

Education & P.H. (1949) Department.

MS. SERIES.

G.O. NO. 6 Edn.,

Dated 3-1-49

3-1-49

Closed

WZ
Supt

(23)

[Despatch Abstract.]

Estt- Edn- Secy., Sri R. Natesa Gounder, B.A., L.T., Ex-headmaster-
Board High School, Anamalai- Retention in Coimbatore Dt. Bd-Service
after conviction in a criminal court- Sanctioned.

Back Papers.

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

Further Papers.

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

In reply, please quote number, date and short title.

LOCAL ADMINISTRATION DEPARTMENT

Received _____ Registered _____

From (Name) F.W.A. Morris, Esq., O.B.E., I.C.S.,

(Designation) Collector and Special officer, Dist. Board,

Post Box _____, (STATION) COIMBATORE.

Telegraphic Address _____

To

The Secretary to Government,
Education and Public Health Department,
MADRAS.

Rec No 1744/S.E 1/47 dated 13 - 8 - 1948.



ENCLOSURES

Sub: Establishment--Education--Secondary--Sri R.Natesa gounder, B.A.L.T.--convicted under section 308--re employment--instructions requested.

SPARE COPIES

*18 months

Sri R.Natesa gounder, B.A.L.T., was headmaster, Board high school, Anamalai till 1947 February when he was involved in a criminal case and was suspended from duty. The criminal case was after preliminary enquiry committed to the Court of The Sessions Judge, Coimbatore who found the headmaster guilty and sentenced him to rigorous imprisonment for offences under 307 I.P.C. and 324 I.P.C. The High Court has on appeal, modified the conviction to one under Section 308 I.P.C., and reduced the sentence to 4 months rigorous imprisonment. The teacher has undergone the imprisonment of 4 months rigorous imprisonment and now requests re-employment.

With reference to rule 4 of the rules relating to appointment and punishment issued with G.O. No. 3648 L.A., dated 18-8-1936. No officer or servant of Local Board who is convicted of an offence involving MORAL TURPITUDE shall be retained in its service except with the special sanction of Government. Moral turpitude referred to in rule 4 of the Establishment rules is not defined what constitutes moral turpitude or what will be held as such is not entirely clear. Anything contrary to justice, honesty, principle or good morals, will be moral turpitude.

Giving the word Moral Turpitude the widest connotation including all acts and vileness or depravity in private and social duties which a man owes to his fellow beings. I do not think it advisable to re-employ him. I however, await specific orders of Government on this reference before re-employing him or rejecting his request. A printed copy of the order of the Session's Judge and a certified copy of the judgment in Criminal appeal 604/1947 on the file of the High Court, Madras, are herewith enclosed.

(sd) F.W.A. Morris,

COLLECTOR AND SPECIAL OFFICER,
Dist. Board.

CVS/16.8

11/8.

/ True Copy /

For Special Officer, Dt. Board. 1/8/48



IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Thursday, the Eighteenth day of March,
One thousand nine hundred and forty eight.

Present:- The Honourable Mr. Justice GOVINDA MENON.

Criminal Appeal No. 604 of 1947.

R. Natesa Goundar.

...Appellant (Accused)

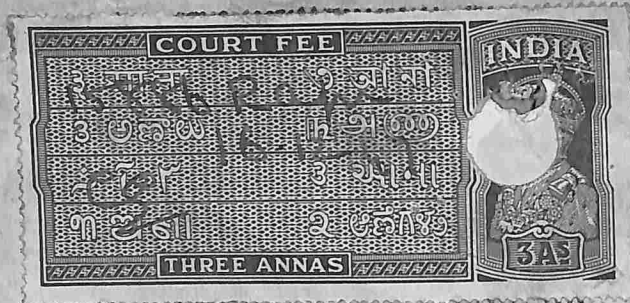
Appeal against the Order of the Court of Session of the Coimbatore
Division in Case No. 86 of the Calendar for 1947 dated the 17th October
1947.

This Appeal coming on for hearing ~~on~~ upon perusing the Petition of
Appeal, the record of the evidence and proceedings before the Court
of Session and upon hearing the arguments of Mr. N. Somasundaram and
Mr. P. S. Kailasan Advocates for the accused and of the Public Prosecutor
on behalf of the Crown the Court delivered the following:

JUDGMENT

Accepting the findings arrived at by the learned Sessions Judge,
I consider that the offence committed is only an attempt to commit
culpable homicide not amounting to murder under Sec. 308 Indian Penal
Code. The lower Court correctly finds that the evidence of D. W. should
be accepted. In - - -

176-G.G.1.



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CA 604/47 Mr N Somasundar

addition there is another finding that it is more probable that M.O.1 belonged to P.W.4 and the accused picked it upon the spur of the moment. According to D.W.1, P.W.4 threw a shoe at the accused and later on hit him on the head with a firewood. If under these circumstances, the accused had caused the death of P.W.4, the offence would have been only culpable homicide not amounting to murder. Therefore here the offence is only under section 308 Indian Penal Code. I therefore modify the conviction to one under sec.308 Indian Penal Code from one under Sec.307. Indian Penal Code. As regards the hurt caused to P.W.5, the offence is certainly one under Sec.324 I.P.C. But the whole case has to be considered in the light of the background afforded by the antecedent throwing of the shoe and the beating with the firewood. The conduct of the wife P.W.5 had been exasperating to say the least. In these circumstances, I consider that a sentence of rigorous imprisonment for four months for each of the offences, the sentences to run concurrently will meet the ends of justice. The sentences are reduced accordingly. With these modifications the appeal is dismissed.

Sd/R. Jayaram,
19/3.

Dy. Registrar, A.S.

240-G. Gopalan. 416.
2nd and last stamp

(True copy)

Engk Nalau 24/4
D. K. Kishore

Asst. Supt. of copyists. 24.5.48

JUDGMENT.
Crl. App. No. 604 of 1947.

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8-4-48

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15-4-48

24-5-48

In the Court of Session of the Coimbatore Division.

PRESENT:—

B. KOMAN Esquire, B. A., B. L., I. C. S., Bar-at-law,
Sessions Judge.

Friday, the 17th day of October 1947.

