

Σ & P. H (1949) Department.

MS SERIES.

G.O. NO. 1689 Edu

Dated 24-5-49

36

[Despatch Abstract.]

Appeal - Ml. cl. Dindigul - Sri. S.

Thillainayagam Pillai - Appeal against
the appointment of a junior as Headmaster
in leave vacancy - Allowed.

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

S. Tillanayakam, B.A.L.T.,

First Assistant,

M.H.School, Dindigul.

To The Seceretary, (Edu. and Pub Health)

Government of Madras, Madras.

Through The Director of Public Instruction,

Madras.



Honoured Sir,

Ref:- Appeal dated 1-7-48. against the orders of the Municipal Commissioner, Dindigul appointing a junior as Head Master, Municipal High School, overlooking my claims.

I respectfully submit that I appealed to your honour on 1.7.48. against the orders of the commissioner, Dindigul Municipality, praying that my claims for the post of Head Master in the leave vacancy may be duly considered. Subsequently, to save delay, copies of appeal were sent to the D.E.O, Madura and the Divisional Inspector of schools Madura Circle. This was on 2.8.48.

I am at a loss to know at this distant date if my appeal has been submitted by the commissioner. It is most humbly prayed that the matter may be looked into at your Honours earliest convenience and justice rendered.

Further I beg leave to add the following facts for Your Honours Kind consideration Viz. the inspection report of the M.H. School Dindigul for 1940-41 and the review of the same by the Div. Inspector of schools, Madura, particularly relating to English results of the public examination, in 1941. As a consequence, a few of the members of the staff were called upon by the then Commissioner, Dindigul Municipality, early 1942, why their increments should not be held over and their pay reduced by Rs. 5/- One of the staff in question was the present appointee who handled second paper that year for the S.S.L.C. class when the school average went down by 3 or 4 marks below the presidency average. Prior to it since 1938 up to now, except 1940-41 I have been doing English second paper for VI Form

Foram

Again, I gather there have been complaints against the present appointee of holding private tuitions and undue partiality etc, the latest being at the time of the last annual examination (April 1948) when the permanent Head Master was required by the Commissioner to scrutinise the answer papers valued by Br. Thirumalsamy.

And yet In June last, the same commissioner in the appointment committee selected him for the post of Head Master, overlooking my rightful claims. And I may not be charged with the undue severity if I complain that this is unfair favouritism and amounts to putting a premium on unsatisfactory work.

And so, it is most humbly prayed that the benign Government might be pleased to consider my fair and just claims and render me justice by safeguarding my present and future claims for the Head Master ship for which act of kindness and charity I shall feel ever grateful.

Dindigul,
15-9-48.

11 Copy to the D.P.D.
Madras.

I beg To Remain Sir
Honoured Sir,
Your Honour's Obedient Servant
S. Manoj Kumar 20.9.48.

David P. H. (83)

The ~~petition~~ original application
sent through the proper channel may
be awaited till 15-10-48.

lh
23.5.48

lh
24.9.48

70553/83/48

29
23.12
plef

Edu. Appeal by Sri. S. Tillanayagam B.A.L.T.
First Inst. M.H. School. Pindigul - against
the order of Mr. Commr. appointing
a junior as Headmaster.

From Sri. S. Tillanayagam B.A.L.T. M. High School
Pindigul d. 15.9.48.

Memo. No. 70553/83/48-1 Edu. d. 23/12/48
The P.O. is requested to
forward with his remarks, the
appeal ~~petition~~ cited above, the
original of which is stated to have
been sent this line.

To. The P.O.

lh
21.12.48

lh
21.12.48

lh
21.12.48

R.C.NO.8-G.1/49

Office of the
Director of Public Instruction,
Madras, Dated 17-1-1949.

From

The Director of Public Instruction, Madras.

To

The Commissioner, Municipal Council, Dindigul

Sir,

Sub: Municipal Council, Dindigul - Sri S. Tillanayagam -
Appeal against the appointment of Headmaster - Municipal
High School

Ref: From Sri S. Tillanayagam dated 15-9-48

Kindly forward the original of the above appeal
petition with your remarks as Government have called for
the papers with Director's remarks urgently.

Yours faithfully,

Thiruvananthapuram

for Director of Public Instruction.

Copy ~~in~~ submitted to Secretary to Government, Education and
Public Health Department with ref. to Govt. Memo.
No.70553-G.3/48-1 Edn dated 23-12-48.

RVR 18/1/-

Please see the interim reply above.
This may be over till 26.2.49

22/1/49

From:
S.Thillanayagam B.A.L.T.,
First Assistant,
Municipal High School, Dindigul.

To
The Secretary,
Edu & Pub Health,
Government Of Madras,
Madras.

Through, The Director Of Public Instruction,
Madras.

20953 Through, The Commissioner,
Municipal Council, Dindigul.

Sir,

In continuation of my appeal to the government on 2-7-48,
I beg leave to place the following facts to your kind and
sympathetic consideration and pray that justice be rendered.

I preferred my appeal in July 1948 against the orders of the
Appointment committee which overlooked my fair claims. The matter
is pending disposal with the government. In the meanwhile the
government have issued G.O.No.3129, Education dated 9th Dec 1948,
to put an end to the misuse of 1942 G.O. by local Bords and
councils. This, I beg to submit, puts a distinctly favourable
complexion to my exceptionally hard case.

I pray a liberal interpretation of the 1942 rules may be
made, in view of the following exceptional causes. The appellant
is the senior most assistant with twenty years of clean record
of service to his credit. He also belongs to a backward commu-
nity, ~~and~~ represented in Local Board or Municipal service as
Head-Master of an high school. And also he has no other chance
of getting the headmastership, as there is but one high school
run by this Municipality.

The general rule is, where merit and qualification are the
same, seniority counts. I gather that my name has been for a
number of years in the panel of headmasters and one whose name
must have been included only recently- for his total service to
date is barely ten years- should be selected without considering
my ~~claims~~ claims, is not in accordance with the principles of
fair play and justice.

So I pray that these facts may weigh with the government
and that I may be given a fair and open chance in the field,
so that selection may be made in the next event of vacancy, on

pure merit, or pass such orders as may be deemed fit under the circumstances which would ensure and safe-guard my claims and interests in future.

I beg to remain
Sir
Your most obedient servant,

Dindigul.
16th March 1949.

K. K. K.
16/3/1949.

Original sent through proper channel.

From:
S. Thiruvalluvar B.A.L.T.,
First Assistant,
Municipal High School, Dindigul.

To:
The Secretary,
Rdu & Pub Health,
Government Of Madras,
Madras.

Through, The Director Of Public Instruction,
Madras.

Through, The Commissioner,
Municipal Council, Dindigul.

Sir,

In continuation of my appeal to the Government on 2-7-48, I beg leave to place the following facts to your kind and sympathetic consideration and pray that justice be rendered.

I preferred my appeal in July 1948 against the orders of the Appointment Committee which overlooked my fair claims. The matter is pending disposal with the Government. In the meanwhile the Government have issued G.O.No.3129, Dindigul dated 25th Dec 1948, to put an end to the misuse of 1942 G.O. by Local Boards and committees. This, I beg to submit, puts a distinctly favourable complexion to my exceptionally hard case.

I pray a liberal interpretation of the 1942 rules may be made, in view of the following exceptional causes. The appellant is the senior most assistant with twenty years of clean record of service to his credit. He also belongs to a backward community, and represented in Local Board or Municipal service as Head-Master of an high school. And also he has no other chance of getting the headmastership, as there is but one high school run by this Municipality.

The general rule is, where merit and qualification are the same, seniority counts. I gather that my name has been for a number of years in the panel of headmasters and one whose name must have been included only recently for his total service to date is barely ten years - should be selected without considering my claims, is not in accordance with the principles of fair play and justice.

