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(194₉) Department.

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G.O. NO. Ms. 1487, EDUCATION.

Dated THE 11th May 1949.

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pp 1-64 - Com to H.A. 1972

[Despatch Abstract.]

EXAMINATIONS - Public - Misbehaviour on the part of examiners - enquiries - procedure - orders passed.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	728	Ednc.	15-3-1949.				

Further Papers.

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

Subject:

Examinations - Government Technical - October 1948 - Shorthand (Higher Grade) Madras - Dictation - Complaint.

R.C.No.315-D/48.

Station:- Madras.

Dated 12th April 1949.

From (Name):- Sri P. Bhadrish, M.A., L.T.

(Designation):- Commissioner for Government Examinations, Madras.

To

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

Sir,

Reference:- G.O.Ms.No.728 Education, dated 15-3-1949.

1- With reference to the Government Order quoted above, I have the honour to submit that in connection with all the Government Examinations, the following instruction is issued regarding the behaviour of candidates in the examination halls and towards the supervising staff:-

"Any candidate who does not behave towards the Chief and Assistant Superintendents of the examinations or is suspected of having had recourse to malpractice of any kind in connection with the examination or whose answer papers contain objectionable matter, is liable to have his examination invalidated and also to be debarred from appearing again for any of the examinations under the control of the Commissioner for such term of years as the Commissioner may think fit; or, if the Commissioner is not satisfied for any reason whatever as to the trustworthiness of his results, he may be required to undergo a re-examination at some future date to be fixed by the Commissioner in any one or more of the subjects of the examination for which he appeared, his success or failure being determined on the results of such re-examination."

2 This is in vogue all these years and it had not been proved or pointed out that the above provisions are defective in dealing with cases of malpractice during the examinations.

3 Immediately, a candidate is found guilty of any malpractice or gross mis-behaviour during the examination, an enquiry on the spot is conducted by the Chief Superintendent in the presence of the Assistant Superintendents and Departmental Officers, explanation is taken of the offender and reports are sent by the Chief Superintendents (who are the Enquiring Officers) to this office, though the system of framing charges, conducting an enquiry, examining and cross examining witnesses as in the case of Public Servants are not contemplated in the standing instructions. The enquiry records are usually sent to the malpractice Sub-Committees or the Chairman of the Board of Examiners concerned and their recommendations are given effect to, subject to the final decision of the Commissioner for Government Examinations. It is understood that similar practice is in vogue in connection with the examinations of the University of Madras and the Madras Public Service Commission.

p.t.o.

Generally the punishment inflicted is only cancelling the results of the examination and debarring a candidate from appearing for the examination for a specific period. Very rarely a candidate is permanently debarred. Similarly, in this case also, the candidate was debarred for a term of five years.

5 So far as behaviour of Examinees in an Examination hall is concerned, it is submitted that it will be too much to observe all the formalities of conducting an enquiry on a scale followed in such cases as tampering, or falsification of records, misappropriation, corruption etc., in which Public Servants get involved. As the number of candidates involved in such malpractices and misbehaviour cases is now mounting to such a high figure as nearly 200 to 250 annually from all over the Presidency, and as these cases have to be disposed of as expeditiously as possible with a view to announce their results quickly, it will neither be feasible nor practicable in such instances to observe the routine procedure followed in cases mentioned supra which will entail great delay. Further, insistence on Judicial enquiry in the case of copying or misbehaviour during public examinations will involve the constitution of a tribunal, payment of Travelling Allowance etc., to the members of the tribunal, the accused and the witnesses when they are summoned for enquiry.

6 In the circumstances, I request that the Government may be pleased to permit me to follow the usual practice in dealing with malpractice and misbehaviour cases.

P. Mangarajulu
12.4.49
for COMMISSIONER.

M.T./12.4.49.

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Examinations - Public - misbehaviour on the part of examinees - enquiries - procedure - order passed.

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Read again

G.O. 728 Edn dated 15.3.49

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from the C. G. E. R. C. 315-D. 48 - D. 12.4.49.

Order - 1487 Ld. d/11.5.49

The Govt., on further consideration in view of the reasons urged by the Commission in this

C.No.29087/G2/49 EXAMINATIONS - Commissioner for Govt. Examns. - Debarring candidates - Procedure of.

From the C.G.E., Rc.No. 315-D/48 dated 12-4-49.

The C.G.E.'s letter in the c.f. relates to the procedure to be adopted in dealing with cases of misbehaviour on the part of examinees, in ~~the course of~~ ^{connection with} Govt. examinations and it has arisen from the orders contained in G.O. No. 728 Edn., dated the 15th March 1949. The former Secretary noted that before taking punitive action in respect of the misconduct of a candidate in the course of Govt. Examinations, the principle followed in disciplinary enquiries as under the Statutory Rules, should be followed, that is, an opportunity should be given to the person charged to cross-examine witnesses on whose testimony action is taken against him and to adduce evidence in his own defence. Instructions were accordingly issued in the G.O. at (B).

2. The C.G.E. has ^{now} written to Govt. bringing to notice the present instructions under which cases of bad behaviour connection with examinations are dealt with, & it has observed that their instructions have not been found to be defective these years in dealing with cases of misbehaviour. He explains that action which ^{is} normally ~~is~~ either cancellation of examination result or debarring the candidate for a period of years, is usually taken after an enquiry is conducted by the Chief Supdt. He suggests that it is too much to observe all the formalities of a judicial enquiry in cases of this kind.

3. In view of the explanation offered by the C.G.E., and also in view of what is stated at ~~X~~ ^{amp 2 y}, it is for consideration whether the present procedure may be allowed to be followed, the Commr. being informed that final action in these cases should be taken only after a thorough enquiry.

We may agree that the procedure of making an enquiry on the spot may be allowed to continue subject to the condition that the delinquent is given an opportunity to

practises and misbehaviour
figure as nearly 200 to 250 annually

Letter cited above, agree with him that in cases of misbehaviour on the part of examinees, in connection with public examinations, the procedure already followed, of making an enquiry on the spot may continue to be followed in future, subject to the condition that the delinquent in every case is given an opportunity to give his explanation which should be recorded, unless it is tendered in writing.

2. The instructions contained in para 2 of G.O. 728 Edn dated the 15th March 1949 are hereby cancelled.

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To the Secy

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S H.M. (E.H.)

ve his explanation which may be recorded unless it is
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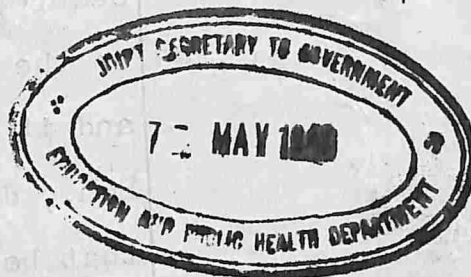
H.M. (Edn)

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the draft ^{order} below is for
approval.

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and also in view of what is stated in order No.

24/4/49