SESSIONS CASE No. 86 of 1947.

NAME OF ACCUSED:—

R. Natesa Goundar.

OFFENCE:—

Attempt to murder—two counts (Section 307 I. P. C.)

NAMES AND CASTES OF ASSESSORS:—

1. Kuppuswami Goundar (Vellala).
2. Sinnia Goundar (Vellala).
3. Thirumurthi Ayyar (Brahmin).
4. Venkataramana Ayyar (Brahmin).

OPINION OF ASSESSORS:—

Not guilty.

FINDING OF THE JUDGE:—

Guilty under Sections 307 and 324 I. P. C.

SENTENCE:—

18 months' rigorous imprisonment under Section 307 I. P. C. and one year's rigorous imprisonment under Section 324 I. P. C.—the sentences to run concurrently.

NAME OF ACCUSED'S COUNSEL:— Sri. R. Gopalakrishna Ayyar, Vakil.

Committed by Sri. E. Rangaswami, B. A., Town Sub Magistrate, Coimbatore, in Register Case No. III of 1947. (Crime No. 69 of 1947 Coimbatore Central Crime Station.)

JUDGMENT.

The accused is charged under Section 307 I. P. C. (two counts). He pleads not guilty to both the charges.

2. The prosecution case is that the accused on the night of 19th January 1947 at Gandhipuram in Coimbatore went to his father-in-law Subbay Goundan's house and there stabbed Subbay Goundan and the accused's wife Sivabaghyam and caused thus injuries to them which might have resulted in their death.

3. The accused married P. W. 5 in January 1946. She was a drill teacher in the Convent at Coimbatore. The accused himself was working at Anthiyur as a teacher under the District Board. P. W. 5 resigned her job after marriage and stayed at Anthiyur with the accused for about 10 days in April or May 1946. When the accused's vacation commenced they both returned to Coimbatore. P. W. 5 then complained to her father P. W. 4 that the accused was harassing her and beating her as she did not know cooking and the accused wanted her to cook. Sometime later the accused was transferred to Anamalai. He went there stating that he could find a house and then fetch P. W. 5. P. W. 5 continued to live with her father P. W. 4.

4. About four or five months before this occurrence the accused wanted to take P. W. 5 with him but she refused to go. Thereafter certain correspondence passed between the accused, P. W. 5 and her relations. Exhibits P-4, P-5 and P-6 are some of those letters.

5. On 19-1-1947 at about 7-30 or 8 p.m., P. W. 5 was lying on a cot in a room in her father's house. Her younger unmarried sister P. W. 6 was studying with the aid of a lantern in the verandah outside the house. P. W. 4 who had gone to his elder son-in-law Muthu Goundan's house returned with Muthu Goundan's son P. W. 7. P. W. 7 went and stood near P. W. 6. P. W. 4 went to the back of his house to leave his cycle in the shed and then walked into the house. A little earlier P. W. 8 Palaniswami Goundan who is also known as Keeranathar had at the accused's instance come to P. W. 4's house and asked for P. W. 4. P. W. 6 told him that her father had not returned. So he went away. P. W. 8 states that earlier that afternoon the accused and his father came to his house and the accused met him in the bank where he was working and informed him that he had come to have the quarrel between himself and his wife patched up and to take her away and wanted the help of P. W. 8 in the matter. It was a few minutes after P. W. 8 left that P. W. 4 returned home. P. W. 4 walked into the bed room where his daughter P. W. 5 was. He then heard the accused asking P. W. 6 as to whether her father was in. So P. W. 4 came out. Seeing him the accused walked up towards him and asked him if P. W. 8 had come there. P. W. 4 states that he told the accused that P. W. 8 had not come there and asked him what the matter was. Thereupon the accused took out a knife M. O. 1 from his waist. Thinking that the accused was just trying to frighten him he asked the accused to get out. But the accused advanced towards P. W. 4 with the knife raised. P. W. 4 went towards the bed room. The accused got into the room and stabbed P. W. 4 several times. Seeing this P. W. 5 who was lying down tried to intercede. Accused then stabbed her also on her eyes, hands and head. Soon after that the accused dropped M. O. 1 knife and went away from there.

6. Meanwhile P. Ws. 6 and 7 who were outside came in, P. W. 6 with a lantern. P. W. 6 witnessed the stabbing by the accused of P. Ws. 4 and 5. P. W. 7 saw the accused stab P. W. 4 three or four times, got frightened and ran away to tell his father. After the accused left P. Ws. 4 and 5 were taken to the hospital. A crowd collected. Amongst them was one Singaraya Goundan a retired Head Constable. He saw P. Ws. 4 and 5 in the house with bleeding injuries. When P. Ws. 4 and 5 were taken to the hospital, P. W. 10 the Sub Inspector of Police happened to be there. He recorded complaints Exhibits P-7 and P-9 from P. Ws. 4 and 5 and went to the scene of occurrence. From the bedroom floor he seized blood-stained plaster and also M. O. 1 the knife and other articles. Meanwhile P. W. 11 the Circle Inspector Crime Branch took up investigation and examined P. Ws. 4 to 9 on 20-1-1947. He also prepared Exhibit P-10 a rough sketch of the scene of occurrence.

7. At the Government hospital, P. W. 1 the then Resident Medical Officer examined P. Ws. 4 and 5. Exhibit P-1 is the wound certificate given to P. W. 4 and Exhibit P-2 the wound certificate given to P. W. 5. P. W. 4 had as many as 10 injuries all incised wounds. Among them were an incised wound $2\frac{1}{2}'' \times \frac{3}{4}''$ on the right shoulder joint one-third inch deep the lower part of the injury penetrating into the shoulder joint, another incised injury $2\frac{1}{2}'' \times \frac{3}{4}''$ above the right collar bone penetrating into the chest, an incised wound on the left arm causing fracture of the bone and the others were simple incised wounds on other parts of the body. The three injuries just described were grievous in nature. This witness is of opinion that the fracture in injury No. 3 might be due to a fall. The other injuries could all have been caused by M. O. 1. The first two injuries when combined with the other injuries, he considered might endanger P. W. 4's life. He therefore sent intimation to the police and Magistrate. P. W. 4 was an in patient in the hospital from 19-1-1947 to 13-2-1947 according to P. W. 2, the Sub Assistant Surgeon in the Government Hospital, Coimbatore. When the injury on his shoulder blade was operated a portion of M. O. 1 marked as

M. O. 1(a) was found in it. P. W. 2 also found comminuted fracture of the left humerus. P. W. 2 states that during the period P. W. 4 was in the hospital he could not have attended to his ordinary avocations.