So I pray that these facts may weigh with the Government and that I may be given a fair and open chance in the field, so that selection may be made in the next event of vacancy, on

pure merit, or pass such orders as may be deemed fit under the circumstances which would ensure and safeguard my claims and interests in future.

I beg to remain
Sir
Your most obedient servant

K. S. S. S.
18/3/48

Dindigul.
18th March 1948.

Copy of letter to be sent to the Director of Public Instruction, Madras.

From



S. Tillanayagam B.A., L.T.,
First Assistant,
Municipal High School, D i n d i g u l.

The Secretary,
Education and Public Health,
Government of Madras, M a d r a s.

Through:

The Head Master,
Municipal High School, D i n d i g u l.

Through:

The Commissioner, C o u n c i l
Municipal High School, D i n d i g u l.

Through:

The Director of Public Instruction,
Government of Madras, M a d r a s.

Sir,

I beg leave to prefer this appeal against the orders of the Commissioner, Dindigul Municipality, in his a junior to me re: both in service and Pay R.O.C.No.6938/48-B2 appointing Mr.Tirumalswamy B.A.L.T.,/as Head Master in the leave vacancy of Mr. P. Chencuram M.A.L.T., overlooking my claims and without consulting the D.E.O., or the Divisional Inspector, Madura or obtaining their approval subsequently (Vide Enc. No.1).

2. I entered service in this Municipality in 1928 and have been since working without interruption till this day. I have been discharging the duties entrusted to my care to the entire satisfaction of my superiors, the Head Master, the Commissioner and the inspectorate. So far, to the best of my knowledge, there has been no adverse remarks from any quarter and my record of work has been clean and unblemished. My Service book will bear out these facts.

3. My total service in this Municipality is about 20 years and in the L.T. Unit alone about 15 years. And I draw at present a substantive salary of Rs.125/- as against Rs.105/- drawn by Mr. Tirumalswamy who is junior to me by about 10 years in service.

4. During the last about 10 years, I have been taking among other subjects, English Grammar and Composition and Non-detailed for the S.S.L.C. Class, the highest form in a High School and perhaps the most responsible work entailing ~~hard~~ ardour, Zeal and toil. The results in the Public Examinations, as the following statement of marks will show have been uniformly good and mark a decided improvement on the School average

in the subject prior to 1938 which ranged between ^{as follows.}

SAV	23%	26%	28%	28%	37%	27%	28%
PAV	32%	33%	33%	33%	35%	33%	34%

Subjects.	Year.	School Average.	Presidency Average.
English.	1938	38%	38%
"	1939	37%	39%
"	1940	37%	35%
"	1942	36%	36%
"	1943	41%	37%
"	1944	43% ✓	38% ✓
"	1945	40% ✓	39% ✓
"	1946	38% ✓	37% ✓
"	1947	36% ✓	39% ✓
"	1948	Incomplete, as some	

of the S.S.L.C. books of the examinees have not been sent to the Commissioner for Public Examinations. The School average vis a vis the Presidency Average is generally the visible tangible standard to judge the teaching efficiency of a Teacher and by this test it will be found my work has been consistently loyal, conscientious and unstinted.

THOUGH

5. Since this is only a leave vacancy of four months, I feel the more aggrieved that my claims should have been overlooked ~~in preference to those of Mr. Xunakar.~~ In all fairness I should have been given the opportunity to act and be tried as a probationer till such time as the Permanent Head Master Chooses to resume duty, even as I have been allowed to be in charge all these Years when the permanent Head Master went on short leaves. Further, I beg to submit that the undue haste with which the -- modified leave application of the permanent Head Master was -- disposed of and Mr. M.Tirumalswamy, a junior to me in point of service, has been put in his stead, overlooking my rightful -- claims, evidently constitute a permanent and future bar and ~~an~~ an impediment to my aspiring for the Head Mastership till my retirement a few years hence. And Mr. P.Chenchuram is to retire

retire in about a year and a half.

6. At a stroke, my whole future career in the service of this Municipality is blasted, particularly so, as there is but one High School under this Municipal Council. If it were a District Board, there would be several High Schools and various chances of vacancies. I can hardly reconcile myself to the present woeful lot. I have but 7 years of service as I am at present 48 years old. Even this has not weighed with the appointment Committee.

7. I am a native of this place and an old boy of this High School. I own substantial properties and pay considerable Tax to the Municipal Treasury. I am a non-brahmin Hindu and belong to a backward Community Viz. Maruthuva, which is not represented in the Public Service, still less as Head Masters in High Schools under Municipal Councils. And therefore I pray that preferential treatment should be accorded to me by the Popular Government.

8. I am studying for Accountancy and hope to qualify myself in the near future, certainly before the present incumbent retires in December 1949.

9. I beg to state that the following salient and material facts among other things have not been taken into consideration, while making the appointment of Head Master in the leave vacancy.

- (a) That the appellant is the senior most Assistant having put in nearly 20 years of loyal service as against 10 years of service of the new appointee a junior to me.
- (b) That the appellant, in all fairness, should have been appointed.
- (c) That the appellant belongs to a backward community unrepresented in the Government or local board service.

23/4

10. So, it is most humbly prayed that my claims for the Head Mastership be justly and fairly considered and I may be permitted to retire in my 55th Year with the satisfaction that I have not been shut out from the Pay, status and prospectus I would be entitled to in the ordinary course of things and especially when the opportunity of a permanent vacancy of the Head Mastership arises within a short time. I pray that the Government do take a compassionate view of this hard case and be pleased to intervene and direct to appoint me in the said leave vacancy or revoke the said order of appointment or pass any such orders as they deem fit in the circumstances which would safeguard and ensure my present and future claims for which act of kindness and charity, I shall ever remain grateful.

I beg to remain

Sir,

Dindigul,)
1-7-48.)

Your most obedient Servant,

S. Manayagami.
1st July 1948.

*Copy to the Secretary, Government of Madras (Edn + Pub Health)
Copy to the Director of Public Instruction, Madras.*

ENCLOSURE

Proceedings of the Commissioner, Dindigul Municipality, Dindigul.
Dated 29/5/48.

Present:- Sri K. Ramalingam M.A., Commissioner.

ROC 6938/48 - B2.

Sub:- Establishments - Secondary Education - Dindigul - Municipality - Leave Sri P. Chendharam M.A., L.T., Head Master, -- Medical leave for 4 months Sanctioned.

Read:- 1. This Office R.O.C. No. 6938/48 B2 dated 11-5-48.

II. Letter from Sri P. Chendharam M.A.L.T., Head Master, Municipal High School, Dindigul No./S.E. 47-48 dated 14-5-48 and his application No. 140 S.E. 47-48 dated 25-5-48.

III. Medical Certificate of Dr. T. B. Rao, M.B.B.S., Surgeon S.I. Ry., Dindigul dated 25-5-48.

IV. Proceedings of the appointment Committee No. 1 dated 26-5-48.

ORDER.

Sri, P. Chendharam, M.A.L.T., Head Master Municipal High School, Medical leave on Full Pay for 4 months from 25-5-48 both days inclusive commuting 8 months furlough. The furlough on half pay for 6 months granted in this Office R.O.C. No. 6938/48 - B2 dated 11-5-48 is cancelled.

Sri M. Tirumalswamy, B.A.L.T., Assistant Master, Municipal High School, Dindigul is appointed to act as Head Master on Rs. 150/- till the absentee returns to duty or until further orders. He will take charge all articles, records and library books etc., as per stock accounts from Sri P. Chendharam M.A.L.T., immediately and report.

Sd. K. Ramalingam.
Commissioner.

To The individuals concerned.
Copy to the D.E.O. Madura.
copy to the Pay bill file.

