

EDUCATION (9) DEPARTMENT

SERIES.

(11)

G.O. No. 1325.

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By
Agent

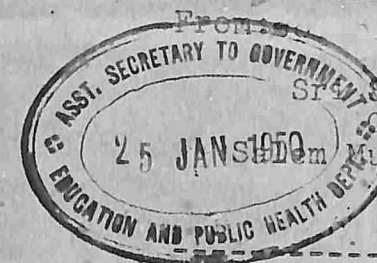
DATED. 25. 4. 1950.

Sub. College - Salem Municipal College.

Powers of the Governing Body in
Respect of Academic Matters.



4 FEB 1950



From: S. R. Sellaraj, B.A.,
Commissioner,
Municipality, Salem.

To: THE SECRETARY TO GOVERNMENT,
Education & Public Health Dept.,
Fort St. George, Madras.
THRO: The Registrar, University of
Madras, Madras; and (2) The
Chairman, Municipal Council, Salem.

R.o.c.No. C3.21258/49 dated 27-12-1949.

Sir,

SUB:- COLLEGE - Municipal College, Salem - Powers of
College Governing Body - matters relating to
internal and external administration - Clari-
fication - requested.

The Principal, Municipal College, Salem, suspended a
student named V.Jeyaraman of the III U.C. of the College, for one
month for misbehaviour and rude conduct towards three members of
the College staff on 30-11-49. On 2-12-49, the suspended student
sent in a letter of appeal to the Chairman, Municipal Council,
who is President of the Governing Body requesting him to allow
him to write the examinations pending final decision by the
Governing Body. The President referred this to me for remarks
as to whether this may go before the Governing Body and whether
the student can be allowed to sit for the examination pending
decision of the Governing Body. I returned it saying that the
Governing Body had absolutely no jurisdiction over the internal
control of the College or of its students which was a matter
only for the Principal.

A similar petition which was received by me the next
day from the student was forwarded to the Principal for disposal.
On 5-12-49 Sri S.C. Venkatappa Chettiar, one of the members of
the Governing Body (who also happens to be the grandfather of
the student) sent me a note that the punishment awarded to the
student was vindictive and that the matter required consideration
by the Governing Body with a view to setting things right and
wanted me to convene an urgent meeting of the Governing Body
for this purpose. To this, I replied as follows:-

"I am afraid it is not within the competence
or jurisdiction of the Governing Body to inter-
fere in the internal administration of the

Q=2674 Edh

13/1/50.

College by the Principal. So I very much regret it will not be possible for me to convene an urgent meeting for this purpose".

PPS-6 wpr On 6-12-49, the gentleman again wrote (copy of his letter enclosed herewith) urging that I should call for an urgent meeting of the Governing Body.

Meanwhile the letter of Sri S.C.Venkatappa Chettiar dated 6-12-49 which was referred to the Principal for remarks was returned with his remarks on 9-12-49.

Again on 10-12-49, the President sent me a note urging that a special meeting may be convened on 12th instant to consider the letter of Sri S.C.Venkatappa Chettiar. I returned the note with the remarks that Mr. Venkatappa Chettiar's letter had been suitably replied and I also sent the Principal's letter for his perusal. But on 13-12-49 this note was returned again urging me to convene a special meeting of the Governing Body on the 14th instant to consider the matter. With due deference to the President's persistent demand for a special meeting, I ~~convened~~ convened an urgent meeting on the 14th to be held at 4 p.m. The agenda for the urgent meeting was sent to members at about 5 p.m. on the previous day. I enclose herewith a copy of the agenda of the urgent meeting. The urgent meeting was attended by six out of the seven members of the Governing Body.

At the outset the Principal raised a point of order that he got only 20 hours notice of this meeting, whereas not less than 3 days notice of a meeting shall be given to each member according to By-law 4(c). The President ruled it out of order on the ground that by law 4(c) applied only for an ordinary meeting and not for an urgent meeting which may be convened at any time to dispose of urgent subjects under by law 4(a) by giving a shorter notice by the President than that specified.

As per ^{this} ruling, the meeting then proceeded to discuss the matter on the agenda.

