The Inspectress of Girls Schools, Coimbatore and (3) the Director of Public Instruction, in order to show that I am innocent and the charges levelled against me are not true.

True Copies/

Nallan
for Surgeon-General with the
Govt. of Madras.

W/

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C.F. 32.

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From (Name) Dr. S.R.U. Savor, M.A.,
Designation Director of Public
Instruction,
Station Madras.

Received.....Registered.....
To
The Secretary to Government,
Education & Public Health Department,
Madras.

Enclosures: A.C. No. 1230-E/45 dated 2nd February 1946.



Sir,

Subject:- M.E.R. Rule 92- Grant of Educational concession to
K. Janaki, daughter of Dr. K.V. Krishnan Nair,
Sub-Assistant Surgeon.

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1946
1946

In resubmitting herewith the Government endorsement
55240-A-C/45-2 dated 5-1-46, together with its enclosures,
I have the honour to invite your kind attention to para 2
of the Government Memo No. 35760 C/45-1, dated 27th
August 1945 and to state that no disciplinary action has been
taken by the Surgeon General against the Sub-Assistant
Surgeon Dr. K.V. Krishnan Nair. The apology of Dr. K.V.K
Krishnan Nair - vide para 6 under charge II of his explanation
dated 18-10-45 - appears to be so conditional that it cannot
be regarded as an apology. The petitioner may, if Government

P.T.O

Don

AN/6/2/

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The S. G. is requested to convey to Sri K. V. Krishnan Nayar, Sub Asst Surgeon, the Govt's displeasure at his conduct in exploiting the rules to get educational concessions for his children and at the tone of his petition of 28.5.45 addressed to Govt.

To Mr. S. G.
4 D.P.D.

$\frac{2572146}{2572146}$

addendum to
JW
25/2/06

$\frac{1}{2}$ fine.

Education and P.H.(C) Dept.

pp. 3-10

M.E.R. - Rule 92 - Grant of fee concessions to
K. Janaki, daughter of Dr. K.V. Krishnan Nayar, Sub-
Assistant Surgeon.

Please see Memorandum No. 35760.C/45.1 Edn., dated

27th August 1945 on page 19 of (C) and the Secretary's Orders
on page 18 of the same paper. The D.M.O., Salem, framed

two charges against the Sub-Assistant Surgeon, one about the tactics adopted by him to get free concession for his daughter and the other about the discourteous and highly objectionable tone of his petition. The Sub-Assistant Surgeon's explanation is on pages 6-9 c.f.

As regards the first charge, the D.M.O., Salem, considers that the Sub-Assistant Surgeon has not infringed any rules and that his conduct can only be considered as ~~unimpaired~~ ^{'unimpaired'}. The S.O. agrees with the D.M.O. and recommends that no action need be taken against the officer.

As regards the second charge, the D.M.O. considers that in view of the apology tendered by the S.A.S. no action need be taken against him. The S.O. also agrees.

It would seem that the D.P.I.'s remarks may be ob-
tained on the S.A.S's explanation for the first charge. The
apology tendered by the officer for the second charge is far
from satisfactory. He seems to maintain that he was right
in using the expressions in his petition.

For orders whether the G.G.'s letter and encls. may be referred to the D.P.I. for remarks in the first instance.

A. G. M
27.12.1945
Sub

G.M.
12.1945. Rule 33 of the Madras Ednl. Rules referred to by the Sub Assistant Surgeon relates to admission and withdrawal of pupils, while rule 92 is the only rule that relates to the grant of fee concessions. There is no doubt that the Sub-Asst. Surgeon has exploited the rules to get the maximum concessions for his children. It is for consideration whether the Director's remarks should be obtained ^{on this} ~~and~~ explanation of the S.A.S. or

it is enough if the Surgeon-General is asked to communicate to him the Govt.'s displeasure at his conduct in the matter.

31/12/45
31/12/45
31/12/45

for the Director's knowledge.

Please issue and copy 4 etc

31/1/46

31/1/46

[Issued as Endt NO: 55240A. C/45: 2 & 5-1-46]
6.10. 4761C. From the D.P.S. Re NO: 1230 E/45: & 2-2-45

Please see the D.P.S. letter on page 11-12 of.

For orders whether the Director's suggestion may be put to the S.G.

31/1/46

31/1/46

Particularly in conversion in
ex-amy - men's conversion, & thereby all other, the
S.A.S. has taken up the point in fact he was in
for the Republic for the children's education;
he has been in the way of the Marumakkattayam
law to set up the Kavarana as Masia
for the purpose of Rule 92. This rule refers to
the power of a guardian, & it does to release from
in Appendix 18; he, S. Release 2 of his from now,
it is to be seen who educates the child but he is
to take into account. In view of this, there is
no doubt that this S.A.S. has taken a
double jump to that his purpose; & then
an expression of his displeasure at his
conduct. Now he suggests to him.

Re the objection
language of his letter & that D.P.S. views
is correct, & his proposal must be approved.

It is not worth while pursuing the matter
any further. The petn. is obviously hot-tempered

& not very good at English. Simply express Govt's displeasure
at his conduct in exporting the rules, & at the
tone of his petition.

15246



A draft memo is subd. After issue the papers
may be recorded.

63/11/46

28/2/46

25/2/46

25/2/46
S 1/2/46

Order (Edn) 536 d 11-3-46
MS

Madras Educational Rules
Rule 92 - Grant of fee
concessions to X Janski
daughter of Sri K.V. Krishnan
Nayar, Sub Post Surgeon -
papers recorded.

It should be noted that the
method is somewhat

~~1/1~~ 1/2

1/1

Order (Edm 231 4 11-5-42)
MA

Madison Educational Rules
Rules - part of the
concessions to X Janski
daughter of Mr. V. Janski
Major, and his son
before recorded