

E & P. H. (1949.) Department.

Ms SERIES.

G.O. NO. Ms 2480 Edn.

closed.

Dated 3-8-49.

1872
Supdt.
/s/

[Despatch Abstract.]

Grant - Teaching - Rajah's High School, Kottakkal -
Rent for the School building - Admitted as an approved
item of expenditure.

Back Papers.

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

Further Papers.

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

NO 927/49

From,

Mr E.T. Rakkummi Nair B.A.

Correspondent;

Rajah's High School, Kottakal.

FEB 1949

To

The Secretary to Govt. Edn. & P.H. Dept.
Fort St. George, Madras.

13400

Sir,

In his proceedings Dis. P. No. 3500D-2/48-
dated 6.11.1948 sanctioning the teaching grant
to this school for 1947-48 the D.P.O. has not
included the rent paid by the management of
this school to the owner of the school building
as an "approved" item of expenditure. This
is a serious loss to the management and
I request that the Govt. may be pleased to
issue orders that the rent should be treated as
an approved expenditure for the purpose of assessing
grant.

(2) In D.P.O.'s proceedings C. No. 538D/4604
13.5.1946 the following rule is laid down with
regard to the claims for rent on behalf of aided
secondary schools:-

"No rent on buildings owned by the school
or by the person or society managing the
school shall be allowed to be claimed. But rent
can be claimed and will be admitted with
in reason in case of buildings occupied by
schools, not owned by the school or by the
person or society managing the schools."

P.T.

Contention of the D.P.O. seems to be that in the case of this school the building belongs to the management and therefore this should not be treated as authorised expenditure.

(3) The circumstances under which rent is paid by the management of this school and was always paid from the date of the foundation of the school are as follows. This school building was put up and is owned by the Kottakal Kinkhake Kovilakam and rented to the manager of the school.

The manager of the school has been some individual member of the Kovilakam who had the ability and the financial resources to carry on the school which is a deficit institution. According to the Marumakkathayam Law Taram property cannot by any stretch of imagination be regarded as the property of any individual member of the Taram. This applies with special force to the Kinkhake Kovilakam as it is recognised in law as an impartible estate. So that an individual member cannot even claim his share of the estate. The fact that the Kovilakam and the school are independent institutions has been recognised by the department by the payment of rent being taken as an approved expenditure ever since the foundation of the High School in 1920.

After a full scrutiny and explanation of this relationship the Director of Public Instruction in his proceedings L. O. No. (H) 25TD/47 dt 22-3-1948, permitted the

enhancement of the annual rent from Rs. 1680 to Rs. 1800. The fact that the school was not in any sense a property of the Kovilakam has also been recognised by the Law Courts. In 1944 there was a dispute about the management of the Kovilakam. When the matter came up before the Court (O.S. No 5 of 44 in the Court of the Subordinate Judge of Calicut) a receiver was appointed by the Court to manage the Kovilakam property. Under the impression that the school was part of the Kovilakam property the receiver asked the Correspondent to hand over the school to him. In his reply the Correspondent refused to hand over the management of the school maintaining that the school was not part of the Kovilakam property and that it was an independent institution. Not satisfied with this reply the receiver applied to the Court to permit him to assume the management of the school.

On this petition the subordinate judge passed orders on 9.8.1944 that the school management need not be taken over by the Kovilakam Receiver.

4. The D.P.O seems to have some doubts now about the distinct identities of the Kovilakam and the school probably because at present the management of the Kovilakam and that of the school happen to be vested in the same person. The management of both the institutions became vested

in the same individual under the following circumstances. At the time of the suit referred to above Sri H.C. Mamarikraman Raja (now the third Raja of Calicut) was the manager. He was also one of the parties to the suit. Although the suit was decreed in 1946 in favour of his opponents he continued to be manager of the school for some time more. But he found the burden of management too heavy for him financially. The salaries of teachers remained undischarged for nearly six months and the school was in danger of extinction. It was then that the present manager, the Valia Thampuratti of Kothakal stepped in to save the institution and took over the management. Her assuming the management of the school does not make the school apart of the Kozhikode property. The one is a personal business while the other is a Jaranwad business. It is like one person holding two offices. The collector of Malabar is also the special officer of the Malabar District Board but this does not invalidate bonafide money transactions between the District Board and the Govt. Revenue Dept. In the same way there is nothing strange in the school paying rent to the Kozhikode through the same individual is now the manager of both. On the other hand such transactions are very common in Malabar where the Karanavams of big Jaranwads may be

Managing various institutions with which the Jarawad has nothing to do.

5- I would also like to invite the attention of the govt. to the fact that if the govt. is not pleased to order the payment of rent to be considered as an approved expenditure the school will be put to great difficulties.

The progress of the school will be gravely affected if additional buildings are not put up. The inspecting officers have been pointing out the urgent need for additional accommodation. Kovilakam money will not be spent on providing additional accommodation unless the grant is enhanced and the school will not be able to give an enhanced report unless the expenditure is assessed for grant.

6. Taking all these facts into consideration I request favourable orders permitting payment of rent as a legitimate school expenditure.

yours faithfully.

