Govt of Madras

Education Dept

Closed

G.O.(Ms) No	1548
Date	18/5/50

34

p

Dy Supt

Subject: Civil Suit - No 137 of 1950 - Between the United Society for Christian Literature and the State of Madras - Full payment of the bill for printing the question papers relating to the S.S.L.C. Pub. Exam 1947 - Advocate General instructed to appear.

G.O. (Ms) 2037 Edn d 25/6/49.

Original sent to [illegible] for

(2)

Copy of petition from O.T.G. Nambiar, M.A., M.L., Advocate, Roshan Vilas, Mandapam Road, Kilpauk, Madras-10, to the Secretary to the Government of Madras, Education Department, Fort St. George, Madras

--

I am instructed by my client, the United Society for Christian Literature, Madras who is the owner and proprietor of the Diocesan Press, Church Road, Vepery, Madras to give you the following notice of suit under section 80 of C.P.C.

2. On or about the 23rd November 1946 ~~and a~~ the Secretary to the Board of Secondary Education, Madras placed ~~on~~ an order with the Diocesan Press for printing 156 question papers and supplying copies thereof as stated in the statement annexed thereto for the S.S.L.C. Public Examination 1947. The said number was subsequently orally increased to 159 question papers.

3. My client printed the said question papers and supplied the required numbers of copies to the Secretary to the Board of Secondary Education, Madras, between the 1st and 8th March 1947 and submitted its bill for the work done and goods supplied amounting to Rs. 35,480/- to the Secretary to the Board of Secondary Education, Madras. In spite of several reminders the amount of the said bill was not paid and on the 31st March 1948 the Secretary to the Diocesan Press gave notice to you that the Press would claim the said amount of Rs.35,480/- from the Government with interest thereon at the rate of 6% per annum from the 18th March 1947.

4. On the 25th June 1947 the Government passed a G.O.Ms.No. 2037, Education dated 25th June 1949 a copy of which was communicated to the Press stating that the Diocesan Press would be liable in damages in respect of an alleged leakage of certain question papers, and that the said damages, had been calculated to be Rs. 24,918/- and that the Secretary to the Board of Secondary Education, Madras was authorised to pay an amount of Rs. 10,562/- to the Diocesan Press, and on the 25th July 1949 the Secretary to the Board of Secondary Education, Madras sent to the Manager of the Diocesan Press a cheque for Rs. 10,562/- stating that it was in full settlement of the said bill.

5. Thereupon my client after taking legal advice wrote to the Secretary to the Board of Secondary Education, Madras on the 8th October 1949 that it was not prepared to accept the said cheque in full settlement of its bill but cashed the cheque on that date as received in part payment only and without prejudice to all its rights and remedies for the recovery of the balance of the said bill from the Government and further, that if the Government were not prepared to allow the encashment of the cheque on that basis my client would send a cheque for the like sum of Rs. 10,562/-. My client has not received any reply to the said letter.

6. My client states ~~from~~ that the alleged leakage of the question papers did not occur in the Press and that in any event it is not liable to the Government for any alleged loss.

7. My client is therefore, entitled to the payment of the entire amount of the said bill, without any deduction and after giving credit for the said amount of Rs. 10,562/- being the amount of the said cheque there is a balance of Rs. 24,918/- still due and payable by the Government to my client.

8. The cause of action is the non-payment of the said amount of Rs. 24,918/- being the balance due on the said bill for the work done in printing and supplying copies of the said question papers in connection with the S.S.L.C. Examination 1947. The name, description and place of residence of the plaintiff are the United Society of Christian Literature a company formed under the English Companies Act having its registered office in England through its power of attorney holder Mr. H. Warren, Diocisan Press, Church Road, Vepery, Madras. The relief claimed is the recovery of the said amount due to my client with interest thereon from 18th May 1947.

/True copy/

S.M.9-1,602—30-8-49.

D. No. V2 // 189 of 1950 F ②

SHERIFF'S OFFICE,
HIGH COURT HOUSE,

Madras, 17-3-1950.

5

From
THE SHERIFF OF MADRAS,

To The Secretary to the Govt. of Madras
Education & Public Health department
Fort St. George, Madras

ASSISTANT SECRETARY
18 MAR 1950
EDUCATION DEPARTMENT
3381

CIVIL SUIT NO. 137 OF 1950.

BETWEEN The United Society for Christian Literature } *Plaintiffs*

and

The State of Madras } *Defendants.*

[illegible]/49

SIR,

I forward herewith ~~a copy of~~ in duplicate the Summons, dated the 16th day of March 1950, issued in the abovementioned suit out of and under the seal of the High Court of Judicature at Madras and directed to you, and request that you will be so good as to ~~acknowledge the receipt of the enclosure by return of post.~~ accept the copy of the Summons and return the original Summons by return of post duly signed and endorsed with date of such acknowledgement thereon.

Yours faithfully,

E. W. Lazarus

Deputy Sheriff of Madras.

6

(H.T. & cf sent with originals to the Govt Solicitor)

---

9 Esr (7)

Letter Ref 96000/F/49-1 Edn d 22/3/50

Dpd. by Regd post. 22.3.50

Ap Sechn 22/3

Man Regd

To

The Sheriff of Madras,
Sheriff's Office
High Court House
Madras.

Fair T & F (with the original summons)

Sir,

C. Suit No 137 of 1950 – The United Society for Chri Literature Vs The Sta of Madras

I am directed to acknowledge the receipt of your letter No 189 of 195 da

p5 y

10

dated 17th March 1950 and to state that the Copy of the Summons in the above suit sent with your letter is accepted and the original of it is returned with the necessary endt. as required.

Y f.

20.3.50

21-3-50

21/3/50

(W) 11

EDN. DEPT.(F).

4600/F/49

SUB: CIVIL SUIT - No. 137 of 1950 - Between the United Society for Christian Literature and the State of Madras - Full payment of the bill for printing the question papers relating to the S.S.L.C. Public Examination 1947 - Advocate-General instructed to appear.

ORDER/MS. NO. 1548 EDN., DATED 18 - 5 - 50

Dp in Section. 18/5/50

His Excellency the Governor sanctions the defence of the State of Madras in Civil Suit No. 137 of 1950 on the file of the High Court of Judicature at Madras.

2. The Advocate-General is requested to appear in the Civil Suit mentioned above on behalf of the State of Madras.

3. With reference to G.O.Ms.No. 50, Legal, dated the 8th May 1947, the draft written statement to be filed in the Civil Suit mentioned above on behalf of the State of Madras should be submitted to the Govt. for approval.

