

Education and P. H. (1948) Department.

Ms. SERIES.

G.O. No. 509 Edn.

Dated 13.3.48.

[Despatch Abstract.]

Suit - G.S. No. 195 of 1945 - Sri. T.T. Swaminatha Pillai, Retired teacher, Dt. Bd., Tanjore - Defence of etc - province of Madras - Sanctioned.

Back Papers.

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

Further Papers.

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

From

H.C.M. McLaughlin Esquire,
Collector of Tanjore,
Tanjore.

To

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

Re. 21952--47.A.3. dated 3-3-1948.

Sir,

Sub:- Suits - District Munsiff Court - Valangiman - O.S.195/47 -
Alteration of date of birth on the T.S.L.C. - Sri T.J.
Swaminatha Pillai, Retired teacher, District Board,
Tanjore - Claim for declaration.

I invite Government's attention to G.O. Ms.1726, Education,
dated 16-11-44 communicating sanction for the defence of the suit filed
by Sri T.J. Swaminatha Pillai, Retired teacher, District Board, Tanjore,
against the Government and authorising the Government Pleader, Tanjore,
to appear for the Government and defend the suit. The Government
Pleader, Tanjore, reported on 17-11-45 that no suit had been filed and
retained the papers. The retired teacher has now filed a suit in
the District Munsiff Court, Valangiman, for a declaration of his date
of birth as being 17-12-1899 and for correction of entry of date of
birth in the E.S.L.C. and T.S.L.C. A copy of the plaint in the suit
is enclosed.

2. The Local Government Pleader, Kumbakonam, has prepared a Draft
written statement and a memo of evidence in consultation with the
District Educational Officer, Tanjore, meeting the allegations in the
plaint. Copies of them are enclosed. The Local Government Pleader
states that the claim laid in the plaint is false, frivolous and
untenable and that the suit has to be dismissed with compensatory
costs. A full history of the case is given in paragraphs 3 to 8 of
the Draft written statement. I request that sanction may be accorded
for the defence of the suit in O.S.195/47 District Munsiff Court,
Valangiman, and the Draft Written Statement and the memo of evidence
enclosed may be approved. The Local Government Pleader, Kumbakonam,
may be authorised to enter appearance and defend the suit on behalf of
the Government.

3. The suit is posted to 18-3-48 for the Written statement of the
Government. I request that orders for the defence of the suit may
be communicated to me before that date if possible.

4. The connected records of the office of the Commissioner for
Government Examinations, the Director of Public Instruction, Madras,
and the District Educational Officer, Tanjore, are enclosed for
reference and return.

H.C.M. McLaughlin,
Collector.

(Sd.)
for Collector.

Copy to the Director of Public Instruction, Madras.

List of Enclosures:-

1. Copy of the plaint.
2. Copy of Draft Written statement and memo of evidence.
3. File Dis. 336/42 of the office of the Commissioner for
Government Examinations.
4. File Dis. 74/39 -do- -do-
5. File Dis. 5521/36 of the Director of Public Instruction, Madras.
6. File Dis. 635/45 of Dt. Educational Officer, Tanjore.
7. T.S.L.C. Scheme 1940 (Revised syllabuses).

/True copy/

The Secretary to Government,
Education and Public Health
Department, Fort St. George, Madras.
3. Dated 3--3--48

Ec. 21952--47. A. 3. Dated 3--3--49

[illegible]

16813
I invite Government's attention to G.O.No.1726 dated 16-11-44 communicating sanction for the defence of the suit filed by Sri T.S.Swaminatha Pillai, retired teacher, District Board Tanjore against the Government and authorising the Government to add a pleader to appear for the Government and defend the suit. The Government Pleader Tanjore reported on 17-11-45 that no suit has been filed. I examined the papers. The retired teacher has now filed a suit in the District Munsif Court Valangudi for a declaration of his date of birth as being 17--12--1899 and for correction of entry of date of birth in the S.S.I.C. and T.S.L.C. A copy of the plaint in the suit is enclosed.

2. The Local Government Pleader Kumbakonam has prepared a draft written statement and a copy of the same in consultation with the District Educational Officer Tanjore meeting the allegations in the plaint. Copies of them are enclosed. The Local Government Pleader states that the claim in the plaint is false, frivolous and untenable and that the suit has to be dismissed with compensatory costs. A full history of the case is given in paragraphs 3 to 8 of the draft written statement. I request that sanction may be accorded for the defence of the suit in O.S. 195/47 District Munsiff Court Valangimam and the draft written statement and the memo of evidence enclosed may be approved. The Local Government Pleader Kumbakonam may be authorized to enter appearance and defend the suit on behalf of the Government.

