

Purwaray

South India - 60,904 - 17-11-48

RH (1948) Department.

MS SERIES.

(1)

G.O. NO. 230 Edn

Dated

1/2/50

(2)

[Despatch Abstract.]

M.E.S.S - Miss B. Saradha - formerly a
Lecturer in History Q.M.C - appeal for
seniority - order passed

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

C.No.496-L1/49.

23145

Office of the
Director of Public Instruction,
Madras, Dated 21st March 1949.

From
The Director of Public Instruction,
Madras.

To
The Secretary to Government,
Education and Public Health Department,
Madras.

Sir,

Sub: MADRAS EDUCATIONAL SUBORDINATE SERVICE - Miss. B. Sharada Officiating Assistant Lecturer in History Queen Mary's College, Madras (now under ousting) Appeal against Mrs Mahamooda Kadri - for seniority- Submitted.

While submitting a copy of petition dated 24-2-1949 from Miss. B.Sharada, I submit that she is a candidate selected by the Public Service Commission during the year 1947 for appointment as Assistant Lecturer in Economics. She entered service on 15-7-1947 as Assistant Lecturer in History in the Queen Mary's College. Consequent on the changes of staff due to the transfer of management of the Government College for Muslim Women, Madras to Sri V.L.Ethiraj, she was ousted from service for want of a vacancy. She was re-appointed in the maternity leave vacancy of Mrs. Mahamooda Kadri, Officiating Assistant Lecturer in History, Queen Mary's College from -- 21-12-1948 to 5-3-1949. Mrs. Mahamooda Kadri returned from maternity leave on 5-3-1949 and Miss. B.Sharada was again ousted for want of a vacancy. She now represents that Mrs. Mahamooda Kadri and herself were selected on the same day by the Public Service Commission for two different vacancies. Mrs. Kadri for post of Assistant Lecturer in the Government College for Muslim Women, Madras and herself for a general vacancy. She therefore argues that when the Government College for Muslim Women, Madras was transferred to Sri V.L. Ethiraj, Mrs. Kadri being a muslim candidate should have been ousted for want of a vacancy instead of her, as the Government College for muslim women was transferred to a private management.

2. Mrs. Mahamooda Kadri entered the department as temporary Assistant Lecturer in Economics, Government College for muslim Women, Madras on 1-7-46. Ever since, she has been continuing in service as Assistant Lecturer without a break in service. Subsequently, she was selected by the Public Service Commission for appointment as Assistant Lecturer in the year 1947 and according to rule 20(a) of the Madras Provincial and subordinate Services her appointment was regularised with effect from 29-5-47, the date of the Commission's letter selecting her as Assistant Lecturer in Economics. Miss. B.Sharada entered service only on 15-7-47 and hence she is junior to Mrs. Kadri. With reference to rule 7(ii) of the General Rules for the Madras Provincial and subordinate services, Mrs. B. Sharada was ousted and she is not senior to Mrs. Kadri.

Yours faithfully,

DIRECTOR OF PUBLIC INSTRUCTION.

Ram.22/3.

Copy of petition dated 24-2-1949 from Miss. B.Sharada:-

With reference to the posting of Mrs. Mahmooda Kadri as Assistant Lecturer in Economics in my place at Queen Mary's College I beg to place the following facts for your kind consideration.

1. Mrs. Kadri and myself were selected on the same day by the Madras Public Services Commission for two different posts. Mrs. Kadri was selected for a post which was reserved exclusively for muslims in Muslim College, while I was selected for a general vacancy in Queen Mary's College. Accordingly I was appointed in a permanent vacancy as Assistant Lecturer in Queen Mary's College, Madras as per R.O.C.18302-47 dated 3/7/47 of the Director of Public Instruction. I worked here for a full year with full sincerity and earnestness and to my great despair on 8/5/48 I received the ousting order from the department. Mrs. Kadri was posted in my place on the basis of her seniority to me by one month. Here, may I be permitted to point out that we cannot be treated on the same footing as the basis on which we were selected was entirely different; for Mrs. Kadri was selected for a muslim vacancy in Muslim College. If the Muslim vacancy was open to others I could have applied for it too and perhaps with better chances of getting in, as I have additional qualifications of B.T. and M.Ed. The ousting order gave me a shock as I was officiating as an Assistant Lecturer in a permanent general vacancy.

