

E & P.H.

(194 9) Department.

SERIES.

G.O. NO. 67 Education

Dated 8th January 1949

(17)

[Despatch Abstract.]

ESTABLISHMENT - Education - Sri K.S.Gopala Krishnan, Ex.Headmaster, the High School, Peringanam - Appeal against termination of services - Interference - Orders passed.

Back Papers.

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

Further Papers.

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

K.S. Gopalakrishnan, B.A., L.T., (Camp) 65, Sanskrit College St.,
Headmaster, Mylapore, Madras, July 12, 1948.
High School, Peringanam.
(South Malabar)

To
The Hon. the Minister for Education,
Government of Madras.

Respected Sir,

May I submit the following for your kind consideration:

I took up the Headmastership of the Peringanam High School in Ponnani Taluk, South Malabar, a year ago on a written order of the management guaranteeing me five years' period and a free hand to place the school on a sound footing. With my fifteen years' experience in the line, I have during the year endeavoured my best to improve the school and earned excellent complements from the District Educational Officer for having set things in order and introduced several bright features in the institution like the School Magazine, Library and Reading Room, a night and an adult school and a parents' association to focus public attention on the development of the school.

While the public of Peringanam has been greatly appreciating my services, the management who had at first given me a free hand in the shaping of the institution began adopting an obstructionist attitude which became increasingly perceptible as the year was drawing out. My carrying out the orders of the department to the very letter and spirit was not palatable to him. He tried to interfere with the usual disbursement of salaries and when he found that I would not be a party to any malpractice or false acquittance, he took up an obstinate and perverse view and was most unreasonable, which compelled me to approach the authorities and request their intervention. This evidently enraged the manager and for absolutely no fault of mine whatever victimised me by ordering my dismissal just on the eve of the re-opening without giving me even a fortnight's notice.

The manager who is also the correspondent of the school is now running the school to suit his own ends, in flagrant violation of the departmental order. The entire people of Peringanam including the village congress committees and the local M.L.A., besides the staff and students of the school strongly protested against the autocratic action of the management and through resolutions made representations to the authorities to intervene, reinstate the headmaster and place the school on a sound condition to serve the needs of the locality.

The D.E.O. sent him an urgent communication directing him to maintain the status quo pending departmental investigation. The Order which was marked "Very Emergent" stated:

" I AM TO INFORM YOU THAT PENDING A DETAILED INVESTIGATION NO MEMBER OF THE STAFF SHOULD BE VICTIMISED IN ANY WAY OR REPLACED FOR SOME REASON OR OTHER AND THAT THE NORMAL WORK OF THE SCHOOL SHOULD BE CARRIED ON OVER BY THE EXISTING TEACHERS".

The D.E.O. was compelled to resort to this step following repeated representations from the headmaster and the staff of the school alleging serious interference by the management in salary acquittance and the danger to the security of tenure in case they did not bow to his dictations. The Officer had himself noted down the irregularities in the annual inspection report. A copy of the Officer's order is appended to this for your kind perusal.

Please see page two:

Fearing that the wanton mismanagement would be exposed with me at the top, the manager wanted to get rid of me and cooked up overnight a series of ~~frivolous~~ frivolous charges against me which, I respectfully state, are a tissue of lies and fabrications which cannot stand a moment's scrutiny. He thought that he could easily prejudice me in the eyes of the authorities by charging me with collaboration with communists. But he did not realise that it would not stick on me and that I am one with a good record of service.

I have been a conscientious teacher for the last fifteen years with unblemished career that would anyday vouch for my loyalty to the law of the land and constituted authority. With a heavy family responsibility of six children and a wife to support, it is easily seen, that I cannot afford to indulge in the game of politics, much less in 'Red' activities.

Let me also state that besides being a successful teacher, I have to my credit a first class science publication in the regional language, Malayalam, which is very popular and is the only text-book adopted throughout Malabar for the S.S.L.C. for the past nine years. The book is now in its sixth edition because it fits in very well with the orientation of studies envisaged in the new scheme adumbrated under your regime.