4. The following papers are forwarded to the Government Solicitor, Madras:-

p14/(J) (1) Copy of the letter of the C.G.E., No. 71-B-47, dated 28-3-1947.

p5-6cf/(J) (2) Copy of Memo. No. 24992-G3-4, Edn., dated 3-4-1947.

p9-35cf/(J) (3) Copy of letter of the C.G.E., No. Roc. 71-B-47, dated 5-5-47 and encls.

p101-161cf/(J) (4) Judgment dated 14-8-47 of the Chief Presidency Magistrate, Egmore, in C.C.No. 1107 of 1947 (in original).

p67-80cf/(J) (5) Copy of the Judgment of the High Court in Criminal appeal No. 628 of 1947 filed by the Govt.

p83-84cf/(J) (6) Copy of Memo. No. 24992-G3-47-21, Edn., dated 7-12-48.

p93-94/(J) (7) Copy of letter from the C.G.E., No. 71-B-47, dated 3-5-49.

p97cf/(J) (8) Copy of letter from the C.G.E. No. 71-B-47, dated 13-5-49.

p163cf/(J) (9) Copy of G.O.No. 2037, Edn., dated 25-6-49.

p7-8cf/(J) (10) Summons (in original)

p1-3cf (11) Notice of suit (in original)

5. The C.G.E. is requested to give instructions and furnish such other information as may be required by the Govt. Solicitor and the Advocate-General in connection with the Civil Suit mentioned above.

16.5.50

13/5/50

22.5.50.

15/5/50

Sent by Spl. Messenger in sealed cover.

despatched 27/5/50.

To
The Govt. Solicitor
(with encls.)
Copy to the C.G.E.(with encls.)
Copy to Home Dept.
Copy to Fin. Dept.
S.Cs. 2.

12

(6) Not to issue 13

96000/F/49

Education Department (F).

Sub: Civil Suit - No. 137 of 1950 - Between the United Society for Christian Literature and the Stat of Madras ~~For~~ full payment of the bill for printing the question papers relating to the S.S.L.C. Public Examination 1947 Advocate-General instructed to appear.

- - - -

ORDER MS. NO. EDN. DATED

4. The following papers are forwarded to the ~~Advocate-General~~ Government Solicitor, Madras:-

p1 cf | (J) (1) Copy of the Letter of the C.G.E., No. 71-B-47, dated 28-3-1947.
p5-6 cf | (J) (2) Copy of Memo No. 24992-G3-4, Edn., dated 3-4-1947.
p9-35 cf | (J) (3) Copy of Letter of the C.G.E., No. Roc. 71-B-47, dated 5-5-47 and enc
p101-161 cf | (J) (4) ~~Copy of~~ Judgment dated 14-8-'47 in the Chief Presidency Magistrate's ~~Court~~, Egmore, in C.C.No.1107 of 1947 (in orig
p67-80 cf | (J) (5) Copy of the judgment of the High Court in Criminal appeal No. 628 of 1947 filed by the Govt.
p83-84 cf | (J) (6) Copy of Memo No. 24992-G3-47-21, Edn., dated 7-12-48.
p93-94 cf | (J) (7) Copy of Letter from the C.G.E. No. 71-B-47, dated 3-5-49.
p97 cf | (J) (8) Copy of Letter from the C.G.E. No. 71-B-47, dated 13-5-49.
p163 cf | (J) (9) Copy of G.O. No. 2037, Edn., dated 25-6-'49.
p7-8 cf (10) Summons (in original)
p1-3 cf. (11) Notice of suit(in original)

7 For redraft of paragraphs 2 & 3, see notes.

2. The Advocate-General is requested to appear before the High Court and conduct the case on behalf of the State of Madras ~~and oppose the petition~~

3. The Govt. Solicitor is requested to enter appearence on behal of the State of Madras and instruct the Advocate-General at the hearing. He is ~~also~~ requested to ~~forward to the Govt. in due course a copy of the judgment or order of the High Court on the petition~~ prepare and submit to Govt. for their approval, the necessary written statement of the grounds of defence ~~[illegible]~~

5. ~~4.~~ The C.G.E. is requested to give instructions and such other information as may be required by the Govt. Solicitor ~~and~~ & the Advocate General in connection with the suit ~~[illegible]~~ mentioned above.

~~[illegible]~~

To
The ~~Advocate-General~~ Govt. Solicitor
(with encls) 1 to 11 of the draft
Copy to the C.G.E.
(with encls) copy of p1-3 cf.
Copy to Home Dept.
Copy to Fin. Dept.
s/c 2.

19/4/50.

19.4.50

20/4/50

20.4.50.

15

Confidential and Urgent. ⑦

Very Urgent

7

From
H. M. Small Esq.,
M.A.,LL.B.,
Government Solicitor,
Madras.

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

13925
2.6.1950

No. 3540. Dated 31st May 1950.

Sir,

Civil Suit - High Court, Madras - C.S.No.137 of 1950 - between the United Society for Christian Literature and the State of Madras - Bill for printing charges - S.S.L.C.Public Examination papers, 1947 - Advocate-General instructed to appear.

p 11 cfd Ⓕ

I received your instructions, G.O.Ms. No.1548, Edn., of the 18th instant with its enclosures, on the 29th instant and note contents.

2. I find that before Government tendered part payment of the plaintiff's bill as in full settlement for preparing the concerned examination papers one of my partners in the firm of Messrs King & Partridge in my absence from office had already inadvertently advised the plaintiff (an old long standing client of the firm) on the letters it should write first to the Secretary of the Board of Secondary Education and then to Government in order to preserve the plaintiff's rights, if any. As soon as this fact came to my notice I wrote the plaintiff on 19th October 1949 pointing out that the advice should not have been given and that my firm could not advise or act for the plaintiff in this case and that in the circumstances the plaintiff could not object to my acting on behalf

2/16

of Government, and the plaintiff therefore wrote my firm on the 24th October 1949 that in the circumstances it had no objection to my acting on behalf of Government. Nevertheless Government itself may well object and it is preferable in the circumstances that I be asked to hand over the brief to the learned Government Pleader of Madras to instruct the Advocate-General.

3. I await your further instructions. Meanwhile I may please be informed of the actual date (which must have been some time in March) of service of the summons on Government as a written Statement should be filed in Court on the expiry of three months from that date.

Yours faithfully,

Government Solicitor.

HMS/SM.

3541 Copy to the Secretary to the Government of Madras, Home Department, Fort St. George, Madras.

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(90)

17 3

Edn Dept

(F)

Hpl-2cy From the Govt Solicitor, Madras.
No 3540 d 31.5.50.

Issue at once
LM 2/6/50

Civil Suit No 137 of 1950 - Between the United Society for Christian Literatu
and the State of Madras - Bill for printing charges - S.S.L.C. Examinatio
1947 - Defence of the State

Memo No 13925-F/50-1, Edn Dated 2-6-1950.

The Govt Solicitor, Madras is informed that the actua date of service of the summons on Govt is 18th March, 1950.

2. Orders on para 2 o his letter cited above will be issued separa

LM 2.6.50.

To
The Govt Solicitor,
Madras

Sd/ AHS 2.6.50

LM 2/6/50

86

X ⑨ 19 5

ASSISTANT SECY TO
14463
6 JUN 1950
EDUCATION DEPARTMENT

From

H.M.Small Esq., M.A., LL.B.
Government Solicitor,
Madras.

To

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

- -

No. 3595 Dated 5th June 1950.

Sir,

Civil Suit - High Court, Madras - C.S.No.137 of 1950 - Between the United Society for Christian Literature and the State of Madras - -Bill for printing charges - S.S.L.C. examination papers, 1947 - Defence of the State.

