Education (1950) Department

Ms Series.

1

G.O. No Ms. 2048 Edn.

closed

Supdt

(25)

Dated 15-7-50.

Despatch Abstract

Schools - Secondary - Aided - Milagres High School, Kallianpur - Action taken against the Correspondent - Appeal - Rejected.

Back Papers

G.O. 1908 Edn 1-9-47.

G.O 231 Edn. 31-1-49

688
27/3/52

Kallianpur, S.K.,
Dated, 24th September 1949.

089

2

To

The Hon'ble Sri K. Madhava Menon, B.A.,B.L.,
Minister for Education,
Government of Madras,
Fort St. George, Madras.

ASST. SECRETARY TO GOVERNMENT
27 SEP 1949
EDUCATION AND PUBLIC HEALTH DEPT.

27 SEP 1949

From

The Very Rev. Fr. D. J. D'Souza,
Vicar Vara,
Milagres Church,
Kallianpur, S. Kanara.

74520

Sir,

Being highly aggrieved at the orders of the Director of Public Instruction received in his Proceedings No. 1860-D-3/46 dated 19-7-1948 debarring me from being a Correspondent of any recognised School for a period of 5 years, I appealed to the same Officer by petitions and memorials dated 10-8-1948 and 21-7-49 to reconsider his orders in the circumstances explained therein in detail. But to my surprise and dismay the Director was pleased to decline to reconsider his orders dated 19-7-1948 referred to above. Having failed to see redressal of my genuine grievances at the hands of the Director and as a victim what I honestly believe, unjust orders of the Director, I have no other alternative but to approach the Hon'ble Minister for the sympathetic consideration of my peculiar case.

p17 nf (X)

2. A kind perusal of the records leading to the final orders No. 1860-D3/46 dated 19-7-1948 of the Director of Public Instruction would show the charges against me as Correspondent were only two in number. They were (i) that I, as Correspondent of the School, on 27-6-1945 administered corporal punishment on a girl pupil in the class room during school hours for which I had no right to do and which was against the provisions of the Madras Educational Rules and (ii) that I obtained false acquittances from Mr. A. V. Rebello and from the Gardener. I had disproved both the charges in my lengthy written statement. Yet the Director issued orders debarring me from holding the office of Correspondent of any recognised school as already submitted in the opening para. In the absence of recording a ~~fiix~~ finding establishing a guilt, I have every reason to believe that my case did not receive judicial consideration at the hands of the Director and

p17 nf (X)

thereby I have suffered an injustice and humiliation. By these orders of the Director of Public Instruction I have suffered enough both mentally and physically for more than one year now.

3. The charge of false acquittance falls through as neither of the parties concerned alleged that they were paid less than the amount for which they have passed receipts. Though I maintain that I was within my rights as head of the Church to inflict corporal punishment on children absenting from Catechism class, which even now I believe do not come within the scope of the Educational Rules, it might be a case of error of judgment by me if the authorities were to take a different view, not warranting such a harsh punishment as to debar me to hold the post of Correspondent for a period of 5 years. In any case I feel that more than injustice has been done to me by the Director by issuing orders awarding a punishment out of all proportion to the supposed ommissions and commissions on my part. My immense self-sacrifice, ceaseless efforts and single minded devotion to improve thrHigh School against heavy odds, financial and others, were not at all taken into consideration before the orders were passed.

p17 of 7 (x)

(B)

4. I may humbly point out that at the time when orders were passed by the Director on 19-7-1948, he had no authority to punish the Correspondent under the Madras Educational Rules. That it was so is clear from the fact the Government had subsequently ~~ixx~~ to issue G. O. Misc. No. 2096 Edn. dated 24th August 1948 ammending the Madras Educational Rules conferring confirming on the Director of Public Instruction to declare any individual unfit to hold the post of Correspondent and Manager of recognised schools etc. I feel therefore that the orders of the Director of Public Instruction against which I submit this petition is not only unwarranted, unjust but also ultra vires and passed in excess of powers vested in him.

5. In conclusion I pray that the Hon'ble Minister may be pleased to call for the records, review my case and reverse the orders passed by the Director. I will be more than satisfied if the Hon'ble Minister personally studies my case dispassionately, and yet comes to the conclusion that the punishment awarded to me was not unjust and not disproportionate to any ommissions and commissions on my part in the eyes of the Department.

I beg to remain

Sir,

Your most obedient servant,

D.Souza

Same as pp 1-2 ante

3

MINISTER FOR EDUCATION
26 SEP 1949
GOVT. OF MADRAS

Kallianpur, S.K.,
Dated, 24th September 1949.

EGH

To

The Hon'ble Sri K. Madhava Menon, B.A.,B.L.,
Minister for Education,
Government of Madras,
Fort St. George, Madras.

SECRETARY, EDN. AND P.H. DEPT.
27 SEP 194
GOVERNMENT OF MADRAS

ASST. SECRETARY TO GOVERNMENT
28 SEP 194
EDUCATION AND PUBLIC HEALTH DEPT.

From

The Very Rev. Fr. D. J. D'Souza,
Vicar Vara,
Milagres Church,
Kallianpur, S. Kanara.

74943

Sir,

p 17-f of (X)

Being highly aggrieved at the orders of the Director of Public Instruction received in his Proceedings No. 1860-D-3/46 dated 19-7-1948 debarring me from being a Correspondent of any recognised School for a period of 5 years, I appealed to the same Officer by petitions and memorials dated 10-8-1948 and 21-7-49 to reconsider his orders in the circumstances explained therein in detail. But to my surprise and dismay the Director was pleased to decline to reconsider his orders dated 19-7-1948 referred to above. Having failed to see redressal of my genuine grievances at the hands of the Director and as a victim what I honestly believe, unjust orders of the Director, I have no other alternative but to approach the Hon'ble Minister for the sympathetic consideration of my peculiar case.

p 17-f of (X)

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~~2A~~ (5)

thereby I have suffered an injustice and humiliation. By these orders of the Director of Public Instruction I have suffered enough both mentally and physically for more than one year now.

3. The charge of false acquittance falls through as neither of the parties concerned alleged that they were paid less than the amount for which they have passes receipts. Though I maintain that I was within my rights as head of the Church to inflict corporal punishment on children absenting from Catechism class, which even now I believe do not come within the scope of the Educational Rules, it might be a case of error of judgment by me if the authorities were to take a different view, not warranting such a harsh punishment as to debar me to hold the post of Correspondent for a period of 5 years. In any case I feel that more than injustice has been done to me by the Director by issuing orders awarding a punishment out of all proportion to the supposed ommissions and commissions on my part. My immense self-sacrifice, ceaseless efforts and single minded devotion to improve tarHigh School against heavy odds, financial and others, were not at all taken into consideration before the orders were passed.

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(B)

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I beg to remain

Sir,

Your most obedient servant,

D. J. Gonzaga

~~3.~~ - 5/

E & P.H. (B1)

Lodged. H.M (E&L) does not apparently desire ~~any~~ that action ~~on this~~ should be taken on this.

