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E. P. H. (1949) Department.

SERIES.

Close

By

G.O. NO. 1455 Edn.

(9)

Dated 9-5-49.

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149-154-17-11-48

[Despatch Abstract.]

Advanced Studies overseas - Cancellation of Scholar  
ships - Grant <sup>of compensation</sup> papers - Recorded.

# Back Papers.

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# Further Papers.

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P. Venkateswara Rao, <sup>Acknowledged 8-12-48</sup> M. SC. Station Vizagapatam,  
 Parameswara Vilas, Date 5-12-1948  
 New Road.

To  
 The Honble Sri O.P. Ramaswami Reddiar,  
 Premier,  
 Government of Madras.

Respected Sir,

Sub: Overseas Scholarship in Meteorology, 1947-48.

92462

I was awarded by the Govt. of Madras an Overseas Scholarship for advanced studies in Meteorology in August 1947. Pending the securing of a seat for me abroad, I made all the preparations necessary for leaving the country at short notice, as instructed. A seat was secured for me towards the close of October 1948. After all arrangements for proceeding abroad were completed by me at the instance of the Govt. of India and while on way, the Govt. of Madras cancelled my scholarship. This has been a very cruel blow to me. I believe that this cancellation is completely contrary to the terms of the award of the scholarship and of the bond executed by me, apart from the severe financial, mental and emotional strain

P.T.O.

- 2 -

it has meant for me. I beg to seek from you an opportunity to place the facts of my case personally before you.

May I request you to be very kindly informed if you could possibly spare some 10 to 15 minutes of your valuable time to hear my unhappy case, during your forthcoming visit to this town on the 10th instant? If that were possible, I beg to be informed as to when and where I could be granted an interview.

With my humble and respectful prayers,

I remain,  
Respected Sir,  
Yours obediently,

D. Rao  
5-12-48.

cf

piece

Co. 2910 ka  
16.11.48

A/49 cf

A/54 cf

A/6 cf

3. EPH  
ca

Advanced Studies Courses - 1947-8.  
Sri D. Venkateswara Rao.  
Representation against Cancellation  
of Scholarship.

From Sri D. Venkateswara Rao 5.12.48

H. P. is minute.

Secy Ex P.H. may see and  
offer his remarks.

O.P.R. / 5.12.48

Sri D. Venkateswara Rao was selected in 1947-8 as a Govt Sponsored Scholar for advanced studies in "Meteorology" and was intended for absorption in Industries (Govt & private enterprise) on return. At the time of his selection he was holding a temporary post of Professional Assistant in the India Meteorological Dept, Govt of India. On subsequent confirmation in that post he requested his Govt that he might be sent for overseas studies on study leave terms. As admission to a suitable institution could not be secured for him till then the Govt also asked his Govt what further steps should be taken about his admission. His Govt therefore reviewed the scholar's case and decided that he might be sent abroad only if his Govt wanted a candidate trained in "Meteorology" and had a suitable post in view for his employment on return. In the meantime a seat was secured for the scholar in the Imperial

4  
College of Science and Technology, U.K. And  
he was expected to join the institution  
by 10-11-48. But as there was no  
suitable post for his employment on return  
under this Govt, his scholarship was  
cancelled [after taking orders in circulation  
from H Ns (Edn) & (Ind)]

2. The Scholar now contends  
that the cancellation of the scholarship  
is completely contrary to the terms of the  
award of the bond scholarship and of the  
bond executed by him. Submitter has this  
point - was not specifically examined when  
the scholarship was cancelled. The terms of  
award or the bond do not specifically  
refer to cancellation of scholarship if there  
is no prospect of the scholar's employment  
under Govt on return. This question did  
not arise then as no difficulty was  
anticipated in regard to the absorption  
of returned scholars. Conditions have, however,  
changed. Some of the returned scholars cannot  
be provided with suitable employment  
According to the terms of the bond with the  
result that the Govt do not get the  
benefit of the money spent on them. It  
seems that the award of scholarship  
is provisional until the scholar is actually  
offered a passage and he sails for overseas.  
It seems also that the bond becomes  
effective only then. In the present case  
the scholar was not offered passage actually  
and he did not leave India. It would  
therefore appear that it is open to cancel  
the scholarship any time before the scholar

A/6848

✓ A/9 H.F

C.F

(X)

Further the  
general right  
to cancel the  
scholarship  
in the light of  
the change of  
circumstances  
should be  
taken as  
'reserved'

leaves India.

