Sectt. II-27—58,004—27-10-47.

E&P.H (1948) Department.

Ms SERIES.

Mosied
Supt

G.O. NO. 2400 (Edn.)

Dated 20/9/48

[Despatch Abstract.]

Establishment - Ml. Cl. Salem - Appeal of Sri P. Manikkam Pillai - L.T. Asst. - Ml. High School - Salem.

Back Papers.

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

Further Papers.

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

(2)

From

P. Manickam Pillai, B.A.,L.T.,
Assistant, Municipal High school,
SALEM.

ASST. SECRETARY TO GOVERNMENT
7 FEB 1948
EDUCATION AND PUBLIC HEALTH DEPT.

To

The SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT,
FORT ST.GEORGE, MADRAS.

9226

Through

The Director of Public Instruction,Madras
and
The Commissioner, Municipal Council,Salem.

Subject. Appeal - P.Manickam Pillai, L.T.Assistant Municipal High school Salem - against the memo of supersession of claims for headmaster's post.

Sir,

pp.1-3 (A)

Ref. My humble appeal dated 10-12-1947.

I beg to invite your kind attention to the reference mentioned above and request that early orders may kindly be passed in the matter.

I beg to remain
Sir,
Your most obedient servant,

Dated 6th February 1948.

Manickam P.
6.2.48

Advances copies submitted to--
(1) The Secretary to Government Education Department, Fort St.George, Madras.

(2) The Director of Public Instruction, Madras.

Lodged - Vide (A)

E.& P.H.(G3).

APPEAL - Sri P. Manickam Pillai, Asst. M.H. School, Salem - Appeal against supersession of claims for headmaster's post.

--

From Sri P. Manickam Pillai, petitions dated 10-12-47 and 6-2-48.

--

MEMO. NO.9226.G3.48-1. EDN., DATED 14-2-48.

--

The Commr., Salem Mty. is requested to forward urgently to Govt. the appeal petition of Sri P.Manickam Pillai, dated 10-12-47 referred to above together with his remarks thereon.

To

The Commr., Salem Mty. (thro cree)

Copy to the D.P.I.

pp 1-3 (A) and p 1 of

pp 1-3 (A)

It is dated 10/12/47 vide p.3 of (A)

NOTE:--It is now more than two months since Sri P. Manickam Pillai submd. his appeal petition and the appeal has not yet been forwarded to Govt. The Commr., Salem Mty. may be reminded. The draft memo ~~overleaf~~ above is submd. ~~for approval.~~

for approval.
13.2.48

13.2.48

13.2.48

43 5

Local Administration Department.

From		To
Sri M.Minakshisundaram, Commissioner, Salem Municipality, Salem.		The Secretary to Government, Education and Public Health Dept., Fort Saint George, Madras.
R.o.c.No. C3.22016/47.		Dated 22/3/1948.

Sir,

Sub:- APPEAL - ~~xxx~~ Sri P.Manickam Pillai, B.A., L.T., Assistant - Municipal High School, Salem - appeal against supersession of claims for H.M's post.

Ref:- Government Memorandum No.9226-G3-48-1-Edn., dated 14-2-48 and Reminder dated 15-3-48.

23298 I have placed the appeal petition of Sri P.Manickam Pillai before the Appointment Committee of the Municipal Council, Salem, in order to obtain its remarks. I shall submit the petition together with the remarks of the Committee immediately after the Committee offers its remarks. The Committee had adjourned the subjects on 29-1-48, 14-2-48, 28-2-48 and 1-3-48.

Minakshisundaram

COMMISSIONER.

SS/-23.3.p P23/3/4

Forwarded

E.P.H (83)

N. Jagannathan

CHAIRMAN.

The comm. may be reminded on 20.4.48.

30/3/48

30.3.48

Reminded on 21.4.48

No 20.5.48

December 47

Same as pp. ~~1-2A~~ ~~53-58~~ 48-50 infra

(41)

From

P. Manickam Pillai, B.A.,L.T.,
Assistant, Municipal High School,
Salem.

To

The Secretary to Government,
Education Department,
Fort St. George,
Madras.

Through
The Proper Channel.

Sub: Appeal--P. Manickam Pillai, L.T.Assistant, Municipal High School, Salem--against the Memo of supersession of claims for headmaster's post.

...

Sir,

The humble appeal of P. Manickam Pillai, L.T.Assistant of the Municipal High School, Salem, most respectfully showeth:

This appeal is against the Memo No.Nil dated 23-11-1947 of the Commissioner, Salem Municipality (Annexure I) communicating an extract of the resolution of the Appointment Committee, where-in the said Committee have appointed one Sri R. Kasiviswanatha Pillai, as Headmaster of the Municipal High School, Salem, over-looking the legitimate claims of the appellant for the said post.

The appellant is the permanent L.T. Assistant of the Municipal High School, Salem, with an unblemished service and in recognition of his uniform good record of service his name was included in the panel of suitable names for Headmaster's Post and he was selected and appointed (Annexure II) as the Headmaster of the Municipal High school, Salem, with probationary rights, when a vacancy arose in June 1946. His appointment as Headmaster was made only by the Appointment Committee in due consideration of the claims of all the eligible candidates of his cadre with reference to the panel of names for headmaster's post. He discharged his duties as Headmaster to the entire satisfaction of his superiors and there had been no occasion for his superiors to note or pass any adverse remarks against his work and conduct either during his tenure of office as Headmaster (i.e. from 1-7-46 to 4-12-1946) or even for so long a period after he laid down his office as Headmaster. It is now a great shock to him to receive the memo appealed against, which is against all the rules framed by the Government.

The reasons recorded by the Committee are not without motives as they have not been recorded by the Executive Authority, the Commissioner, as may be seen from the note of the Executive Authority, the Commissioner, placed before the Committee. From the note of the Executive Authority, it is clear that there was no other proposal for any reason to appoint anybody else than the appellant. All these alleged reasons, which the appellant has now explained in brief in Annexure III for the kind information of the Government, amount to nothing short of clear afterthought, especially devised for the moment in justification of their orders, ignoring the rightful claims of the appellant. The Committee which have no voice in the matter of disciplinary control over the subordinates of the Municipal Council, have overlooked the claims of the appellant for the Headmaster's post and it is vitally a serious punishment inflicted on the appellant. As pointed out by the Commitee, their action under Rule 21 of the Establishment rules amounts to outright dismissal of the appellant from the Headmaster's post. Not to speak of the rules, equity and justice will certainly demand that an employee in any branch of service should be given adequate and ample opportunities to defend himself. But it is unfortunate that the Committee

that the Committee on certain flimsy alleged reasons decided otherwise and the Executive Authority has also carried out their decision by simply communicating an extract of the Committee's resolution.

The appellant therefore submits that the Government may be pleased to consider his appeal on the following grounds and issue early orders restoring his claims to the post of the Headmaster.

(1) The order appealed against is passed unjustly disregarding the legitimate claims of the appellant to the headmaster's post under rule ~~7(a)~~ 7(4) of G.O.No.2342-L.S.G. dated 2-6-36 in the vacancy now caused. By virtue of his having acquired the right of probation in the post of headmaster and he, being the only probationer for the headmaster's post in the service of the Municipality, is eligible for re-appointment and the Committee have no right to interfere in the matter.

(2) In the absence of any order terminating his probation in the post of headmaster under Rule 7(2-a) of the same G.O. by the Executive authority, his claim for re-appointment as Headmaster cannot be passed over under rule 21 and the Committee's action in appointing another candidate is illegal and against the rules. The appellant's re-appointment comes under rule 7 and not under Rule 21.

(3) The ~~xx~~ alleged reasons recorded by the Committee for overlooking his claims are neither valid nor based on records or proved at any time. Hence the action of the Committee is against all rules and regulations relating to establishments particularly when neither the Executive Authority nor the Educational Authority has made any adverse remarks against his work and conduct.

(4) The Committee have no statutory powers to deal with matters of this kind under the provisions of the rules issued in G.O.No.2342-L.S.G. dated 2-6-36, and G.O.No.3648-L.S.G. dated 18-8-36 and the Executive authority who is the proper authority in such matters, has not passed any orders affecting the interest of the appellant in any manner. As such, the appellant continues to hold his preferential claim for re-appointment as Headmaster unaltered irrespective of the decisions arrived at by the Committee.

(5) There is no reason for the Executive authority to place this subject relating to the appellant's (a probationer's) re-appointment for the same post, before the appointment Committee when there was no necessity for selecting a new hand, for want of a probationer for the post.

It may kindly be seen from the grounds of the appeal as detailed above, that in the absence of specific orders of the Executive Authority, the Commissioner, cancelling or terminating the probation of the appellant in the Headmaster's post the appointment of Sri R. Kadiviswanatha Pillai in supersession of his claims is opposed to the rules issued with G.O.No.2342-L.S.G. dated 2-6-36 and it is therefore irregular.

The appellant therefore prays that the Government may be pleased to consider the established and rightful claims of the appellant for the post of the headmaster and to cancel the appointment of Sri R. Kasiviswanatha Pillai as Headmaster. The appellant once again prays that the Government may be pleased to issue urgent orders to the Executive authority, the Commissioner, to appoint ~~x~~ the appellant as Headmaster with effect from the date on which the permanent headmaster availed of his leave, and render him justice.

Salem.
10-12-47

[signature] 10-12-47

(6)

Annexure I.

...

Proceedings of the Appointment Committee held on 22-11-47.

...

No.3.:--

To appoint Sri P. Manickam Pillai, Assistant Municipal High School, Salem to act as Headmaster in the school on Rs.150/- in the scale of Rs.150-10-200 plus an allowance of Rs.25/- in the place of Sri B.N.Sangameswara Iyer who has applied for leave from 22-11-47 preparatory to his retirement on 16-12-47 forenoon. Sri P. Manickam Pillai is the probationer for the post of Headmaster.

Resolution.

For the following reasons the claims of Sri P. Manickam Pillai are not admitted for the appointment of Headmastership in place of Sri B.N.S. Iyer.

(1) He failed to hold the examination for awarding scholarships to students, (2) He did not scrutinise the examination paper for Form VI in 1946 (Tamil II Paper) which caused the issue of a circular by Government vide G.O.No.1964-Edn, dated 9th September 1947. (3) He promoted R. Sampathkumaran a failed student from III Form to IV Form without the approval of the Dist. Edl. Officer, ~~Exixm~~ (4) He did not handle any class during his headmastership. (5) Sports accounts were not maintained and checked properly and he allowed the cash to remain in the hands of the Physical Instructor for more than a month.

Sri R. Kasiviswanatha Pillai is appointed to act as Headmaster

/True copy/

Salem Municipal Office, Dated 23-11-47

MEMO.

..

A copy of the resolution of the Appointment Committee dated 22-11-47 for not admitting the claims of Sri P. Manickam Pillai to the appointment of Headmaster is communicated to Sri P. Manickam Pillai with reference to the proviso to Rule 21 of the Rules for the appointment and Punishment of Municipal servants.

Copy communicated to Sri P. Manickam Pillai, Assistant Municipal High school, Salem.

Sd. R. Kasiviswanathan,
Headmaster.

Dated 25-11-47.

/True copy/

ANNEXURE II.

Copy oc C.3.14075/46, dated 29-6-46 of the Commissioner, Salem Municipality.

Sub: Establishment--Municipal High school, Salem--Sri B.N. Sangameswara Iyer--Headmaster--Leave-granted--substitute appointed.