I acknowledge receipt of your memorandum No.13925-F/50-1 dated 2nd in stant and I may say that the Written Statement of Government should be filed in Court on its reopening on the 5th proximo. [illegible]

RV

Yours faithfully,

H. M. Small
Government Solicitor.

~~8~~ 22

2

F/114

The orders in para 5 of G.O.Ms. 1548 dated 18.5.50, the C.G.E is requested to furnish all further information & give ~~other~~ instructions regarding the Suit, to the Adv. Genl.

8.6.50
12

12.6.50

To
13/6.
The Govt. Solicitor
i/c C.G.E.

~~Copy~~ Copy to the Adv. Genl. with a copy of G.O.Ms. 1548 Edn 18.5.50.

F/11

From

H.M.Small Esq., M.A., LL.B.,
Government Solicitor,
Madras.

To

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

11 23 35

1609, 16 JUN 1950

No. 3733. Dated 15th June 1950.

Sir,

Civil Suit - High Court, Madras - C.S.No.137 of 1950 - Between th United Society for Christian Literature and the Stte of Madras - Bill for printing charges - S.S.L.C. Public Examination papers.

F.21-22 cf/ (F)

I acknowledg receipt of your memorandum No.13925/F/50-4 dated 13th instantand I have accordingly forwarded to the learned Advocate-Gneral all the papers sent to me with G.O. Ms.No.1548, Educaton, dated 18th May last.

F.11 cf/ (F)

RV

Yours faithfully,

H.M. Small
Government Solicitor.

No ~~separate~~ action seems called for. May be filed with G.O. 1548 Edn d 18/5/50

Edn (F)

(F) p.11

20.6.50.

d/ 16/6/50. 16/6

SPECIAL

7

(12)

25

From
Sri K. Rajah Iyer,
Advocate-General,
Madras.

To
The Secretary to Government,
Education Department,
Fort St. George.

-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

Ms.No.281-1 dated 5-7-1950

Sir,

18534
6.7.1950

Civil Suit - High Court, Madras - C.S.No.137 of 1950 - Between the United Society for Christian Literature and the State of Madras - Bill for printing charges - S.S.L.C. Public Examination papers, 1947 - Memorandum No.13925/F/50-4 Education dated 13-6-1950.

As in any case, where the Government Solicitor's services are not available to Government for any special reason, it has been the practice to avail of the Government Pleader's services instead, I would suggest that in the present case also, instead of a Junior of my choice being engaged, the Government Pleader may be requested to take charge of the case and instruct me at the hearing thereof.

The papers received from the Government Solicitor, Madras in connection with the above suit are forwarded herewith.

K Rajan Iyer
Advocate-General.

(13)

EDN. DEPT. (F).

18534/F/50

Issue at once
10/7/50

p21-22 (N)
p1 cf

p21-22 cf (N) 90/548
18/5/50

at (R)

CIVIL SUIT - High Court, Madras - C.S.No. 137 of 1950 - Between the United Society for Christian Literature and the State of Madras- Bill for printing charges - S.S.L.C. Public Examination papers, 1947. - Govt. Pleader instructed to appear.

Memo. No. 13925/F/50-4, Edn., dated 13-6-50.

From the Advocate-General, Ms.No. 281-1 dated 5-7-50.

MEMO. NO. 18534/F/50-2 EDN., DATED 10/7/50.

~~The~~ In modification of the ~~orders issued~~ instructions contained in the memo cited above, the Govt. Pleader, Madras is requested ~~to instruct the Advocate-General~~ to take charge of the case in the Civil Suit ~~in question~~, referred to above and instruct the Advocate General at the hearing.

2. The papers connected with the Suit are forwarded to the Govt. Pleader for necessary action.

3. The C.G.E. is requested to furnish all further information or give instructions regarding the suit to the Govt. Pleader, Madras.

7.7.50.

7/2/50

To,
The Govt. Pleader, Madras (with copy of Memo) encl. at (R)
Copy to the Advocate-General.
" Govt. Solicitor.
" C.G.E.

10/7 . end. [illegible]

6/7/50.

6/7/50

98

'CONFIDENTIAL'

ASSISTANT S... EDUCATION DEPARTMENT
1340
10 JAN 1951

Subject:

Civil Suit - High Court, Madras - C.S.No.137/50 between the United Society for Christian Literature and the State of Madras - Bill for Printing charges - S.S.L.C. Public Examination Papers - March 1947 - Government Memorandum No.18534/F/50-2, Education, dated 10-7-1950.

R.O.C.No.71-B/47.

Station:- Madras. Dated 9-1-1951.

From (Name):- Sri D.S. Reddi, M.A., (Oxon)., Commissioner for Government Examinations, Madras.

To

The Secretary to Government,
Education Department,
Fort St. George, Madras.

Sir,

The Government Pleader, Madras wants me to obtain the signature of the Secretary to Government, Education Department, Madras, in the enclosed written statement prepared by him. The facts mentioned therein are true. I request you to be good enough to affix your signature on page 6 of the written statement and return it to me for transmission to the Government Pleader, Madras for filing in the court.

9.1.51.
for COMMISSIONER.

M.T./9.1.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Ordinary Original Civil Jurisdiction.

C.S.NO.137 of 1950.

BETWEEN:

The United Society for Christian Literature.) PLAINTIFF.

AND

The State of Madras. ... . DEFENDANT.

Written statement filed on behalf of the Defendant.

The defendant abovenamed states as follows:-

pages 15 to 21 infra

1. The allegations in the plaint are not correct or true and except in so far as any of them is herein-after expressly admitted, they are all hereby denied.

2. The defendant admits that in November 1946 the Commissioner for Government Examinations, Madras, placed an order with the Plaintiff's Press, known as the Diocesan Press, for printing and supplying 159 question papers for the S.S.L.C. Public Examnation to be held in March 1947.

3. The defendant entrusted the said work of printing the question papers to the Plaintiff's press on the express condition that the work should be treated as strictly confidential and that the plaintiff should take all the necessary precautions to maintain secrecy. That it was absolutely essential and most important to maintain strict secrecy was clearly stipulated in the letter sent by the Commissioner for Government Examinations to the Plaintiff on 23-11-1946 whereby the said work was entrusted to the

p 21 et q

W

plaintiff. As the printing work had to be done with strict secrecy the rates quoted by the plaintiff and accepted by the defendant were special enhanced rates for confidential printing and were almost double the rates payable for ordinary printing. The maintenance of absolute secrecy without any leakage whatever from the plaintiff's press of the contents of the question papers was the most essential term of the contract between the parties. For many years prior to 1939 all important question papers for the S.S.L.C. Public Examination were printed in England at the Oxford University Press, Oxford, in order to ensure absolute secrecy by eliminating possibilities of leakage from the press. After the outbreak of the World War II in 1939 and the consequent uncertainty of the delivery of goods from England to India, it was thought inexpedient to get the question papers printed in England and hence the then Commissioner for Government Examinations arranged with the Plaintiff's Diocesan Press, Vepery, to get the question papers printed locally with effect from the S.S.L.C. Public Examination of March 1940. The Plaintiff's press quoted in 1939 certain rates for which they were prepared to undertake the work and the said rates were accepted by the defendant. The rates quoted by the plaintiff were special for confidential printing and the ordinary rates of the press were only about half of the said rates. Every year while sending the question papers to the press for printing a covering letter was sent by the Commissioner for Government Examinations to the Plaintiff's press indicating therein the mode of printing the papers, the special packing of clean copies, and above all stressing the need for maintaining strict secrecy of the work. Such a letter was sent to the Plaintiff in November 1946 also in connection with the printing of papers for the examination of 1947.