3. The Govt have cancelled  
his other scholarships on the ground  
that the services of those scholars will  
not be required by them on return. The  
case of others who have not yet left  
for overseas are being reviewed. As  
an objection has been raised, legal  
may perhaps be requested to advise  
whether cancellation is in order.

Edn no 92462/48-1

20.12.48

XX  
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10/3  
29.12.48

DM  
29/12/48 S by  
Baker

#### LEGAL DEPARTMENT

The question now at issue is whether the action of  
the Govt. of Madras in cancelling the overseas scholar-  
ship granted to Sri D.V. Rao is legally in order and in  
accordance with the terms and conditions of award or  
the bond. When once Sri D.V. Rao had accepted the Govt's  
offer of a scholarship, there would appear to be a  
concluded contract as between the Govt. and the scholar  
and the subsequent cancellation thereof by the Govt.  
would amount to a breach of contract. The selection is  
said to be provisional and subject to the conditions  
that (i) admission can be secured into a suitable  
institution abroad (ii) a passage to the country of  
study is available and (iii) the candidate passes the  
medical test. The cancellation is not on any of these  
grounds but on the ground that no suitable post can be  
found for the candidate on his return. The terms and  
conditions of the award or the bond (see pages 1-12 of  
(X)) do not provide for the cancellation of scholarship  
by the Govt. if there is no prospect of the scholar's  
employment under the Govt. on return. Nor is there any  
condition in the terms of the award or of the bond reserving  
the power to Govt. to cancel the grant of scholarships

if at any time or for any reason they desire to do so.  
In the circumstances it does not appear legally  
justifiable to cancel the scholarship.

Please see the notes above.  
Legal Dept consider that the cancellation  
of scholarship is not legally justifiable  
as it amounts to a breach of  
contract by Govt.

The Govt have, however,  
acquiesced in the cancellation of the scholarship  
by this part of the order on the ground of the impossibility  
of securing employment on his return from abroad.  
Perhaps the position may be explained  
to the Govt and their advice sought.  
For Cordus. Before doing so, an authoritative  
ruling may be sought for from the Adv General  
Dept. may see before circulation

I suppose there have been a few more cases of  
this kind where we have, similarly, cancelled the scholar-  
ships. When we know full well that we will not be  
able to provide for these scholars on their return after  
study overseas, it is obviously quite wasteful to  
send them abroad on the ground that there is doubt  
about our legal competence to cancel these scholarships.

2. If our right to cancel is doubtful, is the only  
alternative sending them abroad as originally arranged.

In other words, is there an alternative method of assess-  
ing damages, for them for any such cost we have to  
pay on cancellation of his scholarships? If the amount  
so payable is much less than the cost of the scholarships  
it would be better to adopt that method.

Legal U.O. No 3/49-1

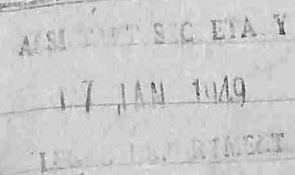


3. But would any damages be legally liable at all.  
Please see 'N' at flag (X). If this had been communicated  
to all the candidates in question, they would not have  
really sustained any loss in respect of which they can  
ask Govt. to indemnify. Please see also 'P' at (X).  
With these two, or a corresponding provision, had been  
stipulated in the case of these candidates, would we not  
be entitled to take up the position that since no places  
were secured during their academic session, our liability  
under the offer of scholarship which is made, would no  
longer subsist. There is also the question whether,  
seeing that the offer we made was not in view of any  
consideration, there would be an enforceable contract.