Ref: 1. Application dated 6-6-46 from Sri B.N. Sangameswara Iyer for leave, 2. Appointment committee Resolution No.1. dated 29-6-46.

Sri B.N. Sangameswara Iyer, M.A., L.T., Headmaster, Municipal High School; Salem, is granted leave on average pay on Medical certificate for 3 months from 4-6-46 to 3-9-46. He will furnish a certificate of Physical fitness to return to duty before he joins duty.

The Appointment Committee of the Municipal Council, Salem has selected and appointed Sri P. Manickam Pillai, B.A.L.T., Asst. of the School to act as Headmaster of the school in the place of Sri

in the place of Sri B.N.Sangameswara Iyer. He will relieve Sri V. Doraiswami Iyer of theduties of the Headmaster immediately.

Sri P. Manickam Pillai will draw salary at Rs.110/- per month in the scale of Rs.110-20/2-170 and D.A. at 17½% as Acting Headmaster

---

/True copy/

Copy of L.Dis.181/46, dated 14-9-46 of the Commissioner, Municipal High school, Salem.

Ref: Application for extension of leave dated 3-9-46 from Sri B.N.S. Iyer.

Sri B.N. Sangameswar Iyer, Headmaster, Mpl.High school, Salem. is granted extension of leave on average pay on Medical certificate for 3 months from 4-9-46 to 3-12-46 both days inclusive. He will furnish a certificate of physical fitness to return to duty before he joins duty.

/True copy/

Copy of L.Dis.No.23848/46, dated 4-12-46 of the Commissioner, Salem Municipality.

Ref: Joining report of Sri B.N.S. Iyer dated 2-12-46.

Sri B.N.S. Iyer, Headmaster, Mupl. High school, Salem, is permitted to rejoin duty on the forenoon of 4-12-46 on theexpiry of the leave granted to him.

On relief by Sri B. Sangameswara Iyer, Sri P. Manickam Pillai acting Headmaster is reverted to his permanent post as L.T.Asst. Municipal High School.

...

Annexure III.

For the reasons stated, the appellant begs to submit as follows:-

As for reason No.1: "He failed to hold the examination for awarding scholarships to students."

There is no definite date as to the holding of examinations for awarding scholarships to students. They are to be held only in the course of the year. They could have been conducted by the Permanent Headmaster even after my handing over charge on 4-12-46 but he did not do so during that year. I may be permitted to submit that the same examinations are not yet held for this year 1947-48, so far. Hence the allegation cannot be levelled against me.

As for reason No.2:-- "He did not scrutinise the examination paper for Form VI in 1946 (Tamil--II Paper) which caused the issue of a circular by Govt, vide G.O.No.1964-Edn. dated 9-9-1947"

Question papers for the various forms are set by responsible masters of the High School. As there had never been an occasion for any suspicion regarding the setting of question papers by responsible masters the manuscripts were sent to the press when received. Deletion of questions, if necessary, is usually done in this school in theexamination hall on the suggestion of other masters who handle the same subject. As I was reverted before the date of the examination, I had no chance to delete the question. Further after a thorough investigation, the Govt. issued a circular to the effect that questions of the type under reference need not be asked. This is a matter once closed by the Govt. without any adverse remarks either to the teacher concerned or to the Headmaster. Hence this cannot be made use of against my interest now.

As for Reason No.3:-- "He perm promoted R. Sampathkumaran a

a failed student from III Form to IV Form without the approval of the District Educational Officer."

The pupil was promoted as per the orders of the District Educational Officer in his L.Dis.No.223/E/46, dated 25-6-46 wherein it is stated that 'in case he feels, the boy will improve by promotion, the department, will have no objection to his promotion at this stage.' I felt that the boy would improve by his promotion and he did improve and was promoted to the next higher form at the end of the year by the Permanent Headmaster himself. Hence it may be seen that my action in having promoted the boy was only with the approval of the Educational authorities.

As for Reason No.4:-- "He did not handle any class during his headmastership".

The permanent Headmaster was handling five periods of Mathematics in a week. As I am a History Graduate, I could not handle his classes but apportioned his work to competent masters. As a substitute was appointed in my place, he worked according to my time-table as an Assistant. This temporary arrangement had to be made with a view to, not to dislocate the arrangements that were in existence. Besides regular duties of supervising and managing a school with a strength of 1500 pupils, 50 masters and forty sections, the rush of admissions even after my taking charge, the consequent increase in sections, and the difficulty in finding accommodation for them engaged my full attention and I did my best in that direction. I may also be permitted to submit that the Educational Authorities have remarked that the school may be bifurcated and that an Assistant Headmaster, for this unwieldy school, is necessary to relieve the headmaster of his routine work.

As for reason No.5:-- "Sports accounts were not maintained and checked properly and he allowed the cash to remain in the hands of the Physical Instructor for more than a month."

Sports accounts are maintained by the Sports Secretaries, who are usually the Physical Training Instructors or some members of the staff. The accounts are checked and countersigned by the Headmaster before being sent to the Commissioner for approval and they are also audited.

The Physical Training Instructor was maintaining the Sports Accounts and they were periodically checked by me and forwarded to the Commissioner for Approval as may be seen from the records.

The allegation, that I allowed the cash to remain in the hands of the Physical Training Instructor for more than a month, is neither specific nor definite to be explained.

....

12

(20) 13 E.P.H(93)

Memo. No. 9226.93.48.2. Edn. 2/ 6.5.48.

Appeal – Sri P. Manickam Pillai, Asst., M.H. School, Salem – Appeal against supersession of claims for Headmaster's post.

p. 3 cf Govt. Memo. No. 9226.93.48.1.Edn.2/ 14.2.48.

p. 5 cf. From the Commr. Salem Mty. Roc. No. C3. 22016/47. dated 22.3.48.

The Commissioner, Salem ~~Mty.~~ Mty. is requested to ~~state at what stage the matter stands at present and when the~~ send the forward his remarks on the appeal petition of Sri P. Manickam Pillai dated 10.12.1947 ~~will be forwarded~~ without further delay ~~to government~~.

6.5.48

7.4.48 his remarks

Copy to D.P.I.

To the Commr. Salem Mty. thro' C.M.C.

5.5.48

5.5.48

14

15

C.F. 32 (a).

EDUCATION Department

From (Name) Sri.D.S. REDDI, M.A., (OXON).

Designation DIRECTOR OF PUBLIC INSTRUCTION,

Station MADRAS.

Received ... Registered ...

To

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

ASST. SECRETARY TO GOVERNMENT
20 MAY 1948
EDUCATION AND PUBLIC HEALTH DEPT.

Enclosures ... No. 2743-G1/47 dated 17th May 1948.

Sir,

Sub: Municipal Council, Salem - Sri.P.Manickam Pillai - Assistant - Supersession of claims for Head Master's post - Appeal.

P.13 ante.
37423

Ref: Government Memo. No. 9226-G3/48-2 Education dated 6-5-48.

The remarks of the Commissioner, Municipal Council, Salem together with the above appeal was received recently and it will be submitted to Government shortly.

KN.18.3.

E.P.H.(93)

for DIRECTOR OF PUBLIC INSTRUCTION.

The D.P.I. may be reminded on 10.6.48 if necessary.

21/5/48

21.5.48

SALEM MUNICIPALITY.

From	To
Md. Anwar Hussain Sahib Bahadur, B.A., Commissioner, Salem Municipality, Salem.	The Secretary to Government, Education and Public Health Department, Fort St.George, MADRAS.

-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-

R.o.c. No. C3/22016/47, D/- 26/5/1948.

Sir,

40070

Sub:- APPEAL - Sri P.Manickam Pillai - Assistant - Municipal High School, Salem - Appeal against supersession of claims for Head Master's post.

Ref:- Government Memorandum No.9226-G3-48-2 dated 6th May, 1948.

The appeal petition of Sri P.Manickam Pillai, with the remarks of the Appointment Committee and the Commissioner was despatched from this office to the Government through the Director of Public Instruction, Madras, on 3-5-48.

SS/-26.5.48.

COMMISSIONER.

FORWARDED

N. Jagannathan

Chairman,
Municipal Council.

18

(11) 19 E.P.H (93)

Memo. No. 9226 G3/48-3 Edn. d. 2/6/48.

Appeal - Sri P. Manickam pillai - Asst. M.H. School, Salem - Against supersession of claims for H.M's post.

Ref: From the D.P.I., Rc. No. 2743 - G1/47, dated 17-5-48.
From the Commr. Salem Mty. Rc. No. E3. 22016/47. dated 26/5/1948.

The Director of Public Instruction is requested to forward urgently (to Govt) with his remarks the appeal petition of Sri P. Manickam pillai, Asst. M.H. School, Salem, dated 10-12-47. ~~which is stated to have been sent to the D.P.I. submitted to Govt. through the D.P.I. in the Commr's letter cited above (copy enclosed)~~

1.6.48

✓ p. 15 G

p. 17 C.F.

To D.P.I. (~~with copy of p. 17 c.f.~~)

5-6-48

3/5-48

1.6.48

Personal

S. N. Narasimha Raju
Municipal Councillor
LEADER:
MUNICIPAL CONGRESS PARTY
Secretary
Dt. Congress Committee.

SALEM
Dated 8-6-1948

MINISTER FOR EDUCATION
9 JUN 1948
GOVT. OF MADRAS

11 JAN 1948

மதிப்பிற்குரிய மந்திரியவர்களுக்கு
வணக்கம்.

[illegible]

43211

SECRETARY, EDN. AND P. H. DEPT.
9 JUN 1948
GOVERNMENT OF MADRAS

இங்ஙனம்
[signature]

To.
ஸ்ரீ T.S. அவினாசிலிங்கம் செட்டியார்
அவர்கள்
கல்வி மந்திரி
சென்னை.

22

Municipal Councillor

MINISTER FOR EDUCATION

[illegible]

23

[illegible]

P.T.O.

[illegible]

Salem Municipality

Extract from the proceedings of the Appointment Committee held on 21-4-48

A.C.R.No.1 Dated 21-4-48

Read note to forward to the Government the appeal petition of Sri.P. Manikkam Pillai B.A.L.T.,Assistant,Municipal High School,Salem,with the remarks of the committee.

The grounds of appeal as submitted by the appellant are:

1. that"His claims under rule 7 (4) of G.O. No.2342 L.S.G. dated 2-6-36 were unjustly disregarded and that the committee have no right to interfere in the matter."

It is far from the truth to say that his claims were disregarded.His claims were scrutinised for two days and were not admitted for reasons communicated to him. As for the right of the committee to interfere in the matter Rule 7 (2) of rules relating to Establishments under Municipal councils clearly says that the appointing authorities may terminate the probation of any person appointed by them.

2."That in the absence of any order terminating his probation under rule 7 (2) by the Executive authority,his claims for reappointment cannot be passed over under Rule 21" The rule cited by him mentions only the appoi-ting authority and not the executive authority as the terminating agent Further he does not explain how Rule 21 does not apply to his case. Rule 21 says,"When candidates are required for re-appointment in any post in a unit,preference shall be given to persons discharged or rever from such posts in the unit otherwise than under clause (2) of sub-rule (a) of rule 17 etc.,and provides "if the ~~person~~ appointing authority considers it undesirable that any specified person should be appointed under the rule ,such authority may for reasons to be recorded in writir and communicated to the person concerned refuse to reappoint him. Now rule 21 covers every type of reversion,including reversion for want of vacancy and consequently every type of re-appointment.

3. "That the reasons recorded are neither valid nor based on records o proved at any time.