Again the Principal raised another point of order that matters relating to the internal administration of the College do not come under the purview of the Governing Body. The President ruled this point of order on the grounds "that by-law 5 says that the Governing Body shall have all the powers necessary for the proper and sound administration and management of the College and this is quite sufficient to prove that the Governing Body is fully competent to discuss on matters whether internal or external". The principal had again to bow to the ruling and the Governing Body had then to proceed to discuss the matter on the agenda. But after some time, the electric lights in the meeting hall went off and the meeting was adjourned.

From the above, the following points arise for clarification and orders of Government:

PPS-6 wpr Mr.S.C.Venkatappa Chettiar in his letter dated 6-12-49 (copy enclosed) contends that 'none of the bylaws empowers the Secretary to disallow any subject that is sought to be brought before the governing body for its consideration'. But there is no bylaw under which the Secretary could be forced to convene an urgent meeting at the request of one or more members of the Governing Body. If this position were conceded it will lead to a situation in which the Secretary will have no option except to call for a meeting every time a member wanted one. So I would request to be enlightened on this point.

6 of 8 (A) 2. The second point for orders of Government is whether the Governing Body has got powers of interference in the internal administration of the College. The contention of Sri S.C.Venkatappa Chettiar, supported by the ruling of the President is that bylaw 5 which confers on the Governing Body all the powers necessary for the proper and sound administration and management of the College includes both internal and external matters.

But rule 97 of the Madras Educational Rules has given full powers to Principals of Colleges to inflict punishments like fine,

COPY OF LETTER DATED 6-12-49 RECEIVED FROM SRI S.C.VENKATAPPA
CHETTIAR, EX-M.L.A., Vakil, Shevapet, Salem.

Ref: Your reply d/5-12-49 regarding suspension of
Jeyaraman.

4 FEB 1950

By-law No.5 of our by-laws says that the Governing Body shall have all the powers necessary for the proper and sound administration and management of the College. I see you are drawing a distinction between internal as distinguished from external administration. Taking it for granted that such a distinction exists rule No.5 is sufficiently wide to cover both varieties of administration whether internal or external since it confers on the Governing Body absolute powers to see that the affairs of the College are properly and soundly administered. It follows, therefore, that all those who are subject to the control and authority of the Governing Body should carry on the administration in such a way that the Governing Body considers it proper and sound. In the present case, I consider that the action of the Principal is not one of proper or sound administration and it is my desire that the controlling authority viz., the Governing Body should give its verdict on it. I have therefore to tell you that you are not right in saying that the matter is not within the competence or jurisdiction of the governing body.

Moreover by law No.4 casts upon the Secretary the duty of convening meetings of the Governing Body. But none of the by-laws empowers the Secretary to disallow any subject that is sought to be brought before the Governing Body for its consideration. In view of what I have said above I hope you will see that you have to convene the meeting which I have called for and place the matter before the Governing Body for its decision of all the question both main and subsidiary.

Sd/- S.C.Venkatappa.

COPY OF THE AGENDA DATED 13-12-1949 FOR URGENT MEETING OF THE
COLLEGE GOVERNING BODY MEETING TO BE HELD ON 14-12-1949.

President's Note dated 13-12-49 that a special meeting of
the Governing Body may be convened to consider the letter dated

and there also appears to be no provision for any appeal against such punishments.

Further, proper and sound administration and management of the College would refer only to external matters of administration such as recruitment of teaching staff fixing their salaries and scales of pay, passing of Budget and sanctioning larger items of expenditure and considering proposals for the expansion of the College activities and construction of additional buildings. Attention is invited to the latter half of para 7 of Part II, Chapter I (i) Managements of Colleges of the report of the General Inspection Commission of the University of Madras - 1946-47 - which supports the above view. Further, by law lays down that the Governing Body shall exercise in relation to the members of the teaching staff and staff of the college, all the powers of appointment control and punishment etc., which by or under the Act vest in the committee referred to in section 73 of the Madras Dt. Municipalities Act or in the Executive Authority. Only the powers vested under section 73 of the Madras Dt. Municipalities Act devolves on the Governing Body and nothing more. To admit that by law 5 confers on the governing body all the powers external and internal would contradict the M.E.Rule and also the spirit and recommendations of the General Inspection Commission of the University of Madras. I would therefore request that an authoritative ruling may be given on the point raised viz., whether the Governing Body can interfere in the internal administration of the College.

As the President is pressing me to convene another meeting of the Governing Body to consider the adjourned subject, I request early orders of Government in the matter.

COMMISSIONER AND SECRETARY,
COLLEGE GOVERNING BODY.