5. Legal may see again with reference to these points.

Legal Department

Paragraph 2 of E. & P.H. Secretary's note on page 4 ante:  
It is not obligatory on the part of the Govt. to send these  
scholars abroad as originally arranged. They may be left  
to pursue such legal remedies as are open to them. At best  
Govt. will be liable to pay damages for breach of contract.  
The quantum of damages will depend on the circumstances of  
each and on the loss or damage caused to the candidate and  
naturally flowing as a consequence of the cancellation of  
the award but in any event, it is not likely to exceed the  
cost which the candidate would incur to proceed overseas  
and undergo the course on his own account. The general  
principle followed in the matter of assessment of damages  
is that the party complaining should so far as it can be  
done be placed in the same position as he would have been  
in, if the contract had been performed and in arriving at  
the measure of damages, due consideration should be given  
for any means which the party complaining had of mitigating  
his loss, as for instance, the offer of a scholarship from



another body. The scholarships having already been cancelled, it may perhaps be left to the candidates to make the next move to assert their rights.

Paragraph 3 of the E.& P.H. Secretary's note at page 5 ante: N on page 3 of (x) refers to delay caused in securing admission and passage and does not appear to cover a case of cancellation on grounds other than those set out at M on page 3 of (X). P on page 3 of (X) could have been availed of in this case but the Govt. themselves consented to the seat being secured for 1948-49 (Vide pp.40 and 47 c.f. of (A)).

Paragraph 4 of the E.& P.H. Secretary's note at page 5 ante: The fact that the scholars have undertaken to serve the Govt. for a minimum period of five years on their return is sufficient to bring into being a concluded contract.

Please see the notes & legal Dy. Secy. with reference to the Secy's note on p. 4.5 ante. He still thinks that when the scholar had accepted the scholarship undertaking to serve the Govt. for a minimum period of five years on their return, it is a concluded contract. It is also observed that the quantum of damages which the Govt. may have to pay, ~~at~~ at any rate is not likely to exceed the cost which the candidate would incur to proceed overseas and undergo the course on his own account. Perhaps the course program at X above may be accepted. After over on period on the above, a summarising note will be prepared for circulation.

A/49cf.

A/54cf.

A/6 nf.

1-68 c/(A)

72 cf.

A/95 cf.

(B)

pp 1- 3cf.

(X)

# SUMMARISING NOTE

Sri D. Venkateswara Rao was selected in 1947-48 as a Govt. sponsored scholar for advanced studies in "Meteorology" and was intended for absorption in Industries (Govt. and private enterprise) on return. At the time of his selection he was holding a temporary post of Professional Assistant in the India Meteorological Deptt., Govt. of India. On subsequent confirmation in that post, he requested this Govt. that he might be sent for Overseas studies on study leave terms. As admission to a suitable institution could not be secured for him till then, the Govt. of India also asked this Govt. what further steps should be taken about his admission. This Govt., therefore, reviewed the scholar's case and decided that he might be sent abroad only if this Govt. wanted a candidate trained in "Meteorology" and had a suitable post in view for his employment on return. In the meantime, a seat was secured for the scholar in the Imperial College of Science and Technology, U.K. and he was expected to join the institution by 10-11-1948. But as there was no suitable post for his employment on return under this Government, his scholarship was cancelled. The Govt. of India ~~which~~ was informed of this, acquiesced in the cancellation of the scholarship.

2. The scholar has now contended that the cancellation of the scholarship is completely contrary to the terms of the award of scholarship and the bond executed by him. There is, however, no specific provision in the bond for enabling Government to cancel the scholarship before it was availed of, on the ground of difficulty to find the scholar suitable employment on return. This question did not arise at the time of institution of these Overseas scholarships as ~~there~~ no difficulty was contemplated in regard to the absorption of returned scholars. But conditions have changed; some of the scholars cannot be provided with suitable employment on return from studies

overseas. It has therefore been considered that no useful purpose will be served by spending Provincial finances on the scholars if their services cannot be utilised by Govt. on their return. It has also been noted that it is obviously quite wasteful to send them abroad merely on the ground that there is ~~no~~ doubt about Govt.'s Legal competence to cancel these scholarships."