The Plaintiff's press had thus been doing the work of printing the S.S.L.C. papers from the year 1940 and they were fully aware of the conditions regarding the maintenance of absolute secrecy.

p15 infra

4. The allegations in para 4 of the plaint are not correct. The defendant admits that the Plaintiff's press printed and supplied the stipulated number of question papers but the further allegation that the work was duly executed as per the instructions of the Commissioner for Government Examinations is incorrect and untrue. The plaintiff committed a clear breach of the most vital and essential condition of the contract regarding the maintenance of secrecy and owing to the failure on the part of the Plaintiff to take necessary and reasonable precautions against leakage there was a wholesale leakage of the question papers from the Plaintiff's press through some of its employees thereby necessitating the holding of a re-examination in all the various centres.

5. The leakage of the question papers would not have happened if the Plaintiff had taken effective precautions to maintain secrecy as per the stipulation in the contract. The leakage occured in the Plaintiff's press through one or more of its employees who got access to some of the question papers, removed them from out of the press, took copies and sold them to outsiders. In C.C.No.1101/47 on the file of the Chief Presidency Magistrate, Madras, one K. Rajagopal, an employee of the Plaintiff's Press, and one Chellayya an ex-employee of the press were prosecuted by the police, the charge against them being that they conspired to steal several question papers set for the S.S.L.C. and other examinations held in the Spring of 1947 and

Vide High Court's order on pp 67-78 [illegible]

6

that in persuance of that conspiracy the said Rajagopal stole a number of S.S.L.C. question papers and the 2nd accused Chellayya received them for the purpose of taking copies and selling them and accordingly sold them. Although the trial Magistrate acquitted the accused, this Honourable Court in Criminal Appeal No.628 of 1947 set aside the order of acquittal so far as the 1st accused was concerned and sentenced him to undergo rigorous imprisonment for ~~x~~ two years. This Honourable Court found that the 1st accused Rajagopal did steal the S.S.L.C. question papers from the Diocesan Press and that he was therefore guilty of an offence under Section 381 I.P.C. There is therefore no doubt that the leakage took place at the plaintiff's press and the allegation to the contrary contained in para 9 of the plaint is clearly false. The said leakage was ~~x~~ caused on account of the failure on the part of the plaintiff to take effective precautions which it was their duty under the contract to take. It would ~~xxx~~ certainly not have been possible for the 1st accused Rajagopal who had nothing to do with this confidential printing work to gain access to the question papers and to remove them from out of the press if there was effective supervision by those in charge of the press. The removal of the papers out of the press premises would not have been possible if a careful watch was kept over the employees when they left the premises after work.

[illegible] 784 (W)

X P.784 (W)

A P.674 (W)

by the plaintiff

6. It is thus on account of the neglect, default and breach of duty on the part of the plaintiff that the leakage of the question papers occurred. As the stipulation regarding maintenance of secrecy was under the contract its most essential term its breach by the plaintiff entitled the defendant to repudiate the contract altogether.

7

(17)

The work by its very nature required the maintenance of absolute secrecy and a default having been committed in respect of this condition the defendant became entitled to claim damages in respect of all losses caused to ~~them~~ it by reason of the said breach. Though there was leakage of all the question papers of the S.S.L.C. Public Examination 1947, there was positive and convincing evidence that the 1st accused stole the five question papers viz. English 1st paper, English II paper, Elementary Mathematics, History and Georgraphy. The cost of holding the re-examination in all the subjects amounted to Rs.40,200-7-0, while the bill submitted by the plaintiff was only for Rs.35,480/-. But as there was not sufficient evidence that the 1st accused stole the other question papers also the defendant confined its claim for damages against the plaintiff to the actual loss sustained by it by way of additional expenditure in holding a re-examination in the above five subjects. In respect of the five papers the defendant had to pay for the re-examination a setting fee of Rs.155/- a translation fee of Rs.150/- printing charges Rs.6,115-4-0, and incidental charges for holding the re-examination for (excluding the remuneration for valuing the answer papers) Rs.18,407-8-0, in all amounting to Rs.24,917-12-0. The defendant was therefore entitled to set off Rs.2~~3~~4,917-12-0 towards damages for the loss suffered by it on account of the breach of the contract committed by the plaintiff. Deducting the said sum of Rs.24,917-12-0 out of Rs.3~~4~~5,480-0-0 claimed by the plaintiff the balance of Rs.10,562/- was paid to the plaintiff on 25-7-1949 by means of a cheque, in full settlement of the bill submitted by the plaintiff. As there has been a breach of the terms of the contract on the part of the plaintiff, which resulted in the aforesaid loss, to the defendant

P934 (W)

35480
24917-12
10562-4-0

the defendant is in law entitled to set off the same in diminution of the amount claimed by the plaintiff. The G.O.Ms.No.2037, Edn. dated 25-6-1949 to this effect is therefore quite in accordance with law and equity and the plaintiff is not entitled to claim anything more from the defendant.

p163c q (W)

pages 17-19 infra

7. The allegations in paragraphs 7 and 8 of the plaint that the plaintiff could and did appropriate the cheque only in part payment of the amount due to him and not in full settlement are neither valid nor tenable.

p 19 infra

8. The averments in paragraph 9 of the plaint that the leakage of the question papers did not occur in the press of the plaintiff and that neither the plaintiff nor the Dioceasan press is liable to the defendant for the loss sustained by it are not true or valid. The plaintiff having committed a clear breach of an important term of the contract, is bound to pay damages for the loss caused to the defendant thereby. It is incorrect to state that the defendant is not entitled to deduct Rs.24918/- towards the said loss. The said sum represents the actual expenditure incurred by the defendant.

9. It is incorrect to state that any amount is due to the plaintiff from the defendant or that the defendant failed and neglected to pay in spite of demands.

10. The plaintiff is not entitled to recover any sum from the defendant as the entire claim has been satisfied as stated above.

11. Having accepted the cheque and appropriated the proceeds thereof, it is no longer open to the plaintiff to claim any additional amount from the defendant.

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12. The defendant states that it is not liable to pay the suit claim or any portion thereof and that the plaintiff has no cause of action against the defendant. The defendant therefore prays that this suit may be dismissed with costs.

Advocate for Defendant. DEFENDANT.

I, Secretary to Government of Madras, Education ~~and Public Health~~ Department, Madras do hereby declare that the facts stated in paras 1 to 12 are true to my knowledge.

Dated: DEFENDANT.