SSM/23.1.p
Copy to Secretary to Government of Madras, Education & Public Health
Department, thro' Inspector of Mpl. Cls. & Local Boards,
Madras 1.

Copy submitted direct to Government.

6
Body regarding the suspension of a student named V.Jeyaraman of
III U.C. from 1-12-49 for alleged misbehaviour and rude conduct
towards three members of the College staff on 30-11-49 and
Principal's note and Secretary's note thereon that the matter
of suspension of a College student does not come under the purview
of the College Governing Body as per regulations contained in
the University Calendar and the provisions of the Madras
Educational Rules and if necessary, the matter may be referred
to University authority.

(TRUE COPY)

E.& P.H.(G.2)

Letter/Ref.No.6032 42/50-1 Edn., dated 1/2/50

To
The Registrar, University of Madras,
Madras (with enclosure) - pp 1 - bin origl

Sub:- Colleges - Municipal College, Salem - Governing
Body - Powers. - clarification.

I am directed to enclose for ^{your} remarks
~~and return to the~~ ^{in original} letter from the Commissioner, Salem

Municipality, R.o.c.No.C.3.21258/49 dated 27.12.1949,
together with its enclosures, on the above subject.

The letter of the Commr. may kindly be
replied to with your reply.
Yours faithfully,

RS
31/1/50

VR
1-2-50

31.1.50

8/

Letter No. 6052-G2/50-1 Education dated 1/2/50

The Registrar, University of Madras,
Madras (with enclosure).

Copy to
1/2/50

Subj: Colleges - Municipal College, Salem -
Governing Body - Powers - Clarification.
I am directed to enclose for your reference
the letter from the Commissioner, Salem
dated 27.1.1950.

Enclosure with the above subject
the letter of the Commissioner, Salem
dated 27.1.1950.

For information of the Registrar,
Madras.

W. V. R.

For information of the Registrar,
Madras.

TELE { GRAMS : UNIVERSITY, MADRAS.
PHONE : 86914.

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9/5

It is requested that all communications should be addressed to The Registrar, University of
Madras, Triplicane P.O., Madras, and not to any person by name.

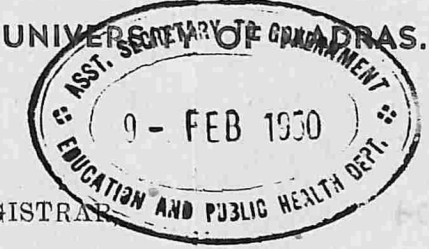
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No. A505.

UNIVERSITY OF MADRAS.

Enclosures.

FROM



UNIVERSITY BUILDINGS,
CHEPAUK, MADRAS.

8 FEB 1950

THE REGISTRAR

University of Madras.

To

9926

The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George, Madras 9.

Sir,

Sub: Colleges - Municipal College, Salem -
Governing Body - Powers - Clarification.

Rank

Ref: Your letter No. 6052-G2/50-1 Education
dated 1st February 1950.

A

I am to inform you that the above correspon-
dence is being placed before the Syndicate and a reply
will be sent in due course.

Yours faithfully,

B. R. R. R. R.
REGISTRAR.

ask/82

Exp H (G2)

A above may be awaited till 25/2/50.
24/50/m 10250 10250

It is requested that all communications should be addressed to The Registrar, University of Madras, Triplicane P.O., Madras, and not to any person by name.



UNIVERSITY OF MADRAS.

No. A 734



UNIVERSITY BUILDINGS,
CHEPAUK, MADRAS.

24 FEB 1950

Enclosures (3 sheets)

FROM

THE REGISTRAR,

University of Madras.

TO

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

Sir,

Sub: Colleges - Municipal College, Salem - Governing Body-
Powers - Clarification.

Ref: Your letter No. 6032-G2/50-1 Education, dated 1st
February 1950.

I have the honour to inform you that the Syndicate
considered your letter under reference and has resolved as
follows:--

"Resolved that the Secretary to Government be informed
that the details of the functions and powers of the
Governing Body and the College Council of a constituent
or Affiliated college have been fully dealt with in
Part II, Chapter I of the General Inspection Commission
report (1946-47) and that the only appellate authority
in such academic matters is the University."