77 S.E. 48. 49

1.7.48.

Submitted to the Commissioner, Dindigul Municipality.

Appointment Committee

M. Thirumalaiswamy
1.7.48

Ag. Head. Master.

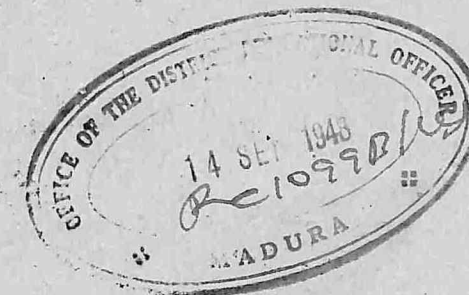
LOCAL ADMINISTRATION DEPARTMENT.

From
Sri K. Ramalingam, M.A.,
Municipal Commissioner,
DINDIGUL.

To
The Secretary to Government,
Education & Public Health Department,
Fort St. George, MADRAS.

Through

1. The Director of Public Instruction, MADRAS.
2. The Divisional Inspector, MADURA.
3. The District Educational Officer, MADURA.
4. The Chairman, Municipal Council, DINDIGUL.



Roc.No. 9095/48-32. dated 1st September 1948.

Sir,

Sub:- APPEAL--Secondary Education--Dindigul Municipality--
Sri S. Thillainayagam, B.A., L.T., Asst. Master, Municipal High School--Against the orders of appointment of
Sri M. Thirumalaiswamy B.A., L.T., as Headmaster, Municipal High School.

I submit herewith the appeal petition of Sri S. Thillainayagam, B.A., L.T., Asst. Master, Municipal High School, against the orders of the appointment Committee, appointing Sri M. Thirumalaiswamy, B.A., L.T., Asst. Master as Headmaster, Municipal High School together with a copy of the proceedings No. 4 dated 21-7-48 of the appointment committee.

J. T. O

In the above 5 years Both Messrs. Tillainayagam and Sri. P.Chenchuram handled ~~the~~ English for VI form.

20
Average marks obtained by the students in the Public Examination on the subjects taught by Sri. Tirumalsamy, Assistant, Municipal High School.

Year	English	General science	Optional Chemistry
	School average	Presidency average	School average

- | | | | | |
|------------|--|----|----|----|
| 1) 1947-48 | It was not handled by this teacher in this year. | | 60 | 43 |
| 2) 1946-47 | 44 | 35 | 60 | 42 |
| 3) 1945-46 | It was not handled by this teacher in this year. | | 70 | 46 |
| 4) 1944-45 | 53 | 45 | 66 | 47 |
| 5) 1943-44 | 48 | 40 | 71 | 47 |

Particulars of students who came out successful in the subjects handled by Sri. Tillainayagam in Public Examination

Subject	Minimum for pass marks	Total students	No. of students passed	Average	Presidency average
1. English	35	26	4	25	35
2. History & Geography	25	26	20	34.5	36

Copy of the proceedings of the Appointment Committee No. 4 dated 21-7-48

Subject: - Appeal dated 1-7-48 from Sri. S. Tillainayagam, B.A.L.T. Assistant Master, Municipal High School, Dindigul against the appointment of Sri. M. Thirumalsamy as Headmaster overlooking his claims.

Resolution: - The appointment has been made from the panel selected by the District Educational Officer and the Committee chose of the better of the two local candidates in the best interest of the institution. No appeal lies.

Sd/- S. Lazar Ignatius
President
Appointment Committee

/true copy/

22

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En P. H
92

70553/48

90
21/3

for pref
for 5 ref

Municipal Council, Pudukul. In S. Tillanayaga appeal against the appointment of a Headmaster Municipal High School Pudukul.

Ref: Memo. No. 70553/93/48-1 Edu d 23.12.48.
From the D.P.I. Re. No. 8-91/49 d 17.1.49.

for pref

Memo. No. 70553/92/48-2 Edu d 21/3/49
The attention of the D.P.I. is invited to his letter cited above and he is requested to expedite the ~~matter~~ transmission of the above appeal with his ~~letter~~ remarks.

To the D.P.I.
10/3/49

18/3/49
12845

Note: Please see the further petition

P.T.

petition from Sri Thillainayagam at p 2-9 ef.
original which is stated to have been
sent through the proper channel. The remarks
of the D.P.I are awaited.

The draft memo reminder to
the D.P.I is enclosed for approval.

19/3/49

19/3/49

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19/3/49

24468

AS 4

By Registrar

25

Office of the Director of Public Instruction, Madras.
R.C.No. 8-C1/49 dated 21st March 1949.



Municipal Council, Dindigul--Sri S.Thillainayagam Pillai--appeal
against the appointment of a junior as Headmaster in a leave vacancy
Reference:-From the Commissioner, Municipal Council, Dindigul, Rec.NO.
9095/48-B2 dated 1.9.1948. pages 17-18 ante

Submitted with the original of the appeal petition of Sri S.
Thillainayagam Pillai against the appointment of Sri M.Tirumalasamy as
Headmaster dated 1.7.1948. p 15 ante

2. The action of the Municipal Council in having appointed the
respondent in preference to the appellant as Headmaster in May 1948
is in conformity with the rules as they stand prior to the issue of
G.O.3129-Education dated 9.12.1948. The appeal is therefore
recommended for rejection. Attention is in this connection invited
to a copy of a subsequent petition received from the appellant on
the subject. p 15 and 7-9 ante

3. The Service books of the two persons are also enclosed herewith.

Thiruvananthapuram

For Director of Public Instruction.

To the Secretary to the Government of Madras,
Education and Public Health Department,
Fort St.George, Madras.

ks.25-3.

Kee 25/3

70553/48.

APPEAL - Ml. Cl., Dindigul - Sri S. Thillainayagam Pillai - Appeal against the appointment of a junior as Headmaster in a leave vacancy - Allowed.

From Sri S. Thillainayagam, appeal petition dt. 1-7-48.
From the Ml. Commr., Dindigul, Roc. 9095/48-B2 dt. 1-9-48.
From the D.P.I., Rc.No. 8-G1/49 dt. 21-3-49.

ORDER/MS. NO. 1689 EDN., DATED 24-5-49.

The following orders are passed on the appeal of Sri S. Thillainayagam Pillai, Asst. Ml. High School, Dindigul dated 29-5-48 against the orders of the Appointment Committee dated 29th May 1948 appointing sri M. Thirumalaswamy, B.A., L.T., to officiate as Headmaster of the Ml. High School, Dindigul:-

2. The Govt. observe that the school record of the appellant cannot be deemed to be worse than that of Sri Thirumalaswamy and that the appellant is senior to the latter. For these reasons they consider that there was no sufficient justification for overlooking the claims of the appellant in connection with the vacancy which occurred in May 1948. He should be appointed as Headmaster when a vacancy arises next. The Govt. hereby allow the appeal.

3. In view of the orders in paragraph 2, the proceedings of the Munl. Commr., Dindigul No. Roc. 6938-48-B2, dated 29th May 1948 should be suitably modified so as to alter appointment made in that ~~para~~ ^{order} as one made ~~under rule 8-A~~ ^{rule 8-A} of the rules for the Establishment of Municipalities, and that it will not confer rights of probation on M. Thirumalaswamy.

To
The Ml. Commr.,
Dindigul thro'
the Chairman.
(with S. 184 returned)
The D.P.I.

" Petitioner through
to Commissioner

11.5.49

12/5

for 184
only
20/5



ML.CL. - Dindigul - Sri S. Thillainayagam Pillai - Appeal against the appointment of a junior as Headmaster in a leave vacancy.

From the D.P.I., Rc.No. 8 Gl/49 dated 21-3-49.

