

E. & P. H. (194 7) Department.

Mis. SERIES.

G.O. No. Ms. 505 Edn.,

Dated the 14 .3. 47.

[Despatch Abstract.]

Appeal - Sri V. Doraiswami Ayyar, L.T. Assistant - Municipal High
High School, Salem - Against Supersession of claims of for appointment
as Headmaster - Rejected.

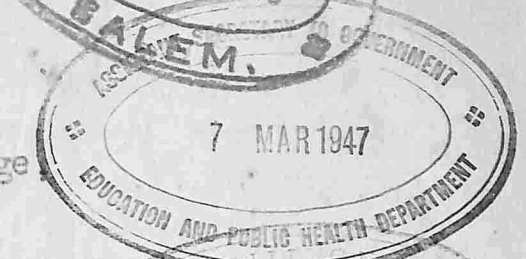
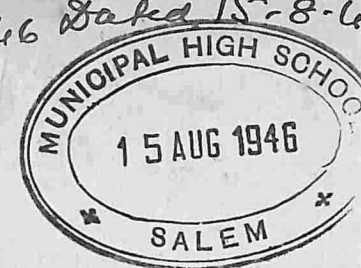
Back Papers.

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

Further Papers.

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

277/1113/46 Sakd 15-8-46



To

The Secretary,
To The Government of Madras,
Education, Fort St., George
MADRAS.

Through: The Director of Public Instruction,
MADRAS.

Through: The Commissioner,
Salem Municipality,
SALEM.

Through: The Headmaster,
Municipal High School,
SALEM.

S U B:- Appeal against the order C3 14075/46, dated,
29-6-'46 of the a pointment committee of the
Salem Municipal Council appointing Sri. P.Manickam
Pillai as acting Headmaster of the Municipal High
School, Salem.

Sir,

I, V.Doraiswami Iyer B.A.,L.T., Ist Assistant of the
Municipal High School, Salem beg leave to appeal the Govern-
ment against the injustice ^{Caused} ~~came out~~ to me by the appointment
of Sri. P.Manickam Pillai as the acting Headmaster of the
school overlooking my claims.

I have ^{put} ~~lost~~ in 22 years of efficient service and have
been incharge of the headmastership during the last 4 years,
for varying periods whenever the permanent Headmaster went
on casual leave and discharged my work efficiently.

3. The permanent Headmaster Sri. B.N.Sangameswaran applied
for medical leave in June '46 and I was appointed to act
temporarily as Headmaster with effect from 12-6-'46.. Sub-
sequently the appointment committee met and appointed Sri.
P.Manickam Pillai who with a service of only 3 years was on
leave for two years, from June '45 but got the unexpired
portion of nearly a year of the leave cancelled on 28-6-46
purposely for getting appointed on the next day, (29-6-46)
as Headmaster. This has caused hardship to all the senior
assistants who have been working hard in the hope that their
work would be appreciated and properly rewarded.

4. Sri. P.Manickam Pillai was once before appointed in
October 1944 as the acting headmaster overlooking the claims
of 11 senior assistants by the same appointment committee in
its order C3 17428/44 dated 17-10-'44 when the permanent

not put up

Headmaster went on leave and on the appeal preferred on 1-11-44 by me and other senior assistants the order appointing Sri. P. Manickam Pillai as Headmaster was cancelled by the Government in its order G.O. No. Ms. 720, Education Dated 7-5-45. As a consequence of the Government order cancelling his appointment Sri. P. Manickam Pillai went on leave for 2 years in June 45 on the pretext of foreign study but got the unexpired portion of the leave cancelled in June '46 when the present vacancy arose. By cancelling his leave and appointing him as the acting Headmaster, the same appointment committee which appointed him as acting Headmaster in 1944, has again deprived me of an opportunity of acting as Headmaster of the Institution.

5. If the G.O. cancelling the appointment of Sri. P. Manickam Pillai as headmaster had been received before the permanent Headmaster joined duty in February 1945, I or any of the senior assistants whose names were in the panel for the Headmaster's post would have had an opportunity of acting as Headmaster and thus would have been considered a probationer. There is also the question whether the name of Sri P. Manickam Pillai could have been included in the panel for the headmaster's post when he was on long leave.

6. I therefore request the Government to be pleased to enquire thoroughly into the matter and render justice by cancelling the order appointing Sri. P. Manickam Pillai as acting Headmaster and to consider me as the probationer for the Headmaster's post.

