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G.O. NO. 1552 Edn.

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Dated 16th July 1947.

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[Despatch Abstract.]

Rules - Municipal Councils and District Boards - Confirmation of probationers in the L.T. or B.Ed. grade - Amendments - Draft - 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.
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Education

DEPARTMENT.

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Received 19 Registered 19

Subject.



ESTABLISHMENT RULES -- LOCAL BODIES -- AMENDMENTS TO.

ENCLOSURES.

No.

R.C. No. 1359-G1/46.

Spare copies

Station Madras, Dated the 9th April 1947.

From (Name) Dr. S.R.U. Savor, M.A., D.Sc., I.E.S.,

(Designation) Director of Public Instruction, Madras.

To The Secretary to the Government of Madras,

Education and Public Health Department.
Fort St. George, Madras.

Sir,

I have had recently to examine cases of confirmation of L.T. assistants in the service of Local bodies and found that the point explained below requires the definite orders of Government.

According to sub-rule (5) of rule 8/rule 7 of the establishment rules as amended by G.O. No. 250 L.A. dated 19.1.40 a person who has completed his period of probation in a grade shall be confirmed at the earliest opportunity according to his seniority determined with reference to the date of first appointment which counts for probation in that grade. This ruling has been interpreted in Government Memorandum No. 14145-B/42-e Education dated 6.5.1942 to mean that the confirmation of a person who completes his probation earlier than one, who is senior to him with reference to the date of first appointment which counts for probation, need not be deferred till the latter completes his probation but that, when the senior is confirmed, he should be placed above the junior already confirmed and assigned the rank originally given to him in the list of permanent establishment.

This point was further dealt with in this office endorsement No. 2379-G/44 dated 6.2.1945 disposed of in Government Memorandum No. 4103-1-B Education dated 15.9.1945.

In actual practice however the application of the principles enunciated leads to difficulties and hence this reference.

When vacancies arise in the L.T. cadre, the rules require that the President, District Board or the appointing authority of the municipalities should consult the District Educational Officer regarding the nature of the vacancy, whether it is a subject vacancy or not and if a subject vacancy, to which subject it should be assigned. The executive authority is required to fill the vacancy in conformity with the decision of the Educational Officer.

The actual confirmation of the several acting teachers is, as stated already, regulated by Rule 8(5)/7(5) of the Establishment rules as interpreted by the Government Memorandum No. 14145 B/42-2 Edn., dated 6.5.1942.

Now the question is: In case there is one permanent vacancy in the cadre at any one time, say in Mathematics, and if at that time there are 3 men A, B, and C who have completed their probation as L.T. assistants, if their subjects are History, Science and Mathematics respectively and if their relative seniority as determined by the dates of commencement of their respective probation is in the order of History, Science and Mathematics, who should be confirmed? Is it the History man as it would be by a mechanical application of the establishment rules already quoted, or the Mathematics man as it would be if we take

- (a) the same as interpreted in the Government Memorandum of 1942
- (b) the formalities of recruitment with their natural emphasis on the subject needs
- (c) the special needs of each subject the teaching in which is relatively specialised in High schools and the almost impossible position in which a school may find itself with an ill-assorted staff and
- (d) the adequate ultimate protection given to a senior in the cadre list the minute he is confirmed?

The practice in the Government Education department has been to decide in favour of the strictly senior man irrespective of the subject needs of the vacancy. It must be remembered however that the cadre in Government service is so big that administrative difficulties of fitting men according to the subjects are not appreciable. But in a Municipality which may have one or two schools or a District Board which may have 4 or 5 schools administrative difficulties are bound to crop up if persons are not confirmed subjectwar. My own view is therefore that in the case of local bodies confirmations should be made subjectwar.

If Government agree with me in the above interpretation I would like not to reopen the cases so far specifically disposed of as any such reopening might lead to - though I am not quite sure about the extent - the review of a large number of cases, but regulate only the confirmations that may be made on and after the date of issue of Government orders on this proposal.

In the light of the above remarks, I recommend that the following amendment to the establishment rules may be approved:

Add the following as a proviso under Sub-Rule (5) of Rule 8/7 of the establishment rules as amended by G.O. No. 250 L.A. dated 19.1.1940:

"Provided, however, that for purposes of confirmation in the L.T. or B.Ed. cadre of the secondary schools the following procedure shall be followed:

- (1) All vacancies shall be classified by the District Educational Officer (or in the case of girls' schools, by the Inspectress) according to the special subjects which the incumbents shall have to teach such as Mathematics, Science, History; those not specially or marked for any subject being designated as general.