In his appeal on pp.11-14 c.f. Sri S. Tillainayagam, Ml. High School, Dindigul, has appealed against the orders of the Ml. Commissioner, Dindigul, dated 29-5-48 appointing Sri A. Thirumalswamy, a junior as headmaster of the Ml. High School, Dindigul in a leave vacancy. He requests that in view of his 20 years' service and of his being a member of a backward community he may be appointed instead and the orders of appointment already passed may be revoked. The appeal is in time.

The Municipal Commr., in his remarks on pp.17-19 c.f., has stated that the appointment Committee considering the efficiency in teaching and the ability to hold the post of Headmaster, has selected Sri A. Thirumalswamy from the panel. A perusal of the comparative statement on pp.17-20 c.f. shows that Mr. Thirumalswamy's record is definitely superior. The

Appointment Committee has stated that it chose the better of the two candidates in the best interests of the institution. No doubt, the junior has been preferred in this case for the above reason. This was permitted by the old Rules which applied to this case though the new rules in G.O. No. 3129, Edn., dt. 9-12-48 lay down a different procedure in these matters. Both the Commr. and the D.P.I. are of the view that there is no ground for the appeal.

In the circumstances it is for orders whether the appeal of Sri Thillainayagam Pillai may be rejected.

May be rejected.

This is an appeal against selection for appointment as Headmaster of the Municipal High School, Dindigul. The appellant maintains (1) that he is senior to the candidate selected by 10 years and has only 7 years of service left without prospect of appointment as Headmaster.

2053/4/48

p 25 ch

p 154

para 8 on page 134

p. 21 g

Copy put up at X

p. 17-184 and p. 254

9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

19.4.49.

24/4/49

5 HMC (A)

24.2.11

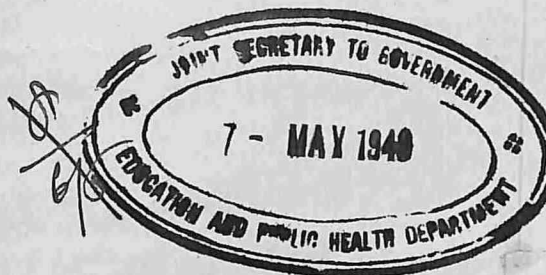
if the selection made of his junior is allowed to stand;
(2) that there is nothing in his record of service to dis-qualify him on grounds of merit comparatively with the junior who has been selected. On the other hand, he points out at p. 1 a.f. that his junior was called upon to show cause in 1941 why he should not be punished on account of poor results in English. He also adds that the papers corrected by his rival had to be re-valued by the permanent Headmaster on account of a suspicion of partiality. These allegations have not been put to the Commissioner for report.

The report of the Municipal Commissioner is that ~~in view of the~~ the selection was made not so much with reference to efficiency in teaching as ability to hold the post. (p. 18 c.f.) In respect of efficiency the Commissioner furnishes the results obtained by students of the appellant and his rival. There is nothing in the record to suggest that the appellant does not possess the ability for the post of Headmaster. A simple presumption without even an explanation cannot be made a ground for depriving the appellant of his right. In respect of the results, it is no doubt correct that the marks obtained by the students of the appellant are below those obtained by the students of his rival. In this connection however it might be noted that the rival candidate appears to have been teaching only two subjects - General Science and Chemistry - as against English, History and Geography and Optional History taught by the appellant. In the first place the marks in the subjects taught by the appellant can never, on account of the nature of the subjects, be as high as those in the subjects taught by his rival. In the second place, the appellant at p. 12 of his appeal sent through the Commissioner of the Municipality contends that since he took over the subjects taught by him the average of ~~marks~~ ^{marks} has increased. This contention has not been controverted by the Commissioner who had an opportunity to do so.

It appears therefore that on merits the record of the appellant is not worse than that of his rival. He is also undoubtedly senior to his rival. It would therefore appear

page 19 & 20

fair to allow his appeal as unless this is done he will lose the opportunity of ever becoming a Headmaster



H.M. (Edn) the petitioner's request may be granted.

18/5/49

E. P. H.

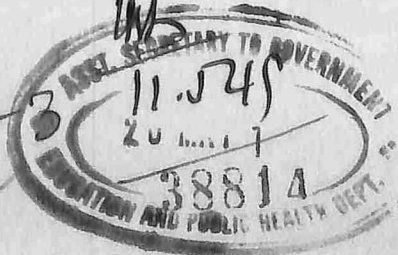
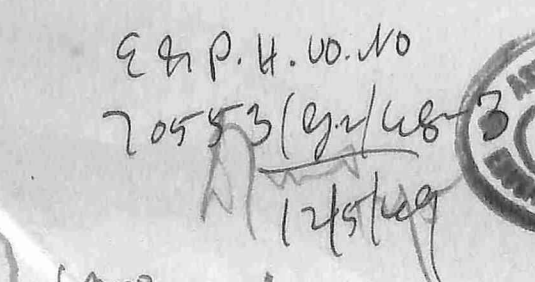
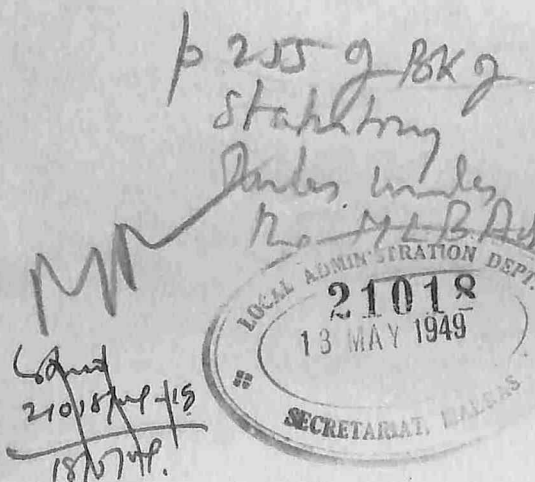
Please see the orders in Circulation above. The period of leave vacancy of 4 months, during which Sri A. Thirumalaiah acted as Headmaster,

Mr. High School, Dindigul must have expired. In view of the fact that the Commissioner, Dindigul Municipality may be asked to modify his order as the petitioner's request has to be granted.

The draft below is for approval.

The previous order appointing Sri Thirumalaiah into one made under the emergency provisions - Rule 8A of the Rules for establishments under district boards

A draft order is subd. for approval - before him. L.A. may see it



12/5/49

12/5/49 L.A.

21018/48 18/5/49

The draft order may be perused and returned to the L.A. Dept. 18/5/49

The draft order below

may now issue -

WSS
20.545

SM
24/5/69

Outline

J S's note on the margin
in the up below -
Submitted that the note below
did not make mention of the
Appellant's point regarding his
being a member of the backward
community on the assumption that
it was exhaustive for considera-
tion of the Appeal on merits -
If the point is to be taken
into account, the Appellants'
claims become much stronger than
they are at present, as the
man preferred it also a gain
of

of a backward Community (Service List on
viz. Devanga (Weaver) Community. M & R
Bk. 157

27/4/49 I presume ① that
the appointment has expired
② that it creates no right in
favour of Thirumalaaswamy ③ that
in this particular vacancy G.O. 3129
will apply - hence ② & ③ be added
in respect of the appeal

Resubmitted —

(1) G.S.'s presumption is correct -
the leave vacancy was for
four

15/4/49 four months from 25.5.1948.
(2) The appointment of Sri
(3) Thirumalaaswamy confers on him
the rights of probation, and
consequently the Appellant can
have his claims considered
for appointment as Head Master
only after the probationer has
been provided for in a future
vacancy. (The Rules in G.O. 3129
dated 9.12.48 will apply
only to fresh appointments in
future - Sri Thirumalaaswamy
will have to be appointed in
the next vacancy, as a pro-
bationer, notwithstanding
the new Rules.)