I beg to remain,
Sir,
Your most obedient servant,

Salem:
Dated: 15-8-1946.)

W. Doraiswami.
1st Assistant, Municipal High School Salem.

Copy to: The Director of Public Instruction, MADRAS.
(2) The Secretary, To the Government of Madras,
Public Education, MADRAS.

Forwarded to the Commissioner, Salem Municipality
Salem.

Manickam P.
Headmaster 16.8.46

81/289 C no. 46815-B1/46.	3 (M) <u>Edu JPH (B1) Dept.</u> Establishment - Municipal High School, Salem - Doraiswami Ayyar, Sri V - L. T. Assistant - Appeal against the appointment of Sri P. Manickam Pillai as Headmaster.
pp 1-2 of	From Sri V. Doraiswami Ayyar, L. T. Asst., M. H. S., Salem, dated 15.8.46.
To the Commr., Salem Mpty. thro' the C. M. C.	Memo no. 46815-B1/46-1 Edu. D. 23/9/1946. ~~The Municipal Commissioner, Salem Municipality is invited to the appeal petition, cited above, and he is requested to forward it to Government with his remarks, through the D. P. S., the petition cited above~~ 21/9/46

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E JPH (B1)

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Establishment - M.H.S., Salem - Doraisamy
Iyer, Sri V - L.T. Asst. - Appeal against the
appt. of Sri P. Manickam Pillai as headmaster.

From Sri V. Doraisamy Iyer, dated 15.8.46.

Memo no. 46815-B1/46-2 EPH D 23/12/46.

The DP9 is informed that

The Commissioner, Salem Municipality, reports
the appeal ~~of Sri V. Doraisamy Iyer, L.T.~~
Asst, M.H.S., Salem ~~against the appointment of Sri P. Manickam Pillai as~~
through the DP9. The Director is requested to
state when the appeal will be ~~forwarded~~ to
Govt. ~~for consideration~~.

21/12/46
21/12/46

22-12-46

To
The DP9.

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E JPH (B1)
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DEPARTMENT
Education Branch
To the Commissioner, Salem
Municipality through the C.M.C.
I have the honour to inform you that I am directed to invite attention to
No. 46815-B1/46-1 dated 23/9/46 and to
request that the reply to it may be expedited
request that this reminder may be returned at once
with information as to—

- (1) the stage at which the matter now is,
- (2) the date by which a reply may be expected, and
- (3) the circumstances which have caused the delay.

Office EPH
Station 788
Dated 7/12/46
Signature: Asst. Secy to Govt.
Designation: Asst. Secy to Govt.
SUBJECT: Appeal - Sri V. Doraiswamy
Iyer - L.T. Asst. - M.H.S., Salem -
Appeal against the appt. of
Sri P. Manickam Pillai as headmaster

Submitted with the following remarks:-

On 4-6-46 the Headmaster applied for 4 days casual leave from that date and suggested Sri Jagannadha Doss ^{B.A., L.T.} to be in charge. Then on 5-6-46 the appellant Sri V. Duraiswami Iyer ^{B.A., L.T.} went on casual leave from 5 to 11-6-46. Sri Jagannadha Doss who was in charge applied for casual leave on the 10th and 11th June, 1946 and Sri P. Ramasubbu Iyer ^{B.A., L.T.} was placed in temporary charge but since he did not wish to continue Sri V. Duraiswami Iyer was appointed to act temporarily from 12-6-46 as an urgent measure till the Appointment Committee could make a regular appointment. This was made clear. The permanent Headmaster applied on 6-6-46 for leave on medical certificate for 3 months from 4-6-46.

2. The Appointment Committee met on 29-6-46 and selected and appointed Sri P. Manickam Pillai, B.A., L.T., to act as Headmaster in the place of Sri B.N. Sangameswara Iyer and therefore Sri V. Duraiswami Iyer was relieved of the duties of the Headmaster from 1-7-46.

3. It is against the appointment of Sri P. Manickam Pillai as Headmaster of the school, Sri V. Duraiswami Iyer has preferred this appeal.