2. None of the others who had been selected by the Madras Public Services Commission along with me has been ousted. As mine is an exceptional case I would request the Government to give special consideration and see that I am allowed to continue in this post even after 6/3/49 when Mrs. Kadri has to rejoin duty.

I hope the Government will give due consideration to my appeal and pass favourable orders so as to enable my continuity in the present post; for this act of justice, I will be every grateful.

Sd. B. Sharadha

/True copy/

2/2 P. M. —
Director of Public Instruction.

4

Copy of petition dated 24.12.48 from Miss B. Sharda

With reference to the petition of Mrs. Kadambe dated 24.12.48 as Assistant Lecturer in Honours in the place of Mrs. Kadambe I beg to place the following facts for your consideration.

1. Mrs. Kadambe and myself were selected on the same day by the Madras Public Services Commission for the post of Assistant Lecturer in Honours in the place of Mrs. Kadambe. Mrs. Kadambe was selected for a post which was reserved exclusively for women in the Madras College, while I was selected for a general vacancy in Queen Mary's College, Madras. I was appointed in a permanent vacancy as Assistant Lecturer in Queen Mary's College, Madras as per G.O. 18302-48 dated 27.12.48 of the Director of Public Instruction, Madras. I worked here for a full year with full sincerity and earnestness and to my great regret on 8.12.48 I received the intimation from the Department that Mrs. Kadambe was posted in my place on the basis of her seniority to me by one month. Here, may I be permitted to point out that we cannot be treated on the same footing as the other candidates who were selected for a general vacancy. Mrs. Kadambe was selected for a general vacancy in the Madras College. If the Madras College was open to others I could have applied for it too and had I done so I could have secured it. I have additional qualifications of B.A. and M.A. The other candidates have no such qualifications as I have. I was appointed as an Assistant Lecturer in a permanent general vacancy.

2. None of the others who had been selected for the Madras Public Services Commission along with me had been appointed. As mine is an exceptional case I would request the Government to give special consideration and see that I am allowed to continue in this post even after 31.12.48 when the term of my appointment expires.

I hope the Government will give due consideration to my appeal and pass favourable orders so as to enable me to continue in the present post for this year at least. I will be very grateful.

DR. B. Sharda

True copy

10/12/48

Director of Public Instruction

very urgent

plante

prank

To The D.O.

10/12/48

(V)

4-20-48

Memo. no. 23145 H-1 du. d/ 5/12/48

M.E.S. - Miss B. Sharda
off. post - Lecturer - Appeal
against discharge

Ref: - from the D.O., no. 496-L1/49
d/ 21.2.49

The D.O. is requested to offer his remarks on the main argument put forward by Miss B. Sharda for her retention in preference to Mrs. Mahamooda Kadri - viz., that she later was selected as for a Muslim vacancy and that it was she who should have been discharged from service on the transfer of the management of the College for Muslim Women to S. V. L. E. Biraj.

2. The D.O. is also requested to indicate the order (of preference) in which the case selected Miss Sharda & Mrs. Kadri.

3. An early reply is requested

5.4.49

10/12/48



To
The Secretary to Government,
Education and Public Health Department,
Madras.

Reference is made to the letter of the Director of Public Instruction, Madras, dated 19-4-49, regarding the appointment of an Assistant Lecturer in Economics in the Government College, Madras.

While submitting a copy of the letter dated 19-4-49, it was pointed out that the Assistant Lecturer in Economics, Government College, Madras, was appointed on 19-4-49. It was also pointed out that the Assistant Lecturer in Economics, Government College, Madras, was appointed on 19-4-49. It was also pointed out that the Assistant Lecturer in Economics, Government College, Madras, was appointed on 19-4-49.

The Assistant Lecturer in Economics, Government College, Madras, was appointed on 19-4-49. It was also pointed out that the Assistant Lecturer in Economics, Government College, Madras, was appointed on 19-4-49. It was also pointed out that the Assistant Lecturer in Economics, Government College, Madras, was appointed on 19-4-49.

C.F. 32 (a).

EDUCATION Department

Received.....Registered.....

From (Name)
Designation The Director of Public Instruction,
Station Madras.

To
The Secretary to Government,
Education & Public Health Department,
Madras.

Enclosures: Rc. No. 496-E/49 dated 21-4-1949.



Sir,
Sub: Madras Educational Subordinate Service - Miss B. Sharada
Officiating Assistant Lecturer - Appeal against discharge
Ref: Govt. Memo. No. 23145-A/49-1, Edn, dated 5-4-49.

