Pres

7/25 II-27—60,004—17-11-48

Edn (1949) Department.

Ms SERIES.

G.O. NO. 2038 Edn

Ms.

Dated 25/6/49

(5)

[Despatch Abstract.]

Furniture – office of the D.P.I. – purchase in the open market – sanctioned.

1.64
16

Question of payment of the bill from the private
ss may be taken up after receipt of a copy of judgment
led for already.

~~7~~.9.47 S. H.M. may see draft.

5/9/47

H.M. (Ed.)

Bose

9 - SEP 1947

TSA
8-9-47

~~08/16~~
5/9

T.

ed as Memo. 24992-8 G3, Edn., dated 9-9-47 to the Commr.
for Govt. Examinations).
the Commr. for Govt. Examinations, Roc. No. 71-B/47, dated
17th September 1947.

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copy of the judgment relating to the theft of question of the S.S.L.C. Public Examination of the March 1947 is elow. The Commr. for Govt. Examinations has reported that ements have been made for filing an appeal in the High against the acquittal of the two accused. The question of of fees due to the private press for having printed the on papers for March 1947 examination may therefore be taken up for consideration

-after-
P.T.O. -17-

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61 59

after the disposal of the appeal, if any, filed in the High Court.

2. The Commr. has also reported the arrangements which he proposes to make for the printing of the S.S.L.C. question papers of the Examinations in March, 1948 and subsequent years. The Supdt., Govt. Press, whom he has consulted has agreed to print, in future, all the question papers of the S.S.L.C. Public Examination at the Govt. Press. The proposal of the Commr. is the same as that suggested by the Dy. Inspector-General of Police (Railways and C.I.D.). It may be accepted. // As the question papers are proposed to be printed at the Govt. Press, it does not seem necessary that any agreement need be taken as suggested in para 1 of the memo on page 43 c.f. The Director's reply to para 2 of the memo may ~~therefore~~ however be awaited.

3/ The Commr. for Govt. Examinations has suggested that the S.G.P. may be instructed to give high priority in printing the S.S.L.C. Examination papers so that clean copies may be supplied to him by the end of February. As the S.G.P. can be expected to know the urgency of the work in question, it does not seem necessary to give him any special instruction in the matter. The draft below is for consideration.

'A' on p 46 c.f.

'A' on p 2 [illegible]

Instructions [illegible] [illegible], [illegible].

23.9.47

S

23/9/47

H.M. (Ed.)

~~08/16~~
23/9

Instructions may be issued to the Superintendent, Govt. Press, not only about the urgency but also about the secrecy, that is essential, to be preserved in this matter. The draft letter may be amended accordingly and resubmitted.

25 SEP 1947

TSA
24-9-47

The draft memo below is for approval

25.9.47

S

26/9/47

H.M. (Ed.)

TSA
30-9-47

1 - OCT 1947

~~08/14~~
26/9

and dishonest receipt of the said stolen question papers by Chelliah. (t)/1-2

The lower court has held that there is no sufficient evidence to prove the charge of criminal conspiracy between the two accused Rajagopal and Chelliah. (t)/21-22 Rajagopal has been in the service of Diocesan Press since 1934 and he remained on duty till the evening of 24th of March 1947 after which he absented himself and thereafter he was removed from service. (t)/2-3 Chelliah was in the service of Diocesan Press till 1945 when he severed connection with it and set up a book binding shop of his own. (t)/3

The lower court has also held that there is no sufficient evidence for the charge that A1 stole the question papers from Diocesan Press and that A2 received the stolen property with dishonest motive. (t)/31-32 The second accused was not also ever seen by any one in possession of the printed copies of question papers. Summing up, the lower court has held the view that there is no legal evidence i.e., evidence beyond any reasonable doubt to come to the conclusion that these two accused persons are guilty of the charges. (t)/32

3. Apart from the strange evidence given in the confession statement of A1 which has not been accepted by the lower court ~~i.e.~~ there is no clear evidence to show that the Press has been in default. The suspicion of the Police is that the leakage has taken place only from the Press through ~~with~~ the agency of Rajagopal. In the circumstances it is for consideration whether the claim made by the Diocesan Press should be honoured now, without awaiting the result of the appeal in the High Court. The C.G.E. has already reported that the rates allowed to the Press are special for confidential printing work and that the ordinary rates of the Press are said to be half the rates for confidential printing. The fact remains that there has been a leakage and a loss to Govt. on this account. All the question papers that were printed had ~~have~~ to be thrown aside and new ones had ~~have~~ to be printed. The entire amount is a loss to Govt. There has been no suggestion anywhere that the leakage has taken place from any other source than the Press. We do not know what explanation the Press may have on this matter. In the circumstances, it is for consideration whether half the amount claimed by the Press may now be ordered to be disbursed pending receipt of the -judgment-

p.t.o. -3-

Blame will attach to the Press only if A1's guilt is established; & the most important point here is his own confession. These aspects cannot be taken into account by us, however, ~~except in connection~~ independently of the result of the criminal case. We will therefore have to await the result of the appeal.

This does not mean, however, that all if there was negligence & the whole bill as are valuation, the money rates be payable.

Please see above. If we can hold them liable for negligence [illegible]

the justifies in not paying them anything at all except as the Police, no need to pay anything now, I think. also may be consulted whether it does not think we need to finish in this of what the University does.

judgment from the High Court. The question of payment of the remaining half may be considered after the receipt of the decision of the High Court. It however seems that whether the Madras University has paid the Press for the printing of their Question papers relating to the Intermediate Examination. 63

~~4. Finance and Legal may see.~~

Finance and Legal may see before consultation

20.1.48

S

Finance Reference to R' at p. 20 I think it is fair that we are withholding payment pending the conclusion of the criminal proceedings so as to be able to decide, if the leakage of the question papers is shown to have occurred owing to negligence in the Press, whether any payment is justifiable at all; this will then be clearly how they stand if we have given them an opportunity to make up their representations on the point if they wish.

