

Bant P. H (1947) Department.

Ms. SERIES.

G.O. NO.

1305 Edw

Dated

29. 4-49

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p3uf

[Despatch Abstract.]

University - Madras - Election of
members to the Academic Council
by the teaching staff of Mahanagar
College, Ernakulam - ^{Objector} Election by Sri
P. S. Rayanathan - Issue of a
second ballot paper and counting of
votes after the scheduled time - Papers
recorded.

Back Papers.

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

Further Papers.

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



UNIVERSITY OF MADRAS.

UNIVERSITY BUILDINGS,
CHEPAUK,

No.

A 1803



Madras, 22nd March 1949.

From

22 MAR 1949

THE VICE-CHANCELLOR,
UNIVERSITY OF MADRAS.

To

The Private Secretary to His Excellency
the Governor of Madras and Chancellor
of the University of Madras,
Government House, Guindy, Madras.

Sir,

Sub: Election of two members to the Academic Council by
the teaching staff of Maharaja's College, Ernakulam
under Section 23 (a), class II(3) of the Madras
University Act - Objection Petition.

P. 137 of the Madras
University Calendar,
Vol I, Part I.

I have the honour to bring to the notice of His Excellency
the Chancellor an objection that has been raised in regard to
the election to the Academic Council of two members by the teaching
staff of Maharaja's College, Ernakulam, and I am therefore re-
ferring this objection under Section 2 of Chapter XIX of the
Laws of the University which reads as follows:-

P. 246 of the
Madras University
Calendar,
Vol I, Part I.

"If any question arises whether any person has been
duly elected as, or is entitled to be, a member
of any authority or body of the University, the
Vice-Chancellor shall refer it to the Chancellor
whose decision thereon shall be final."

2. In January 1949 the Principal, Maharaja's College,
Ernakulam, was informed that an election will have to be held
to elect two members to the Academic Council by the members of
the teaching staff of the College to fill two vacancies that will
arise by efflux of time on the 31st March 1949 and a programme of
dates for the election was sent to him. The Principal accepted
the programme for the election and after holding the election
communicated the result in his letter dated the 8th March 1949
(copy enclosed).

P3 wfr

3. Sri P.S. Mayuranathan, M.Sc., A.I.I.Sc., a member of the
teaching staff of the College who contested the election forwarded
an objection petition dated 11th March 1949 (copy enclosed) wherein
he has raised certain objections as to the validity of the

PP3-5 wfr

election. The Principal, Maharaja's College, Ernakulam, who is also the Returning Officer for this election, has communicated his observations in his letter dated 14th March 1949 (copy enclosed) on the objections raised by Sri P.S. Mayuranathan.

4. From the explanation contained in the report of the Principal on the objections raised by Sri P.S. Mayuranathan, it would appear that the election has been conducted in accordance with the Laws of the University and that no irregularity is noticeable. I am therefore of the opinion that the conduct of the election is in order.

I request you to obtain the orders of the Chancellor and communicate the same to me at an early date.

Yours faithfully,

Asudanai

VICE-CHANCELLOR.

ks

UNIVERSITY OF MADRAS

Copy of letter No.D.Dis.781/24 dated the 8th March 1949 from the Principal, Maharaja's College, Ernakulam to the Registrar, University of Madras.

Sub: Election of two members to the Academic Council.

Ref: Your letter No.A.169 dated 19-1-1949.

I have the honour to report that the election to the Academic Council was conducted in this College in strict accordance with the instructions contained in your above letter and the results of the election are given below for favour of your information.

	No. of Votes.
1. Sri P.S. Velayudhan, M.A.	41
2. Sri P.S. Mayuranathan, M.Sc.	26
3. Sri A. Raman, M.A.	26
4. Sri P. Achyuthan Pillai M.A.	23
5. Sri P.S. Easwara Iyer, M.A.	15
6. Sri K.S. Sivaramakrishna Iyer, B.Sc. (Hons.)	5

Serial Nos. 2 & 3 got equal votes and so lots were cast for them and Sri A. Raman was successful in the lot.

Sri P.S. Velayudhan M.A. Lecturer in History and Sri A. Raman M.A., Lecturer in Botany, have therefore been declared duly elected to the Academic Council.

