

EDUCATION 1880 DEPARTAMENT.

Musaw
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M. S. S. R. I. F. D.

(1)
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G. O. M. S. NO. 1536 - Edm.

DATED - 17. 5. 1980.

Sub

Public Services - Madras Ministerial Service -
Appointment of Srimathi Mary Lazarus as Upper
Division Clerk in the D. P. I.'s office - Rules Relaxed.

~~~~~

Education Department

From

The Director of Public Instruction,  
Madras.

To

The Secretary, to Government,  
Education and Public Health Department

Rc No. 175 C.6/50 dated 19.2.50

Sir,

Subject: Establishment - Office of the Director of Public  
Instruction, Madras - Ex-Burma Government Employee  
Appointment to post under Government of Madras -  
Srimathi Mary Lazarus Ex-Burma Government  
Employee - Orders requested for

Reference Government Memo No. 156 Public (Service) dated  
4.3.1949

(H)

4.5.64  
I have the honour to submit that very recently  
I have posted one Srimathi Mary Lazarus, an Ex-Burma Government  
employee as a Temporary Lower Division Clerk in my office with  
effect from 21.12.49. She has passed her High School Final  
Examination in Burma, which is equivalent to S.S.L.C. in 1928  
and had been working as an Upper Division Clerk in the Office  
of the Inspector General of Prisons, Rangoon from 14.12.45  
to 6.5.49. It is observed from the Service Register of  
Srimathi Mary Lazarus that she was a permanent Lower Division  
Clerk officiating as an Upper Division Clerk in the scale of  
Rs 110-10-200 (Substantive pay Rs 75/- plus officiating pay  
Rs 45/-) Srimathi Mary Lazarus does not possess the qualifications  
(viz a pass in the Account Test and the Deputy Inspectors  
Test) required for the post of Upper Division Clerk in this  
office.

(H)

In sub para (III) of para 2 of the Government  
Memo quoted above, the Government have ordered that on appointment  
the ex-Burma Government servants will be started on the minimum  
of the prescribed time scale, but that higher initial pay may be  
allowed in exceptionally deserving cases with the previous approval  
of the Government.

3 Considering the fact (i) that Srimathi Mary Lazarus  
is an Ex-Burma Government employee with eight children to be  
supported by her (ii) that her husband was killed during the  
Japanese occupation after putting in 20 years of Service in the  
Office of the Inspector General of Prisons, Burma and (iii)  
that she was drawing a pay of Rs 120/- I feel that she deserves  
sympathetic consideration in the light of the Government Memo  
quoted above. Though her age at present is 38, necessary exemption  
from the age rules for entering into Madras Government Services may  
be accorded as a special case and the Service Rules may be  
relaxed in favour of Srimathi Mary Lazarus to the extent necessary  
so that her service may be regularised as an Upper Division Clerk  
and allowed to claim the minimum viz Rs 80/- of the Upper Division  
Clerks' scale as a special case. Her service Book and other  
records are enclosed for perusal and return.

Yours faithfully,

*Phariskuram*

for Director of Public Instruction

Vk 27.2

Letter Ref. No. 8A/50-2 Edn. dated 6/4/50

To The Secretary,  
Public Service Commission,  
Madras. (with encls)

Sir Sub: Appointment of Grimathi Mary Lazarus -  
Ex-Burma Govt. employee as Upper Division  
clerk in the Office of the D.P.I.

I am directed forward copy of a letter from  
the D.P.I. No. 175 C6/50 dated 19-2-50 and to enquire  
whether in the special circumstances of the case the  
Commission will agree to the candidate being appointed  
as an upper division clerk in the Director's Office  
by excluding the appointment from purview with refe-  
rence to the latter part of regulation 18(b) of the  
M.P.S.C. Regulations. If the Commn. agrees, the Govt.  
will be prepared to relax the relevant rules regarding  
age and method of recruitment in her favour.

Yours faithfully

5/4/50

5/4/50

Copy letter 8A/50-2  
perpalched with  
Ser. Back.  
5/4

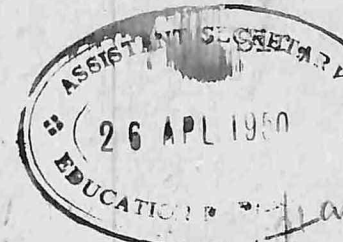
not sent

Tel. "PUBSERCOM".

From  
Sri C. Krishnaswami Chetty,  
Secretary,  
Public Service Commission,  
Madras-8.

To  
The Secretary to the  
Government of Madras,  
Education Department,  
Madras.

No. 2240-EL/50-1 dated 24-4-1950.