28/4/49

Handwritten text in Tamil script, mostly illegible due to fading and bleed-through from the reverse side.

Handwritten note: *PH 438*

D.O.

Sri S. Lazar Ignatius, B.A., B.L., Chairman,
Municipal Council, Dindigul

Stamp: *31 AUG 1949*
Stamp: *GOVERNMENT OF MADRAS*

Dear Sir,

Stamp: *ASST. SECRETARY TO GOVERNMENT*
67124
1-SEP-1949
Stamp: *EDUCATION AND PUBLIC HEALTH DEPT.*

Handwritten notes: *EXPA*, *PH 438*

Handwritten note: *(2) p. 270 f.*

Handwritten note: *p. 3 mfm*

Vacancy of Headmaster in the Municipal High School and the second Assistant, Mr. Thirumalsamy was appointed by the Appointment Committee on 27-5-1948. He was the third in the panel of teachers approved by the District Educational Officer. The appointment was made according to the rules that were then in force and it was not incumbent on the Appointment Committee to choose persons in the order in which the names are arranged in the panel. The names were arranged only in the alphabetical order. It was within the competence of the Appointment Committee to choose any person whom it considered best suited for the post. Sri M. Thirumalsamy was appointed in preference to Sri Thillainayagam, another teacher in the school. It may be that Sri Thillainayagam is a senior teacher but Sri Thirumalsamy was chosen as the Committee considered him more efficient than Sri Thillainayagam. After the appointment was made Sri Thillainayagam appealed to Government and the Government in their order No. 1684, Education, dated 24-5-1949 allowed the appeal and directed that Sri Thillainayagam should be appointed in future vacancies. The Appointment Committee feels that its rights have been ~~un~~ unnecessarily interfered with for no valid reason by Government in issuing the order referred to above. As already stated it was within the competence of the Appointment Committee to choose anyone whom it feels more suitable and it was only in accordance with the rules then in force that Sri Thirumalsamy was chosen. There were no specific instructions at that time that the Appointment Committee should adhere to the order in which the names are arranged in the panel. As the Committee feels that the appointment made by it was in order, it has asked the Commissioner to address the Government again for reconsideration of the orders. The Commissioner in his Roc. No. 9095/48-B2, dated 13-8-1949 has addressed the Government, copy of which is enclosed. I request that the papers may kindly be called for and the orders of Government reconsidered.

Yours sincerely,

S. Lazar Ignatius
25.8.49.

To:

Sri P. S. Kumarasamy Raja,
The Honourable Premier of Madras,
MADRAS.

LOCAL ADMINISTRATION DEPARTMENT.

From : Sri G. Srinivasan, B.A.,
Municipal Commissioner,
DINDIGUL.

To : The Secretary to Government,
Education and Public Health Department,
Fort St. George, MADRAS.
Thro : The Director of Public Instruction, Madras.
The Chairman, Municipal Council, Dindigul.

Roc.No.9095/48-B2, d/13-8-1949.

Sir,
Sub : APPEAL - Dindigul Municipality - Sri S.Thillainayagam -
Appeal against the orders of appointment of Sri T.Thirumalsamy as Headmaster, Municipal High School.
Ref : G.O.No.1684, Edn., dated 24-5-1949.
....0....

In G.O.No.1684, Edn., dated 24-5-1949 the appeal of Sri S.Thillainayagam against the orders of the Appointment Committee appointing Sri T.Thirumalsamy as Headmaster, Municipal High School was allowed and Government directed that Sri S.Thillainayagam should be appointed as Headmaster in future vacancies and that the appointment of Sri T.Thirumalsamy made should be construed as one made under Rule 7-A of the Establishment Rules of Municipal Councils and that he cannot claim his rights for probation for the period he had acted as Headmaster. The orders in para 2 of the Government Order have been given effect to. The Government Order was placed before the Appointment Committee. The Committee feels and maintains that the appointment of Sri T.Thirumalsamy as Headmaster made by it was in order under the rules existing at the time when the appointment was made. In the revised rules published with the G.O.No.3129, Edn., dated 9-12-48, it is stated that in the appointment of Headmasters and Headmistresses in secondary schools persons whose names are in the panel shall be appointed in the order in which the names are arranged in the panel (vide Rule 3(3)), while previous to this Government Order there was no such restriction as the rules then in force did not mention that appointments should be made only in the order in which the names are arranged in the approved panel. Thus it seems that it was within the powers of the Appointment Committee to choose any person from the list mentioned in the panel as the arrangement made in the panel was only in alphabetical order. With reference to the panel approved in this connection, there were three names as detailed below:-

1. Sri Gurumurthi, Assistant, Kallakurichi High School.
2. " S.Thillainayagam, Assistant, Municipal High School.
3. " T.Thirumalsamy, Assistant, Municipal High School.

The arrangement was only in the alphabetical order and the fact that Sri S.Thillainayagam was senior or Sri T.Thirumalsamy was junior was not a matter for consideration and if it were so the first name in the panel, viz., Sri Gurumurthi, Assistant, Kallakurichi High School should have been appointed. In view of the fact that it was within the discretion of the Appointment Committee to choose any person from the panel, the Committee feels that its discretion had been unduly interfered with in appointing Sri S.Thirumalsamy and it desires that the orders in the Government Order quoted above may kindly be reviewed. A copy of the resolution of the Appointment Committee No.3, dated 6-8-1949 is enclosed. I solicit the favour of orders in the matter.

Commissioner.

In forwarding this Review, I wish to add a few words to the above remarks of the Commissioner as he was not present at the time of the appointment in dispute.

(P.T.O.)

There were 3 names in the panel, the first being an outsider, and the other two local persons. Since the rules, as they stood in May 1948, gave us full discretion to appoint any one of the panel we confined ourselves to the two local candidates about whom all the members of the Appointment Committee had full personal knowledge. Their merits were considered and the Committee was unanimous in its choice of Sri M. Thirumalsamy as in its opinion he was decidedly better than Sri Thillainayagam. If the Government have any doubt about it, we herewith submit the records of both along with the opinion of the present Headmaster who is holding the post for over 20 years. But the Appointment Committee did not mention why the senior man was overlooked as it was not obligatory to record reasons as is required by the later rules framed in December 1948.

The Government while mentioning the merits of the candidates had overlooked completely the existence of a third name in the panel. If the Government thought that the merits and seniority of the candidates had to be discussed then it ought to have directed the Committee to consider the merits of all the three instead of directing that the appellant alone should be appointed in a future vacancy.

So I submit that looked at from any angle the Appointment Committee was within its rights to choose Sri M. Thirumalsamy and that no appeal lies over the same as no violation of the rules then existing was committed by the Committee.

For the above reasons I request that the Government be pleased to cancel the order dated and confirm the appointment of the Committee.

S. Lazar Ignatius
25.8.49.

Chairman,
Municipal Council, Dindigul.

pmf/23-8p.

~~Edith~~

Copy of resolution No.3, dated 6-8-1949 of the Appointment Committee:-

Read again papers relating to the appointment of Headmasters in the Municipal High School and the Proceedings No.1, dated 10-6-49 of the Appointment Committee for review of the Government Order G.O.No. 1689, Edn., dated 24-5-1949.

Resolution:-

The Appointment Committee maintains that the order passed by it appointing Sri Thirumalsamy as Headmaster was correct under the rules then existing and requests Government to review its orders issued in G.O.No. Mis. 1689, Edn., dated 24th May 1949. The panel was not prepared by the Appointment Committee and it was not responsible for the inclusion of the name of Sri Thillainayagam in it.

The Appointment Committee had rightfully exercised its discretion and there can be no appeal against its orders legally passed.