The reasons recorded are valid and based on records. This we shall prove by examining the explanations he had offered to the Government o the reasons recorded and communicated to him.

Explanation offered on Reason 1

Rule No.4 of rules ~~relating~~ issued in G.O. No. 1195 Local and Munic dated 6th April 1925/635,Local and Municipal dated 24th February 1925 regulating the award of fee remissions in....... High School, clearly states that the competitive examinations (for the award of fee remissi " shall be held at the beginning of every school year." So the plea that there is no definite date and that ~~at~~ the permanent headmaster could hav conducted them in December is rather lame. A study of the~~se~~ records of these ~~xxxxx~~ examinatins from 1940 to1948 shows they had all been conduc-ted before December of each school year. If the appellant had taken some steps to get these examinations going,perhaps, the blame would not have been laid at his at his door. We wonder if he had at least the grace to inform the permanent headmaster that he had not conducted the scholar-ship examinations for that school year. The fact that these scholarship examinations have not been conducted for 1947-1948,needless to say, does not absolve the appellant of the charge against him.

Explanation on Reason 2

The reasons given by the appellant for his failure to scrutinise the question papers are not worth considering. He should have given some time to the scrutiny of these papers and they are ~~as~~ not sent to the press as they are received. Having no class work to do,he would have had a lot of time to do work of this type. He says that the Government had issued a circular to the effect that questions of the type under reference "need not be asked". The Government had clearly said that "they should studiously avoid" such questions. He also says that the matter had been closed by the Government without any adverse remarks either to the master concerned or to the headmaster and that hence that that cannot

cannot be made use of against him interest now. If he had read the G.O.s issued from time to time and that G.O. No.1964 of 9th September 1947, with some care, he could have easily made out that the offenders are left to be dealt with by the management in as much as G.O.1964 clearly says, "in cases where teachers are found indulging in such propaganda and the management persists in employing them, the Director of Public Instruction should have power to disallow grants to the individual teacher or even to the insti--tutions themselves."

Apart from this there is the question, if the Tamil Pandit, who set such an objectionable question, would have been sure that the appellant would have no objection to the question. There is ample evidence to think that the Pandit would have been sure of sympathy or even encouragement. Under the guise of conducting the Tiruvalluvar Week the appellant encouraged and supported communal propaganda and political propaganda and created a first rate scandal in the town.

Explanation on Reason 3

M.E.R. 30 states, "that the headmaster shall be responsible for making promotions and he shall within a period of four weeks after the closure of the school for the summer vacation put up in a conspicuous place in the school a statement showing the distribution of pupils into classes for the new school year. This statement shall be signed and dated by the headmaster. A copy of this statement shall at the same time be forwarded to the District Educational Officer. This list shall be considered final and no ~~sixtm~~ alteration shall be allowed in it except for the purposes of correct-ing mistakes." Why did the appellant alter a list which should have been considered final? The appellant submits that he promoted the boy as per the orders of the D.E.O. in his L.DIs No. 223/E/46 dated 25-6-46. This order is against M.E.R.30. In that order or memo, vide annexure 1, the officer had quoted no other M.E.R. in support of his action or order. Secondly the promo--tion ~~fo~~ of R. Sampathkumar does not come under "correcting mistakes". Thirdly having made the promotion the appellant ought to have sent a supplementary statement as per M.E.R. 30 showing this promotion of R. Sampathkumaran and should have made necessary alterations in the school records. The permanent headmaster had marked 'F' for fail in the register and the 'F' still remains there. So the appellant side-steps the most important point of sending to the D.E.O. a supplementary statement by saying that he had the approval of the officer in his L.Dis No.223/46. In this connection it will not be out of place to point out that L.Dis No.223/46 contains only a suggestion as the last sentence which the appell--ant had failed to quote shows clearly.

Explanation on Reason 4

The appellant says that a substitute was appointed in his place and that he worked according to his time-table. When was a substitute appointed? Records show that the history graduate, after the appellant was made head-master, was appointed or rather joined duty on the 19th of September, 1946, that is, 2 months and 19 days after the appellant became headmaster. He says that his substitute worked according to his time-table as an assis--tant. He forgets that he did not have a time-table at all as he was on extraordinary leave up to a working day prior to his taking up duties as headmaster.

Further he pleads that he had to make that temporary arrangement with a view not to dislocate the arrangements that were in existence. Two new sections had to be opened, one in Sixth form and one in Fourth form. The whole arrangement had to be dislocated. The whole time-table ought to have been recast . Did he have any work allotted to himself?

This offence becomes all the more aggravating when we take into consi--deration the fact that on the day the appellant took charge as headmaster the school was working short of hands. He goes on to plead that there was a rush of admissions. Perhaps there was a rush up to the middle or end of July.

He also pleads supervision work as an excuse for not having taken any classes ,but the permanent headmaster at the stage of retirement was taking classes.

All these excuses or reasons set out to justify his not taking any classes fall to the ground when we view thwm in conjunction with the fact that he took no classes when he acted as headmaster in 1944 and with the fact that he had made it a practice to go on leave whenever he was r... from headmastership; a study of his service register might sho...

Abstract of leave taken as L.T. assistant and as Supervisor of Ely, Schools by appellant

	Yrs	Mths	Days
Supervisor Ely. Schools. From 1-5-36 to 7-1-42....	5	8	6
Less High School Service (acting-intermittently)..	1	4	0
Total ~~xxxx~~ service as Supervisor Ely.Schools	4	4	6
Leave taken as Supervisor Ely. Schools	1	7	28
Actual work " " " "	2	8	8

L.T. Assistant High School

	Yrs	Mths	Days	
High School service	7	8	18	(appr)
Leave taken during these 7 years	2	6	13	(")
Actual work done in High School	5	2	5	

Statement showing the service,leave Etc., of the appellant as L.T. Asst.

Acting service .... from 3-8-38 to 3-12-48 .... 4 months
" " .... " 19-6-39 to 11-2-40 .... 7 " 23 days
" " .... " 11-40 to 6-3-41 .... 4 "
Acting regular service 7-1-42
First increment 14- 9-42
Confirmation in High School 7-9-43 }
First promotion 18-10-44 } Difference 1 year and 1 month

Second promotion 30-6-46 From date of confirmation 2 Yrs10Mths

Leave taken as L.T. Asst.

Leave from .... 7-2-44 to 20 -2-44 (14 days)
" " ....13-6-44 to 3-7-44 (21 ")

(Appointed as Headmaster on 18-10-44 and worked till 4-2-45)

On the date of reversion he applied for extraordinary leave ,that is,from 5-2-45 to 3-6-47 . When the headmastership fell vacant he cancelled the unexpired portion of his leave and joined duty on 28-6-46 .

Reverted on 4-12-46. The terminal examinations started on 6-12-46.Then the Xmas vacation. When the school reopened after the vacation he applied for leave,from 6-1-47 to 20-3-47. When he returned ~~from~~ it was the eve of Summer Vacation. Got a time-table fixed up for him after the Summer vacation. In November 1947 he was refused appointment as headmaster. Applied for medical leave up till 15-4-48. The school was having its Summer vacation from 13-4-48.

----------O------------

37 32

E.P.H.(93)

Please see the letter from Sri S. N. Narasimharaju on p. 21 and its enclosures on pp. 23-86 ante. The D.P.I.'s ~~remark~~ reply to Govt. memo. on p. 19 ante may be awaited till 17-6-48.

14.6.48

15.6.48

16.6.48

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33 (100) 46272

C.F. 32.

EDUCATIONAL DEPARTMENT.

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

Received ______ Registered ______

ASST. SECRETARY TO GOVERNMENT
23 JUN 1948
EDUCATION AND PUBLIC HEALTH DEPT.

From (Name) SRI. D. S. REDDI, M.A.(Oxon), M.B.E.,
(Designation) Director of Public Instruction.
Post Box ______, (Station) Madras,
Telegraphic Address ______

To

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

Rc. No. 2743/G1/48, dated 18th June 1948.

Sir,

*MUNICIPAL COUNCIL, SALEM - Secondary Schools - Sri. P. Manickam Pillai - Appeal against supersession of claims for Headmaster's post.

Enclosures ______

p. 19 cf

Spare Copies ______

Govt. Memo. No.9226/G3/48-3-Education/2-6-48.

Certain particulars were called for from the Commissioner and his reply ~~xxx~~ is awaited. Papers will be submitted to Government with my report on receipt of his reply.

for DIRECTOR OF PUBLIC INSTRUCTION.

Copy to the Commissioner,
Municipal Council, Salem ~~with a request~~
with a request to furnish the particulars called for in this office letter R.C. No.2743/G1/47, Dated 27th May 1948 urgently. not in file.

SNS/21.6

E.P.H.(93)

The D.P.I. may be reminded on 20.7.48 if necessary.

24/6/48

24/6/48

From Md Anwer Husain Sahib
Bahadur B.A.
Commissioner
Salem Municipality, Salem

To
The Director of Public Instruction
Madras.

ASST. SECRETARY TO GOVERNMENT
26 JUN 1948
EDUCATION AND PUBLIC HEALTH DEPT.

R.o.c. C3.22016/47 dated 23-6-1948

Sir,

Sub:- Appeal - Sri. P. Manickam Pillai B.A., L.T. Assistant - Municipal High School, Salem - Against Supersession of claims for Headmaster's post

46968

Ref:- Copy of your letter No 2743-Gl-48 dated 18-6-48 to the Government

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The records called for in your letter No. 2743-Gl-48 dated 28-5-48 were sent with this office reference C3. 22016/47 dated 15-6-1948.

km/23.6.

COMMISSIONER. 24/6/48

Copy to the Secretary to Government
Education & Public Health Department, Madras.

~~Forwarded~~

~~Chairman~~

SELECTION EXAMINATION—1946

6-வது [illegible]ரம்] தமிழ் இரண்டாந்தாள் [1 மணி

1. கீழ்வரும் செய்யுளின் திரண்ட கருத்துக்களை 20 வரிகளில் சுருக்கி வரைக

'ஓ என் சகோதரரே! ஒன்றுக்கும் அஞ்சாதீர்!
நாவலந் தீவு நம்மைவிட்டுப் போகாது
வாழ்கின்றார் முப்பத்து முக்கோடி மக்களென்றால்
சூழ்கின்ற பேதமும் அந்தத் தொகை யிருக்கும்;
ஆகையால் எல்லாரும் அங்கே தனித்தனிதான்.
ஏகமனதாகியவர் நம்மை யெதிர்ப்பதெங்கே?
பேதம் வளர்க்கப் பெரும் பெரும் புராணங்கள்!
சாதிச் சண்டை வளர்க்கத் தக்க இதிகாசங்கள்!
கட்டிச் சமூகத்தின் கண்ணவித்துத் தாமுண்ணக்
கொட்டி அளக்கும் குருக்கள் கணக்கற்றார்
தேன்சுரக்கப் பேசிஇந்து தேசத்தைத் தின்னுதற்கு
வான்சுரரை விட்டுவந்த பூசுரரும் வாழ்கின்றார்.
இந்த உளச்சேற்றை ஏறுத ஆழத்தை
எந்தவிதம் நீங்கி நமையெதிர்ப்பார்? இன்னமும்
சிந்தனா சக்தி சிறிதுமின்றி மக்களுக்குத்
தம்தோள் உழைப்பிலே நம்பிக்கை தானுமின்றி
ஊறும் பகுத்தறிவை இல்லா தொழித்துவிட்டுச்
சாறற்ற சக்கையாய்ச் சத்துடம்பைக் குன்றவைத்துப்
பொற்புள்ள மாந்தர்களைக் கல்லாக்கியே அந்தக்
கற்கள் கடவுள்களாய்க் காணப்படும் அங்கே
இந்த நிலையிற் சுதந்தரப் போரெங்கே?
கொந்தளிப்பில் நல்லதொரு கொள்கை முளைப்பதெங்கே?