The subjects vacancies shall be filled by approved probationers in the respective subjects in the order of their seniority.

- (1) The general vacancies shall be filled by approved probationers in the order of their seniority in the L.T. or B.Ed. cadre taken subject to the conditions

(a) that there is for the time being no L.T. or B.Ed. assistant with probationary rights who cannot be assigned to a subject vacancy;

and (b) that in the opinion of the District Educational Officer the person proposed is capable of filling in a general vacancy

Sub Para (i) is self explanatory.

Sub Para (ii) will ensure that no subject vacancy is filled by a person who is unqualified to teach the subject.

Sub para (iii) (a): The vacancies available to L.T. assistants who are not specially assignable to subjects are few and if these few are filled by subjects men by reason of their seniority, the men recruited specially will have to wait indefinitely for a general vacancy. (iii) (a) ensures that this kind of vacancy will be kept unfilled in case there is any one in the service of the Local Body who has already commenced his position in such a vacancy till he completes his probation.

Sub para (iii) (b): This is intended to ensure that one selected for confirmation is really a man who is qualified to teach not merely special subjects but general subjects, like English. The fact is there are B.3es of a type who are primarily able to teach only science subjects. It should be possible to keep these out of the general vacancies.

I have the honour to be,
Sir,
Your most obedient servant,

For Director of Public Instruction.

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Rules - Municipal Councils and District Boards -
Confirmation of probationers in the L.T. or B.Ed.
grade-Amendments - Draft - Published

From the D.P.I. R.C.No.1359 G-1/46 dated 9-4-47.

Order No. 1552 Ms. Edn. 16.7.47

Under the existing rules recruitment to vacancies in the L.T. or B.Ed grade in secondary schools under local bodies should be made with reference to the requirements of teachers qualified to teach the various subjects. For purposes of discharge or reversion for want of vacancies, the probationers in that grade should be grouped according to the subjects they teach. Their confirmation should however be made in the order of seniority determined with reference to the date of their first appointment. The D.P.I. recommends that confirmation of probationers should also be made with reference to the subjects as otherwise administrative difficulties would crop up. The Govt. accept the Director's recommendation as the principle to be observed in the matter of recruitment and confirmation should be the same.

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

Appendix Notification 1.

The following draft of certain amendments to the rules relating to establishments under municipal corporations published with the late Self-Government Department Notification No.687, dated the 2nd June 1935, at pages 316 to 318 of Part I-A of the Fort St. George Gazette dated the 16th June 1936 as subsequently amended, which are proposed to make in exercise of the powers conferred

To
The D.P.I.
" Inspector of
Municipal Councils
and Local Boards
" Examiner of Local
Fund Accts
L.A.Deptt.
" S.G.P. for pubn.
in the Fort St. George
Gazette.

1.8.e. 21.2.47

(Published
in the Rules
Supplement to Part
I-B of the F.S.G.
Gazette of 29/2/47)

(a) that there is for the time being no L.T. or B.Ed. Assistant with probationary rights who cannot be assigned to a subject vacancy;

and (b) that in the opinion of the District Officer the person proposed is capable of filling in a general vacancy.

Sub Para (1) is self explanatory.

Sub Para (ii) will ensure that no subject vacancy is filled by a person who is unqualified to teach the subject.

Sub Para (iii) (a): The vacancies available to L.T. Assistants who are not specially assignable to subjects are few and if these few are filled by subjects men by reason of their seniority, the men recruited specially will have to wait indefinitely for a general vacancy. (iii) (a) ensures that this kind of vacancy will be kept unfilled in case there is any one in the service of the Local Body who has already commenced his probation in such a vacancy till he completes his probation.

Sub Para (iii) (b): This is intended to ensure that one selected for confirmation is really a man who is qualified to teach not merely a subject but a general subject, like English. The fact is there are a few of a type who are primarily able to teach out science subjects. It should be possible to keep these out of the general vacancies.