My zealous interest and hard work for the progress of the school on right lines is appropriately recognised by the D.E.O. who in his annual inspection report stated: "Some real organising work has been done by the Headmaster in spite of a bad legacy".

In the face of the above facts I would respectfully appeal to your goodness to see if it is fair and just and if it is not sinning against God and man to suddenly dislodge one like myself and put him and the number of souls depending on him into the streets just at the time of the reopening. Again I will leave it to your good self to see if it is not a fit case for the Government to interfere and rectify a grave injustice done to one whose only fault, if ever it could be a fault, was that he strictly adhered to the departmental instructions as against the dictates of a whimsical and selfseeking management.

Yours faithfully

R. S. Subramanian

- ENCL (1) Copy of the D.E.O's order
(2) The order of my appointment.

Copy of the appeal sent to:
The Director of Public Instruction, Madras.

(Copy of the order communicated to the Correspondent
High School, Peringannam.)

Recd. 21-5-48
21-5-48

The Correspondent,
High School, Peringannam.

Sub: Complaint against management,
High School, Peringannam.

Sir,

Your attention is invited to my reference no. 28-4-48 of 10-4-48 forwarding for remarks the complaints of teachers in regard to giving of notice. No reply has been received from you in spite of a reminder.

2. In this connection I have to bring to your notice that complaints have been received against the management of the school and are under enquiry.

I am to inform you that pending a detailed investigation, no member of the staff should be withdrawn in any way or employed for some reason or other and that the normal work of the school should be carried over by the existing teachers.

(Sd.) A. V. Narayana Iyer
21-5-48.
D.O., St. Malabar.

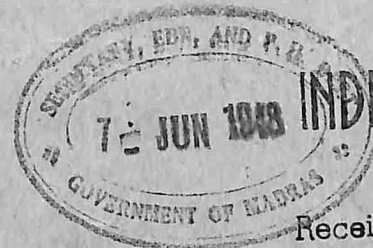
(Despatched. 25-5-48.)

(Copy of the order of my appointment.)

V. M. NARAYAN CHANDRAN, M.A., B.L.,
Manager, High School,
Peringannam.
Date 10-5-1947.

Mr. A. V. Narayana Iyer B.A., B.L., District Assistant
Alathur High School, is appointed as the headmaster of the High
School, Peringannam, for a period of five years with effect from
1st June 47, on date of joining duty. He will be given a salary
of Rs. 150-0-150, and desirable allowance of Rs. 150 per month.
He is also given full control over the internal administration
of the school.

(Sd.) V. M. N. Chandran,
Manager and Correspondent,
High School, Peringannam.



INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Received here at _____ H _____ M.

X NF Dringalakuda 4 28.

Minister for Education Madras

42248

Sd. /

Peringannam High School Reopens Today
Physical obstruction causing violence on
me by the management school cannot
function. Situation grave pray immediate
action. Headmaster

This sequence of entries at the beginning of this telegram is— class of telegram time
handed in serial number (in the case of foreign telegram only) office of origin date service
instructions (if any) and number of words.

This form must accompany any enquiry respecting this telegram.

S. Murthy & Co. printers Madras

PSG

Edn & P.H. Deptt.

(B1)

Endowment NO. 42348 B1/48-1 Edu d/11-6-48

Transferred ~~Referred~~ to the Director of Public Instruction

for ~~disposal~~ remarks.

(Pay order)

Assistant Secretary to Govt

for

10/6/48

To

Th. D.P.9

Schodi-Peringannam High School - South
Malabar - Administration.

6

From Sri. K.S. Gopalakrishnan, Headmaster,
Peringannam High School, S. Malabar d/12/2/48

Memo: 52211/48-1/33 En dated 24/8/48

The attention of the Director of
Public Instruction is invited to the
minutes of H.K. (En) d/14-7-48 on the
subject mentioned above and he is
requested to ~~state~~ ^{expedite} the ~~report~~
called for therein. ~~may be expected~~.
Submission of his report in the
matter.

20-8-48

m
28/8/48

10

102/91

Paul P. H (93)

Schools - Perunguam High School -
South Malabar Administration.