A reply should be sent after putting the previous papes.

1/10/49.

1/10/49

~~4/10/49~~

6/

(6)

E&P.H (B1)

Please return a clean copy for file

B/177/7-11

pp1-2cf

Keep clean O.C.

4/11/49

pp1-2cf

p4 nf

Schools - Secondary - Aided - Milagres High School, Kallianpur - Action taken against the Correspondent - Appeal

Petition from the Very Rev. Fr. D. J. D'Souza, Vicar Vara
Milagres Church, Kallianpur d/ 24-9-49

Memo No 74520 B1/49-1 Edn. d/4-11-49.

The petition submitted by the Very Rev. Fr. D. J. D'Souza against the orders declaring him unfit to be a correspondent of any school for a period of five years, is forwarded to the D.P.I for remarks. He is requested to state specifically how a Sunday catechism class was considered part of the school activities and how any punishment inflicted by the

7

parish vicar on a pupil who abstained from the catechism class will form a charge against him in his capacity as correspondent of the school eventhough the punishment was awarded in the class room during school hours. He is also requested to state whether there is any other evidence to show that the management was giving false acquittances ~~as it has been admitted that in the case of Sri A V Rebello the question of pay was under dispute for three mon~~ths. The Director is also requested to state how any question of acquittance arises when ~~it was admitted by the management that there was no record at all of payment or of giving receipts~~. There is no issue of receipts or other acknowledgement to suggest 'acquittance' according to the meaning of the term.

In the circumstances, ~~does~~ the Director may consider if the correspondent and Headmaster have been punished enough and may be reinstated.

X on p 22 cf of (B)

p 4 nf

as Mr Rebello has resiled from his statement and in any case his ~~previous~~ own statement suggests a dispute regarding the rate of pay, as claimed by the correspondent

p 4 nf

Sd
2/11/49

2/11/49

3-11-49

To
The D.P.I.
(with pp 1-2 cf)

Dbd
DRK
12.11.

4/XI

8

(7)

Government of Madras.
Education and Public Health Department.
Memorandum No.74520 B1/49-1 Education dated 4th November 1949.

***

Sub: Schools-Secondary-Aided-Milagres High School, Kallianpur-Action taken against the Correspondent-Appeal.

Ref: Petition from the Very Rev. Fr. D.J.D.'Souza, Vicar Vara, Milagres Church, Kallianpur, dated 24-9-1949.

***

The petition submitted by the Very Rev. Fr.D.J.D'Souza against the order declaring him unfit to be a correspondent of any school for a period of five years, is forwarded to the Director of Public Instruction for remarks. He is requested to state specifically how a Sunday Catechism class was considered part of the school activities and how any punishment inflicted by the parish vicar on a pupil who abstained from the catechism class will form a charge against him in his capacity as correspondent of the school even though the punishment was awarded in the class room during school hours. He is also requested to state whether there is any other evidence to show that the management was giving false acquittances as Mr. Rebello has resiled from his statement and in any case his previous statement can suggest a dispute regarding the rate of pay, as claimed by the correspondent. The Director is also requested to state how any question of acquittance arises when there is no issue of receipts or other acknowledgement to suggest 'acquittance' according to the meaning of that term.

In the circumstances, the Director may consider if the correspondent and Headmaster have been ~~permitted~~ punished enough and may be reinstated.

J.M. Lobo Prabhu,
Secretary to Government.

To The Director of Public Instruction (with enclosure).
Forwarded/By order.

Superintendent.

TJ/15/11.

9 D1

B1 / AS1 ⑧

Education Department

From
The Director of Public Instruction,
Madras

To
The Secretary to Government,
Education and Public Health Department

Roc 897 D3 49 dated 24-11-49.

Sir,

Subject: Schools - Secondary - Aided - Milagres High School, Kallianpur - Very Rev. Fr. D.J.D'Souza Debarred from being correspondent for 5 years - Appeal - remarks.

Reference Government Memo No. 74,520 B1-49 dated 4-11-49 on letter dated 24-9-49 from the Ex. Correspondent addressed to the Hon. Minister for Education

p8 ante

pp 1-2 ante

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ASST. SECRETARY TO GOVERNMENT
26 NOV 1949
EDUCATION AND PUBLIC HEALTH DEPT.

92599
Smy

pp 16-17 of of Ⓧ

While offering remarks on the appeal petition of Sri A.V. Rebello, in accordance with Government Memo No. 68080 B1.46.1 Edn dated 19.11.46, it was reported by the Divisional Inspector, Coimbatore that the then Hon. Minister for Education had given an assurance to some deputationists to treat the irregularities of the Milagres High School, Kallianpur as a test case and to issue orders that would satisfy the teachers in general. The matter was therefore submitted to Government for orders, with full details, in my letter Roc 1860 D3. 46 dated 19-6-47. In their order No. 1908 Edn dated 1-9-47 Government stated that after making enquiries they found that the management had been guilty of abuses which called for deterrent action and accordingly the Director was requested to take suitable action against the correspondent on the lines indicated in the Secretary's D.O. letter No. 68080-46-B.1-2 Edn dated 1-9-47. After duly observing the formalities, the Correspondent was debarred for 5 years and the fact intimated to Government in my letter Roc 1860 D3-46 dated 26-7-48.

Y on p21 of of Ⓧ

pp 19-20 of of Ⓧ

p29 of of Ⓧ

pp 27-28 of of Ⓧ

pp 13 & 17 of of Ⓧ

2. The Very Rev. Fr. D.J. D'Souza appealed to the Hon. Minister for Education on 6.9.48 and it was desired that the matter should be examined again. (vide minutes dated 3.11.48 at Mangalore from Hon. Minister for Education). All the facts of the case together with the entire file of the Director on the subjects were placed before Government in my letter Roc 1860 D3.46 dated 8-12-48. Government finally upheld the Director's action and issued orders in G.O. No. 231 Edn dated 31.1.49 declining to interfere in the matter and communicated a copy of the orders to the Very Rev. Fr. D.J. D'Souza. The Ex.Correspondent, however, submitted a memorial to the Director on 21-7-49, and requested cancellation of the orders. After going through the papers again carefully I informed him in my proceedings Roc 609 D3-49 dated 30-7-49 that no further reconsideration was called for.

pp 9-14 of of Ⓢ

p1 of of Ⓢ

pp 16-20 of of Ⓢ

p23 of of Ⓢ

not recd.