I have the honour to be,
Your most obedient servant,
Sd/-

For Director of Public Instruction.

by sections 73, 74 and 303 (2) (a) and Schedule IV, rule 37 of the Madras District Municipalities Act, 1920 (Madras Act I of 1920), is published for general information as required by section 304 (a) of the said Act.

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

Draft Amendments
In rule 7 of the said rules -

(1) sub-rule (5) shall be lettered as clause (a) of that sub-rule and in the sub-rule as so lettered, the words, brackets and letter "Subject to the provisions of clause (b)," shall be inserted at the commencement and for the words, brackets and figure "Explanation to sub-rule (3)" in the two places where they occur, the words, brackets and figures "Explanation (1) to sub-rule (3)" shall be substituted;

(2) to sub-rule (5) as so lettered, the following clause shall be added, namely:-

"(b) For the purpose of confirmation in the L.T. or B.Ed. grade in secondary schools the following procedure shall be followed:-

(i) All vacancies shall be classified by the D.E.O. in the case of boys' schools and by the Inspectress of Girls' Schools in the case of girls' schools according to the special subjects which the incumbents shall have to teach such as Mathematics, Science and History and vacancies not specially earmarked for any subject shall be designated as general.

(ii) The subject vacancies shall be filled by approved probationers in the respective subjects in the order of their seniority.

The general vacancies shall be filled by approved B.Ed. or L.T. in the order of seniority in the L.T. or B.Ed. grade as a whole, subject to the following conditions:-

(1) That there is no L.T. or B.Ed. Assistant with probationary rights who cannot be promoted to a vacancy for the

p2nf

of the Madras Local Boards
Act, 1920 (Madras Act
XIV of 1920)

p3nf

time being;

(2) That in the opinion of the D.E.O. or the Inspectress of Girls' Schools, as the case may be, the person proposed to be appointed is capable of filling a general vacancy",

Notification II

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 1-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 70, 71 and 199 (2) (a) and Schedule V, rule 1 C(1) (a) is published for general information as required by section 200 (a) of the said Act.

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

Draft Amendments.

In rule 8 of the said rules --

(1) sub-rule (5) shall be lettered as clause (a) of that sub-rule and in the sub-rule as so lettered, the words, brackets and letter "Subject to the provision of clause (b)", shall be inserted at the commencement, and for the words, brackets and figure "Explanation to sub-rule (3)" in the two places where they occur, the words, brackets and figures "Explanation (1) to sub-rule (3)" shall be substituted;

(2) to sub-rule (5) as so lettered, the following clause shall be added, namely:-

"(b) For the purpose of confirmation in the L.T. or B.Ed. grade in secondary schools the following procedure shall be followed:-

(i) All vacancies shall be classified by the D.E.O. in the case of boys' schools and by the Inspectress of

Girls' schools in the case of girls' schools according to the special subjects which the incumbents shall have to teach such as Mathematics, Science and History and vacancies not specially earmarked for any subject shall be designated as general.

(ii) The subject vacancies shall be filled by approved probationers in the respective subjects in the order of their seniority.

(iii) The general vacancies shall be filled by approved probationers in the order of their seniority in the L.T. or B.Ed grade taken as a whole subject to the following conditions:-

- (1) That there is no L.T. or B.Ed Assistant with probationary rights who cannot be assigned to any subject, vacancy for the time being;
- (2) That in the opinion of the D.E.O. or the Inspectress of Girls' Schools, as the case may be, the person proposed to be appointed is capable of filling a general vacancy".

23.6.47
23.6.47

Rules - Municipal Councils and District Boards - Confirmation of probationers in the L.T. grade - Amendment

From the D.P.I. R.C.No 1859 G-1//46 dated 9-4-47

Recruitment to vacancies in the L.T or B.Ed grade in secondary school under local bodies should be made with reference to the requirements of teachers qualified to teach the various subjects and the subject requirements should invariably be kept in view. For purposes of discharge or reversion of probationers for want of vacancies in that grade, the assistants should be grouped according to the subjects they teach and if any such assistant teaches more than one subject, he should for the purpose of grouping be deemed to teach such subject as the Executive Authority of the Municipal Council or the President of the Dt Bd may determine in consultation with the D.E.O. ^{or the Inspectress of Girls' Schools.} Vide amendments to the rules relating to establishments under municipal councils and district boards issued in G.O. No 529 Edn dated 17-3-47.

