

Government of Madras

EDUCATION AND PUBLIC HEALTH DEPARTMENT

(Education)

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G.O. No. 746, 1st April 1948

Rules—Local bodies—Appointment and punishment of officers and servants—
Direct recruitment to the L.T. or B.Ed. grade in Secondary schools of trained
graduates in lower grades—Amendments—Confirmed.

(11)

O for R.S.

1-2-47
W.M.

Government of Madras

EDUCATION AND PUBLIC HEALTH DEPARTMENT

(Education)

G.O. No. 746, 1st April 1948

Rules—Local bodies—Appointment and punishment of officers and servants—Direct recruitment to the L.T. or B.Ed. grade in Secondary schools of trained graduates in lower grades—Amendments—Confirmed.

READ—the following papers:—

G.O. No. 2318, Education, dated 31st October 1947.

From the Director of Public Instruction, dated 21st January 1948,
R.C. No. 8304-G-1/47.

Order—No. 746, Education, dated 1st April 1948.

In G.O. No. 2318, Education, dated 31st October 1947, the draft of an amendment to the rules relating to the appointment and punishment of officers and servants of local bodies in regard to the appointment by direct recruitment to the L.T. or B.Ed. grade in secondary schools, of trained graduates in lower grades was published for information. A suggestion has been made that the probationers in the secondary schools and the trained graduates who are permanent teachers or approved probationers or probationers in any of the elementary schools may be allowed a claim to revert to their original posts when there is no vacancy in the L.T. or B.Ed. grade. This suggestion is not acceptable. No other suggestions or objections having been received, the draft amendment is hereby confirmed.

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

(By order of His Excellency the Governor)

M. V. SUBRAMANIAN,
Secretary to Government.

To the Director of Public Instruction.

- „ Special Officer, of District Board.
- „ Executive Authorities of Municipalities (through the Chairmen).
- „ Inspector of Municipal Councils and Local Boards.
- „ Examiner of Local Fund Accounts.
- „ Local Administration Department.
- „ Superintendent, Government Press, for publication in the *Fort St. George Gazette*.

APPENDIX. NOTIFICATIONS.

I

In exercise of the powers conferred by sections 70, 72 and 199 (2) (a) of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras hereby makes the following amendment to the rules relating to the appointment and punishment of officers and servants of local boards published with the late Local Self-Government Department Notification No. 934, dated the 18th August 1936,

G.O. N. 2318 Edn. d. 31/10/47
„ 2072 „ 269/47
„ 1330 „ 166/45

at pages 451-453 of Part I-A of the *Fort St. George Gazette*, dated the 1st September 1936, as subsequently amended.

AMENDMENT.

In rule 1 of the said rules, after the proviso to clause (i), the following provisos shall be added, namely:—

"Provided further that a trained graduate who is a probationer in the cadre of secondary grade teachers or teachers of special subjects or pandits in any of the secondary schools under the district board and a trained graduate who is a permanent teacher or an approved probationer or a probationer in any of the elementary schools under the district board shall be eligible for appointment by direct recruitment to the L.T. or B.Ed. grade in a secondary school, if such teacher—

- (1) satisfies the subject requirements of the L.T. or B.Ed. vacancies;
- (2) satisfies the communal representation rules; and
- (3) forfeits the service rendered previously in the lower grade in any of the secondary schools or elementary schools under the district board, as the case may be:

Provided also that a trained graduate in an elementary school shall be so appointed only after a trained graduate of the required community working in the lower grade in any of the secondary schools under the district board has been appointed to the L.T. or B.Ed. grade.

NOTE.—1. A trained graduate already in the service of the district board who is appointed as a direct recruit to the L.T. or B.Ed. grade under the above provisos shall be liable to be discharged from service for want of a vacancy in the L.T. or B.Ed. grade just like an outsider recruited direct and will have no claim to revert to the appointment previously held by him when the vacancy in the L.T. or B.Ed. grade ceases.

