

Done
By

Scott II-27-58,004-4-11-46.

E. & P.H. (1947) Department.

SERIES.

G.O. NO. 1541 Edn.

Dated 15th July 1947.

[Despatch Abstract.]

Madras Educational Rules - Recovery of stipends from K. Ramani, ex-student, Government Training School, for "men, Mangalore - 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.

R.O.C.No. 5270 E.3/46.

Madras, 29th March 1947

From

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

To

The Secretary to Government,
Education and Public Health Department.

Sir,

Sub: Madras Edl. Rules - Recovery of stipends - from K. Ramani
an Ex-student, Govt. Training school for women, Mangalore
institution of a suit - Orders requested.

25875
1/4/47
I have the honour to state that one K. Ramani, Ex-student, Govt. Training school for women, Mangalore underwent training during the years 1936--38 and has failed to fulfil the terms of the bond executed by her and her Co-executant Sri K. Ishwara. The Co-executant of the bond was served with a notice to refund Rs 151--1--0 due to Government in respect of the bond referred to above. It is reported that the Co-executant owns landed property 0-27 cents in extent worth Rs 3000/- with a debt of Rs 2500/- on it, Rs 2000 having been borrowed at Rs 6% on 7-5-45 and Rs 500/- on 24-1-46 at Rs 6%. An expenditure of Rs 12-3-0 has also been incurred by the Superintendent of the school for obtaining an encumbrance certificate for the property.

2. The Government Pleader who was consulted in the matter has stated that a suit is maintainable for recovery of the amount as the Co-executant owns landed property (Copy enclosed). The opinion of the Government Pleader will stand so long as the Co-executant does not raise further loan on the property. If any loan is raised before a suit is filed, there will be no scope for recovery of the amount at all.

3. In the above circumstances, I request the orders of Government as to whether a suit may be filed for the recovery of the sum of Rs 151/- from the Ex-student.

I have the honour to be,

Sir,

Your most obedient servant,

R. Naranikar

For Director of Public Instruction.

P.R.K. 31/3/47

Copy of letter referred to above.

Sub: Non-fulfilment of the terms of her bond by K. Ramani - Trained 1936 to 1938 - Legal opinion of the Govt. Pleader.

A suit is maintainable for recovery of the stipend paid. No other documents are necessary for the present. All the enclosures are returned.

Sd. M.K. Nambyar
Government Pleader.

/True copy/

R. Naranikar

For Director of Public Instruction.

P.R.K. 31/3/47

CN^o 25875 (C1) From to DPI, N^o 5270-E3-46 of 29-3-47

Recovery of stipend from ~~Atta~~ K. Ramani,
ex-student, Govt. Training School for
Women, Mangalore.

Not to
issue

According to rule 125 (5-b) of the Madras
Educational Rules, the validity of the
agreement entered into by a student, is
for a period of six years after the completion
of the training course. Ramani underwent
training in 1936-38. ~~and~~ The six year
period has already expired. It is not clear
how legal proceedings can ^{now} be taken
for failure to fulfil the terms of the agreement.

The Director is requested to offer his remarks on this
point at an early date.

in
10-5-47

To
the DPI

15/7.
C-2 87501/17. M. E. R. — Recovery of 3/3 ^{EXP.H(C1)} stipends
from K. Ramani, ex-student,
G.T.S. for Women, Mangalore —
Orders passed.

CF From to D.P.S. R.O.C. N^o 5270 E.3/46 of
29.3.47.

G.O.(MS) 1541 Dated 15.7.47

The D.P.S. is informed
that ^{the amount of} stipends paid to Sri K.
Ramani, ex-student, G.T.S. for
Women, Mangalore, could be recovered
under Section 52 of the Revenue Recovery
Act, ~~and~~ ^{He} is requested to take
action ~~action~~ accordingly in
consultation with the Collector of
South ^{Kanara.} ~~Arct.~~ if necessary.

To
The D.P.S.
" A.G. Hoffman.
" Collector of
S. ~~Arct.~~ Kanara.

14.6.47.

14/6/47

in
18-6-47
19

W
17/7

25875 c1/47.

E & P.n. (C.1)

Madras Edl. Rules - Recovery of stipends from K.Ramani, ex-student, G.T.S. for women, Mangalore - Institution of suit.

CF

From the D.P.I. No. 5270 E-3/46 Dt. 29-3-47.

Please see the letter from the D.P.I. in the c.f. In the circumstances stated in paras 1 and 2 of his letter at p 1 c.f. the Director requests to be informed whether a suit may be filed against the co-executant, Sri K.Isnwara, for the recovery of the sum of Rs. 151-1-0 (Plus 12-3-0) due from the ex-student, K.Ramani. Though ^{assumed by the Co-executant} the landed property is valued at Rs.3000, the debt on it is reported to be Rs.2500 and the interest on the debt to-date is estimated to come to about Rs.240 nearly. However, as the amount due to Govt. is only Rs.151-1-0 (Rs.151-1-0) Rs.163-4-0 plus costs, it seems worthwhile to file a suit. Further a property on which a loan of Rs.2500/- has been raised will, when brought for sale, fetch a far higher amount than ^{estimated at present} Rs. 3000. In the circumstances it is for orders whether the D.P.I. may be asked to institute legal proceedings for the recovery of the stipend amount against Sri K.Isnwara, the co-executant.

The file may be sent to Finance U.O. for remarks.



