

E & P.H. (1949) Department.

Ms. SERIES.

G.O. NO. 231 Edn.

Dated 31-1-49.

closed

UBK

Supdt.

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[Despatch Abstract.]

Schools - Secondary - Aided - Milagres High School, Kallianpur -
Action taken against the correspondent and Headmaster - Appeal -
Interference Declined.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	1908	Edn.	1-9-47				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	2048	Edn.	15-7-50				

MILAGRES HIGH SCHOOL, KALLIANPUR, S.K.

Dated, 26th October 1948.

From

Rev. Fr. A. J. Tellis,

Milagres High School,

Kallianpur, S.K.

To

The Hon. Minister for Education,

Madras.

Sir,

Ref:- Director's Proceedings No. 1860-D3/46 dated 19-7-1948
debaring the applicant from being the Headmaster or teacher
of any recognised school for a period of 5 years and
withdrawing the concession granted in Proceedings Dis. No.
1151/34 dated 17-3-1934 treating him as trained teacher.

I submit the following humble representation for the kind and
sympathetic consideration of the Hon. Minister as I feel that no charges have
been proved against me and that in any case the punishment meted out is out of
all proportion to offences, if any, alleged to have been committed by me.

I have been on the staff of the Milagres High School for the last 15
years. During that period I have been the Headmaster of the school continuously
for the last ten years, handling English classes in the VI Form. I request the
Hon. Minister to be good enough to refer to the T.I. Report on the School which
will be sufficient to convince him that my teaching and the results in the
S.S.L.C. in English have been satisfactory, that the general condition of the
school has been satisfactory and that no serious fault has been found in the
supervision and organisation of work in the school. With this record of work to
my credit as Headmaster of the school I feel very greatly humiliated with the
order under reference which, all on a sudden finds me unfit to be a teacher or
Headmaster in any school.

Before I refer to the charges against me may I respectfully point out a
contradiction in the orders under reference. In para 1 of that order I am
debarred from being the Headmaster or teacher of any recognised school for a period
of 5 years. In para second the concession which was given to me of being treated
as a trained teacher is withdrawn and I am debarred from being a teacher. If for
the offences which I am alleged to have committed, the Director felt that I should
be debarred for 5 years from being the Headmaster or teacher of any recognised school

school, it surely cannot be his intention that I should be debarred altogether from being a teacher. If, however, my offences were considered so heinous as to deserve the latter punishment, I see no purpose in debarring me only for 5 years in the first para of the order under reference. Further it is a well-known fact that in every recognised Secondary School there are untrained teachers who are employed for want of trained teachers. The withdrawal of the concession removes from me the status of a trained teacher. May I very respectfully request the Hon. Minister to consider whether my conduct and character as a teacher are so heinous that I am considered unfit to serve even as an untrained teacher in any school and whether if one is considered to be unfit or unsuitable to be a Headmaster for 5 years he should also be considered for the same reason to be totally unfit to be a teacher for life.

I would also like to point out that when charges are framed against a person it is expected that the final orders passed should show to what extent the charges have been proved to justify the punishment inflicted. In my case charges were framed against me by the Divisional Inspector in his R.O.C. 642-B/46 dated 7-6-1948 and I submitted my written statement to him on 15-6-1948. As I did not admit the charges and gave my candid explanation to ~~refute~~ refute the charges and in the absence so far as I know of any further enquiry to prove the charges, it was honestly presumed by me and that my explanation would be accepted and the said charges would be dropped. Hence the Proceedings of the Director condemning and punishing me were a very painful surprise. In the absence of any reference in the said order to any oral documentary evidence which was or might have been considered sufficient to disprove my contention in my written statement, I am left with the painful feeling that my case may not have been judged fully on its merits based on the evidence in the case.

Now referring to the two charges against me, the first charge against me is that I as Headmaster allowed the Correspondent of the school to inflict corporal punishment on a girl in the class room during class hours. I place the following bare facts for the kind consideration of the Hon. Minister who I feel sure will be amply satisfied with my plea of not guilty on this charge.

1. The corporal punishment was inflicted on the said girl by the Parish Priest in August 1945. A person like Mr. Rebello who as a result of his termination of his service has been bold enough to make false allegations against the Management who had shown discourtesy to his Bishop and who has means enough to defy any Management would not have hesitated to report the said incident to the

Educational authorities if the Correspondent or Headmaster of the school had beaten the girl or if the correspondent had beaten the girl with the knowledge and consent of or in the presence of the Headmaster. Knowing very well that it was the Vicar in his capacity as Vicar who had beaten the girl in the Catechism class outside class hours. Mr. Rebello could not and did not report the matter to the District Educational Officer but took up the matter with the Vicar probably feeling that a grown up girl should not have been beaten in the Catechism class before all her friends. The Vicar apologised to him and there the matter ended. I request the Hon. Minister to note that Mr. Rebello did not either at that time or subsequently complain to the Educational authorities that his daughter was beaten during school hours or that I had anything to do with it. His only reference to this incident is in his first letter to the District Educational Officer of the 29-6-1946 in which he says that the Rev. Manager inflicted corporal punishment on his daughter and that because of the apology which the Rev. Manager was forced to give the Manager bore rancour towards him. It may be kindly noted that there is no complaint that the girl was beaten during school hours or that the Headmaster had anything to do with it. My contentions are:-

- a) That Mr. Rebello could not and did not complain that his daughter was beaten during school hours.
- b) That Mr. Rebello did not complain about this incident because it did not pertain to school matters.
- c) That Mr. Rebello only referred to this incident and the subsequent apology as one of the reasons for the supposed ill-will of the Manager against him.
- d) That Mr. Rebello has not directly or indirectly implemented or even suggested that the Headmaster was in any way connected with this incident.

