Sectt. II-27—65,000 31 10 50.

(1)

Education (1950) Department.

(96)

MS SERIES.

Close By Reply

~~G.O. NO.~~ LETTER 2629 Edn.

Dated 20. 9. 1950

[Despatch Abstract.]

Sub College Madura College, Madurai – Amendments to the Articles of Association. Suit Notice Etc. – Reply Sent.

Back Papers.

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

Further Papers.

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

Registered post

F

E.S. Tappal.
Education 2.0.

"Vasantashrama"
108 West Santapettai Street,
Mathurai (S. INDIA)
27. 3. 1950.

e.S (Tappal)
No. 1370 / 50-1
29/9.

From

Sri A. Rangaswami aiyar, ~~B.~~ A. B. L.,
Trustee, A. Rangaswami aiyar Family charities,
"Vasantashrama",
108 West Santapettai Street,
Mathurai.

5219

30 MAR 1950

To

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

Notice of Suit given by the undersigned under S 80 of the Civil Procedure Code :-

1. The undersigned hereinafter called 'the Donor' entered into a registered Indenture with the Madura College Board, a body registered under the Indian Companies Act, on 15-6-1935 by which he agreed *inter alia* to give a donation of Rs 25000/- for the construction of the new college Buildings. The relevant terms therein necessary for the purpose of this notice are

copy in pp 58-65 of (W) [G.O. 3379, Edn. dt. 23-6-48]

(a) The new Buildings shall be called by such name which the Donor may give them

(b) The Institution up to then called 'The Madura College High School' shall thereafter be called 'A. Rangaswami aiyar High School, Madura'

(c) The Donor in his personal capacity shall be the Life President of the Madura College Board.

The said terms were incorporated in a newly framed Articles of Association of the Madura College Board.

pp 41-67 (F) [G.O. 1325, Edn. dt. 8-[illegible]-48]

2. The Donor carried out on his part all the terms of the said Indenture. The Buildings were called "Dr Besant or Shri Vasanta Buildings" and the said High School was called "A. Rangaswami aiyar High School," and the Donor became the "Life President" of the Madura College Board. According to the said Indenture, the names of the "Dr Besant or Shri Vasanta Buildings"

P.T.O.

and "the A. Rangaswami aiyar High School" shall not be altered at any time on any account whatsoever. The alteration of the name of the High School into "A. Rangaswami aiyar High School" was recognized and approved by the Director of Public Instruction, Madras in his proceedings RC 599-D/36 dated 28.7.1936 and has been so styled in all official records, proceedings and correspondence &c for the past 14 years. The Indenture became an executed contract.

3. The Madura College Board illegally passed a special Resolution on 13.2.1950 making amendments and alterations to its Articles of Association, interalia omitting the articles binding the said College Board to call the College Buildings as "Dr Besant or Shri Vasanta Buildings" and to name the said High School as "A. Rangaswami aiyar High School" and to constitute the Donor in his personal capacity as "Life President."

Vide amendments to articles 4, 5, 13 and 14 on pp 13 and 15 cf (W)

4. There is at present a suit pending in civil court instituted by the Donor for obtaining a permanent injunction restraining the Madura College Board interalia from making the above amendments and alterations or taking any steps in violation of the terms and conditions of the said Indenture.

pp. 58-65 cf (W)

5. Even if the said amendments and alterations are decided to be valid by the civil court, they can only come into force from 13.2.1950 when the said Special Resolution was passed and cannot operate retrospectively. If the civil suit is decided in Donor's favour the said amendments and alterations to the Articles of Association cannot be valid even after 13.2.1950 when the special resolution was passed.

6. The Madura College Board on the basis of the said resolution is attempting to alter unilaterally the name of the "A. Rangaswami aiyar High School" into some other name without Donor's Consent and against his objection. They cannot make such alteration without the consent and approval of the Director of Public Instruction acting on behalf of Government. Such an action on the part of the Madura College Board will be a flagrant violation of the terms of the Indenture which can only be committed with the consent and approval of Government acting through Director of Public Instruction as recognition has only been for "A. Rangaswami aiyar High School" so named and not for any other school having a different name or designation.

pp 58-65 cf (W)

7. The fulfilled terms of a valid contract like the said Indenture cannot be broken by any party to the said Indenture. Just as a Donor cannot claim to have the new College Buildings erected with the help of his donation pulled down, so the Madura College Board cannot claim to alter the name of "A. Rangaswami aiyar High School" into any other name against the terms of the Indenture. If the Government or the Director of Public Instruction acting on behalf of the Government consent and give their approval to such an alteration, they would be legally answerable for all the consequencies flowing from the breach of the terms of the Indenture for aiding and abetting the same especially as they are the terms of an executed contract and the said Special Resolution cannot operate and affect retrospectively the previously executed terms of the said Indenture.

pp 58-65 cf (W)

8. Therefore the Donor hereby gives notice to the Government not to be a party to the breach of the terms of the said Indenture by approving or giving their consent to the alteration of the name of "the A. Rangaswami aiyar High School" and in case the Government themselves or through the Director of Public Instruction so approve and agree to the said alteration, this notice is given that a suit will be filed against the Madras province for obtaining the following reliefs.

Cause of action — Apprehended action of the Government approving or agreeing to the alteration of the name of "A. Rangaswami aiyar High School" into any other name.

Name, Description and place of residence of the Plaintiff :- A. Rangaswami aiyar, B.A.B.L., Trustee A. Rangaswami aiyar Family charities residing in Vasantashrama, 108 Santapettai Street, Madura.

Relief claimed :- permanent injunction restraining the Government from so approving or agreeing to the alteration of the name of "A. Rangaswami aiyar High School" into any other name or if the Government so approves or agrees to the said alteration, for the cancellation or declaration of the invalidity of such alteration and the restoration of the name of "A. Rangaswami aiyar High School" with damages, incidental reliefs and costs.

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Note: This notice is given without prejudice to any further suitable action being taken against altering the present name of the Madura College Buildings as Dr Besant or Sri Vasanta Buildings and the Life Presidency of the Donor of the Madura College Board in his personal capacity.

Yours faithfully,

A. Rangaswami Aiyar
Trustee of
A. Rangaswami aiyar family charities,
Madura.

Edn (F)

Deft. mo in continuation of mo No. 4073 G2/50-1 Edn. dt- 18/1/50.

Why to Dept.? [illegible]
4/4/50

D.M. dl
5/4/50

5.4.50

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(V)

Education (F)

ENDOWMENT - Madura College, Mathurai - Donation of Sri A. Rangaswami ~~Iyengar~~ Ayyar - Conditions - Alteration etc. - Complaint

C.No.5219/50. From Sri A.Rangaswami Iyer, B.A.B.L., Trustee, A.Rangaswami Aiyar Family Charities, Mathurai, dated 27.3.1950.

pp1-4 cf.

Memo.No. 5219F/50-1 Dated 11/4/50.

A copy of a letter from Sri A.Rangaswami Iyer, mentioned above, is forwarded to the D.P.I. for very early remarks.

[illegible]
11/4

To
The D.P.I.
(with enclosure -
~~with~~ copy of p.p.
1-4 c.f.).

VRS
10/4/50

10.4.50

11/4/50

Note

The main file relating to the alteration of the scheme is under consideration in Govt.-- That Dept. may

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May see Sri Rangaswami Iyer's ~~Suit~~ notice after issue — (Ⓧ)

10-4-50

11-4-50

Dev (Cat)

Ⓧ Issued — Memo 5219F/50-1 Edn 11/4/50

P5 ante

C No: 33042-K/50
15-4-50.

Edn (F)

Dev. Dept.

Rco. 5219F/50-2 Edn 14/4/50.

The ~~petition~~ Suit, notice from Sri A. Rangaswami Aiyar, Trustee, A.R. Family Charities, Madurai, on pp. 1-4 above, and the Memo. to the D.P.I. on p. 5 above may be perused. The papers Ⓧ bearing on the subject are put up below.

2. The amendments to the articles of association of the Madura College Board, referred to in para 3 of the petition on p. 2 above, were approved in G.O. Ms. 3379, Dev.

Ⓧ G.O. Ms. 1349, Edn. 14-6-38
G.O. Ms. 1757 Edn. 4-8-37
G.O. Ms. 1228, Dev. 8-7-41
G.O. Ms. 3379, Dev. 23-6-48
Memo: 45, Edn 8-3-5

pp 90-91 c.f. (IV)

ASSISTANT SECRETARY
15 APL 1950
DEVELOPMENT DEPARTMENT

7

(41)

dated 23-6-48 and the circumstances under which the amendments were approved have been explained at length in this Dept. notes on pp. 1-8 n.f. (W). No remarks seem called for on the ~~petitioner's representation~~ Suit, notice at this stage. The file may be returned to Education Dept.

17-4-50.

17/4/50

18/4/50.

19-4-50

ASSISTANT SECRETARY
7980
20 APL 1950
EDUCATION DEPARTMENT

Dev. Dept. No:
No: 33042-K/50-1
dt. 19-4-50

Edn (F)

P5 ante

Please see Dev. note above. The remarks of the DPI may be awaited till ~~27/4/50~~ 1-5-50.

20/4/50

20.4.50

21-4-50

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Exch Rr returnable by 30/5/50 ~~to D 6.~~

10/5/50

Shri Sharma
5/4

D 9197

Education

(6)

'Vasantashrama'
108, West Sandapettai Street,
Madura (South India)
5-3-1950.
Despatched on 10-3-1950

To

His Excellency Hon'ble Sri Rajendra Prasad, D.L.
President of India and Protector of Her Constitution,
NEW DELHI.

1381/50 DL.

May it please your Excellency:-

I, the undersignend A. Rangaswami Aiyar, Trustee of A.R. Charities residing in 'Vasantashrama', 108, Sandapettai Street, Mathurai, South India, beg to bring the following facts to the notice and careful consideration of your Excellency acting with the advice of the Hon'ble The Prime Minister of India and his colleagues as they involve a constitutional matter of great importance bearing on the rights of subjects under Art. 14 of the Constitution of India passed by the Constituent Assembly on 26-11-1949 and which came into operation on 26-1-1950.

