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TN

Education (1950) Deptt.

closed

Ms. Series.

G.O No. Ms 2126 Edn.

Dated 28. 7. 50 23

Despatch Abstract.

Schools - Secondary - Aided - St. Mary's Secondary School for Girls, Kotagiri - Demotion of a pupil - Orders passed.

②

MINISTER FOR EDUCATION
29 SEP 1949
GOVT. OF MADRAS

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

ASST. SECRETARY
17 OCT 1949
EDUCATION

88285

To,
The Director of Public Instruction, Madras,

From,
R. Paul,
Alports, Kotagiri P.O.
Nilgiris.

Sub: M.E.R. Depromotion of Esther Lakshmibai.

Sir,

With reference to your reply (ROC.No.1816 E4/49) dated 20-9-'49(Received by me on 23-9-49) I beg to draw your attention to the following points.

1) My petition is rejected by you as per M.E.R, but it is not the fault of the student or the parent that the M.E.R was violated in her case.

2) It is not the fault of the student or the parent that such irregularity on the part of the concerned School was not detected in time and rectified.

3) It is not the fault of the student or the parent if approval of the Inspecting Authority for admission of students is not obtained in time by the concerned School.

4) It is not the fault of the student or the parent if the irregularity escaped the notice of the Inspecting Officer for nearly one and a half years.

5) It is not the fault of the student or the parent that they should be unjustly penalised for the irregularity committed by the School and apparently overlooked by the Inspecting Officer.

6) Does the M.E.R permit the Depromotion of the student after one and a half years and is such an action in keeping with the spirit of the M.E.R.

In the light of above mentioned facts will the Education Dept. deny responsibility for:-

1) The parent's financial loss and irreparable Moral Injury?

2) The ruination of the student's life due to:-
    (a) Rejection of suitable marriage offers with a view to continuation of her studies,
    (b) Loss of higher matrimonial connection due to discontinuation of her studies as a result of the threatened depromotion ?
    (c) Nervous Break-down due to mental agony of daily anticipating, what is from her point of view, a wholly undeserved depromotion.
    (d) Probable death by heart failure due to shock of actual depromotion.

In these circumstances I pray for a humane reconsideration of my daughter's case with a view to immediately cancelling the depromotion order, for which act of justice I and my innocent daughter will be deeply grateful.

I pray that the matter be treated as most urgent.

Yours faithfully,

Reuben Paul

Kotagiri
26th Sept.49

P.T.O.

Copies to:- 1)The Educational Minister, Madras.

2)The Inspectress of Girls' School, IV~~th~~ Circle, Salem,

3)The Correspondent, St., Mary's Girls High School, Kotagiri.

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Director of Public Instruction
30 OCT 1949
Rc 1816 E4/49
Madras

Education & Public Health (C1) dept

Endt No 80285-C1/49-1 Edu dated 28.10.49

Referred to the Director of Public Instruction for very early remarks

To, The Director of Public Instruction

Asst. Secretary to Govt

24/10/49

Rc No. 1816 E4/49

Office of the Director of
Public Instruction, Madras
dated 26th November 1949

Subject: Madras Educational Rules - Depromotion of Esther Lakshmi Bai

Reference Govt. Endt No. 80285 C1/49-1 Edn dated 28-10-49

30 NOV 1949

Resubmitted.

The Headmistress of the St. Mary's Secondary School for Girls, Kotagiri admitted in June '48 Easther Lakshmi daughter of Sri Reuben Paul, the petitioner, into Form IV of the school without verifying whether the pupil passed VIIIth standard Public Examination, 1948 with English as optional. According to rule 37 of the Madras Educational Rules, a pupil is eligible for admission into Form IV of a Secondary School only when she has passed the E.S.L.C. Public Examination with English as an optional subject. The girl under reference studied English in the VIII th standard but did not pass in it in the Public Examination and she was therefore not eligible for admission into Form IV. But she was irregularly admitted into Form IV in 1948--49, By the time the irregularity was detected, the pupil was allowed to sit for the annual examination and promoted to Form V by the Headmistress of the School. On considering the case of this pupil and that of another pupil, M. Valliammal similarly admitted irregularly into Form IV and promoted to Form V, the Director Ordered in his proceedings Rc No. 1816 E4/49 dated 27-7-49, that these two pupils might be put back into Form IV as, in the ordinary course, they would have been admitted in Form III and would accordingly have been promoted to Form IV. Sri Renben Paul petitioned in August '49 against this order and the petition was rejected in Director's proceedings dated 20-9-49. Again in reply to the petition dated 26-9-49 addressed by Sri Renben Paul to the Director, he was informed that the Director did not see any reason for reconsidering the orders passed in the Proceedings dated 20-9-49.