Public Services - Madras Ministerial Service -  
Upper Division Clerk - Appointment of Srimathi  
Mary Lazarus, Ex-Burma Government employee - Your  
letter No. 8-4/50-2 dated 6-4-50.

I am to say that the Director's proposal in his letter  
Re. No. 175-C6/50 dated 19-2-50 forwarded with your letter  
cited is purported to be based on Government's memo. No.  
1567 Public (Services) dated 4-7-49 but actually goes beyond the  
terms of that memo. In that memo, the Government have defined  
"the extent to which ex-Burma Government servants can be  
employed under them" & stated that "ex-Burma Government  
servants (1) WHO ARE RESIDENT IN & BELONG TO THIS PROVINCE  
may as and when they apply for any post in the Public Service  
be considered and allowed to (2) COMPETE ON EQUAL TERMS WITH  
OTHERS". No definite information is available in the records  
as to whether ~~candidate's~~ condition is satisfied in this case.  
But this condition is perhaps inconsistent with Art. 16(2) of the  
Constitution ~~of~~ and so void. The candidate's mother tongue is  
Tamil and she ~~also~~ resides in Madras. As regards condition  
(2) however the Director's proposal to appoint this candidate  
is not in consonance with the intention of the Govt. as  
expressed in their order.

2. I am to add however that ~~the Govt.~~ in view of her good  
record of service under the Burma Government, the Commission  
agrees under the latter part of Regulation 18(b) of the  
Madras Public Service Commission Regulations, 1937 to the  
appointment of Srimathi Mary Lazarus as Upper Division Clerk  
in the Madras Ministerial Service in the Office of the Director  
of Public Instructions subject to the condition that the relevant  
rules are relaxed in her favour.

3. The enclosures to your letter received in original  
are returned.

Yours faithfully,

*Secretary*  
Secretary.

Encl: 8 documents.  
N.S. 24/4/50.

EDUCATION DEPARTMENT (A).

Public Services - Madras Ministerial Service -  
Appointment of Srimathi Mary Lazarus as Upper  
Division clerk in the D.P.I.'s office - Rules  
Relaxed -

Letter from the D.P.I., No. 175 C6/50,  
dated 19-2-50.

Letter from the M.P.S.C., No. 2240 E1/50-1,  
dated 24-2-50.

ORDER MS.NO. 1536

EDND DATED. 17.5.50

Under the rule published with Public (Services)  
Department Notification No. 16, dated the 26th January  
1950, at page 272 of Part I of the Fort St. George  
Gazette, dated the 7th February 1950, His Excellency the  
Governor of Madras hereby directs that all relevant rules  
be relaxed in favour of Srimathi Mary Lazarus, temporary  
lower division clerk, Office of the Director of Public  
Instruction so that she may be regularly appointed as an  
Upper Division Clerk in the Director's Office.

2. Under the latter part of regulation 18(b) of the  
M.P.S.C. Regulations, 1937 the Govt. direct with the con-  
currence of the Commission that the appointment of Srima-  
thi Mary Lazarus as an upper division clerk in the Office  
of the D.P.I. be made without the ordinary statutory  
reference to it.

3. Srimathi Mary Lazarus should pass the Account  
Test for Subordinate Officers, Part I within the period  
of probation and the Dy. Inspectors Test, Part I, within  
a period of 4 years from the date of her appointment as  
U.D. clerk on a regular basis.

To  
The D.P.I.  
The Secy. Public  
Service Comm.,  
Madras.  
The Public (S)Dept.

S. C. 2

15 5 50

16/5/50

Public Services - Madras Ministerial Series.  
Appointment of Srimathi Mary Lazams as  
upper division clerk in the D.P.I.'s office - Rules  
relaxed -

Letter from the D.P.S. No: 175-C6/50

Dy 19. 2. 50

Letter from the M.P.S. & No: 2240-E/50-1.

Dy 24. 4. 50

Order  
Ms

Edn

Dy

[ ] Dy not pubh  
under the rule published in the  
Public (Services) Depart-  
ment Notification  
No. 16, dated the 26th  
January 1950, at  
page 272 of Part I  
of the Govt. G. O.  
Gazette, dated the 7th  
February 1950.

In exercise of the powers conferred  
by the rule issued in No. 400-Publi (Ser) &  
26.1.50, H. E. the Governor of Madras hereby  
directs that all relevant rules be relaxed in  
favour of Srimathi Mary Lazams, clerk, Office  
of the D.P.I. so that she may be appointed as an  
upper division clerk in the Director's office.  