3. The suit is posted to 18-3-48 for the written defence of the Government. I request that orders for the possible communication to me before that date if

1. The collected records of the office of the Commissioner of the Government Examinations, the Director of Public Instructions, Madras, and the District Educational Officer Tanjore are enclosed for reference and return.

H.C.M. McLaughlin
Collector.

ap. 4/3

Copy to the Director of Public Instructions ⁹⁰/₄₁₃ for Co

List of Inclosures:-

1. Copy of the plaint. (A)
2. Copy of Draft Written statement and memo of evidence. 1/13-15/12
3. File Dis. 336/42 of the Office of the Commissioner for Government Examinations.
4. File Dis. 74/39 do do
5. File Dis. 552/36 of Director of Public Instructions Madras.
6. File Dis. 635/45 of District Educational Officer Tanjore.
7. T.S.L.C. Scheme 1940 (Revised syllabuses).

E & P. H. (B2)

Please see the letter from the Collector of Tanjore
overleaf. He has reported that invited the attention of the
Govt. to G.O. No. 1726 Edn. d. 16. 11. 44 in which sanction
was accorded for the defence of the suit filed by
Sri. T. J. Swaminatha Pillai, Retired teacher, D. Bd., Tanjore
against the Govt for the correction of the date of his birth
entered in the E.S.L.C. and T.S.L.C. certificates as 17.12.1899.

The Collector has now reports that the suit has
not been filed till now and states that the above teacher
has now filed a suit in the D. Munsiff Court at
Valanginam and requests the Govt to sanction the defence of
the suit. The local Govt. pleader sanction may be
accorded for the defence of the suit and the local
Govt. pleader at Pudukottai may be authorised to
appear and defend the Province in the suit. The
Collector may be requested to file a written statement
in court and arrange for the defence of the Province in
the suit in consultation with the D.P.I.

A draft order is submitted for approval. Finance
and legal may see.

8.3.48

E. & P. H. Dent. (B2)

Subj:- Suit - O.S.No.195 of 1947 - Sri T.J. Swaminatha
Pillai, Retired teacher, District Board, Tanjore -
Defence of the Province of Madras - Sanctioned.

Read:- From the Collector of Tanjore, No.21952 A3/47 dated
3-3-48.

G.O. Ms. No. 509 Edn. dated 13-3-48.

His Excellency the Governor hereby sanctions the defence
of the Province of Madras in the suit in O.S.No.195 of 1947
filed by Sri T.J. Swaminatha Pillai against the said Province
in the Court of the District Munsiff at Valanginam (Tanjore
Dt.)

2. As regards the draft written statement, the Govt. are
advised as follows:-

"The written statement proposed to be filed is too long
and contains much that could usefully be omitted. The plain-
tiff has a right to ask for the rectification of a wrong date
if he can prove that it was due to an inadvertent mistake.
The matter having gone to the Court, it seems sufficient
if, in the written statement, the plaintiff is put to proof
of the allegation regarding the mistake in the date of birth
as recorded in the E.S.L.C. Register and Government agree to
make the necessary correction if the Court finally accepts
the evidence adduced on behalf of the plaintiff as satisfac-
tory. The Government may claim costs as the suit was
necessitated by a wrongful action of the party in having
originally given an incorrect date of birth. In this view,
it does not seem necessary that the Government should contest
the case vigorously as proposed and urge the pleas that
should properly be put forward by the District Board - which
is not impleaded in the suit. The attitude of the Government
in a case of this kind may be one of neutrality putting
the plaintiff to a strict proof of the mistake in the
original entry."

3. The Collector of Tanjore is requested to instruct
the Govt. Pleader to revise the draft written statement
on the lines suggested in para 2 above and file the revised
statement in Court on behalf of the Province and arrange

with the D.P.I. ^{who are} ~~not~~ ^{to} ~~be~~ ^{be} ~~placed~~ ^{placed} before the Court all the relevant materials in their possession.

P_u
13.3 yr.

15/3/48

To ~~the Collector of Tanjore~~ ^{19/2}.
The Collector of Tanjore
(with records ret'd. by
-a- regd. post a/d.)