Copy of letter dated 11th March 1949 from Sri P.S. Mayuranathan, M.Sc., A.I.I.Sc., Lecturer in Chemistry, Maharaja's College, Ernakulam.

Sub: Election to the academic Council from the Maharaja's College, Ernakulam.

In continuation of my letter of 8th March to the Vice-Chancellor and seeking information on certain points in connection with rules regarding election to the academic Council, I wish to hasten placing before you an official representation before I have had time to receive a reply from your office, as the Principal has notified the results of the election on the 9th instant and would have communicated to the University.

This letter I beg to submit for your kind consideration and request you withhold declaring the results of the election announced by the Principal till an enquiry is conducted by the University for the following reasons:

1. The Principal did not strictly observe the scheduled time for counting of votes and the actual counting was started only at about 6 P.M. This was necessitated, however, due to the visit of His Highness, the Maharaja of Cochin, to the College on that day. This is a matter for the University to waive if the Principal had informed the University sufficiently early and got their permission, as His Highness' visit was fixed days in advance. We were not informed of any such instruction from the University.

2. The following happened in the presence of ten members of the staff comprising of the candidates who stood for election and their representatives.

After counting of votes one of the standing candidates - Mr.P.S.Velayudhan enquired of the Principal as to whether he had issued any fresh ballot paper. The Principal informed us that one elector produced a spoilt ballot paper for which a fresh one was issued in exchange. I enquired whether it was marked already and in what manner it was spoilt. He informed me that it was marked and it was spoilt by spilling ink. I wanted to see the spoilt paper and the name of the elector to whom it was issued. He said he could not divulge the name of the elector and was reluctant to produce the ballot paper. I enquired further whether it was in order to issue ballot papers for returning already marked papers, however spoilt. He replied that he has even the discretion to issue fresh ballot papers when an elector without spoiling his paper and has it marked for two candidates changes his decision to alter it to any other candidate. Thus it can be seen that the Principal simply gave in exchange a fresh ballot paper to the elector who produced a spoilt paper, free to be ~~is~~ used in whatever ~~man~~ manner he (the elector) pleased. 4

The Principal says he is satisfied with the bonafides of the case. I had requested the Principal at the very beginning of the elections before the ballot papers were issued to be guarded against attempts to exchange papers and to inform us and show us the papers, if possible. Perhaps this request could not be complied with.

Why I narrate the whole incident is because, I understand the spoilt paper returned bears a mark for me. By giving another one, exchange I have reason to believe I have lost that vote. More about it on enquiry.

This has materially and vitally affected my winning the election because I lost it in a tie with Mr.A.Raman another standing candidate and the issue had to be decided by lots.

Yesterday I appealed to the Principal in writing to let me know the name of the elector to whom the fresh ballot paper was issued so that I could make a definite representation to the Vice-Chancellor officially, urgently. I waited for the whole day but was ~~not~~ not fortunate to get the condescending information. So I am constrained to make the representation incomplete.

If the Principal discloses the name of the elector I believe I can reveal more serious facts to the University on the manner in which the election to the academic council was conducted in the Maharaja's College, Ernakulam and I am confident I can convince the necessity for a re-election. When I can prove the most obvious after the Principal divulges the name of the elector I refrain from making any allegation at this stage in due respect to my Colleagues.

I appeal to you, sir, to investigate into the matter, conduct an enquiry and furnish me the information of the name of the elector that the Principal withholds, and save my honour and self-respect as a member of an academic body of a premier University and as an alumni, and teaching member of the staff of the Maharaja's College, Ernakulam, which Institution I too request I may be allowed to serve with equal opportunity as faithfully and maintain its prestige, nobly.

(Advance copy of the representation. A copy of this representation is being submitted today to the Principal, Maharaja's College, Ernakulam, to be forwarded to the University. I am sending this to avoid delay so that the results of this election may kindly be stayed).

UNIVERSITY OF MADRAS

Copy of letter No.A.1030/1124 dated 14th March 1949 from the Principal, Maharaja's College, Ernakulam.