2. கீழ்வருந் தலைப்பில் ஒரு கட்டுரை வரைக.
'ஒலிபரப்பியும் அதன் பயன்களும்'

38

Personal

S. N. Narasimha Raju
Municipal Councillor
LEADER:
MUNICIPAL CONGRESS PARTY

SALEM

Dated 24. 6. 1948.

[illegible]

P.T.O.

[illegible]

S. N. Narasimha Raju
Municipal Councillor
LEADER:
MUNICIPAL CONGRESS PARTY

SALEM

Dated 4/ 19

[illegible]

42

(2) Not to issue 43 — E&P.H / 93

C. 9226/48

Sub: Appeal - Sri. P. Manickam pillai - Asst. M.H. School, Salem - Against Supersession of claims for H. M's post.

p 14 cf — p 38 cf

Ref. Memo. No. 9226/93/48-3. Edu. d. 2.6.48.
from the DPI. Rc. 2743/G1/48 d 15.6.48

Memo. No. Edu. d.

The attention of the D.P.I is invited to the ~~memo~~ reference cited above and he is requested to expedite his reply.

To. The D.P.I

Apd
6/8

9-8-48

ccs
6/8/48

44

58955

7 AUG 1948

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
Rc. 2743 G1/47 dated 31.7.48.

Sub:--Municipal Council, Salem--Secondary Schools--Sri P. Manickam Pillai--L.T. Asst.--Supersession of claims for re-employment as Headmaster.

Ref:--1. Appeal petition of Sri P. Manickam Pillai dated 10.12.47. pages 48-50 infra

2. Endorsement Roc. No. C3 22016/47 dated 24.4.48 of the Commissioner, Municipal Council, Salem. p 66 infra

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Submitted with copies of the subsequent letters Rc. C3-22016/47 dated 15.6.48 and 10.7.48 of the Commissioner, Municipal Council, Salem with the following remarks.

2. The appeal is against the proceedings of the appointment Committee, A.C.R. No. 31 dated 22.12.47 superseding the claims of re-employment of the appellant for Headmaster's post on the ground of certain irregularities committed by him while he acted as Headmaster between 1.7.46 to 4.12.46 and appointing one of his juniors Sri R. Kasiviswanathamunder the discretionary powers vested in the appointing authority under Rule 21 of the Establishment Rules published with G.O. No. 2342 L.A. dated 2.6.36.

3. The discretionary powers vested in the appointing authority under the second proviso to Rule 21, cited above refers only to the re-employment of persons discharged or reverted under Rule 17. They cannot therefore be made applicable to the present case which should have been dealt with under Rule 7 (2) of the Establishment Rules.

4. Under that rule, however, it is the executive authority (the commissioner) and not the appointing authority which should take action in this regard. It may be observed that the Commissioner also has recorded his dissent on the proceedings of the appointment committee referred to above obviously because he was not convinced either of the seriousness of the irregularities committed by the appellant in 1946 as Headmaster or of the procedure adopted by the appointment committee in this regard. The commissioners latter remarks in his letter dated 10.7.48 may be perused in this connection.

5. The charges levelled against the appellant are not such as to deserve a total discharge from the post in as much as there are no records available to prove most of the charges.

6. In the above circumstances I recommend that the appeal may be allowed setting aside the orders of the appointment committee.

[signature]

For Director of Public Instruction.

To

The Secretary to Government, 4/8.
Education and Public Health Department,
Fort St. George,
Madras.

Ps.3/8

P.T.O.

46 ~~45~~

(24) ~~546~~ ~~40~~ 437

Copy of letter C3-22016/47 dated 15.6.48 of the Commissioner, Salem Municipality to the Director of Public Instruction, Madras.

Sub:--Establishment--Appeal--Sri P. Manickam Pillai B.A., L.T. Asst--Municipal High School, Salem--Against supersession of his claims for Headmaster's post.
Ref:--Your letter Rc. No. 2743 C1/47 dated 28.5.48.

The records noted below are sent herewith.

1. Letter L.Dis. No. 223 E-46 dated 25.6.46 of the D.E.O Salem (in original)
2. Letter dated 3.7.46 of Sri A. Ramalingam, father of R. Sampthkumaran (in original)
3. A copy of G.O. Ms. 1964 Edn. dated 9.9.47.

/True Copy/

Copy of the letter of Sri A. Ramalingam, father of R. Sampathkumaran

I am sending my son R. Sampathkumaran, ~~father~~ for admission, please admit him in IV form. I shall give him private tution and improve his standard. I hope you will do the needful.

Thanking you.

Reply:

The father of the boy promises to improve the standard of the boy and I think that he will improve. He is promoted to IV Form.

Sd. P. Manicka Pillai
HEADMASTER.

Copy of L.Dis. No. 223 E/46 dated 25.6.46 of the D.E.O Salem

Sub:--M.E.R.-Promotion of R. Sampathkumaran- form III--Municipal High School, Salem.
Ref:--L.Dis. No. 414 B/46 dated 12.6.46 of the Divisional Inspector of Schools, Coimbatore.

The Headmaster, Municipal High School, Salem is informed that in case, he feels that the boy will improve by promotion, the department will have no objection to his promotion at this stage. It is not however desirable to keep overaged pupils in the school.

/True Copy/

P.T.O

48

Copy of Roc. No. C3 22016/47 dated 10.7.48 of the Commissioner, Salem Municipality to the D.P.I.

Sub:--Appeal--Sri P. Manickam Pillai, B.A., L.T. Asst. Municipal High School, Salem against supersession of claims for Headmaster's post.

Ref:--Your letter Rc. No. 2743 G1-47 dated 5.7.48.

The entire disciplinary control (powers to punish etc.) over Municipal Officers and servants vests with the Executive Authority under Section 75 of the Madras District Municipalities Act V of 1920 as amended and not with the Municipal councils.

p52 infra For irregularities No. 1. 2 and 4 pointed out by the Appointment Committee were obtained from; the Headmaster, Municipal High School, Salem and sent to you along with my letter No. C3. 22016/47 dated 15.6.48.

The Records relating to the third irregularity pointed out by the Committee were obtained from the Headmaster, Municipal High School, Salem, and sent to you along with my letter No. C3. 22016/47 dated 15.6.48.

The 5th irregularity pointed out relates to the maintenance of the sports accounts. This was mentioned by the Dt. Educational Officer, Salem, in his inspection notes for 1946-47. The Head Master was called upon to explain for this irregularity. He submitted in his reply dated 13.5.47 that the accounts were entrusted to another physical Training Instructor and that there would be no room for such complaints in future.

In this connection I wish to bring to the notice of the Director that no charges were framed against Sri P. Manickam Pillai, the appellant and he was not called upon to explain for anything. No punishment was inflicted on him. His probation as Head Master was not terminated at all.

In view of these facts, the fact that he is a probationer for the Headmaster's post ~~which~~ with claims to be reappointed as Headmaster whenever a vacancy arises cannot in any way be disputed. In this connection I wish to invite the attention of the Director to the fact that in the Proceedings of the Appointment Committee, the Executive Authority has recorded his dissent to the appointment of Sri R. Khasiviswanathan as Headmaster of the school perhaps for the reasons narrated above.

/True Copy/

(signature)

For Director of Public Instruction.

3/4/8.

MUNICIPAL HIGH SCHOOL 11 DEC 1947 SALEM

COMMISSIONER 12 DEC 1947 SALEM MUNICIPALITY

22016

49

From

P. Manickam Pillai, B.A., L.T.,
Assistant, Municipal High School,
Salem.

To

The Secretary to Government,
Education Department,
Fort St. George,
M A D R A S.

Through

The Proper Channel.

Sub: Appeal--P. Manickam Pillai, L.T. Assistant, Municipal High School, Salem--against the Memo of supersession of claims for headmaster's Post.

...

Sir,

The humble appeal of P. Manickam Pillai, L.T. Assistant of the Municipal High School, Salem, most respectfully showeth:

p52 infra This appeal is against the Memo No.Nil dated 23-11-1947 of the Commissioner, Salem Municipality (Annexure I) communicating an extract of the resolution of the Appointment Committee, wherein the said Committee have appointed one Sri R. Kasiviswanatha Pillai, as Headmaster of the Municipal High School, Salem, overlooking the legitimate claims of the appellant for the said post.

The appellant is the permanent L.T. Assistant of the Municipal High School, Salem, with an unblemished service and in recognition of his uniform good record of service his name was included in the panel of suitable names for Headmasters' post and he was selected and appointed (Annexure II) as the Headmaster of the Municipal High School, Salem, with probationary rights, when a vacancy arose in June '46. His appointment as Headmaster was made only by the Appointment Committee in due consideration of the claims of all the eligible candidates of his cadre with reference to the panel of names for headmaster's post. He discharged his duties as Headmaster to the entire satisfaction of his superiors and there had been no occasion for his superiors to note or pass any adverse remarks against his work and conduct either during his tenure of office as Headmaster (i.e. from 1-7-1946 to 4-12-1946) or even for so long a period after he laid down his office as Headmaster. It is now a great shock to him to receive the memo appealed against, which is against all the rules framed by the Government.

The reasons recorded by the Committee are not without motives as they have not been recorded ...

have not been recorded by the Executive Authority, the Commissioner, as may be seen from the note of the Executive Authority, the Commissioner, placed before the Committee. From the note of the Executive Authority, it is clear that there was no other proposal for any reason to appoint anybody else than the appellant. All these alleged reasons, which the appellant has now explained in brief in Annexure III for the kind information of the Government, amount to nothing short of clear afterthought, especially devised for the moment in justification of their orders, ignoring the rightful claims of the appellant. The Committee which have no voice in the matter of disciplinary control over the subordinates of the Municipal Council, have overlooked the claims of the appellant for the Headmaster's post and it is vitally a serious punishment inflicted on the appellant. As pointed out by the Committee, their action under Rule 21 of the Establishment rules amounts to outright dismissal of the appellant from the Headmaster's post. Not to speak of the rules, equity and justice will certainly demand that an employee in any branch of service should be given adequate and ample opportunities to defend himself. But it is unfortunate that the Committee on certain flimsy alleged reasons decided otherwise and the Executive Authority has also carried out their decision by simply communicating an extract of the Committee's resolution.

The appellant therefore submits that the Government may be pleased to consider his appeal on the following grounds and issue early orders restoring his claims to the post of the headmaster.

(1) The order appealed against is passed unjustly disregarding the legitimate claims of the appellant to the headmaster's post under rule 7(4) of G.O.No.2342-L.S.G. dated 2-6-36 in the vacancy now caused. By virtue of his having acquired the right of probation in the post of headmaster and he, being the only probationer for the headmaster's post in the service of the Municipality, is eligible for reappointment and the Committee have no right to interfere in the matter.

(2) In the absence of any order terminating his probation in the post of headmaster under Rule 7(2-a) of the same G.O. by the Executive authority, his claim for re-appointment as Headmaster cannot be passed over under Rule 21 and the Committee's action in appointing another candidate is illegal and against the rules. The appellant's re-appointment comes under rule 7 and not under Rule 21.