21/1/48

Fin.

Legal.

ASST. SECRETARY TO GOVERNMENT
4200
22 JAN 1948
FINANCE DEPARTMENT

W.O. No. 24552 B3/47-14
21-1-48.

Fin (Accts B)

(Fin last noted on p 8 above).

The further notes of E.P.H from p 19 above may be perused.

Fin may agree with the E.P.H. Secy in the view expressed in his note at 'X' above ~~that the payment to the press may be withheld pending the decision of the High Court on the appeal preferred by the Govt.~~

23-1-48. 23-1-48 25.1.48 27.1.48

Legal

ASSISTANT SECRETARY
S/C
28 JAN 1948
LEGAL DEPARTMENT

L.D. No 4200 AB1
27-1-48

Legal Department

In this case, no regular agreement was entered into

O1012c

with the Press. The Press quoted their schedule of rates "for printing confidential papers" - see pages 15-19 c.f. - and these rates are said to have been accepted by the D.P.I. There is no letter accepting the rates and presumably there was no such letter embodying the terms and conditions of the contract. However, both parties must have been aware that the strictest secrecy was of the essence of the transaction, and there was a clear though implied responsibility on the part of the printer to maintain such secrecy. But so far there is no clear evidence to show that the Press has been in default and as the Chief Presidency Magistrate has acquitted the accused, it is difficult to prove that the leakage occurred in the Press. The Press can under ~~the~~ certain conditions be charged with negligence only if A.1's guilt is established. If it is established that the leakage occurred in the Press, that would be a good defence to the action. If that cannot be established, the bill will have to be paid.

As for the suggestion of the Secretary, E. & P.H. at X on page 21 ante, it is difficult to see how the decision in the criminal case will bind the Press.

|| A

Legal no no 1012C/48-7
3.2.48.

E.P.H.(G3) Dept.

ASST. SECRETARY TO GOVERNMENT
9436
7 - FEB 1948
p. 21 ante
EDUCATION AND PUBLIC HEALTH DEPT.

Please see the Fin. note on p. 21 ante and the Legal note on pp.21-22 above. Finance agree that the payment of the Bill may be withheld now and the Press informed as at 'X' on p. 21 ante. Legal however state that it is difficult to see how the decision in the criminal case will bind the Press. It is submitted that if A1.'s guilt is established in the High Court, it would follow that the Press was negligent of its duties and was thereby responsible for the loss caused to Government. This question may however be considered further after the result of the appeal pending in the High Court is known. The case may now be circulated for orders whether the payment of the Bill in question may be withheld and the Press informed as at 'X' on p. 21 ante.

13.2.48

HM (Home)
HM (Fin)
HM. Edn

x Vide above

The evidence in the judgment will be made use of to bring home the guilt of negligence on the Press.

P 13-2-48

66
64

I think the legal secy has put the case perspicuously. The accused was discharged by the CPM. but there is an appeal. I cannot see how we can withhold payment unless the guilt can be brought home to the press. If this cannot be done payment will have to be made. That is the legal position: but HM (Edn) may decide what is proper.

16/ii

A |

The point that I want Legal to go into is whether there is an undertaking from the Press that ~~it~~ the paper will be printed confidentially and whether there is enough evidence in the case to show that ~~it~~ may leaked while it was in the press and so, they have failed in their undertaking to print it confidentially. I would like Legal to go into this matter specifically. Our attitude must depend upon the answers that Legal will give for these questions.

TSA
~~28~~. 2.48

SECRETARY, EDN. AND P.H. DEPT.
10 MAR 1948
GOVERNMENT OF MADRAS

R.G.A.
9.3

May be recirculated to HM ~~Legal~~ (Home) before sending the file to Legal Dept. for examination on the lines indicated by HM (Edn)

10.3.48

S
HM (Home)

Let the Legal department examine what HM (Edn) wants examined

HM (Home)

11/3

839
10/3

Box

ASST. SECRETARY TO GOVERNMENT
11 MAR 1948
EDUCATION AND PUBLIC HEALTH DEPT.

Please see the orders in circulation above. With reference to A above, attention is invited to paras 3 to 6 of the C. & E's letter in pages 9-10 c.f. The case may be sent to Legal w.o.

13.3.48 Legal

13.3.48

ASSISTANT SECRETARY
18 MAR 1948
U.O. No 24882 B/48-15
LEGAL DEPARTMENT

Sealed cover 3.77 C

(P.T.O)

Legal Department

The two queries of the Hon. Minister for Education at page 23 ante are answered below:-

1. There was no written undertaking on the part of the Press to keep the papers confidential; but in the circumstances of this case, the law and the Courts will necessarily imply that there had been such an undertaking. This is nearly as good as a written undertaking and sufficient for all legal purposes.

2. There is no evidence to show that the leakage occurred in the Press.

Both these points have been anticipated and dealt with in the earlier note of this Department at page 22.

[illegible] 23/3

E & P.H.

E & P.H.

E & P.H. (G3) Sealed Cover

Please see the legal note above and the notes from pages 19-23 ante. The case may now be circulated to H.M. (Edn), H.M. (Home) and H.M. (Fin) for orders on P at page 22 ante.

Legal no 3077C/48
23.3.48.

24.3.48

25/3

H.M. (Home)

H.M. (Edn)

H.M. (Fin)

I think it wise to Govt to withhold payment till the case in the Court is disposed of. If it is convicted then we may hold the press responsible. But if he is acquitted then we will have to pay them. I would therefore advise that we may wait for the result of the case in the H.C.

30/3

TSA
1-4-48

15.4

O & S
25/3

ASST. SECRETARY TO GOVERNMENT
MAR 1948
22466
EDUCATION AND PUBLIC HEALTH DEPT.

SECRETARY, EDN. AND P. H. DEPT.
16 APR 1948
GOVERNMENT OF MADRAS

67

Please see the orders in circulation at p. 24 ante. It is presumed that 'P' on p. 22 ante has been approved and that the Manager, Diocesan Press, may be informed as at 'X' on p. 21 ante. Subject to orders, a draft Memo. is submitted for approval.