3. Srimathi Mary Lazams should pass  
the Account Test within the period of probation  
and the Dy. inspectors Test within a period  
of 4 years from the date of her appointment  
as u.D. clerk on a regular basis.

10/5/50

10/5/50

p.S. SK-12

To The D.P.I.  
u. Secy, Publi Serv  
Commission,  
Madras.  
1 Publi (P) Dept

2. under the latter part of  
regulation 18(b) of the M.P.S.C.  
Regulations, 1937 the Govt.  
direct with the concurrence of  
the Commission that the  
appointment of Srimathi Mary  
Lazams as upper division clerk  
in the Office of the D.P.I.  
be made without the ordinary  
statutory reference to it.

Education Dept. (A)

C.No.8

From the D.P.I., No.175-C6/50, dated 19th February 1950

APPOINTMENT OF SRIMATHI MARY LAZARU, ex-Burma Government employee as U.D. clerk in the Director's Office.

Please see the Director's letter in the c.f. If his recommendation is to be accepted the rules in respect of the following will have to be relaxed:--

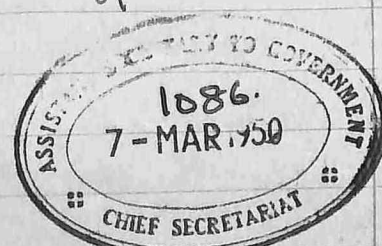
(1) age (25 under the rules)

(2) method of appointment - (there is no direct recruitment to posts of U.D. clerks in the Director's Office).

2. Posts of clerks in the Ministerial Service are within the purview of the Service Commission and the Commission's concurrence under <sup>Regulation</sup> rule 18(b) of the M.P.S.C.Regulations for the appointment to be made without the usual statutory reference to it will ~~be~~ also be necessary.

3. In the circumstances stated by the D.P.I. the recommendation may be accepted. The file may be sent to the Public (Ser.) Dept. for remarks.

Edw. 8/1/50  
6/3/50



1/4/50

6/3/50

6.3.50  
Publ(Ser.)

Public (Services) Department.

Please see the letter from the D.P.I. at p.1 c.f. and Education note above.

2. 'K' on p.1 c.f.: A pass in the Anglo-Vernacular School Leaving Certificate (Burma) Examination with eligibility for University Course has been recognised as equivalent to the minimum general educational qualification prescribed in the schedule to the general rules. Srimathi Mary Lazaru an ex-Burma Govt. employee, passed the said examination in 1928 with distinctions also in certain subjects. In the

✓ Certificate in the Service Book at (Y)

circumstances it may perhaps be taken that she had passed the examination in 1928 with eligibility for University Course, and that she consequently possesses the minimum general educational qualification prescribed for appointment of clerks in the Madras Ministerial Service. It does not seem necessary to verify the fact of her having passed the examination with eligibility for University Course, <sup>has</sup> has been done recently by Food & Agriculture in a similar case--vide copies of correspondence at pp.1-2 of (B).

3. 'L' on p.1 c.f.: As according to the present proposals Srimathi Mary Lazarus will be treated as a directly recruit U.D. clerk in the D.P.I's office, she need not acquire the qualifications referred to before appointment. She should however pass the Account Test within the period of probation and the Deputy Inspector's Test within a period of 4 years/ from the date of her appointment to the service--vide rule 36 read with Annexure V of the M.M.S.Rules.

4. Paragraph 1 of Education note overleaf: The rules referred to will have to be relaxed if the Director's recommendation will be accepted. The point for consideration is whether there is sufficient justification for accepting the Director's recommendation. According to the present policy of Govt., ex-Burma Govt. employees will be treated on a par with other qualified candidates in this State in the matter of recruitment to Public Services except that the age rule will be relaxed, if necessary, in favour of the former.

There is no direct recruitment to the post of U.D. clerk in the D.P.I's office and so any qualified candidate in this State cannot be appointed to that post by direct recruitment.

~~In the circumstances there does not seem to be sufficient justification to~~  
~~appoint Srimathi Mary Lazarus, the candidate in question,~~  
~~by direct recruitment.~~ <sup>being</sup> allowed to be appointed to that post <sup>by relaxing the relevant rules and by accepting the Director's proposal.</sup> She may compete along with other candidates for appointment to the post of L.D. clerk in the D.P.I's office, and the age rule may be relaxed in her favour after she is selected by the Commission--vide para 1 of Memo No.156, Pub.(Ser.), dated 4-7-49. As it is reported that she is a widow of eight children, this dept. may suggest that she may be granted higher initial pay in the L.D. clerks'

scale and her pay fixed at an appropriate stage in that scale with reference to sub-para (iii) of O.M.No.156, Pub.(Ser.), dated 4-7-49. Education may let Finance also see on this point. The question of giving her higher initial pay will however arise only after she has been regularly appointed to the service.