2 The Petitioner, Sri Reuben Paul has addressed ~~to~~ the Inspectress, IV Circle, Salem in his letter dated 10-9-49 to withdraw the order of depromotion failing which (he threatens) he would resort to a Court of Law by claiming damages to the tune of Rs 5000/- The Government Solicitor, Madras has been requested to state whether the parent can seek redress in a Court of Law and if so, whether the Court can entertain such a petition.

3 Action is being taken separately against the Headmistress of the Secondary school for the irregularity she committed in having admitted the two girls into Form IV without their E.S.L.Cs declaring them to have passed the Examination with English. Eighth Standard School Leaving certificate

4 It is reported that Sri Reuben Paul is a teacher in the M.M. Higher Ele. School, Kotagiri.

29.11.49
for Director of Public Instruction

To
The Secretary to Government,
Education and Public Health Department

Vk 28.11

Draft I

Ⓐ

E & P.H (B1)

Schools - Secondary - Aided - St. Mary's Secondary School for Girls, Kotagiri - Depromotion of a pupil.

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p1 cf Petition d/ 26-9-49 from Mr. Reuben Paul, Alports, Kotagiri ~~addressed to the D.P.I.~~

p3 cf From the D.P.I. Rc. No. 1816 E4/49 d/ 26-11-49.

Memo No 93416 B1/49-1 Edn dated 19.12.49

Orders in On on p2 nf

The petitioner is informed that the Govt. [illegible] Cannot ~~Cannot~~ interfere in the matter at this stage.

19/12/49

16/12/49.

16.12.49

18/12/49

19/12

To

The petitioner.

The D.P.I.

.P.T.O

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7

E&P.H(B1)

Draft II

D.O. No 93416 B1/49-2 Edn d/19-12-49

Dear Reddi,

Sub:- Schools - Secondary - Aided - St Mary's Secondary School for Girls, Kotagiri - Demotion of a pupil

Ref:- Your Rc. No. 1816 E4/49 d/ 26-11-49.

I am desired to request you to make a thorough enquiry and ~~find out~~ submit a report to Govt as to ~~I am desired to enquire~~ who was responsible for not having found out for such a long time, the mistake of the Headmistress of the St. Mary's Secondary School for Girls, Kotagiri, in having admitted irregularly in June 48 two students in Form IV and why action was not taken sufficiently early in the matter. ~~which was not brought to your notice earlier.~~ ~~I am to request you to make a thorough enquiry in the matter and send a report to Govt. at an early date.~~ The Govt. consider that even after finding out the mistake, a greater mistake has been committed in punishing the students one year after their having studied in IV Form, instead of the headmistress who admitted the students.

Yours sincerely

19/12

orders in circulation on p2 nf

p3 cf

19/12/49

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

16/12/49

16/12/49

18/12/49

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A.S.III ~~6~~ 987 ⑥ 9

D.O.No.1816-E4/49.   Director of Public Instruction,
                          Madras, 30th December 1949.

p5 ante

SECRETARIAT, EDN. GOVERNMENT, ORDERS.

My dear Prabhu,

Ref: Your D.O.No.93416-B1/49-2, Education, dated 28-12-1949, regarding Depromotion of 2 Girls in St.Mary's Girls' High School, Kotagiri.

770

With reference to the remarks conveyed to me in your D.O. cited above, I wish to state the following:-

10.11 of BK ND 151. According to rules 33 to 37 of the Madras Educational Rules the admission of pupils into Secondary Schools are done by the Heads of those schools who are responsible for the observance of conditions laid down in the rules. Any deviation from the rules could be found out only at the time of annual inspection of the schools. In this case, the two pupils referred to were reported to have been admitted on 14-6-48 and 1-7-48. The annual inspection of the school took place on 18-3-49, i.e., towards the close of the academic year 1948-49. Naturally, the mistake could not have been detected earlier.

2 Regarding the depromotion of the pupils there has been no mistake at all. Basically the pupils ought to have been admitted into III Form, the highest class to which the Headmistress is empowered to admit after a test according to rule 37 of the Madras Educational Rules and not into IV Form to which they were not eligible. These pupils ordinarily should have been in Form III during 1948-49 and in Form IV in 1949-50. In the circumstances of the case, the action taken by me ordering their depromotion to IV Form appears to be equitable. The fact that the pupils studied in IV Form for a year and were duly promoted to V Form does not mitigate the situation that by the commission of the irregularity, these two pupils gained one year undeservedly. I may also add that the condoning of an irregularity merely for the reason of the lapse of time may set a most undesirable precedent and encourage other irregularities of the same kind.

11 of BK 151

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PTO

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3. The Headmistress has been charge sheeted and suitable action would be taken against her on receipt of the report of findings of the Inspectress of Girls' Schools, IV Circle, Salem..