Equality of men before Law

2. The Madura College managed by a Board called the Madura College Board, a body registered under the Indian Companies Act, was a second grade College affiliated to the Madras University till 1924, and was raised to the status of a First Grade College in 1925. A site comprising about 50 acres was acquired under the Land Acquisition Act out of private donations and grant from Government at a cost of about Rs.60,000/-

3. But from 1925 to 1935 the Board was not able to raise funds to build the New College Buildings and for endowments required by the Madras University for maintaining the College as a First Grade College, and was year after year running the risk of losing the one half grant for the Building from Government and disaffiliation of the College as a First Grade College.

4. Seeing the critical situation the College then was, I, as Trustee of A.R. Family charities, at Madura, being the oldest member of the Board in my ~~presence~~ personal capacity came to its rescue in 1935 by agreeing to give Rs.25,000/- towards the construction of the New College Buildings and a conditional donation of Rs.25,000/- to be invested with the Treasurer of charitable Endowments, Madras, to enure to

G.O. 1757 Edn
4/8/37
P 60 (4)

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Education

the benefit of the College so lond as it continued to be maintained as a First Grade College, as the Board had to raise further endowments for such maintenance to supplement the said Rs.25,000/-. As I intended that the College should be developed as a Hindu National College on the lines of the Central Hindu College, Banares, it was stipulated that I in my personal capacity should be the Life President of the Board. The agreement between me as Trustee and the College Board containing the above and other terms and conditions was registered as an Indenture on 15-6-1935 (Vide printed copy of the Indenture marked as A1 in Annexure I attached hereto) The Memorandum and Articles of Association were framed a-fresh in accordance with the terms and conditions of the said Indenture (Vide document marked As A2 in Annexure I)

5. The College Buildings named in memory of Dr. Besant's services to Indian National Education as 'Besant Memorial Buildings' were completed with my donation of Rs.25,000/-, and my remaining conditional donation of Rs.25,000/- was paid to the Treasurer of Charitable Endowments, Madras, with the permission of Madras Government accorded in G.O. No.1757 dated 4-8-1937 (Vide document marked as A3 in Annexure I) pp 6-7 of (g)

6. The College Board were not able to raise the endowment required by the Madras University for the maintenance of the College as a First Grade College. So the conditional endowment of Rs.25,000/- was returned to me by the Treasurer of Charitable Endowments with the permission of Madras Government under G.O.No.1349 P.H. dated 14-6-1938 (Vide document marked as A4 in Annexure I) as the College was reduced to Second Grade status in 1938.

34-35 of (E)

7. A new Secretary of the Board who succeeded to the office moved the Government of Madras in 1941 for amendments and alterations of the Articles of Association of the Board in breach of the terms and conditions of the above Indenture and applied for permission of the Madras Government to do so, as the rules framed under S.26 of the Indian Companies Act require such previous permission. The Madras Government by their G.O. No.1225 dated 8-7-1941 (Vide documents

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P105 of g (F)

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marked as A5 in Annexure I) declined to give such permission unless the Board obtained a decision from a competent court that I had violate the terms of the said Indenture to enable the Board to rescind the contract with me and alter the articles against the terms of the Indenture.

8. In 1946 the Board was able to get the College affiliated to the University as a First Grade College and the new Secretary of the Board by name Sri P.N. Ramasubramaniam, M.B.B.S. asked me to pay the above conditional donation of Rs.25,000/-; I intimated to him that the former conditional donation of Rs.25,000/- had lapsed according to the terms and conditions of the said Indenture, the condition having failed, but that I would make a fresh donation under the said terms and conditions.

9. The Secretary, College Board, again applied to Government for permission to amend and alter the Articles of Association in breach of the terms and conditions of the said Indenture. This time the Madras Government granted permission to mzke such amendments and alterations in breach of the terms and conditions of the said Indenture in their G.O. No.265 of 1948 (Vide document marked as A6 in Annexure I), without giving any reason for going against their former G.O. No.1225 of 1941 refusing such permission.

(F)

10. The Secretary, the said Sri P.N. Ramasubramaniam, called a meeting of the Board on 23-7-1948 for effecting the said amendments and alterations in violation of the terms and conditions of the said Indenture.

11. I got notice of the said meeting on 14-7-1948 and filed a suit on 19-7-1948 (O.S. No.265 of 1948 on the file of the District Munsiff's court, Madura Town) for a permanent injunction restraining the College Board from holding that meeting on 23-7-1948 or any other meeting and passing any resolution in violation of the terms and conditions of the said Indenture (Vide copy of plaint marked as document ~~marked as~~ B1 in Annexure II)

12. I by an emergent application in IA No.541 of 1948 moved the said court on 19-7-1948 to grant me an ad interim temporary injunction till the disposal of the suit. But the District Munsiff Sri M.V. Harihara Aiyar rejected that application.

13. I preferred an appeal to the Dt. Judge, Madura (Mr. K. Srinivasan) on 23-7-1948, the date fixed for the College Board meeting, and moved by an emergent application (I.A No.360 of 1948) for a similar ad interim injunction. The Dt. Judge rejected my emergent application for ad interim injunction, at the same time entering unnecessarily into the merits of my appeal and declined to recognise my status in my personal capacity as on Advocate acting for myself in my capacity as Trustee, and declined to adjudge Advocate's fee for me as such advocate for the Trustee.

14. The meeting of the Board was held accordingly on 23-7-1948 which passed resolutions amending and altering the Articles of Association in violation of the terms and conditions of the said Indenture.

15. The District Judge Mr. K. Srinivasan transferred the said main appeal CMA No.22 of 1948 to Sri C.R. Krishnaswami, Sub-Judge, Madura, who dismissioned it on 28-2-1949 on the only ground that the meeting fixed for 23-7-1948 had already been held, although I represented that the suit was not only in regard to that meeting which was held on 23-7-1948 but also with regard to passing any resolution in violation of the terms and conditions of the said Indenture at any future meeting and was ~~such~~ more comprehensive than what he deemed fit to decide.

16. The said Mr. P.N. Ramasubramaniam is a person of some influence in these parts and was giving out that he would see that I did not get justice in the civil courts in Madura.

17. My suit O.S. No.265 of 1948 was transferred to Madura Taluq Munsiff's court for trial as O.S.No.315 of 1948 on its file. The Dt. Munsiff of that court Janab Khaji Sheriff Sahib framed issues

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issues in the case and suo mottu raised an issue whether he had jurisdiction to try the suit which was not raised by the Defendant College Board, though the relief I claimed was only for a permanent injunction valued at Rs.100/- according to law, as I thought fit, which determined also the jurisdiction of the court to try the suit under S 8 of the suits valuation Act.

18. On 4-11-1949 he returned the plaint for presentation to proper court vaguely directing that suitable amendments should be made to the plaint which a court returning a plaint for presentation to proper court' has no jurisdiction to direct, without indicating in what way I should amend the plaint, as the plaint was only for a bare permanent injunction without claiming any relief as regards Rs.25,000/- paid by me or the conditional donation of Rs.25,000/- . His action in returning the plaint amounted to a refusal to entertain my suit (vide his order of return marked as Documents Nos B2 and B2a in Annexure II)

19. Then to conform to his order I presented the plaint to Subjudge, Madura (Sri C.R. Krishnaswami) the same Subjudge who dismissied the above CMA No.22 of 1948 on a technical ground that the Board meeting convened for 23-7-1948 had already been held and refrained from entering into its merits as stated in para 17 above; and I prayed that the plaint may be returned to me for presentation to proper court as the jurisdiction of the Sub court was only in respect of suits above Rs.3,000/- in value. He successively called upon me to amend the plaint without indicating in what manner I should amend the plaint (Vide the several orders of the Subjudge marked as B4, B6 and B8 and my explanations marked as B3, B5, B7, in Annexure II)

20. The Secretary of the Board Sri P.N. Ramasubramaniam finding that the resolution of the Board passed on 23-7-1948 amending and altering the Articles of Association in violation of the terms of the above Indenture were not filed and recorded by the Registrar of Joint Stock Companies, Madras, under section 82(1) of the Indian Companies Act, as not being valid, had called for a meeting of the Board on 13-12-1949 for passing the same resolutions passed

on 23-7-1948.

21. I sent a letter to the members of the Board on 1-12-1949 agreeing to give a fresh donation of Rs.25,000/- under the terms and conditions of the said Indenture thus intending to put an end to the protracted litigation (Vide letter marked as A7 in AnnexureI)

22. As the meeting of the Board on 18-12-1949 was drawing near, I, finding that my attempt to get the return of the plaint endorsed by the Subjudge 'for presentation to proper court' was proving infructuous, I presented the plaint in the Madura Town District Munsiff's Court on 8-12-1949 which is the court in which the cause of action had arisen and the suit was originally filed as O.S.No.265 of 1948 and which had jurisdiction to try the suit, with which also I presented a petition for getting an ad interim temporary injunction for restraining the Defendant Board from passing the resolution for making the said amendments and alterations on 18-12-1949 with another petition for passing emergent orders on the same. The Madura Town District Munsiff Sri K.S. Palanisamy Gounder returned the plaint to me on 12-12-1949 on the ground that no order had been passed by the sub court on the plaint. I again represented the plaint in the Madura Town District Munsiff's court on 12-12-1949 explaining that the omission of the subjudge to endorse on the plaint about its return was only an irregularity and that the Madura Town District Munsif's court was the only court which had then the jurisdiction to entertain the suit and pass emergent orders on my petition for ad interim temporary injunction. The Madura Town District munsif declined to file the plaint and returned to me the plaint, the petition for ad interim injunction and the 'emergent' petition, on 16-12-1949. (Vide documents marked B9 ~~and~~ to B12 in annexure II). So I again presented the plaint and the two petitions in the sub court, Madura, on 17-12-1949, and prayed for an endorsement on the plaint returning it for presentation to proper court, and if the court could not do so then to give me further time for taking legal advice in the matter. The Subjudge Sri C.R. Krishnaswami returned the plaint and the petitions to me on 20-12-1949 granting

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further time only without making the endorsement on the plaint as I prayed for (Vide document marked B13 and B14 in Annexure II)

23. Meanwhile the meeting of the College Board was held on 18-12-1949 and all my attempts to have an order passed on my urgent petition for getting ad interim temporary injunction were defeated by by combined actions of the above Madura Taluq Munsif, the Madura Sub-Judge and Madura Town District Munsiff, as my attempt for similar ad interim injunction with the respect to the meeting of the College Board on 23-7-1948 had failed before.