8. P. W. 1 found on P. W. 5 six injuries—an incised wound on top of right shoulder, another above middle of right eye-brow which P. W. 1 considered had fractured at the outer table of the skull, an incised wound over the right eye-brow, an abrasion on the nose and an incised wound on the back of left hand at the base of thumb and index finger. P. W. 1 was of opinion that the injury above the right eye-brow where he suspected fracture was a grievous injury. But according to P. W. 2 an X-Ray photo being taken of P. W. 5's head he found that she had no fracture.

9. P. W. 3 is the Head Clerk of the Town Sub Magistrate's Court, Coimbatore. He speaks to the receipt of the material objects in this case and of their being sent to the Chemical Examiner for report. This witness proves Exhibit P-3 the office copy of the Sub Magistrate's letter to the Chemical Examiner, Exhibit P-3a the Chemical Examiner's report and Exhibit P-3b the Imperial Serologist's report.

10. The accused made a lengthy statement in the committal court wherein he admitted having stabbed P. Ws. 4 and 5. He states that there were misunderstandings between himself and his wife due to her not having been trained properly. On the day of this occurrence he went with his father to Coimbatore to request some elderly people among the relations to use their good offices to persuade P. W. 4 to send P. W. 5 with him. He got the help of P. W. 8 who has married P. W. 4's sister's daughter to go with him to P. W. 4's house and there learning that P. W. 4 was not there, P. W. 8 and the accused separated with the idea of calling again on P. W. 4. When the accused went back half an hour later to P. W. 4's house and questioned about P. W. 8, P. W. 4 treated him discourteously and referred to P. W. 8 in unbecoming language and wanted the accused to go out of the house. P. W. 4 threatened to shoe him if he did not do so. A few more words were exchanged and then P. W. 4 threw a sandal at him which went past the accused brushing him on his right shoulder and when the accused questioned P. W. 4 about it, P. W. 4 threatened to give him more if he remained, took a firewood piece and assaulted the accused. The accused then lost control and apprehending physical danger, took up a knife that was lying nearby on the window sill and waved it to protect himself. P. W. 5 interposed in the struggle and got hurt. Seeing what had happened, the accused got frightened, threw away the knife and left the place. He states that P. Ws. 6 and 7 were not there at the time. Only the cook and ayah of P. W. 4 were present. In this Court he stated that he had nothing more to add. He examined one defence witness on his behalf.

11. D. W. 1 states that that evening when he was walking past P. W. 4's house he met a friend with whom he was conversing. Soon afterwards he found the accused and P. W. 4 quarrelling in the inner verandah of their house. He saw P. W. 4 throw a sandal at the accused and later saw him hit him on his head with a fire-wood. Thereupon the accused picked up a knife from the window sill nearby and aimed at P. W. 4. P. W. 4 got injured. P. W. 5 obstructed and got injured.

12. It is clear from the prosecution case and the admission of the accused that he waved the knife, that it was he that caused the injuries on P. Ws. 4 and 5. At the same time it is difficult to believe the version of P. Ws. 4 to 7 that the accused without any provocation offered at that time attacked P. Ws. 4 and 5 with M. O. 1. P. W. 3's evidence makes it clear that the accused was anxious to make up with his wife and take her home. Nothing happened after the accused and his father met P. W. 8 that afternoon to make the accused change his mind and to induce him to walk into his father-in-law's house to murder him with M. O. 1. Though P. Ws. 5 to 7 support P. W. 4's version that he did nothing to infuriate the accused their evidence as regards this cannot be believed. They are under the control of P. W. 4 and it would

not be difficult for P. W. 4 to make these young people depose as he wants them to do. P. W. 4 stated in court that he asked the accused to get out only after the accused drew out a knife, but the other witnesses P. Ws. 5 to 7 state that P. W. 4 asked the accused to go away even before the knife was drawn out. There is little room to doubt that P. W. 4 must have by his behaviour that evening made the accused lose control over himself. D. W. 1 states that he saw P. W. 4 throw a slipper at the accused and then hit him with a piece of firewood. His evidence finds corroboration to some extent in the evidence of P. W. 9 a neighbour who went up to the house immediately after the occurrence and found a piece of firewood lying outside the bedroom. There is no reason why their evidence which supports the accused statement should not be believed. The blow with the piece of firewood could not have been severe. P. W. 4 was only anxious to get the accused go away from there and for this purpose wanted to insult him. But such conduct on P. W. 4's part does not justify the accused stabbing P. Ws. 4 and 5. On being asked by P. W. 4 to go away he should have left the house. If he had done so, P. W. 4 would not have assaulted him.

13. M. O. 1 is in the shape of a dagger of the type usually to be found with the military. P. W. 4 is a contractor for a military canteen. It is more likely that M. O. 1 belongs to him and that the accused picked it up on the spur of the moment and attacked P. W. 4 and later P. W. 5. He lost control over himself at the insulting treatment given to him by P. W. 4. No husband would ordinarily tolerate the attitude P. W. 5 had taken towards her husband, the accused. The injuries caused to P. W. 4 were of such a nature as might have led to his death. The injuries on P. W. 5 were simple in nature.

14. Since the accused could have avoided all this by walking away from P. W. 4's house when asked to do so, I do not consider that the plea of self-defence or grave and sudden provocation is available to him. I find him guilty under Sections 307 and 324 I. P. C.

15. All the assessors are of opinion that the accused is not guilty of both the offences with which he is charged. It is not unlikely that the assessors were moved to give their opinion in favour of the accused because of the attitude taken up by P. W. 5 in the witness box.