It is inexplicable to me why an incident which took place in August 1945 and which was referred to in Mr. Rebello's letter not as a item of complaint but merely as an incident to show ill-will on the part of the Manager towards him and above all in which Mr. Rebello himself did not even suggest that the Headmaster has anything to do with it should have been taken up by the Educational authorities as the basis of a charge against me that I as Headmaster permitted the Correspondent to inflict corporal punishment on the girl. The charge is without foundation and without proof and should have been summararily dropped. It is incomprehensible that a Headmaster of 10 years standing should be declared unfit to be a teacher in any school on such a futile charge. I feel sure that the Hon. Minister

will be fully satisfied with the strength of my contention that there was no basis for any charge against me as far as the incident under reference is ~~concerned~~ ^{concerned} and that the charge should not have been framed at all.

2. In my written statement to the Divisional Inspector dated 15-6-1948 and in my further reply to his queries I have asserted

a) That the corporal punishment was not administered on 21-8-1945 by Rev. Fr. D. J. D'Souza, Correspondent of the School. It is a fact the girl was punished by ^{his} Fr. D. J. D'Souza but not in ~~the~~ capacity as Correspondent of the School. The Hon. Minister is no doubt aware that in the Catholic Church the Vicar is solely responsible for the spiritual welfare of the Parish and for the religious instruction of Catholic children and their parents. It is he in his capacity as the Vicar who takes disciplinary action on catholic parents or their children when they neglect their religious duties. The vicar has admitted that he as Vicar punished the girl. Neither the Vicar nor Mr. Rebello has alleged or even suggested that I as Headmaster authorised the Correspondent to punish the girl. The charges against me was without any foundation.

b) That the Catechism class was held outside school hours not by the regular teachers but only by the Priests under the direct supervision of the Vicar. This fact has not been controverted by any oral or documentary evidence. Hence the question of my relinquishing my authority regarding the punishment of school children does not arise in any way at all.

In view of what I have explained above I feel sure that the ~~His~~ Hon. Minister will accept my contention that there is no basis whatever for framing this charge against me.

The second charge against me is in regard to taking of false acquittances from Mr. Rebello and from the Gardener who allege that he was not paid D. A. for the whole of the year 1946 and that he was paid Rs. 96/- on 17-12-1946 and nothing thereafter.

In regard to the pay of Mr. Rebello for three months from July 1945 the allegation of Mr. Rebello is that he was asked to accept Rs. 60/- plus D.A. from July 1945. It is a fact admitted by the Correspondent and by myself that the said teacher was actually asked to accept the reduced pay of Rs. 60/- plus D.A. Both the Correspondent and myself have explained that the Management has decided to reduce the pay from Rs. 70/- to Rs. 60/- or rather to take away the allowance of Rs 10/- which Mr. Rebello had been given for handling Horticultural classes outside school hours because these classes were included within school hours. I admit that

I could have and should have given written order to Mr. Rebello regarding the Management's decision. The matter was explained to Mr. Rebello and it was hoped that he would accept the Management's decision. His statement that his maximum was Rs. 70/- is incorrect because his maximum was only Rs. 60/- with an allowance of Rs. 10/- for taking Horticultural classes outside school hours. His statement that he was the only qualified man for this work is also incorrect because we have two ~~other~~ other men with the same qualifications. His statement that he was asked to accept the reduced pay and sign for a larger amount in the acquittance roll is a deliberate falsehood, because while we admit that he was asked to accept the reduced pay he was not asked either by me or by the Correspondent to give an acquittance for Rs. 70/-. The only point that needs explanation in regard to this matter and which might be taken inferentially to me that we intended to get the teacher's acquittance for Rs. 70/- is that the Provident Fund contribution was calculated at Rs. 4-6-0 on Rs. 70/- and forwarded to the Post Office. Being unaware of the withdrawal of Rs. 10/- in the salary of Mr. Rebello, the Clerk of the school must have calculated and sent in the contributions basing these calculations on the salaries paid in June 1945. The scrutiny of the Acquittance register was made by the then District Educational Officer and he saw that the entries regarding the pay of Mr. Rebello were made only in October 1945 when his salary was actually disbursed to him. Thus there is no case of having taken acquittance for a larger amount than was actually disbursed to the teacher. No teacher has been coerced or influenced to accept a smaller amount and to give an acquittance for a larger amount. Except for the allegations ~~xxxxxx~~ of Mr. Rebello there is no evidence written or oral that he was asked to sign the acquittance for Rs. 70/-. As pointed out before even the entries against his name regarding the salary etc, were not entered and he does not say that he was asked to sign against the blank entries. My explanation regarding the Provident Fund contribution is a genuine explanation which I trust the ~~Director~~ Hon. Minister will kindly accept. The contribution was of course subject to adjustment during the subsequent months if Mr. Rebello consented to accept the reduced pay. As Mr. Rebello did not consent to accept the reduced pay and so as not to mar the harmony in the school the Management agreed to continue to pay the allowance of Rs. 10/- which he had been getting up to June 1945. Thus Mr. Rebello has given his acquittance for Rs. 70/- per month after actually receiving that amount in cash.

The charge is that I as Headmaster of the school got false acquittances for amounts not actually paid. The charge as stated above falls to the ground, because neither Mr. Rebello nor any other teacher has given acquittance ^{except} for amounts

actually paid. I have explained above these circumstances leading to the reduction in salary, to the sending of the Provident Fund contribution on Rs. 70/- instead of on the reduced salary of Rs. 60/- and to the subsequent payment of the full salary in October 1945. The entries in the acquittance register are a further proof to show the bona fide of my explanation. I trust that the Hon. Minister will be satisfied with this explanation and find that I am not guilty against the charge that is framed against me.