In his communication dated 29-4-49 the Divisional Inspector of Schools, Madurai has stated that the names in the panel are arranged only in alphabetical order and not with reference to any other consideration, like seniority, merit, etc. In the orders of the Government are to be maintained preferring Sri Thillainayagam to Sri Thirumalsamy, Sri Gurumurthi, item No.1 in the panel would seem to have preferential right over the other two for the mere reason that his name appears first in the panel. This was certainly not the intention of the authorities to be so, while preparing the panel.

Sd. S. Lazar Ignatius.
Sd. P.V. Das.
Sd. G. Srinivasan.

/True Copy/

[Signature]
24.8
Commissioner.

C.No. 67124/49.

E. & P.H. (G2).

Memo. No. 67124-49/49-1 Edn. dated 5-9-1949.

Sub:- Appeal against the appointment of Sri S. Thillai-nayagam Pilli as Headmaster of Dindigul Municipality ordered in G.O.No.1689, Edn. dated 24-5-49.

Ref:- From the Commissioner, Municipal Council, Dindigul, letter Roc. No.9095/48-B2 dated 13-8-49.

The D.P.I. is requested to forward to Government with his remarks at an early date the original letter of the Commissioner, Ml.Council,

Dindigul, cited above with his remarks at an early date

which is stated to have been sent
pro' the Director.

To

The D.P.I.

3/9/49

3.9.49.

3/9/49

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS
Re.1995 G1/49 dated 6-9-49

Sub:--Municipal Council--Dindigul--Sri S. Thillainayagam--
appeal against the orders of appointment of Sri
T. Thirumālasamy as Headmaster.

Ref:--From the Commissioner, Municipal Council, Maymam
Roc.No.9095/48/B2 dated 13-8-49

Submitted.

For Director of Public Instruction

To
The Secretary to Government,
Education and Public Health Department,
Madras.

Clb.8-9-49

11
127516
27 AUG 1949
e 0954.49

LOCAL ADMINISTRATION DEPARTMENT.

From : Sri G. Srinivasan, B.A.,
Municipal Commissioner,
DINDIGUL

To : The Secretary to Government,
Education and Public Health Department,
Fort St. George, MADRAS.
The Director of Public Instruction, Madras.
The Chairman, Municipal Council, Dindigul.

Roc.No.9095/48-B2, d/13-8-1949.

Sir,
Sub : APPEAL - Dindigul Municipality - Sri S.Thillainayagam -
Appeal against the orders of appointment of Sri T.Thirumalsamy as Headmaster, Municipal High School.
Ref : G.O.No.1684, Edn., dated 24-5-1949.
...o...

Z/27/9
(X)
In G.O.No.1684, Edn., dated 24-5-1949 the appeal of Sri S.Thillainayagam against the orders of the Appointment Committee appointing Sri M.Thirumalsamy as Headmaster, Municipal High School was allowed and Government directed that Sri S.Thillainayagam should be appointed as Headmaster in future vacancies and that the appointment of Sri M.Thirumalsamy made should be construed as one made under Rule 7-A of the Establishment Rules of Municipal Councils and that he cannot claim his rights for probation for the period he had acted as Headmaster. The orders in para 2 of the Government Order have been given effect to. The Government Order was placed before the Appointment Committee. The Committee feels and maintains that the appointment of Sri M.Thirumalsamy as Headmaster made by it was in order under the rules existing at the time when the appointment was made. In the revised rules published with the G.O.No.3129, Edn., dated 9-12-48, it is stated that in the appointment of Headmasters and Headmistresses in secondary schools persons whose names are in the panel shall be appointed in the order in which the names are arranged in the panel (vide Rule 3(3)), while previous to this Government Order there was no such restriction as the rules then in force did not mention that appointments should be made only in the order in which the names are arranged in the approved panel. Thus it seems that it was within the powers of the Appointment Committee to choose any person from the list mentioned in the panel as the arrangement made in the panel was only in alphabetical order. With reference to the panel approved in this connection, there were three names as detailed below:-

1. Sri Gurumurthi, Assistant, Kallakurichi High School.
2. " S.Thillainayagam, Assistant, Municipal High School.
3. " M.Thirumalsamy, Assistant, Municipal High School.

The arrangement was only in the alphabetical order and the fact that Sri S.Thillainayagam was senior or Sri M.Thirumalsamy was junior was not a matter for consideration and if it were so the first name in the panel, viz., Sri Gurumurthi, Assistant, Kallakurichi High School should have been appointed. In view of the fact that it was within the discretion of the Appointment Committee to choose any person from the panel, the Committee feels that its discretion had been unduly interfered with in appointing Sri M.Thirumalsamy and it desires that the orders in the Government Order quoted above may kindly be reviewed. A copy of the resolution of the Appointment Committee No.3, dated 6-8-1949 is enclosed. I solicit the favour of orders in the matter.

Commissioner.

In forwarding this Review, I wish to add a few words to the above remarks of the Commissioner as he was not present at the time of the appointment in dispute.

(P.T.O.)

- 2 -

There were 3 names in the panel, the first being an outsider, and the other two local persons. Since the rules, as they stood in May 1948, gave us full discretion to appoint any one of the panel we confined ourselves to the two local candidates about whom all the members of the Appointment Committee had full personal knowledge. Their merits were considered and the Committee was unanimous in its choice of Sri M. Thirumalsamy as in its opinion he was decidedly better than Sri Thillainayagam. If the Government have any doubt about it, we herewith submit the records of both along with the opinion of the present Headmaster who is holding the post for over 20 years. But the Appointment Committee did not mention why the senior man was overlooked as it was not obligatory to record reasons as is required by the later rules framed in December 1948.

The Government while mentioning the merits of the candidates had overlooked completely the existence of a third name in the panel. If the Government thought that the merits and seniority of the candidates had to be discussed then it ought to have directed the Committee to consider the merits of all the three instead of directing that the appellant alone should be appointed in a future vacancy.

So I submit that looked at from any angle the Appointment Committee was within its rights to choose Sri M. Thirumalsamy and that no appeal lies over the same as no violation of the rules then existing was committed by the Committee.

For the above reasons I request that the Government be pleased to cancel the order dated and confirm the appointment of the Committee.

S. Lazar Ignatius
Chairman,
Municipal Council, Dindigul.
25.8.49.

pmf/23-8p.

B
24.8.

13 (20-3)

Copy of resolution No.3, dated 6-8-1949 of the Appointment Committee:-

Read again papers relating to the appointment of Headmaster in the Municipal High School and the Proceedings No.1, dated 10-6-49 of the Appointment Committee for review of the Government Order G.O.Ms.No. 1689, Edn., dated 24-5-1949.

2/278 Resolution:-

The Appointment Committee maintains that the order passed by it appointing Sri Thirumalsamy as Headmaster was correct under the rules then existing and requests Government to review its orders issued in G.O.No.Mis.1689, Edn., dated 24th May 1949. The panel was not prepared by the Appointment Committee and it was not responsible for the inclusion of the name of Sri Thillainayagam in it.

The Appointment Committee had rightfully exercised its discretion and there can be no appeal against its orders legally passed.

In his communication dated 29-4-49 the Divisional Inspector of Schools, Madura has stated that the names in the panel are arranged only in alphabetical order and not with reference to any other consideration, like seniority, merit, etc. If the orders of the Government are to be maintained preferring Sri Thillainayagam to Sri Thirumalsamy, Sri Gurumurthi, item No.1 in the panel would seem to have preferential right over the other two for the mere reason that ~~xxx~~ his name appears first in the panel. This was certainly not the intention of the authorities to be so, while preparing the panel.

Sd. S.Lazar Ignatius.
Sd. P.V.Das.
Sd. G.Srinivasan.

