

Edw. J. P. H.

(1949) Department.

M. L. SERIES.

G.O. NO. 148. 434 Edw.

Dated 17-2-49.

[Despatch Abstract.]

M. L. S. - Sri L. Sadasivan St. Munsif

Rules relaxed for direct recruitment as
Prof. Law College.

Back Papers.

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

Further Papers.

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

R.O.C.No.810/49-B2.

From K.N.Ganpati Esq., Bar-at-Law,
Registrar, High Court, Madras.

To The Secretary to the Government of
Home Department (with Encls).

Madras, 7th February 1949.

Sir,

Sub:-Public Services - Madras Educational Service -
Appointment of Professor, Law College, Madras -
Application of Sri R. Sadasivan, Prl. District
Munsif, Chingleput.

Ref:-Advertisement calling for applications published
at p. 78 of Part II of the Fort St. George Gazette
dated 25-1-1949.

I am to forward herewith an application (with its
enclosures) from Sri R. Sadasivan, Prl. District Munsif,
Chingleput for appointment as Professor, Law College. A petition
addressed to the Hon'ble the Minister for education praying for



✓
exemption from the operation of the condition laid down
in paragraph 4(a) of the advertisement (restricting the
permission to apply for the post to Government servants
of 5 years' service and less) is also forwarded.

Dr. S. S. Sath
REGISTRAR.

Chingleput, 3
31st January 1949.

From R. Sadasivan, B.A., M.L.,
Principal District Munsif.

To The Minister for Education,
Government of Madras,
M A D R A S.

Through The Registrar,
High Court of Judicature,
M A D R A S.

Through The District Judge,
CHINGLEPUT.

Sir,

ep. fleg (X)
The Madras Public Service Commission has called for applications for one appointment of professor, Law College, Madras, on Rs.500-50/2-800 per mensem. I obtained First class and took the first place at the B.L. Examination of April 1932. Apart from prizes and medals awarded to me, I was a recipient of Sir T. Muthuswami Iyer's Scholarship awarded by the Madras University for further study in M.L. I passed the M.L. Degree Examination in Crimes and Torts and took the first place among the candidates of that group in 1934. I worked as an apprentice and junior under Mr. V.L. Ethiraj till he became Public Prosecutor. Thereafter I worked as junior under Sri N. Somasundaram (present Judge of the High Court, Madras) till I joined the Judicial service as District Munsif on 1-2-1941. I am qualified for the post of professor, Law College, Madras. But under the notification issued by the Madras Public Service Commission, only Government servants of less than 5 years standing, except in the case of Harijans and members of Backward classes, are entitled to apply. I believe if I am appointed professor of Law College, Madras, I will have the opportunity of imparting such knowledge as I had the fortune of acquiring to the students. Though I am within the age limit of 40 years prescribed by the Service Commission and otherwise qualified for the post, I am precluded from applying for it as I am a permanent member of the Judicial service for the past 8 years. I therefore request that in the circumstances of

the case the Government may be pleased to exempt me from the said restriction and permit me to apply for the post.

As the application should reach the Secretary of the Madras Public Service Commission by 5 P.M. on 11-2-1949, I request that orders passed on this application may be communicated to the Madras Public Service Commission on or before that date.

Yours faithfully,

Rathnam Sadasivan

Forwarded
P. Manoj
Copy *Chengalpet* *11/1/49*
25,002 6-11-48.
MADRAS PUBLIC SERVICE COMMISSION.

Application for recruitment to the *Madras Education Service*
Post *Professor, Law College, Madras*

[Notes.—1. An applicant will be disqualified who attempts to canvass or to bring influence to bear on the Chairman or any member of the Commission personally or by letter. The same penalty will be imposed if any relative, friend, patron, official or other person attempts to influence the Chairman or any member of the Commission on behalf of an applicant.

2. (a) This form must be completed by the applicant in his own handwriting and must be sent with the necessary documents to the Secretary, Madras Public Service Commission, Madras.
(b) Applications in which any portion of the required information is not correctly and completely given will be summarily rejected.
(c) Applications which are received after the due date will be summarily rejected.
(d) Applications in respect of which the prescribed documents and certificates in proper form are received after the due date will be summarily rejected.
(e) Applications from persons in the service of the Crown in India or in the employ of local bodies which are not sent through the authority competent to appoint them in the posts which they are holding will be summarily rejected.
(f) Applications which do not otherwise fulfil the terms of the Commission's "Information for candidates" and "Instructions, etc., to candidates" will be summarily rejected.