10

(19) 11 Edn (7)

Cnfdl

From the C.G.E. No. ~~E/9~~
R.OC- 71-13-47-D7 9.1.57

Memo 1340/F/51-2 Edn d 12/1/57

Issue today by spl. messenger.
12.1.57.

Civil Suit - High Court Madras - C.S No 137-50 - ~~[illegible]~~ Between the United Society of Christian Literature & the State of Madras - Printing charges for the Quest papers for the SSLC. Examⁿ 195

Despd by spl. messenger
12/1/57

The C.G.E is requested to very urgently obtain and furnish a copy of the plain

10

12

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plaint in the suit referred to above.

He is also requested to report the date of the hearing of the suit.

12.1.51

To
The C.G.E.

"CONFIDENTIAL"

13

20

From
Sri D.S. Reddi, M.A., (Oxon).,
Commissioner for Government
Examinations, Madras.

To
The Secretary to Government,
Education Department, Fort St. Georg
Madras.

R.C. No. 71 B/47 dated 19-1-1951.

7

ASSISTANT SECRETARY 2614 19 JAN 1951 EDUCATION DEPARTMENT

Sir,

Ref: Government Memo. No. 1340/F/51-2, Education, dated 12th January 1951 - regarding the Civil suit in the High Court, Madras, for payment of printing charges - S.S.L.C. question papers of 1947.

pp 11-12 ante

pp 15-21 infra

I have the honour to send herewith a copy of the plaint in the suit referred to above.

The Government Pleader, Madras, who was consulted as to when the suit will be posted for hearing has replied as follows in his letter No. 113, dated 17-1-1951 received in this office to-day:-

> "After filing the written statement, issues will be framed and documents in which both sides rely will have to be filed. Then only the suit will be posted for hearing. It is not likely that the suit will be posted for hearing for six months to come".

P.K. Ranganayakulu
19.1.51.
for COMMISSIONER.

SBR/19-1

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Ordinary Original Civil Jurisdiction

C.S.No. 137 of 1950.

Between:-

The United society for Christian Literature ... Plaintiff

and

The State of Madras. ... Defendant.

Plaint under Order VII Rule 1 of C.P.C.

The plaintiff states as follows:-

1. The plaintiff is an incorporated company formed under the English Companies Act having its registered office at No.4 Bouverie Street, London E.C.4 in England and carrying on business amongst other places at Madras. The address of the plaintiff for the service of all notices and processes is that of its advocates Messrs O.T.G. Nambiar and C.M. Balakrishna Kurup, at Bar Association, High Court Buildings, Madras.

2. The defendant is the State of Madras represented by the Secretary to the Government of Madras, Education and Public Health Department, Fort St. George, Madras.

3. The plaintiff is the owner and proprietor a press known as the Diocesan Press in Church Road, Vepery, Madras. On or about the 23rd November 1946 the defendant through the Secretary to the Commissioner for Government Examinations, Madras (subsequently designated as the Secretary to the Board of Secondary Education, Madras) placed an order with the said Diocesan Press for printing and supplying certain specified numbers of copies of 156 question papers which were subsequently increased to 159 question papers for the S.S.L.C. Public Examination 1947.

4. The said Diocesan Press printed and supplied to the said Secretary to the Commissioner for Government Examinations, the required numbers of the said question papers as per his instructions by the 8th March 1947 and submitted to him on the 18th March 1947 its bill of costs which amounted to Rs.35,480-0-0 for work done and goods aupplied in printing and supplying the required numbers of copies of the said question papers.

manager of the said Diocesan Press reiterated that the Press was not prepared to accept the said cheque in full settlement of its bill, but had cashed it that day as received in part payment only and without prejudice to all its rights to and remedies for recovery of the balance of the said bill from the defendant.

9. The plaintiff denies that the alleged leakage of the question papers occurred in the Press and that in any event the plaintiff or the said Diocesan Press is liable to the defendant for any alleged loss, and states that the defendant was not entitled to deduct the said sum of Rs.24,918-0-0 from the said bill amount of Rs.35,480-0-0

10. The plaintiff claims that it is entitled to recover from the defendant the said sum of Rs.24,918-0-0 being the balance after deducting the said sum of Rs.10,562-0-0 out of the said amount of Rs.35,480-0-0 due to it for work done and goods supplied to the defendant in connection with the S.S.L.C. Public Examination 1947 by printing and supplying the required numbers of copies of the question papers and interest at 6% per annum on the said sum of Rs.35,480-0-0 from 18-3-1947 till 25-7-1949 and on the said balance amount of Rs.24,918-0-0 from 25-7-49 till the date of the plaint both together amounting to Rs.5,931-2-0. The said two amounts of Rs.24,918-0-0 and Rs.5,931-2-0 aggregate a total sum of Rs.30,849-2-0.

11. There is now due and payable by the defendant to the plaintiff the said sum of Rs.30,849-2-0 which the defendant has failed and neglected to pay in spite of demands.

12. Notice under section 80 of C.P.C. was sent to the defendant through the Secretary to the Government of Madras, Education Department on the 7th Dece ber 1949 and received by him on the 8th December 1949.

13. The cause of action of the suit arose in Madras within the limits of the Ordinary Original Civil Jurisdiction of this Hon'ble Court where the said order for printing and supplying

copies of the question papers was placed with the said Diocesan Press and where the same were printed and supplied and on the 23rd November 1946 the date of the said order and on the 8th March 1947 when copies of the question papers were supplied to the defendant through the Secretary to the Board of Secondary Education and the 18th March 1947 when the said bill was submitted to the said Secretary and subsequently.

14. The plaintiff values the relief for purposes of Jurisdiction and court fee at the said sum of Rs. 30,849-2-0 and a court fee of Rs. 370-0-0 is paid thereon.

15. The plaintiff prays for a decree:-

(a) directing the defendant to pay the plaintiff the said amount of Rs. 30,849-2-0 with subsequent interest and costs.

and

(b) granting to the plaintiff such further or other relief or reliefs as this Hon'ble Court may think fit.

Dated at this day of March 1950.

Counsel for Plaintiff.

Secretary
PLAINTIFF

I, W.H.Warren, Secretary of the plaintiff herein do hereby declare that the facts stated in paras 1 to 14 are true to my knowledge.

Plaintiff

Documents filed along with the plaint.

S.No.	Date	Parties to Documents.	Description of Document.

Dated this of March 1950.

Sd. xxx

Counsel for Plaintiff.

HIGH COURT OF MADRAS

(Original Side)

C.S. No. 137 of 1950.

The United Society for Christian Literature	Plff.
-Vs-	
The State of Madras	Deft.

PLAINT

Messrs O.T.G.Nambiar &
C.M.Balakrishna Kurup

Counsel for Plaintiff.

Edn Deptt
(F)

Confidential

Ml & 130 J

Dp at once
by special
messenger
[illegible]
25/1/51

From the Commr for Govt
Examinations, Roc No 71 B/47 d 19.1.51 J
19.1.1951

Civil suit - High Court, Madras -
C.S.No 137/50 between the United society
for Christian Literature and the State
of Madras - Bill for printing charges -
S.S.L.C. Public Examination papers -
March 1947.