3. (a) With reference to the queries now raised in Government memo No. 74,520-B1-49-1 Edn dated 4-11-49, I solicit the kind attention of Government to para 2 of G.O. No. 1908 Edn dated 1-9-47 wherein Government have held that class rooms should not be used for inflicting corporal punishment on pupils for their absence from Catechism class. A circular to this effect was also issued to managements as desired by Government. The bearing that the Corporal punishment has on the charges framed has already been explained to Government. Attention is invited to my letter Roc 1860 D3.46 dated 8.12.48 in this connection.

p8 ante

p29 of of Ⓧ

para 5 on pp 17-18 of of Ⓢ

(b) The charge of false accquittance is based on Sri Rebello's statement, which was not cross examined by the Correspondent and on which point the Rev. Fr was not able to produce any refuting evidence. The statement of the menials and the monthly statement of Teachers' Provident Fund contributions go to strengthen the charge. Kind attention is invited to the details of acquittances obtained from the staff and the menials, referred to in my letter dated 8-12-48 addressed to Government, though the register was maintained in a slip shod manner. The then Divisional Inspector has also expressed his decided opinion that he was convinced that teachers were being paid a lesser sum than what was shown in the records of the school. The manner of acquittance is by the maintenance of an acquittance roll prescribed under the Madras Educational Rules (vide Appendix III). the stamp being affixed, in cases of amount exceeding Rs 20/-. If however Government now hold that this does not constitute acquittance, the position may kindly be examined legally and after issue of orders, apply it to the case in question.

para 7 on pp 18-19 of (S)

Sub para (ii) on pp 21-22 of (X)

p 19 Bomr 151

4. Recently Rev. Tellis (the Ex.Headmaster) submitted a representation to the Director requesting for re-instatement. I restored him to his former status with effect from 15-7-49, remitting the unexpired period of punishment, in view of the fact that the charges against him were not so serious as in the case of the Correspondent, that he had suffered enough for his irregular action and he expressed regret for acts of omission and commission, for which he was held responsible.

5. In the case of Very Rev. Fr. D.J.D'Souza, however, his high handed action in having inflicted corporal punishment on a grown up girl, within the premises of the school, the charges of false acquittance levelled against and above all the influence that was brought to bear upon the complainant - Sri Rebello and the offer of a sum of Rs 1,500/- for withdrawal of his allegations against the management, that was explained as a piece of the general dishonesty evidenced throughout, require serious consideration. In view of the gravity of the charges against the Ex.Correspondent, already explained in sufficient detail in my letters to Government dated 19.6.47 and 8.12.48, I consider that the orders issued in G.O. No. 1908 Edn dated 1.9.47 and G.O. 231 Edn dated 31.1.49 do not require reconsideration, in so far as the case of Very Rev. Fr. D.J. D'Souza is concerned, as there are no fresh grounds advanced in the appeal, which would warrant the re-opening of the case.

para 3 on p 16 of (S)

pp 19-20 of (X)
pp 16-20 of (S)
(X)/p 29 of

p 23 of (S)

6. The enclosure to Government Memo 74520 B1-49 Education dated 4-11-49 is resubmitted herewith.

pp 6-7 ante

Yours faithfully,

25.11.49

for Director of Public Instruction

Vk 25.11

25/11/49

11 (10)

E & P. H. (B1)

D.O. No 74520 B1/49-4 Edn. d/10-2-50.

—

A in Sec
10/2/50

Dear Reddi,

Schools - Secondary - Aided - Milagres High School, Kallianpur - Action taken against the correspondent - Appeal

pp 9-10 cf

Ref:- Your Rc. No. 897 B3/49 d/24-11-49

—

Minutes on p16 nf.

I am desired by H.M (E&L) to request you to ascertain and report whether the Bishop of Mangalore will agree to utilise the services of the Very Rev. Fr. D.J. D'Souza for some work other than that of the correspondent of the Milagres High School, Kalliampur, for the period of the ban

on the latter,

if it were lifted. I am to add that H.M desires only a gentleman's agreement in this respect from the Bishop.

Yours sincerely.

To
B.S. Reddi Esq. M.A (Oxon)
D.P.I.

Sd
9/2/50.

9.2.50.

10-2-50

10/2

B

5265

D.O.No.897 D3/49.

Director of Public Instruction,
Madras, 29th March 1950.

My dear Paul,

~~Rx~~Sub: Schools - Secondary - Aided - Milagres High School, Kallianpur - Action taken against the correspondent.

Please see D.O.No.74520 B1/49-4, Education, dated 11th February 1950 from your predecessor.

As it is reported that Rev.Fr.D.J.D'Souza, the former Correspondent of the Milagres High School has no previous teaching experience as he is only an ordinary S.S.L.C. holder without any training qualifications, it does not seem necessary to address the Bishop of Mangalore for utilising his services in a school. Moreover, it should be possible for the Rev. Father to get employment in other fields of work connected with the Church. I shall be grateful if you could ascertain from the Hon'ble Minister for Education whether the matter may be dropped.

Yours sincerely,

To

Sri Rajaiah D.Paul, M.A.,
Secretary to Government,
Education Department,
Fort St.George, Madras.

13

⑫

Edn(B)

D.O.No 74520 B/49-5 Edn d/17.4.50.

My dear Reddi,

Schools - Secondary - Aided - Milagres High School, Kallianpur - Action taken against the Correspondent - Appeal.

Ref:- Your d.o. No. 897B3/49 d/29.3.50

65/17/4

17/4/50

p12 of

p17 of

p11 of

I am desired ~~to~~ by H.M. (E&L) to request you to ascertain from the Bishop of Mangalore whether he will agree to the suggestion made in ~~my predecessor's~~ Lobo Prabhu's D.O. No 74520 B/49-4 Edn d/10-2-50 ~~from my predecessor~~

18/4

Yours sincerely.

To

D.S. Reddi Esq. M.A.(Oxon)
D.P.I.

14/4/50
14.4.50

15/4/50

B 14 **CONFIDENTIAL.**

Education Department. (13)

From

The Director of Public Instruction,
Madras

ASSISTANT SECRETARY
Edn 17854
JUN 1950
EDUCATION DEPARTMENT

To

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

R.O.C.No.897-D3/49 dated 27th June 1950.

SIR,

SCHOOLS--Secondary--Aided--The Milagres High School,Kallianpur--
Rev.Fr.D.J.D'Souza--Debarred.
Reference:-D.O.letter No.74520-B1/49-4 Edn., dated 11.2.1950 from the Secretary to the Government.

p 11 ante

vide below

I submit a copy of letter dated 19.6.1950 from the Bishop of Mangalore for the information of Government. I solicit the kind attention of Government to my letter Roc.No.897-D3/49 dated 24.11.1949 with reference to Government Memorandum No.74520-B1/49 dated 4.11.1949 in this connection.

pp 9·10 ante

p 8 ante

Yours faithfully,

29/6

For Director of Public Instruction.

ks.28.6.

Enclosure.

Copy of letter from The Most Rev.V.R.Fernandes, D.D., Lord Bishop of Mangalore, Bishop's House, Kodiyalbail P.O., South Kanara to T.P.Santhanakrishna Naidu Esq., B.A.,L.T., Deputy Director of Public Instruction, Madras dated 19th June 1950.