3. Copies of documents where originals are not required to be sent must be certified as correct by a Gazetted Officer or a Magistrate or other responsible person.]

1. Full name of the applicant, including the name or names for which the applicant's initials stand (omission to write the full name will prejudice the application).
2. Address in full (any subsequent alteration should be notified).
NOTE.—Candidates must make arrangements to see that communications addressed to them at the addresses stated in their applications are redirected, if necessary. The Madras Public Service Commission makes every effort to take account of changes in candidates' addresses but cannot accept any responsibility in this matter.

3. (a) Date of birth. (Evidence to be produced.)
(b) Place of birth and district or State in which it is situated.

4. (a) Legal nationality at birth, e.g., British subject, subject of Travancore State, etc.
(b) Community to which candidate belongs. (The candidate should here state whether he is a "Brahman," "Non-Brahman Hindu," "Backward Hindu," "Muslim," "Indian Christian, etc.," or "Harijans.")

4.40 (a) Father's name—
4.37. " address (if living).
6.34 " profession or occupation.
6.34 " Place of birth
6.34 " nationality at birth.
4.40 (b) Did he change his nationality? If so, give particulars.

6. Place of mother's birth and her nationality at birth.

1.49. (a) Is the applicant a British subject domiciled in India? If so, state the place of his fixed habitation.
(b) (1) State the place of fixed habitation of the applicant's father at the time of the applicant's birth, or, if the applicant is a posthumous child, the place of fixed habitation of the applicant's father at the time of his death.
(2) State whether the applicant's father changed his place of fixed habitation; and, if he did, state the places, and the periods during which he resided at each place.

Rathnam Sadasivan.
Principal District
Munsif
Chengalpet.
28th May 1910
Kannur, Travancore District.
British Subject.
Non-Brahman, Hindu.
A.V. Rathnam Pillai
Retired District Judge
Tanjore
British Subject.
No.
Tirunelveli, British Subject.

8. (a) Institutions where the applicant was educated:—

Name of institution.	Approximate date of entering.	Approximate date of leaving.
Madras { Muthialpur High School	2.7.21	30.4.26.
Pachayappa's College	June 26	June '30
Law College	July '30	July '34.

(b) Highest general educational qualification; if applicant is a graduate, name of the University from which applicant graduated, nature of degree taken, subjects and class in each branch of the B.A. or other degree examination; if applicant is S.S.L.C. holder, marks obtained in each subject at the public examination. (Evidence to be produced in original.)

B.A. (IIIrd Class)
Physical Science (Gr. II A)
Madras University.

(c) Highest qualifications in the subject, if any, in respect of which recruitment is sought; class taken and name of the University or institution from which the qualification was obtained. (Evidence to be produced in original.)

B.L. First Class. First in the Presidency.
M.L. Brinnes and Works.
Third Class. First in the group.
Madras University.

9. Practical experience, if any, with dates. (Evidence to be produced in original.)

Practised as Advocate at
Madras from July '34.
(2-11-33 to 30-1-41)
Junior under Mr. V.K. Elumalai
N. Samesundaram.
Member, Revised Trial Panel
1938-1940

10. Names of services to which applicant wishes to be appointed, in order of preference.

11. Language chosen by the applicant for the compulsory subject "Language Translation and Composition."

12. The optional subjects which the applicant has chosen for the written test:—

13. (a) Mother tongue.

(b) Other Indian languages known.

In the case of an applicant who claims that he possesses an adequate knowledge of a language, a certificate from a responsible person who knows the applicant personally that the applicant can speak, read and write the language concerned should be produced.

State the name of the language.

State examination passed, if any, in the language.

State if you know to speak only or also to read and write manuscripts in the language.

Tamil. Part I B Intermediate.
Telugu. Language Test
Hindi. Summer Examination.

Know to read and write also.
Do.

Know to read printed matter alone.

14. The name of the treasury or branch of the Imperial Bank of India into which the prescribed fee has been paid. (Chalan should be forwarded.)

If the candidate claims exemption from payment of fee on account of war service evidence of such service should be produced.

15. (a) How has the applicant been occupied since leaving school or college to the date of application? Particulars of employment, if any, whether in Government service or not, and dates of appointment to and relief from each post and reasons for leaving each post and emoluments in each post should be stated.