(3) The alleged reasons recorded by the Committee for overlooking his claims are neither valid nor based on records or proved at any time. Hence the action of the Committee is against all rules and regulations relating to establishments particularly when neither the Executive Authority nor the Educational Authority has made any adverse remarks against his work and conduct.

(4) The Committee have no statutory powers to deal with matters of this kind under the provisions of the rules issued in G.O.No.2342-L.S.G., dated 2-6-36, and G.O.No.3648-L.S.G. dated 18-8-36 and the Executive authority who is the proper authority in such matters, has not passed any orders affecting the interest of the appellant in any manner. As such, the appellant continues to hold his preferential claim for re-appointment as headmaster unaltered irrespective of the decisions arrived at by the Committee.

(5) There is no reason for the Executive authority to place this subject relating to the appellant's (a probationer's) re-appointment for the same post, before the appointment Committee when there was no necessity for selecting a new hand, for want of a probationer for the post.

It may kindly be seen from the grounds of the appeal as detailed above, that in the absence of specific orders of the Executive Authority, the Commissioner, cancelling or terminating the probation of the appellant in the Headmaster's post the appointment of Sri R. Kasiviswanatha Pillai in supersession of his claims is opposed to the rules issued with G.O. No.2342-L.S.G. dated 2-6-36 and it is therefore irregular.

The appellant therefore prays that the Government may be pleased to consider the established and rightful claims of the appellant for the post of the headmaster and to cancel the appointment of Sri R. Kasiviswanatha Pillai as Headmaster. The appellant once again prays that the Government may be pleased to issue urgent orders to the Executive authority, the Commissioner, to appoint the appellant as Headmaster with effect from the date on which the permanent headmaster availed of his leave, and render him justice.

Salem
10-12-1947

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

Manickam P.

Advance copies submitted to

(1) The Secretary to Government Edn. Department, Fort, St. George, Madras.

(2) The Director of Public Instruction, Madras.

ENC: Three annexures.

ANNEXURE I.

...

Proceedings of the Appointment Committee Held on 22-11-47.

...

No.3.

To appoint Sri P. Manickam Pillai, Assistant Municipal High School, Salem to act as Headmaster in the school on Rs.150/- in the scale of Rs.150-10-200 plus an allowance of Rs.25/- in the place of Sri B.N. Sangameswara Iyer who has applied for leave from 22-11-1947 preparatory to his retirement on 16-12-47 forenoon. Sri P. Manickam Pillai is the probationer for the post of Headmaster.

Resolution:

For the following reasons the claims of Sri P. Manickam Pillai are not admitted for the appointment of Headmastership in place of Sri B.N. Sangameswara Iyer.

(1) He failed to hold the examination for awarding scholarships to students.

(2) He did not scrutinise the examination paper for Form VI in 1946 (Tamil II Paper) which caused the issue of a circular by Government vide G.O.No.1964-Edn. dated 9th September 1947.

(3) He promoted R. Sampathkumaran a failed student from III Form to IV Form without the approval of the District Educational Officer, ~~Salem~~.

(4) He did not handle any class during his headmastership.

(5) Sports accounts were not maintained and checked properly and he allowed the cash to remain in the hands of the Physical Instructor for more than a month.

Sri R. Kasiviswanatha Pillai is appointed to act as Headmaster.

/True copy/

Memo.

A copy of the resolution of the Appointment Committee dated 22-11-47 for not admitting the claims of Sri P. Manickam Pillai to the appointment of Headmaster is communicated to Sri P. Manickam Pillai with reference to the proviso to Rule [illegible] of the Rules for the appointment and Punishment of Municipal [illegible] Rules

Sd.....................
Commissioner.

To

Sri P. Manickam Pillai, B.A.,L.T., Assistant, Municipal High School, Salem, Through the Headmaster, Municipal High school, Salem.

/True copy/

Copy communicated to Sri Pl. Manickam Pillai, Asst. Municipal High School, Salem.

MUNICIPAL HIGH SCHOOL, SALEM.
25-11-1947

Sd. [illegible]

/True copy/

Annexure II.

C.3.14075/46

MUNICIPAL OFFICE, Salem.
29-6-46.

Memo.

Sub: Establishment--Municipal High school, Salem--Sri B.N. Sangameswara Iyer--Headmaster--Leave--granted-substitute appointed.

Ref: 1. Application dated 6-6-46 from Sri B.N.Sangameswara Iyer for leave.
2. Appointment Committee Resolution No.1. date 29-6-46.

Sri B.N. Sangameswara Iyer, M.A.,L.T., Headmaster, Municipal High school, Salem is granted leave on average pay on Medical certificate for 3 months from 4-6-46 to 3-9-46. He will furnish a certificate of Physical fitness to return to duty before he joins duty.

The Appointment Committee of the Municipal Council, Salem has selected and appointed Sri P. Manickam Pillai B.A.L.T., Assistant of the school to act as Headmaster of the school in the place of Sri B.N. Sangameswara Iyer. He will relieve Sri V. Doraisami Iyer of the duties of the Headmaster immediately.

Sri P. Manickam Pillai will draw salary at Rs.110/- per month in the scale of Rs.110-20/2-170 and D.A. at 17½% as Acting Headmaster.

Sd. M. Minakshisundaram.
Commissioner.

/True copy/

L.Dis.18146/46.

MUNICIPAL OFFICE, SALEM.
14-9-46.

Memo.

Sub: Establishment--Municipal High School, Salem--Sri B.N. Sangameswara Iyer--Headmaster--Extension of leave--granted.

Ref: Application dated 5-9-46 from Sri B.N.Sangameswara Iyer.

...

Sri B.N. Sangameswara Iyer, Headmaster Municipal High School, Salem is granted extension of leave on average pay on Medical certificate for 3 months from 4-9-46 to 3-12-46 both days inclusive. He will furnish a certificate of Physical fitness to return to duty before he joins duty.

Sd. C.Vaikuntam Iyer,
For Commissioner.

/True copy/

L.Dis.No.23848/46.

SALEM MUNICIPAL OFFICE,
Dated [illegible]-1946.

Memo.

Sub: Establishment--Municipal High [illegible]--Headmaster--Sri B.N. Sangameswara Iyer--[illegible] to duty--arrangements ordered.

Ref: Joining report of [illegible] Sangameswara Iyer dated 2-12-[illegible]

[illegible] Iyer, Headmaster, Municipal High School, Salem, is permitted to rejoin duty on the forenoon of [illegible]-12-46 on the expiry of the leave granted to him.

[illegible] Sri B. Sangameswara [illegible], Sri [illegible]

On [illegible] by Sri B. [illegible]

SALEM MUN[illegible]LITY

Extract from the Proceedings of the Appointment Committee held on 21-4-48.

A.C.R. NO. 1 Dated 21-4-48

Read note to forward to the Government the appeal petition of Sri. P. Manickam Pillai B.A.L.T., Assistant, Municipal High School, Salem with the remarks of the Committee.

Resolution:-

The appeal petition of Sri. P. Manickam Pillai B.A.L.T. assistant, Municipal High School, against the refusal of the Committee to re-appoint him is forwarded with the following remarks.

The grounds of appeal as submitted by the appellant are

1. that " His claims under Rule 7 (4) of G.O. No. 2342 L.S.G. dated 2-6-36 were unjustly disregarded and that the Committee have no right to interfere in the matter".

. It is far from the truth to say that his claims were disregarded his claims were scrutinised for two days and were not admitted for reasons communicated to him. As for the right of the Committee to interfere in the matter Rule 7 (2) of Rules relating to Establishments under Municipal Councils clearly says that the appointing authorities may terminate the probation of any person appointed by them.

2. That in the absence of any order terminating his probation under rule 7 (2) by the Executive authority his claims for reappointment cannot be passed over under Rule 21. The rule cited by him mentions only the appointing authority and not the Executive authority as the terminating agent. Further he does not explain how Rule 21 does not apply to his case. Rule 21 says "When candidates are required for re-appointment in any post in a unit, preference shall be given to person discharged or reverted from such posts in the unit otherwise than clause (2) of such Sub rule (a) of Rule 17. Etc. and provides " if the appointing authority considers it undesirable that any specifed person should be appoined under the rule, such authority may, for reasons to be recorded in writing and communicated to the person concerned refuse to re-appoint him. Now Rule 21 covers every type of reversion including reversion for want of vacancy and consequently every type of re-appointment.

3. " That the reasons recorded are neither valid nor based on record or proved at any time.

The Reasons recorded are valid based on records. This we shall prove by examining the explanations he had offered to the Government on the reasons recorded and communicated to him.

Explanation offered on Reason 1.

- Rule No. 4 of rules issued in G.O. No. 1195 Local and Municipal dated 6th April 1925/635 Local and Municipal dated 24th February 1925 regulating the award of fee remissions in the High school, clearly states that the competitive examinations (for the award of fee remissions)" shall be held at the begnning of every school year". So the plea that there is no definite date and that the permanent headmaster could have conducted them in December is rather lame. A study of the records of these examinations from 1940 to 1946 shows that they had all been conducted before December of each school year. If the appellant had taken some steps to get these examinations goin perhaps the blame would not have been laid at his door. No wonder if he had at least the grace to inform the permanent headmaster that he had not conducted the scholarship examinations for that school year. The fact that these examinations havenot been conducted for 1947-48 needless to say, does not absolve the appellant of the charge against him.

Explanation on Reason 2.

The reasons given by the appellant for his failure to scrutinise the question papers are not worth considering. He should have given some time to the scrutiny of these papers and they are not sent to the press as they are received. Having no class work to do he would have had a lot of time to do work of this type. He says that the Government had issued a circular to the effect that questions of the type under reference "need not be asked" The Government had clearly said that "they should studiously avoid" such questions. He also says that the matter had been closed by the Government without any adverse remarks either to the teachers concerned or to the headmaster and that hence that, that cannot be made use of against his interest now. If he had read the G.O.s issued from time to time and that G.O. No. 1964 of 9th September 1947, with some care, he could have easily made out that the offenders are left to be dealt with by themanagement in as much as G.O. No.1964 clearly says, " in cases where teachers are found indulging in such propaganda and the management persists in employing them, the Director of Public Instruction should have power to disallow grants to the individual teachers or even to the institutions themselves".

Apart from this there is the question if the Tamil Pandit who set such an objectionable question would have been sure that the appellant would have no objection to the question- There is ample evidence to think that the Pandit would have been sure of sympathy or even encouragement. Under the guise of conducting the Tiruvalluvar week the appellant encouraged and supported communal and political propaganda and created a first rate scandal in the town.

Explanation on Reason 3.

M.E.R. No. 30.states"that the headmaster shall be responsible for making promotions and he shall within a period of 4 weeks after the closure of the school for the summer vacation put up in a conspicous place in the school a statement showing the distribution of pupils into classes for the new school year. This statemtnt shall be signed and dated by the headmaster. A copy of this statement shall be forwarded at the same time to the District Educational Officer. This list shall be considered final and no alternation shall be allowed in it except for the purposes of correcting mistakes. Why did the appellant alter a list which should have been considered final?. The appellant submits he promoted the boy as per the orders of the D.E.O. in his L.Dis No..223/E/46 dated 25-6-46. This order is against M.E.R. 30. In that memo or order, vide annexure 1., the officer ~~is against~~ had quoted no other M.E.R in support of his action or order. Secondly the promotion of R. Sampathkumar does not come under " correcting mistakes". Thirdly having made the promotion the appellant ought to have sent a supplementary statement as per M.E.R. 30 showing this promotion of R. Sampathkumaran and should have made necessary alterations in the school records. The permanent headmaster had marked 'F' for fail in the register, and the 'F' still remains there. So the appellant side-steps the most important point of sending to the D.E.O. a supplementary statement by saying that he had the approval of the officer in his (~~statement by saying that he had the approval of the officerin his~~) L.Dis No. 223/46. In this connection it would not be out of place to point out L.Dis No. 223/46 contains only a suggestion as the last sentence which the appellant had failed to quote shows clearly.