In forwarding herewith ~~in~~ two representations from Sri P.S.Mayuranatha Ayyar, Lecturer in Chemistry and one of the candidates for election to the Academic Council, I have the honour to observe as follows:

1. The electors were all informed that due to His Highness the Maharaja's visit to the college on the 7th March afternoon, the counting of votes would be taken up at 5.15 p.m. or as soon as His Highness left the premises of the college. Actually His Highness left the college at about 5.45 p.m.

The ballot box had been removed to safe custody sharp at 4 p.m. and the counting of votes began at 5.50 p.m. and ended at about 6.30 p.m.

2. No one of the candidates or their representatives protested against this or any other item of procedure before or at the time of counting or after, on the same day. The present complaint is an after-thought.

3. This candidate himself asked me whether any fresh ballot paper was issued to any member of the staff, when the counting was going on. I informed him after the counting was over that one ballot paper was issued in place of a spoiled ballot paper which had been cancelled by me and kept with me. He was also informed in answer to his further query that as the matter was confidential the name of the member to whom a fresh ballot paper was issued could not be revealed. In spite of this he again wrote to me on the 10th March asking me to give the name of the elector to whom the fresh ballot paper was issued. A prompt reply was sent to him on the next day that it was not possible. He did not care to wait for this reply and sent in the meanwhile his representation on the 11th instant to the Vice-Chancellor.

4. He has made a further complaint in his representation of 13th March, that the ballot papers were not properly typed. This is again another after-thought.

5. I feel that some exchanges of ballot papers between candidates have taken place but there is no proof for the same. At any rate Mr.P.S.Mayuranatha Ayyar may be asked to substantiate his statement how he came to know that the spoilt ballot paper bore a mark for him.

6. In conclusion I have to observe that Mr.Mayuranatha Ayyar does not in his complaints question the actual votes secured by him but only whether the Principal had the discretion to issue a fresh ballot paper. I wish to inform you that I received a spoiled paper which would have made the paper invalid on two grounds, that it had 5 crosses instead of two and that they were not quite legible due to a spread-ink blot. The member who wanted the fresh ballot paper explained that his ballot paper had been spoiled by a huge blot of ink and as such the paper was useless. He then marked more votes than necessary to avoid detection of the preference exercised by him, even by the Principal. I was

P.T.O

~~satisfied~~

satisfied with his statement and so after cancelling the spoilt paper, I issued another. The spoilt paper is in the file with me.

I have only to add that all members including Mr.P.S. Mayuranatha Ayyar who were present at the counting of votes were quite satisfied with the procedure adopted and left without making any complaint, after the results were announced.

The present complaint of Mr.P.S.Mayuranatha Ayyar is only an after-thought, brought about by his keen disappointment.

Or Governor's Secretariat. *6 9*

U.O.Note

19549-1
24.3.49 235.5

Sub: University- Madras- Election of two members to the Academic Council by the teaching staff of Maharaja's College, Ernakulam under section 23(a), class II(3) of the Madras University Act- Objection petition by Sri P.S.Mayuranathan-

Ref: Letter No.A.180 dated 22nd March 1949 from the Vice-Chancellor, University of Madras-



The above letter with its enclosures may be sent to E&PH Department and they may be requested to examine the objections raised by the petitioner in consultation with the Legal Department and to circulate the file to His Excellency through H.M.(Edn).

P.Govindan Nair
P.S.G.
24-3-49

E&PH Dept u.o.

Forwarded/By order.

V. Subramanian
Superintendent
Governor's Secretariat.



GOVERNMENT HOUSE

Ootacamund,
24th April 1949.

From P. Govindan Nair Esq, ICS.,
Private Secretary to H.E. the Governor.

To The Vice-Chancellor,
University of Madras.

Sir,

University-Madras- Election of two members to the
Academic Council by the teaching staff of Mahara-
jah's College, Ernakulam under section 23(a),
Class II(3) of the Madras University Act-
Objection petition by Sri P.S. Mayuranathan-

Ref: Your letter No. A-1803 dated 22nd March 1949.

I am to say that H.E. the Chancellor has examined
the objection petition from Sri P.S. Mayuranathan regar-
ding the validity of the election of two members from
the teaching staff of the Maharaja's College, Cochin,
for filling up two vacancies in the Academic Council of
the Madras University held on 7th March 1949.