NOTE.—2. No teacher in service in a lower grade shall be compelled to take up appointment in the L.T. or B.Ed. grade against his will.

NOTE.—3. An outsider shall be appointed to the L.T. or B.Ed. grade only when the vacancy cannot be filled by the appointment of qualified teachers already in service by the method prescribed in the above provisos."

II

In exercise of the powers conferred by sections 73, 75 and 303 (2) (a) of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras hereby makes the following amendments to the rules relating to the appointment and punishment of officers and servants of municipal councils published with the late Local Self-Government Department Notification No. 935, dated the 18th August 1936, at pages 453-454 of Part I-A of the *Fort St. George Gazette*, dated the 1st September 1936, as subsequently amended.

AMENDMENT.

In rule 1 of the said rules, after the proviso to clause (g), the following provisos shall be added, namely:—

"Provided further that a trained graduate who is a probationer in the cadre of secondary grade teachers or teachers of special subjects or pandits in any of the secondary schools under the municipal council and a trained graduate who is a permanent teacher or an approved probationer or a probationer in any of the elementary schools under the municipal council shall be eligible for appointment by direct recruitment to the L.T. or B.Ed. grade in a secondary school, if such teacher—

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To

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

Sir,

Reference: G.O.No.2318-Education, dated 31st October 1947 - Regarding draft amendments to rules relating to appointment and punishment of Officers and servants under Local Bodies. Published in supplement to Part.I-B of Fort St.George Gazette dated 2nd Decr.1947.

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With reference to the proposed amendments, I

beg to offer the following suggestions: clause (3) viz.,

"forfeits the service rendered previously in the lower grade in any of the secondary schools or elementary schools under the district board as the case may be":

and also the portion in Note (1):

"and will have no claim to revert to the appointment previously held by him when the vacancy in the L.T. or B.Ed. grade ceases".

defeats the very purpose of the amendments proposed and

does gross injustice to teachers who are L.T., or B.Eds.,

and yet are working as secondary or Elementary grade

teachers for the following reasons:—

(1) The position of Government Servants under similar circumstances is quite opposite and favourable. In Government Memo 50577/44-1 Public(Services) dated 30-10-1944, it has been held that a Government Servant whether a probationer, approved probationer or full member who is appointed to another service by direct recruitment, continues to be a member of the service to which he belonged until he is appointed to be a full member of the new service. It is really a denial of justice to deny the above concession to the teachers under local bodies.

(2) The consequences of the above pointed out amendments are far reaching now that a lower age limit has been prescribed for the appointment of teachers under local bodies also. For example, a L.T., or B.Ed., qualified teacher, working as an elementary school teacher or as a secondary

: 2 :

secondary grade teacher, who is just on the verge of the minimum age for appointment under local bodies is promoted as an L.T. or B.Ed., assistant and is ousted after some time for want of a vacancy just after the minimum age for appointment as a teacher, has passed, if he is not eligible to reversion to his lower post he was holding, has to go out of employment permanently as he would become ineligible for fresh appointment being overaged, if the above proposed amendments are confirmed as they are. This means discouraging the qualified L.Ts. or B.Eds., working in lower posts to aspire for promotions, which, it is hoped not the desire of the Government in proposing these amendments.

(3) An elementary or secondary grade teacher with long years of service who qualified himself as an L.T., or B.Ed., would ~~not~~ ^{have} not apply for promotion as an L.T., or B.Ed. assistant lest he should get a ousting and ~~lose~~ lose his former post and also become ineligible for fresh appointment ~~even~~-being overaged.

For the above reasons, I beg to request the Government to delete the clause:-

"(3) forfeits the service rendered previously in the lower grade in any of the secondary schools or elementary schools under the district board, as the case may be".

and also the portion

"and will have no claim to revert to the appointment previously held by him when the vacancy in the L.T., or B.Ed., grade ceases".

under
in the Note (1) Under the proposed proviso and allow the L.T., or B.Ed., qualified teachers working ⁱⁿ as secondary or lower grades ^{to aspire for promotion as L.T. or B.Ed. grade teacher} posts which they justly deserve, without taking any grave risks of ~~being thrown out of~~ ^{being thrown out of} permanent forfeiture of past long services in lower posts, ~~or being thrown out of~~ ^{employment permanently}.

