

Closed
or
Supr

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

Exn (1947) Department.

Re

SERIES.

G.O. NO.

179

Edw

Dated

31.1.1947

[Despatch Abstract.]

Elementary schools - Conversion of higher elementary grade posts into secondary grade posts - Discharge of lower elementary grade teachers - Orders passed.

Back Papers.

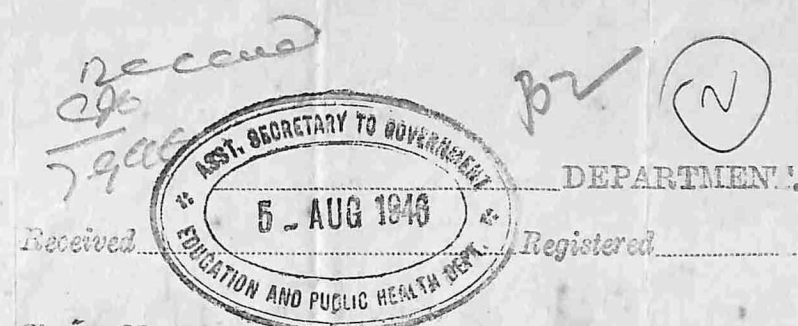
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go	646	B. edu	25-3-46				
Go	169	B. edu	31-1-42				

Further Papers.

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

C.F. 32.

In reply, please quote number, date and short title.



From (Name) Sri C. Gopal Rao Naidu B.A., B.L.,
(Designation) Vice-President, District Board, Guntur.
Under Sec. 23 (1) of M.L.B. Act.

Post Box _____, (STATION) _____

Telegraphic Address _____

To

The Secretary to the Government,
Education & Public Health Department,
MADRAS.

Roc No B2-17943, dated 5-7-1946
Sir, DB-46.

Subj:- Education - Elementary - discharge of Lower
Grade teachers - Instructions solicited.

ENCLOSURES _____

617 (X)

not put up

The Government in their order No. 169 Education & Public Health., dated 31-1-'42 while confirming the amendments to the rules issued in G.O. No. 1359 Education dated 1-9-'41 relating to the selection of teachers for discharge when posts are abolished ordered that trained teachers of the Lower Ele. Grade who have completed 50 years of age on 20 years of service qualifying for pension, Provident Fund on gratuity in order of juniority should be discharged.

One P. Ramaiah, Single Teacher, Board Ele. School, Pamidivaripalem, Bapatla Taluk who has completed 20 years of service by 31-3-'46 was discharged from service from 25-9-'45 consequent on the conversion of one of the Hr. Grade posts in the Board Hr. Ele. School, Konepudi in to that of a Secondary Grade post in accordance with the provisional notice issued to him in December, 1944 (an extract of which is enclosed).

not received

not received in this office

do-

X/11

P. Ramaiah submitted an appeal to the Director of Public Instruction, Madras for his reinstatement into the service and the Director of Public Instruction, Madras in his proceedings L.Dis. 4795-B/45 dated 5-1-'46 (copy enclosed) admitted the appeal and issued orders to reinstate him on the ground that the appellant did not actually contribute to Provident Fund for 20 years and did not also complete his 50th year. There upon the Director of Public Instruction, Madras was informed that the appellant was confirmed with effect from 1-4-'26 and he was then admitted to Provident Fund and that entries were also made in his service register from 1-4-'26 and that the appellant admitted that he had continuous service from 1-2-'25 to 1-4-'26. Then the Director of Public Instruction, Madras in his proceedings Roc No. 1451-B/44 dated 8-5-'46 (copy enclosed) instructed to reinstate the appellant in service on the ground that he was not discharged from service due to the abolition of a post under G.O. No. 169 Edn. dated 31-1-'42 but was discharged on the conversion to a post from

617 (X)

4204
20 AUG 1946
MADRAS

higher to Secondary Grade and that he was discharged after the issue of a conditional notice which cannot be up held.

The effect of abolition is the discharge of some employees and the effect of conversion is also the same. As regards the conditional notice, it is unavoidable if the funds of the Board are to be saved. If not a regular notice of discharge can only be given after the abolition was actually decided upon by the District Board which means a delay of another three months ~~of another three months~~ after the abolition was decided upon.

In this connection kind attention is invited to Govt. Memo. 56034-B2 dated 19-3-'46. Attention is also invited to the explanation under rule 18 of the rules issued in G. O. No. 234-2-L.S.G. dated 2nd June, 1936 as amended.

In the light of the above information I request to be enlightened whether conversion of a post can be treated as abolition and if not, I may be enlightened as to how to adjust the person whose post has been converted.

grd.6/7.

C. I. M. M.
Vice-President, District Board,
Guntur.

Edu. Officer, P.H. Dept. B2.
Encl- 434 B2-1 R. Edu. d 17.8.46.

Referred to the Director of Public Instruction for Remarks.

J. P. M. M.
Assistant Secretary to Govt.
18.8.46. 14/9/46

To The Director of Public Instruction, Madras.

Office of the Director of Public Instruction
Madras.