4 In view of the position stated above I am of opinion that further enquiry into the case seems to be unnecessary.

Yours sincerely,

To

Sri J.M.Lobo Prabhu, I.C.S.,
Secretary to Government,
Education & P.H.Department,
Fort St.George, Madras.

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

~~6~~ 11

(X)

E & P.H.(B1)

Schools - Secondary - Aided - St. Marys Secondary School for Girls, Kotagiri - Demotion of a pupil

p3f 14-6-7f

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From the D.P.I. Rc. No. 1816 E4/49 d/ 26-11-49 and 30-12-49

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Memo No 93416 B1/49-3 Edn dated 11-1-50.

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83

2/11/50

p4 nf

The D.P.I. is requested to state whether a student who was not eligible in the previous year for admission in Form IV as she had not passed the E.S.L.C examination with English as an optional subject, ~~can~~ could be considered eligible under the rules for admission in Form IV merely by spending a year in that class and being promoted. The Director is also requested to state whether by sending the pupil back to Form IV (ie readmitting her in That Form ~~III~~) ~~whether~~ the mistake committed by the headmistress will not be repeated thereby furnishing a good ground to the parent in

any

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~~7~~ 9

suit he may file. The Director is ~~also~~ further requested to state whether he ~~can exempt students who fail in English from the~~ exempts students who do not pass the E.S.L.C. examination with English as ~~an~~ optionals from the qualifications ~~in~~ in English necessary for admission in Form IV.

7/1/50.

8.1.50

16-1-50

To
The D.P.I.

K-1-50

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10 B

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(2)

TO GOVERNMENT
1950
PUBLIC HEALTH DEPARTMENT

EDUCATION DEPARTMENT

FROM
THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

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

570

Roc.No.1816-E4/49 dated 28th February 1950.

Sir,

Sub:--MADRAS EDUCATIONAL RULES--Irregular admission in St. Mary's High School, Kotagiri--Depromotion of two girls--Reference from Government --answered.

Ref:--Government Memorandum No.93416-B1/49 dated 11-1-1950 pp 8-9 ante

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With reference to the queries raised in the Government Memorandum quoted above, I may state as follows:--

pp 6-7 ante 2. It was pointed out to Government in my letter Rc.No.1816-E4/49 dated 31-12-1949 that by the commission of irregularity in the pupils' admission to IV Form the girls gained a year undeservedly. In the circumstances of the case, I considered that a depromotion to IV Form of these two girls would meet the ends of justice. At the time orders were passed, there was no question of either admission or re-admission but of determining the status of the girls with reference to the class in which they should have ordinarily been in the normal course of events. Under rule 37(~~b~~)c of Madras Educational Rules the Director is empowered to order the admission of a pupil into any class if circumstances of the case of the pupil warrant such a course of action. In the present case/resting with the Government there is no doubt that the pupil is not guilty of any offence but that consideration does not necessarily mean that the girl should be allowed to continue in V form to which she would not ordinarily have come up, had the Headmistress been careful in admitting her.

p 11 of BKMO 151

pp 8-9 ante
p 11 infra

3. The second query raised in the Government Memorandum is answered in the negative. A copy of the Government Solicitor's remarks in his letter No.4445- dated 23-11-49 is also enclosed for the information of Government.

p 9 ante 4. The third query is answered in the negative.

Yours faithfully,

2.3.50

For Director of Public Instruction

Clb.1-3-50.

1/3

2/3

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Copy of letter No.4445 dated 23rd November 1949 from the Government Solicitor, Madras to the Director of Public Instruction, Madras.

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Madras Educational Rules--Irregular admission--depromotion of certain pupils--Legal proceedings threat by a parent.

I am in receipt of your letter Roc.No.1816 E4/49 dated the 14th instant.

I have considered the question and am of opinion that the parent of the student can have no cause of action against Government. The admission of the student into the fourth form was contrary to rule 37 of the Madras Educational Rules and was therefore invalid. This was due to the gross negligence of the Headmistress of the School. This irregularity was discovered by the Inspectress of Girls' Schools, IV Circle, during her inspection of the school and immediately thereafter the Headmistress of the school was directed not to promote the student to the Fifth form. I presume that no inspection of the school took place when the students were in the fourth form and that the irregularity could not have been discovered earlier. 2

As already stated, Government will not be liable for damages to the parent of the student and his cause of action, if any, is only against the Headmistress of the school concerned.

(Sd)x x x x x x x x x

Government Solicitor.

/True copy/

2.3.50

For Directorof Public Instruction.