Yours obediently,

*S. Venkatarao,
Retired Headmaster,
Perunkonda
9.12.47*

Assistant Secretary to Govt.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
R.C.NO.8304-G1/47 dated 21.1.1948.

SUB: APPOINTMENT OF TRAINED GRADUATES WORKING IN THE LOWER GRADES TO THE B.Ed.CADRE.
REF: Government Endorsement No.97302-B1/47-1 Education d/18.12.1947.

RESUBMITTED.

The suggestion of the retired Headmaster for deletion of proviso (3) and Note (1) may not be accepted for the following reasons:- (i) If the suggestion to give the probationers in the secondary schools and others in the Elementary Schools a claim to revert to their original posts on the cessation of the B.Ed. vacancy is agreed to, their very appointments to the B.Ed.cadre would become cases of promotion and not direct recruitment. But promotion of such people is not possible under the rules and it is only with a view to give them preference over outsiders that the present amendment is made. As their appointments have thus to be treated as direct recruitment they cannot revert to their old posts.

(ii) No age limit appears to have been prescribed for the employment of teaching staff in Secondary schools under local bodies and hence the objection contained in para 2 of the letter under reference is not tenable.

(iii) No appointing authority has raised any objection to the draft amendments to the rules and the only representation from a retired Headmaster may not be made much.

There is no separate Elementary Education in Government Service as in Local Body Service and the orders in Government Memo.No.50577-44-1 Pub(Services) dated 30.10.44 will not apply to service under local bodies.

To
The Secretary to Government, Education and Public Health.

Ram.28/1.
12/11

Rules. Local bodies - Appointment and punishment of officers and servants - Direct recruitment to the L.T. & B.Ed. grade in secondary schools of trained graduates in lower grades - Amendments - confirmed.

Read again G. G. No 2318 Edn d 31-10-47.

From the D.P.I., R.N. 8304-G/47 d 21-1-1948.

Order No 746. Ednd 1. 4. 48. 10 pt 300

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The appended notifications will be published in the F.S.G. Gazette.

1
To be numbered
& returned
to Section 730281/47

307

2

And printed up
21/9/48

- To
- The D.P.I.
- " S.G. of Dt Board
- " Executive
- " Members of
- " Members (as the
- " Chairman.
- " Inspector of
- " H. & L. Local
- " Boards
- " Exam in staff
- " L. F. Arch
- " A. Dept
- " P. & S. S. S.

By
25/48
26/2/48

By
28-2-48
1.3.48

Appendix 10 pt AP 2
Notifications cup
I Jan 6
exercise of the powers conferred

1992(a)
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(Education)

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NOTIFICATIONS.

In exercise of the powers conferred by sections 70, 72 and 199 (2) (a) of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras has made the following amendments to the rules relating to the appointment of members to the Board of the Corporation of the City of Madras:

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PRESS SLIP.

ORDINARY.

PREFERENCE.

URGENT (a).

DEPARTMENT.

Current No., dated 193 ..

G.O. No. 746, dated 1946. 193 ..

(b)
 Number of MS. pages sent { Correspondence.....
 (b¹) Notes.....

Brief subject... *Rules - Local bodies - Appointment & furnish ment of officers and servants - Direct recruitment to L.T. & B.Ed. grade in secondary schools of trained graduates in lower grade - Amendments - confirmed.*

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[P.T.O.]

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NOTE.—3. An outsider shall be appointed to the L.T. or B.Ed. grade only when the vacancy cannot be filled by the appointment of qualified teachers already in service by the method prescribed in the above provisos.”