24. With a desire to put an end to the litigation which got impeded at every stage, I on the advice of some friends and well-wishers of the College made an offer to the College Board increasing my fresh donation from Rs.25,000/- to Rs.30.000/- on 7-1-1950 (Vide document marked C1 - Annexure III)

25. As I could not take the above combined actions of the above Madura Taluq Munsiff, Madura Subjudge and the Madura Town District Munsif, in revision to the High Court, ~~at that stage, I considered that as the High~~ as there was no such order which can be revised by the High Court at that stage, I considered that as the High Court had superintendence over all courts in the Province I should send a letter to the Registrar of the Madras High Court on the Appellate side to place the facts referred to above before the Hon'ble Chief Justice of the Madras High Court, advisedly requesting that they should be considered only on the administrative side as I coult not bring the same in any judicial proceedings before the High Court. So I sent the letter dated 8-1-1950 with Annexures I and II (Vide the letter marked as C2 in Annexure III). I received an endorment dated 31-1-1950 from the Assistant Registrar, Appellate side returning the whole records to me informing me that "no administrative action can be taken in matters relating to judicial proceedings" (Vide document marked C3 in Annexure III)

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26. Meanwhile I had received a printed copy of the order of the Madura Taluk Munsif dated 4-11-1949 returning my plaint for presentation to proper court after amending the plaint as stated in para 18 above, to enable me to appeal against the same.

P13 ante

27. As the College Board did not pass any resolution on 18-12-1949, Sri P.N. Ramasubramaniam, the Secretary of the Board, again called for another meeting on 13-2-1950 for passing the same amendments and alterations to the Articles of Association in breach ~~to~~ of the terms and conditions of the said Indenture.

28. I preferred an appeal to the District Judge Mr. K. Srinivasan, who dismissed my former emergent application I.A. No 360 of 1948 in CMA No.22 of 1948 (referred to in para 13 above) against the order returning the plaint in O.S. No 305 of 1948 (referred to in para 18 above) in CMA No. 6 of 1950 on 16-1-1950 and also a petition IA No. 64 of 1950 for an ad interim injunction to restrain the passing of any resolution amending or altering the said Articles of Association in breach of the terms and conditions of the said Indenture, accompanied by another petition to treat the said IA No.64 of 1950 as emergent and pass emergent orders as the meeting of the Board was to be held on 13-2-1950.

29. The said I.A.No. 64 of 1950 for ad interim injunction came on for orders on 3-2-1950 and I requested the Judge to pass an emergent order so that I may have some time before 13-2-1950 to obtain copy of his order and prefer a revision petition to the High Court, if the order was adverse to me, for obtaining an ad interim temporary injunction before 13-2-1950.

30. The District Judge dismissied my petition on 9-2-1950 after an interval of 6 days entering into the merits of the whole CMA No. 6 of 1950 thus prejudging my whole appeal without merely confining himself to the matters necessary for ad interim temporary injunction petition, pending the disposal of the said main appeal CMA No. 6 of 1950 when it would come to be heard. I have applied for a copy of his order on the same date ie. 9-2-1950 and I have received

copy of the said order which was only ready on 25-2-1950 ie 16 days after the date of the order and so coult not apply to the High Court in revision before 13-2-1950 fixed for the meeting of the Board.

31. Meanwhile the meeting of the College Board was held on 13-2-1950. The Board declined even to consider my offer of an increased additional donation of Rs.30,000/- to the College as stated in para 24 above and passed the said amendments and alterations to the Articles of Association in breach of the terms and conditions of the said Indenture.

P15 ante

32. Thus for the 5th time I was prevented from getting relief in civil courts in respect of the said amendments and alterations being passed in breach of the terms and conditions of the said Indenture.

33. The facts abovestated prove, I respectfully submit, that the combined effect of the actions of the judicial officers viz. the Dt. Judge, Madura (Mr. K. Srinivasan), Subjudge, Madura (Sri C.R.Krishnaswami); The Madura Taluk District Munsif (Janab Khaja Sheriff Sahib), and the Madura Town District Munsif (Sri K.S. Palanisamy Gounder) have resulted in denying to me the access to civil courts including the High Court for seeking appropriate and effective relief of temporary injunction restraining the Madura College Board from passing the said amendments and alterations in breach of the terms and conditions of the said Indenture. I further submit that such combined effect is not merely an accidental coincidence, but confirm what the Secretary of the Board Sri P.N. Ramasubramaniam expressed as his resolve that I should not get justice in civil courts in Madura, as referred to in para 16 above.

34. I have ~~not~~ no remedy under law to take regular judicial proceedings against the premedidated combination of the said actions and their combined effect.

35. I respectfully submit that the independence of judicial officers in the Republic and their jurisdiction to decide

rightly or even wrongly is a valued privelege both in the interests of the State as well as its citizens, which is not in any way sought to be impaired by the present representation to your Excellency. My present representation concerns the fundamental right of even the humblest citizen to have equality before the law and equal treatment and protection of law recognised in Art 14 of the Constitution of the Republic of India which came into force on 26-1-1950. By concerted action, I have been prevented from seeking relief and also in the same time by way of ad interim temporary injunction.

36. As mischief has already been done by my being prevented from getting any order from the civil courts on my application for ad interim temporary injunction before 13-2-1950 as stated in paras 11 to 30 Supra, and the meeting of the College Board having been held in consequence on 13-2-1950 and the amendments and alterations to the Articles of Associations having been passed at that meeting in breach of the terms and conditions of the said Indenture, no recourse could be had to the Supreme Court for the issue of any direction order or writ under Art 32 of the constitution for the enforcement of my fundamental right which has been already violated. The main purpose of my present representation, I submit, will be achieved if due notice is taken of the actions of the judicial officers concerned, by the Government thus preventing the occurances of similar actions in the future.

37. There are one or two persons in high places who have worked behind the scenes, but I have not mentioned therir names here. Many untoward events have fallowed as the result of the above combined actions. Many members of the College Board did not attend the meeting held on 13-2-1950. Incident, referred to in para 10 of my letter addressed to the Premier of Madras, Hon'ble Sri P.S. Kumaraswami Raja, dated 17-2-1950 has taken place (Vide the document marked as C4 in Annexure III)

38. The Madura College had the honour ~~to~~ of electing the Chief Justice, Madras, Hon'ble P.V. Rajamannar as its Rector through

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the initiative of the Secretary Sri P.N. Ramasubramaniam, in 1948. He presided over the Rector's Day on 28-2-1948 when an appeal was made to the friends of the Secretary for each of them to subscribe Rs 100/- for calling a staircase in the College Building ~~as~~ in the name of the Secretary Sri P.N. Ramasubramaniam, and the learned Chief Justice was pleased to give a donation of Rs.100/- towards the College funds.

39. I, conscious of my responsibilities as a citizen and having been, in my personal capacity, a legal practitioner of nearly 55 years standing, and having during that period held many positions of public trust and responsibility, and feeling that in a Free India for which its citizens have worked in the past in varying capacities, standards of public behaviour should be maintained high, have ventured to approach your Excellency with a prayer that the violation of the above fundamental right in my case which denied to me equality before law and its equal protection ~~of~~ on an ~~once~~ me equal level with Sri P.N. Ramasubramaniam, the Secretary of the Madura College Board, may be suitably investigated and appropriate steps taken to remedy the same. I shall be prepared to place further materials which at present would unduly burden the attached records in support of the above facts if such an investigation is ordered by your Excellency. Even the present representation has become unduly long with the narration of the relevant and necessary facts given herein which are the only excuse for its length.

40. I would not have moved in the matter while your Excellency and your Excellency's Government are engaged in weighty matters both inside and outside India, but for the fact that the event I am placing before Your Excellency raise an important constitutional question relating to fundamental rights of a citizen, which is always important and more so in the initial stages of our Infant Republic.

I beg to subscribe myself as a
loyal and dutiful citizen of India and
Your Excellency's obedient and humble serv

A Rangaswami Ayyar
TRUSTEE OF
A.R. CHARITIES, MADURA.

It is prayed that the annexures may be returned to me when no longer required.

P.T.O. Continued as para 41

41. I have received to-day i.e 10-3-1950 Memorandum (T) No 45 dated 8-3-1950 from the Deputy Secretary to the Government of Madras (Development Department) informing me that the Special Resolution passed by the Madura College Board (Vide para 31 above) would be accepted and ~~filed~~ recorded by the Registrar of Joint Stock companies, Madras, if it is valid, unless he was restrained by an order of injunction of a competent civil court from doing so". The government or the Registrar of Joint Stock Companies is not a party to my suit. It is difficult to see how an injunction can be asked for against the Registrar of Joint Stock Companies who is not a party to the suit, nor against him representing in his public duties a department of the government of India or the local government under S 56(d) of the Specific Relief Act (Vide copy of the letter of the Secretary to the government of Madras dated 8-3-50 attached hereto as C 5 in Annexure III.

A Rangaswami Ayar
Trustee of AR Charities
Madura
10-3-1950

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(12)

No. D.1381/50-D.I.
GOVERNMENT OF INDIA.
MINISTRY OF EDUCATION.