3. The Legal Department has been consulted as to whether the cancellation of the scholarship is legally in order and in accordance with the terms and conditions of award or the bond. That department's views are on pp 3-4 and 5-6 ante. The Legal <sup>dept</sup> have pointed out that the terms and conditions of award or the bond do not provide for the cancellation of scholarships if there is no prospect of the ~~of the~~ scholar's employment under Government on <sup>return</sup> ~~reiteration~~. They also state that the fact that the scholar has undertaken to serve the Govt. for the minimum of 5 years on his return according to the bond, is sufficient to bring into being a concluded contract. They further point out, that it is not obligatory on the part of Govt. to send the scholar abroad as originally arranged, that he may be left to pursue such legal remedies as are open to him, that at best Govt. will be liable to pay damages for breach of contract, that the quantum of damages will depend on the circumstances of the case and that in any event, it is not likely to exceed the cost which the candidate would incur to proceed overseas and undergo the course on his own account. In conclusion, they are of the view that the scholarship ~~having~~ already been cancelled, it may be left to the candidate to take the next move to assert his right.

4/. This department have agreed with the views of Legal and they consider that the result of the action <sup>may be awaited,</sup> if any taken by the candidate. ~~It~~ may be noted in this connection that the Govt. have till now cancelled the scholarships of five others for the same reason namely difficulty to find employment on their return.

The file may be circulated to H.M. (Agr.)  
H.M. (Edn.), H.M. (2nd), H.M. (Fin.) and H.Pr.

It is necessary to check up the number of candidates that have not yet been sent overseas and whose scholarships have not been cancelled. It is obviously unfair to tell them that they will not be sent, after all preparations have been made and money has been expended by the scholars. It is best that we immediately review the whole thing and give intimation to such of those scholars whom we do not propose to send overseas.

Regarding the question of legal liability, it is quite right that the candidates must be left to pursue their rights in a court of law. But there is a moral obligation on the part of the Government, which I consider is of greater importance and I feel that it is better that we provide suitable employment to such of those people whose scholarships are cancelled, if they are not <sup>already</sup> employed in Government service. It would also be fair, if we can offer them compensation for the expenses that they would have incurred for their dress and equipment. I believe, so far as I know, that we have cancelled scholarships in two cases just on the day or a day before the ~~the~~ candidates had to leave the country and the candidates had already booked their passage and also provided themselves with the necessary



equipment. Merely standing on our legal right alone, I think, is not quite equitable.

H.M. Industries & Labour.

Review the cases and intimate them <sup>early</sup> that we will not send them overseas. In this case let us write

G.P.R.  
11/2

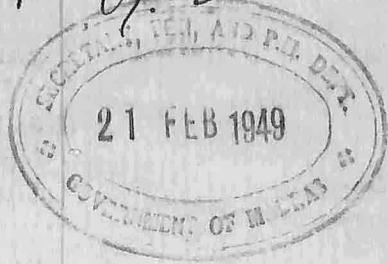
The file may be circulated to H.M. (Agr) and H.M. (Ind) for perusal of the minutes of H.M. (Ind) and H.M. (Agr) and to H.M. (Ind) and H.M. (Agr) for perusal of the minutes of H.M. (Ind).

11/2/49

*[Signatures]*  
11/2

TSA  
16.2.49

18/2



Please see the minutes of H.M. (Ind) and H.M. (Agr) and the minutes of H.M. (Ind) and H.M. (Agr) separately.

Please see the orders in circulation from p 9 ante. Of the scholars selected during the yrs from 1945-'6, only 7 did not proceed abroad for studies.