By: Govt memo no: 52211/48-1-G3 d 24-8-48
Memo no: 52211/48-2-G3 d 27-9-48

The D.P.I is requested to expedite his reply to the memo cited

To the D.P.I.

24/9/48
25/9/48

all in order and for information
28/9/48

31/8-48

63 7 11

Education Department.

From The Director of Public Instruction, Madras

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

R.O.C.No. 707-D5/48 dated 22nd September, 1948.



SIR,
 SCHOOLS--Secondary--Aided--Service conditions--
 Appeal of Sri K.S. Gopalakrishnan, B.A., L.T.,
 former Headmaster, The High School, Perunguam.

Reference: Minutes of the Hon'ble Minister for Education dated 14.7.1948 and Government Memo-
 randum No. 52, 211-48-1 Etn., dated 24.8.1948.

p. 1 mt.
p. 9 cb.

Sri K.S. Gopalakrishnan was entertained in June 1947 as Headmaster and was given full control over the internal administration of the school. His conduct was questionable in matters relating primarily to finances of the school and this led to the termination of his services on 4.6.1948. The management failed to issue 3 months' notice before discharge. With a view to upholding the terms of agreement, the management are being advised to pay the Headmaster 3 months' salary in lieu of notice, purely on technical grounds.

pp 13-19 infra

I enclose herewith a copy of letter Rec.No. 215-H/48 dated 2.8.1948 from the District Educational Officer, South Malabar for favour of information about the Headmaster's conduct.

p. 8 ante

The Government Endorsement No. 42,348-B1/48 dated 11.6.1948 is retransmitted herewith.

YOURS FAITHFULLY,
Therikaram

FOR DIRECTOR OF PUBLIC INSTRUCTION.

ks. 24.9.

24/9

12

Copy of letter Rec.No.215-H/48 dated 2.8.1948 of the District Educational Officer, South Malabar, Calicut to the Divisional Inspector of Schools, Coimbatore Division.

8 13

Subject:--Termination of Services of Headmaster, Sri K.S. Gopalakrishnan, of Peringanam High School.

not in file. Refco.:--N.R.O.G.No.528-B/48 dated 4.6.1948 of the Director.
This office Report Rec.No.215-H/48 dated 28.6.1948.

not in file. In continuation of my report cited above, I have the honour to report as follows.

2. I granted Sri K.S.Gopalakrishnan a personal hearing on 31.7.1948. My questions and his replies are recorded.
3. I would first refer to the merits of the charges framed against Sri K.S.Gopalakrishnan by the Manager of the Peringanam High School and then discuss his procedure of terminating the headmaster's services.
4. The charges are that,
 - (i) The Headmaster kept in his possession the fee collections of the school amounting to about Rs.1400/- p.m. and did not hand them over to the manager regularly and obtain his receipt.
 - (ii) He expended the fee income as he chose and did not submit monthly accounts.
 - (iii) He disbursed the salary for January 1948 without obtaining proper acquittance of teachers, and,
 - (iv) He set up constantly the teachers of the school "to revolt and fight against the management"
5. To the first charge Sri K.S.Gopalakrishnan's explanation is, "When I assumed charge of duties as headmaster in June 1947 I was distinctly led to understand by you that the fee collections may be kept by me". To my question if he had received written orders to this effect he has had to admit there were no written orders other than his appointment order. The appointment order states only that he is given full control over the internal administration of the school. *+ 5 marks*

M /

p.17 infra

In January 1948, the manager instructed him to deposit fee collections in a bank. Notwithstanding this he continued to keep fee collections with him. His explanation is that he talked it over with the manager and got him to realise that it was not practicable to deposit the moneys in a bank and that the manager agreed. I do not believe this statement because, as I have said below in para 9, the manager had by this time lost confidence in the headmaster. Again the District Educational Officer had said to him at the time of inspection of the school in February 1948 that he should not keep fee income with him. He took no heed. Thus the charge that the Headmaster kept fee income in his possession, though he was instructed not to do so, is established.