ASSISTANT SECRETARY
5 MAY 1950
EDUCATION DEPARTMENT

New Delhi 3, the 3rd May, 1950.

6074

From

The Secretary to the Government of India.

To

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

Sir,

I am directed to forward herewith in original, a representation from Shri Aiyar addressed to the President, Republic of India for necessary action.

PP9-20 ante

Yours faithfully,
B. Chatterjee
(B.Chatterjee)
for Secretary.

"RLR"

Edu (F)

This may await the report called for from the D.P.I., in the memo on p. 5 ante, till 15/5/50.

6/5/50

6/5

8/5/50

~~13~~ AS1 [illegible] B1 23

(13)

R.A. NARAYANAN,
Asst. Legal Adviser to H.E. the High
Commissioner for India in U.K.

Camp: Madras.

17th May, '50.

18 MAY 1950
12026
EDUCATION DEPARTMENT

SECRETARY
18 MAY 1950
EDUCATION DEPARTMENT

Dear Mr. Paul,

Re: Madura College Board.

Further to my seeing you yesterday, I met the Hon'ble Minister, Mr. Madhava Menon, and explained to him the position and told him that I have left some papers with you. He promised to look into the matter.

I shall feel grateful if the Government will direct that the name "A. Rangaswami Aiyar High School" is maintained and thus status quo is maintained. You agreed that this should be.

I am leaving for Madura tomorrow, and I have left my address with you.

Regards.

Yours sincerely,

R.A. Narayanan

R.D. Paul Esq,
Secretary, Education Department,
Government of Madras,
Fort St. George,
Madras.

V.E ~~[illegible]~~ 6/5 Transfer to D-1 Section 25 1

G.F. 98. 9/1575. E

(14)

Education DEPARTMENT.

REMINDER. F Section Branch.

TO THE Director of Public Instruction

Rc 245 D3/50

5 MAY 1950

I ~~have the honour to invite~~ am directed to invite ~~invite~~ attention to Memo

No. 5219 F/50-1 Edn, dated 11/4/50 and to ~~request that the reply to it may be expedited~~ request that this reminder may be returned at ~~once~~ with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, ~~and~~

(3) ~~the circumstances~~ which have caused the delay

Office Edn Dept

Station Madras

Dated 3/5/50

Signature D Kamayya

~~[illegible]~~

Designation. Superintendent

3/5/50

SUBJECT.

Endowment - Madura College, Madurai - Donation of Sri A Rangaswami Iyer ~~[illegible]~~ conditions - alteration - complaint

P.T.O.

26

~~20/4~~ ~~27/6~~

ASSISTANT SECRETARY
12690
C.F.
24 MAY 1950
EDUCATION DEPARTMENT

REPLY.

To The Asst. Secretary to Govt.
Edu. Dept.

Retransmitted.

2. The remarks of the Divisional Inspector of Schools, [illegible] have been called for.

D. O. [illegible]
22/5

for Director of Public Instruction
Madras

19-6-50

---

(16)

27

Edu (P)

Please see the letter ~~from~~ on p. 13 ante and DPI's Endt on p 16 ante. The Director's further report may be awaited till 15/6/50

VKS
25/5/50

25/5/50

26.5.50.

M. add the DPI's letter recd today & submit

26.5.50.

28

29

7

16

R.A.Narayanan,
Asst.Legal Advisor to H.E.the
High Commissioner for India in U.K.

(Camp)'Vasanthasramam
108, West Santapettai St,
Madhurai. 23rd May '50.

SECRETARY
26 MAY 1950
EDUCATION DEPARTMENT

12961
26 MAY 1950
EDUCATION DEPARTMENT

Dear Mr.Paul,

Re: Madura College Board.

P1 23 ante

In continuation of my letter dated 17-5-50 regarding the above, may I inform you that I have come over here and would be staying here for sometime till the expiry of my leave when I expect to get back to London. You will remember I told you that I am directly interested in settling the present disputes in the Madura College Board and in the rights and privileges set out in the agreement of the College Board with the Trustee, A.R.Charities, as I am the Succession Trustee of the A.R.Family Charities Trust. I have come over from London at considerable trouble and expense to get the disputes settled and I shall esteem it a favour if, as promised by you, ? you could arrange for a conference or meeting when the Chief Minister and Education Minister could appoint a time preferably early next month or if possible in the first week of June at which I could be present with the relevant documents etc. It would be better also if the president of the College Board Sri A.Rangaswami Aiyar and the Secretary of the College Board, Dr.P.N.Ramasubramaniam are also invited to be present at this meeting so that all the points in controversy may be gone into and Government be enabled to settle them to the satisfaction of all the parties concerned. I presume, you would be able to get the necessary office file or files meanwhile.

Communication regarding the date and venue of the conference may be sent to me at the above address from which all tapals will reach me wherever I am.

With kind regards,

Yours sincerely,

R. A. Narayanan

R.D.Paul Esq.,
Secretary, Education Department,
Government of Madras,
Fort St., George,
MADRAS.

Papers pl.

36 E 3 31

(17)

C.F. 98.

Education DEPARTMENT.

II REMINDER. F.section. XXXXXX
& Returnable.

To The Director of Public Instruction, Madras.

Re 245 D3/50

18 MAY 1950

XXXXXXXXXXXXX
I ~~am directed to~~ XXXXXXXXXX attention to Memo.
invite

fee sent to
Secy

No. 5219-F/50-1 Edn, dated 11.4.50 and to

~~to request that~~ XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

request that this reminder may be returned XXXXX by 30.5.50 with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected,

XXX

XXXXXXXXXXXXXXXXXXX ~~which have caused the~~ XXXXX.

Office Education Department,
Signature. 16.5.50
Station Madras,
Secretary, Designation
Education Department
Dated 16.5.50.

SUBJECT. K 16/5 15/5 16/5

ENDOWMENT - Madura College, Mathurai - Donation of Sri A. Rangaswami Iyengar - Conditions - Alteration etc. - Complaint.

Fwd to DI sect
9
245 Re

[P.T.O.

F

ASSISTANT SECRETARY EDUC.
31 MAY 1950

ROC.NO.245 D3/50 dated 26-5-1950.
F. 98.

32 13597 **REPLY.**

To ~~The Secretary to Gov~~ernment,

~~Education Department,~~

Resubmitted.

The Divisional Inspector Mathurai has been asked to offer his remarks in the matter. His remarks have not so far been received. He has been reminded.

No proposal for change in nomenclature of the "Sri.A.R. High school, Mathurai" has so far come up for consideration before the Director. The protest of Sri. A. Rangaswami ~~Anjan~~ Iyengar will be duly considered before a decision is arrived at.

I. O. Pantanah
30/5

FOR DIRECTOR OF PUBLIC INSTRUC-TION.

Pjn 30/5.

27/5.

---

(19) 33 D.I.

31 MAY 1950

ROC. 245 D3/50.

Office of the Director
of Public Instruction,
Madras. Dated the
26th May 1950.

[illegible]

Sub:-Schools-Secondary-Aided Sri.A.H. High School, Mathurai-Change in ~~name.-Protest~~

13520

Ref:-~~Reminder II dated 16-5-50 from~~ Government on Government Memo.No.5219 F/50 d Education dated 11-4-50.

Resubmitted.

The Divisional Inspector, Mathurai has been asked to offer his remarks in the matter. His remarks have not so far been received. He has been reminded.

No proposal for change in nomenclature of the "Sri.A.H. High School, Mathurai" has so far come up for consideration before the Director. The protest of Sri. Alangarasami Anjan will be duly considered before a decision is arrived at.

A. Ranga-swami Iyer-

I. O. Pantanah
29/5

FOR DIRECTOR OF PUBLIC INSTRUCTION.

To

The Secretary to Government, Education Department, Madras.

27/5.

34

Edn (F)

Please see pp 1-3 ante. The D.P.I.'s final report in the matter may be awaited till 20/6/50. (The main file on the subject has been sent to Dept. for ~~[illegible]~~ for remarks).

5.6.50

3/6/50

x This [illegible] be added to real file when received back from Dept.

7, (19)

35

A. RANGASWAMI AIYAR.

Camp: 5, Abhirami Street,
Purasawalkam,
Madras.

9th June, 1950.

Dear Mr. Paul:

I enclose herewith a copy of the Proceedings of the Director of Public Instruction approving the change of Madura College High School into "A. Rangaswami Aiyar High School, Madura" as it was arranged that I should send it in my interview with you today.

P37 infra

The school being known as A. Rangaswami Aiyar High School, the status quo will have to be maintained till the disposal of the proceedings in Court.

Yours sincerely,

A Rangaswami Aiyar

Trustee, A.R. Charities & Life
President, Madura College Board.

SECRETARY
15114.
10 JUN 1950
EDUCATION DEPARTMENT

Since recd - D.P.I.'s note

13/6/50

R.D. Paul Esq.,
Secretary, Education Dept.,
Government of Madras,
Fort St. George,
Madras.

Enc:

Edn (F)

The main file on the subject has been sent to Dept. res. The D.P.I.'s remarks on the subject are awaited. This may lie over till 20/6/50.

12/6/50

12/6

(9)

(TRUE COPY)

Madura College Board,
Madura, 5th August 1936.

Copy of proceedings of the Director of Public Instruction, Madras, R.C. 599-D/36 dated 28.7.1936.

Read letter from the District Educational Officer, Madura, N.R.O.C. 780-M/36 dated 15.7.36 re. change in the name of the Madura College High School.

The change in the "Madura College High School" into "A. Rangaswami Aiyar High School, Madura" is hereby approved.

(True copy)

(sd) P Mahadevan
Principal

SECRETARY
10 JUN 1950
EDUCATION DEPARTMENT

(True copy)
A Rangaswami

38

MADURA College Board affairs

(21)

R. A. NARAYAN
(Asst. Legal Advisor
to High Commr. for
India in
UK)

"Vasantashramam"
MADURA

40

41

(22)

R.A. NARAYANAN.