Memo No 1340/F/51-4 Edn d 25/1/51

The ~~defence~~ written statement
duly signed by the Secretary
to Govt, Education Deptt is
~~forwarded~~

P.T.O.

2/6

Forwarded to the C.G.E.

Dy
25/1/51

25.1.51

To
The C.G.E
(with the statement

Despatched with Spl Messenger
25/1/51

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(26) F

FROM
Sri P. Satyanarayana Raju,
Government Pleader,
MADRAS.

TO
The Secretary to Government,
Education Department,
Fort St. George, MADRAS.

ASSISTANT SECRETARY
11270
24 MAR 1951
EDUCATION DEPARTMENT

No. 574 dated 21/3/1951.

Sub: Civil Suit- High Court, Madras- C.S.No.137/50- Between the United Society for Christian Literature and the State of Madras.
Ref: Govt.Memo.No.18534/F/50-2, Educationd/10-7-1950.

Forwd/(P)
[illegible]
18/[illegible]

Application No.429/51 to excuse the delay in filing written statement came up for orders before the Master on 6-2-1951, when delay was excused on payment of costs to the respondent (plaintiff)

The above suit came up before the Master on 19-3-1951. Discovery of documents has been ordered in 6 weeks and 2 weeks time after reopening has been given for inspection.

We are directed to file the agreed statement of case and agreed bundle by 1st week of August 1951. Thereafter the suit will be posted for pre-trial.

P. Satyanarayana

Government Pleader.

Copy to the Secretary to the Commissioner for Government Examinations, Madras. He is requested to send all the original documents on which the Government rely.

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(27) 239

Edn. (7)

C. 96000/49-3

From the Sheriff of Madras No 189-50
Dt 17.3.50.

Subject.

C. Suit No. 137 of 1950 – between the United Society for Christian Literature and the State of Madras

The management of the Diocesan Press have filed the suit, notice of which ~~it~~ they gave Govt. in the Communication on pages 1-3 cf. Summons in respect of the suit has been received from the Sheriff. The original of it may be returned and the copy may be retained in the file.

2. The draft letter below and the endt. on p. 8 cf. are for approval. After issue, Legal may see the file for remarks as to the further action.

x issued on p 9-10 cf.

⊗ sent to Legl.

20.3.50

21-3-50

22-3-50

Edu. vo. no 96000/F/49-3
22/3/50.

Legal (a.i.)

LEGAL DEPARTMENT.

The defence of the State in the suit should be sanctioned and the concerned law officer should be ~~cons~~ instructed to appear on behalf of the Govt. and defend the suit. Home also may be consulted.

25.3.50

ASSISTANT SECRETARY LEGAL DEPARTMENT 4497C 22 MAR 1950

Education (7) 1808

Home may be requested kindly to offer remarks too.

Edu. vo. no 96000/49

C (No 43702/50)

Home (Cts. III) Dept.

The case relates to the defence of the State of Madras in ~~the~~ suit No. 137 of 1950 on the file of the High court, Madras filed by the United Society for Christian Literature, Madras for the recovery of a sum of Rs. 24,918-0-0 with interest thereon, being the printing charges etc. of 159 S.S.L.C. question papers in 1947. Reno(?) copy of suit & summons at pp. 1-8 of and the notes of Edn. and Legal on p. 1. ante may be perused.

pp. 5-8 of

2. The suit has been admitted as 137 of 1950 on the Original Side of the High ~~Ct~~ Court, Madras. It is one of the duties of the Adv. Genl., Madras (in the High court) to conduct and defend all civil suits and proceedings on behalf of or under instructions from the Govt. on the Orgl. Side and all appeals filed against decrees or orders in such cases. ~~In the circumstances~~ The Adv. Genl. ~~Madras~~ may be asked to appear in the civil suit in this case on behalf of the Govt.

pp. 5-7 of

3. The case may be returned to Edn. Depn.

for Edn.
1/4/50
3.4.50

4/4/50

Home No. 43702 (Cts-III) 50-1
5/4/50

Edn. (7)

6372

The Suit has been filed against the Govt. in respect of their action in having ordered the reduction of the amount of the printing bill by the Diocesan Press for the printing charges for the question papers of the SSLC Examination in 1947.

It seems to be necessary therefore that the written statement to be filed on behalf of the Govt. is approved by them. The Govt. Solicitor may be asked to submit the draft of it to Govt. for their approval.

The draft memo below is for approval. Home and Legal may perhaps see it, before circulation.

Finance may also see.

20.4.50

ASSISTANT SECRETARY TO GOVERNMENT
27 APR 1950

56093
28-4-50

19.4.50

20/4/50

Legal / Home / Fin.

Edn. Do. No.
96000/F/49-5
21/4/50

(Poo)

ASSISTANT SECRETARY
6153C
21 APR 1950
LEGAL DEPARTMENT

LEGAL DEPARTMENT.

Under S.O.1(6) in Part V of the Annexure to G.O.P. No.200, Home dated the 11th January 1941 one of the chief duties of the Govt.Solicitor is to instruct the Adv.-Genl. in suits and appeals before the High Court in which he is required to appear on behalf of the Govt. Since the Advocate-General is appearing in this case, it is not necessary to require the Govt.Solicitor to enter appearance on behalf of the State and that he should instruct the Advocate-General. Paragraphs 2 & 3 of the draft may be recast as follows and paragraphs 1 & 4 may be renumbered asparagraphs 4 & 5 respectively:-

"1. His Excellency the Governor sanctions the defence of the State of Madras in Civil Suit No.137 of 1950 on thefile of the High Court of Judicature at Madras.

2. The Advocate-General is requested to appear in the Civil Suit mentioned above on behalf of the State of Madras.

3. With reference to G.O.Ms.No.50, Legal, dated the 8th May 1947, the draft written statement to be filed in the Civil Suit mentioned above on behalf of the State of Madras should be submitted to the Govt.for approval."

2. The formal alterations indicated in red ink ~~xx~~ in parags. 4&5 (as renumbered)may also be made.

Legal D.O. No. 6153C/50-1
26-6-50

(Sealed Cover)

4

26 96000/F/50

Home (C.No. 56095/50)

Home Gets-III Dept.

(Previous note of this Dept. on p. 2 ante)

The further notes of Edn. and Legal Depts at pp. 3 & 4 ante may be perused. The Legal Dept's view at 'x' on p. 3 ante may be agreed to and the draft order as modified by Legal may be accepted and the case passed on to Fin.

28/4/50

28.4.50

29/4/50 Fin

Home C.No 56095 C5 III/50-1 1-5-50.

Finance (Pension)

The notes of Edn, Home and Legal Depts. on p-p. 1-4. above may be perused. This Dept may agree with the note of Legal Dept on p. 3. above and the draft order below may be modified as suggested by them.

5.5.50

D.S. 5.5.50.

6/5/50

F.

ASSISTANT SECRETARY TO GOVERNMENT
3 MAY 1950
FINANCE DEPARTMENT

pen

31991.