The second allegation on which this charge is based is in regard to the Dearness Allowance of Louis Fernandes, Gardener of Milagres High School, Kallianpur. It is a fact that this Gardener was paid D.A. of Rs. 96/- on 17-12-1946 and that he was paid Rs. 60/- in a lump sum on 31-3-1947. Before I deal with the delay in the payment may I respectfully submit to the Hon. Minister that mere delay in payments of salary or D.A. does not imply taking a false acquittance. The Gardener does not allege that he has given acquittance each month for the payment of his D.A. On the face of it, it is absurd to take his statement that he was not paid till December or that he was not paid subsequently as the basis of a charge that I took false acquittances from him. The acquittance register will again show that no D.A. was shown against his name each month and that an acquittance for Rs. 96/- was taken from him in December 1946 and this was done before a witness. He was again paid Rs. 60/- at the end of March 1947 and there being no acquittance from him prior to that date as no payment was made to him. Thus it will be clear from what I have said before that the question of delay of payment of D.A. to the gardener cannot by any stretch of imagination be taken as a basis for the charge that I took false acquittance from him. I rely on the entries in the acquittance register which I am prepared to submit to the Hon. Minister if he considers it necessary to verify my statement.

There remains only the delay of payment of the D.A. to the Gardener to explain. The Hon. Minister is very well aware that the Management were not compelled at that time to pay D.A. to menials. Secondly the acquittance register will also show that there was as much delay in payment of arrears of D.A. to the members of the staff as to this menial. It is alleged by the gardener that he was paid a lump sum of Rs. 96/- as D.A. in December 1946. The acquittance register will show the Hon. Minister that every member of the staff was given his share of arrears of D.A. for the year in a lump sum on the same day in December 1946. This was done on the specific instructions received from the Director in Proceedings No. 2782-D4/46 dated 20-11-1946 with a promise to sanction the grant from Provincial

funds for meeting meeting of the expenditure on D. A.

I feel sure that in view of what I have said above the Hon. Minister will feel convinced that my explanation for the delay in payment of D. A. to the said menial is quite satisfactory and that the alleged delay has been taken as the basis of a charge for my having taken false acquittances from the said menial is on the face of it is absurd.

In conclusion I wish to state that I approved in foregoing explanation which I have offered that I was not in any way connected with the incident regarding the infliction of corporal punishment on a girl by the Vicar of the Parish who in his capacity as Vicar and not as Correspondent of the school inflicted the punishment in the Catechism class outside class hours and not in my presence or with my authority or my acquiescence. I must therefore be completely absolved of the charge framed against me. In regard to charge 2 I hope I have explained to the Hon. Minister's satisfaction the circumstances in which Mr. Rebello was asked by me to accept Rs. 60/- as his pay after the Management under whose orders I had acted as Headmaster had decided to withdraw the allowance of Rs. 10/- from the teacher. My assertion that Mr. Rebello was neither asked nor coerced to sign for Rs. 70/- when he was being offered only Rs. 60/- is corroborated by the evidence of the acquittance roll in which all the entries regarding salary were left blank until the Management decided though after a delay of three months to pay him at Rs. 70/-. In regard to the second part of charge 2 payment of D. A. was delayed for valid reasons which cannot be controverted by any evidence to the contrary. Further the Gardener does not allege that he was asked to give false acquittance for D. A. not paid to him. It is for the Hon. Minister to consider why the Divisional Inspector took the mere delay in the payment of the D.A. as the basis of this absurd charge when the scrutiny of the acquittance roll would have shown him that no D. A. has been paid at all and that no acquittance has been taken under this item.

I pray that in view of my record of conscientious service as a teacher and in my share in building up the school in my capacity as Headmaster of the school the Hon. Minister will sympathetically consider this appeal and judge my case on its real merit. The Hon. Minister must be fully aware that it is usual with the dismissed teachers to make wild allegations against the managements or the Headmaster of the school. In my case Mr. Rebello does not make his allegations against me as Headmaster and but against the Manager who says had already sent the T. P. F. based on a salary as Rs. 70/-. I have shown in my explanation that not only the charges against me have not been proved but there is really no basis whatever for framing the charges against me. Under these circumstances I rely on the Hon. Minister to consider

this appeal favourably and to cancel the orders contained in his Proceedings.

I beg to remain

Sir,

your most obedient servant,

Belh.

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Milagres Church,
Kallianpur, S.K.,

Dated, 6th September 1948.

28 SEP 1948

From

The Very Rev. Fr. D. J. D'Souza,

Vicar Forane, Milagres Church,

Kallianpur, South Kanara.

To

Hon. the Minister for Education,

Madras.

Sir,

p 23 of L
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Reference:- Director's Proceedings No. 1860-D.3/46 dated 19-7-1948
debaring the appellant from being the Correspondent of
any recognised school for a period of 5 years.

I submit the following representation for the kind and sympathetic
consideration of the Hon. Minister as I feel that no charges have been proved
against me and that in any case the punishment meted out is out of all proportion
to the offences if any, alleged to have been committed by me.

I have been the Correspondent of the Milagres High School, Kallianpur,
for the last ^{SIX} years. During this period I have worked conscientiously for the
welfare of the school. I have not only made substantial additions to the school
Building and Playground but also to its equipment and furniture. I have also
enhanced the salaries of the staff and introduced the scale of salaries obtainable
in the Local Board schools and have been giving Dearness Allowance at Government
rates. With the advent of the scheme of Reorganisation of Secondary Education I
was contemplating some more improvements in the school; when all of a sudden I was
humiliated with the order under reference which finds me unfit to be a Correspondent
of any school.