(Assistant Legal Adviser to H.E. The High Commissioner
for India in U.K., London)

Succession Trustee to A. Rangaswami Aiyar Family Charities,

"Vasantashrama", 108, West Sandaipettai St.,

Madura.

SECRETARY
10 JUN 1950
EDUCATION DEPARTMENT

[illegible] (P)

[illegible]
[illegible]
[illegible]

12

13

Sent by Registered Post

Vasantashrama,
108 West Santapettai Street,
Mathurai (S. India).

27th March 1950.

Same copy [illegible]

SECRETARY
JUN 1950

From,

Sri.A. Rangaswami Aiyar,
Trustee, A. Rangaswami Aiyar Family Charities,
"Vasantashrama", 108 West Santapettai Street,
Mathurai.

To,

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

Notice of suit given by the undersigned under S 80 of the Civil Procedure Code:-

1. The undersigned hereinafter called 'the donor' entered into a Registered Indenture with the Madura College Board, a body registered under the Indian Companies Act, on 15.6.1935 by which he agreed inter alia to give a donation of Rs.25000/- for the construction of the new college Buildings. The relevant terms therein necessary for the purpose of this notice are:

(a) The new Buildings shall be called by such name which the Donor may give them,

(b) The Institution upto then called 'the Madura College High School' shall thereafter be called 'A.Rangaswami Aiyar High School, Madura',

(c) The Donor in his personal capacity shall be the Life President of the Madura College Board.

The said terms were incorporated in a newly framed Articles of Association of the Madura College Board.

2. The Donor carried out on his part all the terms of the said Indenture. The Buildings were called Dr.Besant or Sri.Vasanta Memorial Buildings and the said High School was called A.Rangaswami Aiyar High School; and the Donor became the Life President of the Madura College Board. According to the said Indenture, the names of the Dr.Besant or Shri.Vasanta Buildings and the A.Rangaswami Aiyar High School shall not be altered at any time on any account whatsoever. The alteration of the name of the High School into A.Rangaswami Aiyar High

School was recognized and approved by the Director of Public Instruction, Madras, in his Proceedings RC599-D/36 dated 28.7.1936 and has been so styled in all official records, proceedings, correspondence and C., for the past 14 years. The Indenture became an executed Contract.

3. The Madura College Board illegally passed a Special Resolution on 13.2.1950 making amendments and alterations to its Articles of Association, inter alia omitting the articles binding the said College Board to call the College Buildings as Dr.Basant or Shri.Vasanta Buildings and to name the said High School as A.Rangaswami Aiyar High School and to constitute the Donor in his personal capacity as "Life President".

4. There is at present a suit pending in Civil Court instituted by the Donor for obtaining a permanent injunction restraining the Madura College Board inter alia from making the above amendments and alterations or taking any steps in violation of the terms and conditions of the said Indenture.

5. Even if the said amendments and alterations are decided to be valid by the Civil Court, they can only come into force from 13.2.1950 when the said special Resolution was passed and cannot operate retrospectively. If the Civil Suit is decided in Donor's favour the said amendments and alterations to the Articles of Association cannot be valid even after 13.2.1950 when the special Resolution was passed.

6. The Madura College Board on the basis of the said Resolution is attempting to alter unilaterally the name of the A.Rangaswami Aiyar High School into some other name without Donor's consent and against his objection. They cannot make such alteration without the consent and approval of the Director of Public Instruction acting on behalf of Government. Such an action on the part of the Madura College Board will be a flagrant violation of the terms of the Indenture which can only be committed with the consent and approval of Government acting through Director of Public Instruction, as recognition has only been for "A. Rangaswami Aiyar High School" so named

and not for any other school having a different name or designation.

7. The fulfilled terms of a valid contract like the said Indenture cannot be broken by any party to the said Indenture. Just as a Donor cannot claim to have the new college Buildings erected with the help of his Donation pulled down, so the Madura College Board cannot claim to alter the name of "A. Rangaswami Aiyar High School" into any other name against the terms of the Indenture. If the Government or the Director of Public Instruction acting on behalf of the Government consent and give their approval to such an alteration they would be legally answerable for all the consequences following from the breach of the terms of the Indenture for aiding and abetting the same, especially as they are the terms of an executed contract and the said special Resolution cannot operate and affect retrospectively the previously executed terms of the said Indenture.

8. Therefore the Donor hereby gives notice to the Government not to be a party to the breach of the terms of the said Indenture by approving or giving their consent to the alteration of the name of the "A. Rangaswami Aiyar High School" and in case the Government themselves or through the Director of Public Instruction so approve and agree to the said alteration, this notice is given that a suit will be filed against the Madras Province for obtaining the following reliefs:-

Cause of action - Apprehended action of the Government approving or agreeing to the alteration of the name of A. Rangaswami Aiyar High School into any other name.

Name, Description and place of residence of the Plaintiff:- A. Rangaswami Aiyar, B.A., B.L., Trustee, A. Rangaswami Aiyar Family Charities, residing in 'Vasantashrama', 108 Santapettai Street, Madura.

Relief claimed:- Permanent injunction restraining the Government from so approving or agreeing to the alteration of the name of "A.Rangaswami Aiyar High School" into any other name or if the Government so approves or agrees to the said alteration, for the cancellation or declaration of the invalidity of such alteration and the restoration of the name of "A.Rangaswami Aiyar High School" with damages, incidental reliefs and costs.

Note: This notice is given without prejudice to any further suitable action being taken against altering the present name of the Madura College Buildings as Dr. Besant or Shri. Vasant Buildings and the Life Presidency of the Donor of the Madura College Board in his personal capacity.

Yours faithfully,

Trustee of A.Rangaswami Aiyar Family Charities.

"Vasantashrama"
108, West Sandapettai Street,
Madura (South India).

5. 3. 1950.

To

Same as PP 9-20 ante

His Excellency Hon'ble Sri Rajendra Prasad, D.L.
President of India and Protector of Her Constitution,
NEW DELHI.

May it please your Excellency:-

I, the undersigned A. Rangaswami Aiyar, Trustee of A.R. Charities residing in 'Vasantashrama', 108, Sandapettai Street, Mathurai, South India, beg to bring the following facts to the notice and careful consideration of your Excellency acting with the advice of the Hon'ble The Prime Minister of India and his colleagues as they involve a constitutional matter of geat importance bearing on the right of subjects under Art. 14 of the Constitution of India passed by the Constituent Assembly on 26-11-1949 and which came into operation on 26-1-1950.

2. The Madura College managed by a Board called the Madura College Board, a body registered under the Indian Companies Act, was a second grade College affiliated to the Madras University till 1924 and was raised to the status of a First Grade College in 1925. A site comprising about 50 acres was acquired under the Land Acquisition Act out of private donations and grant from Government at a cost of about Rs.60,000/.

3. But from 1925 to 1935 the Board was not able to raise funds to build the New College Buildings and for endowments required by the Madras University for maintaining the College as a First Grade College, and was year after year running the risk of losing the one half grant for the Building from Government and disaffiliation of the College as a First Grade College.

4. Seeing the critical situation the College then was, I, as Trustee of A.R.Family charities, at Madura, being the oldest member of the Board in my "personal" capacity came to its rescue in 1935 by agreeing to give Rs.25,000/- towards the construction of the New College Buildings and a conditional donation of Rs.25,000/- to be invested with the Treasurer of charitable Endowments, Madras, to ensure to the benefit of the College so long as

it continued to be maintained as a First Grade College, as the Board had to raise further endowments for such maintenance to supplement the said Rs.25,000/-. As I intended that the College should be developed as a Hindu National College on the lines of the Central Hindu College, Banares, it was stipulated that I in my personal capacity should be the Life President of the Board. The agreement between me as Trustee and the College Board containing the above and other terms and conditions was registered as an Indenture on 15-6-1935 (Vide printed copy of the Indenture marked as A1 in Annexure I attached hereto). The Memorandum and Articles of Association were framed afresh in accordance with the terms and conditions of the said Indenture (Vide document marked as A2 in Annexure I).

5. The College Buildings named in memory of Dr. Besant's services to Indian National Education as 'Besant Memorial Buildings' were completed with my donation of Rs.25,000/-, and my remaining conditional donation of Rs.25,000/- was paid to the Treasurer of Charitable Endowments, Madras with the permission of Madras Government accorded in G.O.No.1757 dated 4-8-1937 (Vide document marked as A3 in Annexure I)

6. The College Board was not able to raise the endowment required by the Madras University for the maintenance of the College as a First Grade College. So the conditional endowment of Rs.25,000/- was returned to me by the Treasurer of Charitable Endowments with the permission of Madras Government under G.O.No.1349 P.H. dated 14-6-1938 (Vide document marked as A4 in Annexure I) as the College was reduced to Second Grade status in 1938.

7. A new Secretary of the Board who succeeded to the office moved the Government of Madras in 1941 for amendments and alterations of the Articles of Association of the Board in breach of the terms and conditions of the above Indenture and applied for permission of the Madras Government to do so, as the rules framed under S 26 of the Indian Companies Act require such

previous permission. The Madras Government by their G.O.No. 1225 dated 8-7-1941 (Vide document marked as A5 in Annexure I) declined to give such permission unless the Board obtained a decision from a competent court that I had violated the terms of the said Indenture to enable the Board to rescind the contract with me and alter the articles against the terms of the Indenture.

8. In 1946 the Board was able to get the College affiliated to the University as a First Grade College and the new Secretary of the Board by name Sri. P.N. Ramasubramaniam, M.B.B.S. asked me to pay the above conditional donation of Rs.25,000/-. I intimated to him that the former conditional donation of Rs.25,000/- had lapsed according to the terms and conditions of the said Indenture, the condition having failed, but that I would ~~xx~~ make a fresh donation under the said terms and conditions.