Ekamambalam

For Correspondent

original sent through proper channel.

Edn & P.H. (B.) Dept.

Endorsement No. 13400 B1/49-1 Edn d/ 26-2-49.

Referred to the Director of

Public Instruction for early remarks.

(By order)

V. Ranganathan
Assistant Secy to Govt.

22/2/49
22/2/49

To The Director of Public Instruction.

C.F. 32 (a).

EDUCATION Department

From (Name)



Designation The Director of Public Instruction, Madras.

Received Registered

To

The Secretary to Government, Education and Public Health Dept., Madras.

No. Roc 183 D1/49 dated 5-4-1949.

Sir,

Sub:-- Rajah's High school, Kottakkal--rent for school buildings--admissibility for grant.

Ref:-- Govt. Endt. No. 13400 B1/49-1 Edn. dated 26-2-49.

The whole question is now being reexamined by me and it will take some time before I can submit my remarks on the petition of the Correspondent.

E & P.H. (B.)

Yours faithfully,

The remarks of the D.P.I may be awaited till 5-5-49.

V. Ranganathan
for DIRECTOR OF PUBLIC INSTRUCTION.

ARB : 5-4

24/4/49

Am 74

The House individual under the following circumstances

SUB:- GRANT -- Teaching -- Aided Secondary Schools
Rajah's High School, Kottakkal - Rent for
school building.



REF:- Govt. Endt. No.13400-B1/49-1, Edn., dated
26-2-49.

Resubmitted.

Expenditure on "Rent" is always treated as an
admissible item of expenditure for purposes of grant under
article 32 of the Grant-in-aid-Code. In the present case,
although the claim for rent might have been admitted in the
past for whatever reasons, a closer scrutiny now reveals that
there is no justification for admitting it any longer. The
Correspondent in his letter to Government contends that the
school building belongs to the Kizhake Kovilagam and it was
rented to the manager of the school who was running the school
in his/her private capacity. From the recognition applications
from 1931 downwards it is seen that the name of K. C. Valia Tham-
puratti alone is mentioned against name of person, society or
association owning the school. At the same time from the in-
spection reports, it is seen that the post of manager was held by
different persons on different dates and that 'K.C.Valia Thampu-
ratty' took charge of the school in 1946. On being further ques-
tioned about the actual management in the past the Correspondent
states that the name of K. C. Valia Thampuratti was mentioned in
the successive recognition applications as "it was thought that
the name to be given against society, association or person owning
the school" occurring in col.(2) of the Recognition application
"was that of the owner of the school building." While this is so
the Correspondent has in his earlier letter to Government stated
"This school building was put up and is owned by the Kottakal
Kizhake Kovilagam and rented to the manager of the school." The
Kovilagam & K. C. Valia Thampuratti are not identical. In accord-
ing to the Correspondent's own admission it may be seen that the
owner of the building is also the manager at present and there is
therefore no question of rent from 1946 when K. C. Valia Thampu-
ratti took charge. And for the earlier periods also I am unable
to admit the claim in view of the fact that the position has not
been satisfactorily explained and the whole question is not free
from suspicion.

For Director of Public Instruction.

To the Secretary to Government, Education and Public Health Depart-
ment, Fort St. George, Madras.

SJ/1/7.

2/2/49

Office of the Director of Public Instruction, N. I. A. S.
Dated 29th June 1949.

SUB: - Grant - Teaching - Aided Secondary Schools
Rajah's High School, Kottakkal - rent for
school building.

Ref: - Govt. Order No. 13100-R/49-1, dated
20-2-49.



Expenditure on "rent" is always treated as an
admissible item of expenditure for purposes of grant under
Article 32 of the Grant-in-Aid Code. In the present case,
although the claim for rent might have been admitted in the
past for whatever reasons, a closer scrutiny now reveals that
there is no justification for admitting it any longer. The
correspondent in his letter to Government contends that the
school building belongs to the Mithala Kovilakam and it was
rented to the manager of the school who was running the school
in his/her private capacity. From the recognition application
from 1931 downwards it is seen that the name of K. C. Valia
Kuratti alone is mentioned against "name of person, society or
association owning the school". At the same time from the dis-
section reports, it is seen that the post of manager was held by
different persons on different dates and that K. C. Valia Kuratti
"took charge of the school in 1940". On being further ques-
tioned about the actual management in the past the correspondent
states that the name of K. C. Valia Kuratti was mentioned in
the successive recognition applications as "it was thought that
the name to be given against society, association or person own-
ing the school" occurring in col. (2) of the recognition application
was that of the owner of the school building. While this is so
the correspondent has in his earlier letter to Government stated
"This school building was put up and is owned by the Kottakkal
Mithala Kovilakam and rented to the manager of the school".
Kovilakam & K. C. Valia Kuratti are not identical. In accord-
ing to the correspondent's own admission it may be seen that the
owner of the building is also the manager at present and there-
fore no question of rent from 1940 when K. C. Valia Kuratti
took charge. The fact that the position has not
been satisfactorily explained and the whole question is not free
from suspicion.