Clb.21--3--50

1/3

16

~~12~~ (10) 17

Edn (B)

Schools - Secondary - Aided - St. Mary's Secondary School for Girls, Kotagiri - Demotion of a pupil

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From the D.P.I. Roc. No. 1816 E4/49 d/ 28.2.50

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Memo No 93416 B/49-4 Edn dated 15-3-50.

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The D.P.I. is requested to report the marks secured by Esther Lakshmi, student in the St. Mary's Secondary School for Girls, Kotagiri in the E.S.L.C examination held in 1948 and in the annual examination in Form IV at the end of 1948-49. He is also requested to forward the papers relating to the admission of the pupil in Form IV in June 1948, for perusal. ~~by post~~.

Sd/ 10/3/50.

11.3.50

14-3-50

15/3/50.

US

15/3

1 of

15/3/50

vide orders of Secretary on p6 nf.

Reminder I on 15-4-50

Reminder II on 8-5-50

N-R 30/5/50

17/3

To

The D.P.I.

15

B (11) 19

E

Education Department.

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education Department, Madras.

12242 SW

R.O.C.No. 1816 E4/49 dated 16-5-1950

ASSISTANT SECRETARY
21 MAY 1950
EDUCATION DEPARTMENT

Sir,

SUB: Madras Educational Rules-- irregular admission of two girls into IV Form of St. Mary's High school, Kotagiri.

REF: Govt. Memo in 93416 B/49-4 Edn dated 15-3-1950 p12 ante

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p12 ante With reference to the Government memo quoted above, I submit herewith in original, the following:-

x p16 infra ✓ p14 infra 1. E.S.L.C of M. Velliammal and Esther Lakshmi Bai.

p15 & p17 infra 2. The application for admission made on behalf of the two girls.

p14 & p16 infra 2 The E.S.L.Certificates contain the marks obtained by the two pupils in the examination. The forms of application for admission made by the parents of the girls contain the orders of the ~~headmaster~~ headmistress admitting the girls into IV form. p15 & p17 infra

3 The percentage of marks obtained by Esther Lakshmi in the annual examination of IV Form conducted in the school in (1948-49) are reported to be the following:-

1.	English	45
2.	Tamil	42
3.	Ele. Mathematics	46
4.	Ele. science	42
5.	Hindi	33.
6.	Home craft	40

Yours faithfully,

for DIRECTOR OF PUBLIC INSTRUCTION

ptv 18/5

18/5

Edn (B)

T. M. No. 93416 B/49-5 Edn d/8-6-50.

From the Assistant Secretay, Edn. Department

To the Dy. D.P.I.

Ref:- The Director's Roc. No 1816 E4/49 d/ 16.5.50 regarding irregular admission of two girls into IV Form of St. Mary's High School, Kotagiri.

Please say ~~very~~ urgently, whether the two students in question are continuing their studies after their demotion and if so in what form they were studying ~~during~~ 1949-50.

8.6.50.

Sy
8/6/50.

USN
8/6/50.

Issue at once.
8.6.50.

Despatched
8/6/1950
p13 of

Issued
8/6.

vide Secretary's orders on p8 nf

C.F. 304.

OFFICE OF THE B

Date 15360 19

Hours Minutes

TELEPHONIC MESSAGE.

From	To
D.P.I	A.S. Edn.

p189

Ref. T M dt 8/6/50 reg irregular admission of two Girls in to IVth Form - St. Mary's High School ~~Kota~~ Kottagiri

Inspectress of IVth circle Selem is being addressed for the information required, as it is not available in this office. A reply will be submitted immediatly on reciept of the information

[Please write on both sides.

2
C.F. 304.

20

Edn (B)

Please see the Director's T.M. overleaf. His final reply may be awaited till ~~10-7.50~~. 25. 6. 50

12/6/50.

12-6-50

13.6.50.

Post copy of the Telephonic Message R.C.No. 1816 E4/49 (14)

original on p19 ante B

Office of the
Director of Public Instruction,
Madras, Dated 10--6--50.

From
The Director of Public Instruction, Madras.

To
The Secretary to Government,
Education Department.

p18 ante

Ref: Telephonic Message dated 8th June 1950 regarding irregular admission of 2 girls into IV Form St. Mary's High school, Kotagiri.

. . . .

The Inspectress IVth Circle Salem is ~~hereby~~ being addressed for the information required as it is not available in this office.

2. A reply will be submitted immediately on receipt of the information.

ASSISTANT SECRETARY
15655
14 JUN 1950
EDUCATION DEPT.

R. watch & ask for a quick reply

14.6.50

for Director of Public Instruction.

C.R. 12/6

Rc/12/6

26

22

Edn(B)

The Director's final reply may be awaited till 25.6.50 (vide orders on p 20 ante)

Sd 15/6/50.

USR 16/6/50

16.6.50.