4. In paragraphs 1 & 2 of the petition, the appellant has stated that his claims have been overlooked though he is the seniormost assistant of the school and though he has been placed in charge of the school whenever the permanent Headmaster went on casual leave. In G.O.No.953, Edn., dated 30-6-46, the Government have laid down rules relating to the appointment of Headmasters in High Schools. According to rule 1 of the G.O. the Appointment Committee should select and appoint Headmasters of High Schools from the list of names of suitable candidates drawn up by the Divisional Inspector of Schools. Sri P. Manickam Pillai was selected and appointed by the Appointment Committee from the panel furnished by the Divisional Inspector of Schools. It is not laid down anywhere in the Government Order that seniority should be taken into account while making appointment of Headmasters. The fact that Sri V. Duraiswami Iyer was placed in charge of the school whenever the permanent Headmaster went

REPLY.

To The Secretary to the Government
Edn. & P. H. Dept.,
Madras.

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Sir,

The appeal of Sri V. Duraiswami Iyer has been submitted to the Govt., through the D.P.D. Madras with my remarks. It has been dispatched from this office on 21.10.46.

Minister
15/11/46

Commissioner.

Edn. & P. H. Dept.

10/12

12/12/46

pl ante

(B)

8 -2-
went on casual leave cannot itself confer upon him any claim for appointment as a regular Headmaster.

for ante
5. In paragraph 3 of the appeal, the appellant refers to the temporary appointment of the appellant to act as Headmaster from 12-6-46. The appellant cannot claim the post basing the temporary arrangement made by me. He also refers to the return of Sri P.Manickam Pillai from leave just before his appointment as Headmaster. Sri P.Manickam Pillai was granted extraordinary leave for 2 years from 4-6-45. On 27-6-46, he put in an application requesting me to permit him to join duty cancelling the unexpired portion of the leave granted to him and he was permitted to join duty from 28-6-46. The Appointment Committee met and appointed Sri P.Manickam Pillai as Headmaster on 29-6-46. Sri P.Manickam Pillai was not given any assurance that he would be appointed as Headmaster if he would join duty cancelling the unexpired portion of the leave granted to him.

for ante
6. In para 4 of the appeal, Sri V.Duraisami Iyer refers to the appeals preferred by him and the other assistants against the appointment of Sri P.Manickam Pillai to act as Headmaster in 1944 and the orders of the Government thereon. vide G.O.No.Ms.720 Edn., dated 7-5-45. The Government allowed their appeals and also directed that Sri P.Manickam Pillai could not be considered as a probationer for Headmaster's post as the panel for 1944-45 was not prepared in time. The Government have not prohibited the reappointment of Sri P.Manickam Pillai as Headmaster for subsequent vacancies. The appointment of Sri P.Manickam Pillai is now regular and has been made according to rules.

for ante
7. In para 5, the appellant questions about the inclusion of the name of Sri P.Manickam Pillai in the panel for Headmaster's post when he was on long leave. It is the Divisional Inspector of Schools who has furnished the panel.

8. In the appeal, Sri V.Duraiswami Iyer, the appellant contends that he should have been appointed as Headmaster in preference to Sri P.Manickam Pillai in view of his long service

9 -3- 6
and seniority. The Appointment Committee has selected and appointed Sri P.Manickam Pillai from the list of names of suitable candidates for Headmaster's post furnished by the Divisional Inspector of Schools and therefore Sri V.Duraisami Iyer has no real grievance.

for ante
9. Regarding the allegations that Sri P.Manickam Pillai went on long leave after his appointment as Headmaster was cancelled it has to be stated that this is distorted. Sri P.Manickam Pillai acted as Headmaster for the full period. I have seen from the papers in his possession that he had made genuine attempts to go to America but due to conditions of war he could not proceed overseas for want of passage. In any case that he applied for leave on account of disappointment cannot for a moment be conceived for the simple reason that he was appointed to act only for a short period and there was no guarantee expressed or implied that he will continue to act for ever.

for ante
10. The petitioner had not acted in any manner that will give him a probationary right and his request to consider him as a probationer without entering into probation does not seem to require consideration.

for ante
11. Sri P.Manickam Pillai was first appointed as a Tutor in the same Municipal High School in 1931 and he has held various appointments in the Municipality, viz., Tutor, L.T. Assistant, Supervisor of Municipal Elementary schools, etc.,. He was found to possess powers for administration, organization capacity and initiative for developments, the qualities referred to in the proceedings of the Director of Public Instruction C.No.2184/C/38 dated 26-8-38. The Committee did not wait for the return to duty of Sri P.Manickam Pillai as has been made to appear. There was nothing to prevent the Committee to recall Sri Manickam Pillai since he was found to be the best in the panel furnished by the Divisional Inspector. Further according to rules names already included in the panel should automatically be repeated every year unless there has been

recorded evidence to show retirement or any punishment. Such a disqualification was not found against Sri Manickam Pillai. It was only after a careful consideration of all the circumstances the Committee appointed Sri Manickam Pillai to act in the leave vacancy.