Two charges were framed against me by the Divisional Inspector of Schools,
Coimbatore, in his R.O.C. No. 642-B/46 dated 7th June 1948 and I submitted my
explanation to him. In the absence of any oral or documentary evidence to refute
the points in my explanation, justice and equity demanded that I would be fully
exonerated. Even the Director's orders do not say how far the charges have been
proved or whether they have been proved at all. Hence I was painfully surprised
when I got the orders under reference. I am now left with the feeling that nothing
that I have said in my explanation has been accepted by the department and that my

not moved

case has not been judged fairly on its merits based on the evidence in the case.

Now referring to the two charges against me, the first charge against me is that I, as Correspondent of the school, on 27th June 1945 administered corporal punishment on a girl pupil in the class room during school hours which I have no right to do and which is against the provisions of the Madras Educational Rules.

I place the following facts for the kind consideration of the Hon. Minister who, I feel sure, will be amply satisfied with my plea of not guilty on the charge.

The corporal punishment was inflicted on the said girl by me not as Correspondent but as the Parish Priest and Vicar Forane. Knowing very well that it was the Vicar in his capacity as Vicar who had beaten the girl in the Catechism class outside school hours, Mr. Rebello could not and did not report the matter to the Educational authorities. On the contrary, he referred the matter to His Excellency the Bishop which fact clearly shows that the incident was viewed by Mr. Rebello himself as a matter to be decided by the Ecclesiastical authorities or failing that by a Civil Court. My contentions on this point are:-

- a) that Mr. Rebello could not and did not complain at any stage that his daughter was beaten during school hours.
- b) that Mr. Rebello did not complain about the incident to the Educational authorities because it did not pertain to school matters.
- c) that Mr. Rebello took the complaint to His Excellency the Bishop which shows that he viewed this incident as an Ecclesiastical matter.
- d) that the Catechism classes were held either in the Church or in the school premises. On this particular day the Catechism class was held in the school for the sake of convenience only.

The Hon. Minister is no doubt aware that in the Catholic Church the Vicar is solely responsible for the Spiritual welfare of the Parish and for the religious instruction of Catholic children and their parents. It is he in his capacity as Vicar who takes disciplinary action on Catholic parents and their children when they neglect their religious duties. I have admitted that I as Vicar punished the girl in the Catechism class before school hours.

It may yet be asked why, if I had acted within my rights, I tendered an apology to Mr. Rebello. For this it is necessary to know that there are in Kallianpur two Churches within a distance of half a mile. Though the people of both the Churches are Catholics believing same doctrines and observing the same rules and regulations etc., the people of the two Churches are of different social status based on distinction of castes. Mr. Rebello has identified himself with the

The second charge against me is in regard to ~~the~~ ^{taking} of false acquittance from Mr. A. Rebelle and from the Gardener who alleges that he was not paid Dearness allowance for the whole of the year 1940 and that he was paid Rs. 96 on 17-12-1940 and nothing thereafter. In regard to the pay of Mr. Rebelle for three months from July 1945 the allegation of Mr. Rebelle is that he was asked to accept Rs. 60/- plus Dearness allowance from July 1945. It is a fact admitted by myself and the Headmaster that the said teacher was actually asked to accept the pay at Rs. 60/- plus Dearness allowance and this for the following reasons:- according to the terms of the agreement Mr. Rebelle's maximum salary was fixed at Rs. 60/- plus Rs. 10/- as Horticulture allowance. This allowance was given because the Horticulture classes were conducted outside class hours and because the Horticulture teacher had to supervise garden work on holidays so as to keep the garden in trim. Latterly the Horticulture classes were conducted within school hours. Hence as the teacher did not do any additional work and as the Horticulture classes were included within school hours there was no justification for continuing the allowance for the said teacher in view of the fact that he was given as many periods of work as other teachers. Therefore it was decided to withdraw this allowance of Rs. 10/-. I admit I erred in not having given a written order to Mr. Rebelle regarding my decision.

The matter was explained to Mr. Rebello and I hoped that he would accept

my decision. His statement that his maximum pay was Rs.70/- is not correct, because his maximum pay was Rs.60/- with an allowance of Rs.10/- for taking Horticulture classes outside school hours. His statement that he was the only qualified man for this work is also incorrect, because we have two other men with the same qualifications. His statement that he was asked to accept the reduced pay and sign for a larger amount in the acquittance roll is a deliberate falsehood, because, while we admit that he was asked to accept Rs.60/- he was not asked by me or the Headmaster to give an acquittance for Rs.70/-.

The only point that needs explanation in regard to this matter and which might be taken inferentially to mean that I intended to get the teacher's acquittance for Rs.70/- is that the Provident Fund contribution was calculated at Rs.4-6-0 on Rs.70/- and forwarded to the Post Office. Being unaware of the withdrawal of the allowance of Rs.10/- in the salary of Mr.Rebello the clerk of the school must have calculated and sent the contributions basing the calculation on the salary paid in June 1945. The scrutiny of the acquittance register was made by the District Educational Officer and he saw that the entries regarding the pay of Mr.Rebello were made only in October 1945 when his salary was actually disbursed to him. Thus there is no case of having taken acquittance for a bigger amount than actually disbursed to the teacher. The teacher was neither forced nor influenced to accept a smaller amount and to give acquittance for a larger amount. Mr.Rebello imagines that it was my intention to take his acquittance for Rs.70/- but it was not alleged that he was asked to do so. As pointed out before, even the entries against his name regarding his salary etc., were not entered and he does not say that he was asked to sign against the blank entries. My explanation regarding the Provident Fund contribution is a genuine explanation which I trust, the Hon.Minister will kindly accept. The T.P.F. contribution already made was, of course, subject to adjustment during the subsequent months if Mr.Rebello consented to accept the reduced pay. As Mr.Rebello did not consent to accept the reduced pay and so as not to mar the harmony in and out of the school I agreed to continue the allowance of Rs.10/- which he had been getting up to June 1945. Thus Mr. Rebello has given his acquittance of Rs.70/- per month after actually receiving that amount in cash. The charge is that I, as Correspondent of the School, got false acquittance for amounts not actually paid. The charge as stated above falls to the ground, because Mr. Rebello has not given acquittance except for amounts actually paid to him. I have