26/6.

~~23~~ 27

(15)

Edn (B)

T.M. No. 93416 B/49-6 Edn d/26-6-50

F fair 28/6.

~~P.C to go~~

13/27/6.

From the Assistant Secretary, Edn Department
To the Dy D.P.I.

Ref:- Govt. T.M. No 93416 B/49-5 Edn d/8-6-50 and the Director's interim reply Rc No 1816 E4/49 d/10-6-50 regarding irregular admission of two girls into Form IV of St Mary's High School Kotagiri.

Issued p 18 cf
27/6.

p 21 cf

A 26/6/50

Please expedite your reply. – The matter may ~~[illegible]~~ be treated as urgent.

Sd 24/6/50.

USR 24.6.50

26.6.50.

vide orders on p 22 cf

~~24~~B/A.S.II (16)

29

POST COPY OF TELEPHONE MESSAGE dated 28-6-1950.

From

The Director of Public Instruction,
Madras.

ASSISTANT SECRETARY
EDUCATION DEPARTMENT
18079
1 JUL 1950

To

The Secretary to Government,
Education Department, Madras.

Ref:- Telephone Message No. 93416 B/49-6 Education dated 26-6-50 received on 27-6-1950.

The report from the Inspectress is awaited and she has been reminded in the matter.

3/6

for Director of Public Instruction.

A.S. 29-6.
29/6.
30/6

Edn(B)

The Director's final reply may be awaited till 11-7-50.

4/7/50
4/7/50

7.7.50

B 25 (17)

Education Department.

From

The Director of Public Instruction,
Madras

To

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

R.C.No.1816-E4/49 dated 5th July 1950.

8 JUL 1950
18876
EDUCATION DEPARTMENT

SIR,

Madras Educational Rules--Irregular admission of E.S.L.C. holders in Form IV--St.Mary's High School,Kotagiri.
Reference:-Your Telephonic message No.93416-B/49-6 Edn., dated 26..5..1950.

p 23 ante

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Both the girls in question were in Form IV during 1949-50 and were promoted to Form V in 1950-51. Valliammal is continuing her studies, ~~and~~ Esther Lakshmi Bai is not attending the school from 15.6.50.

Yours faithfully,

7/7

For Director of Public Instruction.

ks.6.7.

Rs 6-7

From

The Director of Public Instruction,
Madras.

To

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

R.C.No. 1816 E4/49 dated [illegible] July 1950.

Madras, [illegible] St. Mary's Girls' Secondary School [illegible]
Reference:- Your [illegible] dated [illegible].5..1950.

Both [illegible] were in Form IV during 1949-50 and were promoted to Form V in 1950-51. [illegible] from [illegible]

Yours faithfully,

for Director of Public Instruction.

1888 b

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(18)

Edn. (B)

Schools. Secondary. Aided - St. Mary's Secondary School for Girls, Kotagiri - Demotion of a pupil - Orders passed.

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p1cf Petition d/ 26.9.49 from Mr. Reuben Paul Kotagiri. / pp6-7cf

31/20 p3cf From the D.P.I. Rc. No. 1816 E4/49 d/ 26.11.49, 30-12-49,
p10cf — 28.2.50, 16.5.50 and 5.7.50
p13cf p24cf

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D
28/7/50

Order No 2126 Edn. dated 28/7/50
Ms

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pp 6-7cf
& p9nf

In the circumstances stated by the D.P.I. no further action is considered necessary in the matter. The Director, is, however, requested to circularise the ~~and Inspectresses~~ D.E.Os and Inspectresses of Schools to see that ~~such irregularities are not committed in future~~ irregular admissions of pupils ~~should be~~ are scrupulously avoided

p9nf

31/7

To
The D.P.I.
(with enclosures retd)
pp 14-17cf.

2 s/cs.

19/7/50 19.7.50

22.7.50

28.7.50

E&P.H.(B.)

Schools - Secondary - Aided - St. Mary's Secondary School for Girls, Kotagiri - Depromotion of a pupil.

p1cf Petition d/26-9-49 from Mr. Reuben Paul, Kotagiri to the D.P.I.

p2cf From the D.P.I. Rc. No. 1816 E4/49 d/26-11-49.