/True Copy/

4/6
Commissioner.

15
15
65
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, Madras.
Rc 1995 G1/49 dated 10-10-49

Sub:- Municipal Council - Dindigul - Sri M. Thirumala'swamy
appeal against the orders issued in G.O. Ms. No. 1689
Education dated 24-5-49



Ref:- From Sri M. Thirumala'swamy dated 10-9-49
From the Commissioner, Municipal Council, Dindigul
Roc No. 12553/49/B2 dated 23-9-49

pages 17-18 to
11-13 ante

@@@@@@@@@@@@

Submitted in continuation of Director's endorsement
Rc 995 G1/49 dated 6-9-49. ~~at~~

2. Attention invited to remarks already offered to Govern-
ment in Director's endorsement Rc 8 G1/49 dated 21-3-49 disposed
of in G.O. Ms. No. 1689 Education dated 24-5-49.

79734
Z/27.4
Z/25.4
For Director of Public Instruction

To

The Secretary to Government
Education and Public Health Department.

MSR 13/10
12/10/49
18/10

LOCAL ADMINISTRATION DEPARTMENT.

From : Sri G.Srinivasan, B.A.,
Municipal Commissioner,
DINDIGUL.

To : The Secretary to Government,
Education and Public Health Department,
Fort St.George, MADRAS.

Thro : 1.The Director of Public Instruction,
MADRAS.
2.The Chairman, Municipal Council,
DINDIGUL.

Roc.No.12553/49-B2, D/23-9-1949.

Sir, Sub : ESTABLISHMENT - Secondary Education - Dindigul Municipality -
Appeal of Sri M.Thirumalaiswamy, B.A.,L.T., Assistant Master,
Municipal High School - Against the orders in G.O.Ms.No.
1689, Edn., dated 24-5-1949.

I submit herewith the appeal petition, dated 10-9-1949 of
Sri M.Thirumalaisamy, B.A.,L.T., Assistant Master, Municipal High
School against the orders of Government in G.O.Ms.No.1689, Education,
dated 24-5-1949.

In this connection I invite a kind reference to my letter
Roc.No.9095/48-B2, dated 13-8-1949.

FORWARDED.

Commissioner.

Chairman, Municipal Council,
DINDIGUL.

pmf/24-9a.

Encl : 1.

From

M. Thirumalaisamy, B.A., L. T.,

Assistant,

Municipal High School,

Dindigul.

To

The Secretary,

Education and Public Health,

Government of Madras, Madras.

Through

The Head-master,

Municipal High School, Dindigul.

Through

The Commissioner,

Dindigul Municipality, Dindigul.

Through

The Director of Public Instruction,

Madras.

Sir,

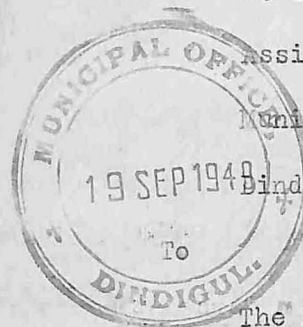
Sub;- Establishment-Secondary Education-Dindigul Municipality-appointment
of Headmaster-Municipal High School, Dindigul-appeal against-
G.O. No. Ms 1689 Edn., dated 24-5-49.

Ref:- G.O. No. 1689, Edn., dated 24-5-49, and the Proceedings of the
Commissioner, Dindigul Municipality, R.O.C. No. 9095/48-B2 dated
9-6-49.

I humbly beg to submit the following few lines appealing against the orders
referred to above, to your kind consideration and favourable orders.

I am a graduate trained assistant working in the Municipal High School,
Dindigul, with more than 11 years of continuous and efficient service to my
credit. When the permanent headmaster went on medical leave in June '48, I was
appointed as the acting headmaster as per orders of the commissioner, Dindigul
Municipality, R.O.C. No. 6938/48 B2 dated 29-5-49.

During the acting period from June 2nd to December 5th '48, I discharged
my duties to the entire satisfaction of my superiors. But the government in



18 ~~18~~

Z/274

G.O. No. Ms. 1689. Edn. dated 24-5-49, have not been pleased to recognise my selection and probation as acting headmaster and I beg to submit that the government order under reference seems to be ultravires affecting my claims and interests.

I beg to submit that the appointment committee of the Dindigul Municipality consists of an experienced executive officer and two qualified lawyers who after thrashing out the rules and regulations governing such appointments in force at that time thought it fit to appoint me as the acting headmaster. Since the post of a headmaster is a selection post mere seniority cannot be the only criterion for the choice of a candidate for the headmaster's post. If seniority should be the only factor to be considered then I beg to submit that there is no need to institute a panel of names for the post of a headmaster.

If my appointment as acting headmaster is against rules then the District Educational Officer, Madura, to whom a copy of my appointment order was duly sent, ought to have brought it to the notice of the executive authority for early rectification. In the absence of such a direction it will be seen that the unanimous choice of the appointment committee, was well within the then existing rules and regulations governing such appointments. The government too, in their order G. O. No. Ms. 1689. Edn. dated 24-5-49, have not stated the rules or laws under which my appointment as acting headmaster has been considered as ultravires.

Z/274

I beg to submit that such a vague disposal is against my claims and interests.

Considering the above facts I beg leave to appeal against the orders under reference and I beg to request that the government may be pleased to review my case and approve of my appointment and recognise my probations as the acting headmaster of the Municipal High School, Dindigul from June 2nd, to December 5th 1948.

Hoping to get a favourable consideration of ^{my} humble petition.

Dindigul,
10-9-48.

Yours Faithfully,

M. Thimmalaisamy
10.9.48

N.D. 679
49

Submitter

Phua
10.9.48

11.9.48

15.9

16

N. Dis. 679.
49.

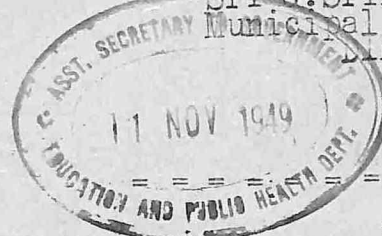
Do the Commission Dindigul
Municipality.

As I am given to understand
by the ~~the~~ petition that there
was a mistake in the original
address of this petition.
I am submitting a second one
from the correctly address
with the request that the
original may either be
returned to the petitioner or
logged in the office, and that
the present one may be
forwarded.

Yours
Ktr. 17-9-49

LOCAL ADMINISTRATION DEPARTMENT.

From Sri G. Srinivasan, B.A.,
Municipal Commissioner,
DINDIGUL.
To The Secretary to Government,
Education and Public Health Department,
Fort St. George, MADRAS.
Thro' The Chairman, Municipal Council,
DINDIGUL.



Roc.No. 9095/48-B2, d/7-11-1949.

Sir,
Sub : APPEAL - Dindigul Municipality - Sri S. Thillainayagam -
Appeal against the orders of appointment of Sri M. Thiru-
maleisamy as Headmaster, Municipal High School - G.O.No.
Ms.1689, Edn., dated 24-5-49 - My letter Roc.No. 9095/48-B2,
dated 13-8-1949.
...0...

I solicit early orders on my letter cited above.

[Signature]
Commissioner.

FORWARDED.

[Signature]
9.11.49.

Chairman, Municipal Council,
pmf/8-11p. DINDIGUL.

32

6724/42/49

42
18/11

Appeal - Secondary Education - Quidigul Mty -
Di S. Thillaineyagam - appeal against orders of
appointment of Mr. Thinnalaising as Headmaster -
Ml. High School.

From the Ml. Commissioner, Quidigul Rec. No. 9095/48 dt. 7.11.49

BT

Memo. No. 67124/49-2 Edu. d. 17/11/49

The Ml. Commissioner
Quidigul
tho' c. u. e.