In communicating the above resolution of the Syndicate
I am to invite reference to the Report of the General Inspection
Commission (1946-47) of this University, (Part II, Chapter I,
pp. 6-9) a copy of which was previously sent to you, wherein the
functions and powers of the College Governing Body and the
College Council have been set forth in detail. As stated in
the report the day to day work of the College in regard to
academic, disciplinary and similar matters which are the primary
concern of the Principal or the College Council, should not
come within the purview of the Managing Body. The functions
and duties of the College Council are stated at the end of
the Chapter. It would therefore be clear that the matter
under reference is one that comes within the ~~university~~ purview

purview of the Principal or the College Council and the only authority in such academic matters is the University to whom the agrieved candidate may appeal.

The letter of the Commissioner with the enclosures is returned herewith as requested.

Yours faithfully,

R. R. Radarum

REGISTRAR.

ks/232

Education (F)-

COLLEGE - Salem Municipal College - Powers of the Governing Body in ~~matters relating to the internal administration~~ ^{respect of academic matters}

C.No.6032/50.

From the Commissioner, Salem Municipal Council, Roc.No.C.3-21258/49 dated 27-12-1949.

From the Registrar, University of Madras, No.A.734 dated 24.2.50

Order

No. Memo.No. 1325 Edn., dated 25-4-50

In connection with the suspension of a student of the Third University Class of the Salem Municipal College by the Principal of the College and the request for placing the matter before the Governing Body of the College made by the guardian of the student, the Commissioner has raised the following questions:--

- (1) Whether the Governing Body has got powers of interference with the action of the Principal in inflicting punishments on students and whether by-law 5 of the By-Laws approved in respect of the Governing Body of the College would cover cases of this kind; and
- (2) whether the Secretary of the Governing Body (the Commissioner of the Municipality) is required to call for a meeting of the Governing Body on a requisition by the members of the Governing Body for such a meeting.

2. As regards point (1) above, the Commissioner is informed that the only appellate body in such academic matters is the University. A copy of a letter from the Registrar, University of Madras, No.A.734 dated 24.2.50 on the subject is communicated to the Commissioner for information. In view of the decision on point (1) above, question No.(2) does not arise, and it need not be pursued further.

To
The Commissioner,
Through the C.M.C.
Salem. (and)
copy to the D.P.
3/4cs.

19/4/50

20.4.50

21-4-50

in file

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~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

From the Registrar, University of Madras No.A.734 dated 24.2.50.

ORDER: In connection with the suspension of a student of the Third University Class of the Salem Municipal College by the Principal of the College and the request for placing the matter before the Governing Body of the college made by the guardian of the student, the Commissioner has raised the following questions:--

- (1) whether the Governing Body has got powers of interference with the action of the Principal in inflicting punishments on students and whether by-law 5 of the By-Laws approved in respect of the Governing Body of the College would cover cases of this kind; and
- (2) whether the Secretary of the Governing Body (the Commissioner of the Municipality) is required to call for a meeting of the Governing Body on a requisition by the members of the Governing Body for such a meeting.

2. As regards point (1) above, the Commission is informed that at the only appellate body in such academic matters is the University. A copy of a letter from the Registrar, University of Madras No.A.734 dated 24.2.50 on the subject is communicated to the Commissioner for information. In view of the decision on point (1) above, question No.(2) does not arise.

(By order of His Excellency the Governor)

Rajaiah D. Paul,
Secretary to Government.

Salem Municipality
To the Commissioner, Through the Chairman Municipal Council,
" " SALEM (WITH ENCLOSURE)
" " Director of Public Instruction (with enclosure)

True copy:Forwarded:By order

RP/25.4.

SUPERINTENDENT.

COLLEGE - Salem Municipal College - Powers of the Governing Body in matters relating to the internal administration.

From the Commissioner, Salem Municipal Council, Roc.No.C.3.21258/49 dated 27-12-1949.
From the Registrar, University of Madras, No.A.734 dated 24.2.50.

In connection with the suspension of a student of the IIR University Class of the Salem Municipal College by the Principal of the College and the request for placing the matter before the Governing Body of the College made by the guardian of the student, the Municipal Commissioner, Salem, has raised the following questions:--

(1) Whether the Governing Body has got powers of interference with the action of the Principal in inflicting punishments and whether by-law 5 of the By-laws approved in respect of the Governing Body of the College would cover cases of this kind; and

(2) Whether the Secretary ^(Commissioner of the Municipality) is required to call a meeting of the Governing Body on requisition a requisition by the members of the Governing Body for such a meeting.