The petition from Mr Reuben Paul at p1cf against the orders of the D.P.I depromoting his daughter, a student of the St. Mary's Secondary School for Girls, Kotagiri, and the minutes of H.M. (E&L) thereon at p1cf may be perused.

para 1 on p2cf — 2. On a reference to the D.P.I, he has reported that the headmistress of the St. Mary's Secondary School, Kotagiri, ~~and~~ admitted in June '48 the student in question and another pupil in Form IV of the school even though the two students had not passed the E.S.L.C examination with English as optional subject. (page 11 of BK No 151) Under rule 37 of the Madras Educational Rules, a student is eligible for admission in Form IV of a secondary school only if the student passes the E.S.L.C examination with English as optional. By the time the irregularity was brought to the Director's notice, the two students had been already promoted to Form V. ~~therefore~~ Because of this irregularity the Director issued orders (in July '49) that the two students should be sent back to Form IV as they would have normally reached that form only by then. On the representation from Mr. Paul at p1cf, the Director replied that there was no ground for ~~the~~ any reconsideration of the existing orders. (para 2 on p2cf) The Director has reported that the petitioner has proposed to launch legal action against the Department and that the Govt. Solicitor is being consulted whether in such cases a parent can seek redress in a court of law. (para 3 on p2cf) He has also reported that action is being taken ~~separately~~ against the headmistress separately for having ~~see~~ violated the Madras Educational Rules.

3. In the circumstances reported no action seems called for in the matter. The file may be circulated

to H.M. (E&L) for perusal with reference to his minutes at p1 cf. C. No. 93416/49.

S HM (E&L)

Sd 12/12/49
USR 12/12/49
13-12-49

The student was not eligible for admission to IV Form. After she was admitted by the management and was promoted to a higher Form, the D.P.I. took the action to demote her. The question is whether the demotion was the appropriate step to take, when the student was not eligible to admission at all. There were apparently two courses open, either to refuse admission to the student at all to the school, not being eligible to it, or to examine her in respect of her proficiency in English which apparently by the results of the Annual Examination was sufficient to merit her promotion. However, the D.P.I. did not take the~~se~~ steps and as now legal action is being taken, there is nothing ~~to conclude.~~ we need do.

14/12

H.M. (E.& L.)

We can't interfere at this stage as it will be another mistake to send up a student from IV form to V form at this part of the year. But I must say this is an outrageous case — a child being asked to go to a lower form after 1½ years for no fault of hers after she had qualified or shown that she was fit. It is of course a mistake was made by H.M. But who is responsible for ~~not~~ the mistake of not having found it out for such a long time. Even after finding out, ~~to~~ a greater mistake was made in punishing a child instead of the H.M. who admitted her. Ask the D.P.I. to make a thorough enquiry.

15/12

6 DEC 1949
GOVERNMENT OF MADRAS

With reference to the orders in circulation, a draft memo

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to the petitioner is submitted below for approval. A draft d.o to the D.P.I. is also submitted for approval.

Sd 16/12/49
USR 16.12.49
18/12/49

S 19/12

p 4 cf [Issued as Memo No. 93416 B1/49-1 Edn dated 19-12-49]
pp 5 cf [Issued as D.O. No 93416 B1/49-2 Edn dated 19.12.49]

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pp 6-7 cf C. No. 770 from the D.P.I. D.O. No. 1816 E4/49 d/30.12.49.

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para 1 on p6 cf Please see the D.O. from the D.P.I. at pp 6-7 cf. He has stated that the Inspecting Officers will be checking up any irregularity regarding admission of pupils in schools only at the time of the annual inspection of the concerned school and that the admission of pupils in accordance with the provisions of the Madras Educational Rules is primarily the responsibility of the head of the institution.

para 1 on p6 cf In the present case, the action of the headmistress of the St. Mary's Girls' High School, Kotagiri, in having admitted irregularly two students in Form IV was detected only during the annual inspection of the school which took place on 18.3.49. The Director seems, therefore, of the view that there has been no delay on the part of the Inspectorate in bringing the matter to his notice.

para 2 on p6 cf 2. As regards the demotion of the two pupils the Director considers that his action in having ordered the demotion is equitable as the students would have reached form IV only then and the fact that they have already studied in that class should not form the basis for condoning the irregularity. He has also stated that any condonation of the irregularity on the ground that it was noticed only after a considerable lapse of time will create a most undesirable and inconvenient precedent.

para 3 on p7 cf The Director has reported that suitable action will be taken on the headmistress.

para 4 on p7 cf A In the circumstances, he considers that no further enquiry is necessary in the matter.

3. The file may be circulated to H.M. (E&L) for orders whether the Director's views at A above may be concurred in.

Sd 5/1/50
USR 5.1.50
6-1-50

S HM (E&L)

The position is still unsatisfactory. If the student was not in the previous year eligible to admission to IV Form without passing the E.S.L.C with English as optional, she does not become eligible merely by spending a year in IV Form and being promoted. In readmitting her to the IV Form, the D.P.I will be committing now the same mistake as the headmistress in the previous year. In any case, he will furnish a good ground to the parent in any suit he may file, Has D.P.I powers to exempt scholars who fail in English. If not ask for his remarks on the above

X

7/1

With reference to 'X' above it is submitted that the student was eligible for admission in Form III at the outset and she would have been normally promoted to Form IV at the end of the year. It is presumed that the D.P.I. considered that she would have been normally promoted from Form III to Form IV particularly as she was found eligible for promotion from Form IV to Form V even though she was admitted irregularly in Form IV. If the Directer were ~~to order~~ her being sent back to Form III as suggested above it may cause undue hardship on the student. The Director may be consulted whether he has powers to ~~[illegible]~~ exempt students who fail in English.