Re.4204 B5/46 dated 27-8-1946.

Resubmitted.

The appeal of the petitioner was admitted and the President was asked to reinstate the teacher in service for the following reasons:-
1) The petitioner did not actually contribute to Provident Fund for 20 years (he was admitted to Provident Fund only in 1929) - vide Govt. Memorandum No.4613 A/39 -1 Edn., dated 14-2-39. As he did not also complete 50 years of age, his discharge from service is not in order.
2) There was only conversion of posts, in pursuance of which the petitioner was discharged from service. There was no abolition of posts.

42/n/9

: 3 :

3. The petitioner was discharged from service, after the issue of a conditional notice and hence it could not be upheld - vide para 1 of Government Memo No.35163 A.45-2 Edn., dated 13-10-45.

4. The President may be advised to follow the general rules of discharge in such cases.

ASST. SECRETARY TO GOVERNMENT
6 SEP 1946
EDUCATION AND PUBLIC HEALTH DEPT.

for Director of Public Instruction.
To the Secretary to Government,
Education and Public Health Department, Madras.

k.h.3-9.

T.M.
From the Asst Secretary to Govt
To the Dy D.P.I.
E.P.H. Dept.

Encl. - Gunder D.P.I. - discharge of P. Ramiah
Lower cl. grade teacher.

Ref:- Encl. of the D.P.I. Re 4204 B5/46 d 27.8.46

Please send urgently a Copy of Govt Memo
no 4613 A/39-1 Edu. d 14.2.39 referred in the
Decisions and read above.

Ans. 14/9/46

P. C. 90 13/9/46

13/9/46 14/9/46

14/9/46

4

P/O

Handwritten notes in Tamil script, including "MT" and "P/O".

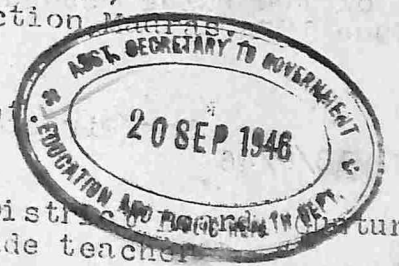
R.C.No. 4204 B.5/46.

Madras 17th September 1946

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

To
The Assistant Secretary,
Edn & P.H. Department

Sir,



55392
p2 only

Sub: Elementary Education- Discharge of
P.Ramiah, Lower Ely.grade teacher - discharge of
Ref: Your T.M. of date.

A copy of Government Memo No. 4613 A/39-1 Edn., dated 14-2-1939
is submitted herewith.

For Director of Public Instruction.

Copy of Govt.Memo No. 4613 A/39-1, dated 14th February 1939.referred to
above.

Sub: Discharge of teachers from service - interpretation of the rule

The Director of Public Instruction is informed that teachers who have
actually contributed to the Provident Fund for a period of 30 years shoul

alone be selected for discharge under sub-rule (2) of rule 18(a) of the rules issued with G.O. No. 2343 L.S.G. dated 2nd June 1936.

For Director of Public Instruction.

P.R.K. 18/9/46

Memorandum No. 43404 B2² Edn. d 28. 9. 1946.

Establishment - District Board, Guntur - discharge of lower grade teachers.

Reference: - Letter from the P.D.B. Guntur, No. B.2. 17943 D.B. 46, d. 5.2.46.

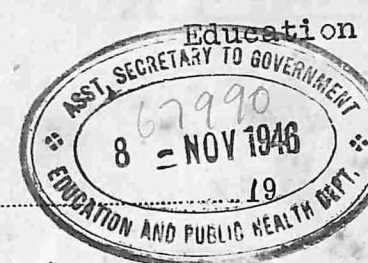
Endorsement of the D.P.I. No. 4204 B5/46, d. 27.8.46.

In ^{the last} paragraph of his letter read above, the P.D.B. Guntur, enquires how the discharge of teachers should be effected if posts of higher elementary grade teachers are converted into those of secondary grade teachers. If conversion of a post can be treated as abolition of one post and creation of another, a lower elementary grade teacher can be selected for discharge as a result of the abolition of the post and another teacher appointed to the post newly created. If not, the juniormost probationer in the grade of post of higher elementary grade may have to be ousted. The D.P.I. has not definitely stated as to whether the higher elementary

probationer should be ousted in preference to a permanent lower grade teacher. in case of conversion of posts He is requested to make his intention clear.

To

The D.P.I.



DEPARTMENT.

Received

Registered

19

Subject.

ELEMENTARY EDUCATION - District Board, Guntur -
Discharge of lower grade teachers.

ENCLOSURES.

No.

Spare copies

R.C.No.4204 B5/46 dated 2-11-1946.

Station Madras., Dated the 19

From (Name) Dr. S.R.U.Savoor, M.A., D.SC., I.E.S.,

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,
Education & Public Health Department.

Sir,

Ref: Govt. Memo 43404 B2-2 Edn., dated 28-9-46.