19.4.48

20.4.48

H.M. (Edn) may see
21/4/48
H.M. (Edn)

O & S
22/4

After the words 'to be able to decide' the following words may be used instead of the words in the draft:-

"so as to be able to decide ~~wexwe~~ whether the leakage of the question papers is through the press"

TSA
21-4-48

Please see the minutes of H.M. (Edn) above. The draft memo below has been amended accordingly. It may now issue as amended.

28.4.48

[Memo No. 24992-G3-47-16-Edn Dt 29.4.48.]

p55 cf

From the Secretary, the Diocesan Press, Madras - Letter Dt 31/3/48

p58 cf

Attention is invited to the orders in circulation on p. 24 ante of this paper, and the memo to the Diocesan Press on page 57 cf. The decision to withhold payment of the bill has made the Press think of action in a Court of law. The letter on ~~page~~ page 58 cf is notice of a

suit

Suit against Govt. given as required in Sec 80 of the Civil Procedure Code. The threatened suit may be awaited.

Meantime the ~~D.I.~~ C.G.E. may be asked to report the present stage of the appeal.

The draft memo below is for approval. Legal may see.

13.9.48

13-9-48

(Bot)

Legal Dept

Seen in Legal.

~~2.~~ The question whether the liability of the Govt. will be affected by the decision in the criminal case has already been answered by this Dept — See A on p 22 ante

AD 15/9/48

E.H.P.H. U.O. No.
24992/93/47-17
14.9.48
11148C

ASSISTANT SECRETARY 15 SEP 1948 LEGAL DEPARTMENT

From the C.G.E. ROC-No 71-B-47- Dt 15.9.48.

Memo [illegible] in view of the C.G.E. report received on 16/9/48

Legal U.O. No 11148 C/487 16.9.48

17 SEP 1948

69221

The appeal has been disposed of finally. A copy of the High Court's judgment is at ~~pages~~ 62-73 c.f. The Appellate Court has convicted the first accused who was an employee of the Diocesan Press ~~The~~ and has sentenced him to undergo R.I. for two years. The Court has observed as follows:- "There can be no no doubt that despite the precautions taken there was some negligence somewhere and that persons did succeed in penetrating the secrecy which the authorities were anxious to preserve." It is therefore clear that the management of the Press did not take sufficient precautions to preserve that degree of secrecy which was necessary ~~E~~ in the printing of the question papers, and that as a result of the lack of such precautions, the papers were stolen by an employee of the Press.

62-73 c.f.

This is p. 63 of [illegible] the matters were directly relevant [illegible] the 1st accused an employee of

Legal may see the case & offer remarks on the point whether the payment to the Press may be withheld until their claim is decided by a Court of law — (The Press has already given notice of a suit)

21.9.48

21-9-48

Legal

The Press has now been convicted of the offence of theft of papers from the Press & the justifiable inference [illegible] was the failure in the Press — & an inference which is re-inforced by the confession of the 1st accused, & then upon the theft of which he has been convicted; (please see particularly para 13-14 of (E), & the passage 'A' on p. 64 of the High Court's judgment). There is a case for holding [illegible] was the failure in the Press, & for refusing payment.

(Bot)

E.H.P.H. U.O. No
24992/93/47-18
22/9/48
11481C

ASSISTANT SECRETARY 23 SEP 1948 LEGAL DEPARTMENT

Legal Department

The High Court has convicted the first accused Rajagopal, of the offence of theft of question papers from the Diocesan Press, and it can therefore be safely assumed that part at least of the leakage occurred from the Press. The condition of secrecy was of the essence of the contract as any leakage, accidental or otherwise, will make the examination papers valueless for the Government. The Press was thus under an obligation to take the utmost care possible to ensure secrecy.

2. It is also to be noted that though it is not clear from the judgments at (t) and at pages 62-75 c.f. how exactly the theft was committed, and

28 53

what effective precautions were taken by the press to preserve secrecy, there appears to be evidence of negligence on the part of the Press, namely, (1) that the search by the watchman was perfunotory and that this enabled the first accused to smuggle the papers out (vide P on pages 13 and 14 of (t)), and (2) that the first accused had access to papers with which he was not dealing (vide A at page 64 c.f.).

3. The Press however will be liable in damages only in respect of the papers which leaked out from the Press and mentioned in the confessional statement of the first accused and not in respect of others. Such amount as may be necessary to cover up the loss in respect of these papers may be retained and the balance if any due may be paid.

Legal no. 11481c/48-7
28.8.48.

29.9.48

E & PH (53)

1 OCT 1948

73236

Orders have now to be passed on the bill presented by the Diocesan Press for Rs 35,480/- being charges in respect of the printing of the question papers of the S.S.L.C Examination of 1947. The High Court has convicted the 1st Accused in the case by sentencing him to undergo rigorous imprisonment for two years. and has made comments on the negligence in the Press. The question is: What orders are to be passed on the claim of the Press for the amount mentioned above. On this question Legal have expressed the view that as the

pages 62-73 c.f.

p 73 c.f.

29 69

The Press will be liable in damages only in respect of the papers which leaked out from it & which were mentioned in the confessional statement of the 1st Accused and not in respect of others, such amount as will cover the loss in respect of those papers may be retained and the balance, if any, paid.

It may be stated that the actual loss should be deemed to be much more than the loss in respect of the papers ~~[illegible]~~ which were admitted by the 1st Accused as having been removed by him. A reexamination in all the subjects had to be held in 1947 ~~Then~~ as a result of the leakage, & strictly speaking, the entire expenditure on that reexamination is the ~~[illegible]~~ loss sustained by the Govt. through the leakage in the Press. If this is the case, it is a point for consideration whether the Legal Dept's view as to the assessment of the damages should be accepted. The management of the Press has given notice of a suit and may file a suit. It is also for consideration whether the result of this suit may be awaited before Govt. commit themselves to any payment. ~~paper~~ If the Legal Dept.'s view

x from 21st to 30th April 47.