A reply from the Secretary, Public Service Commission, Madras is awaited. I shall submit my final reply as soon as the information is received from the Secretary, Public Service Commission, Madras.

2000 may 11/11/49
25.5.49
27/5/49
25/6/49
KT.22/4.

Yours faithfully,
[Signature]
Director of Public Instruction.

8

E P H A

Memo no 23145 AM - 2 Edn of 21/6/49
M.E.S.S. - Min B. Sharada, Gt Gt Asst Lecturer
appeal against discharge
Ref letter from the D.D. no 496 E/49 of 21/4/49 - p 7 copy.

The D.D. is requested
to expedite his reply to Govt memo.
Σ 3145 AM - 1 Edn of 5.4.49.
MKS 21/6/49
MKS 3/5 1/10 1/6/49
To
The D.D.
Govt no 496 E/49 21/6/49

(10)

9

E P H A

Urgent

76/22/6
p5 Gt

Memo no 23145 AM - 3 Edn of 22.6.49
M.E.S.S. - Min B. Sharada, Gt Gt
Asst Lecturer - appeal against
discharge
Ref: Govt Memo no 23145 AM - 1
Edn of 5/4/49 + reminder of 2.6.49

The attention of the
D.D. is invited to the reference
cited above and he is requested
to expedite his reply as
early as possible.

76/22/6
MKS 21/6
Enb me 22/6

MKS 22/6/49

10/

Memorandum 23145A/49 - 4 [Edn D] 24/7/49

M.P.S.S. - Miss B. Sharada, 6669. Asst.

Appeal - appeal of civil discharge

Ref: Govt Memo 23145A/49 - 1 Edn D S. U. 4

& reminder of 24/6/49 & 24/6/49

The D.P.S. is

requested to expedite his
reply to this Govt Memo referred
to above.

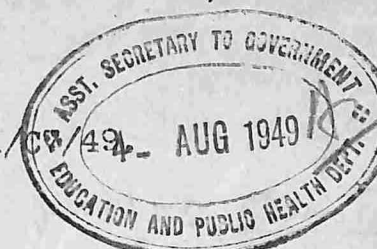
M.P.S.
21/7

22/7/49

1/2
8/12-7

20
The D.P.S.

RC.No.496-L1/49



Office of the Director of
Public Instruction,
Madras, Dated 2 August '49.

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Sir,

59141

Sub: Madras Educational Subordinate Service - Miss. B.
Sharada, officiating Assistant Lecturer - Appeal
against discharge.

REF: Government Memorandum No.23145-A/49-3 Education
dated 22--6--1949.

In continuation of my letter RC.496-L1/49 dated 21-4-1949

I have the honour to state that the matter is still under corres-

pondence with the Madras Public Service Commission. A further

report will be submitted as soon as the relevant information is
received from the Commission.

be awaited till 26.8.49.

M.P.S.
21/7

22/7/49

Ram.
2/8.

Yours faithfully,

for DIRECTOR OF PUBLIC INSTRUCTION.

12

CONFIDENTIAL:

EDUCATION DEPARTMENT.

From
The Director of Public Instruction,
Madras.

To
The Secretary to Government,
Education & Public Health Department,
Madras.

R.C.496-L1/C7/49 dated 11-8-1949.

Sir,

SUB: Madras Educational Subordinate Service - Miss.B.Sharada,
officiating Assistant Lecturer - Appeal against discharge.
REF: Government Memorandum No.23145-A/49-1 Education dated 5-4-49.

The argument put forward by Miss.B.Sharada that Mrs.Mahamooda Khadri was selected as for a muslim vacancy and that, therefore, it was she who should have been discharged from service on the transfer of the management of the College for Muslim Women to Sri V.L.Ethiraj cannot be supported with reference to rule 3(a)(ii) of the General Rules for Madras Provincial and Subordinate Services.

2. The Madras Public Service Commission is of opinion that as Miss. B.Sharada Bai and Mrs.Khadri belong to different communities, there is no question of order of preference as between the two.

Yours faithfully,

for DIRECTOR OF PUBLIC INSTRUCTION.

Ram.12/8.

14/1

EDUCATION DEPARTMENT

COMMISSIONER

From: The Director of Public Instruction,
Madras.

To: The Secretary to Government,
Education & Public Health Department,
Madras.

S.O. 496-LI/3743 dated 11-8-49.