explained the above circumstances leading to the reduction in the salary, to the sending of the Provident Fund contribution on Rs. 70/- instead of on the reduced salary of Rs. 60/- and to the subsequent payment of the full salary in October 1945. The entries in the acquittance register are a further proof to show the bona fides of my explanation. I trust that the Hon. Minister will be satisfied with this explanation and find that I am not guilty of the charge that is framed against me. 13

The second allegation on which this charge is based is in regard to the Dearness allowance of Louis Fernandes, gardener of the Milagres High School, Kallianpur, who, incidentally I may mention, is a dependant of Mr. Rebelle and is therefore prepared to back up his master in his allegations against me. It is a fact that this Gardener was paid Dearness allowance of Rs. 96/- on 17-12-1946 and that he was paid Rs. 60/- in a lump sum on 31-3-1947. Before I deal with the delay in the payment I respectfully submit to the Hon. Minister that mere delay in the payment of salary or Dearness allowance does not imply taking of false acquittance The Gardener does not allege that he has given acquittance each month for the payment of his dearness allowance. On the face of it it is absurd to take his statement that he was not paid dearness allowance till December and that he was not paid subsequently as the basis of a charge that I took false acquittance from him. The acquittance register itself will show that no dearness allowance was shown against his name each month and that an acquittance for Rs. 96/- was taken from him in December 1946. He was again paid Rs. 60/- at the end of March 1947 and his acquittance was taken for that amount. Thus it will be clear from what I have said before that the question of delay of payment of dearness allowance to the Gardener cannot by any stretch of imagination be taken as the basis of a charge that I took false acquittance from him. I rely on the entries in the acquittance register which I am prepared to submit to the Hon. Minister if he considers it necessary to verify my statement.

There remains only delay of payment of dearness allowance to the Gardener to explain. The Hon. Minister is very well aware that Managements were not compelled at that time to pay dearness allowance to menials. Secondly the acquittance register will also show that there was as much delay in payment of arrears of dearness allowance to the members of the staff as to this menial. It is ^{by} alleged that the Gardener that he was paid a lump sum of Rs. 96/- as dearness allowance in December 1946. The acquittance register will show the Hon. Minister that every member of the staff was given his share of arrears dearness allowance for the year in a lump sum on the same day in December 1946. This was done on the

R.O.No. 2782-D/4/40 dated 20-II-1946 with a promise to sanction the grant from Provincial funds for making meeting of the expenditure on dearness allowance

I feel sure that in view of what I have said above the Hon. Minister will feel convinced that my explanation for the delay in payment of dearness allowance to the said menial is quite satisfactory and that the alleged delay has been taken as the basis of a charge for my having taken false acquittance from the said menial is on the face of it absurd.

In conclusion I wish to state that I have proved in the foregoing explanation which I have offered that I inflicted corporal punishment on the girl in my capacity as Vicar and not at all as Correspondent in the Catechism class before school hours. I must therefore be completely absolved of the charge against me. In regard to charge 2, I hope to have explained to the Hon. Minister's satisfaction the circumstances in which Mr. Rebelle was asked by me to accept Rs. 60 as his pay as I decided to withdraw the allowance of Rs. 10/- from the said teacher. The charge that I took false acquittance from Mr. Rebelle falls to the ground by his own statement that he was paid at Rs. 70/- after a lapse of three months and by his acquittance in the register showing the amount received by him. In regard to the second part of charge 2, payment of dearness allowance was delayed for valid reasons which cannot be controverted by any evidence to the contrary. Further the Garacher does not allege that he was asked to give false acquittance for dearness allowance not paid to him. It is for the Hon. Minister to consider why the divisional Inspector took the mere delay in payment of the D. A. as the basis of this absurd charge when a scrutiny of the acquittance roll would have shown him that no dearness allowance had been paid at all and that no acquittance had been taken under this item till December 1946.

I pray that in view of what I have explained above, the Hon. Minister will sympathetically consider this appeal and judge my case on its real merits. The Hon. Minister must be fully aware that it is usual with dismissed teachers to make wild allegations against the Management or the Headmaster of the School. I have shown in my explanation that not only the charges against me have not been proved but that there is really no basis whatever for framing the charges against me. Under these circumstances I rely on the Hon. Minister to consider this appeal favourably and to cancel the orders contained in the Proceedings under reference.

Yours obediently,

S. H. Sanga

2000(20)

20 NOV 1948

70590 B.1/48-1 Edn d/ 18.11.48

Forwarded to the D.P.D with reference

to the minutes of M. (Edn) 25.11.48 on the appeal.

(Bengal)

2/17/48

Secretary

10/11/48

To the Director of Public Instruction

001.81

001.81

002.82

001.81

002.82

EDUCATION DEPARTMENT.

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION,
M A D R A S.



TO
THE SECRETARY TO GOVERNMENT,
EDUCATION & PUBLIC HEALTH DEPARTMENT,
M A D R A S.

R.O.C.No. 1860-D3/46 dated 8--12--1948.