16. I convict the accused under Sections 307 and 324 I. P. C. As the accused till this attack tried all along to adopt peaceful methods to make up with his wife and as it was the insulting manner in which P. W. 4 treated him when he called at P. W. 4's house that made the accused lose control over himself and attack P. Ws. 4 and 5, I do not consider it necessary to deal severely in this case. I sentence the accused for the offence under Section 307 I. P. C. to 18 months' rigorous imprisonment and for the offence under Section 324 I. P. C. to one year's rigorous imprisonment - the sentences to run concurrently.

Note:— The accused is committed to the Central Jail, Coimbatore.

Pronounced in open Court, this 17th day of October 1947.

B. KOMAN,
Sessions Judge.

RECORD OF OPINION OF ASSESSORS.

1st Assessor: Not guilty.
2nd Assessor: Do.
3rd Assessor: Do.
4th Assessor: Do.

LIST OF WITNESSES EXAMINED.

FOR PROSECUTION:—

1. Dr. Sakharama Rao (Medical Officer).
2. Dr. Sengaliappan (Medical Officer).
3. Paramananda Prasada Lala (Court clerk).
4. Subbay Goundar.
5. Sivabaghyam.
6. Rajeswari.
7. Shanmugasundaram.
8. Palaniswami Goundar.
9. Singaraya Goundar.
10. Janab Mahomed Khan (Sub Inspector of Police).
11. Sri. Pasupathi Ayyar (Circle Inspector of Police).

FOR DEFENCE:—

1. Chinnamuthu Reddi.

LIST OF EXHIBITS FILED.

FOR PROSECUTION:—

- | | | |
|------|------------|---|
| P-1 | 26-1-1947. | Wound certificate for Subbay Goundar (P. W. 4). |
| P-2 | Do. | Do. for Sivabaghyam (P. W. 5). |
| P-3 | 25-1-1947. | Office copy of letter by Town Magistrate, Coimbatore, to the Chemical Examiner, Madras. |
| P-3a | 17-2-1947. | Chemical Examiner's Report No. 635/47. Case 89. |
| P-3b | 30-4-1947. | Imperial Serologist's Report. |
| P-4 | 15-9-1946. | Letter sent by Mr. K. R. Venkatasubramanya Ayyar to accused. |
| P-5 | 5-9-1946. | Letter by accused to Mr. K. R. Venkatasubramanya Ayyar. |
| P-6 | 22-8-1946. | Letter written by accused to Thirunavukkarasu. |
| P-7 | 19-1-1947. | Complaint of Subbay Goundar P. W. 4 to the Police. |
| P-8 | Do. | Dying declaration of Subbay Goundar P. W. 4. |
| P-9 | Do. | Complaint of Sivabaghyam P. W. 5 to Police. |
| P-10 | Do. | Plan of the scene of occurrence. |
| P-11 | 28-7-1947. | Statement of the accused in the committal Court. |

FOR DEFENCE:—

- | | | |
|------|------------|---|
| D-1 | 5-5-1946. | Letter of Subbay Goundar P. W. 4. |
| D-2 | 4-7-1946. | Letter of Subbay Goundar P. W. 4. |
| D-3 | 20-5-1947. | Deposition of Subbay Goundar P. W. 4 in the committal Court. |
| D-4 | | Postal cover addressed to Sivabaghyam P. W. 5. |
| D-5 | 31-5-1947. | Deposition of Sivabaghyam P. W. 5 in the committal Court. (portion marked). |
| D-5a | Do. | Deposition of Sivabaghyam P. W. 5 in the committal Court. |

MATERIAL OBJECTS MARKED.

1. Knife.
- 1(a) Tip of M. O. 1.
2. Spectacles (broken).
3. Shirt of accused.
4. Hand bag.
5. Blood-stained plaster.

B. KOMAN,
Sessions Judge.

S.E.1

GOVERNMENT OF MADRAS.
Education and Public Health Department.
Endorsement No.62041/G3/48-1 Edn. dated 24th August 1948.
* * *

Sub: Establishment - Education - Secondary - Sri R. Natesa Gounder
B.A.L.T. - Convicted under section 308 - re-employment -request
for instructions.

Ref: From the Collector and Special Officer, District Board, Coimbatore
Roc.No.1744/S.E.1/47 dated 13-8-48.
* * *

Referred to the Director of Public Instruction for urgent
remarks.

M.V. Subramanian,
Secretary to Government.

To the Director of Public Instruction (with enclosure to be returned. *with reply*)
Forwarded/By Order.

Er/. *b*

N. L. Subramanian
Superintendent.

To
The Registrar, High Court, Madras.
" District Magistrate, Coimbatore.
" District Superintendent of Police, Coimbatore.
" Superintendent, Central Jail, Coimbatore.
" Prisoner, through the Superintendent, Central Jail, Coimbatore.
" Chemical Examiner, Madras.

Printing charges (for 2717 words)

Rs. 7-4-3

28

Printed at the Coimbatore Cooperative Printing works, Limited, Coimbatore.

To
 The Registrar, High Court, Madras.
 " District Magistrate, Coimbatore.
 " District Superintendent of Police, Coimbatore.
 " Superintendent, Central Jail, Coimbatore.
 " Prisoner, through the Superintendent, Central Jail, Coimbatore.
 " Chemical Examiner, Madras.

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Rs. 7-4-3

Printed at the Coimbatore Co-operative Printing works, Limited, Coimbatore.

8 13^{28 P.M.}
 29/8
 Establishment - Edu. Secondary - Sri R. Natesa
 Gounder - B.A.L.T. - Convicted under Sec. 308 - re-employ-
 ment - request for instructions.
 From the Collr & Spl. Officer, Dt. Board, Coimbatore.
 Rec. No. 174/S.E. 1/47. d. 13.8.48.
 Encl. No. 62041/93/48 - 1 Edu. d. 24/8/48
 Referred to the Director for
 Public Instruction for ^{with} remarks at
 an early date.
 To.
 The D.P.I. with
 (Originals to be
 returned with remarks)
 23.8.48
 Note
 It is seen from the High Courts
 judgment



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From

R. Natesan, B.A.L.T.,

Head Master, (under suspension),

Board Middle school,

Anaimalai, Pollachi taluk,

Coimbatore District.