SUB: Madras Educational Subordinate Service - Mrs. S. Sharda.
OFFICIALING ASSISTANT INSTRUCTOR - Special Grade (1st Class).
REF: Government Memorandum No. 2814-2-49-1 dated 2-8-49.

62003

The argument put forward by Mrs. S. Sharda that she should be selected for a public vacancy and that, therefore, she should have been discharged from service on the transfer of the management of the College for Women to S.P. S. Sharda cannot be supported with reference to rule 4(a)(ii) of the General Rules for Madras Provincial and Subordinate Service.

The Madras Public Service Commission is of opinion that as Mrs. S. Sharda has not been discharged from service, there is no question of order of preference as between the two.

Yours faithfully,

FOR DIRECTOR OF PUBLIC INSTRUCTION

22.8

12/2/22
Very Urgent.

Issued
22/8

re w to

15
T.N.-5 D/19.8.49
(H. H. A.)

From: The Secy., E.D.H.
To: The D.O.

25/8

Ref: - Your M. 496-LI/27/49, d/- 11-8-49

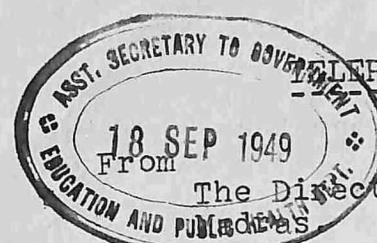
please submit -
① how Genl. Rule 9(a)(ii) is

relevant in the context of the case;

② whether it was a fact that Mrs. Khadivi was recruited as for the vacancy in the Muslim Women's College;

③ whether the Commission was not addressed in the matter of recruitment to both the posts, & whether the Commission did not report the results for both the posts at one & the same time;

④ what the date of the



TELEPHONIC MESSAGE (BY POST) DATED 15-9-1949.

From The Director of Public Instruction,
To The Secretary to Government,
Education & Public Health Department,
Madras.

SUB: MADRAS EDUCATIONAL SUBORDINATE SERVICE - Miss. B. Sharada,
Officiating Assistant Lecturer - Appeal against discharge.

REF: Your post copy of Telephonic message dated 19--8--1949.

In reply to your communication quoted above, the following information is furnished:-

- (1) The General Rule 9(a)(ii) is a typographical error for the General Rule 7(a)(ii).
- (2) It is a fact that Mrs. Khadiri was selected against the vacancy reserved for Muslims.
- (3) The Commission was addressed in the matter of recruitment to both the posts at one and the same time and the Commission -- reported the recruitment results for all the posts of Assistant Lecturers at one and the same time.

(4) The Commission's letter No. 7147-B2/46-11 dated 29-5-47 intimating Miss. Sarada's selection was received in this office on 30-6-1947 and immediately in the Director's Proceedings R.C. No. 1880-C2/47 dated 3-7-1947, the appointment order of Miss. B. Sharada was issued (copy enclosed). But she joined duty only on 15-7-1947.

(5) The Communal roster is maintained by the Commission and hence the information is not available in this office.

(6) The dates of the birth of the two candidates are noted below:

- | | |
|----------------------------|--------------|
| (a) Miss. B. Sharada .. | 11--6--1922. |
| (b) Mrs. Mahamooda Khadri. | 6-10--1922. |

The copies of the correspondence that passed between this office and the Commission are herein enclosed.

for DIRECTOR OF PUBLIC INSTRUCTION.
P. 16/9.

Ram. 16/9.
Director's letter
Copy of Rc. 496-L1/49 dated 21-4-1949 to the Secretary, Public Service Commission, Madras.

Sub: Madras Educational Subordinate Service (Direct recruitment)
Women's Branch - Miss. B. Sharada Bai and Mrs. Mahamooda Khadri
candidates selected during 1947 for the post of Assistant Lecturer in Economics.

REF: Your letter No. 7147-B2/46-11 dated 29--5--1947.

In your letter cited above Mrs. Mahamooda Khadri and Miss. B. Sharada Bai were selected for the posts of Assistant Lecturers in Economics and History in the Women's Branch. Kindly let me know

Commission's letter intimating Miss. Sharada's selection was; & when the order of apt. with refce. Bereto, was issued.

⑤ who of the two candidates is the elder.

2. Copies of the correspondence

that passed between the Dir. & the Commission on the point about the order of preference may be sent.

3. As the matter has been pending for a long time and the refce. shd. be treated as very urgent.

OKI
19/8/49

19/8/48

when the vacancy for her arose & why her apt. was delayed until 15.7.47.