The first objection is that the returning officer
did not strictly observe the scheduled time for the
counting of votes. This is only a minor irregularity
which does not affect the result of the election and
cannot vitiate the election.

The second objection is that the returning officer
issued a ballot paper in exchange for one spoilt after
it was marked. This again does not seem to be a serious
objection. Statute 22 of Chapter XIX of the Laws of
the University appears to leave no discretion in the
matter to the returning officer. When once a declara-
tion

P.T.O.

is received by him to the effect that the original ballot paper supplied to the voter has been inadvertently spoilt, he has to issue a fresh ballot paper.

His Excellency considers that there are no reasonable grounds to order a re-election and he therefore declines to interfere. He would be grateful if you would communicate the reasons to Sri Mayuranathan.

Yours faithfully,

P. Govindan Nair

(P. Govindan Nair)
Private Secretary.

Copy to E&PH Dept for file.

(True copy)

W. Subramanian
Superintendent,
Governor's Secretariat.

E. & H. (G2)

University - Madras - Election of
two members to the Academic
Council by the teaching staff
of Maharaja's College, Ednakulam,
under section 23(a), class II (3)
of the Madras University Act -
Objection Petition by Sri P. S.
Mayuranathan, Lecturer in Chemistry.

From the Vice-Chancellor, University
of Madras, to the P. S. G., No. A. 1803
dt - 22/3/49.

Governor's Secy, No. No. 195/49-124-
24/3/49

May be sent to Legal for
remarks in the first instance.

28/3/49

Alt.

29-3-49

28-3-49

Legal
31/3/49

Legal Department.

Mr. Mayuranathan has taken two objections to
the validity of the election of two members from the
teaching staff of the Maharajah's College, Cochin,
for filling up two vacancies in the Academic Council
of the Madras University, held on 7/3/1949.

The first objection is that the returning officer
did not strictly observe the scheduled time for the
counting of votes. This is only an irregularity
which does not affect the result of the election
and cannot vitiate the election.

The second objection is that the returning
officer issued a ballot paper in exchange for one
spoilt after it was marked. This again does not seem



to be an objection which requires serious consideration. Statute 22 of Chapter XIX of the Laws of the University appears to leave no discretion in the matter to the returning officer. When once a declaration is received by him to the effect that the original ballot paper supplied to the voter has been inadvertently spoilt, he has to issue a fresh ballot paper. Attention is also invited to the following passage from Parker on Elections, Third Edition at page 318:

"If the voter inadvertently mark the ballot paper wrongly, i.e. if intending to ~~mark~~ it for A he mark it for B, he may treat his ballot paper as a spoilt ballot paper, and apply to the presiding officer for another. This he must of course do before he has deposited the ballot paper in the ballot box, for until then, but not afterwards, he is entitled to correct his mistake."

In the circumstances, it does not appear that any interference is called for.

5.4.49 I entirely agree. The petition may be rejected. K.R. 6/4/49
S.P.H. & P.H. (G2) Jagadw 04044/49-1
6/4/49.

Hm (Agri) & Hm (Edn) may see now. After the Hm's have seen, the file will be sent to P.S.S.

7.4.49 H.N. (Law) H.N. (Edn) 20/4
27374
JOINT SECRETARY TO GOVERNMENT
9 APR 1949
P. 9/4

CNO 23535/49

p. 254 of the University Calendar for 1948-49.

21.4.49 408
21/4

21/4

21/4

University - Madras
Election of ~~mem~~ mem. 20/4/49
bent to the Academic Council by the teaching staff of Maharajah's College, Echakulam.
Staff of Maharajah's College, Echakulam.
of the election
Petition by Sri P.S.
Mayanathan
a signed letter from the committee of
after the election time - Papers
Recorded.

The Case may now be sent to P.S.S. no.

20.4.49

P.S.S.

The V.C. is being informed accordingly. A copy of the letter to him has been added to this file.

23/4/49

P.P.H. no.

Ex H (G2)

Please see the no. of the Governor's Sect above. The papers may now be
Order/Ho 1305 Serial-29.4.49
Recorded

27/4/49

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1. *Andrena haemula* 1st to 3.4
2. *Andrena haemula* 1st to 3.4
3. *Andrena haemula* 1st to 3.4

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