The C&GE may be consulted as proposed in the next para.
20/10/48

p 58 c.f.

view that a portion of the claim should be withheld is accepted, the draft memo below to the C. G. E (asking him to state what amount should be withheld) is for approval.

Finance may see the case before circulation —

20.10.48

25/10/48

(A.S.)

Previous Fin note on p 21 ante. orders in circn on p. 24 ante and notes from p. 26 ante may be perused.

Fin may agree with the E. & P. H. Secy's views expressed in the margin of p. 29 ante ~~Fin may see before payment is finally sanctioned~~ ~~[illegible]~~

28.x.48

28/x/48

E&P.H. O.O. No 24992/G3/48-19 27.10.48

SECRETARY TO GOVERNMENT
28 OCT 1948
94495
FINANCE DEPARTMENT

E&PH (G3)

Fin no 94495 A.S.
28.10.48

The Diocesan Press has presented a bill for Rs 35480/- towards the printing charges of the question papers of the S.S.L.C examination of 1947. There was a widespread leakage of the question papers in that year and the Govt had consequently to order a reexamination in all the subjects. The High Court has now passed orders in the Crown appeal in the case relating to

28 OCT 1948

Box

70

to that leakage, convicting the 1st accused, who was an employee of the Press in question and sentencing him to undergo rigorous imprisonment for two years. It has now been established beyond doubt that the 1st accused stole some of the question papers from the Press. The question now is whether the bill of the Press should be ordered to be paid or whether any portion of the bill amount or the whole of it should be withheld. On this question the Legal Dept. have advised that the Press will be liable in damages only in respect of the papers which leaked out from it and which were mentioned in the confessional statement of the accused and that such amount as will cover up the loss in respect of the papers actually stolen may be retained and the balance, if any, paid. As it is considered desirable to avoid the suit threatened by the Press in this matter, it is proposed to pass orders in accordance with the Legal Dept's view and to this end, to ask the C. G. E to state what question papers were actually stolen and what amount should be withheld in respect of them. The draft memo below is intended to elicit this information.

P73 cf

p.28 ante

p 58 cf

Pr. (Pri.) H.M. (Edn) may see the case for orders

28.10.48

29-10-48

[illegible] leakage, [illegible] the 1st
[illegible] an employee of the
[illegible]
[illegible] to follow
[illegible] damages
[illegible] papers [illegible]
[illegible]
[illegible]
[illegible]
[illegible] each!
[illegible]
[illegible] liable
in damages to [illegible]
damages [illegible]
a second [illegible]. A contract
of secrecy is [illegible] that
contract [illegible] of
[illegible] to damages
[illegible] damages [illegible]
[illegible] papers [illegible]) but
it has to be [illegible] ~~[illegible]~~
with reference to the [illegible]
consequent on the leakage of the paper.
[illegible] can with-
hold payment [illegible]. We have to make
a counter claim [illegible] set off that
against the amount due & pay the balance
if any or pay the [illegible] & make a separate claim.
[illegible] Legal Dep. [illegible]

(Box)
On 4/4
3/4

ASSISTANT SECRETARY
5 - NOV 1948
LEGAL DEPARTMENT

130 3/9c

The case may now be sent to Legal Dn with reference to last sentence of A.S. (Agri)'s minute

4.11.48

4-11-48

E.S.P. 4.0?. No 24992/43/47-20
5/11/48.

69

The point at X on page 28 ante should have been more fully explained. Several examinations fall into parts. For example, Part I may consist of English; Part II of Tamil, Malayalam, Telugu, Sanskrit or other language; and Part III of Mathematics, Physics or some other optional subject. If the leakage occurred in respect of say, a paper in Sanskrit, it may not be necessary to hold a re-examination in Tamil, Malayalam or the other permissible languages included in that Part. Likewise, if the leakage was in respect of a paper in Chemistry, it may not be necessary to hold a re-examination in the other optional subjects. But of course, where the paper in respect of which there has been a leakage is of such a character that it calls for a re-examination in all the papers, then the entire lot of papers set in the examination becomes worthless. Normally, one may presume that the decision of the examining authority on the question whether a particular paper in respect of which there has been a leakage or the circumstances connected with the leakage call for a re-examination in all the papers or only some of them. will find acceptance.

The general rule is that where a contract has been broken, the party guilty of the breach is liable to make good "the loss directly and naturally arising in the ordinary course of events" from such breach. But on the other hand, the person complaining of the breach "must not only avoid the active incurrence of unreasonable expenses" but he must also take all reasonable steps to avoid loss consequent upon the breach.

One method of calculating damages would be this:

(1) Cost of setting the new question paper (there is a recognised Schedule for this);

(2) Cost of printing the question papers;

(3) Cost of making or valuing the papers (This would arise only if the answer papers set at the first examination had been marked so that the examiner's honorarium has to be paid;

(4) Cost of supervision and other incidental charges.

These must to some extent be a matter of rough estimate.

2. It does not appear necessary to pay the printing charges first and then or even simultaneously file a suit for damages. Though legal set-off is not possible under Order VIII, rule 6, C.P.C. by reason of the damages being an unascertained sum, equitable set-off can well be claimed (please see among others, 6 I.C. 924, 15 All,9 and Mulla's C.P.C. 11th edition, page 623).

3. The thing therefore to do is to deduct from the amount claimed by the press, (a) the claim in respect of papers in which re-examination was found necessary, (b) the claim for damages in respect of such papers computed in the manner indicated above. In making the actual calculation, care may have to be taken to see that there is no overlapping of items.

(Discuss with H M Agri)

EAH

83764

NOV 194

Sealed Cover

Legal no. 13039/48-1
10/11/48.