9. The Secretary, College Board again applied to Government for permission to amend and alter the Articles of Association in breach of the terms and conditions of the said Indenture. This time the Madras Government granted permission to make such amendments and alterations in breach of the terms and conditions of the said Indenture in their G.O.No.265 of 1948 (Vide document marked as A6 in Annexure I), without giving any reason for going against their former G.O.No.1225 of 1941 refusing such permission.

10. The Secretary, the said Sri.P.N. Ramasubramaniam, called a meeting of the Board on 23-7-1948 for effecting the said amendments and alterations in violation of the terms and conditions of the said Indenture.

11. I got notice of the said meeting on 14-7-1948 and filed a suit on 19-7-1948 (O.S. No.265 of 1948 on the file of the District Munsiff's Court, Madura Town) for a permanent injunction restraining the College Board from holding that meeting on 23-7-1948 or any other meeting and passing any resolution in violation of the terms and conditions of the

said Indenture (Vide copy of plaint marked as document B1 in Annexure II).

12. I by an emergent application in IA No.541 of 1948 moved the said court on 19-7-1948 to grant me an ad interim temporary injunction till the disposal of the suit. But the District Munsiff, Sri.M.V. Harihara Aiyar, rejected that application.

13. I preferred an appeal to the Dt. Judge, Madura (Mr.K. Srinivasan) on 23-7-1948, the date fixed for the College Board Meeting and moved by an emergent application (I.A.No.360 of 1948) for a similar ad interim injunction, ~~at the same time~~ The Dt. Judge rejected my emergent application for ad interim injunction, at the same time entering unnecessarily into the merits of my appeal and declined to recognise my status in my personal capacity as an Advocate acting for myself in my capacity as Trustee and declined to adjudge Advocate's fee for me as such advocate for the Trustee.

14. The meeting of the Board was held accordingly on 23-7-1948 which passed resolutions amending and altering the Articles of Association in violation of the terms and conditions of the said Indenture.

15. The District Judge Mr.K. Srinivasan transferred the said main appeal CMA No.22 of 1948 to Sr.C.R.Krishnaswami, Sub-Judge, Madura, who dismissed it on 28-2-1949 on the only ground that the meeting fixed for 23-7-1948 had already been held, although I represented that the suit was not only in regard to that meeting which was held on 23-7-1948 but also with regard to passing any resolution in violation of the terms and conditions of the said Indenture at any future meeting and was more comprehensive than what he deemed fit to decide.

16. The said Mr.P.N. Ramasubramaniam is a person of some influence in these parts and was giving out that he would see that I did not get justice in the civil courts in Madura.

17. My suit O.S.No.265 of 1948 was transferred to Madura Taluq Munsiff's court for trial as O.S.No.315 of 1948 on its file. The Dt. Munsiff of that court Janab Khaji Sheriff Sahib framed issues in the case and suo mottu raised an issue whether he had jurisdiction to try the suit which was not raised by the Defendant College Board, though the relief I claimed was only for a permanent injunction valued at Rs.100/- according to law as I thought fit which determined also the jurisdiction of the court to try the suit under S 8 of the suits valuation Act.

18. On 4-11-1949 he returned the plain for presentation to proper court vaguely directing that suitable amendments should be made to the plaint which a court 'returning a plaint for presentation to proper court' has no jurisdiction to direct, without indicating in what way I should amend the plaint, as the plaint was only for a bare permanent injunction without claiming any relief as regards Rs.25,000/- paid by me or the conditional donation of Rs.25,000/-. His action in returning the plaint amounted to a refusal to entertain my suit (Vide his order of return marked as Documents Nos.B2 and B2a in Annexure II).

19. Then to conform to his order I presented the plaint to Subjudge, Madura (Mr.C.R.Krishnaswami) the same Subjudge who dismissed the above CMA No.22 of 1948 on a technical ground that the Board meeting convened for 23-7-1948 had already been held and refrained from entering into its merits as stated in para 17 above; and I prayed that the plaint may be returned to me for presentation to proper court as the jurisdiction of the Sub court was only in respect of suits above Rs.3000/- in value. He successively called upon me to amend the plaint without indicating in what manner I should amend the plaint (Vide the several orders of the Subjudge marked as B4, B6 and B8 and my explanation marked as B3, B5, B7 in Annexure II).

20. The Secretary of the Board Sri.P.N.Ramasubramaniam finding that the resolution of the Board passed on 23-7-1948 amending and altering the Articles of Association in violation of the terms of the above Indenture were not filed and recorded by the Registrar of Joint Stock Companies, Madras, under Section 81 (1) of the Indian Companies Act, as not being valid, had called for a meeting of the Board on 18-12-1949 for passing the same resolutions passed on 23-7-1948.

21. I sent a letter to the members of the Board on 1-12-1949 agreeing to give a fresh donation of Rs.25,000/- under the terms and conditions of the said Indenture thus intending to put an end to the protracted litigation (Vide letter marked A7 in Annexure I).

22. As the meeting of the Board on 18-12-1949 was drawing near, I, finding that my attempt to get the return of the plaint endorsed by the Subjudge'~~x~~ for presentation to proper court' was proving infructuous, I presented the plaint in the Madura Town District Munsiff's Court on 8-12-1949 which is the court in which the cause of action had arison and the suit was originally filed as O.S.No.265 of 1948 and which had jurisdiction to try the suit, with which also I presented a petition for getting an ad interim temporary injunction for restraining the Defendant Board from passing the resolution for making the said amendments and alterations on 18-12-1949 with another petition for passing emergent orders on the same. The Madura Town District Munsiff Sri.K.S. Palanisamy Gounder returned the plaint to me on 12-1-1949 on the ground that no order had been passed by the sub court on the plaint. I again represented the plaint in the Madura Town District Munsiff's court on 12-12-1949 explaining that the omission of the subjudge to endorse on the plaint about its return was only an irregularity and that the Madura Town District Munsiff's court was the only court which had then the jurisdiction to entertain the suit and pass emergent orders on my petition for ad interim temporary injunction. The Madura Town District munsiff declined to file the plaint and returned to me the plaint, the petition for ad interim injunction and the 'emergent' petition on 13-12-1949 (Vide documents marked B9 to B12 in Annexure II). So I again presented the plaint and the two petitions in the sub court, Madura, on 17-12-1949, and prayed for an endorsement on the plaint returning it for presentation to proper court, and if the court could not do so then to give me further time for taking legal advice in the matter. The Subjudge Sri.C.R. Krishnaswami returned the plaint and the petitions to me on 20-12-1949 granting further time without making the endorsement on the plaint as I prayed for (Vide document marked B13 and B14 in Annexure II).

23. Meanwhile the meeting of the College Board was held on 18-12-1949 and all my attempts to have an order passed on my urgent petition for getting ad interim temporary injunction were defeated by combined action of the above Madura Taluq Minsif, the Madura Sub-Judge and Madura Town District Munsiff, as my attempt for similar ad interim injunction with the respect to the meeting of the College Board on 23-7-1948 had failed before.

24. With a desire to put an end to the litigation which got impeded at every stage, I on the advice of some friends and well-wishers of the College made an offer to the College Board increasing my fresh donation from Rs.25,000/- to Rs.30,000/- on 7-1-1950 (Vide document marked C1 - Annexure III).

25. As I could not take the above combined actions of the above Madura Taluq Munsiff, Madura Subjudge and the Madura Town District Munsiff, in revision to the High Court as there was no such order which can be revised by the High Court at that stage, I considered that as the High Court had superintendence over all courts in the Province I should send a letter to the Registrar of the High Court on the Appellate side to place the facts referred to above, before the Hon'ble

Chief Justice of the Madras High Court, advisedly requesting that they should be considered only on the administrative side as I could not bring the same in any judicial proceedings before the High Court. So I sent the letter dated 8-1-1950 with Annexures I and II (Vide the letter marked as C2 in Annexure III). I received an endorsement dated 31-1-1950 from the Assistant Registrar, Appellate side, returning the whole records to me informing me that "no administrative action can be taken in matters relating to judicial proceedings" (Vide document marked C3 in Annexure III).

26. Meanwhile I had received a printed copy of the order of the Madura Taluk Munsif dated 4-11-1949 returning my plaint for presentation to proper court after amending the plaint as stated in para 18 above, to enable me to appeal against the same.

27. As the College Board did not pass any resolution on 18-12-1949, Sri.P.N. Ramasubramaniam, the Secretary of the Board again called for another meeting on 13-2-1950 for passing the same amendments and alterations to the Articles of Association in breach of the terms and conditions of the said Indenture.

28. I preferred an appeal to the District Judge Mr.K. Srinivasan, who dismissed my former emergent application I.A.No.380 of 1948 in CMA No.22 of 1948 (referred to in para 13 above) against the order returning the plaint in O.S.No.305 of 1948 (referred to in para 18 above) in CMA No.6 of 1950 on 16-1-1950 and also a petition IA No.64 of 1950 for an ad interim injunction to restrain the passing of any resolution amending or altering the said Articles of Association in breach of the terms and conditions of the said Indenture, accompanied by another petition to treat the said IA No.64 of 1950 as emergent and pass emergent orders as the meeting of the Board was to be held on 13-2-1950.

29. The said I.A.No.64 of 1950 for the ad interim injunction came on for orders on 3-2-1950 and I requested the Judge to pass an emergent order so that I may have some time before 13-2-1950 to obtain copy of his order and prefer a revision petition to the High Court, if the order was adverse to me, for obtaining an ad interim temporary injunction before 13-2-1950.

30. The District Judge dismissed my petition on 9-2-1950 after an interval of 6 days entering into the merits of the whole CMA No.6 of 1950 thus prejudging my whole appeal without merely confining himself to the matters necessary for ad interim temporary injunction petition, pending the disposal of the said main appeal CMA No.6 of 1950, when it would come to be heard. I have applied for a copy of his order on the same date ie. 9-2-1950 and I have received copy of the said order which was only ready on 25-2-1950 ie. 16 days after the date of the order and so could not apply to the High Court in revision before 13-2-1950 fixed for the meeting of the Board.