2. Under the existing rules confirmation of probationers in the L.T or B.Ed grade should be made not ~~accord~~ according to subject needs but according to the date of ^{their} first appointment Vide Rule 7(5) and 8 (5) of the rules relating to Establishments under municipal councils and district boards respectively. The D.P.I. points out that if confirmations are made on the above principle, administrative difficulties are bound to crop up. He therefore recommends that confirmations should also be made subjectwar In the circumstances stated by the D.P.I, his recommendation may be accepted as recruitment and confirmation should be made on one and the s principle.

3. The amendments proposed by the D.P.I. to the rules relating to establishments under local bodies may be published for criticism. The amendment rule will take effect from the date of confirmation of the rules. A draft order is submitted below for approval. It may be sent to L.A for perusal and remarks if any and to legal for scrutiny. before coming

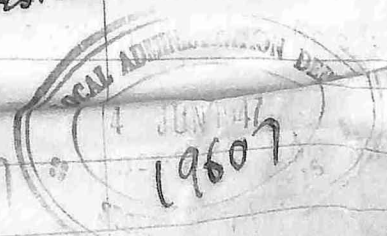
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1197 BX NO 157

This principle is being followed in the Madras Educational Service H
26.5.47

will not have any retrospective effect

84 P.H. No. 1859
28699 P1/47-1
25.5.47



L.A. Dept (C)

The note of the E.P.H. Dept. on p 1 above and the draft order below may be perused and the file passed on to Legal Dept.

En 7.6.47
Ed 7.6.47
Legal 9/6/47

Legal Department.

LA no. 19607-1G

Draft Notification I. The proviso proposed to be added to rule 7(5) may be added as a separate clause in sub-rule (5). Consequent on the renumbering of the Explanation to sub-rule (3) of rule 7 as Explanation (1) to that sub-rule by the amendments in G.O. Ms. No. 529, E. & P.H., dated 17-3-1947, the references to "Explanation to sub-rule (3)" in rule 7(5) should be changed into "Explanation (1) to sub-rule (3)". The opportunity may be taken to effect this change. The draft amendments may therefore be recast as follows:-

"Draft Amendments."

In rule 7 of the said rules -

(1) sub-rule (5) shall be lettered as clause (a) of that sub-rule and in the sub-rule as so lettered, the words, brackets and letter "Subject to the provisions of clause (b)," shall be inserted at the commencement and for the words, brackets and figure "Explanation to sub-rule (3)" in the two places where they occur, the words, brackets and figures "Explanation (1) to sub-rule (3)" shall be substituted;

(2) to sub-rule (5) as so lettered, the following clause shall be added, namely:-

"(b) (Here enter A from page 2 of the draft)".

Draft Notification II. Here also the proposed proviso

to rule 8(5) may go in as a separate clause and consequential amendments to that rule as suggested in the note on draft notification I may be made. The draft amendments may be recast as follows:-

11-24 No 9.6.47
draft x page of book put up
ASSISTANT SECRETARY
KMS
10 JUN 1947
LEGAL DEPARTMENT

p 242 of the book put up

18 JUN 1947
50335
GOVERNMENT OF INDIA
MINISTRY OF HEALTH
PUBLIC HEALTH DEPARTMENT

23.6.47

23.6.47

15 JUL 1947

"Draft Amendments"

In rule 8 of the said rules -

(1) sub-rule (5) shall be lettered as clause (a) of that sub-rule and in the sub-rule as so lettered, the words, brackets and letter "Subject to the provisions of clause (b)," shall be inserted at the commencement, and for the words, brackets and figure "Explanation to sub-rule (3)" in the two places where they occur, the words, brackets and figures "Explanation (1) to sub-rule (3)" shall be substituted;

(2) to sub-rule (5) as so lettered, the following clause shall be added, namely:-

"(b) (Here enter B from pages 2 - 3 of the draft)".

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

Legal no. 6392/47
16/6/47

16/6/47 R.P.H.

E.P.H. (B)

The alterations suggested by the Legal Dept in their note above may be accepted. A clean copy of the draft order incorporating the portais marked x & y above is submitted below for approval.

The file may be circulated to Mr (Edu) for approval

23.6.47

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TSA

19-7-47

M. (Gm)

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