The first question was referred to the University of Madras which has passed a resolution as on p.11 c.f. The Syndicate is of the opinion that the only appellate authority in academic matters of this kind is the University. This seems to be the only correct view to be taken and the Commissioner may be informed accordingly.

2. As regards the second question, it may be stated that it is only of academic interest so far as the present issue is concerned, in view of the decision on question (1) above. Further it may be stated that by-law 4(a), the Governing Body is required ordinarily to meet once in a month, "if required" meeting shall also be held at any time to dispose of urgent subjects. Even though the opinion of the Secretary ^{and} that the Governing Body has no jurisdiction to discuss ^{the} particular matter which is sought to be placed before that Body, it seems to be necessary for a meeting to be summoned, once a requisition duly signed by ^{less than 3 members (the number for the quorum) or from the} is received. It seems however to be necessary in such cases to give the usual notice of three days as provided for by-law 4 (c). The Commissioner may perhaps be informed ^{with} above, if Legal agree ^{to} this view.



17/1/50

18-3-50

PP-49
6032/50.

11-12-49

Picg

P3cg
P16 of 10

P3cg

P7cg

P11cg

P16 of 10 (A)

P14

In connection with the suspension of a student of the Third University Class of the Salem Municipal College by the Principal of the College and the request for placing the matter before the Governing Body of the College made by the guardian of the student, the Commissioner has raised the following questions:--

(1) Whether the Governing Body has got powers of interference with the action of the Principal in inflicting punishments on students and whether by-law 5 of the By-laws approved in respect of the Governing Body of the College would cover cases of this kind; and

(2) Whether the Secretary of the Municipality is required to call a meeting of the Governing Body on requisition by the members of the Governing Body for such a meeting.

3. As regards the point (1) above, the Commission is informed that the only appellate authority in academic matters is the University. This seems to be the only correct view to be taken and the Commissioner may be informed accordingly.

4. As regards the second question, it may be stated that it is only of academic interest so far as the present issue is concerned, in view of the decision on question (1) above. Further it may be stated that by-law 4(a), the Governing Body is required ordinarily to meet once in a month, "if required" meeting shall also be held at any time to dispose of urgent subjects. Even though the opinion of the Secretary that the Governing Body has no jurisdiction to discuss particular matter which is sought to be placed before that Body, it seems to be necessary for a meeting to be summoned, once a requisition duly signed by less than 3 members (the number for the quorum) or from the is received. It seems however to be necessary in such cases to give the usual notice of three days as provided for by-law 4 (c). The Commissioner may perhaps be informed with above, if Legal agree to this view.

(By order of His Excellency the Governor)

Secretary to Government,
Salem Municipal Council,
to the Commissioner, Salem Municipal Council,
(With enclosure)
"Director of Public Instruction (with enclosure)"

True copy forwarded by order

SUPPLEMENTARY

24/3/50

LEGAL DEPARTMENT

By-law 4(a) of the Municipality provides that the governing body will ordinarily meet once in a month and if required, meetings shall also be held at any time to dispose of urgent subjects. The quorum for any meeting, whether it is an ordinary meeting or an urgent meeting, should be three in view of by-law 4(d) and, notice should be given to each member as laid down by by-law 4(c). There is, however, nothing in the by-laws which requires that the requisition for a meeting should be signed by a specified number of members. However, in view of the opinion of the Syndicate, the point does not arise in this case and need not be ~~pursued~~ pursued further.

Legal NO:
4373/50-1
17/4/50

Agree.
K.M.
17/4/50

M.M.
15-4-50

S. K.M.
17/4/50

Education Deptt.



(FO
(This Department note on p.1 ante and the ~~Finance Deptt.~~ Legal Deptt. note above may be perused). Legal Department point out that ~~with~~ in view of the opinion of the University Syndicate on point (1) on p.1 ante, the question in point (2) on p.1 ante does not arise and need not be pursued further. ~~In the circumstances,~~ This Deptt. may agree with Legal. ~~And draft note~~ to the Commissioner, Salem Municipality, is submitted for approval.

~~Enclosed for the Commissioner, Salem Municipality, is submitted for approval.~~

PS
17/50
20-4-50
21-4-50
S.B.
17/50

[Co No. 1325 Encl-25/4/50]