Explanation on Reason 4.

The appellant says that a substitute was appointed in his place and that he worked according to his time-table as an assistant. When was a substitute appointed?. Records show that the history graduates after the appellant was made headmaster, was appointed or rather, he joined duty on the 19th of September 1946 that is 2 months and 19 days after the appellant became headmaster. He says that his substitute worked according to his time-table as an assistant. He forgets that he did not have a time-table at all as he was on extraordinary leave up to a working day prior to his taking up duties as headmaster.

Further he pleads that he had to make that emporary arrangement with a view not to dislocate the arrangements that were in existence. Two new sections had to be opened, one in sixth form and one in fourth form. Therefore the whole arrangement had to be dislocated. The ~~wh~~ whole ~~arrangement had to be dislocated~~ time-table ought to have been recast. Did he have any work allotted to himself?.

This offence becomes all the more aggravating when we take into consideration the fact that one the day the appellant took charge as headmaster the school was working short of hands. He goes on to plead that there was arush of admission. Perhaps there was a rush up to the middle or end of July.

He also pleads supervision work as an excuse for not having taken any classess, but the permanent headmaster at the stage of retirement was taking classes.

All these excuses or reasons set out to justify his not taking any classes fall to the ground when we view them in conjuction with the fact that he took no classes when he acted as headmaster in 1944 and with the fact that he had it a practice to go on leave whenever he was reverted from headmastership; a study of his service register might show this. Now he has been on medical leave from the day he was refused the appointment.

Explanation of Reason No. 5

Sports accounts were not properly maintained and checked properly and he allowed the cash to remain in the hands of the Physical Training Instructor for more than a month.

The appellant says that he periodically checked the sports accounts and forwarded them to the Commissioner for approval itself, As it might be seen from the records. We saw the account book itself. He had verified and signed on 1-8-46, for the accounts of 2 months. After that there is no signature of his. Not only that, when we examined the account just out of curiosity what he had been doing with this account when he acted in 1944 we again came across another instance of his allowing his sports Secretary to keep a sum of Rs 32/- for nearly a month. So the offence of allowing the secretaries to have the sports money for a month had been committed twice. His failure to verify and attest the sports accounts had come out in Audit objections for 1946-47. His allowing the P.T.I. to keep the sum of Rs 50/- for nearly a month has come out in the Inspection Report for 1946-47. His allowing the sports secretary to keep a sum of Rs 32/- for nearly a month had come out in Audit objection of 1944-45. In spite of these Government Records the appellant says that " as may be seen from the records that he had done his duty by the Sports Account His contention " the allegation, that I allowed the cash to remain in the hands of the Physical Training Instructor fo more than a month is neither specific nor definite to be explained is strange. " If the appellant had taken pains to go through the Inspection Report just to find out if any remarks had been passed affecting his period of office he would not have called it an allegation. Instead he was supremely indifferent. Further his Memo to the P.T.I. saying " He will also deposit in SavingsBank the unspent amount of the sports money drawn by him so far". shows that he was not having the money himself, though he is the treasurer, and is described as such in the Savings Bank Pass Book and that he did not know nor cared, to know the actual amount that was left in the hands of the P.T.I. and did also know the rule that even he could not keep a round sum of money for a long time

4 " That the Committee have no statutory powers to deal with the matters of this kind" and that the executive authority is the proper authority in such matters. As per G.O. No. 2342 L.S.G. dated 2-6-36 quoted by the appellant himself the committee can deal with this matt

5. " That there was no reason for the executive authority to place the matter before the committee". The matter had to be placed becau the committee wanted to examine every thing before doing anything.

Further there was one assistant of the high school with War Service to his credit who had presented a petition requesting the claims earned by War Service may be considered.

In conclusion we submit his claims were not superseded or disregarded. His claims, we repeat were scrutinised and not admitted as communicated to the appellant. The appellant attributes motives to the Committee without explaining what those motives are. He says the reasons recorded were reason devised for the moment but we have clearly shown that the reasons were all genuine and based on records. In the interest of the Institution we considered him undesirable and we refused to re-appoint him for the reasons recorded.

CARRIED BY MAJORITY.

Sd. M.ST. ANNAMALAI CHETTIAR,
Vice, Chairman
Sd. S.N. NARASIMHA RAJU
Municipal Councillor.
Sd. M.MINAKSHISUNDARAM,
Commissioner.

(True copy) [signature]

COMMISSIONER.

ANNEXURE III.

For the reasons stated, the appellant begs to submit as follows:--

As for reason No.1: "He failed to hold the examination for awarding scholarships to students."

There is no definite date as to the holding of examinations for awarding scholarships to students. They are to be held only in the course of the year. They could have been conducted by the Permanent Headmaster even after my handing over charge on 4-12-46 but he did not do so during that year. I may be permitted to submit that the same examinations are not yet held for this year 1947-48, so far. Hence the allegation cannot be levelled against me.

As for reason No.2:-- "He did not scrutinise the examination paper for Form VI in 1946 (Tamil-II Paper) which caused the issue of a circular by Government Vide G.O.No. 1964-Edn. dated 9-9-1947."

Question papers for the various forms are set by responsible masters of the High school. As there had never been an occasion for any suspicion regarding the setting of question papers by responsible masters the manuscripts were sent to the press when received. Deletion of questions if necessary is usually done in this school in the examination hall on the suggestion of other masters who handle the same subject. As I was reverted before the date of the examination, I had no chance to delete the question. Further after a thorough investigation, the Government issued a circular to the effect that questions of the type under reference need not be asked. This is a matter once closed by the Government without any adverse remarks either to the teacher concerned or to the Headmaster. Hence this cannot be made use of against my interest now.

As for Reason No.3:--"He promoted R. Sampathkumaran a failed student from III Form to IV Form without the approval of the District Educational Officer."

The pupil was promoted as per the orders of the District Educational Officer in his L.Dis.No.225/E/46, dated 25-6-46 wherein it is stated that 'in case he feels, the boy will improve by promotion, the department, will have no objection to his promotion at this stage'. I felt that the boy would improve by his promotion and he did improve and was promoted to the next higher form at the end of the year by the Permanent Headmaster himself. Hence it may be seen that my action in having promoted the boy was only with the approval of the Educational authorities.

As for Reason No.4:-- "He did not handle any class during his headmastership."

The permanent Headmaster was handling five periods of Mathematics in a week. As I am a History Graduate, I could not handle his classes but apportioned his work to competent masters. As a substitute was appointed in my place, he worked according to my timetable as an Assistant. This temporary arrangement had to be made with a view to, not to dislocate the arrangements that were in existence. Besides regular duties of supervising and managing a school with a strength of 1500 pupils, 50 masters and forty sections, the rush of admissions even after my taking charge, the consequent increase in sections, and the difficulty in finding accommodation for them engaged my full attention and I did my best in that direction. I may also be permitted to submit that the Educational authorities have remarked that the school may be bifurcated and that an addi-

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and that an Assistant Headmaster, for this unwieldy school, is necessary to relieve the headmaster of his routine work.

As for Reason No.5:- "Sports accounts were not maintained and checked properly and he allowed the cash to remain in the hands of the Physical Instructor for more than a month".

Sports accounts are maintained by the Sports Secretaries, who are usually the Physical Training Instructors or some members of the staff. The accounts are checked and countersigned by the Headmaster before being sent to the Commissioner for approval and they are also audited.

The Physical Training Instructor was maintaining the Sports Accounts and they were periodically checked by me and forwarded to the Commissioner for approval as may be seen from the records.

The allegation, that I allowed the cash to remain in the hands of the Physical Training Instructor for more than a month, is neither specific nor definite to be explained.

Manickam P.
10.12.47
Appellant.

467/MHS/47

Forwarded to the Commissioner, Salem Municipality, Salem.

Kasi Viswanathan
Headmaster,
11-12-47.

SALEM MUNICIPALITY (3)

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Extract from the Proceedings of the Appointment Committee held on 22-11-1947.

****

A.C.R. NO. 31 dated 22-11-47

Read to appoint Sri. P. Manickam Pillai, assistant, Municipal High School, Salem to act as Headmaster in the school on Rs 150/- in the scale of Rs 150-10-200 plus an allowance of Rs 25/- in the place of Sri. B.N. Sangameswara Iyer, who has applied for leave from 25-11-47 preparatory to his retirement on 16-12-47 F.N. Sri. P. Manickam Pillai is the probationer for the post of Headmaster.

For the following reasons the claims of Sri. P. Manickam Pillai are not admitted for the appointment of Headmastership in place of Sri. B.N. Sangameswara Iyer.

1) He failed to hold the examination for awarding scholarship to students.
2) He did not scrutinise the examination paper for Form VI in 1946 (Tamil II paper) which caused the issue of circular by Government Vide G.O. No.Ms 1964 Education dated 9th September 1947.
3) He promoted R. Sampathkumaran a failed student from Form III to IV without the approval of the District Educational Officer.
4) He did not handle any class during his Headmastership.
5) Sports Accounts were not maintained and checked properly and he allowed the cash to remain in the hands of the Physical Instructor for more than a month.

Sri. R. Kasiviswanatha Pillai is appointed to act as Headmaster.

Sd. N. Jagannathan,
Chairman,
Sd. S.N. Narasimha Raju
Municipal Councillor

COMMISSIONER DISSENTS.

Sd. N. Jagannathan.
Chairman.

(True copy)

Roc.No.C3.22016/47.

Salem Municipal Office,
Dated 24/4/1948.

DIRECTOR OF PUBLIC ... RC 27432 / 47 4 MAY 1948 MADRAS

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Ref:- GOVERNMENT MEMORANDUM No.9226-G3-48-1 Edn., dated 14-2-1948. --- p.3 ante

The appeal petition of Sri P.Manickam Pillai, B.A., L.T., Assistant, Municipal High School, Salem, against supersession of claims for Head Master's post and a copy of the resolution No.1 dated 21-4-48 of the Appointment Committee offering its remarks on the appeal petition are submitted herewith.

Sri P.Manickam Pillai, the appellant acted as Head Master of the Municipal High School, Salem, from 1-7-46 to 3-12-46 on probation. When Sri B.N.Sangameswara Iyer, the permanent Head Master was on leave, Sri V.Duraiswami Iyer, B.A., L.T., and Sri R.Khasiviswanathan, B.A., L.T., Assistants of the school preferred appeals to the Government against the appointment of Sri P.Manickam Pillai as Head Master and the Government have rejected their appeals in G.O.No.Ms.505, Edn., dated 14-3-47 and in G.O.No.Ms.693, Edn., dated 9-4-48.

Sri B.N.Sangameswara Iyer, the permanent Head Master of the school applied for leave from 25-11-1947 preparatory to retirement on 16-12-47. A substitute had to be appointed to relieve him. Hence I put up a note to the Appointment Committee for appointing Sri P.Manickam Pillai as Head Master as he has already commenced probation in the post. The appointment committee selected and appointed Sri R.Khasiviswanathan, B.A.,L.T., Assistant of the school to act as Head Master and did not appoint Sri P.Manickam Pillai as Head Master for the reasons stated in its resolution No.31 dated 22-11-47, a copy of which is enclosed herewith.