14

15 9

6. To the second charge that he expended fee income as he chose, he had replied to the Manager, "you had asked me explicitly to make payments to teachers out of the fee income and it was never irregular or unauthorised." The headmaster could produce no evidence to prove this statement. Again he has said, "I think you (manager) have not recognised the elementary duty of a headmaster and management towards the teachers. Prompt payment of sums due to them is the one and only prime condition for exacting loyalty and sincere service from them". The headmaster has admitted in these words that he was paying teachers' salaries himself and elsewhere about contingent expenditure also, from out of the fee income in his hands. A headmaster may incur expenditure on any account only if funds be placed at his disposal by the management for the purpose. Sri K.S. Gopalakrishnan exceeded his powers in spending fee income on salaries and contingent expenses. Thus the second charge against him is also established.

At this juncture I have also to offer some remarks on the nature of Sri K.S. Gopalakrishnan's disbursements of salaries. They have been done in a very objectionable manner. He produced before me a note book of disbursements. A page in it is shown for each teacher and disbursements on his behalf are done piecemeal on several dates under the same month. Adjustments towards items like hostel charges are also shown. Then the initials of the teacher are obtained. When I asked him if he got the acquittance of the teachers as and when he made disbursements his reply was, "In most cases I would get it." Of course no acquittance was obtained while disbursements were made. The note book of the headmaster, has only to be seen to condemn him outright for the way in which he disbursed salaries.

Regarding the submission of monthly accounts, the headmaster says in his explanation, "I have also been maintaining all the accounts for the money that passes through my hands. The monthly receipts and expenditure till last December has been attested by you in the School Cash book also". On this point I asked the direct question if he submitted monthly accounts. His reply is that private accounts were written up and shown to the manager but official accounts were not written, "as they could not be committed on paper and presented". When he says this he means that inflated amounts had to be shown in the official accounts and so they were left over to be made up whenever convenient acting with and on the advice of the manager. The inflated accounts are a matter for separate investigation and are not relevant to the issue whether Sri Gopalakrishnan used to submit any accounts at all to the manager. I have seen the private accounts that he speaks of as having been written. It is a note book in which he has shown daily receipts and expenditure. There is little evidence to show that this has ever been seen by the manager, much less approved. It might have been written by Sri Gopalakrishnan for his own purposes only.

Thus the charge that the headmaster did not submit monthly accounts is also proved.

7. To the third charge that, the headmaster disbursed the salary for January 1948 without obtaining proper acquittance of teachers the headmaster's explanation is that he had obtained temporary vouchers for whatever amounts he had disbursed and "the management was never in the peril of losing the amount." The Vouchers that he speaks of are the initials of teachers that he obtained from them in his disbursement note book referred to above. Where as for such disbursements in previous months, the teachers gave proper acquittance in the School acquittance register, they refused to do it in the present instance.

16

17 10

The teachers might have taken this attitude to bring to the notice of the District Educational Officer inspecting the schools that month, their grievances; but as observed by him they were wrong in not giving their acquittance. The situation arose out of the practice of the headmaster of making disbursements without obtaining acquittance. The manager's contention that he was in danger of losing the entire amount but for the intervention of the District Educational Officer seems just. The headmaster is responsible for it.

8. To the fourth charge that the headmaster set up teachers against the management, Sri Gopalakrishnan's reply is, "my only consideration and that of the staff has been to do everything within their power to promote the progress and well being of the school". The manager might have been led to make the charge against the headmaster in the belief that he might be in league with the staff in their stand against giving acquittance for the salary of January 1948. On 10.4.1948, 16 teachers submitted a petition to the Director about their grievances in regard to ~~security~~ security of tenure and payment of increased dearness allowance. The manager might have believed that here too Sri Gopalakrishnan would have had a hand. Again the manager had wanted to take action against a Communist teacher, Bhaskara Panikkar, but the headmaster would not support his action. Whatever be the manager's reasons, the charge is not established beyond doubt.

9. At this stage I would make some observations which might help to throw some light on why the manager did not object to the headmaster's methods till January 1948, and why he resolved to terminate the services of the headmaster.

not in file.