To

The Honourable

Sri T.S. Avinasilingam Chettiar,

Minister for Education,

Government of Madras,

MADRAS.

Through

The President,

District Board,

COIMBATORE.

Honoured sir,

The letter
was referred
to G.O.
Hawker
been
read

S.E. 1/10/48
2/10/48

I have faithfully served the Coimbatore District Board first as an assistant and lastly as Head Master of the Board Middle School for more than 6 years. I am a graduate and an L.T. of the Madras University and I am now aged 35 years.

My wife is employed as physical Training Instructress in a convent school at Coimbatore. We were living away from each other due to the nature and place of our employment.

My school was closed on account of plague during January 1947 and I went to Coimbatore to see my wife. There was a wordy altercation and my father-in-law and wife suddenly attacked me with pieces of firewood and in sheer self-defence I wounded them with a knife which was lying nearby.

in appeal that the Head Master was guilty of an attempt to commit the offence of culpable homicide not amounting to murder and of the offence of hurt - Rigorous imprisonment for four months on these two counts the sentences to run concurrently was the punishment - The principle of the Statutory Rule quoted by the S.O. is clear. It is for you whether G.O. may agree that the person should not be reemployed - Before passing final order however, the D.P. I may be consulted in the matter.

1/10/48
23848

District Magistrate, Coimbatore.

2

The Sessions Judge and the High Court held that I exceeded my right of private defence, though there was extreme and sudden provocation and convicted me finally for 4 months and placed me in the B class. I have served my term and come back.

I was originally on leave but was suspended from service when convicted. When I applied for permission to rejoin duty I was informed that I could not be re-entered without the sanction of Government and the District Board referred the matter to the Secretary to Government Education and Public Health Department Madras in R.O.C. No. 1744 S.E. 1/47 dated 11-8-48.

I am informed that only people convicted for offences involving moral turpitude are not eligible for reappointment under the rules without the previous sanction of the Government. I wish to submit that I am not guilty of any offence involving moral turpitude and the trial Judge and the High Court have held that I was forced to use the knife purely in self defence and that too under grave and sudden provocation but that I exceeded, my rights.

I am a young man and when I suddenly find my wife a physical training instructress and her father attacking me with big pieces of firewood, should I not at least try to save myself from their onslaught? I did nothing more than that.

Theft, cheating, breach of trust, misappropriation and the like may be said to be offences involving moral turpitude, but use of force in exercise of right of self-defence even if it exceeds the limit, I submit, cannot be classed as an offence involving ^{moral} turpitude.

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I have paid the penalty for my momentary loss of self control and I submit my future will be completely spoiled if I am not taken into service again.

I again submit, it is not a question of re-employment only, as a means of earning my livelihood but a decision affecting principles and my future career, whatever walk of life I may pursue.

Therefore, I request, my case may be considered in the light of the circumstances I was placed in and early orders passed directing the District Board, Coimbatore to re-appoint me in the service of the Board.

ndumalpet.
11th Oct 1948

Rates
11-10-48

Copy submitted to the District Board.

Office of the Coimbatore District Board,
Endt. R.O.C., 1744-S.E.1 of 47. Dated 29th October 1948.

Submitted to the Secretary to Government, Education and Public Health, Madras in continuation of this office letter R.O.C. 1744/S.E.1 of 47 dated 13-8-48, a copy of which is enclosed, for orders.

For Special Officer,
Dt. Board, Coimbatore

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

Copy of letter R.O.C.No.1744.S.E.1. of 47., dated -
13-8-48 from the Collector & Special Officer, District Board,
Coimbatore, to the Secretary to the Government of Madras,
Education & Public Health Department, Madras.

Sub: Establishment - Education - Secondary - Sri R.Natesa
Gounder, B.A., L.T., - convicted under Section 308 -
re-employment - instructions - requested.

Sri R.Natesa Gounder, B.A., L.T., was Headmaster, Board
High School, Anamalai till 1947 February when he was involved
in a criminal case and was suspended from duty. The criminal
case was after preliminary enquiry committed to the Court of
the Sessions Judge, Coimbatore who found the Headmaster guilty
and sentenced him to 18 months Rigorous Imprisonment for -
offences under Sec. 307 I.P.C., and 324 I.P.C., The High -
Court has on appeal, modified the conviction to one under -
Sec.308 I.P.C. and reduced the sentence to 4 months Rigorous
Imprisonment. The teacher has undergone the imprisonment of -
4 months Rigorous Imprisonment and now requests re-employment.

With reference to Rule 4 of the rules relating to -
appointment and punishment issued with G.O.No.3648, L.A.,
dated 18-8-1936, no officer or servant of Local Board who is
convicted of an offence involving moral turpitude shall be -
retained in its service except with the special sanction of
Government. Moral turpitude referred to in Rule 4 of the -
Establishment Rules is not defined. What constitutes moral
turpitude or what will be held as such is not entirely clear.
Anything contrary to justice, honesty, principle or good -
morals, will be moral turpitude.

Giving the word Moral Turpitude the widest connota-
tion including all acts and vileness or depravity in private
and social duties which a man owes to his fellow beings,
I do not think it advisable to re-employ him. I however -
await specific orders of Government on this reference before
re-employing him or rejecting his request. A printed copy
of the order of the Sessions Judge and a certified copy of -
the judgment in Criminal Appeal No.604/1947 on the file of -
the High Court, Madras, are herewith enclosed.

/ True Copy /

M. C. Keshava Swami 20/8/48
For Special Officer, Dt. Board,
Coimbatore.

erk/2-11.

SR

62041/48

12 21 83
Establishment- Edu. Secondary - Sri R. Katesa
founder B.A.L.T. - Considered under Sec 308 -
reemployment.

p 1 of

Encl. No. 62041/23/48-1. Edu. d. 27.8.48.

15/11

Memo. No. 62041/23/48-2 Edu. d. 15/11/48.
The attention of the D. P. I.
is invited to Encl. Cited above
and he is requested to expedite
his reply.