I am in receipt of your confidential D.O. dated 14th June 1950 with regard to the former Correspondent Rev.Fr.D.J.D'Souza of the Kallianpur Milagres High School, debarred from holding the post in Director's Proceedings Roc.No. 1860-D3/1946 dated 19.7.1948, asking me whether I would be agreeable in the matter of utilising his services for some work other than that of the Correspondent of the School, I explain as follows:-

P.T.O.

15

Page 2.

Fr.D.J.D'Souza is not only the Correspondent of the Milagres High School,Kallianpur, but also the Parish Priest of the Kallianpur Milagres Church, to which the Milagres High School belongs. As Parish Priest of Milagres, he is the canonical administrator - dejure and de facto - of the funds and estates of the Milagres Church. In this administration, he is assisted by some laymen appointed by the Bishop. The laymen with the Parish Priest form the Board of administration, the members of the Board being only an advisory Body to the Parish Priest, subject to the vigilance, inspection and control of the Bishop. This Board of Administration of which the Parish Priest is the President, is the official Management of the Kallianpur Milagres High School before the Government Educational Authorities. The funds required for the school have to come from the Kallianpur Milagres Church.

3 Such being the case, since Fr.D'Souza was debarred from being the Correspondent of the High School, the source of income has dried up and the present Correspondent, Rev.Fr.A.J.Tellis cannot carry on the financial administration. There was a time when the Bishop advanced to Fr.Tellis Rs. 2500/-.

It is therefore not the question of utilising the services of Fr.D'Souza for some other work but of getting funds to the school from the Church, that prompts the request for the restoration of Fr.D'Souza as Correspondent of the Kallianpur Milagres High School.

/True copy/.

22/6

For Director of Public Instruction.

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(14)

Edn (B)

Schools - Secondary - Aided - Milagres High School, Kallianpur - Action taken against the Correspondent - Appeal - Rejected.

33/15/7

p23 cf of (S)

Read :- G.O. Ms. No 231 Edn. dated 31-1-49

From The Very Rev. Fr. D. J. D'Souza, Vicar Vara, Milagres church, Kallianpur, appeal d/ 24-9-49.

pp 1-2 cf

From the D.P.I Roc. No. 897 D3/49 d/ 24-11-49 α, 29-3-50 β and 27-6-50

α pp 9-10 cf. β p12 cf

p14 cf

15/7/50

Order Ms. No. 2048 Edn. dated 15/7/50

The appeal is rejected.

14.7.50

Orders in G.O. on p 21 nf.

To
The D.P.I.
The Very Rev Fr. D.J. D'Souza,
Vicar Vara, Milagres' church,
Kalliampur, South Kanara.

19/7.

13/7/50.

13.7.50

Schools - Secondary - Aided - Milagres High School, Kallianpur - Action taken against the Correspondent - Appeal - Rejected.

Read:- G.O. Ms No. [illegible] Edn dated 31.1.49
From the Very Rev. Fr. B. J. D'Souza, Vicar Vara, correspondent, Milagres High School, Kallianpur, Appeal [illegible]
From the D.P.I. Roc No. 89193/48 d/24-11-49 [illegible]
and 26.1.50

Order No. Edn dated
Ms

The appeal is rejected.

To
The D.P.I.
The Very Rev. Fr. B. J. D'Souza,
Vicar Vara, Milagres Church,
Kallianpur.

ks.

Received without being seen by Secy & resubmitted
13-10-49

E&P.H.(B.)

Schools - Secondary - Aided - Milagres High School, Kallianpur - Action taken against the correspondent - Appeal.

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p29 of of (X) Read G.O. ~~Ms. No. 1908 Edn. dated 1.9.47~~
p23 of of (S) G.O. Ms ~~No. 231 Edn dated 31.1.49.~~

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pp1-2 cf Petition from the Very Rev. Fr. B. J. De Souza, Vicar Vara
Milagres church d/24.9.49.

Please see the representation from the Very Rev. Fr. B. J. D'Souza against the orders of the D.P.I. declaring him unfit to hold the post of correspondent in any school for a period of five years. On a previous appeal from the correspondent against the orders of the D.P.I, the matter was referred to the D.P.I. who considered that the charges against the correspondent viz (1) inflicting corporal punishment on a girl student in the class room during school hours for not attending the catechism class held in the church and (2) submitting false acquittances, have been proved and that there is no case for reconsideration of his orders. As the Director is the final apellate authority in such cases, it was considered that no interference was called for on the part of Govt. and the petitioner was accordingly informed that Govt. decline to interfere in the matter. In view of this, it would appear that no action is called for on the petition at pp 1-2 cf. ~~The papers may be filed with G.O. Ms. No 231 Edn d/ 31.1.49~~. For orders whether the petitioner may be informed that G.O. Ms 231 Edn d 31.1.49 will not be reconsidered

p15 cf of (S)
p20 of of (S)
p27 of of (S)
p23 of of (S)
p23 of (S)

Sd
7/10/49.

KSN
7.10.49

8-10-49

S
AM (FIL)

On a complaint by an ex-teacher that his services were wrongly terminated for refusal to give acquittance for sums larger than that actually disbursed and for inflicting corporal punishment on his daughter for absence from the Sundary catechism class, the Headmaster of the school and the Correspondent who is now appealing have been debarred from their positions for a period of five years.

para 3 on p 16 of of ⑤

The ex-teacher withdrew his allegations subsequently; but the D.P.I. considers that this withdrawal should not be accepted as he had in the meanwhile been paid Rs. 1,500/- as compensation for the termination of his services. The fact however remains that, at last, the statement having been withdrawn, there was no evidence on which to proceed or punish the Headmaster and Correspondent. In any case, the evidence of an ex-teacher who could be persuaded to withdraw his statement must be regarded with caution.

I do not approve. The withdrawal can be managed in various ways. Action should be taken also against the teacher for ~~putting~~ for making false allegation.
KM
2/10

In respect of the charges demanding acquittance, the appellant has explained that the salary was reduced from Rs.70 to Rs.60/- in view of the horticultural class, for which special allowance of Rs.10/- was given, becoming part of the ordinary duties of the teacher. For three months therefore the salary of the teacher was paid on Rs.60/- though subsequently it was again raised to Rs.70/-. There is no evidence of receipts or registers that the salary was paid at Rs.60/- and recorded at Rs70/-. Strictly therefore there is no question of giving false acquittance for a larger sum than was paid. The question however remains whether the position is as stated by the appellant that the salary was reduced to Rs.60/-, or as stated by the ex-teacher the salary was maintained at Rs.70/- but the teacher was asked to accept Rs.60/-. We have only the teachers ~~too~~ word for the latter statement. The D.P.I. also refers to the fact that during these three months the Provident Fund

amounts were credited on Rs.70/- and not on Rs.60/- which is evidence that the management was going to show the salary of the teacher as Rs.70/-. In respect of the teacher's work, it has already been stated that it cannot be accepted by itself and without corroboration. In respect of the Provident Fund payment, it is explained that when the matter was in dispute, the payments were made without any particular care of the implications arising. Another explanation given is that there was lack of sufficient care in the matter.