For Director of Public Instruction,
to the Secretary to Government, Education and Public Instruction,
Tamil Nadu, Madras.

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3/8
H-1-98

Dr 9/6/49

Order of H.M.(E&L)
on p2 of

5

E & P. H. (B. I.)

Grant - Teaching - Rajah's High School, Kottakkal -
Rent for the school building - Admitted as an approved
item of expenditure.

From the correspondent, Rajah's High School,
Kottakkal d/16-2-49.

From the D.P.G. Rec. No. 183 B/49 d/ 29-6-49.

Memo No 2480 Edn dated. 3.8.49

The D.P.G. is informed that the rent of the
building, in which the Rajah's High School, Kottakkal
is located, may be admitted as an item of approved
expenditure for purposes of assessment of teaching
grant as the present correspondent holds the post
in

in her individual capacity and not as the head of the Kovilagam which owns the school building.

Sd/
23/7/49.
usm
23-7-49

va
25/7/49

2/4
9

To
Sd/
5/8
The D.P.S.
The Correspondent,
Rajah's High School,
Kottakkal.
2 s/cs.

C.No. 13400 B1/49.

HP-1-98

B p118

p108

p138

A

Sd/
11/7/49

ER.P.H. U.O. No. 13400 B1/49-2 Edn.
11-7-49.



ER.P.H.(B.)

Grant - Teaching - Private - Rajah's High School, Kottakkal -
Admissibility of rent as an approved item of expenditure.

From the correspondent, Rajah's High School, Kottakkal d/16 ²/₄₉.
From the D.P.S. Rec. No. 183 B1/49 d/29-6-49.

The representation from the correspondent, Rajah's High School, Kottakkal against the non-inclusion of the rent for the school building as an item of approved expenditure for purposes of assessment of teaching grant was referred to the D.P.S. The whole question was reexamined by the Director. He has reported that the building where the school is located is owned by the present manager of the school and that therefore the management does not legitimately incur any expenditure on account of rent. The Director is therefore of the view that the claim for the inclusion of the rent as an item of approved expenditure does not deserve any consideration. In these circumstances ^{the Director's views may be concurred in and} it is for consideration whether the correspondent may be informed that the Govt. see no reason to interfere with the decision of the D.P.S.

Legal may see for remarks if any.

Sd/
5/7/49.
usm
5/7/49

va
9-7-49

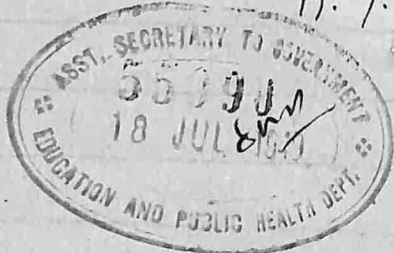
Sd/
9/7/49
Legal

LEGAL DEPARTMENT.

Rule 32(i) of the Grant-in-Aid Code provides that approved recurring expenditure will comprise such expenditure under teaching staff, establishment, rents etc as the Director considers reasonable. In the present case, the Director appears to have taken the view that since the owner of the building and the manager of the school happen to be the same person at present, there is no need to make a grant in respect of rent. In view of this and also of

the fact that the Government have reserved to themselves the right to refuse or to withdraw any grant at their entire discretion, it is open to the Government not to make any grant in respect of rent in this case.

Legal U.O. No. 8815/49-1
17.7.49.



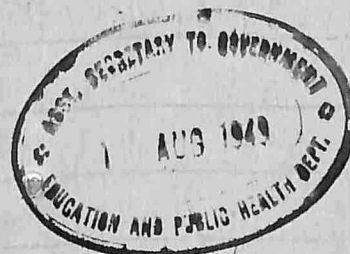
'A' on plants
18/7/49

E & P.H. U.O. No.

13400 B, /49-3 Edn.
26.7.49



Legal U.O. 9560/49-1
29.7.49.



SW 5820A

With reference to the minutes of H.M. (E & L) at p 2 ante, a draft order memo is submitted for approval.
Legal may see.

134
23/7/49
23.7.49

18/7/49

Legal

Seen in Legal

18
29.7.49

Legal Dept

S & P H
(BU)

May issue.

18/7/49

5/2/8

The notes from page 1 ante may be perused. Legal Department have observed that under the provisions of the Grant-in-Aid Code, Govt. have reserved themselves the right to refuse or to withdraw any grant at their entire discretion, the management having no legal claim on any part of the grant. In view of this, it is for orders whether the recommendations of the B.P.S may be accepted and the correspondent Rajah's High School, Kottakkal informed that Govt. decline to interfere in the matter.

13/7/49
19.7.49

20.7.49

May agree and DPT

(4.11.49)

21/7

I do not think B.P.S's view is correct. The Head or Manager of a Harumakkathayam family cannot spend the family funds for constructing school building or running a school which is not a family necessity. So the family represented by the Valia Tampuratti owns the school building but the correspondent of the school is the Valia Tampuratti in her individual capacity and as manager of the Koorlapam which owns the school building. The rent of the building may be admitted for purposes of grant.

21/7