To: ^{spc}
The D. P. I. ^{15/11/48}

cts
11.11.48
lms
12.11.48

m
11/11/48

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

RC. 2015-GI/48, dated 12/11/48.

SUB: District Board, Coimbatore - Secondary Schools -
Sri. R. Natesa Goundar, B.A., L.T., Ex-Headmaster
convicted under section 308 for moral suptitude-
sanction of re-employment.
Govt. Endorsement No. 62041-G3/48-1, Education,
dated 31/8/48.



See with the remarks of the Special Officer,
District Board, Coimbatore with regard to the re-employment
of the Ex-Headmaster under District Board.

3. However, in this connection, I should invite the
attention of ~~Govt~~ to their orders in Government Memo.
No. 38845-B1/41-1, Education, dated 29/11/41 and to subsequent
orders in Government Memorandum No. 53786/B1/46-2, Education
of 13/12/46 on a similar question and request that ~~Govt~~ may
be pleased to consider the present case in relation to this
precedent ~~in~~ passing final orders.

Meinertsen
for Director of Public Instruction.

To
The Secretary to Govt, Education & Public Health Dept,
Madras.

PNK. 16/11

86141

not put up
sentinel

at (X)

Establishment - Education - Secondary - Sri R. Natesa Gounder, B.A., L.T., -ex-headmaster - Board High School, Anamalai - Retention in Coimbatore District Board service after conviction in a ~~criminal~~ *criminal* Court - Sanctioned. 14

From Sri R. Natesan, petition, dated 11th October 1948.
From the Collr. and Spl. Officer, Dt., Bd., Coimbatore, Rec.No.1744/S.E.1/47, dated 13th August 1948.
From the D.P.I. Endt.No.Re.2015.G1-48, dated 12-11-48.

ORDER (MS) No. 6 Edn. dated 31/4/49

The Government as a special case, sanction the retention in the service of the Coimbatore District Board, of Sri R. Natesa Gounder, formerly Headmaster, Board High School, Anamalai.

2. The Special Officer is requested to pass necessary orders posting the petitioner, for the present, as an Assistant in a high school in the district, treating the period of his absence from ~~duty~~ as leave without allowances. ①

The question of appointing the Assistant as Headmaster of a high school may be considered after a year.

3. Sri R. Natesa Gounder may be allowed a pay of Rs 145/- the maximum in the scale of pay for an Lt Ass #

27.12.48 28/12/48 by [signature]

pages 15-17 of
p. 1 of
p. 23 of
[initials]

Index of the Rules
for [illegible]
of [illegible]

To the S.O., Dt., Bd.,
Coimbatore.
To the D.P.I.
To the petitioner.

Secretary, L. & P. H.

This file may be put up.

H.M. Education.



83168



The petitioner was ^{the} Head Master of the Board Middle School Anamalais and was suspended from the Board's service on his conviction for an attempted offence of culpable homicide not amounting to murder, and his being sentenced to undergo rigorous imprisonment for 4 months. He has now served his term & seeks reemployment in the Board's service. The Special Officer of the S.B. has sought advice from the Govt. and the D.P.'s remarks have been called for in the matter. The Director is being reminded for a reply - case will be further noted on & submitted for order after the Director's remarks are received.

Am Enu may be.

I know the case as it is in my district. The judgment itself says that it was done under very grave provocation and exonerates the gentleman to a great extent.

employed in the District Board: continuation of his past service.

LSA

19-11-48

E. P. H.
E. S.

Please see the minutes of H. M. Edu.

above.

The D. P. T. in his remarks on p 23 of agrees with the views of the S.O., Dt. Board, Coimbatore that it is not advisable to reemploy him again. H. M. Edu's proposal is that he may be allowed to be employed in the Dt. Board in continuation of his past service.

With reference to H. M. Edu's orders above, it has to be decided how the interim period, from the time of his suspension including the term he had served in the prison and up to date, should be treated.

Perhaps the Examiner, L.F. Accounts may be consulted on this point. The other alternative is to entertain the ex-headmaster as a new entrant under the Dt. Board, Coimbatore permitting him to draw the salary of a headmaster.

to draw the salary of a headmaster before his punishment. H. M. Edu may see for orders again.

L.A. may see prior to circulation.



L.A. may be consulted.
25/11/48



Am 4620-18
30/11/48



89763

This D.P.T. with ref to position 'X' on p 2 and to the orders of H.M. (Edu) on 11-2-48 are that the ex-Headmaster should be re-employed in the S.O. in continuation of his past service. The period the ex-H.M. was under suspension and the term served in prison may be treated as such leave as he was eligible for or as extraordinary leave if no leave was at his credit.

It is remembered that in the case of Vizagapatnam S.W. a similar question was raised in respect of a teacher who served a term of imprisonment. E.P.H. may refer to that case also.

With these remarks, the file may be returned to E.P.H. no

25/11/48
27/11/48

25/11/48

25/11/48

30/11/48

E. P. H.
E. S.

The notes of L.A. above may be perused. The papers they have referred to at 'X' above have since been closed as of 25-6-47 Edu. Division and it relates to a teacher who was under detention under Defence of India Rules and is in no way similar to the question under consideration which is of a Criminal prosecution against the ex-headmaster. It may be accepted.

The S.O. may be asked to state how long the ex-headmaster was under suspension and whether he is

2 This for order whether sanction may now be accorded to the retention of the petitioner, with reference to his minute on pages 1-2 ante - It is presumed that Hm's order is that

the petitioner should be posted as Headmaster of a High School in the S. & not necessarily as Head of the High School at Anamalai.

3 The draft order below is for approval

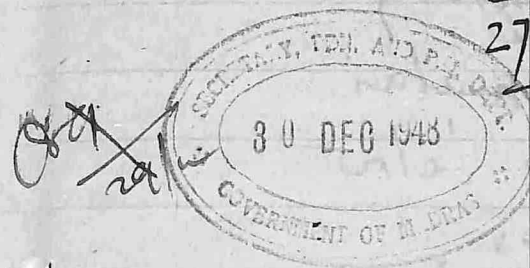
21-12-48
28/12/48
27/12/48
28/12/48
29/12/48

His break in service may be treated as leave without pay. For the present, he may be appointed as an Assistant. After one year, the matter of appointing him as Headmaster may be considered.