By all standards of evidence, there is no ground to convict the appellant of having attempted to obtain false acquittance. Merely from the payments made to the Provident Fund Account, it cannot be concluded either that a false acquittance was demanded or a false claim in respect of the salary would be made in due course.

In respect of the second charge it is not understood how any conduct at a Sunday catechism class should be relevant, in respect of the Correspondent or the Headmaster. The fact that the catechism class was held in the school may be objectionable by itself. But, it does not make that class a part of the activities of the school or the duties of the management. If the action of the Correspondent in chastising the girl were reprehensible, she had a remedy before the ecclesiastical or the local authorities. When the parties affected neglect these authorities, it does not seem appropriate that the Education Department should constitute itself ~~to~~ a judge in the matter. The appellant is a vicar and therefore a person of status in the community. The order against him is likely to affect him in his work. It would appear that he has been sufficiently punished already by the order and that we should ask the D.P.I. now to cancel the bar of his being a Correspondent. A similar order may be also issued in respect of the Headmaster who acquiesced that he has not now appealed.

18/x

~~9~~/17/x

H.M.(E.& L.)

I am unable to agree with the Secy. I do not want to bye pass the Dr. ~~Dy.~~ We can have his views on the appeal if necessary.

KM

SECRETARY, EDN. AND P.H. DEPT.
22 OCT 1949
GOVERNMENT OF MADRAS

For orders whether the remarks of the D.P.I may be invited on the appeal. If so the draft endorsement on p 3 cf is for approval.

Sd 24/10/49. USR 24/10/49

25-10-49

S

We may put specifically to the DPI the points raised

① How a Sunday catechism class was considered part of the school activities, in respect of which ~~and the~~ ~~responsibility of~~ the Correspondent and headmaster can be punished | A

② How any question of acquittance arises, when it is admitted that there was no record at all of payment, or of giving receipts.

How is the plea dismissed that the pay was in dispute for 3 months and that the complainant himself admitted this and withdrew the statement made by him. Is there any other evidence

27/x

Please see the remarks of the Secretary at p 4 ante. With reference to portion marked 'A' at p 4 ante it is submitted that the corporal punishment was inflicted on the student in the general class room even though the punishment was given by the correspondent in his capacity as the Vicar of the parish. In as much as the punishment was meted out in the general class room within school hours it would appear that the D.P.I can take disciplinary action under the M.E.R. The Director may be consulted on this point specifically as also on the other points raised in the Secretary's note at p 4 ante. The draft memo below is for approval.

X on p 22 of of ⓧ

ibid

Sd 2/11/49. USR 2.11.49

3-11-49

S 4/x1

p 8 cf [Issued as Memo No. 74520 B1/49-1 Edn d/4-11-49.]

pp 9-10 cf C.No. 92599 from the D.P.I. Roc. 897 B3/49 d/ 24-11-49

Please see the letter from the D.P.I. at pp 9-10 C.F.

2, In para 4 of his appeal on page 2 C.F. the Very Rev Fr ~~Fr~~. D.J. D' Souza has pointed out that at the time the D.P.I. passed his orders dated 19-7-48 he had no authority to punish the correspondent under the Madras Educational Rules, as G.O No.2096 Edn dated 24-8-48, amending the Madras Educational Rules conferring on the Director power to declare any individual as unfit to hold the post of correspondent ~~unfit~~ was issued only subsequently and it had no retrospective effect. This is technically correct, but as pointed out by the Director, he acted only under the orders of Govt conveyed in D.O. No 68080/46-B1-2 Edn dated 1-9-47. In this D.O, it was suggested that action should be taken aginst the correspondent under Rule 10 of the Grant-in-Aid Code. The Director's proceedings do not indicate that the correspondent was punished

p 17 nf of ⓧ

p 3 of Ⓑ

para 1 on p 9 cf

p 27 cf of ⓧ

p 27 cf of ⓧ

p 3 of Bk put up.

p 17 nf of ⓧ

under the M.E.R. Perhaps the correspondent may be informed that action was taken by the D.P.I. only under the orders of Govt., who have inherent powers.

2. As regards the second charge of showing false acquittances, the Director considers the charge proved. He has stated that the acquittance should be maintained as indicated in Appendix 11 of the M.E.R.. He is inclined to think that the acquittance as maintained by the management cannot be considered as acquittance with reference to the Madras Educational Rules. It is for consideration whether the Legal Department should be consulted in the matter

para 3(b) on pp 9-10 of
page 39 of BK No 151.

3. The Director has already restored the headmaster. In regard to the correspondent, the Director is not inclined to recommend the reconsideration of the orders already passed in G.O. No 231 Edn dated 31-1-49. He has pointed out that no fresh grounds have been adduced by the correspondent for such a reconsideration.

para 4 on p10 of
para 5 on p10 of
p23 of of (S)
para 5 on p10 of

For orders.

Kon 2/12/49

h 2-12-49

S

This appears to me rather an unfortunate choice for a test case. It would appear:

(1) that the D.P.I. had no authority to remove the Correspondent. The authority for the same was issued by G.O. of 24-8-48 at flag 'B' and cannot have retrospective effect to an order issued on 19-7-48. In fact the issue for an order arose from a reference from the D.P.I. that he did not possess the necessary powers to remove the Correspondent. It would appear that the D.P.I. did not realize that he should have obtained the powers before passing the order. The D.O. to the D.P.I. asking that action may be taken with reference to para 10 of the Grant-in-Aid Code also does not appear to have conveyed any authority to the D.P.I. That para refers to the approval of the Department to ~~the~~ a proposal by the management to appoint a Correspondent. There is no reference in it at all to ~~the~~ any power to the D.P.I. or to Government to remove

A

pages 27-28 of f (X)

a Correspondent. There is no question of inherent powers when specific rules exist and can be made. Legal may advise if this position is correct. If not, the order of the D.P.I. will have to be cancelled as without due authority.

(2) That the Correspondent administered corporal punishment to a girl of 16 in the school in respect of her failure to attend the Sunday catechism class. The D.P.I. defends the acceptance of this charge on the ground of a G.O. issued in 1948. Obviously this G.O. barring managements from using the school premises cannot have retrospective effect on the action taken in 1945, 3 years ago. Again in this case, as in the previous one, the issue of the Govt. order subsequently is evidence of the lacuna which existed.