31. Meanwhile the meeting of the College Board was held on 13-2-1950. The Board declined even to consider my offer of an increased addition donation of Rs.30,000/- to the College as stated in para 24 above and passed the said amendments and alterations to the Articles of Association in breach of the terms and conditions of the said Indenture.

32. Thus for the 5th time I was prevented from getting relief in civil courts in respect of the said amendments and alterations being passed in breach of the terms and conditions of the said Indenture.

33. The facts above stated prove, I respectfully submit, that the combined effect of the actions of the judicial officers, viz., the Dt. Judge, Madura (Mr.K. Srinivasan), Subjudge, Madura (Sri.C.R.Krishnaswami); The Madura Taluk District Munsif (Janab Khaja Sheriff Sahib), and the Madura Town District Munsif (Sri.K.S. Palanisamy Gounder) have resulted in denying to me the access to civil courts including

the High Court for seeking appropriate and effective relief of temporary injunction restraining the Madura College Board from passing the said amendments and alterations in breach of the terms and conditions of the said Indenture. I further submit that such combined effect is not merely an accidental coincidence but confirm what the Secretary of the Board Sri.P.N. Ramasubramaniam expressed as his resolve that I should not get justice in civil courts in Madura, as referred to in para 16 above.

34. I have no remedy under law to take regular judicial proceedings against the premedidated combination of the said actions and their combined effect.

35. I respectfully submit that the independence of judicial officers in the Republic and their jurisdiction to decide rightly or wrongly is a valued privelege both in the interest of the State as well as its citizens, which is not in any way sought to be impaired by the present representation to your Excellency. My present representation concerns the fundamental right of even the humblest citizen to have equality before the law and equal treatment and protection of law recognised in Art. 14 of the Constitution of the Republic of India which came into formce on 26-1-1950.

36. As mischief has already been done by my being prevented from getting any order from the civil courts on my application for ad interim temporary injunction before 13-2-1950 as stated in paras 11 to 30 Supra, and the meeting of the College Board having been held in consequence on 13-2-1950 and the amendments and alterations to the Articles of Association having been passed at that meeting in breach of the terms and conditions of the said Indenture, no recourse could be had to the Supreme Court for the issue of any direction order or writ under Art 32 of the constitution for the enforcement of my fundamental right which has been already violated. The main purpose of my present representation, I submit, will be achieved if due notice is taken of the actions of the judicial officers concerned, by the Government thus preventing the occurrances of similar actions in the future.

37. There are one or two persons in high places who have worked behind the scenes but I have not mentioned their names here. Many untoward events have followed as the result of the above combined actions. Many members of the College Board did not attend the meeting held on 13-2-1950. Incidents referred to in para 10 of my letter addressed to the Premier of Madras Hon'ble Sri.P.S. Kimaraswami Raja dated 17-2-1950 have taken place (Vide the document marked as C4 in Annexure III).

38. The Madura College had the honour of electing the Chief Justice, Madras, Hon'ble P.V. Rajamannar as its Rector through the initiative of the Secretary Sri.P.N. Ramasubramaniam in 1948. He presided over the Rector's Day on 28-2-1948 when an appeal was made to the friends of the Secretary for each of them to subscribe Rs.100/- for calling a staircase in the College Building in the name of the Secretary Sri. P.N. Ramasubramaniam, and the learned Chief Justice was pleased to give a donation of Rs.100/- towards the College funds.

39. I, conscious of my responsibilities as a citizen and having been in my personal capacity a legal practitioner of nearly 55 years standing and having during that period held many position of public trust and responsibility and feeling that in a Fee India for which its citizens have worked in the past in varying capacities, standards of public behaviour should be maintained high, have ventured to approach your Excellency with a prayer that the violation of the above fundamental right in my case which denied to me equality before law and its equal protection on an equal level with Sri.P.N. Ramasubramaniam, the Secretary of the Madura College Board, may be suitably investigated and appropriate steps taken to remedy the same.. I shall be prepared to place further material which

at present would unduly burden the attached records in support of the above facts ~~fx~~ if such an investigation is ordered by your Excellency.

40. I would not have moved in the matter while your Excellency and your Excellency's Government are engaged in weighty matters both inside and outside India, but for the fact that the events I am placing before Your Excellency raise an important constitutional question relating to fundamental rights of a citizen, which is always important and more in the initial stages of our Infant Republic.

I beg to subscribe myself as a loyal and dutiful citizen of India and Your Excellency's
obedient and humble servant,

(sd.) A. Rangaswami Aiyar.

TRUSTEE OF A.R. CHARITIES, MADURA.

It is prayed that the Annexures may be returned to me when no longer required.

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(33)

"Vasantashrama"
108, Santapettai Street,
Madura, dated 13.4.1950.

To

The Director of Public Instruction,
MADRAS.

through the Divisional Inspector of Schools, Mathurai and
through the District Educational Officer, Mathurai.

Sir,

Sub: Madura College Board - A. Rangaswami Aiyar High School, Madura - My notice of suit dated 27.3.1950 addressed to Secretary to Govt. of Madras.

PP 1-6

I received a copy of your Proceedings dated 6.4.1950 and saw accordingly Deputy Director of Public Instruction (Personal) as regards college affairs and the Deputy Director of Public Instruction (in charge of Secondary Schools) as regards A. Rangaswami Aiyar High School matters.

As regards "A. Rangaswami Aiyar High School" the Secretary, Dr.P.N. Ramasubramaniam, has since removed the Name Board of the High School giving its name and style as "A. Rangaswami Aiyar High School" and substituted in its place a Board with the name and style of "The Madura College High School". Besides he has inserted an advertisement in the issue of 'Hindu' (page 2) dated 4.4.1950 as follows:- "The name of the Institution heretofore called the 'A.R. High School' has been changed to 'The Madura College High School, Madhurai'. He has not taken your approval for doing so, although for changing the name of the High School as 'A. Rangaswami Aiyar High School, Madura' in the place of the former name of the "Madura College High School" your approval was obtained. (Vide your Proceedings RC599-D/36 dated 28.7.1936). (I herein enclose the copy of the Hindu for easy reference).

According to the terms of the Indenture dated 15.6.1935 referred to in my notice of suit, the name of the 'A. Rangaswami Aiyar High School' cannot be altered at any time for any reason whatsoever and also my Life Presidentship of the Madura College Board cannot be abrogated during my life time. I have enclosed here a printed copy of the above registered Indenture entered into between me and the Madura College Board on 15.6.1935 and also a printed copy of the Articles of Association which were framed in accordance therewith (vide especially Articles 5, 14 & 19) for easy reference. Under Article 5, the High School should be styled as "A. Rangaswami Aiyar High School" and under Art.14 became the Life President of the Madura College Board and Article 29 prescribes that "the President shall be the Chief Executive Officer of the Executive Committee the Governing Body and the College Board and the Secretary and Treasurer shall be deemed to assist him in the performance of their respective duties".

The College Board cannot by any unilateral action and without my consent alter the said Articles of Association contrary to the terms of the said Indenture. A suit by me against the College Board for restraining the Board from making any such alterations or taking any action in violation of the terms of the Indenture is pending in the Civil Court for the past 3 years. So I continue to be Life President of the Madura College Board and the High School continues legally to be styled as "A. Rangaswami Aiyar High School" in spite of the Secretary's action. Even any subsequent amendment or alteration of the Articles of Association in breach of the terms of the Indenture passed on 13.2.1950 cannot operate retrospectively and affect the name of the High School and my Life Presidentship of the Madura College Board already accomplished and in full operation for about 14 years past. The Secretary by his action constitutes himself a sort of Super President of the College Board instead of assisting the President as Secretary according to Article 29 which is still existing and is in full force. He has by this and similar acts violated the well recognized rules of office decorum and decency and has brought the administration of the Madura College Board affairs into contempt and disrepute. His reckless disregard of all rules of propriety and decorum will further bring the administration of the affairs of the Madura College Board into a state of chaos and confusion if he takes steps for the election of another President of the Board while

I continue to be the constitutional Life President according to the terms of the Indenture and the Articles of Association framed in accordance therewith and should preside at the meetings of the Executive Committee, Governing Body and the General Body of the College Board. There would arise a conflict between such a President if invalidly elected and myself as Life President. As I continue to be the Chief Executive Officer of the Executive Committee, the Governing Body and the College Board and cannot divest myself of all the duties, responsibilities and obligations attached to that office and as I consider that the Correspondent of the Educational institutions under the Board should be one working in harmony with the Life President, I deem it best in the interests of these Institutions that the said Dr.P.N.Ramasubramanyam should cease to be such Correspondent from the year 1950-51 and I should nominate and constitute another for that place in my capacity as Life President and Chief Executive Officer on receipt of your reply. I also request you to be good enough not to recognize or approve the change in the style and designation of the High School as "A. Rangaswami Aiyar High School" into "the Madura College High School" as the said Dr.P.N. Ramasubramaniam has done. He or the College Board should be directed to bring the order of the competent Civil Court authorising them to do so if a change in style and designation of the High School is desired by them, as I am in present possession and occupation of all the rights and duties attached to the office of Life President. It appears to me that the exercise of your undoubted jurisdiction to guide and control the management on pain of losing the material advantages resulting from recognition and receipt of grants-in-aid from Government will early set right the lack of discipline and harmony on the part of easily excitable temperaments like that of our Secretary who cannot brook any colleague in the management like myself having superior ~~of~~ or even equal status with himself, instead of a litigation in Civil Courts to en~~join~~force my rights and priveleges which is often protracted

70

71

37

A. RANGASWAMI AIYAR.

Camp: 5, Abhirami Street,
Purasawalkam,
Madras.

9th June, 1950.

Dev 51364-K/50
10-6-50

16342

Dear Mr. Viswanatha Ayyar,

1 I am sending herewith a copy of my suit notice addressed to the Secretary to Government of Madras as desired by you, and request that the status quo as regards the name of the school as "A. Rangaswami Ayyar High School" is maintained till the pending Court proceedings are over.