Fin. w.o 31,991/50-1 6.5.50

Edn Dept (F)

The management of the Diocesan press have filed a suit against the Govt in respect of their action in having ordered ⓧ the reduction of the amount of the printing bill for the printing charges for the question papers of the S.S.L.C. Examination in 1947. It is proposed to sanction the defence of the State in the suit and to call for the written statement to be filed in the suit for the approval of Govt. Draft order below has been revised with reference to the suggestions of Legal in their note on p 3 ante and is submitted for approval. H.M (E&L) may see before issue

ⓧ G.O. No 2037 Edn 25.6.49 p163 cf.

ASSISTANT SECRETARY
9 MAY 1950
10624
EDUCATION DEPARTMENT

C.F.H.C 13.5.50

16.5.50

17.5.50

SECRETARY
18 MAY 1950
EDUCATION DEPARTMENT

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27 5

(2)

Edn Dept (F)

p1-2 cf From the Govt Solicitor, Madras, No 3540 d 31.5.50

Civil suit No 137 of 1950 - Between the United Society for Christian Literature and the State of Madras - Bill for printing charges - S.S.L.C. Examination, 1947 - Defence of the State.

p41 cf (F). In G.O. No 1548 Edn d 18/5 the Govt sanctioned the defence of the State in Civil Suit No 137 of 1950 on the file of the High Court of Judicature at Madras and instructed the Advocate-General to appear in the suit on behalf of the State. The Govt Solicitor, Madras now reports that one of his partners gave advice to the plaintiff inadvertently on a previous occasion and that his taking part in the suit may, consequently, be open to objection. He considers it preferable to ask the Govt Pleader of Madras to instruct the Advocate General.

p1 cf

p2 cf

There seems to be no serious objection to the Govt Solicitor himself being allowed to instruct the Advocate-General. In order, however, that there may not be any objection from any quarter, it is for consideration whether the work should be entrusted to the Govt Pleader, Madras. Home and Legal may see for remarks.

p2 cf With reference to para 3 of the letter, it is submitted that the actual date ~~of the~~ of receipt of the summons was 18.3.19 This information may be furnished to the Govt Solicitor. A draft Memo to the Govt Solicitor is submitted for approval. After issue

✓ Date on which the summons was recd on 18/3/50 Vide p5 cf of (F)

File may be sent to Home and Legal for remarks on para 2 of the Govt Solicitor's letter

157
26/50

2.6.50.

Home / Legal
(Issued)

Home Deptt.
(ai)

Please see the letter from the Govt. Solicitor, Madras at pp 1-2 cf and the note of Education Deptt. above. Govt. Solicitor has stated that one of his partners in the firm of Messrs King & Partridge in his absence from office had inadvertently advised the plaintiff in the letters it should write first to the Secretary of the Board of Secondary Education and then to Govt. in order to preserve the plaintiff's right if any. The Govt. Solicitor states that the Govt. may well object and it is preferable to hand over the brief to the learned Govt. Pleader, Madras to instruct the Advocate General.

The plaintiff had already informed the Govt. Solicitor that it had no objection to his (Govt. Solicitor) acting on behalf of the Govt. The instruction given by ~~one~~ his partners referred ~~[illegible]~~ to at A above ~~is~~ seems to be of minor importance. In the above circumstances, it does not seem necessary to ask the Govt. Pleader, Madras to instruct the A. G. For orders.

After orders are passed, the case may be passed on to Legal Deptt..

5/6/50

6.6.50

6.6.50

Edn u.o. No.
13925 F/50-2
dated 2-6-50

& para 2 - p1 cf

A 7602 cf
2.6.50

p2 cf

para 2 - p2 cf

Home u.o. 76024 dt. 6.6.50 / 50-1

S/Legal

Legal

ASSISTANT SECRETARY TO GOVERNMENT
2 JUN 1950
HOME DEPARTMENT

ASSISTANT SECRETARY
8680
6-JUN 1950
1.10 P
LEGAL DEPARTMENT

A1

Legal Department.

The plaintiff is said to be an old and long-standing client of the firm of which the Government Solicitor is a partner. One of the partners of the firm has also given advice to the plaintiff in connexion with the case. The Government Solicitor's appearance in this case on behalf of the Government may cause embarrassment to him as well as to the Government. It is therefore desirable to ask the Government Pleader to instruct the Advocate-General or better still, the Advocate-General himself may be asked to engage a junior to instruct him.

para 2, pp 1-2 cf.

Legal No:
8680/50-1
7/6/50.

7.6.50

7/6/50

Edn.
Edn. Deptt. (E).

ASSISTANT SECRETARY
14630
7 JUN 1950
EDUCATION DEPARTMENT

Please see the notes from page 1 ANTE. The question raised by the Govt. Solicitor, Madras, is whether, in view of his partner having already advised the plaintiff inadvertently, ~~xx his taking part~~ his appearance in the suit on behalf of Govt. will be in order. Home Dept. suggested that the Govt. Solicitor may continue to instruct the Advocate-General on the ground that the objection referred to is of a trivial nature. Legal Dept. ~~xxxx~~ however, consider it desirable to ask the Govt. Pleader to instruct the Advocate-General and also consider it ~~xxxxxx~~ still better to ask the Advocate-General himself to engage a junior to instruct him. For orders whether the latter course suggested by Legal may be adopted. Subject to orders a draft memo is submitted for approval.

~~May be circulated~~ to H.M. ~~(E.& L.)~~.

Pl draft above

p2 ante

7/6

X above

157
7/6/50

Home may see the draft before Circn.

8.6.50.

1008

Is Mr. Small the Govt. Solicitor in his personal capacity or as a member of the firm of Solicitors? If the former it will not be ~~wrong~~ proper to take the brief away from him.

8.6.50

X | Home
It ~~[illegible]~~ is ascertained from Home that Mr Small ~~[illegible]~~

4/30 6

is the Govt Solicitor in his personal capacity. | X

8.6.50

8.6.50

Home & Legal for remarks please.

8.6.50

Home / Legal.

ASSISTANT SECRETARY TO GOVERNMENT
8 JUN 1950
HOME DEPARTMENT

Home (Cts III) Deptt

[Previous note of this Deptt on p 2 ante].

78712
Edn C.S. No
13925/F/50-3
8/6/50.

Please see the notes of Legal and Edn. on pp 3-4 above. With reference to x on pp 3-4 above, the presumption that Mr Small is the Govt. Solicitor in his personal capacity is correct cf. the orders at p 67 of G.O. 2774 Law (Genl) dated 27.9.34. ~~This dept may suggest that the case may be circulated to H.M.(E&L).~~ ~~The draft Memo below may be perused~~ ~~and~~ The file passed on to Legal

[cf also notes on pp 30-31 of (E)]

9.6.50

9.6.50

9/6/50

S | Legal

9.6.50

Home U.O. 76024-Cts III/50-1
9.6.50

. . . . .

Legal

Legal Department.

Mr.Small's appearance in the case may cause embarrassment to him as well as the Govt. As he has himself come forward and offered to hand over the brief to somebody else we may allow him to do so.