PTO

H M (Agri)'s minute on p. 32 ante may be perused. That was with reference to the proposal on which orders were requested in circulation, that such amount as would cover the loss in respect of the question papers which were actually stolen from the Diocesan Press in 1947 might be withheld from the amount of printing charges claimed by the Press and the balance paid. That proposal was based upon the Legal Dept.'s opinion in para 3 of their note on page 28 ante. The Legal Dept. have in their note on pages 33-34 ante answered the point raised by H.M. (Agri) in his minute on p 32 ante.

Summarising note on pages 30-31 ante.

Rs 35480 (pages 51 53/1)

It is for consideration whether the claim for damages on account of the theft of the question papers and resultant re-examinations may be computed in the manner suggested by Legal, at K on p 34 ante, and whether the balance remaining, after the loss is thus calculated, may be paid to the Press.

After orders are passed on the above question the amount to be deducted from the amount now claimed will be settled in consultation

Consultation with the C.G.E.

~~The~~ case may be circulated to H.M. (Agri), H.M. (Edn) & H.M. (Fin.) for orders on paras 2 and 3 above.

15.11.48

m/15.11.48

~~X at page~~ No. 33 may be done.

C817
16/4

ISA
20.11.48

SECRETARY, EDN. AND P.H. DEPT.
4 DEC 1948
GOVERNMENT OF MADRAS

P.S.G.

Box

With reference to the above orders, a revised draft memo to the C.G.E is submitted for approval—

4.12.48

[Memo No. 24992-G3-47-21 Edn. 7.12.48.
Memo No. 24992-G3-47-22 Edn. 16.2.49]

Box
pages 76-77 cf
p 78 ac.

From the C.G.E.'s No. ROC-71-B-47-
Dt. 4.3.49.

p 80 cf

The interim reply on p 80 cf. may be perused. The C.G.E.'s final reply may be awaited till ~~30/~~ 1.4.49

5.3.49

(C. No. 25816/49. From the Diocesan Press. dated 1.4-49)

Box

84 cf

173

p 86 cf From the C.G.E. No. 71-B-47
Dt 3.5.49.

The C.G.E. has given information as to the amount which should be deducted from the ~~Press~~ Printers' Bill, but the statement furnished with his letter is not quite clear. It seems to be better to obtain clearer details of the items represented by the figures of cost included in the statement.

The draft memo below is for approval.

S 11/5

9.5.49

(Issued as Memo. 24992/G3/47-24. Edn. d. 11.5.49.) p 88 cf

(C. No. 37049/49. C. G. E. Roc. 71-B/47. d. 18.5.49.) p 90 cf

page 88 cf.
p. 90 cf

Box

With reference to the orders in circulation on page 36 ante, the C.G.E has been consulted as to the amount which should be deducted from the ~~total~~ amount claimed by the Diocesan Press ~~for~~ so as to cover up the loss due to the leakage of the question papers in 1947. The C.G.E has, after consultation with the S.G.P suggested that a sum of Rs 24918 represents the loss and that this amount be deducted from the bill amount of Rs 35480/, and the

pages 86-87 cf

The balance of Rs 10562 may be paid. It may be stated that the loss has been calculated only in respect of the reexamination in the five subjects mentioned in the confessional statement of the accused and does not include the cost on account of the reexamination in three other subjects, ~~which were~~ not mentioned in the confessional statement, which had to be held out of abundant caution. The Commissioner's suggestion may be accepted.

A draft order is submitted for approval. Hm. may see it before circulation.

3980
14912
10562

x Eng. I paper
Eng II paper
Elg. Math.
Hist.
9000

Phy.
Chem.
Physiology

14.5.49.

Legal may see first because it is not quite clear to me whether in accordance with the minute of H.M.(Law) at p. 32 we can now assume that there is proof that the contract has been broken. If proof or presumption is available, the draft may be suitably amended and amplified in order to meet the almost certain objections from the Press which may take the form of litigation.

20/5

Legal

Finance

ASSISTANT SECRETARY
23 MAY 1949
LEGAL DEPARTMENT

(in Sealed Cover)

E&PH(G2) 20/5
Lr.no. 24992 G2/47-28 Edn
29/5/49

6884C

LEGAL DEPARTMENT

With reference to the note of Secretary, E & P.H. above, attention is invited to paragraphs 1 and 2 of the note of this department at pages 27-28 ante. It is, however, unnecessary to specify in the draft how the contract has been broken. It is suggested that the draft may merely say that the Press will be liable in damages in respect of the leakage of the question papers and that the Government are content to recover only the loss due to the re-examination in the five subjects the question papers relating to which were stated to have leaked out in the confessional statement of the accused in C.A.628 of 1947. The necessary alterations have been indicated in red ink on the draft.

13.6.49

E&PH

E&PH(G2)

Legal W.O No 6384C/49-1
13.6.49

45667
16 JUN 1949

Sealed Cover

E&PH(G2)
Lr.no. 24992 G2/47-26 Edn
16/6/49

The alterations made in the draft order by Legal may be accepted & the draft order as thus modified may be perused by Finance to whom the file may now be marked.

15.6.49

(Exp B)

ASSISTANT SECRETARY TO
39082 EB
16 JUN 1949
FINANCE DEPARTMENT

(Sealed Cover)

(Previous Finance note on p 30 above)

Please see the orders in circulation on p 36 above and the further notes of E.P.H and Legal from the middle of p37 above. The draft order, below, as amended in red ink by Legal, may be accepted in Finance. ~~subject to the remarks that the head of debit in the current year's budgets may also be indicated in the draft~~

Rs. 17.6.49 17649

17.6.49

20649

S/ E.P.H. (G2)

E P H

Fin. 39682 EB1 20.6.49

ASST. SECRETARY TO GOVERNMENT
47205
21 JUN 1949
EDUCATION AND PUBLIC HEALTH DEPT.