⑤ the turn first which community - the Muslim community or the community to which Miss. Sarada belongs - stood first in the communal roster.

Put file

72177

p145
BOK
No. 112

p19 infra
only 12 days

whether Mrs. Mahamooda Khadri was exclusively selected for a Muslim vacancy or whether both of them were selected for the general vacancies.

Copy of No.2013-B3/49-1 dated 11-5-1949 of the Secretary, Public Service Commission, Madras to the Director of Public Instruction, Madras.

Recruitment (Direct) Madras Educational - Subordinate Service - Assistant Lecturers (Women's Branch) Miss. B. Sharada Bai and Mrs. Mahamooda Khadri - Your letter R.C.No.496-L1/49 dated 21-4-1949.

I am to say that Miss. B. Sharada Bai was also selected by the Commission for appointment as Assistant Lecturer in Economics and not in History as stated in your letter cited. The Commission had on that occasion invited applications for two appointments of Assistant Lecturers in Economics (Women's Branch) among other posts and one of the two vacancies was reserved for Muslims. At the competitive examination Mrs. Mahamooda Khadri was the only Muslim candidate who obtained qualifying marks for selection as Assistant Lecturer in Economics and she was therefore selected against the vacancy reserved for Muslims. For the other vacancy Miss. B. Sharada Bai was selected.

2. I am to enquire the object of the present reference.

Copy of Director's R.C.496-L1/C7/49 dated 2-8-1949 to the Secretary Public Service Commission, Madras.

Sub: Madras Educational Subordinate Service (Direct recruitment) Women's Branch - Miss. B. Sharada Bai and Mrs. Mahamooda Khadri, candidates selected during 1947 for the post of Assistant Lecturer in Economics.

REF: Your letter No.2013-B3/49-1 dated 11-5-1949.

With reference to your letter quoted above, I herein enclose a copy of my letter C.No.496-L1/49 dated 21-3-1949 to Government and request you to kindly let me know the order (of preference) in which the Commission selected Miss. Sharada and Mrs. Khadri and who should have been ousted first for want of a vacancy. Since the Govt. wanted the above information, I request you to kindly send me an early reply.

Copy of Confidential letter No.2013-G1/49-1 dated 6-8-1949 of the Secretary to Public Service Commission, to the Director of Public Instruction, Madras.
Recruitment (Direct) Madras Educational Subordinate Service - Assistant Lecturer in Economics - Your letter R.C.No.496-L1/C7/49 dated 2-8-1949.

I am to say that as Miss. Sharada Bai and Mrs. Khadri belong to different communities, there is no question of order of preference as between the two. I am however to add for your information that Miss. Sharada Bai secured higher marks than Mrs. Khadri at the competitive examination for the recruitment.

I am to invite attention to rule 7(a)(ii) of the general rules for Madras Provincial and Subordinate Services regarding discharge of probationers for want of vacancy.

/True copy/

for Director of Public Instruction.

Ram.
16/9.

Copy of Roc.1880-C2/47 dated 3-7-1947:-

READ: Letter R.C.620/45 from the Principal, Government Muslim College for Women, Madras.

The following appointments and promotion are ordered:-

i) Miss. K.V. Sivakami B.A. (Hon.) B.T. a candidate selected by the Public Service Commission to officiate as Assistant Lecturer in English in the Government Muslim College for Women, Madras - To join at once.

(ii) Miss. B. Sharada, M.A., B.T. a candidate selected by the Public Service Commission to officiate as Assistant Lecturer in Economics, Queen Mary's College, Madras.

(iii) Miss. B. Pankajam, Officiating School Asst. Government Secondary and Training School for women, Vellore to officiate as Assistant Lecturer in History & Economics, in the Government College for Women, Madras - To join at once.

(iv) Miss. R. Sethu, temporary officiating Assistant Lecturer in Economics, Queen Mary's College, Madras will, on relief by No. (ii) await orders of her posting.

(v) Candidates Nos (i) and (ii) are informed that their appointments will be cancelled if they are found physically unfit.

/True copy/

for Director of Public Instruction.

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(2)

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Eph A

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4/11

Memorandum 23145 A/11/49 - 6 Edm 07, 3/11/49

M. E. S. S. Min B. Sharada, Gtbg. Asst
Lectures, Q.M.C. - appeal against discharge
Letter from the D.P.S. 496 11/07/49 on 11.8.49

The D.P.S. is requested to forward
to Govt the personal files of Min B. Sharada
and Mrs. Mahmooda Kadini for perusal.