G.O. No 1908 Edn / 1-9-47 p29 of f (X)

B

(3) In respect of the charge of false acquittance the contention of the Correspondent is that for 3 months, June, July and August 1945, the teacher was paid at the rate of Rs.60/- as he was not required to continue classes beyond the prescribed hours in respect of Horticulture. A notice to the teacher dated 25-7-45 at page 7 c.f. of G.O.No.1908 at flag 'X', would indicate that the salary was in dispute. The teacher made allegation that he was asked to receive Rs.60/- and give an acquittance for Rs.70/-. This allegation was subsequently withdrawn by him when the difference between him and the management were settled by payment of a gratuity to him on his agreeing to retire. The D.P.I. however regards that as during the 3 months the Provident Fund was debited at the rate of Rs.70/-, the allegation of the teacher is correct. After the 3 months, the teacher's salary was restored to Rs.70/- and he gave receipts for the arrears of the previous 3 months. The D.P.I. considers that the charge of false acquittance is proved from the fact that the entries in

the Register contained figures "60/-" overwritten by "70/-" in respect of June. The issues which arise are:-

p.18 c.f. of G.O. No.231 at flag 'S'.

(a) Whether a bona fide dispute in respect of pay existed between the management and the teacher. This is the contention of the management. The only statement to the contrary is of the teacher, which he withdrew. It is apparently a principle of law that a retracted statement is not evidence. On the other hand, the fact of the written order reducing the pay would indicate a bona fide dispute. Contrary wise, the credit to the Provident Fund at the higher rate may indicate false acquittances. It is however explained in respect of this that the credit was made as a matter of routine and was also probably related to the fact that the salary was in dispute and was actually paid at Rs.70/-.

M

(b) Even if the entries in the register and the credits for the Provident Fund are considered suspicious, does this amount~~s~~ to false acquittances: It is obvious that the Register is not a form of acquittance. On the other hand, the acquittance was given by the teacher only after he was paid Rs.70/- for the 3 months in dispute at that rate. It is therefore for decision whether this is a case of false acquittance. At ~~first~~ worst, it should be a case of maintaining Registers and accounts badly.

N

(c) If the Correspondent was responsible for the false alleged acquittances, when the charge on page 17 c.f. of G.O.No.231 is that the Headmaster got the false acquittances. There is nothing to indicate in the~~ir~~ charge that the Correspondent colluded or instructed the Headmaster. The fact however remains that the D.P.I. has terminated the punishment of the Headmaster who apparently was responsible at least more directly to this charge.

P

Legal may advise how far, in the circumstances, the charge in respect of false acquittances has been made out against the Correspondent. If it is found that there is no charge against false acquittances against the Correspondent, it will be for consideration whether in respect of the other charge which also arises from giving retrospective effect to Government orders, the punishment against him should be continued, or that he should at least be treated like the Headmaster against whom the order of suspension has been terminated.

3/xii

Legal.

E&PH 74520-[illegible]-1
5/12/49
with book - Grant in Aid Code

APS → [illegible]
[illegible] 5/12

ASSISTANT SECRETARY
16163
5 DEC 1949
LEGAL DEPARTMENT

p 3 of book No 40

LEGAL DEPARTMENT.

Paragraph 1 of the note of Secretary, E&PH at pp6-7 ante:- In his order at p17nf of G O No 1908, Education dated the 1st Septr, 1947 the Director of Public Instruction debarred Rev.D'Souza from being the correspondent of any recognized school for a period of five years. Rule 10 of the Grant-in-aid Code provides that every institution on behalf of which aid is sought shall be under the management of a person recognised by the Department. The second paragraph of the rule also provides for the approval of the Department to the appointment of a person as a correspondent of an educational institution. The power to accord approval and recognition carries with it the power to withdraw it for good and sufficient reasons. It is in virtue of this power that the Director of Public Instruction has passed his order debarring Rev.D'Souza from being the correspondent for a period of five years--see the T.M. issued to the Director of Public Instruction and his reply to it at pp23 and 25 c.f.

of the G.O.at (X). Rule 99(a) which was introduced in the Madras Educational Rules in G.O.No. 2096 Education dated the 24th August 1948 only clarified the position which was already implicit in rule 10 of the Grant-in-aid-Code. The absence of this rule on the date on which the Director of Public Instruction issued his order cannot, therefore, be said to affect the power of the Director of Public Instruction to take action under rule 10 of the Grant-in-aid Code for good and sufficient reasons.

p3/(B)

p3 of book No 40

Paragraph 2 of the E&PH Secretary's note at p7 ante:- This charge has been admitted by the correspondent who has tendered an apology in respect of it. The Director of Public Instruction's authority to take action on this charge rests not on the observations of the Govt.in parag.2 on p29 c.f.of (X) on the basis of which a circular was issued by the Director of Public Instruction, but on rule 51 of the Madras Educational Rules. This rule restricts the administration of corporal punishment only in cases where there is moral delinquency etc. There is a violation of this rule in this case. There is, therefore, no question of giving any retrospective application to the circular of the Director of Public Instruction which was merely explanatory of the position already implicit in rule 51.

Vide M at p8 c.f./(X)

K at p10 " "

parag 3(a) p9 c.f.

p13 of book No 151

put up

Paragraph 3 of the E&PH Secretary's note at pp7-9 ante:- The Director of Public Instruction has not relied solely on the statement of the ex-teacher which has since been retracted by him. His findings are based on the report of the Divisional Inspector of Schools who made a personal enquiry and examined the registers & his own inspection of the registers. The mere fact that the ex-teacher Mr. Rebello has withdrawn his allegations (owing probably to his desire to square up his differences with the institution in which he served for 27 years and receive his provident fund (and gratuity) amount)

Copy at p9 c.f./(X)

pp21-22 c.f. "

parag 1 at p16 c.f. (S)

& p18 " "

cannot be said to affect the position. No doubt the probative value of the statement is shaken to some extent, but as pointed out above, the Director of Public Instruction did not base his orders solely on Mr.Rebello's statement. Neither the correspondent nor the Headmaster attempted to cross-examine the teacher at the enquiry when there was an opportunity to shake his credibility. The allegation in regard to false acquittance is that the ex-teacher was asked to take Rs.60 and to sign forRs.70. This is proved by:-

parag 3(b) at pp9-10 c.f.

T at p18 c.f./(S)

(1) The chit by the Headmaster asking the teacher to take Rs.60/-.

p7(X)

(2) Erasers and overwritings in the Acquittance register.

parag 2, p21 (X) & pp18-19 (S)

X

(3) Provident fund deductions made on the basis of Rs.70/-. These returns were sent under the signature of the correspondent. This was ~~due~~ done to substantiate the claim for Govt.grant based on the higher rate ofRs.70/-.

p19 of (S)

The Divisional Inspector and the Director of Public Instruction who have actually enquired into the matter and seen the registers have come to the finding that the correspondent was dishonest throughout.

p21(X)

p19(S)

There seems, therefore, to be no good ground for reconsidering the orders passed by the Director of Public Instruction against which the Government have already declined to interfere - see page 23 c.f. of (S).

Z

6.1.50

ASST. SECRETARY TO GOVERNMENT
9 - JAN 1950
2077
EDUCATION AND PUBLIC HEALTH DEPT.

Regd. D.No. 16163/49-1
7-1-50.

(with book)

I agree generally with A.D.S.'s note above. Whether the penalty imposed should be reduced, and if so to what extent, are questions for the E&P.H. Depts.