Post held.	Period of employment		Pay.	Reasons for leaving.
	From	To		
Principal District Munsif	1-2-41	Till this day	Rs 450/- from 1-2-49	

(b) Has the applicant been continuously employed temporarily under the Provincial Government? Give details with dates. (Evidence to be produced in original.)

16. Has the applicant been on any former occasion a candidate before the Madras Public Service Commission or any other Commission or Committee of selection or before any other recruiting officer or authority, or been a candidate for any competitive examination for selection of candidates, conducted by the Madras Public Service Commission or any other Commission or Committee or by any other recruiting officer or authority? If so, state when and for what appointments, and whether the applicant was selected or not.

N.B. Separate application has been made to the Government for necessary exemption. (attached to this application)

Name of examination or selection for which application was made.

Year.

Whether the applicant was admitted to the examination or selection and whether the applicant appeared thereat.

Application number.

Lecturer, Law College 1935

Do

1937.

District Munsif 1940

17. Names of relatives at present in the Public Service and the appointment each holds and the degree of relationship between each of them and the applicant. Statement of any service rendered to the Government by applicant's family which the applicant desires to be considered.

M. Akilandam Pillai: Sub Judge
T.S. Alagapandaram: Superintendent, Extn Dept: Do.

6 angulapur
Sub Treasury.
(Treasury receipt attached in original application)

1934-1941 practised as Advocate at Madras.

1-2-41 District Munsif
This date.

I desire to become professor, Law College, as it would afford me an opportunity to impart knowledge to students.

permanent Member of the Judicial Service.
Entered Service on 1-2-41.

yes

The then existing lecturers were reappointed and the application fee was refunded.
I was granted an interview. But two senior advocates were selected.
Selected for the post.

Dr. R. Subramaniam - Brother
B.Sc. M.D. M.R.C.P. (Lond)

Assistant Physician, General Hospital.
Brother in law.

D. S. Kalyanasundaram. Educational Officer
(Education Dept) (Madras District Board) much?

4

18. Statement of any distinctions gained by the applicant at school, college or University; any special service rendered to the Government by the applicant; any other special grounds which the applicant desires to be considered.

Obtained First Class and stood first in the Presidency in B.L. 1932.

Recipient of Sir T. Munikrishnan Scholarship awarded by University.

Stood first among the successful candidates in Branch IV M.L. (1934) and second among all the candidates. Took active part in Y.M.C.A. Parliament. Member Board of Examiners F.L. and B.L. (1944-1948)

19. Names of persons together with their designation and full address from whom the applicant has produced the certificates of conduct and character, together with the dates of the certificates.

Name of person and designation.	Address.	Date of certifi- cate.
Sri. P. Varkalaraman Rao.	High Court Judge, Madurai (Retired)	17.4.44
Sri. K. P. Lakshman Rao	" Equine Mysore	17.4.
Sri. N. Somasundaram	High Court Judge, Equine (Then Advocate)	18.4.
Sri. G. Madhavan Nair	Member Privy Council, London Public Prosecutor Madras	3.4. 9.
Sri. V. L. Elvayar.	Principal Law College "	5.
Sri. K. Krishna Menon	Vice Principal Law College "	1.
Sri. S. Govindarajulu	District Judge, Bellary (Then Judge of Small Cases)	12.
Janak M. A. Anjum Sahib Bahadur	Sub Judge, Bangalore	31.

I declare that I have not at any time been pronounced unfit for Government service by any medical authority and that the particulars given in this application are true to the best of my knowledge and belief.

STATION, Chingleput }
Date 31.1.1949.

Signature of applicant.

HOME DEPARTMENT.

Letter/Ref.No.10652B/49-3 Dated. 11.2.49

To
The Secretary,
M.P.S.C., Madras.8. (with encl)

Sir,

Sub: Public Services - Madras Education Service-
Appointment of Professor, Law College, Madras-
Application of Sri R.Sadasivan, Principal
District Munsif, Chingleput.

I am directed to forward an application together with its enclosures from Sri R.Sadasivan Principal Dt.Munsif, Chingleput for appointment as Professor, Law College, Madras.

Y.f.