The Ml. Commissioner, Quidigul is
informed that orders on the above ^{subject} will be issued
in due course.

10/11/49
16/11/49

16/11/49
16/11/49

17-11-49

Note: The interim reply to the Commissioner, Quidigul
Mty, above is for approval. After issue this may

P.T.O.

2.

may be ~~filed~~ ^{added to} the main file on this subject.

[Handwritten initials and marks]

67124/49
Being submitted separately

eg.

67124/49

Establishment - Secondary Education - Dindigul Municipality - appointment to ^{the} post of Headmaster ~~based on the appeal of Sri S. Tillaiaiyagani, Assistant~~
^{Recommendation of previous order}
~~request for review~~ - declined.

[Handwritten notes and marks]

From the Commr., Dindigul Mty, No. 9095-48-132 d 15.8.49
From the ^{Chairman} Ml. Council, Dindigul, Do. dated 25.8.49
From the ^{Sri M. Thirumalai} P.P.I., No. Re. 1995-21/49 d 10.10.49 ^{Municipal High School, Dindigul, dated 10-9-49}

Memo. No. 67124/49-3. Edu. d. 2/12/49
~~The Commissioner, Dindigul Municipality~~
is informed that ~~The Govt. see no reason to~~
~~reconsider the orders already passed by~~ contained
Dindigul Mty in G.O. No. 1689 Edu d 24.5.49. Sri M. Thirumalai-
tho M.C. M.C. ⁽²⁾ Dindigul.
Copy to the D.P.
Swamy may be informed accordingly.

To.
The Municipal Commission
Dindigul Mty
tho M.C. M.C.
Copy to the D.P.

[Handwritten signatures and dates]
S/ECY *[Signature]* 21.12.49
21.12.49
21.12.49
21.12.49

C.No. 67124/49

E. & P.H. (G2).

From the Commr., Dindigul Mty., No. 9095-48-B2 dt.13-8-49.
From the D.P.I., No. Rc.1995-G1-49 dt.10-10-49.

Subject:- ESTABLISHMENT - Secondary Education/- Appointment
to post of Headmaster - Orders on the appeal of
Sri S. Tillainayagam, Assistant - Review.

The Appointment Committee of the Dindigul Mnty.,
passed orders in May 1948, appointing Sri A. Thirumalaswamy,
an Asst., Municipal High School, Dindigul in a leave vacancy.
The appointment made was in supersession of the claims of a
Senior Assistant Sri S. Thillainayagam Pillai, but the Appoint-
ment Committee's selection was based upon what it considered
as the superior record of the Assistant preferred by it. Both
the Assistant's names were in the panel. The orders of the
Appt. Committee were quite in order, as the post of headmaster
is a selection post, and appt. to it goes by special merit and
ability and not necessarily by seniority. The Senior, Sri S.
Thillainayagam Pillai appealed to Govt. against those orders.
The Commr. and the D.P.I. did not support the appeal. The
Govt. found however that the record of the appellant was not
worse than that of the man preferred and considered that it
was only fair that the appeal should be allowed. Orders were
accordingly issued in G.O. No. 1689, Edn., dt.24th May 1949.

The Commr. of the Municipality and the Chairman now
request a review of the orders of Govt. on the appeal referred
to in the previous paragraph. The Commr., the Appointment Com-
mittee and the Chairman point out that it was within the com-
petence of the Committee to make the appointment under the
rules then in force, and that the person appointed was con-
sidered more suitable. They request a reconsideration of the
previous orders.

The matter was fully considered in the notes in G.O.
No. 1689, Edn., dt.24-5-49 and it was not on account of any
irregularity that Govt. allowed the appeal but on the merits
of the two Assistants - vide the Secy's notes at pgs 1-3 of
the go and H.M's orders on p3 of this.

There does not appear to be any special reason to

17-19-25
p/5/4 m
48 1689 Edn
24.5.49

2/27 y
pages 1-5 y

(Z)

to modify the orders already passed.

5 Hm (E & L) L.H.P. may
See the case for orders -

15.11.49

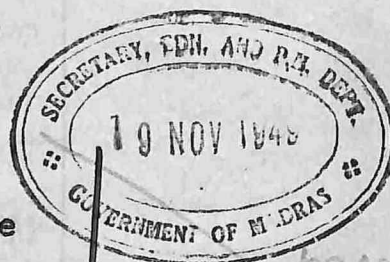
H.M. (E & L)
H.P.

What is the
power under
which the Govt.
can take up an
appeal like the one
which was allowed

18/11

Under rule 8(1) of the Rules relating to appointment and punishment of municipal officers and servants, appeal lies

- (1) to the Director of Public Instruction in the case of an order of punishment passed against a member of the teaching establishment other than the headmaster of a high school; and
- (2) to the Government, if the appeal relates to the post of headmaster of a high school.



A

31.5.31.6
2 Bk 9
Shri. H. D. M.
Act -

These appeals relate to orders of punishment such as dismissal, removal, reduction to a lower post etc. Though supersession of claims for promotion ^{as headmaster} which is the subject matter of several petitions as in this case, is not ~~a punishment~~ technically speaking, yet in view of the hardship caused by the orders of the Appointing Authorities in making appointments in supersession of the claims of seniors or really deserving persons in the cases brought to notice, the Appellate Authority deals with petitions of this nature even as regular appeals. The Appellate Authority in this case is the Govt. Cases of a similar nature will be found dealt with in the two linked

P.T.O.

linked files put up for reference. H.M. (E. & L.) has approved this suggestion in linked file I.

The file may be circulated for orders on para 4 on pages 1-2 and

6.12.49

7.12.49

5/12

14.7 (E & L)

14.8

Personally I think we have no right at all to entertain appeals in such cases. But - Having interfered in one, and allowed the appeal for good reasons on merits at page 3 N. 7 of Z by my predecessor, as a matter of policy it is not right to upset it now - Further there must be some finality in our orders, even though subsequent examination may ~~not~~ make us feel that we need not have interfered. The G.O. at Page 27 C7 of Z Para 2 would appear that Govt. have very carefully gone into the merits of the case. It will be a bit ridiculous for us to change that.

K.M.

9/12

From the rules cited at 'A' on page 2 ante, the right of the Government to entertain appeals in such cases seems unquestionable. As the appellate authority, the Government have got the right to set right, as has been done in this case, the wrong committed by the Municipality.

The G.O. at page 27 c.f. of flag (Z), para 2, directing the Municipality to appoint Thillainayagam as the Headmaster for the future vacancy in corr

and it shall not be revised. It is too much for the Municipality to assume that discretion vested in it has been unduly interfered with by the Government.

Discretion vested in the Municipality cannot be exercised arbitrarily, and without proceeding on principles. I can understand the Municipality making preference of one to the other of the candidates at the time of their inclusion in the panel. But when once the panel is prepared, every one in the panel is declared fit for selection as Headmaster; and the Municipality cannot do things arbitrarily thereafter, promoting a junior and overlooking ^{his} senior, while both of them are in the panel. To do so will be against natural justice.

Thillainayagam is senior to Thirumalasamy by ten years; and the former has got only seven years of service. While so, it is but just and proper that he should be selected for the Headmaster's vacancy. The selection would also be in accordance with the G.O.

No.3129, E.&P.H. dated the 9th December 1948 -- flag (X), his name ~~in the panel~~ being above that of Thirumalasamy *in the panel*.

The G.O. at page 27 c.f. of flag (Z) to stand.

H. Pr.
20/12/49

E & P. H
g₂

Please see orders in circulation above. The draft order memo below is ~~submitted~~ for approval. After ~~same~~ the papers will be filed with G.O. 1689 E.P.H. Dated 24.5.49.

21.12.49 21-12-49

5/21/12