To

The D.P.S.

Handwritten signature/initials

Mus
31/10/49
2/11/49

Handwritten signature/initials
3/11/49

22

11/11/49

Confidential.

From

The Director of Public Instruction, M a d r a s.

To

The Secretary to Government,
Education and Public Health Department.

R.C.No.496-L1-C7/49 dated 29-11-49.

S i r,

93566

Sub: MADRAS EDUCATIONAL SUBORDINATE SERVICE - Miss B. Sharada and Mrs. Mahmooda Khadri, Officiating Assistant Lecturers - Personal files - Submitted.

Ref: Government Memo No.23145 A/49-6 Edn., dated 3rd November 1949. *pu*

The personal files of Miss B. Sharada and Mrs. Mahmooda Khadri are herewith submitted for perusal and return.

The Director

for Director of Public Instruction.

Encl: 2 Personal files.

24

03

0322P

15/12

(Confell)

by Special
memorandum
M

D.O. No 23145A/49 - 8 Edm D 17.12.49

Dear Madam,

M.E.S.S. Q.M.C. Miss B. Sharada
appeal for Pension

I am desirous to ask you to
report to Govt immediately about the relative merits of
Miss B. Sharada and Mrs Mahamooda Kadiri, Asst Lecturers
Their personal files are sent herewith for Refee.
And Return.

15/12

16/12/49

17/12/49 Sincerely

To Mrs T. Nallathuram Ramanathan
Principal,

Queen Mary College, Kottar

24/12/49

(with personal files)

9/16

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(4)

Queen Mary's College,
Mylapore, Madras.

23rd December 1949

D.O. Confidential

27 DEC 1949

To.

Sri. I. B. Mahon, (Asst. Secretary)
Education and Public Health Department
Government of Madras.

Dear Sir,

Re: Your Communication D.O.

No. 23145/A/49-8 Education, dated 17th
December '49.

I have the pleasure to make
the following report to Government about the activities
of Miss. B. Shaxada and Mrs. Mahmooda
Kadri, Assistant Lecturers.
Miss. B. Shaxada. M.A. B.T. M.Ed.

Though she was a new recruit, showed considerable
promise. During the period of her work under me
she has not only a willing worker but also took
keen interest in extra-curricular activities of the
College. She was healthy and energetic. As
she had M.Ed. qualification in addition to M.A. B.T.
she was able to give lectures in Child Psychology
to the Honored Arts students of the Intermediate
Class.

Mrs. Mahmooda Kadri. M.A., I found,
was a teacher of average ability. She did not
seem to be able to take interest in activities
outside her classwork, perhaps because she always
seemed to be a little weak in health. She had
to take maternity leave last year and is
again likely to proceed on maternity leave

To. head
of school

Sometime in January 1950.

Yours Sincerely

T. Nakamura, The Ransanetsu

Pen-Opel.

From many to large
my copies - Rashes

My laptop & Keesha

23rd December 1941

T.O.

Son I. B. Nelson.

Agal. Secretary.

Education and Public Health Department

Instrument of Powers

York St. George.
Rochester

Kocher

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M. E. S. S. — Miss B. Sherada, formerly Asst.

Lecturer in History, Q.M.C. - appeal for pension

orders passed

From line D.P. 1, no 49611/ug or 21.3. ug & 11.8. ug

G.O.M. No 250 Edn 1-2.50

The Govt agree with line D. P. J.

that Mrs. Mahmooda Kadiri should be

treated as senior to Mrs B. Sharada and Mrs Kadini

that the former retention in service in
Preston Road

preference to the latter was regular

In the ~~AP~~ ¹⁹⁶¹
~~copy to the~~ ^(with encls)
~~family of 2 and~~
^{with encls.}

31 | 1 | 50

30/11/50

M.E.S.S. Queen Mary's College.
Mrs B. Sharada. Appeal for Seniority

From Li. D.P.I. No. 696-41/49 & 21.3.49
T.M. & 15.9.49

Mrs B. Sharada, Officiating
Asst. Lecturer in History, Queen Mary's
College, has submitted an appeal against
the order of Li. D.P.I. ousting her from service.
She points out that Mrs Mahamooda Kadri
should have been ousted in her place. Her
Contention is that both of them were
selected by the Service Commission on the
same day, that she was selected for a general
vacancy whereas Mrs Kadri was selected for
a post reserved for Muslims and that therefore
when the management of the Crook Muslim
College ^{where she later was employed} was transferred to Sri Ethiraj where
Mrs Kadri should have been ousted
for want of a vacancy.