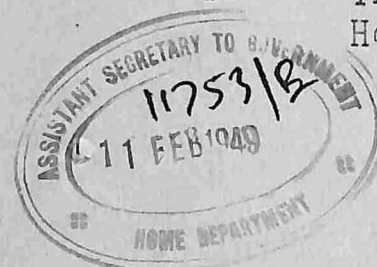
Copy to Regr.High Court,
Madras.w.r.to.
Roc.No.810/49-D2 dated
7-2-1949.

Time 3.45 PM

6 11
POST COPY OF TELEPHONE MESSAGE, DATED 11-2-49.

From The Sub Assistant Registrar,
Administrative Department, High Court, Madras.

To The Asst. Secretary to Government,
Home Department, Fort St. George.



Professor, Law College, Madras - Application of
Sri R. Sadasivam, Prl. District Munsif, Chingleput.

11753/B
Please forward Mr. R. Sadasivan's application for
appointment as Professor, Law College, sent with High Court's
letter ROC 810/49-B2 dated 7-2-49 to the Secretary, Madras
Public Service Commission today as it should reach him before
5 P.M. on 11-2-1949.

T. H. Rajamohan
Sub Assistant Registrar
Administrative Department.

Copy to the Secretary,
Public Service Commission, Madras.

87

Edmund P. H. Dept

M. E. S. - Sri. R. Sadasivan, District Munsif -
Rule ~~14~~ (4) of the Madras Provincial and
Subordinate Service Rules relaxed for direct
recruitment as Professor, Law College, Madras.

p1cf

From the Registrar, High Court, Madras
No. 810/49-B2 D 7-2-49.

p9cf

Letter to the Secy, M.P.S. to No. 10652E/
49-3, Home D 11-2-49.

Order L/34 Edn D 11-2-49.
Ms.

Here enter A
on p. 6 nfr

p1399 vol I of
the Service Manual

H.E. the Governor of Madras directs
under sub section (5) of section 241 of the
Govt of India Act, 1935, that ~~the~~ provisions
of rule 2 (13) of the Madras Provincial and
Subordinate Service Rules ^{part I} be relaxed in favour
of Sri R. Sadasivan, District Munsif, with a view
to his application for selection for the post of
Professor, Law College, Madras, being admitted
by the Commission and his case being
proceeded with further.

Despatched
12/2/49

15/2/49

16/2/49

16/2/49

To The Regr. High Court, Madras ✓

" Secy, M.P.S. ✓

" B.P.S. ✓

" A.G. ✓

" Public (Service) Dept ✓

" Home Dept

" Sri R. Sadasivan.

Principal, St. Xavier's

2 Munsifs to him for

GOVERNMENT OF MADRAS.
Education and Public Health Department.
G.O.No.No. 434 Education dated 17th ~~November~~ February 1949.

Abstract.

MADRAS EDUCATIONAL SERVICE - Sri M.Sadanivan, District Munsif -
Rule 2 (14) of the Madras Provincial and subordinate service Rules
relaxed for direct recruitment as Professor, Law College, Madras.
~~-X-X-E-X-K-X~~

READ:

Madras No.810/49-B2 dated 7.2.49.

From the Registrar, High Court, Madras No.810/49-B2 dated 7.2.49.
From the Secretary, Madras Public Service Commission No.106522/
49-3 Home dated 11-2-1949.

ORDER:

ORDER: In exercise of the powers conferred by section 241(5) of the powers Government of India Act, 1935, His Excellency the Governor of Madras hereby permits Sri R. Sadasivan, District Munsif, to apply for selection for the post of Professor, Law College, Madras by direct recruitment notwithstanding the provisions of rule 2(13) in part I of the Madras Provincial and Subordinate Service Rules".

(By order of His Excellency the Governor)

H.V. HUNSANIAN,
Secretary to Government.

To the Registrar, High Court Madras.
To the Secretary, Madras Public Service Commission.
To the Director of Public Instruction.
To the Accountant-General.
To the Public (Services) Department.
To the Home Department.
To Sri R. Nadasivan,
Principal District Munsif,
Chingleput.

Spare copies.

This copy forwarded by order

True copy/forwarded/By order.

Superintendent.