SUB: S C H O O L S - Secondary Aided Milagres
High School, Kallianpur - Action against
the Correspondent and Headmaster.

REF: Government Endorsement RC.70590-B1/48
dated 18th November 1948 on
petitions dated 26-10-1948 and 6-9-48.

On a complaint directly received by Government from Mr. A.V. Rebello, ex-teacher, Milagres High School, Kallianpur, against the management of the school, Government in their endorsement 68080-B1/46 dated 19-11-1946 ordered enquiry. The Divisional Inspector, Coimbatore and the District Educational Officer who inquired into the matter felt convinced that the allegations made Viz. (1) wrongful termination of services for refusal to give acquittance for sums larger than were actually disbursed and (2) inflicting corporal punishment in the school, on a grown up girl, for her absence from Sunday Catechism class, were true and that action against the Headmaster and the Correspondent was therefore called for.

Accordingly I submitted the report of the Divisional Inspector, Coimbatore in my R.O.C.No.1860 D3/46 dated 19-6-47 for favour of Government Orders. In G.O.No.1908 Edn. dated 1-9-1947, Government ordered that suitable deterrent action should be taken against the Headmaster and the Correspondent for their mis-conduct and that the management should be directed to restore Mr.A.V.Rebello to service in the school.

When action was being taken in accordance with Rules, the Management with the help of certain influential mediators and friends, offered a sum of Rs.1,500/- as "Gratuity" to Mr.A.V.Rebello and made him withdraw all his allegations against the Headmaster and Correspondent. The teacher did not therefore press for being reinstated and the management did not carry out the orders in para 1 (ii) of G.O.No.1908 Education dated 1-9-1947 in that respect.

But the matter was not allowed by me to rest there as the Headmaster and Correspondent would seem to have expected or hoped for. Charges were framed against the Headmaster and Correspondent who tried to take shelter under the plea that the allegations had been withdrawn by Mr. Rebello. I did not accept that plea of withdrawal of allegations. On the facts of the case and the statement of defence advanced by the parties, I declared the correspondent unfit to hold his post for a period of 5 years and the Headmaster unfit likewise, and have duly furnished to Government copies of the Proceedings inflicting the punishments in my R.C.No.1860 D3/46 dated 26-7-1948.

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5 Representations have now been made by the Very Rev. Fr. D'Souza and Rev. Tellis, against my orders.

Two charges were framed against the Headmaster:-

CHARGE NO.1:- That he as Headmaster of the Milagres High School allowed on 21-8-1945, Father D.J.D'Souza, Correspondent of the above school to administer corporal punishment to a girl, by name Margaret Rebello, in the class room during school hours and thereby surrendered his powers and responsibilities to the Correspondent of the school and violated the provisions of the Madras Educational Rule. 16

CHARGE NO.2:- That he as Headmaster of the School got false acquittance for amounts not actually paid. The D.A. was not paid in full but the acquittances were got for the full amount.

Charge (1):- That the Corporal punishment on the girl was carried out with his connivance, can, obviously admit of no direct proof. It can only be inferred. The Headmaster's explanation is unconvincing. His pleas are mainly twofold:-

- 11-2-4 date
- (1) that he was not in any way connected with the incident regarding the infliction of corporal punishment on a girl by the Vicar of the Parish who in his capacity as Vicar and not as Correspondent of the school inflicted the punishment in the Catechism -- class outside the school hours and not in his presence or with his authority or acquiescence.
 - (2) that Mr. Rebello did not complain about this incident because it did not pertain to school matters.

K

To accept his arguments is to accept the position that in Catholic Mission Schools of this type, the Headmaster should be allowed to function with his discretion and authority narrowly circumscribed because of the existence of priests. The argument that the catechism class is outside the -- Director's notice altogether could have validity only if the Mission would hold these classes outside a recognised school. Rather, any suggestion that classes should be so conducted would only provoke protest. The position cannot therefore be allowed to remain mixed in a manner that suits their arguments in both directions at the same time.]

In these cases, therefore, the Headmaster can only be held to have a definite responsibility which he cannot be allowed to disclaim.

It is also to be remembered that the incident of beating the girl has never been denied, and the case is that the priest beat a grown-up girl. I mention this only to show how neither the Vicar and Correspondent on the one hand, nor the Headmaster on the other, has ever said anything to show that they are at least sorry that such a thing should have been done.

6 Further it is found that when Mr. Rebello sent a notice to the Bishop threatening the Priest with legal action...

We manager (induced) an apology to the teacher for 4/4/4

11-2-4 date

P12 CF (A)

action, an apology was immediately tendered, thereby acknowledging that he had no right to beat the girl.

It will be seen that arguments are merely formal and legalistic, mere hairsplitting and sophistry.

P7 CF 215 CF
0335-211 CF

The second charge of false acquittance is based on Mr. Rebello's statement, the menials' statement, and the evidence of the Provident Fund contribution. The acquittance roll on examination is found to be not maintained in a manner that stills suspicion. There are erasures and corrections and overwriting, many of them unattested, and different inks are seen to have been used on the same date, on the same page. To give some specific instances:-

Staff acquittance:- Entries relating to a particular month are generally made in one ink and by one individual. The insertion of different names in different inks leads one to suspect the bonafides of -- proper accounting.

Not found (A)

Page 62.	..	..	..	October 47.
Page 68.	..	..	..	December 47.
Page 69.	..	..	..	..
Page 71.	..	..	..	January 48.
Blanks left in May 1948.	..	..	..	(87 page).
Page 99.	..	..	..	August 48.

Rev. Fr. Fernandez has not signed the acquittance for June 1946, July 1948 and August 1948. There are similar entries not vouched for by recipients.