2. Mrs Sharada commenced her probation
on 15.7.47 as Asst. Lecturer in History in
the Queen Mary's College. Mrs Kadri entered the
Deptt as temporary Asst. Lecturer in Economics
Crook College for Muslim women, on 1.7.46.
Later when she was ~~appointed~~ ^{selected} by the Service Commission as Asst. Lecturer
in 1947 her appointment was regularised with
effect from 29.5.47. Thus Mrs Kadri commenced
her probation earlier ^{by 1 1/2 months} and therefore she was
retained and Mrs Sharada ousted by Li. D.P.I.
being the junior of the two.

3. As stated above Mrs Kadri was

p 1 CF
p 17 CF

p 3 CF

p 3 CF

p 1 CF

selected for a post reserved for Muslims. If there was not that post and if she had competed for the general vacancy she would not have been selected because Mrs. Sharada got higher marks. Hence she cannot be posted to a general vacancy existing Mrs. Sharada. She will have to wait till according to the Communal roster the turn of the Muslim candidate comes for appointment in that group.

For Order, Pub(Su) may see for remarks.



148
15.10.49

15/10/49

Tho' Mrs. Kadiri was selected as for a Muslim vacancy and Srimathi Sharada as for a general vacancy — since the category to which both of them were apptd. was one and the same, the D.P.I. shd. have raised the question of seniority as between the two at the time of their appt. This he failed to do, and he regularized Mrs. Kadiri's services from the date of her tempy. appt. This action affected Srimathi Sharada adversely. To take the qn. of seniority now, no better criterion than the comparative marks obtained by the two persons at the Commission's Test offers itself. The decision shd., therefore, be in favour of Srimathi Sharada.

[The subsequent abolition of the Muslim vacancy is not relevant as a candidate, once apptd. to a Muslim vacancy or a non-Muslim vacancy, becomes a member of the category as a whole).

17/10/49 5/10/49 18/10/49 Pub (Ser)

I at CF 17

lecturers in economics — U at CF 18

K at p.14

X at p.18

23/10/49 18/10/49

28 OCT 1949
X p.151/102.112

p.145 ibid.
Pub(Mr.A)
U.O. No. 4085/49-1
27.7.49.

83817

X Public have insisted on this exam. in other similar cases.)

Please see the E. & P.H. Dept.'s note from p.1

ante. With reference to X on p.2 ante, attention is invited to portion marked A in the Commission's letter at p.18 c.f. As stated therein, ^{similar} Mrs. Sharada and Mrs. Kadiri belong to two different communities and therefore there was no question of the Commission determining their relative seniority on the basis of the marks obtained by them at the Commission's test. ^{cannot also} Their seniority on that basis ^{cannot also} be determined now after they have been regularly appointed to the service. Further, Rule 20(a) of the General Rules of the Provl. Subordinate Services provides for regular appointments ~~of~~ with retrospective effect of candidates who have rendered temporary service ~~selected~~ and Mrs. Kadiri, having been appointed regularly as from 29-5-47, is clearly senior to Miss. Sharada. The action of the D.P.I. in having ousted Miss. Sharada under rule 7(a)(ii) of the General Rules for the Madras Provl. and Subordinate Services is ^{in order,} ~~correct~~.

With these remarks, the file may be returned to E. & P.H.

27.10.49
26/10/49

Edn. and P.H. Dept. (A).

K above: This should not be allowed to become a vicious circle. The accrual of seniority to Kadiri is only a consequence of the regularization of her tempy. appointment with retrospective effect. ~~that~~ This dept.'s stand is that the retrospective regularization should not have been done. Public have not gone into this question of merits (of regularization). No doubt, General Rule 20(a) contains a provision enabling such regularization. But it is usual - and only just and fair - before regularizing an appt. with retrospective effect under that rule, to see whether such regularization would affect the interests of any other person.

this case, both Kadiri and Sharada were on the approved list. Whether ~~XXXX~~ Sharada's being relegated to a lower place in the seniority list by the regularization was justified, should have been examined. This examination should proceed from some basis or other. On Kadiri's side, is her tempy. service. But that, even ordinarily, should not entitle her to any preferential claim to future appointment - General rule 9(a)(iv). Particularly when the Govt. are in possession of the information that the other candidate, selected by the Commission as suitable on the same day, secured higher marks, that information should put that other candidate's claim far higher than what claim Kadiri had. In the interest of efficiency also, the comparative marks obtained by the candidate, rather than previous tempy. service, should be taken as the basis for the decision.