In December 1947 the managing committee of the School decided to send one of the teachers of the School, one Mr. Gopalan, abroad to Ceylon to raise a School building fund. As though not in the know of this the Parents' Association of the place led by one Mr. Mani Ayyar then held a meeting and passed a resolution to send the same teacher to Ceylon for the same purpose. The manager feared that this move on the part of Mr. Mani Ayyar was intended to get the collections remitted in his name and he (manager) suspected that the headmaster who was a relation of Mr. Mani Ayyar might have a hand in the game. Extracts from letters written by the manager to the above Mr. Gopalan would lead to this conclusion. From now on the manager entertained fears of dishonest dealings on the part of the headmaster and when the show down on the part of the teachers took place in February 1948, his fears worsened and he might have finally decided to be done with the headmaster. Here in is to be traced the reply to the headmaster's observation in para 3 of his explanation, "I am also surprised to note that you would completely agree with my procedure upto 31.5.1.1948 but somehow took it into your head to create a situation wherein you could dovetail a flimsy charge".

10. Under the circumstances related in the foregoing paragraphs I am satisfied that the charges against headmaster Sri K. S. Gopalakrishnan have been proved and the termination of his services is not unjust.

11. But I do not approve the manner in which the services were terminated.

not in file

On 10.4.1948, the manager wrote to the District Educational Officer and asked for sanction to terminate the services of Sri K. S. Gopalakrishnan. In his Doc. No. 215-H/48 dated 14.4.1948 the District Educational Officer, asked the manager to inform the headmaster of the grounds

not in file

on which he proposed to take action and to obtain his explanation. Accordingly the manager framed his charges in his C.No.511/48 dated 28.4.1948. The headmaster submitted his explanation on 10.5.1948 and the manager, in his C.No.511/48 dated 15.5.1948 terminated the headmaster's services without referring to the District Educational Officer.

Two teachers of the School, K.K. Vasu and B.R.Appu were served with notices of termination of services on 1.4.1948 and another teacher with a like notice on 4.4.48. The teachers submitted their appeals against the notices to this office. Also a petition signed by 16 teachers of the school dated 28.4.1948 praying for security of tenure and increased dearness allowance was received in this office. The District Educational Officer referred these appeals for the remarks of the manager and at the same time also issued a memo. to the manager in his Rec.No.215-H/48 dated 21.5.1948, saying, "I have to bring to your notice that complaints have been received against the management of the school and are under enquiry. I am to inform you that pending a detailed investigation no member of the staff should be victimized in any way.....". In passing I may state that the notices served on these teachers have since then been withdrawn and they are continuing in the school.

I asked the manager how he could have terminated the services of the headmaster against the above order of the District Educational Officer. He defended his conduct saying that the order was dated 21.5.1948, where as he had issued his order of termination on 15.5.1948 and that he had not disobeyed departmental orders.

I then asked him if it was his view that he could independently terminate the services of a teacher without obtaining departmental sanction. While he agreed that it could not be done, he explained that he had understood the order of the District Educational Officer asking him to frame charges against the headmaster "indicating the nature of the action he proposed to take" was in the nature of sanction and in any case he had to terminate the services of Sri K.S.Gopalakrishnan immediately as he feared that the headmaster "would misappropriate the fee collections on the reopening of the school". I do not accept the explanation of the manager. Between 15.5.1948 when he issued the termination order and 4.6.1948 the date of re-opening of the school there was time enough for the manager to refer the explanation of Sri K.S.Gopalakrishnan to the District Educational Officer and obtain his orders. The manager has called the action taken by him against the headmaster as disciplinary action and has said as such the headmaster was not entitled to notice or compensation. I do not agree and I recommend that the manager may be ordered to pay compensation to the headmaster under the rules.

1.2 As to the incidents that happened on the reopening day I have only to say that the headmaster is responsible for it.

/True copy/.

W. S. S. S. S. S.
For Director of Public Instruction.

Card P.H. (92)

A reminder memo, ^{reminds} sent to D.P.I., dated
28-9-48 is under issue. This
may lie over till the return of the
main file from issue.

[Signature]
5/10.