P212 +

Item 8.	..	..	..	April 1947.
Item 20.	..	..	..	..
Item 7.	..	..	..	January to May 48 also.
				page 96.
Item 26.	..	..	..	July 1948.

Miss Pbellia Lewis has been paid at Rs.45/- but claim is preferred at Rs.50/- in the financial statement of the year.

Menials' Acquittance:- In the acquittance of February and March 1947 relating to menials are entries made in different inks by different persons. The entries seem to be suspicious.

A register maintained in such a slipshod manner, to put it mildly, cannot be considered as conclusive evidence in favour of the accused.

It is noteworthy that where his pay is concerned, Mr. A.V. Rebello has been in receipt of Rs.67/- in 1940, Rs.68/- in 1941, Rs.69/- in 1942 and Rs.70/- from 1943 onwards. A sudden reduction of Rs.10/- would raise anybody's suspicion about the management's motives, as it did Mr. Rebello's ire. In actual fact the June entry shows 60 with 70 overwritten in another ink, or it is the other way round perhaps, while the July figure is a clear 70. If this were not evidence enough to show that there has been trouble over the figures, there is the fact that this Headmaster Rev. Tellis has asked Mr. Rebello to accept the reduced pay in a note dated 25-7-1945. This is valid proof that the Headmaster is having a hand in the affair, which fact is denied in his representation. Neither the correspondent nor the Headmaster has produced any evidence to prove that Mr. Rebello's statement was false. In the absence of any cross-examination and refuting evidence, Mr. Rebello's statement can only be taken to be true. Mr. Rebello was asked to accept Rs.60/- when he was to have been given Rs.70/-.

(PTO)

P21 CF (A)

P185 CF (A)

P5 CF (A)

P-355-361 CF
P
pays 512 ante

p 5 ante

P371 CF (A)

P-387 CF (A)
pays 21-22 ante

P. 207 p 44 CF (A)

P72 CF (A)

P15 CF (A)
pays 19-22 ante

p 294 ante

P71 CF (A)

It is significant that the Provident Fund contribution was made on the basis of Rs.70/-. The relevant papers were called for from the District Educational Officer's office and it was seen that the General Provident Fund slips showed Mr. Rebello's salary to be 70 and that the contribution was calculated on that basis. These papers were submitted regularly to the District Educational Officer over the signature of the Correspondent. But it is now being suggested that this was merely a case of carelessness, which is on the face of it not a fact. It is also strange that the plea should be carelessly put forward that Provident Fund contributions are fixed in a careless way like this. To my mind, it is a case where the management did not dare to show a different provident fund rate as they would mean evidence against them, when they claimed Government grant on the higher rate of salary. Now because the management fell out with Mr. Rebello, and had to explain away his allegations about a lower salary having been offered, they argue that the Provident Fund rate was an error. An accused person should have better arguments than this. It is surprising that Rev. Fr. Tellis does not realise the absurdity, if not irresponsibility, of his statement that Provident Fund accounts are calculated any how and indifferently. Obviously, as he views it, he considers it the lesser evil to admit carelessness in this respect and claim it as an argument in favour of his honesty in respect of the other, but honesty is sought to be bolstered up only with falsehood.

8 Notwithstanding, I gave the Rev. Fr. Tellis a further chance to explain himself and called upon him in Proceedings 1860-D3/46 dated 29-10-1948 to explain whether the continued calculation of Teachers' Provident Fund on the basis of higher salary (i.e. Rs.70/-) would not entitle Mr. Rebello to a proportionate increase in Government contribution and whether this addition to Government's liability is not an attempt to defraud Government, when the management themselves had decided to pay him only at Rs.60/- p.m. In his explanation dated 18-11-48, a copy of which is herewith attached, Rev. Fr. Tellis has expressed regret for his incorrect statements contained in the appeal, thereby acknowledging the fact which he now recognises to be incapable of being explained away and for which therefore he can only express regret.

9 From the beginning, both the Correspondent and the Headmaster had been taking their stand on technical grounds never caring to take a straight view of plain facts. These they did not put in any witnesses on their behalf, being content merely to pick holes in the arguments on the other side. This refusal to face facts squarely is against them. The then Divisional Inspector, Coimbatore (Sri V.R. Ranganathan) has expressed his decided opinion that he was convinced that teachers were being paid a lesser sum than what is shown in the records of the school. (Vide letter RC.642/B/46 dated 9-5-1947 submitted with my letter RC.1860-D3/46 d/- 19-6-47.) Again, the influence that was brought to bear upon Mr. Rebello and the offer of a sum of Rs.1,500/- for withdrawal of his allegations against the management are of a piece with the general dishonesty evidenced throughout.

10 The orders contained in G.O.No.1908 Education dated 1-9-1947 would seem to have been issued on the assurance given by the Hon'ble Minister for Education to a deputation of teachers (as mentioned by the Divisional Inspector in his report dated 9-5-1947) that this case would be treated as a test case, with the ultimate object of protecting the service conditions of teachers under private management and effectively checking cases of malpractice etc.

As the charges against the Headmaster were found proved, the Correspondent also on the same facts had to be adjudged guilty as a matter of course and both were debarred. The Correspondent and Headmaster have been debarred for a period of 5 years. No appeal lies against the Director's orders in cases like this. The entire file is submitted for perusal and return.

Yours faithfully

Theedharan
for Director of Public Instruction.

Ram.13/12.

P.267-271 SF
P. 87C.FP

Kept below

81/ 21
Milagres Church,
Kallianpur, S. K.
18...11...1948.

From Rev. Fr. A.J. Tellis,
Milagres Church, Kallianpur
To The Director of Public Instruction,
Madras 20

Subject:-SCHOOLS--Secondary--Aided--Irregularities--Milagres
High School--Rev.Fr.A.J.Tellis--Appeal--Particulars
called for - Submitted.