Public may be requested to offer their further remarks w.r.t. the note above.



Temporary service cannot be ignored as office appears to presume - in any case, what are the merits of the candidates during temporary service. Obtain personal files

The personal files of Mrs. B. Sharada and Mrs. Mahmooda Khadi are at (E) & (G) respectively.

Ep thro 23/11/49 A-49-784 1-12 up

Pub (Ser)

Public (Ser) Department.

(Previous note of this dept. on p. 3 ante.)

The subsequent note of E & P.H. from the middle of p. 3 ante. may be perused. E & P.H. may be requested first to state whether on the basis of the merits of the candidates during their temporary service, they consider that Srimathi Sharada should be senior to Mrs. Kadiri.

Pub. (Ser. A) U.O. No. 4830/49.1 10.12.49

10.12.49 E.P.H. Dept (A)

Notes of Public (Ser) above may be perused. W.r.t. 'x' above it is submitted that this dept. should consider Sharada as should be senior to Mrs. Kadiri on the basis of their merits during temporary service. The file may now be sent to Public (Ser) for their decision. Would seem that Miss Sharada's record is slightly better. For orders whether the Principal's opinion should be obtained.

Obtain Principal's opinion

A draft do. is subd. for approval

Max 14/12/49 17/12/49 [Issued as D.O. No 23145A/49-8 Edn D 17.12.49] From the Principal, Q.P.C. D.O. D 23.12.49

Please see the report of the Principal, Q.M.C, on page 27 of. The report shows that the record of Miss. B. Sharada is better than that of Mrs Khadiri. The former may be treated as senior. Public (Services) may see again

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Pub (Ser)

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PUBLIC(SERVICES)DEPARTMENT.

(Previous note of this dept. on p.5 ante.)

The further note of E.&P.H. on pp.5-6 may be perused. Mrs. Kadiri was first appointed as Asst.Lecturer on 1-7-46. She was selected by the Commission for regular appointment as Asst.Lecturer in 1947 and her appointment was regularised with retrospective effect from 29-5-1947 under General Rule 20(a). Miss Sharada was selected for regular appointment as Asst.Lecturer in 1947 along with Mrs.Khadiri and was appointed for the first time on 15-7-47. Under General Rule 29(a) seniority should be determined from the date of first appointment and therefore Mrs.Khadiri is senior to Miss Sharada. E.&P.H. propose to refix their seniority on the basis of their comparative merit as observed from their service after regular appointment. Submitted that so far as this Department can see, there is no rule under which their seniority can now be revised on this basis. In hard cases, no doubt, the General Rule 29(a) is relaxed. But there does not seem to be any such hardship in this case as there is nothing to indicate that Miss.Sharada was entitled to appointment in preference to Mrs. Khadiri, even if the former's temporary service had

K'imp.105.

p.151 of Bk.112

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RA
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not been regularised. In regularising temporary service, it is no doubt, usual to see that such regularisation does not adversely affect any person who has acquired a right for seniority. Miss. Sharada does not also seem to have acquired any such right. In these circumstances, it does not seem that this department can agree to the proposal. If however, E.&P.H. press, they may take orders in circulation including H.Pr. to relax the General Rule 29(a) in favour of Miss Sharada. The file may be returned to E.&P.H.

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p.154 of Bk.112

Mrs Khadiri is Senior to Miss Sharada and the rules are in her favour.

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20.1.50

Pub (Ser. A)

U.O. No. 105/50-1

23.1.50

24 JAN 1950

E.&P.H.(A)Dept.

The file may be circulated to H.M.(E.&L.) for orders.

This dept's views are at pp 2-4 and 6 ante and Public's at pp 6-7 above. The Q.M.C. Principal's report is at pp 27-28 ante.

[If H.M. agrees with this dept's view, H.Pr. also will then have to see]

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I am inclined to agree with Public that having regularised the appointment of Mrs Khadiri at an earlier date than the former is senior, and the

Letter has been properly
noted by the D.P.F.

H.N. (S.R.L.)

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I agree K.M.
28/1

A draft order is subd.
for approval.



oods

Mas
28/1

28/1/50

31/1/50

[Issued as G.O. M. No. 250 Edn 1.2.50]

(2)