[Signature]
11/5-11
3/11

21/12

Card P.H. (93)

From the D.P.I. No. ROC-707-D,
dated 22-9-48.

Memorandum dated 22-9-48.

Appeals Sri K.S. Gopala
Krishnan, Headmaster, The
High School, Peringannur.

It is observed from the
correspondence that Sri K.S.
Gopalakrishnan, Headmaster, The
High School, Peringannur, Malabar
district

2
district was only a probationer
in the post when the order of the
School Management terminating
his services were passed. The
Director is requested to state whether
this is not a fact, and if so,
whether under clause (7)(4) of the
terms of agreement he will be
entitled only to two months' notice
or two months' salary ^{in lieu thereof} and not to
three months' notice or three months'
salary ^{in lieu thereof} as suggested by the Director. p 11 ante

29/10/48
21/11/48
To Mr. P. S.
Sub
22/11/48
6/11/48

C.F. 32.

EDUCATION Department

Received Registered

From (Name)

To

Designation The Director of Public
Instruction,
Station MADRAS

The Secretary to Government,
Education & Public Health Dept.
MADRAS

Enclosures:

No. 707D3/48 dated 19/11/1948.

Sir,

Sub:--SCHOOLS--Secondary-- aided--appeal--Sri
K.S. Gopala Krishnan--Headmaster,
The High School, Peringanam--

Ref:--Govt. Memorandum No.52,211/48 G.3-3
dated 2/11/48

Sri K.S. Gopalakrishnan, was appointed as Headmaster
of the Peringanam High School on 16-2-47 with effect
from 1-6-47. His services were terminated with effect
from 1-6-48 but he continued till 4-6-48, the date of
reopening of the School. Under clause (2) of the agreement
terms, he should be deemed to have completed his probation.
Further, the above Head Master was taken into service
on a five years contract.

A three months notice or salary in lieu thereof
under clause (7)(b) of the agreement terms was considered
necessary and recommended to Government.

Yours faithfully,

K. S. Gopala Krishnan

For Director of Public Instruction

CLB.22/11/48

22/11/48

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POST COPY OF TELEPHONIC MESSAGE DATED 7.12.1948.

RC No 707/D3/48

From

The Director of Public Instruction,
M A D R A S.

To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, M A D R A S.

Si

Sub:--Schools--Secondary-- Aided--Appeal- Sri K.S. Gopala
krishnan. Headmaster, The High School, Peringanam.
Ref:--My letter Rc. 707 D3/48 dated 19.11.48 with
reference to Govt. Memo. No. 521211/48 G3 dated
2.11.48.

Kindly let me know whether Government have passed any
orders in the matter and if so to furnish a copy of the same to me.

Ram. 10/12.

FOR DIRECTOR OF PUBLIC INSTRUCTION.

Establishment - Education - 1/10 E.P.H(93)

C NO. 52211/48

p.p. 1-2 cb

p. 11 cb

p. 23 cb

~~Appeal~~ - Sri K.S. Gopala Krishnan,
Ex-Headmaster, The High School,
Peringanam, Malabar District.
^{appeal against termination of services - Inference -}
Orders Passed.

From Sri K.S. Gopala Krishnan, petition
dated 12-7-1948.

From the D.P.O., R.E. No. 707-23/48. 3/22-9-48.

- do - - do - 3/19-11-48.

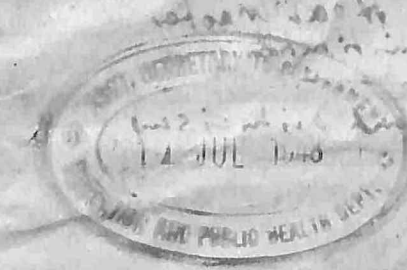
Order (No) No. 67 Edu. dated 8-1-1949

~~The petitioner is referred to the
D.P.O. for orders on his petition cited above.~~

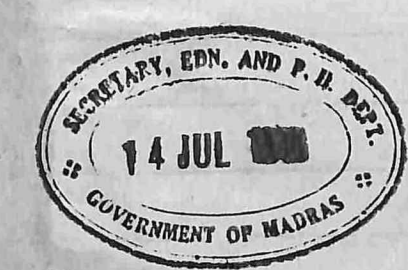
^{has} ~~The~~ action of the D.P.O.,
in ~~informing~~ the management of the
Peringanam High School (Malabar District)
that 3 months' salary (in lieu of notice)
should be paid to Sri K.S. Gopala Krishnan,
Headmaster of that High School, ~~Peringanam~~
is approved.