En. no. 25875 c1/47-1
22.4.47.

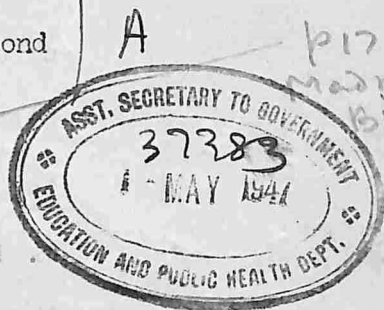
04846

18/4/47
19/4/47
(P.70.)

Legal Department

There is no objection to the filing of a suit against the co-executant. The exact terms of the bond are not known. E. & P.H. may also consider whether the amount due to the Government under the bond cannot be recovered under section 52 of the Revenue Recovery Act.

1/29/47 S. 1/29/47 Fin



Legal no 4396/47-1
29.4.47.



Fin no No 26194 AEC
1-5-47

EPH. may please consider the suggestion made by Legal Secy at A above in the first instance

CDL 30/4/47 EPH(CI)

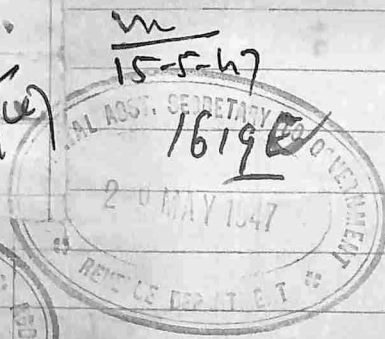
The terms of the bond referred to in the Legal Dept note above are given in Appendix 22 at pp 40-42 of the M.E.R. Section 52 of the Revenue Recovery Act provides, inter alia, for the recovery of all

pp 40-42 BK 151 (not pump)
p 179 BK 16 (not pump)

sums due to the Prov^l Govt. in consequence of a breach of contract ~~to~~ he recovered in the same manner as arrears of land revenue, unless otherwise provided for (in the Act). The point for ~~the~~ consideration, therefore, would be 1) whether the non-fulfilment of the terms of the bond in question can be held to be a breach of contract, (which it appears to be); and 2) if so, whether it could be brought within the scope of the provisions mentioned above of the Act.

The file may be sent to the Dep^l Secy to Govt. for advice.

Ed no 25875C/47.2 3/5/47
23.5.47



S/ Rev. Dept. Rev. Dept.

TO ASI

Please see notes on pp 1-3 above

The point for consideration in this file is whether the stipend amount due to the Govt. under the bond can be recovered in the same manner as arrears of land-revenue under the provisions of the Madras Revenue Recovery Act, 1864. Section 52 of the Madras Revenue Recovery Act provides that all sums due to the Provincial Govt., including compensation for any loss or damage sustained by them in consequence of a breach of contract, may be recovered in the same manner

pp 1-19 of Book No 16

as arrears of land-revenue under the provisions of the Act unless the recovery thereof shall have been otherwise specially provided for. This deflt. may, therefore, view that the amount due to the Govt under the bond may be recovered as in the same manner as arrears of land revenue,

28.5.47. provided legal consider that the condition at A on the previous page is satisfied. The file may be passed on to legal

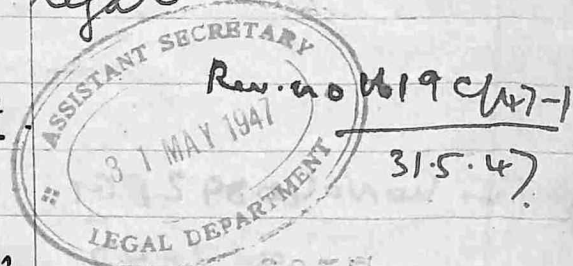
in reply

MK. 29/5/47

28/5/47

Legal

Legal Dept



The answer to the two points raised in the note of E+PH. at B on p3 is in the affirmative. An amount recoverable on breach of the terms of a bond can be recovered under S 2 of the Revenue Recovery Act.

31.5.47

E+PH.

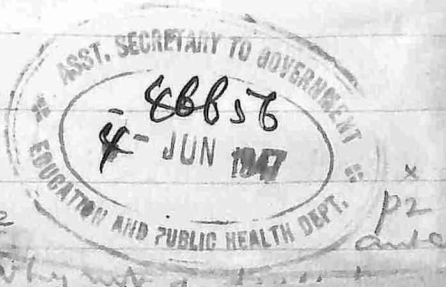
E+PH.

Revenue and Legal have agreed that the amount due to Govt under the bond can be recovered under

Section 52 of the Revenue Recovery Act. A draft order is submitted for approval. Revenue and Finance may see before issue.



Legal no 6057/47-1 31.5.47.



Rev. no 25875C/47-3

Rev. no 1884C/47-1 8.7.47

TO ASE

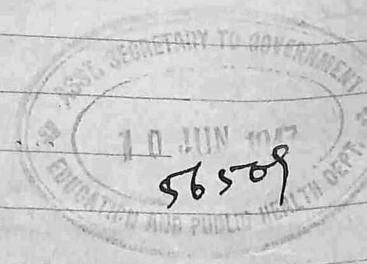
The draft order may be

8/7/47

Fin. Fin



Fin no 40892EC1 9-7-47



11.2.47.

Seen in Fin

C86

9.7.47

The draft order may

now be issued.

14/7/47

Fin Exp