The reasons stated by the Appointment Committee for not admitting the claims of Sri P.Manickam Pillai were communicated to him as required in the proviso to rule 21 of the rules relating to establishments under Municipal Councils published in G.O.No.2342, L.S.G., dated 2nd June, 1936, as subsequently amended. Sri P.Manickam Pillai, has preferred this appeal against the proceedings of the Appointment Committee overlooking his claims for Head Master's post.

Meenakshisundaram

SS/-29.4.48.

COMMISSIONER.

To
The Secretary to Government,
Education and Public Health
Department,
Fort St.George, Madras.
Through
The Director of Public Instruction,
Madras.

Forwarded

N. Jagannathan
CHAIRMAN.

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9226/48

pages 40-50 of p.44 of

...H. (...) Deptt.

Establishment - Municipal Council, Salem -

Appeal of Sri P.Manikkam Pillai, L.T.Asst. Municipal High School, Salem. - Promotion as Head-master - upheld.

From Sri P.Manikkam Pillai - Petition dt. 10-12-47.

From the D.P.I. No. R.C.G1-47 dt. 31-7-48.

G.O.No. Ms. 2400 - Edn. 20 Sep.

The Govt. have considered the appeal preferred by Sri P. Manikkam Pillai, L.T.Assistant, Municipal High School, Salem, against the proceedings of the appointment committee of the Salem Municipal Council, No. 31 dated 22nd November, 1947, appointing Sri R.Kasiviswanatha Pillai, to act as Head Master of the Municipal High School, Salem in supersession of the claims of the appellant, for the post. They observe that the Appointment Committee has recorded certain reasons for the supersession of the appellant's claims.

p 62 of

2. They find, on a perusal of the reports concerning the appellant that he is a probationer in the post of Headmaster, having officiated, in the regular manner, in a vacancy from the 1st July to 4th December, 1946. The appellant, ~~having~~ has thus acquired ~~the~~ rights of a probationer, ~~the proper procedure would have been for the Municipal Commissioner to take~~ which would be effective unless action were taken against ~~the appellant~~ him ~~in pursuance~~ under rule 7(2) of the Municipal Establishment Rules, ~~on the grounds set out in the proceedings of the Appointment Committee.~~ for the termination of his probation. ~~The Govt. have reason to believe that~~ No such action has been taken. ~~and that there are no sufficient records to prove most of the allegations.~~ In the absence of an order of the Municipal Commissioner under this rule, terminating the appellant's probation, the appellant continues to be a probationer in the post of Head Master and possess ~~therefore~~ preferential claims for appointment to the post. The proceedings of the appointment committee referred to above are therefore invalid.

para 2 of DPI's endt on p.44 of

pages 240-240 of Bk of Mun. Statutory Rules

p 62 of

3. The Govt. hereby for the reasons given in paragraph 2 of this order ~~accordingly~~ set aside the proceedings of the appointment committee No. 31 dt. 22nd Nov. 1947 and allow the appeal of Sri P.Mannikkam Pillai.

15.9.48.

16-9-48

To the Appellent,
through the Municipal Commissioner.
The Municipal Commissioner, Salem.
D.P.I.
... Commissioner, Salem (thro' the C.M.C.)

4. In view of the orders passed in the foregoing paragraphs of this order, fresh proceedings should now be issued appointing Sri P. Manikkam Pillai as Head Master of the High School in the place of Sri R. Kasiviswanatha Pillai.

17-9-48

17.9.48

To

The Appellant thro' the Mpl Commr Salem (para 3 of the order only)

" Mpl Commr Salem thro' the Chr.

D.P.I.

23/9/48

Secretary, E. & P.H.

This representation came to us many months back. The information may be called for from the Salem Municipal Council and put up.

TSA
1-5-48

H.M. Education.

SECRETARY, EDN. AND P.H. DEPT. 1 MAY 1948 GOVERNMENT OF MADRAS

ASST. SECRETARY TO GOVERNMENT, EDUCATION AND PUBLIC HEALTH DEPT. 2 MAY 1948

E.P.H.(G3)

Please see the orders of H.M.(Edn) above. A reference is invited to the reply of the commr. Salem Mpty. at p.5 cf. The commr. was last reminded on 21.4.1948. He may now be ~~requested~~ again reminded. A draft memo. is submitted for approval.

4.5.48.

6.5.48

7/5/48

5.5.48

325.2

(Issued as Memo. No. 9226.G3.48.2.Edn.d/6.5.48.)

3

(33) (38)

ASST. SECRETARY TO GOVERNMENT
29 JUN 1948
EDUCATION AND PUBLIC HEALTH DEPT.

48159

SECTT. EDN. AND P. H. DEPT.
29 JUN 1948
GOVERNMENT OF MADRAS

Secretary, E. & P.H. ~~pages 38-40 c.f.~~

This is with regard to the appeal of one Manickam Pillai which is pending before us. This may be put in that file so that it may be available for consultation when the appeal is taken.

ISR
29-6-48

H.M. Education.

The connected file is put up. This will be added to the file. ~~[illegible]~~ A report is due from the D.P.I on Sri Manickam Pillai's appeal. The DPI is to be reminded on 20.7.48.

CES
9/7/48

[initials]
10/7/48

The draft reminder below is for approval.

[initials]
6/8/48
CES
6/8

[initials]
9-8-48

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E & P.H.(G3) Department

Establishment - Municipal Council - Salem - Appeal of Sri P.Manikkam Pillai, L.T.Assistant, Salem Municipal High School.

From Sri P.Mannikkam Pillai Petition dt. 10-12-47.
From the D.P.I. No.Rc.-G1-~~xxx~~47 dt. 31-7-48.

***

Sri P.Manikkam Pillai, a permanent L.T.Assistant in the Municipal High School, Salem has preferred to Govt. an appeal against the orders ~~of the proceedings~~ dated 22nd November, 1947 of the Appointment commitee of the municipal Council, Salem, superseding his claims for appointment as Head Master of the Municipal High School, Salem. The appeal is in time.

2. The grounds of the appeal are:-

(i) By virtue of the appellant having acted as Head Master of the High School from 1-7-1946 to 3-12-1946, he has become a probationer in the post. His name is on the panel and being the only probationer in the part he is eligible for appointment. The Committee has no right to inferfere in the matter at that stage.

(ii) The reasons recorded by the Committee for overlooking the appellant's claims and appointing another person as Head Master are neither valid, nor are they based ~~xx~~ on records. The Committee's action is illegal as neither the Executive Authority nor the Educational Authority has made any adverse remarks against the appellant's work and conduct.

(iii) The Committee has no statutory powers to deal with the matters referred to in the proceedings; the Executive Authority has not passed any orders affecting the appellant's interests. The appellant therefore continues to hold a preferential claim in respect of the ~~appointment~~ vacancy in the absence of such orders.

(iv) As there was no need to select a new person for the vacancy now, there was no need for the Appointment Committee to deal with the matter and pass orders.

3. The Commissioner of the Municipality has not offered any useful remarks. Attention is however invited to the Director's observations on p 44 c.f., on the appeal. The Director's opinion is that the appellant being a probationer, if there were charges against him he should have been dealt with by the Executive authority under rule 7(2)(a) of the Municl. Establishment Rules, proceedings passed, if necessary, to terminate his probation. opinion is correct. In the absence of an order in pursuance

Margin notes: pages 48-50 of p 44 of; pages 48-50 of; x p-62 of; pages 49-50 of; item (1) on p. 49 of; item (3) on page 49 of; item (4) on pages 49-50 of; item (5) on p-50 of; ✓ p. 64 of; ✓ pages 240-241 of Bk 17 - statutory Rules; 4-9-48

C. 9226/48

... be deemed to continue as probationer ... post and to possess preferential claims for appointment. The proceedings of the appointment committee, which mentions certain reasons for superseding the appellents claims, do not seem to be valid, as it by-passes the procedure under rule 7(2) referred to.

4. Even on merits, the Director does not consider the charges mentioned by the appointment committee, to be so serious as to warrant the termination of probation. It is also seen that there are no records to prove most of the charges.

5. In view of the position set out above, it is for orders, whether the Director's views may be accepted and the appeal allowed, the appointment committee's proceedings being set aside.

6. The Municipal Councillors letter on pages 21-24 + 38-40 c.f. contains a request to H.M. not to interfere with the proceedings of the appointment committee, which form the subject matter of this appeal.

1.9.48

4-9-48

7/9/48

9-9-48

A draft order is subd. for approval.

15-9-48

16-9-48

SECRETARIAT, EDN. AND P.H. DEPT. 9 SEP 1948 GOVERNMENT OF MADRAS

913

ASST. SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPT. 11 DEC 1947

From

P. Manickam Pillai, B.A., L.T.,
Assistant, Municipal High School,
Salem.

To

The Secretary to Government,
Education Department,
Fort St. George,
MADRAS.

9773

Through

The Proper Channel.

Sub: Appeal--P. Manickam Pillai, L.T. Assistant, Municipal High School, Salem--against the Memo of supersession of claims for headmaster's Post.

...

Sir,

The humble appeal of P. Manickam Pillai, L.T. Assistant of the Municipal High School, Salem, most respectfully showeth:

This appeal is against the Memo No.Nil dated 23-11-1947 of the Commissioner, Salem Municipality (Annexure I) communicating an extract of the resolution of the Appointment Committee, wherein the said Committee have appointed one Sri R. Kasiviswanatha Pillai, as Headmaster of the Municipal High School, Salem, overlooking the legitimate claims of the appellant for the said post.

The appellant is the permanent L.T. Assistant of the Municipal High School, Salem, with an unblemished service and in recognition of his uniform good record of service his name was included in the panel of suitable names for Headmasters' post and he was selected and appointed (Annexure II) as the Headmaster of the Municipal High School, Salem, with probationary rights, when a vacancy arose in June '46. His appointment as Headmaster was made only by the Appointment Committee in due consideration of the claims of all the eligible candidates of his cadre with reference to the panel of names for headmaster's post. He discharged his duties as Headmaster to the entire satisfaction of his superiors and there had been no occasion for his superiors to note or pass any adverse remarks against his work and conduct either during his tenure of office as Headmaster (i.e. from 1-7-1946 to 4-12-1946) or even for so long a period after he laid down his office as Headmaster. It is now a great shock to him to receive the memo appealed against, which is against all the rules framed by the Government.

The reasons recorded by the Committee are not without motives as they have not been recorded by

have not been recorded by the Executive Authority, the Commissioner, as may be seen from the note of the Executive Authority, the Commissioner, placed before the Committee. From the note of the Executive Authority, it is clear that there was no other proposal for any reason to appoint anybody else than the appellant. All these alleged reasons, which the appellant has now explained in brief in Annexure III for the kind information of the Government, amounts to nothing short of clear afterthought, especially devised for the moment in justification of their orders, ignoring the rightful claims of the appellant. The Committee which have no voice in the matter of disciplinary control over the subordinates of the Municipal Council, have overlooked the claims of the appellant for the Headmaster's post and it is vitally a serious punishment inflicted on the appellant. As pointed out by the Committee, their action under Rule 21 of the Establishment rules amounts to outright dismissal of the appellant from the Headmaster's post. Not to speak of the rules, equity and justice will certainly demand that an employee in any branch of service should be given adequate and ample opportunities to defend himself. But it is unfortunate that the Committee on certain flimsy alleged reasons decided otherwise and the Executive Authority has also carried out their decision by simply communicating an extract of the Committee's resolution.