SIR,

With reference to your R.O.C.No. 1860-3/46 dated 29.10.1948 I
beg to submit as follows:-

I regret that the statement in my explanation that the T.P.F.
contributions were sent to the Post Office at the beginning of each
month even before the disbursement of salaries to the teachers is in-
correct. The statement was based on my presumption that that was the
procedure followed in this school. The acquittance and the Provident
Fund Contribution registers are maintained by the Clerk and are checked
and signed by the Correspondent each month. I regret very much that
without verifying the actual procedure I made the incorrect statement
and I beg to be kindly excused, for it.

As regards the continuance of T.P.F. contribution calculated
on Rs.70/- for the months following June 1945 I understand from the
Correspondent that the attitude of Mr.Rebello was such that the
Correspondent had little hope of inducing him to forego the allowance of
Rs.10/- unless the course the Correspondent was prepared to force the
issue by a peremptory order which he would have been justified in
passing. But for reasons regarding the hostile faction in the Parish,
Mr.Rebello being a prominent member in one of them, the Correspondent
thought it best in the interests of the Parish and the school, to try
persuasion and thus the question of Mr.Rebello's salary dragged on for about
three months. During those months no orders were issued to the Clerk regard-
ing Mr.Rebello's salary. I understand that in the absence of any orders the
clerk continued to deposit the contribution of Mr.Rebello on a salary of
Rs. 70/-. The T.P.F. statements of contributions or the registers con-
cerned are signed by the Correspondent and are not seen by me at any
stage.

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As regards the Director's query whether the payment of contribution on Rs. 70/- when Mr. Rebello was actually getting Rs. 60/- as salary would not entitle Mr. Rebello to a proportionate increase in Government contribution and whether this would not amount to an attempt to defraud the Government. I may assure the Director on behalf of myself and the Correspondent that there was no intention whatever either to take false acquittance from Mr. Rebello or to defraud the Government. If Mr. Rebello had agreed in July to forego the allowance the excess T.P.F. contribution made that month would have been adjusted during the next month and further contributions would have been made only at the reduced rate. His full salary of Rs. 70/- was paid to Mr. Rebello in October 1945 as admitted by himself. Thus the T.P.F. contributions already made needed no adjustment.

I beg to remain, Sir,

Your most obedient servant,

Tellis

No. 184/48-D dated 18.11.1948.

Submitted through the Correspondent, Milagres High School,
Kallianpur.

Submitted to the Director of Public Instruction, Madras.

A. Rebello
Correspondent.

Milagres High School,
Kallianpur, S.K.,
18.11.1948.

(TRUE COPY).

23. 21

E & P. H. B. J.

*Please ask for
enclosures before
dispatch.*

9/2/49

on 1/11

HP 29-30 cf of 1

HP 9-14 cf

HP 1-8 cf

HP 16-20 cf

For Mr. P. J. P. 21/11/49

The D. P. G. (with records returned) 24/11/49

The petitioners 24/11/49

S/C

29-1-49

MS

Order No. 231 Edm dated. 31.1.49

The Government decline to interfere in the matter.

Schools - Secondary & Milagres High School, Kallianpur -
Action taken against the Correspondent and Headmaster -
Appeal - ~~Order passed~~ Interference declined -

Read : G.O. Ms. No. 1908 Edm d/1.9.47.

From the Very Rev. Father B. J. D'Souza, Vicar Forane
Milagres Church, Kallianpur d/6.9.48.

Rev. Father A. J. Tellis, Milagres High School,
Kallianpur d/26.10.48.

the D.P.G. Rec. No. 1860 D3/46 d/8.12.48.

Secretary, E. & P.H.

Please see herewith a representation from the
Very Rev. Fr. D.J. D'Souza, Vicar Forane, Milagres
Church, Kallianpur, S. Kanara and from Rev. Fr.
A.J. Tellis. This is an appeal on the action we have
taken. The matter may be examined and put up.

H.M. Education.

Copy to the D.P.I. (with a
copy of the representation.)

Camp: Mangalore,
3-11-'48.

E & P.H. (C.).

A copy of the minutes and the representation
have been sent to the D.P.I. from direct.
His remarks may be awaited till 3-12-48.

C.No 93968 From the D.P.I. R.O.C. No I860 D3/4 6
datee 8-12-48

Please see the representations from Rev Fr A.J. Tellis,
Ex-Headmaster, Milagres High school, Kallianpur, and from the
Very Rev Fr D.J. Souza, Vicar Ferane, Milagres Church and ex.
correspondent of the school against the proceedings of the
D.P.I. debarring the former from being the headmaster or
teacher of any recognised school for a period of five years
and the latter from being the correspondent of any recognised
school for five years similarly, on pp 1-15 C.F. In his letter

on pp 16 to 20 C.F. the D.P.I. has examined in detail the charges against each, the explanations offered by them and ^{draws his} ~~his~~ own conclusions thereon.

He points out that as the charges against the Headmaster were found proved, the correspondent also on the same facts had to be adjudged guilty as a matter of course and both were therefore debarred for a period of five years. As no appeal lies to Govt against the Director's orders, he has submitted the entire office file for perusal and return.

The file may be circulated to H.M.(Edn) for perusal and for orders as to whether Govt may decline to interfere in the matter.

14821
31-12-48

m
10-1-49

S

by
H.M. (Edn) / H.M. (Govt)

ISA

21-1-49

We may
decline to interfere
by

32
19/1

A draft order is submitted for below approval.

24-1-49

m
29-1-49

14821
27-1-49