II

In exercise of the powers conferred by sections 73, 75 and 303 (2) (a) of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras hereby makes the following amendments to the rules relating to the appointment and punishment of officers and servants of municipal councils published with the late Local Self-Government Department Notification No. 935, dated the 18th August 1936, at pages 453-454 of Part I-A of the Fort St. George Gazette, dated the 1st September 1936, as subsequently amended.

AMENDMENT.

In rule 1 of the said rules, after the proviso to clause (g), the following provisos shall be added, namely:—

“Provided further that a trained graduate who is a probationer in the cadre of secondary grade teachers or teachers of special subjects or pandits in any of the secondary schools under the municipal council and a trained graduate who is a permanent teacher or an approved probationer or a probationer in any of the elementary schools under the municipal council shall be eligible for appointment by direct recruitment to the L.T. or B.Ed. grade in a secondary school, if such teacher—

- (1) satisfies the subject requirements of the L.T. or B.Ed. vacancies; and

(2) forfeits the service rendered previously in the lower grade in any of the secondary schools or elementary schools, under the municipal council, as the case may be.

Provided also that a trained graduate in an elementary school shall be so appointed only after a trained graduate working in the lower grade in any of the secondary schools under the municipal council has been appointed to the L.T. or B.Ed. grade.

NOTE.—1. A trained graduate already in the service of the municipal council who is appointed as a direct recruit to the L.T. or B.Ed. grade under the above provisos shall be liable to be discharged from service for want of a vacancy in the L.T. or B.Ed. grade just like an outsider recruited direct and will have no claim to revert to the appointment previously held by him when the vacancy in the L.T. or B.Ed. grade ceases.

NOTE.—2. No teacher in service in a lower grade shall be compelled to take up appointment in the L.T. or B.Ed. grade against his will.

NOTE.—3. An outsider shall be appointed to the L.T. or B.Ed. grade only when the vacancy cannot be filled by the appointment of qualified teachers already in service by the method prescribed in the above provisos.”

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Rules of Local bodies appointment and punishment of officers and servants - Appointment to L.T. or B.Ed. grade in Secondary Schools of trained graduates in lower grades - Amendments - Confirmation.

A draft amendment to the rules relating to the appointment and punishment of officers and servants of local bodies in regard to the appointment of trained graduates in lower grades to the L.T. or B.Ed. grade in secondary schools was published with G.O.No.2318 Edn., dated 31-10-1947. The six weeks time allowed for the receipt of objections and suggestions is over.

2. A suggestion has been received from a retired Headmaster to the effect that the probationers in the secondary schools and others in the Elementary schools may be allowed to claim to revert to their original posts on the cessation of the L.T. or B.Ed. vacancy ^{in which they were officiating}. Attention is invited to the remarks of the D.P.I. on the suggestion at p.3 c.f. The question was discussed in detail prior to the issue of G.O.No.2318 Edn., dated 31-10-47 and it was decided not to allow the direct recruits to the L.T. or B.Ed. vacancies to revert to their original posts.

Please see the notes and orders on pp.2-7 n.f. of (V)
3. Public (Ser.) Memo No.50577/44-1 dated 30-4-44 cited by the retired headmaster is not relevant to the present case as it relates to members of one service selected by direct recruitment to another service.

4. A draft order is submitted below for approval.

may be sent to LA for perusal and to Legal for perusal before circulation.

C & P H M
97302 B/47-2
Edn 23/10

A
2/3

AN
4/3



21.11.48

file previously while the draft of the amendments was published.

No special remarks seem called for in this Dept. The file may be passed on to legal Dept.

153.48
15/3/48

Hib. 208
27/3/48

Legal.

17/3/48

The draft notifications are in order
19/3/48

Law 8984-15
17/3/48

E.P.H.

3288

May be circulated to H.A. 200, for approval of the draft below.

20-3-48
H.M. 2/4 (G.M.)

TSA
26-3-48



21465

pu
8/4/48

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