The draft order as amended by Legal has been retyped and is submitted for approval –

Am (E.Dn) may see it –

21.6.49

U.S. (E+L)

24/6

Box

KING & PARTRIDGE
SOLICITORS, ADVOCATES, NOTARIES
AND
COMMISSIONERS FOR OATHS

MADRAS AND OOTACAMUND

Partners:
BERT McDOUALL SMALL, O.B.E., M.A., LL.B. (EDIN.
LESLIE DAVISON MILLER
ALFRED SHAUN JEFFARES, B.A. (DUBLIN)

TELEGRAMS: 'REGAL'
CODES: A.B.C. 5TH & 6TH
BENTLEY'S

TELEPHONE No. 3911 (2 LINES)
POST BOX No. 121

High Court House,
Madras, India

731
75

20th September 1949.

Urgent

No. 72838

ASST. SECRETARY TO GOVERNMENT
21 SEP 1949
EDUCATION AND PUBLIC HEALTH DEPT.

The Secretary,
Board of Secondary Education,
Madras.

p.163 c.f. of (J)

Sir,

re G.O.Ms.No.2037 dated 25th June 1949.

72980

With reference to our letter No.10097 of the 1st of August we regret that it has been impossible to write to you earlier owing to certain unavoidable delay. Nor is it possible at the moment for our clients to give a final decision as Counsel whom they have been consulting in the matter will be away from Madras until the 3rd of October.

We are writing to you now in view of the fact that XXXX the cheque for Rs.10,662/- which is referred to in our above mentioned letter to you is dated the 9th of July 1949 and is current for three months only from the date of issue. This three months period will therefore be up on the 9th of October. In your letter to our clients No.ROC.71-B/47 of the 26th of July you state that the cheque is sent in full settlement of our clients' bill for printing charges in connection with the S.S.L.C. Public Examination of March 1947. In the circumstances our clients cannot accept the said cheque in full settlement and we are writing to enquire whether in view of the approaching end of the three months period referred to above you will agree to our clients cashing the said cheque on the clear understanding that they are not accepting the proceeds of the cheque in full settlement of their bill and on the equally clear understanding that the amount of the cheque will be credited in full against the total amount of their bill in any claim or proceedings which they may make or institute against Government.

As time is getting short we shall be obliged if you will kindly let us have a reply to this letter with as little delay as possible and leaving a reasonable margin for any necessary correspondence before the three months period comes to an end.

We suggest that the procedure outlined above will be the simplest and most satisfactory in the circumstances.

ASJ/MRV

Yours faithfully,

Copies for information to The Secretary to the Government of Madras, Education & Public Health Department, Fort St.George, Madras and to The Manager, Diocesan Press, Madras.

E.&P.H.(9/2).

This is a copy of the letter addressed to the Secretary, Board of Secondary Edn., Madras, by Messrs. King & Partridge, Solicitors and Advocates, on behalf of The Diocesan Press, Madras. The C.G.E.'s report on this subject may be received in due course. This may be lodged & filed with G.O.No 2037 Edn 25/7/49

23/9/49

22.9.49

24/9/49

A84
G2

'CONFIDENTIAL'.

77

Subject:

S.S.L.C. Public Examination, March 1947 - Cost of printing the question papers - payment of.

R.O.C.No.71-B/47.

Dated 23-9-1949.

Station:- Madras.

From (Name):- Sri D.S. Reddi, M.A., (Oxon).,
(Designation):- Commissioner for Government Examinations,
Madras.

To

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

25 SEP 1949

Sir,

pages 1 & 3 ante

Ref:- Letter No.12838, dated 20th September 1949 from
Messrs King and Partridge, Solicitors, Madras -
(Copy sent to Government).

74240

p163 c.f. ①

With reference to G.O.Ms.No.2037 Education dated 25th June 1949, a cheque for Rs.10,562/- dated 9-7-1949 was obtained from the Accountant-General, Madras, and sent to the Diocesan Press, Vepery in full settlement of their claim for the cost of printing the question papers relating to the S.S.L.C. Public Examination, March 1947. The printers are not accepting this amount in full settlement of their bill for Rs.35,480/- and have placed the matter into the hands of their lawyers with a view to claim more than the amount ordered to be paid to them by the Government. As the cheque sent to them is valid till 9-10-1949 within which date it should be cashed, the legal advisers of the Diocesan Press enquire whether in view of the approaching end of the three months period referred to above, the Government will agree to their clients cashing the said cheque on the clear understanding that they are not accepting the proceeds of the cheque in full settlement of their bill and on the equally clear understanding that the amount of the cheque will be credited in full against the total amount of their bill in any claim or proceedings which they may make or institute against the Government.

pages 1 and 3 ante

I request that Government will be pleased to reply to the point raised by the Solicitors direct or advise me as to the reply that may be sent to them.

24.9.49

for COMMISSIONER.

M.T./24.9.49.

78] Ed Pt (S2)

7298/49 - from the C.G.E. No R.O.C-71-B-47- dated 23.9.1949.

15 cf

70

Dy Secty
6/10

Subject:- S.S.L.C Public Examination, 1947 - Cost of printing question papers. - Payment to the Diocesan Press.

Memo. No. 7298-G2/49-2 Edn. dated 6-10-49.

J/163 cf.

The ~~attention~~ C.G.E is informed that according to the orders contained in G.O.No. 2037 Edn. dated 25.6.1949, the payment to the Diocesan Press ordered in that G.O is in full settlement of the claim of the Press in respect of the printing of the Question papers of the S.S.L.C Examination held in 1947. He is requested to make it plain to the Solicitors that the Cheque for Rs 10562/- already passed in favour of the Press is in full settlement of the claim of the Press, that the Govt. will entertain no further claim in the matter and that the orders already passed will not be modified.

To
The C.G.E.

Engross
5.10

5/10.49.

5-10-49

E & P.A (G2)

C No 72980 – From King & Partridge – Solicitors etc – Letter Dt 20.9. 1949.
From the C.G.E. – No. ROC-71-B of 1947 – Dt 23.9. 1949.

77

S.S.L.C Public Examination, 1947 – Cost of printing question papers – payment to the Diocesan Press.