5. Paragraph 2 of Education note on p.1 ante: As already stated above, ex-Burma Govt. employees will be treated on a par with qualified candidates in this State in the matter of recruitment to the public services. Srimathi Mary Lazarus may compete along with other candidates for selection for appointment to the post of clerk in the D.P.I's office and appear for the Commission's clerkship examination. There seems to be no justification for excluding her appointment from the purview of the Commission with reference to <sup>the latter part of</sup> regulation 18(b) of the M.P.S.C. Regulations. The Commission will not <sup>ordinarily</sup> give its consent to such an appointment. This department may therefore advise against the proposal.

6. If this department's suggestions are accepted, no rule need be relaxed at present in this case. If however Education press their proposal <sup>the</sup> rules referred to in para 1 of their note on p.1 ante will have to be relaxed in favour of the candidate, and the Commission's concurrence under the latter part of regulation 18(b) will have to be obtained as suggested by them in para 2 of their note on p.1 ante. In the latter case, H.C.M. should see, and a copy of relaxation order should be communicated to the M.P.S.C.

7. Subject to orders the file may be returned to Education.

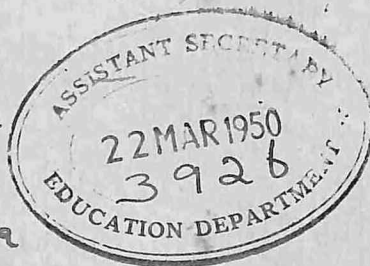
The case is no doubt a hard one but in fairness to our own candidates, nothing more than relaxing the age rule after selection by the M.P.S.C. for a lower division clerk post can be done. The Commission will

not ordinarily agree to exclude such a post from its preview

AE  
20.3.50

C.S. Edn

CP  
30/3



I think this may be treated as a Sp. Case and the proposals of the Ed. Dept. agreed to. There is some complaint that we are doing next to nothing for ex-Burma Govt. employees.

Key  
20/3

Pub (Ser) h.o.  
No. 1086/50-1  
21.3.50.

Edn Dept.

The proposal in this file is to relax the rules regarding age and method of recruitment in favour of one <sup>Singathia</sup> Mary Lazarus, an ex-Burma Govt. employee, so as to enable her regular appointment as upper division clerk in the office of the D.P.S. <sup>the Edn</sup> Dept and the Chief Secretary agree to the relaxation of rules proposed. If it is decided to relax the rules the Senior Commission will be consulted as the post is within the preview of that body. The file may be circulated to H.M. (E+L) and the Chief Minister for orders.

RM  
29/3/50  
30.3.50

RM  
28/3/50

H.M. (E.L.)

1/4 H.O.M.

The Commission may now be consulted. A draft letter is subd. for approval.

A 5

ps of  
ps of

[Issued as letter no 84/50-2 Edn & 6.4.50]  
from the P. Secy, P.S.C. no 2240-8/50-10 24.4.50

Please see the Commons reply on ps of. One Comm. agrees to the appx. Srimathi Mary Lazarus as an upper division clerk in the office of the D.P.S. in relaxation of the rules. A draft order is subd. for approval. Public (Ser) may see.

RM  
6/5/50

RM  
8/5/50 Pub (Ser)

Pub (Ser) Dept

(Previous note on h. 1-4 ante)

The further notes and orders in circulation on h. 4-5 ante and the draft order below may be perused and the file returned to Education. That dept may make the slight alterations indicated in pencil in the draft.

RM  
9.5.50  
9.5.50

RM  
10.5.50

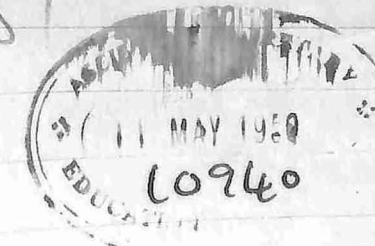
Edn (A)

Pub (Ser) h.o.  
No. 2192/50-1  
10.5.50.

A clean copy embodying the alterations of the Public (Ser) Dept is subd. for approval. It may now issue.

RM  
12/5 15/5/50

RM  
16/5/50



10/2/20

10/2/20  
10/2/20  
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10/2/20

10/2/20

Panel in the draft.  
make the slight alterations indicated in  
return to Education. That date may  
below may be forward and the file  
on 10. 4-2 cut and the draft order  
The further notes and orders in circulation  
(Previous note on 10. 1-4 cut)  
Pub (201) 2012