The draft memo below is for approval.

Sd/ 7/1/50.

10-1-50

6/1/50

[Issued as Memo No. 93416 B1/49-3 Edn d/ 11-1-50] — pp 8-9 cf

C. No. 570. From the D.P.I. Roc. No. 1816 E4/49 d/28-2-50 — p10 cf

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The file relates to the representation from Mr. Reuben — p1 cf

Paul, Kotagiri, against the orders of the D.P.I., demoting his daughter a student of the St. Mary's secondary school for Girls, Kotagiri from Form V to Form IV in July 1949. The Director had reported that the student in question and another girl were irregularly admitted by the Headmistress of the school in Form IV in June 1948 whereas they were eligible for admission in Form III only under the rules. The irregularity was brought to the notice of the Director by the Inspectress of Schools after her inspection of the school in April 1949 and he ordered that the students who had by then been promoted to Form V should be demoted to Form IV which form they would have reached normally. On a further reference to him, the Director has now reported that his orders will not amount to a readmission of the two students in Form IV and that therefore it will not be a repetition of the irregularity committed. He contends that but for the irregularity, the pupils ~~who~~ would have been admitted in Form III and promoted to Form IV ~~by now~~ in July 1949. He has stated that he does not exempt students who do not pass the E.S.L.C examination with English as optionals from the qualifications necessary for admission in Form IV. He has also forwarded the views of the Govt. solicitor that the parent of the student can have no cause of action against the Government for having demoted his daughter. He (the parent) can at the most launch legal proceedings against the headmistress of the School. In the circumstances it is for consideration whether the Director's view that no further enquiry is necessary in the matter may be concurred in.

para 1 on p3 cf

para 1 on p6 cf

para 1 on p3 cf

para 2 on p10 cf

para 2 on p10 cf

para 4 on p10 cf

p11 cf

para 4 on p7 cf

A

2. The file may be circulated to H.M. (E&L) for perusal of the Directors d.o at pp 6-7 cf and further report on p10 cf with reference to his minutes on p2 ante.

Sd 4/3/50.

KSK 5.3.50

A above may be accepted.

7-3-50

S

In which class has the student been during 1949-50? I suppose that at the end of 1948-1949 when the student was promoted to Form V. She was actually fit for promotion to Form V.

8/3/50

Reference :- Secretary's queries overleaf

(i) The student was in Form IV during 1949-50 as she was demoted from Form V under the orders of the D.P.I vide X on p 3cf.

(2) It is presumed that the student was actually fit for promotion at the end of 1948-49 ~~as the Director~~ has reported that she was duly promoted to Form V vide Z on p 6cf.

Sd/ 8/3/50.

USK 8/3/50

9-3-50

S

Please ask for the marks of the student in the E.S.L.C. Examination, her marks in the promotion examination of IV Form at the end of 1948-49; ~~for~~ the papers relating to her admission in Form IV in June 48.

13.5.50.

A draft memo to the D.P.I. is submitted below for approval. Attention is, however, in this connection solicited to the minutes of H.M. (E&L) at p 2 ante. stating that Govt. cannot interfere in the matter at this stage. as also to the memo at page 4 cf.

Sd/ 10/3/50.

USK 11.3.50

14-3-50

15/3

Issued as Memo No. 93416 B/49-4 Edn d/ 15.3.50.

C. No. 12242 From the D.P.I. Roc. No. 1816 E4/49 d/ 16.5.50.

On a representation from Mr. Reuben Paul against p1cf

the orders of the D.P.I. demoting~~h~~ his daughter, a student

of the St.Mary's Secondary school for Girls, Kotagiri, the

D.P.I. reported that the pupil in question along with another para 1 on p3 cf

~~people~~ pupil was irregularly admitted in June 1948 in Form

IV of the school, even though they were not eligible for such

dmission under rule 37 of the M.E.R. as they had not passed p11 of Bk No 151.

he E.~~S~~.S.L.C. Examination with English as Optional subject.

he E.S.S.L.C. Examination with English as Optional subject.