Got not put up

p 10 ante  
p 9 ante

They are:  
Names of Scholars

Order of Cancellation of Scholarship

- |                         |                              |
|-------------------------|------------------------------|
| (1) Y. Sreeramulu       | Gr 3261 Edn 20.12.48         |
| (2) D. Venkateswara Rao | Gr 2910 Edn 18.11.48         |
| (3) S. N. Jayanti       | Gr 3300 Edn 28.12.48         |
| (4) V. S. Ramachandran  | Gr 19 Edn 4.1.49             |
| (5) T. V. Sankumaran    | Gr 34 Edn 4.2.49             |
| (6) C. Granesamurti     | Lettr 88913 C. 1/48 30.12.48 |
| (7) Md Ali Khan Ghorri  |                              |

The scholarships of the first 6 have been cancelled in the orders noted against their names and the scholars have been informed of the cancellation. The case of No 7 is <sup>under consideration separately.</sup> A further review of these cases does not seem to be necessary in view of H. P's minute that the scholars will not be sent abroad. With ref to the minute of H.M. (Ind), it is submitted that it is now open to the scholars to claim any compensation from Govt for loss suffered by them due to cancellation of scholarships. It is also open to them to apply to Govt for suitable jobs. Sri Y. Sreeramulu (item 1 above) has submitted an application for a post and it is under consideration separately. Sri D. Venkateswara Rao (item 2) is already a permanent employee of the Govt in the Meteorological Dept and he may now be expected to go back to his permanent post. Sri S. N. Jayanti (item 3) is already employed in the H.S.M. Rly. Sri V. S. Ramachandran (item 4) is temporarily employed in the Agricultural Dept. Sri T. V.

Sukumaran (item 5) is at present unemployed. He is qualified in 'Printing Technology' and may be suitable only for the Govt Press.

Sri C. Gracesamurti (item 6) is already employed in the Edu Dept as D.E.O. Mr. Md Ali Khan (item 7) is now temporarily employed as lecturer in a private college. The Govt have already considered his suitability for employment as Senior Chemist in the Institute of Leather Chemistry, Washermanpet, but he is not qualified for that post as he lacks research experience. It is however, for ~~consideration~~ <sup>it is the intention that</sup> whether, with ref to the minute of H.C. (Ind), these scholars should be informed that they will be compensated by Govt for any loss to them on account of cancellation of scholarships and that the Govt will consider providing them with suitable employment if they are not already employed under them. As such a communication is likely to result in bogus claims for compensation being put forward, it is for consideration whether it may be left to the scholars to make the next move in respect of compensation and employment.

for Ordus.

(Z)

13/49

2/3/49

I admit it would not be efficient to invite claims for compensation; it may be left to the scholars to put in their claims where they feel they are justified.

As to appointments, where there has been an actual loss of employment, or a prospect of employment, in consequence of the selection & subsequent cancellation, that is best dealt with as an item of compensation. In other respects there would, I submit, be no loss for



OS/2/3/3

Op 11 ante

Advanced Studies overseas -  
Cancellation of scholarships - Grant of compensation - papers - Recorded.

giving him appointments merely because they were not sent abroad through selection - & then would be no justification, particularly for velocity in usual practice & rules of recruitment (including consultation with the Commission) applicable to the type of appointments which can be considered suitable for them. Their cases can be considered only for appointments which do not involve such velocity - & it would be sufficient I submit, if ~~those who have no employment now are~~ <sup>those who are</sup> considered in the Heads of Dept. interested in the relative merits for consideration wherever suitable occasions arise.

3/3/48  
5/3

15/4  
6:30

16/7

8/31

1/4/49 (Afr.)  
1/4/49 (Sri.)  
1/4/49 (Sri.)  
1/4/49 (Sri.)  
1/4/49 (Sri.)

no further action seems called for. Each ~~and every one~~ of the seven scholars' cases may be examined individually if and when they <sup>put in</sup> claims for compensation or employment. The papers may now be recorded.

3/5/49, 5.5.49

G.O. 1455 Q. 9-5-49

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