15A
24-12-48

With reference to Hm's order above, the draft order below has been modified, as in the draft order below, a Revised draft order is submitted for approval -
 The Headmaster's scale Rs 150-10-200 plus allowances according to the High School has a strength of over 500.

500 or less below 500. The LT Assistant's scale is Rs 75-5-145. It is presumed that the petitioner may be allowed a pay of Rs 145/-, the maximum in the Asst's scale - This point is also included in the draft order below -
 Hm (Edn) may see again -



27-12-48

28/12/48

15A
20-12-48

from Sri R. Natesan
Petn - 27.11.48

Establishment - Edn.- Secondary - Sri R. Natesa Gounder,
B.A., L.T., - ex-headmaster - Board High School -
Anamalai - *Retention in Coimbatore Dt. Bd. as per*
(after conviction in a criminal case) Contd. & Sanctioned
From the Collector and Spl. Officer, Dt. Bd., Coimbatore
Roc.1744/S.E.1/47 dated 13-8-48.
" the D.P.I. Endt.No.Rc.-2015-G1-48 dated 12-11-48.

Order
Memo.No.
Ms.

Edn. dated

The Govt. as a special case, sanction the retention
in the service of the Coimbatore Dt. Board, of Sri R.
Natesa Gounder, formerly Head-master, Board High School,
Anamalai.

2.The S.O., is requested to pass necessary orders *posting*
for 1st presentation on 1st Jan 49 in
the petition as a headmaster of a high school in the Dt.,
treating the period of his absence from duty as such
with that allowance -
leave as he is eligible for in respect of his past service
or as extraordinary leave if he is not eligible for any
leave. *The question of appointing him as Head*
master of a high school may be considered
after a year. 21/12/48

21.12.48

To

The S.O., Coimbatore
The D.P.I.

"Petitioner"

X under rule 4
of the app't of funds
month of 1.6.
Sanctions -

17. in
LA rule
on p.3 of

Handwritten notes in the left margin, including "received" and "sent" with dates.

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Handwritten note: "initiated" with a checkmark.

O.P. 29.
In reply, please quote number, date and short title.

Handwritten initials and marks at the top of the page.

19

LOCAL ADMINISTRATION DEPARTMENT

Received _____ Registered _____

From (Name) F.W.A. Morris, Esq., O.B.E., I.C.S.,
(Designation) Collector and Special officer, Dist. Board,
Post Box _____, (STATION) COIMBATORE.
Telegraphic Address _____



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

47
Roc No. 744/S.E of, dated 15--1--19 49.

Sir,

ENCLOSURES

Sub: Establishment--Education--secondary--Sri R. Natesa
gounder, B.A.L.T., ex headmaster, Board Middle
school, Anamalai--retention in service--fixation of
pay--orders requested--G.O.Ms. No. 6, Education,
dated 3--1--49.

SPARE COPIES

Government have in their order G.O.Ms.No.6, Education,
dated 3-1-49, sanctioned the retention of Sri R.Natesa
gounder, B.A.L.T., and have also paid that this L.T. assis-
tant may be allowed a pay of Rs.145/- being the maximum in
the scale of an L.T. assistant Viz. Rs.75--5--145. (* pay of

In this connection, the following particulars are taken
to the notice of Government for orders.

1. Sri R.Natesa gounder, B.A.L.T. was the headmaster of the
Board Middle School, Anamalai and was drawing Rs.75/- in
the scale of pay of Rs.75-5-145 at the time when he was
suspended from duty, as having been concerned in a case of
attempt at murder. He was not a headmaster of a completed
High School in the scale of Rs.150-10-200 at any time.
Hence it is presumed that the pay of Sri R.Natesa gounder,
B.A.L.T., noted as Rs.145, is by oversight and I desire to
know if my presumption is correct.

2. Government have also stated in their order under reference
that the question of appointing Sri R.Natesa gounder, B.A.L.T.,
as headmaster of a High School may be considered after a year.
This may require reconsideration of Government in as much as
he was not an headmaster of a completed High School in the
scale of pay of Rs.150-10-200. The observation of Govern-
ment is presumably subject to Natesa gounder, getting into
the panel of L.Ts. eligible for the post of headmaster in a
complete secondary school.

3. Sri R.Natesa gounder, B.A.L.T. has been under suspension
from 8-2-47 and he was paid subsistence allowance till the
date of his conviction and imprisonment. Government have
also ordered in their order under reference that the period
of absence from duty of the teacher is to be treated as leave
without allowances, in which case the subsistence allowance
paid would need refund to the funds of the District Board.
I request to be informed whether it is the intention of
Government that the subsistence allowance paid to the teacher
should be recovered.

1. Pending orders of Government on this letter, I have

fixed the pay of Sri R. Natesa gounder, B.A.L.T., at Rs.75/- in the grade of Rs.75--5--145 (L.T. grade scale of pay), the pay he was drawing at the time of suspension from duty.

I request that Government may be pleased to issue instructions on the points (1) to (3) referred to above.

(Sd) F.W.A. Morris.
Collector and Special officer.
Dist. Board.

/True copy /

Mac/Reshma Swami 28/6/49
FOR SPECIAL OFFICER. DIST. BOARD.

CVS/27.1

STP/H(2)

Read again

6th Edn dated 3-1-1949

From *Rev Collr* + S.O. Coimbatore
5-3? No R.O.C. - 1744 - S.E. - 47 D
- *missed* - 15.1.49. *joined*

Memo 6742/82/49-2 Edu 3.3.49

Establishment - Education
Secondary - *Coimbatore* ~~Rev~~ Sri R. Natesa Gounder
ex Head Master B? High School,
Anamalai - Retention in District
B? Service -

F/25y In para 1 of 9.0 no. 6
Edn dated the 3rd January 1949,
for the ~~words~~ ^{name} "Board High School,
Anamalai", the ~~words~~ ^{name} "Board Middle
School Anamalai" will be substituted.