PCB/17-2

(C No 10652/E)

Public Services - Madras

Educational Service - Application of
Sn. R. Sadashivan, Principal of Munsif,
Chingleput - for appointment as Professor,
Law College, Madras

Ref: From the High Court: Rve - No. 810/49
- 132 dated 2-2-1949

The High Court has forwarded
an application from Sn. R. Sadashivan,
Principal of Munsif, Chingleput, for
appointment as Professor, Law College.
A petition addressed to H.M. (Education)
requesting that he may be exempted
from the operation of the condition laid
down in paragraph 4 (a) of the advertise-
ment (restricting the permission to apply
for the post to Government servants
of 5 years' service ^{and} or less) is also forwarded.

2 The notification calling for
applications ^{to the post referred to} has been published in the F.S.R.
Gazette Part II at page 78 - vide page ④.
under rule (3) of Government Servants'
Applications for posts (Madras Services)
Rules, permission to apply shall ordinarily
be granted in such cases unless it is
considered that the grant thereof will not
be consistent with the interests of the Public
Service. In the present case, the Hon. the
Judges have not made any specific
recommendation. ^{The app. can be forwarded}
^{if applicant's rank is found to be}
~~passed in this case. The remarks of~~

p 22 of GSC
Rules in F.S.R.
145

(10652E)

This is a matter for Govt. H. E. & P. H. may be obtained in the first instance with reference to R as per ante.

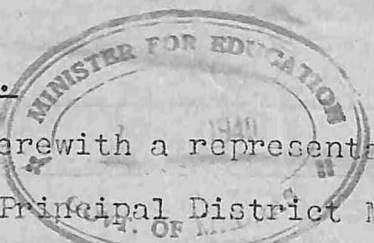
*8.2.49
8.2.49*

8.2.49 Govt. H. E. & P. H. 10652 B/49



Spl.

Secretary, E. & P. H.



Please see herewith a representation from Mr. R. Sadasivan, Principal District Munsif, Chingleput. We have been advertising for a Professorship in the Law College. I understand he is a first class man who was first in the Presidency in the B.L. Examination of April 1932 and he was a recipient of many scholarships. He would like to come to the Law College. The question is whether he may be allowed to appear before the Public Service Commission and whether we shall make the necessary relaxation for his doing so. The matter may be examined and put up.

8819



*15A
2-49
H.M. Education*

Sri Sadasivan does not satisfy the condition that already if the applicants for the post are/employed under Govt., the period of their service shd. be less than 5 years. This condition has been incorporated by the Commission on the basis of the definition "Recruited direct" occurring in rule 2 of the Genl. Rules - Part I. Ordinarily, any service rule is not relaxed.

Only in rare cases, where public interests are concerned, or the application of the rule would involve real hardship to

Tal (x)

1.138, 13K.12



EDN. 8819-4-1 9.2.49

the individual, is a relaxation ordered. This case cannot be he held to involve hardship. The Dt. Munsif's request need, it seems, be considered only in the event of its turning out that no technically qualified candidates have applied to the Commission or, such candidates having applied, none of them has come out successful at the oral test to be held by the Commission. Then, the relaxation may be ordered on the ground of public interests.

It is accordingly suggested that, pending decision on the qn. of relaxation, the Home Dept. may forward the Munsif's application to the Commission before the due date. This dept. may immediately thereafter tell the Commission of the applicant's request to Govt. and of the Govt.'s proposal to consider it only if a contingency as at M above arises. To enable further action being taken if neecy., the Comm. may also be asked to give information about the no. of applns. from technically qualified candidates.

The file may be sent to Pub. (Ser.) for remarks and to Home for action as at M above. This dept. will in due course circulate the case to H.M. (Edn.) and H.M. (Agr.) and H.Pr. for orders on the qn. of relaxation.

P.P. 8.2.49 9/2/49

9/2/49 S

Refer to this, my view would be that it would be more proper in such circumstances to order a general relaxation & re-advertise on that footing rather than to make an individual relaxation - for it is quite conceivable that as a number of others similarly situated have been offered the post, it is fair to give them the opportunity too.

9/2/49 Pub. (Ser.)

Public (Services) Department.

Please see the notes on pp.1-3 above. This department may agree with the views of the Secretary, E & P.H. When addressing the Commission with reference to 'P' on p.3 ante. the suggestion at 'K' may also be referred to it.

The file may be ^{passed on} returned to E & P.H. Home.

At present, there is only such recruitment to the posts of Professor, Law College. According to the definition of 'such recruitment' Govt servants with less than 5 years' service can also apply for such recruitment. Relaxations of rules relating to method of recruitment, whether in favour of one person or more than one is objectionable in principle. The proper course would seem to be to alter the rules so as to admit of recruitment by transfer also for the posts of professor Law College, so that all qualified men in service can compete on equal footing. Re advertisement can be made after the rules are amended in consultation with the Commission. It should in any case see.