7/1/50.

E&P.H. Depts

E&P.H.(B).

Please see the notes of the Legal Deptt at pages 9.11 ante. For the reasons stated therein, that Deptt. is of the view that there is no ground for reconsidering the orders passed by the D.P.I. in the matter. In the circumstances, it is for consideration whether the views of the Legal Deptt. may be concurred in.

'Z' on p 11 ante.

2. The file may be circulated to H.M. (E&L) for orders with reference to his minutes on p 4 ante.

9/1/50.

10·1·50

11-1-50

HM(E&L)

Copy of Grant in Aid code (BK No 40) put up

like
I would/to discuss this with Legal Secretary as apparently the note of the A.D.S. does not refer specifically to the points raised by me, viz.

(1) whether punishment inflicted in respect of matters not connected with the school come within the purview of rule 51 of the M.E.R. merely because the punishment was inflicted in the school premises in respect of a class held outside school hours. The facts that the Correspondent of the school and the school premises are concerned do not appear to be relevant because before the issue of the G.O. in 1947 school premises could be used for any purpose. It is also self-evident that the Correspondent is not prevented from acting outside school hours in capacity other than that of a Correspondent. If the principle is enforced that any action of the Correspondent in matters unconnected with education is to be covered by the M.E.R. a most incongruous situation would arise in which the Correspondent would be governed by the M.E.R. in respect of all his actions. It may also be noted that the Correspondent is not in any case empowered to enforce corporal punishment which is reserved for the Headmaster. Altogether therefore if the Correspondent is to be punished it will be in respect of a matter wholly unconnected with his duties.

(2) In respect of false acquittances, the point made out was that acquittances implied receipts of other evidence of payments. It was pointed out that the documentary evidence available which was in order for receiving pay at Rs 60/- did not suggest false acquittance. In fact such an order in writing is the best argument against any conspiracy to pay a smaller amount and take receipt for a greater one. The fact that the register was overwritten is ~~in~~consistent with the circumstance that the management which initially ordered payment at Rs 60/- subsequently agreed to pay Rs 70/-. Otherwise except in respect of the Provident Fund deductions I cannot see how the Director or the A.D.S. come to the conclusion that the Correspondent was dishonest throughout. This is not a matter of coming to general ~~conclusions~~ impressions but of assessing the evidence available.

16/1

Legal Secy. ✓

with book - Grant-in-aid code

E&P.H. U.O. No.
74520 B1/49-3 Edu.
16.1.50.

ASSISTANT SECRETARY
744
17 JAN 1950
LEGAL DEPARTMENT

L on p 70·61

LEGAL DEPARTMENT.

The two points raised in the note of the Secretary, E. & P.H. above were discussed with him yesterday afternoon.

2. As regards the first point, it will be seen from the letter at pp.7-8- c.f. of G.O.No.1908 Education dated 1.9.47 that the corporal punishment was inflicted on the girl by the Correspondent, in the class room and during school hours. Rule 51 of the Madras Educational Rules was therefore clearly applicable to the case. There was no question of moral delinquency; nor was the punishment ordered by the Head Master. There was thus a breach of the rule, and Mr. Lobo Prabhu frankly conceded that action could be taken against the Head Master for the breach. I do not think that the Education Department in any way acted in excess of its powers by taking action against the Correspondent

B1

for the breach of Rule 51 committed by him.

3. As regards the second point raised, I may at once say that the charge of getting false acquittances cannot be regarded as having been committed by the Correspondent in this case. As pointed out by the Secretary, E. & P.H., no acquittances were actually taken on the relevant dates from the teacher and no question of getting false acquittances can therefore possibly arise. All that can be said is that there was an attempt to obtain false acquittances from the teacher which did not materialise. Secretary, E.& P.H. strongly pressed that there was no legal evidence against the Correspondent (apart from the provident fund returns sent by the Correspondent in regard to which an explanation has been offered by theCorrespondent, which has not been disproved), that his tale hangs together, and that in any case he is entitled to the benefit of the doubt. On a strictly legal or judicial plane, and on the materials available in the file, it is rather difficult to resist this argument. Although one cannot help feeling that there is strong ground for suspicion in this case, yet, strictly as a matter of law, the evidence is insufficient for a "conviction" especially as the teacher who is the main prop of the "prosecution" has retracted his statement.

4. As I have stated in my note at p.11 ante, the question whether the penalty imposed should not be reduced in the circumstances of this case may be considered by the administrative department. The severe action taken — debarring him from being a Correspondent for 5 years — will not be justified merely by reason of the breach of rule 51 of which he was guilty.

KNR. 19/1/50

Secy, E&P.H.

(with books)

E&P.H.(B1)

Legal U.O.No 7646/50
19-1-50.

p13 of Book No 151

para (2) at p 13 ante

Y on p12 c.f. (5)

X S on p9 c.f. (X)

p 23 c.f. (X)
E&P.H.

The file relates to the representation from pp1-2 cf the very Rev. Fr. D. J. D'Souza, ex-correspondent of the

ASST. SECRETARY TO GOVERNMENT
5026
20 JAN 1950
EDUCATION AND PUBLIC HEALTH DEPT.

(22)

Milagres High School, Kallianpur, against the orders of the D.P.I. declaring him unfit to hold the post of Correspondent in any school for a period of five years from July 1946. The notes from page 12 ante may be perused. The Secretary, Legal Deptt. considers that the correspondent transgressed rule 51 of the Madras Educational Rules when he inflicted corporal punishment on a girl student in the class room and that the D.P.I. has not ~~acted~~ in any way acted in excess of his powers by taking action against the correspondent. As regards the charge of getting false acquittances, the ~~Le~~ Secretary, Legal Deptt. considers that the evidence is insufficient to hold the charge as proved. He is therefore of the opinion that the severe action taken on the correspondent - debarring him for a period of five years - seems to be excessive for a mere transgression of rule 51 of the Madras Educational Rules. In the circumstances stated it is for consideration whether the order of the DPI debarring Rev. Fr. D.J. D'Souza from being a correspondent of any recognised school for a period of five years may be revised and the petitioner may be permitted to serve as a correspondent.

p23 c.f. (X)

para 2 on pp 13-14 ante

p13 of Bk No 151

para 3 on p 14 ante

para 4 on p14 ante.

p13 of Bk No 151

p23 c.f. in (X) -

2. The file may be circulated to HM (E&L) for orders with reference to his minutes on page 4 ante

S.U.N
20/1/50

KSK
21-1-50

VR
23-1-50

S

HM(E&L)

H.M. may like to see the note of Legal Department at pp.13-14 ante. The Correspondent who is a high dignitary of the Catholic Church has already been punished by being debarred for more than three years. Legal agrees that debarring for the full period of five years will not be justified by reason of the breach of rule 51. It must be remembered also that a punishment like this, affects the position of the Correspondent in the Church in a manner

C.No 74520 B/49

difficult to describe. It is therefore suggested that as in the case of the Headmaster, the punishment to the Correspondent may be reduced to the period already undergone.