In view of the leakage of questions which occurred in 1947 when the question papers ~~was~~ for the S.S.L.C Examination were in print that year and for which the High Court held that the private Press concerned (Diocesan Press) was responsible, the Govt. ordered in G.O No. 2037 Edn. dated the 25th June 1949 that the entire bill for Rs 35480 presented by the Press should not be paid but that an amount of Rs 24918 being the loss sustained by the leakage should be deducted from it and a sum of Rs 10562 only should be paid to the Press. It would appear from the Solicitors' letter on pages 1 & 3 cf. that the Press proposes to institute proceedings in respect of its claim for the full

T/p163 cf

T/p1

2

full amount – In connection with the C.G.E's Cheque for Rs 10562 in favour of the Press, the Solicitors desire to know whether the Cheque may be cashed on the clear understanding that the amount is not in full settlement of the claim, but is to be credited in full against the total amount of their bill in any claim or proceedings which they may make or institute against the Govt.

pages 1+3 J.

p.B.C.J

2. The Govt.'s order is that the amount paid is in full settlement and that the balance of the claim amount should be disallowed – In view of this order it is for consideration whether the C.G.E may be informed that the Cheque is in full settlement of the claim and that the orders already issued in G.O. No. 2037 Edn dated 25th June 1949 cannot be modified –

J/163 J

n
4-10-49

A
J/163 J

3. Legal & Fin. may See –

ASSISTANT SECRETARY TO GOVERNMENT
5 - OCT 1949
64590-
FINANCE DEPARTMENT

4.10.49

n
4-10-49

Legal / Finance

Legal Dept

Seen in Legal
B
4.10.49

Finance

(Bot)

E & P.H. 72980-G2/49-
dated 6-10-49

ASSISTANT SECRETARY
12509 C
4 OCT 1949
1.15 PM
LEGAL DEPARTMENT

G2

80

Fin (Exp B)

The notes on pp 1-2 above may be perused. This dept. agrees that a reply may be sent as suggested at A p. 2 n.f.

5-10-49

R
5.10.49

5-10-49

E & P.H. (G2)

(Bot)

Fin no 64590 EB.1
5-10.49

ASST. SECRETARY TO GOVERNMENT
76498
5 - OCT 1949
EDUCATION AND PUBLIC HEALTH DEPT.

A draft memo is submitted for approval –

5.10.49.

m
5-10-49

Addl. Secy.

H.M. (Edn)

6/10.

H.M. (Edn)

(Bot)

6 OCT 1949
EDUCATION AND PUBLIC HEALTH DEPARTMENT

[Issued as Memo. No. 72980-G2/49-2 Edn. d/- 6-10-49.]

(Issued)

E & P.H.
G2

The papers may now be filed with the original of G.O. Ms. No. 2037 Edn. d 25/6/49.

Ⓙ

31/10/49

n
1-11-49

31.10.49.

Back Papers.

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

Further Papers.

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

8

A/

Education Department

From
The Director of Public Instruction,
Madras.

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

R.C.No.874 F1/48 Dated 12-5-49.

ASST. SECRETARY TO GOVERNMENT
1? MAY 1949
EDUCATION AND PUBLIC

87175

Sir,

Sub: Office of the Director of Public Instruction - Purchase of furniture in the open market - Requesting.

------

1 Govt.Memo.No.91650-2-C2 Edn D/30-12-48
2 G.O. No.Ms.463 Edn., D/19-2-1949
3 G.O. No.Ms.966 Edn., D/4-4-1949 — ①
4 G.O. No.Ms.620 Edn., D/8-3-1949

For the additional staff recently sanctioned by Government for my office in their orders noted in the margin, additional furniture is required. I addressed the Superintendent, the Penitentiary, Madras for the supply of the items listed at the end of this letter. But the Superintendent reports that he cannot supply them immediately as he has no stock of ready made furniture and will be able to supply them only by the end of November 1949.

2. In this connection I have the honour to inform Government that consequnet on the sanction of additional staff form time to time in my office, the necessity for additional furniture is keenly felt. This need for furniture has for the time being been met by borrowing the items required from the Government Muslim College, Madras. These will have to be returned to the College before it reopens and in any case before the end of June 1949. Transferring the items of furniture from our subordinate offices is out of the question because they do not have surplus stock. In the circumstances, I request that Government may be pleased to permit me to purchase the following item of furniture from the open market.

Officers Tables.	-	2.
Senior Clerks Tables	-	10.
" " Chairs	=	18.
Stools	=	12.
Tea-poys	=	6.
Forms Racks	=	12.
Wooden Almirahs	-	2

P.T.O.

2

3) I request the favour of early orders in the matter.

Yours faithfully,

for Director of Public Instruction.

KT.14/5.

14.5

25758

A

3

POST COPY OF TELEPHONIC MESSAGE Dated 27-5-1949.

---

31 MAY 1

From

The Director of Public Instruction,
Madras.

To

41416

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

~~[illegible]~~

Sub:-- Furniture--Office of the Director of Public Instruction, Madras--Purchasing in open market.

Ref:-- Government Telephonic Message dated 25-5-1949.

The approximate cost of the furniture will be Rs. 2,200/-.

for DIRECTOR OF PUBLIC INSTRUCTION.

ARB : 28-5

3
28/5

4

[illegible] dated [illegible]-5-1949.

From
The Director of Public Instruction,
Madras.

To
The Assistant Secretary to Government,
Education and Public Health Department,
[illegible]

Sub:-- Furniture--Office of the Director of Public Instruction,
Madras--Purchasing in open market.

Ref:-- Government Telephone message No. [illegible]

The approximate cost of the furniture will be Rs. [illegible]/-.

for Director of Public Instruction.

5

Edn and P.H.Dept

2

Telephone Message by Post

From No 37175 Asst Edn Dt 7-6-49
The Asst Secy to Govt, Edn & P.H.Dept

To

The Joint D.P.I.

Office of the D.P.I. - Purchase of furniture in the open market
Ref D.P.I's letter No: 871 F/48
Dt 12.5.49 & t.m Dt 27.5.49.