12. The following records are submitted herewith for reference and return. The personal files of Sri V. Duraiswami Iyer and Sri P. Manickam Pillai are also submitted.

D.19425/44 - 42 pages
L.14075/46 - 12 pages

P. Manickam Pillai
COMMISSIONER

To

The Director of Public Instruction,
Madras.

FORWARDED

P. Manickam Pillai
Chairman, Municipal Council, Salem

PROCEEDINGS OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS
R.O.No.3438 G1/46, dated 4-3-1947.

Appeal - Sri V. Duraiswami Ayyar, Assistant, Municipal High School, Salem - Against supersession of claims for promotion as Head Master.

Ref:- (1) Appeal dated 15-8-1946 from Sri V. Duraiswami Ayyar, Asst. Municipal High School, Salem.
(2) Endorsement Roc.No.3.17028/46, dated 14-10-1946 of the Commissioner, Salem Municipality.

Submitted.

2. The appellant, Sri V. Duraiswami Ayyar, B.A., L.T. is the first Assistant of the Municipal High School, Salem and he has appealed against his reversion and the appointment of Sri P. Manickam Pillai another Assistant of the school as Head Master from 1-7-1946. The names of both the appellant and the respondent are included in the panel of names furnished by the Divisional Inspector to the Commissioner in April 1946. The Commissioner appointed the appellant to act as Head Master of the school temporarily from 12-6-1946 pending the appointment of a Head Master by the Appointment Committee. The appointment Committee met on 29-6-1946 and selected and appointed Sri P. Manickam Pillai as Head Master from 1-7-1946. Technically the appointment of Sri P. Manickam Pillai is valid and I am of the opinion that Government cannot interfere in the matter.

The Municipal office files D.Dis.19425/44, L.14075/46 and two personal files of the Appellant and Respondent are enclosed.

To

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

m.k.5/3.

(2)

C no. 46815 B1/H6.

from 19/9

pp 1-2 of

pp 7-10 of

pp 11 of

16/3/47

Appeal - Sri V. Doraiswami Ayyar -
L.T. Assistant - M.H.S., Salem -
Against supersession of claims for
appointment as headmaster - Rejected.

From Sri V. Doraiswami Ayyar, L.T.
Asst., M.H.S., Salem, D 15.8.46.

From The Commissioner, Salem Municipality,
Rec. no. C3. 17028/H6 D 14.10.46.

From The Director of Public Instruction,
R.C. no. 3433 B1/H6 D 4.3.47.

Order no. 505 Dn. D 14.3.1947.
Ms.

The appeal is rejected.

2. The appellant is referred
to The Commissioner, Salem Municipality for
P.T.O.

202-14-11-9-3

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orders on his appeal petition cited above.

1/3/47
2/3/47

9.3.47

To
Sri V. Doraiswamy Ayyar,
L.T. Asst., M. H. S.,
Salem (Para 2 only)
The Commr., Salem
Mpty., Thro' the CMC
The D.P.G. (with (L), (H) and (J)).

Note: Please see the appeal petition from Sri V. Doraiswamy Ayyar, L.T. Asst., M. H. S., Salem, against the appt. of Sri P. Manickam Pillai as Headmaster of the School on pp 1-2 of. The remarks of the Commr., Salem Municipality and the DPG are on pp 7-10 and p 11 of respectively. As pointed out by the Director the appointment of Sri P. Manickam Pillai as Headmaster is valid as it is open to the Appointment Committee of the Council to

P.T.O.

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(A)

appoint anyone from the panel of suitable Candidates for appt. as Headmaster. There is thus no case for the Government to interfere in the matter and the appeal may therefore be rejected. The draft order on pp 1-2 ante is for approval.

1/3/47

2. The file may be circulated to

HM (Edn.).

1/3/47
2/3/47

9.3.47

1/3/47

I agree with the D.P.G. that the HM (Edn.) has cannot interfere with the appointment made by the Appointment Committee

13.3.47