I agree

p 15 g BR 113

p 139 g BR 112

K

11751 C/11.2.49

Home
Pub (Ser. A) no. no.

431/49-1

11/2/49

Recd at 3.20 PM
11/2/49

106522

HOME DEPARTMENT.

This file deals with the question of forwarding the application of Sri R. Sadasivan, Principal Dt. Munsif, Chingleput for appointment as Professor of Law College, Madras. The applicant does not satisfy the condition 4 (a) of the advertisement restricting the permission to apply for the post to Govt. servants of five years' service and less. The E & P.H. Dept suggest that the application may be forwarded before the due date (5 p.m. on 11-2-1949) pending further examination whether the rules should be relaxed in his favour or ~~whether the~~ post should be re-advertised to allow all persons in similar circumstances. A draft letter is submitted for approval. After issue the file may be sent to E & P.H. for further examination.

Rules should not be relaxed in favour of any single individual. They may be modified to permit all similarly circumstanced to apply.

[Draft letter]
106522/11.2.49

Home no. 11751 E/P/H
12.2.49



10813

11.2.49 S(a.i)

E. P. H. Dept

Edn. J. S. (P)

K at p. 4 ante

The necessity for an amendment of the rules and for a re-advertisement of the post will arise only if the present advertisement does not produce the desired result.

Sri Sadasivan's request may be turned down.

May be od to H. (Edn.), H. (P.H.)

H. P.H.

12/2/49 S. H. 14/2/49

12.2.49/11/2/49

H. (Edn.)

H. P.H.

Once

We advertised once and so, we advertised, but could not find candidates with necessary qualifications and so, it has been re-advertised. I don't think we should be endlessly re-advertising. But I agree with A above that the

6
relaxation may be general but not to the particular candidate. H.P. may see

Relaxation may be given
to this candidate
10 P.R.
15/2

18A

15.2.49

The file may be recirculated
to H.P. (Edn)

JPM

15/2/49

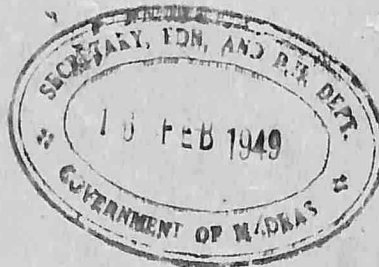
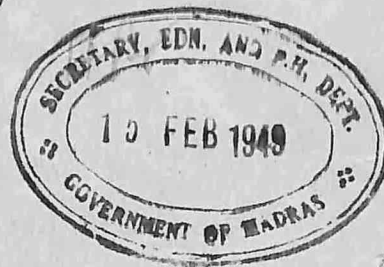
S

16/2/49

H. (Sec.)

18A

16.2.49



(over)

A draft order is subd. Public (Services)

And Home may see.

16/2/49

JPM

16/2/49

S

16/2/49 Pub. (Ser.) A
Home.

8119 A.3.508

16/2/49

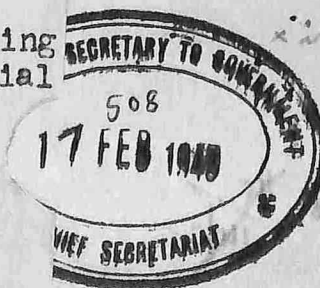
Public (Services) Department.

Please see the orders in circulation above and the draft order below. The draft seeks to relax the definition of the term 'Recruited direct'. This is not usually done. The draft may be recast as follows:-

"In exercise of the powers conferred by section 241(5) of the Government of India Act, 1935, H.E. the Governor of Madras hereby permits Sri R. Sadasivan, District Munsif, to apply for selection for the post of Professor, Law College, Madras by direct recruit notwithstanding the provisions of rule 2(13) in part I of the Madras Provincial and Subordinate Services Rules."

The file may be returned to E & P.H.

* rule 2 (13) in part I
of the Genl. Rules
at p. 139 of BK-112



Pub (Ser. A)

no 508/49.1

17/2/49

Edn & P.H. Dept

17.2.49

17/2/49

(E & P.H.)

The draft may be recast.
as at A above. at 17/2/49
17/2/49