Please furnish the following information:-

(1) the strength of the staff sanctioned in the orders cited by the Director in the letter
(2) Whether the addl. furniture ~~which are~~ proposed to be purchased is justifiable on the basis of furniture now allowed to the existing staff in the office
(3) Whether in view of the fact that a lump sum deduction is made in the B.E for 1949-50 under 37 Edn under office contingencies the present proposal for addl furniture (Rs 2200) is justifiable

6/6/49.

7/6/49

7/6

11/6

A51

Office of the Director of Public
Instruction, Madras,
d/ 17-6-'49

From

The Director of Public Instruction,

Madras.

To

The Secretary to Government,
Education & Public Health Department,
Madras.

46477

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUB
19 JUN 19

Rc. No. 871 F.1/48 Dated 17-6-'49

Sub: Office of the Director of Public Instruction, Madras
Purchase of furniture in the open market -
Ref: Govt. T.M. by post No. 37175-A/49 Edn dated 7-6-'49

Sir,

The information required by Government is herewith furnished.

The strength of the staff sanctioned in the G Os. cited in my original letter is as follows:-

Officers	2
Junior Superintendent	1
Film Librarian in the cadre of Dy. Inspector of Schools Grade I	1
Dy. Inspector of Schools Grade II	1
Upper Divisiona Clerks	2
Lower Division Clerks	3
Film Operator	1
Typist	1
Attender	1
Peons	3

All the items of furniture mentioned in my letter are very necessary. The list of furniture has been drawn up with due regard to the actual minimum requirements of each officer, clerk and other staff. It may also be seen that items like tea-poys serve the purpose of tables with the added advantage that they are more readily portable and are very useful for special purposes in the Film Library. Further the purchase is justified as the Office is already short of the items. I may also state that the Principal, Government Muslim College, Madras, from whom a loan of furniture was taken, has already reminded me to return the same on or before 20-6-'49 as the College is being re-opened on 27-6-'49

In view of the urgent necessity for the furniture, and as there is no other source from where the same can be had even temporarily, the purchase of these items of furniture is inevitable.

Yours faithfully,

For Director of Public Instruction,
Madras.

8
17.6.49

C

EB

37175 M/49

EPH (A)

Furniture – Office of the D.P.I. – purchase in the open Market – Sanctioned

---

Ref letter from the DPI No 874 F.1/49 d 12.5.49

G.O. (Ms) No 2038 Edn dated 25/6/49

In the circumstances stated by the DPI in his letter ~~referred to~~ cited, the Govt permit him to purchase the items of furniture mentioned below at a cost not exceeding Rs 2200/- in the open market instead of from the Jail Deptt:–

Officers tables	2
Senior clerks tables	10
Senior clerks chairs	10
Stools	12
Teapoys	6
Forms racks	12
Wooden almirahs	2

To The D.P.I.
The Acctt. Genl. [illegible]

~~MKS~~
~~25/5~~

28/5/49

MKS
25/5
27/5/49

28/5/49

precedent to (R)

Note: May be sent to Home and Finance for acceptance

MKS
25/5
27/5/49.

28/5/49

Home
Finance

EPH.W. 37175 A/49-1
28/5/49

Home Department

The draft order may be accepted and the file passed on to Finance.

31.5.49

ASSISTANT SECRETARY TO GOVERNMENT
30 MAY 1949
HOME DEPARTMENT

30/5/49

36131 E&O
31 MAY 1949
FINANCE DEPARTMENT

Fin

48003 C
30/5/49

Home U.O. No. 48003 C/49-1
31/5/1949.

A

Finance (Exp B)

Please see the reference from the D.P.I in the C.F and the draft order put up by E.P.H overleaf. E.P.H may be requested in the first instance:-

(i) to indicate the strength of staff sanctioned in the orders cited by the D.P.I in the CF;

(ii) to examine ~~the need~~ how far for the additional furniture asked for by the D.P.I ~~with reference to the additional staff sanctioned~~ is justifiable on the basis of furniture now allowed to the existing staff in his office

(iii) to indicate the cost involved in the purchase of the furniture in the open market; ~~and~~ and

(iv) to examine whether in view of the fact that the lump deduction is made in the B.E for 1949-50 under 37 Education under office contingencies the present proposal for additional furniture is justifiable.

x 4.15 lakhs
p 218 B.E for 1949-50

Rs 2200/-

m/26.6.49

A.S.
3.6.49

E. & H.
A.

EPH

Notes
36/31 EB/1
3.6.49

A draft ~~[illegible]~~ t.m to the D.P.I is put up

6/6/49

7/6/49

[Issued as T.M. by post no. 37175 A/49 Edn d/ 7.6.49] p5 cr

From the D.P.I. no 871 F.1/49 d/ 17.6.49 p7 cr

Please see the D.P.I's letter on p 7 cf. In the circumstances stated by him, ~~[illegible]~~ it seems that the furniture is really necessary and that it is justifiable to sanction ~~the~~ its purchase. The approximate cost of the furniture will be Rs 2200/-

p3 cr

Finance may see again ~~before issue of the draft~~

M & F
21.6.49

21/6/49.

22/6/49

EPH no. 37175 A/49. 2
21.6.49

ASST. SECRETARY TO GOVERNMENT
42676

ASSISTANT SECRETARY TO GOVERNMENT
20 JUN 1949
40909

A

Finances (Exp-B)

(Previous Finance note on p 2 above)

With reference to the points raised by this deptt on p 2 above, please see the letter from the D.P.I on p 7 CF and his T.M on p 3 CF. In the circumstances explained therein, the draft order on p 1 above, as now revised, (x) may be accepted

(x) incorporating the cost of furniture

Rs.
23.6.49

m
23.6.49

A.S.
23.6.49

E. & H.
A

Fin no
40909 EB-1
23.6.49

ASST. SECRETARY TO GOVERNMENT
48113
EDUCATION AND PUBLIC

The draft order may issue

24/6/49.

25/6/49