The appellant therefore submits that the Government may be pleased to consider his appeal on the following grounds and issue early orders restoring his claims to the post of the headmaster.

(1) The order appealed against is passed unjustly disregarding the legitimate claims of the appellant to the headmaster's post under rule 7(4) of G.O.No.2342-L.S.G. dated 2-6-36 in the vacancy now caused. By virtue of his having acquired the right of probation in the post of headmaster and he, being the only probationer for the headmaster's post in the service of the Municipality, is eligible for reappointment and the Committee have no right to interfere in the matter.

(2) In the absence of any order terminating his probation in the post of headmaster under Rule 7(2-a) of the same G.O. by the Executive authority, his claim for re-appointment as Headmaster cannot be passed over under Rule 21 and the Committee's action in appointing another candidate is illegal and against the rules. The appellant's re-appointment comes under rule 7 and not under Rule 21.

(3) The alleged reasons recorded by the Committee for overlooking his claims are neither valid nor based on records or proved at any time. Hence the action of the Committee is against all rules and regulations relating to establishments particularly when neither the Executive Authority nor the Educational Authority has made any adverse remarks against his work and conduct.

(4) The Committee have no statutory powers to deal with matters of this kind under the provisions of the rules issued in G.O.No.2342-L.S.G., dated 2-6-36, and G.O.No.3648-L.S.G. dated 18-8-36 and the Executive authority who is the proper authority in

(39)

proper authority in such matters, has not passed any orders affecting the interest of the appellant in any manner. As such, the appellant continues to hold his preferential claim for re-appointment as headmaster unaltered irrespective of the decisions arrived at by the Committee.

(5) There is no reason for the Executive authority to place this subject relating to the appellant's (a probationer's) re-appointment for the same post, before the appointment Committee when there was no necessity for selecting a new hand, for want of a probationer for the post.

It may kindly be seen from the grounds of the appeal as detailed above, that in the absence of specific orders of the Executive Authority, the Commissioner, cancelling or terminating the probation of the appellant in the Headmaster's post the appointment of Sri R. Kasiviswanatha Pillai in supersession of his claims is opposed to the rules issued with G.O. No.2342-L.S.G. dated 2-6-36 and it is therefore irregular.

not put up

The appellant therefore prays that the Government may be pleased to consider the established and rightful claims of the appellant for the post of the headmaster and to cancel the appointment of Sri R. Kasiviswanatha Pillai as Headmaster. The appellant once again prays that the Government may be pleased to issue urgent orders to the Executive authority, the Commissioner, to appoint the appellant as Headmaster with effect from the date on which the permanent headmaster availed of his leave, and render him justice.

Salem
10-12-1947

I beg to remain,
Sir,
Your most obedient servant,
[signature]

A /

Advance copies submitted to

(1) The Secretary to Government Edn. Department, Fort, St. George, Madras.

(2) The Director of Public Instruction, Madras.

ENC: Three annexures.

E.P.H(93)

'A' above.

This is only an advance copy of the petition submitted. This may be lodged.

12.12.47.
13.

13/12/47

13/12

ANNEXURE I.

...

Proceedings of the Appointment Committee Held on 22-11-47.

...

No.3.

To appoint Sri P. Manickam Pillai, Assistant Municipal High School, Salem to act as Headmaster in the school on Rs.150/- in the scale of Rs.150-10-200 plus an allowance of Rs.25/- in the place of Sri B.N. Sangameswara Iyer who has applied for leave from 22-11-1947 preparatory to his retirement on 16-12-47 forenoon. Sri P. Manickam Pillai is the probationer for the post of Headmaster.

Resolution:

For the following reasons the claims of Sri P. Manickam Pillai are not admitted for the appointment of Headmastership in place of Sri B.N. Sangameswara Iyer.

(1) He failed to hold the examination for awarding scholarships to students.

(2) He did not scrutinise the examination paper for Form VI in 1946 (Tamil II Paper) which caused the issue of a circular by Government vide G.O.No.1964-Edn. dated 9th September 1947.

(3) He promoted R. Sampathkumaran a failed student from III Form to 1V Form without the approval of the District Educational Officer ~~Salem~~.

(4) He did not handle any class during his headmastership.

(5) Sports accounts were not maintained and checked properly and he allowed the cash to remain in the hands of the Physical Instructor for more than a month.

Sri R. Kasiviswanatha Pillai is appointed to act as Headmaster.

/True copy/

Memo.

A copy of the resolution of the Appointment Committee dated 22-11-47 for not admitting the claims of Sri P. Manickam Pillai to the appointment of Headmaster is communicated to Sri P. Manickam Pillai with reference to the proviso to Rule 21 of the Rules for the appointment and Punishment of Municipal servants.

Sd.................
Commissioner.

To

Sri P. Manickam Pillai, B.A.,L.T., Assistant, Municipal High School, Salem, Through the Headmaster, Municipal High school, Salem.

/True copy/

Copy communicated to Sri P. Manickam Pillai, Assistant Municipal High School, Salem.

MUNICIPAL HIGH SCHOOL, SALEM.
25-11-1947

Sd. R. Kasiviswanathan
Headmaster.

/True copy/

Annexure II.

C.3.14075/46

MUNICIPAL OFFICE, Salem.
29-6-46.

Memo.

Sub: Establishment--Municipal High school, Salem--Sri B.N. Sangameswara Iyer--Headmaster--Leave--granted-substitute appointed.

Ref: 1. Application dated 6-6-46 from Sri B.N.Sangameswara Iyer for leave.
2. Appointment Committee Resolution No.1. dated 29-6-46.

Sri B.N. Sangameswara Iyer, M.A.,L.T., Headmaster, Municipal High school, Salem is granted leave on average pay on Medical certificate for 3 months from 4-6-46 to 3-9-46. He will furnish a certificate of Physical fitness to return to duty before he joins duty.

The Appointment Committee of the Municipal Council, Salem has selected and appointed Sri P. Manickam Pillai B.A.L.T., Assistant of the school to act as Headmaster of the school in the place of Sri B.N. Sangameswara Iyer. He will relieve Sri V. Doraisami Iyer of the duties of the Headmaster immediately.

Sri P. Manickam Pillai will draw salary at Rs.110/- per month in the scale of Rs.110-20/2-170 and D.A. at 17½% as Acting Headmaster.

Sd. M. Minakshisundaram.
Commissioner.

/True copy/

MUNICIPAL OFFICE, SALEM.
14-9-46.

L.Dis.18146/46.

Memo.

Sub: Establishment--Municipal High School, Salem--Sri B.N. Sangameswara Iyer--Headmaster--Extension of leave--granted..

Ref: Application dated 3-9-46 from Sri B.N.Sangameswara Iyer.

...

Sri B.N. Sangameswara Iyer, Headmaster Municipal High School, Salem is granted extension of leave on average pay on Medical certificate for 3 months from 4-9-46 to 3-12-46 both days inclusive. He will furnish a certificate of Physical fitness to return to duty before he joins duty.

Sd. G.Vaiguntam Iyer,
For Commissioner.

/True copy/

SALEM MUNICIPAL OFFICE,
Dated 4-12-1946.

L.Dis.No.23848/46.

Memo.

Sub: Establishment--Municipal High School--Headmaster--Sri B.N. Sangameswara Iyer--return to duty--arrangements ordered.

Ref: Joining Report of Sri B.N.Sangameswara Iyer dated 2-12-46.

Sri B.N. Sangameswara Iyer, Headmaster, Municipal High School, Salem, is permitted to rejoin duty on the forenoon of 4-12-46 on the expiry of the leave granted to him.

On relief by Sri B. Sangameswara Iyer, Sri P. Manickam

Sri P. Manickam Pillai, acting Headmaster is reverted to his permanent post as L.T. Assistant, Municipal High School.

Sd.

For Commissioner.

/True copy/

Manickam P.
10.12.47

students. ... the examination

... the year. to the holding of exami-
... Headmaster even after my ... they are to
over charge ... but he did not do so during that year.
I may be permitted ... submit that the same examinations are not yet held for this year 1947-48, so far. Hence the allegation cannot be levelled against me.

As for reason No.2:-- "He did not scrutinise the examination paper for Form VI in 1946 (Tamil-II Paper) which caused the issue of a circular by Government Vide G.O.No. 1964-Edn. dated 9-9-1947."

Question papers for the various forms are set by responsible masters of the High school. As there had never been an occasion for any suspicion regarding the setting of question papers by responsible masters the manuscripts were sent to the press when received. Deletion of questions, if necessary, is usually done in this school in the examination hall on the suggestion of other masters who handle the same subject. As I was reverted before the date of the examination, I had no chance to delete the question. Further after a thorough investigation, the Government issued a circular to the effect that questions of the type under reference need not be asked. This is a matter once closed by the Government without any adverse remarks either to the teacher concerned or to the Headmaster. Hence this cannot be made use of against my interest now.

As for Reason No.3:--"He promoted R. Sampathkumaran a failed student from III Form to 1V Form without the approval of the District Educational Officer."

The pupil was promoted as per the orders of the District Educational Officer in his L.Dis.No.223/E/46, dated 25-6-46 wherein it is stated that 'in case he feels, the boy will improve by promotion, the department, will have no objection to his promotion at this stage'. I felt that the boy would improve by his promotion and he did improve and was promoted to the next higher form at the end of the year by the Permanent Headmaster himself. Hence it may be seen that my action in having promoted the boy was only with the approval of the Educational authorities.

As for Reason No.4:-- "He did not handle any class during his headmastership."

The permanent Headmaster was handling five periods of Mathematics in a week. As I am a History Graduate, I could not handle his classes but apportioned his work to competent masters. As a substitute was appointed in my place, he worked according to my timetable as an Assistant. This temporary arrangement had to be made with a view to, not to dislocate the arrangements that were in existence. Besides regular duties of supervising and managing a school with a strength of 1500 pupils, 50 masters and forty sections, the rush of admissions even after my taking charge, the consequent increase in sections, and the difficulty in finding accommodation for them engaged my full attention and I did my best in that direction. I may also be permitted to submit that the Educational authorities have remarked that the school may be bifurcated and that an Assis-

and that an Assistant Headmaster, for this unwieldy school, is necessary to relieve the headmaster of his routine work.

As for Reason No.5:- "Sports accounts were not maintained and checked properly and he allowed the cash to remain in the hands of the Physical Instructor for more than a month".

Sports accounts are maintained by the Sports Secretaries, who are usually the Physical Training Instructors or some members of the staff. The accounts are checked and countersigned by the Headmaster before being sent to the Commissioner for approval and they are also audited.

The Physical Training Instructor was maintaining the Sports Accounts and they were periodically checked by me and forwarded to the Commissioner for approval as may be seen from the records.

The allegation, that I allowed the cash to remain in the hands of the Physical Training Instructor for more than a month, is neither specific nor definite to be explained.

10.12.47

Appellant.

[illegible] retain [illegible] the [illegible] [illegible] [illegible] [illegible]

[illegible] sources [illegible] [illegible]

on [illegible] of [illegible]. The [illegible] [illegible] consequently [illegible] [illegible] [illegible] for [illegible] and [illegible] [illegible].

[illegible] the [illegible] [illegible] and [illegible] by me and forwarded to them [illegible] [illegible] may be [illegible] from [illegible] [illegible].

The [illegible], that [illegible] the [illegible] to [illegible] in the [illegible] of the [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] to be [illegible].