✓ The D.P.I. (~~with copy of~~
~~pp. 3-15 c.f.)~~

The Govt. Pleader, Kumbakonam.

Copy to Home Dept.
,, Finance Dept.
,, Legal Dept.

2. Plaintiff (A)

2. Plaintiff at (A)
3. T. S., L. C. Book.
4. C. G. E.'s 26. 336/2
2 9.11.42.
5. C. G. E. 26. 74/39
2 21.3.39.
- ✓ 6. 26. 552/36
2 1.12.36.
7. 26. 635/45-g 260
T. S.

Subject. — Suit — O.S. no. 195 of 1947 —
Sri T. T. Swaminathan Pillai, Retired Teacher,
District Board, Tanjore — Defence of the
Province of Madras — Sanctioned.

Ref. From The Collector of Tanjore, No.
21952 A3/47 dated 3.3.48.

$$\frac{G_0}{M_s} \text{ mo}$$

Edm dated

A. E. The Governor. hereby sanctions the defence of the Province of Madras in the suit in O.S. no. 195 of 1947 filed Sri T. J. Swaminatha Pillai against the said Province in the Court of the District Munsiff at Valangimann, (Tanjore Dt.)

(2. The draft written statement and the memo of evidence submitted by the Collector of Tanjore with his letter read above are approved. The Govt Pleader, Kumbakonam is requested to appear for and defend the Province in the ~~above~~ suit.)

3. The Collector of Tanore is requested ^{in this} to file the ^{written} statement in Court on behalf of the Province and arrange for the defence of the Province in the suit in consultation with the D.P.I.

7 The Collector of Tanjore Rs
8.248
(with records ret'd
by rept for a/d)
" D. P. I (with copy of pp. 13-15 of)
" Govt Pleader,
Kumbakonam.

Copy to Home Dep
" Finance Dep
" Legal Dep

~~5M~~
~~4/3/11~~

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Note: — The facts of the case are set out by the Collector in his letter in the file. The written statement and the merits of evidence go to ^{prove} ~~proof~~ how the plaintiff is false, frivolous and untenable. The sanction sought for may be accorded. The draft order is for approval. Legal and Finance may see for acceptance before issue.

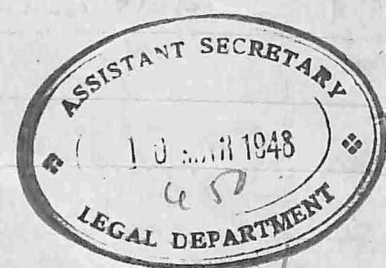
Re 8/3/48
 12/3/48 S 1/10/48 Legal
 12/3/48



HP 17/3/48
 Edu. no. 16813 B2/48-1
 12/3/48

Legal Department.

The suit is for a correction of the date of birth in the Registers. The written statement proposed to be filled is too long and contains much that could usefully be omitted. The plaintiff has a right to ask for the rectification of a wrong date if he can prove that it was due to an inadvertent mistake. The matter having gone to the Court, it seems sufficient if in the written statement the plaintiff is put to proof of the allegation regarding the mistake in the date of birth as recorded in the E.S.L.C. Register and Government agree to make the necessary correction if the Court finally accepts the evidence adduced on behalf of the plaintiff as satisfactory. The Government may claim costs as the suit was necessitated by a wrongful action of the party in having originally given an incorrect date of birth. In this view, it does not seem necessary that the Government should contest the case vigorously as proposed and urge the plea that should properly be put forward by the District Board which is not impleaded in the suit. The attitude of the Government in a case of this kind may be one of neutrality putting the plaintiff to a strict proof



Legal u.o. no. 2882/48-A,
 12/3/48.



For u.o. 16368 Pen
 13-3-48

of the mistake in the original entry. (For a precedent please see G.O. Ms. No. 65, Legal, dated 31-5-1947 at page 15 c.f. of (B).) The Collector may therefore be requested to instruct the Government Pleader to revise the draft written statement on the above lines and to file it in the Court.

11.3.48
 a. can plea be
 in court or in session
 s. individuals is
 T. present. 12/3/48

Finance (Pen)

The draft order on p.1 above may be accepted subject to the remarks of Legal on pp. 2-3 above

AD 12/3/48

13/3

E-PH.
 B2

A revised draft order is submitted.

12/3/48

12/3/48 S 1/10/48