2. The Director is informed
that P.T.O.

That no other interference is called for in the case -
 page 2 of 3
 3. The petitioner is referred to the D.P.I. for orders on his petition to the Honble Minister, dated 12th July 1948.
 4.1.49
 5/1/49
 6/1/49
 18/1



5221



Secretary, E. & P.H.

This is an appeal from a person who has been dismissed from a school without proper reasons. The petitioner states that the D.E.O.'s direction to the Correspondent has also been disobeyed. I think under the revised agreement between the teachers and the managements, such things cannot be allowed. The matter may be gone into and reported.

15/7
 14-7-48
 H.V. Education.

Copy to the D.P.I. with a copy of the appeal.

The ~~first~~ ^{reply} from the D.P.I. may be awaited till 10.8.48.
 11/7/48
 20/7/48
 19/7

p 11 eb

pp 1-3 eb

p 11 eb

ms to b on pages 3-4 20

From the D.P.I., R.O.C.No.707-D3/48, dated 22-9-48.

The case relates to the petition from Sri K.S. Gopalakrishnan, Headmaster, Peringanam High School (Malabar) which is a private institution, against the orders of the School management dismissing him from the service of the school. The D.P.I., states that the conduct of the headmaster in question was questionable in matters relating to finances of the school which led to the termination of the services of the petitioner. Appeal ties to the D.P.I. framed by the management
 2. The charges against the headmaster in question were as at 'M' on p. 13 c.f. Charges (i) to (iii) relate to certain actions of the headmaster due apparently to his ignorance of the correct procedure regarding financial transactions. Charge (iv) is vague and the D.E.O.

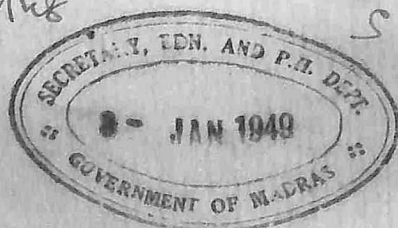
D.E.O., states that it has not been established beyond doubt. The management has terminated the headmaster's services without referring the matter to the D.E.O., as required by proviso (ii) to clause (7)(1)(b) of the agreement. ~~This~~ consultation does not seem to be necessary in this case as this Headmaster is a person with only one year's service. For wilful neglect of duty, serious misconduct etc., the headmaster's services can, under the terms of the agreement, be terminated without notice. For incompetence, retrenchment, physical unfitness etc., three months' notice or three months' salary in lieu of it should be given to him before termination. The charges in this case do not seem to relate to any 'serious misconduct' or wilful neglect of duty' but should be deemed to relate to incompetence. In this view, the Headmaster will be eligible under the terms of the agreement, either to 3 months' notice or three months' salary or two months' notice or two months' salary, according ~~to~~ as he ~~is~~ is treated as one who has completed his probation or one who is only temporary or a probationer. The D.P.I. states that the petitioner should be deemed to have completed his probation and should have been given three months' notice or three months' pay. This view may be accepted.

3. In view of what is stated above, it is for consideration whether the D.P.I.'s action in informing the management of the school that 3 months' salary

(in lieu of notice) should be paid to the Headmaster,

may be approved -
4. H.M. (Edn.,) may see.

Even if the ex-headmaster is deemed to have completed his probation within the contract period of five years, he seems to be eligible for only two months' salary in lieu of notice with reference to clause (7)(4)(ii) of the agreement. It is possible that the management might have acted on the suggestion of



the direction given to the H.M. (Edn.) by the Director of Education. The matter need not perhaps be pursued.

15A
31-12-48

A draft order is submitted for approval.
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4.1.49
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