I have the honour to state that my predecessor held the view that the lower elementary grade teachers should not be discharged first with reference to G.O.169 Edn. dated 31-1-42 in the case of conversion of posts and that the juniormost teacher should be ousted first. If that view is accepted the Juniormost higher grade probationer should be ousted in preference to a permanent lower grade teacher.

p.t.o.

k.h.7-11.

For Director of Public Instruction.

* posts into
secondary
from posts.

C.No. 43404 B2/46

pp 1-2 CP
pp 9-10 CP.

88
21/1

21/1

EDPH Dep.

schools - conversion of higher ele. grades
Ele. Ed. Discharge of lower Ele. grade teachers
on conversion of posts - orders passed.

From the P.D.B. Gentew No B2-179437 B/46 d 5.7.46

Encl. of the P.D. No 4204 B5/46 d 2.11.46.

Order/H.S. 179 Ed. d. 31-1-1947

The Govt direct that when posts
of higher Ele. grade teachers are converted
into those of Secondary grade teachers,
the posts of higher Ele. grade teachers should
be deemed to have been abolished and
posts of Secondary grade teachers created
instead. Lower Ele. grade teachers
should be selected for discharge on account
of the abolition of the posts with
reference to Go No 169 Ed. d 31.1.42.

2 when Management lower

P.T.O

pp 1-2 7 (X)

This
 The grade teachers, ~~are~~ discharged under the should
 be, they should be re-employed, if possible,
 when new schools are opened and when
 fully qualified teachers ~~do not become~~ are not
 available.

Off. 28.1.47. S.P. 1.47.
 30/1/47

To The D.P.I.
 "The Special Officer
 P.D. Bd. Guntur.

The En. P.H.

S/c

d.p.

B.

S.

pp 1-2 CF
 pp 9-10 CF

p 52, Bk 157

(X)
 G.O. No. 169 E.S.
 31-1-46

pp 1-2 CF

p 205, Bk 157

The D.P.I.
 has accepted
 W.

43404-B2
 9/12/46.

(5)

E & P.H. Dept. (B.2).

Sub:-Conversion of posts of teachers - Discharge of persons.

Ref:-From the P.D.B., Guntur, No. 17945/B/46, dated 5-7-1946.
 Endorsement of the D.P.I., No. 4204/46, dated 2-11-1946.

It has been the policy of Government to eliminate
 lower elementary grade teachers as quickly as possible.
 Rules have been framed prohibiting the employment of lower
 elementary grade teachers in elementary schools under local
 bodies if teachers with ^{higher} ~~better~~ qualifications become availa-
 ble.

In 1942, it was laid down in the Establishment Rules
 relating to local bodies that when posts are abolished, lower
 elementary grade teachers should be selected for purposes of
 discharge instead of teachers with higher qualifications
 who were only probationers. The President, Guntur District
 Board, raises the question whether orders referred to above
 are applicable when posts of higher elementary grade teachers
 are converted into posts of secondary grade teachers. The
 remarks of the D.P.I., are on pages 9-10 C.F. He is of the
 opinion that in such cases lower elementary grade teachers
 should be discharged with reference to rule cited above.
 He has, however, requested that the Government may give a
 ruling on the point.

According to the explanation (1) ^{for St. Boards}
~~the~~ under Rule 18 of the Establishment Rules, an appoint-
 ment the pay of which is reduced shall be deemed to be
 abolished within the meaning of the rule.

(2) Conversion of a higher elementary grade post into
 a secondary grade post amounts to the abolition of the former
 post and in consonance with the policy of elimination of
 lower elementary grade teachers ^{it seems that} a permanent person in that
 grade should be first discharged from service.

For orders.

23/11/46

While the above interpretation may be
 accepted, in case permanent incumbents
 are disturbed, attempts should be made to
 provide for them in other T.S.A.



with reference to the minutes of H.M. (Edn.) on
 p. 1 ante it is submitted that the intention is
 that permanent lower elementary teachers should
 be discharged first in preference to higher grade
 teachers who may ^{even} be probationers, when ~~conversion~~ ^{conversion}
 of posts ~~are~~ ^{is} ordered. This is because the qualifica-
 tions of the lower elementary grade teachers are
 very poor and the policy of the Govt is to eliminate
 this class of teachers as early as possible. If H.M. (Edn.)
 thinks that permanent lower elementary grade teachers
 should not be disturbed, the only alternative is
 to put the junior most higher elementary grade
 teacher (a teacher better qualified than the lower
 elementary grade teacher). The file may be circula-
 ted to H.M. (Edn.).

17.12.46. 17/12/46
 I think (H.M.) by
 proposing but only
 lower grade teachers,
 unless the process works if
 possible in this process (if when
 lower teachers are given work
 before them are fully
 qualified teachers are available).
 by
 21/12/46

A draft order is submitted for app-
 when permanent lower elementary teachers
 are re-employed with reference to para
 2 of the draft order, they will
 see their pay will be fixed in
 the minimum of the time scale.

Specific instructions in this regard may be issued
 if cases of the kind are brought to notice.
 8.1.47.
 28.1.47
 30/1/47



TBA
 26.1.47