F/25y 2. The orders in paragraphs 2 and 3 of the 9.0 cited above will be modified as follows:
(i) The Special Officer should post Sri R. Natesa Gounder as an L.T. Assistant in one of the Secondary Schools in the Coimbatore District and pass orders treating the period of absence from duty as leave without allowances.
(ii) The pay of the teacher, on his reappointment, should be fixed with reference to the pay which he was drawing before suspension, and the

Service

which he has put in under the D.B.

the S.O is informed that no recovery need be made of his subsistence allowance already granted to the teacher during the period of his suspension -

1.3.49

Handwritten notes in Tamil script, likely a translation or commentary on the English text above.

Handwritten notes in Tamil script, continuing the commentary.

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ESTT.--Education - Secondary - Sri R.Natesa Gounder B.A.L.T. ex-headmaster, Board Middle School, Anamalai-Retention in service.

oOo

Ref: From the Collector and Spl.Officer, Roc.1744/S.E. of 47 dated 15-1-1949. *****

6742 49 F/25g

p-4 n/f in 80 (F)

In G.O.No.6 Edn. dated the 3rd January 1949 issued orders were issued sanctioning the retention of Sri R.Natesa Gounder, who had been convicted by a Criminal Court, in the service of the Coimbatore District Board. The orders issued referred to him as the Headmaster of a High School, as the Special Officer of the District Board himself referred to him as such - Please see 'X' on pp 1 & 19 of H.M.'s order was that he should, on restoration, work as Assistant for one year and that the question of appointing him as Headmaster should be considered thereafter. In view of the Special Officer's reference to the person as Headmaster of a High School and of the orders above referred to, orders were issued to fix his pay at the maximum of the L.T. Assistant's scale of pay, Rs. 75-145, in order that there might be minimum hardship to a person who was reported to have been a Headmaster of a High school and apparently drawing pay in the scale of Rs.150-200.

2/ It is now seen from the Special Officer's letter in the cf. that his statements were wrong and that Sri R.Natesan was only Headmaster of a Middle School which is borne in the L.T. Cadre in the scale of Rs 75-145 and that he was drawn a pay of Rs 75 in that scale and was not getting before his punishment.

H.M.'s order was that the teacher should work as an Assistant. It is now seen that he was formerly only an Assistant for purpose of his pay, though he was Headmaster of a middle school. In the circumstances

Handwritten note: p-4 n/f in 80 (F)

It is for consideration whether, in modification of the orders contained in G.O. No. 6 Edn. Dated 3.1.49, fresh orders may be passed sanctioning)

his retention in the service of the District Board, as an Assistant in L.T. Grade, on the pay he was drawing before his suspension in Feb. 1947, ~~on the basis of his promotion as Headmaster.~~

3/- It is also reported that the teacher had been paid subsistence allowance from the 8th Feb. 1947 upto the date of his conviction, that is, 17th October 1947. As the order is that the period of absence should be treated as leave without allowance, the S.O. desires to know whether the subsistence allowance already paid to the teacher should be recovered. This amount will come to about Rs.300/- It is for consideration whether the order that the period of absence should be treated as leave without allowance will stand, and whether the subsistence allowance already paid to him should be ordered to be recovered.

7.2.49 The action of the Special Officer in having allowed subsistence allowance to the teacher was in order - vide Instruction under rule 54 of the Fundamental Rules. If the entire period of absence is treated as leave without allowance with reference to para 2 of G.O. No. 6 Education, dated 3-1-49, the teacher will have to refund the subsistence allowance already drawn. Orders of H.M. (Edn) may be taken on this point. Finance may see prior to circulation.

The Special Officer has fixed the pay of Sr. Master at Rs 75 p.m.

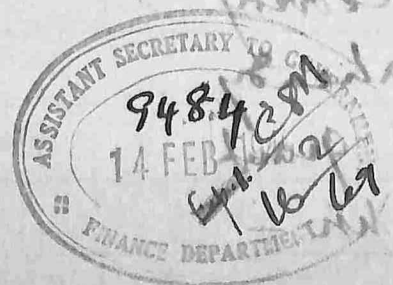
Please see below.

(ep) It should not be returned, on the ground that the order of Govt is that the period of absence should be treated as leave without allow. In as much as the period has been treated as leave, a specific order is necessary to waive the recovery of the subsistence allow. It will have to be recovered. The subsistence allow. has already been paid.

Finance (C.S.R.) Dept.

The notes from page 1 above may be perused. According to audit ruling under F.R.53(c) if a Govt. servant under suspension is dismissed with retrospective effect no recovery is necessary of the suspension grant already paid to him. This will also be applicable to Government servants who are reinstated and whose suspension period is treated as unearned leave.

With the above remarks the case may be returned to E. & P.H.



12683
18 FEB 1949

Please see the Finance notes above. This may now be circulated to H.M. (Edn)

5921
FEB 1949

ET.H (93)

Notes from page 1 may be read -
It is for orders

(i) Whether in view of the present report of the Special Officer, the pay of Sri Natesa Goundan on reinstatement may be ordered to be fixed at Rs 75 in the L.T. Assistant's scale, vide prante

24/1/49

(ii) Whether the reference in the previous G.O. as to the teachers' promotion as head master may be omitted, and

24/1/49

(iii) Whether the order treating the period of the absence of the teacher as leave without allowance may stand.

24/1/49

2. It is seen from the finance note on the previous page that the grant of concession (iii) above will not involve the recovery of the subsistence allowance already paid for the period - So the grant of this concession will be unobjectionable -

the Lo
may be
in prante 2.
this
by

3. The (L.O.) may see for orders

23/2/49

24/1/49

FEB 1949

His pay may be fixed according to his service

2. 495

Ends on the previous page -
A draft memo is submitted for approval. After issue the papers will be filed with L.O. & E.O. D. 3.1.1949.

(F)

1.3.49

24/1/49

W.S. Jyoti

3-1-1941
Approved -
Will be for
with 1000 to 2000
after some
A draft memo
to submit to
the previous
page

2/15/41