efore the irregular admission was brought to the notice of para 1 on p3cf and p6cf

he D.P.I. the 2 students had been already promoted to Form V

t the end of the annual examinations. However as they

X on p3cf

para 1 on p6cf

they would have normally reached Form IV by then, the Director ordered that the students should be demoted to Form IV. He has explained that the irregularity was noticed by the Inspectress of Schools after the annual inspection of the school in April 1949 and that the responsibility for this admission is entirely that of the management. He has also stated that the parent cannot launch ~~the~~ legal proceedings against Govt. as ~~he th has~~ threatened by him ~~to~~ and that, at the most, the proceedings can be directed only against the Headmistress. Both the students were in Form IV during 1949-50 but Esther Lakshmi Bai has discontinued from 15-6-50.

p10cf

p11cf

p25cf

p14 and p16cf

p15 and p17cf

p14 and p16cf

2 He has forwarded the E.S.L.Certificates and the forms of applications for admission made by the parents of the Girls concerned. The marks obtained by the students in the Public Examination at the end of VIII Standard in Higher Elementary Schools are given on the certificates. The marks secured by Esther Lakshmi in the annual examination of Form IV are given on p.13cf. It is observed that the student was no doubt eligible for promotion to Form V.

X on p3cf

para 4 on p7cf

But in view of the irregular admission of the two students the D.P.I. had to demote them to Form IV, as in the ordinary course they would have reached that Form only by them. In the circumstances the Director considers that no further enquiry is necessary in the matter. It is for orders whether his views may be concurred in.

3. The file may be circulated to H.M.(E.& L.) for perusal of the Directors D.O. at pp 6-7 cf and further reports on pp 10 and 13cf. with reference to his minutes on page 2 ante..

Sd/ 23/5/50

USK 23.5.50

p1cf

The case relates to the representation from the parent of one Esther Lakshmibai, a pupil of St. Mary's Secondary School for girls, Kotagiri against the orders of the D.P.I. depromoting the pupil from V Form to IV Form.

~~Enquiries have been instituted in the matter~~

After consultation with the D.P.I, it is found that the depromotion was ordered by the D.P.I. in the following circumstances:

Resent 10/7/50.

The Headmistress of the school in question admitted the pupil in IV Form of the school without verifying whether the pupil passed the VIII standard Public Examination, 1948 with English as optional, a pass in which alone would entitle a pupil for admission into IV Form - please see rule 37 of the Madras Educational Rules. The girl did not pass English in the VIII standard though she studied it in that class. She was therefore not eligible for admission into the Form in which she was admitted. It took time for the departmental authorities to ~~deduct~~ detect this irregularity in the admission of the girl. Meantime, the pupil had completed her IV Form course and passed the final IV Form examination and became eligible normally for promotion to V Form. When at that stage the irregularity was brought to the Director's notice, the Director ordered in his proceedings dated 27-7-1949 that the pupil, ~~and~~ along with ~~her~~ another pupil who had been similarly admitted, be put back in IV Form as in the ordinary course they would have been admitted initially only in Form III and would accordingly have been promoted to IV Form only then.

para 1 of DPI's endt p 15 c.f.

x pm of BK No 151

The parent's petition at page 1 c.f. is against these orders of the Director. It will be observed that, as the representation points out, the pupil was not to blame for the irregularity which was committed by the Headmistress of the institution. It may also be observed that notwithstanding the fact that the pupil had not passed English in VIII standard examination, she was found fit after her course of study in IV Form for promotion to V Form, the pupil having passed in all the subjects including English. Therefore, the Director's proceedings were only in the nature of a concession to ~~a~~ technicality ~~in the rules.~~ The action of the Director does not seem to be supportable on grounds of ~~fair play~~ justice.

para 1 on p 3 c.f.

para 3 on p 13 c.f.

The previous Secretary wanted to know in what classes actually the pupils were studying last year in order to see ~~whether orders were actually passed now~~ what orders should be passed in the circumstances. It has now been ascertained that in accordance with the Director's

p 25 c.f.

(P.T.O)

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orders the pupils continued their studies in IV Form and were promoted to V Form only in 1950-51. One of the girls is continuing her studies; the daughter of the petitioner has discontinued her studies from 15-6-1950.

p 25 c.f.

In the circumstances it does not seem necessary to pass any orders now interfering with the Director's proceedings in this case as they have already been given effect to. As regards the irregularity committed by the Headmistress which was responsible for the Director's proceedings and this correspondence, some action seems to be necessary. The Director may be asked to circularise the District Educational Officers to see that such irregularities are not committed. It does not appear that anything else is necessary in the matter.

H.M.(E.&.L.) may see for orders.

SECRETARY
18 JUL 1950
EDUCATION DEPARTMENT

14.7.50

15.7.50

✓

HM(E&L)

15/7

A draft order is submitted below for approval.

19/7/50

USN
19.7.50

22.7.50

28.7.50

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IV
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