10.6

ASSISTANT SECRETARY
8901
9-JUN 1950
5-35 PM
LEGAL DEPARTMENT

Education

Edn Deptt (F)

14160

Legal No:
8901/50
10/6/50

10 JUN 1950
EDUCATION DEPARTMENT

P.T.O

4/1326

31 9

13925/F/50

Edn Deptt (F)

The file deals with the
question as to whether the Govt. Solicitor, Madras, should
continue to instruct the Advocate-General in
C.S.No. 137 of 1950 as per the orders in G.O No 1548
p 11 of (F) Edn d 18.5.1950 in view of the fact that
one of his partners (in the firm of solicitors to which he belongs) had previously advised the plaintiff
inadvertently. The Govt Solicitor himself
has ~~raised the q~~ addressed the Govt for
pp 1-2 cf orders as to whether he should continue or the work
may be entrusted to the Govt Pleader of
Madras. Home Deptt suggest that the
Govt Solicitor may be allowed to continue
p 2 ante to instruct the Advocate-General on the
ground that the objection referred to is of a
trivial nature. This Deptt also consider
p 3 ante that as Mr. Small is the Govt Solicitor
in his personal capacity and not as a
member of the firm of solicitors, it may
not be proper to take the brief away
from him. Legal Deptt, however, consider
that Mr. Small's appearance in the case
may cause embarrassment to him as well as
pp 3 & 4 ante the Govt and that it is better to ask the
Advocate-General himself to engage a
junior to instruct him. For orders whether
the suggestion of Legal will be accepted.
Subject to orders, the draft Memo
below is for approval.

May be circulated to H.M.(E&L)

12.6.50

12.6.50

SECRETARY
13 JUN 1950
EDUCATION DEPARTMENT

13/6/50

H.M.(E&L)

13/6

32 10

Edu (F)

(Issued on Memo. 13925/F/50-4 d 13.6.50) p 7-8 cf.

No further action seems called for. The papers may now be filed with efo. 1548 Edn d 18.5.50. at (E)

15.6.50.

14/6/50

14/6/50

(N) 11 EDN. DEPT.(F).

18534/F/50

CIVIL SUIT - High Court, Madras - C.S. No. 137 of 1950- Between the United Society for Christian Literature and the State of Madras Bill for printing charges - S.S.L.C. Public Examination papers,1947

p 1 cf

From the Advocate-General, Ms.No. 281-1 dated 5-7-50.

93130 (N) efo 1548 18/5/50

ASSISTANT SECRETARY TO GOVERNMENT
7.7.50
-JUL 1950
HOME DEPARTMENT

In Memo. No. 13925/F/50-4, Edn., dated 13-6-50, the Govt. Solicitor was requested to inform the Advocate-General to engage a junior pleader of his choice to instruct him in the Civil Suit No. 137 of 1950 between the United Society for Christian Literature and the State of Madras. In the letter on p. 1 c.f. the ~~Account~~ Advocate-General has suggested that the Govt. Pleader may be requested to instruct him instead of his engaging the services of a junior, ~~As~~ He states that it is the usual practice to avail of the services of the Govt. Pleader whenever the services of the Govt. Solicitor are not available. There seems to be no objection to accept the proposal of the Advocate-General vide Legal Note at 'X' on p.29 n.f. of flag (N). Subject to orders, the draft memo below is for appl.

× efo 1548 18/5/50 p 29

Home and Legal may see before issue.

6.7.50.

6.7.50

7.7.50

7.7.50

Edn U.O. No
18534/F/50-1
7/7/50.
(Sealed Cover)

Home/Legal.

Home (Cts III) deptt

The draft memo below may be perused and the file passed on to Legal

7.7.50

AS

ASSISTANT SECRETARY
10447C
8 JUL 1950
3-55 p.m.
LEGAL DEPARTMENT

7.7.50

8.7.50

8.7.50

S/Legal

Home U.O. No 93130-Cts III/50-1
8.7.50

Leg No 10447C/50-1

Legal Dept

Seen in Legal.

8.7.50.

8.7

12

2

Edn (7)

The draft memo below may issue

18955.

9.7.50

10-7-50

Edn. Deptt. (F)

(37)

From the Commr. for Govt.Exmns.Roc.No.71 B/47 d/ 9-1-1951 & 19-1-1951.

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Sub: Civil Suit - High Court Madras-C.S.No.137/50 between the United Society for Christian Literature and the State of Madras-Bill for Printing Charges-S.S.L.C.Public Examination Papers - March 1947.

..

H 1213 cf

H 11 cf 4 ©

In G.O.No.1548 dated 18-5-1950, the Govt. sanctioned the defence of the State in the Civil suit filed by the United Society for Christian Literature, Madras, Proprietors of the Diocesan Press, Vepery, against the Government in respect of their action in having ordered the reduction of the amount of the Printing Bill for the Printing charges for the question papers of the S.S.L.C. Examinations in 1947. The Govt. Pleader, Madras has been asked to take charge of the case and instruct the Advocate-General at the hearing-Vide Memo No.18534/F/50-2 Edn.d/10-7-50. The Commr. for Govt. Examinations has now forwarded a ~~xxx~~ copy of the Plaint in the suit referred to and a written statement prepared by the Govt.Pleader, Madras and requests that the signature of the Secretary to Govt. Education Deptt. may be affixed on the statement. ~~The Commr. states that the facts mentioned in the statement are true.~~

H 27 cf 4 ©

✓ H 15-21 cf

@ H 3-9 cf

The file may be sent to Legal Deptt. for remarks whether the written statement is in order.

22/1/51

23/1/51

Legal

Dp-in (Sealed Cover)

B.O. will be sent to Leg on return

Legal Department.

Seen in Legal. The slight alterations indicated in blue pencil on the draft written statement may be made.

24/1/51

Edn. u.o. No 1340/F/51-1

ASSISTANT SECRETARY
3213
24 JAN 1951
EDUCATION DEPARTMENT

ASSISTANT SECRETARY
23/1/51
24 JAN 1951

Edn Deptt

2

Statement as corrected is put up below. Secretary may kindly sign the statement.

I have initialled on each page of the written statement
25.1.51

A draft Memo forwarding the statement to the C.G.P. is submitted for approval.

25.1.51

25.1.51

25/1

[illegible]
[illegible]

H 22-23 G

[Issued as Memo No 1340/F/51-4 Edn d 25/1/51]

The papers may be filed with G.O. No 1548 Edn d 18/5/50.

25/1/51

27.1.51

Edn (F)

(34)

1127a/F/51

Civil Suit - High Court, Madras - C.S. No. 137/50. Between the United Society for Christian Literature and the State of Madras.

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p1-2 cf From the Govt. Pleader, No 514 d 21/3/51

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The letter from the Govt. Pleader on the above subject in the Cf., may be perused. It will be seen that the Suit between the United Society for Christian Literature and the State Govt for full payment of the bill for the printing of Question papers relating to the S.S.L.C. Exam in 1947, will be posted for pre-trial some time after 1st week of August 1951. No action seems called for on the letter. May be filed with papers at Ⓟ G.O. 1548 Edn d 18/5/50.

p 2 cf

30/3/51

3/3/51

4/4/51