(with books)

1/2

H.M.(E. & L.)

I do not want to ~~[illegible]~~ bring any sort of indignity on a big organisation provided the Hds of the organisation themselves will take note of the default and punish the offenders. I did agree to such a course in Trichy when the Rector, St Aloysius came & represented to me. Now will the Bishop of Mangalore agree to take this priest to some other work than School Correspondent for 2 years if the Ban is lifted by the D.P.I. I want only a gentleman's agreement.

KM
7/2

With reference to the minutes of H.M (E&L) above a draft D.O. to the D.P.I. is submitted below for approval.

9/2/50.

9.2.50.

10-2-50

S 10/2

Received in office on 7/2/50

SECRETARY, EDN. AND P.H. DEPT.
2 FEB 1950
GOVERNMENT OF MADRAS

D.O. No 74520 B/49 - 4 Edn d/ 10.2.50 p 11 cf

From the DPI D.O. No 897 D3/49 d/ 29.3.50. p 12 cf

Please see the D.O. from the DPI on page 12 cf.

The file may be circulated to HM (Edn & Law) for orders whether in the circumstances stated therein, the matter be dropped.

If so, a reply may be sent to the petition on pp 1-2 cf that the Govt see no reason to reconsider the orders passed

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C.No. 74520 B/49.

23

(S)/23 cf

2/14/4

five in G.O. No. 231 Edn d/ 3.11.49. For orders

The matter may, perhaps, be dropped as suggested by the D.P.I.

1.4.50

Please ask the D.P.I. to ascertain from the Bishop as suggested by H.M. what the Bishop wants to do with the Cdt as penalty. We shall lift the ban if he will not be posted to any school.

KM

11.4.50

With reference to the minutes of H.M. above, a draft d.o. is submitted for approval.

14/4/50.

14.4.50

13/4/50

Issued as D.O. No. 74520 B/49 - 5 Edn d/ 17-4-50 p13 cf

C. No. 17854 From the D.P.I. Roc. No. 897-D3/49 d/ 27-6-50. p14 cf

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The file deals with the representation from Rev. Fr. D.J. D'Souza, ex-correspondent of the Milagres High School, Kallianpur, against the orders of the D.P.I. declaring him unfit to hold the post of pp 1-2 cf

× under the Madras Educational Rules - p23 nf of ⓧ

to hold the post of correspondent in any school for a period of five years from July 1948. As the correspondent is also a high dignitary of the catholic church and as there was no intention to bring any sort of indignity on a big organization, the D.P.I. was asked to ascertain from the Bishop of Mangalore and report whether he will agree to utilise the services of the very Rev.Fr.D'Souza for some work other than that of the correspondent of the Milagre's High School, Kallianpur, for the period of the ban if it were lifted.

Minutes on p16 ante

p11 cf

2. The D.P.I. has now forwarded a copy of the letter received from the Bishop of Mangalore stating that the school is managed by a Board of Administration subject to the vigilance and inspection of the Bishop. In his capacity as Parish Priest, Rev.Fr.D'Souza is the President of the Board. But since his punishment, the Parish Priest of Kallianpur Milagres Church, to which the school belongs, has not been releasing the funds, required for the school to the extent to which he was allowing before. The Bishop of Mangalore has therefore stated that in view of the crucial position occupied by Rev.Fr.D'Souza, it will be necessary to restore him to the post of correspondent to ensure that the resources of the school are not dried up. The Director ~~has~~ does not however seem to be inclined to restore the correspondent as he draws the attention of Govt. to his earlier letter wherein he had stated that there were no grounds for reconsidering his earlier orders in the matter. The method adopted by Rev.Fr.D'Souza to bring pressure upon the Edn.,Dept. to modify the order ~~debanning~~ debarring him from being the correspondent of the school by reducing the contribution made from the Parish funds for the maintenance of the school seems to be objectionable.

p14 cf

pp 14-15 cf

p14 cf

pp 9-10 cf

p15 cf

3. The charges framed against the correspondent were (i) inflicting corporal punishment on a girl student in the class room during school hours for not attending the catechism class and (2) submitting false acquittances. The D.P.I. held the charged to have been proved and passed orders declaring the correspondent unfit to hold that post in any school for a period of five years. The matter has since been reexamined

p20 cf of Ⓢ

p23 nf of ⓧ

pp 13-14 ante

(PTO

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para 3 of Legal Secretary's Note on p14 ante

p13 ante

p13 of Bk No 151

Z on p14 ante

p13 of Bk No 151

p15 cf

p23 nf of ⓧ

reexamined in consultation with Legal Dept. It has been considered that there is not sufficient evidence to hold the charge of submitting false acquittances as proved. In regard to the other charge, the Secretary Legal Department held that the correspondent violated rule 51 of the Madras Educational Rules when he inflicted corporal punishment on a girl student in the class room But he considered that the punishment viz. debarring the correspondent for a period of five years, as excessive for a mere transgression of rule 51 of the M.E.R. In view of this and in view of the fact that the resources of the school are getting very much dried up as Rev.D'Souza in his discretion as the Parish Priest has reduced the contribution made towards the cost of running the school it is for consideration whether the order of the D.P.I. debarring Rev.Fr.D'Souza from being a correspondent of any recognised school for a period of five years should be revised and the petitioner restored as a correspondent. If the school is not run effeciently and the departmental requirements are not complied with it is open to the D.P.I. to withdraw the recognition accorded to the school.

4. The file may be circulated to H.M.(E.&.L.) for orders with reference to his minutes on p.16 ante

bottom page 14-15 cf.

Sd
10/7/50.
USK
10.7.50

The Bishop has put the matter frankly when he states that in order to secure funds for the School Fr. D'Souza's services as Correspondent are required. And without such funds the School will suffer. This point may sound odd in the light of abstract principles, but it has got to be taken into

into account if the School is not to be closed down. Moreover, Secy Legal has observed that the severe action taken against the Correspondent will not be justified merely by reason of the breach of M.E.R 51 of which the Correspondent was guilty. In the very peculiar circumstances of the case, it is for consideration whether Govt. may not ask the Director to modify his punishment order into one of debarring the Correspondent to hold the post upto the date of the orders to be issued on this case, a severe warning being administered to him that he should not repeat a similar blunder.

Z p14 ante

p13 ? MER BK 51

10.7.50

I daresay his being kept out of office till now will have served some purpose. He may perhaps be restored as correspondent with a warning to be more careful in future.

11.7.50

HM(272) No R. The Rev Father

does not deserve any consideration as he is prepared to kill the School if he is not the Correspondent. His appeal is rejected.

KM
13/7

SECRETARY
13 JUL 1950
EDUCATION DEPARTMENT

A draft order is submitted below for approval.

13/7/50.

13.7.50.

14.7.50

15.7.50