2 I am also enclosing copy of the old proceedings of the Director of Public Instruction by which the name of the school as "A. Rangaswami Ayyar High School" was approved by Government.

not received –

Yours sincerely,

A Rangaswami Ayyar

Trustee, A,R. Charities &
Life President, Madura College
Board.

SECRETARY TO GOVERNMENT
10 JUN 1950
DEVELOPMENT DEPARTMENT

Sri. Viswanatha Ayyar,
Secretary, Development Dept.,
Government of Madras,
Fort St. George,
Madras.

Enc: Verified from P.R.

Dev Dept

Submitted for perusal. The main file on the subject has been returned to Education Dept. with this Dept. U.O. No. 49188-K/50-1 dt. 12.6.50. This may therefore be sent to that Dept. in continuation.

12.6.50

12/6/50

AA 16/6/50

DS 16.6.50

Edn

Dev Dept. U.O. No. 51364-K/50-1 dt. 16.6.50.

P.T.O

Edu(F)

On the original of the suit notice on pp3-5 infra, received separately in this Dept, action has been taken and the main* file has since been sent u.o. to Home/Legal on 22.6.50. No action # therefore seems called for on this. The papers may be added to the main file on its return from Home/Legal.

*C 5219/F/50

4.7.50

30/6/50.

30/6/50

(COPY)

38

Vasantashrama,
108 West Santapettai St.
Mathurai (S. India).

27th March, 1950.

Same GOP
14 [illegible]

From

Sri A. Rangaswami Aiyar,
Trustee, A.Rangaswami Aiyar Family Charities,
"Vasantashrama", 108 West Santapettai Street,
Mathurai.

To

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

Notice of suit given by the undersigned under S. 80 of the Civil Procedure Code:-

1. The undersigned hereinafter called "the donor" entered into a Registered Indenture with the Madura College Board, a body registered under the Indian Companies Act, on 15.6.1935 by which he agreed inter alia to give a donation of Rs.25000/- for the construction of the new college Buildings. The relevant terms therein necessary for the purpose of this notice are:

(a) The new Buildings shall be called by such name which the Donor may give them;

(b) The Institution upto then called 'the Madura College High School' shall thereafter be called 'A. Rangaswami Aiyar High School, Madura;"

(c) The Donor in his personal capacity shall be the Life President of the Madura College Board.

The said terms were incorporated in a newly framed Articles of Association of the Madura College Board.

2. The Donor carried out on his part all the terms of the said Indenture. The Buildings were called Dr. Besant or Sri Vasanta Memorial Buildings and the said High School was called A. Rangaswami Aiyar High School; and the Donor became the Life President of the Madura College Board. According to the said Indenture, the names of the Dr. Besant or Shri Vasanta Buildings and the A. Rangaswami Aiyar High School shall not be altered at any time on any account whatsoever. The alter-

(contd)

ation of the name of the High School into A. Rangaswami Aiyar High School was recognized and approved by the Director of Public Instruction, Madras, in his Proceedings RC.599-D/36 dated 28.7.1936 and has been so styled in all official records, proceedings, correspondence and C., for the past 14 years. The Indenture became an executed Contract.

3. The Madura College Board illegally passed a Special Resolution on 13.2.1950 making amendments and alterations to its Articles of Association, inter alia omitting the articles binding the said College Board to call the College Buildings as Dr. Basant or Shri Vasanta Buildings and to name the said High School as A. Rangaswami Aiyar High School and to constitute the Donor in his personal capacity as "Life President".

4. There is at present a suit pending in Civil Court instituted by the Donor for obtaining a permanent injunction restraining the Madura College Board inter alia from making the above amendments and alterations or taking any steps in violation of the terms and conditions of the said Indenture.

5. Even if the said amendments and alterations are decided to be valid by the Civil Court, they can only come into force from 13.2.1950 when the said special Resolution was passed and cannot operate retrospectively. If the Civil Suit is decided in Donor's favour the said amendments and alterations to the Articles of Association cannot be valid even after 13.2.1950 when the special Resolution was passed.

6. The Madura College Board on the basis of the said Resolution is attempting to alter unilaterally the name of the A. Rangaswami Aiyar High School into some other name without Donor's consent and against his objection. They cannot make such alteration without the consent and approval of the Director of Public Instruction acting on behalf of Government. Such an action on the part of the Madura College Board will be a flagrant violation of the terms of the Indenture which can only be committed with the consent and approval of Government

(contd.)

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acting through Director of Public Instruction, as recognition has only been for "A. Rangaswami Aiyar High School" so named and not for any other school having a different name or designation.

7. The fulfilled terms of a valid contract like the said Indenture cannot be broken by any party to the said Indenture. Just as a Donor cannot claim to have the new College Buildings erected with the help of his Donation pulled down, so the Madura College Board cannot claim to alter the name of "A. Rangaswami Aiyar High School" into any other name against the terms of the Indenture. If the Government or the Director of Public Instruction acting on behalf of the Government consent and give their approval to such an alteration they would be legally answerable for all the consequences following from the break of the terms of the Indenture for aiding and abetting the same, especially as they are the terms of an executed contract and the said special Resolution cannot operate and affect retrospectively the previously executed terms of the said Indenture.

8. Therefore the Donor hereby gives notice to the Government not to be a party to the breach of the terms of the said Indenture by approving or giving their consent to the alteration of the name of the "A. Rangaswami Aiyar High School" and in case the Government themselves or through the Director of Public Instruction so approve and agree to the said alteration, this notice is given that a suit will be filed against the Madras Province for obtaining the following relifs:-

Cause of action - Apprehended action of the Government approving or agreeing to the alteration of the name of A. Rangaswami Aiyar High School into any other name.

Name, Description and place of residence of the Plaintiff:- A. Rangaswami Aiyar, B.A., B.L., Trustee, A. Rangaswami Aiyar, Family Charities, residing in "Vasantashrama", 108 Santapettai Street, Madura.

(Contd.)

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Relief claimed:- Permanent injunction restraining the Government from so approving or agreeing to the alteration of the name of "A. Rangaswami Aiyar High School" into any other name or if the Government so approves or agrees to the said alteration, for the cancellation or declaration of the invalidity of such alteration and the restoration of the name of "A. Rangaswami Aiyar High School", with damages, incidental reliefs and costs.

Note: This notice is given without prejudice to any further suitable action being taken against altering the present name of the Madura College Buildings as Dr. Besant or Shri Vasanta Buildings and the Life Presidency of the Donor of the Madura College Boardin his personal capacity.

Yours faithfully,

(sd) A Rangaswami Aiyar

Trustee of A. Rangaswami Aiyar Family Charities.

(True Copy) A Rangaswami Aiyar

77

Education (F)

Lr.Ref.No. 5249F/50-5 Edn., dated 25/7/50

To

Sri A.Rangaswami Aiyer, B.A.B.L.,
Trustee, A.Rangaswami Aiyar Family Charities,
"Vasantashrama", No.108, West Sabtacettai St.,
Mathurai.

3/vd 7. Dd 27/7

Sir,

Sub:- ~~Coxxix~~ College - Madura College - Amendments to the articles of Association.- suit notice -

PP9-20 ✓
P1-4 ✓

Ref:- Your letter dated ~~27-2-50~~ 5-3-50 to the President of India and 27.3.50.

I am directed to state that ~~the matter~~ it was only after due consideration of the matter that ~~was well considered before the~~ Govt. have ~~already~~ ~~decided to accept~~ approved the amendments ~~the modifications~~ proposed by the College Board ~~and~~ in the Boards' Articles of Association ~~that the Govt. therefore see no need to re-open the matter now.~~ The Govt regret that the matter ~~[illegible]~~ can not be reopened.

Yours faithfully,

21.7.50.

Copy to the D.P.I. Dd 27/7

VRS 14/7/50
Dy 15/7/50

24/7/50

ASSISTANT SECRETARY
22916
8 AUG 1950
EDUCATION DEPARTMENT

(X)

"Vasantashrama"
Santapettai Street,
Mathurai. 5-8-50.

From

Sri A.Rangaswami aiyar, B.A.B.L.,
Trustee, A.Rangaswami aiyar family charities,
"Vasantashrama",
No.108, West Santapettai Street,
Mathurai.

To

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

Sir,

P77 ante I acknowledge receipt of your letter No.5219 F-50-5 Education expressing the regret of Government about re-openong of the matter of approval of the amendments proposed by the Madura College Board in the Board's Articles of Association.

PP9-20 ante 2. I beg to represent that in neither of my letters dated 5th March 1950 addressed to the President of India and my letter
PP1-3 ante dated 27th March 1950 which was only a notice of suit under S 80 Civil Procedure Code didIseek re-opening of the decision conveyed
P117 of (T) to me in Memorandum No.45 dated 8-3-1950 sent to me by the Deputy Secretary to Government (Development Department) in which the
PP90-91 of (W) Government declined to revoke the order passed in G.O.No.3379 Development dated 23-6-1948 approving the amendments proposed by the Madura College Board to its articles of Association, as such attempt on my part would prove futile although I might feel that
PP105-106 of (F) the restoration of G.O.No.1228 dated 8-7-1941 would not have led to the regrettable consequences of the necessity for my bringing a protracted suit in Civil Court for declaring the amendments against the terms of a registered Indenture null and void - not a suitable reward for an act of philanthropy. This is especially so as the College Board never ventured to bring a suit entitling them to so amend the articles according to the latter G.O. for a period of 7 years.and the permission was granted by Government to amend the articles as it were a routine and informal matter, without notice to me, though such permission helped to destroy substantial civil rights to establish which I have to bring the present pending suit. But ~~in~~ my letter to the President of India
PP9-20 ante dated 5-3-1950 was for a different purpose altogether of great public importance and not merely one personal to me. It concerned the concerted action of a number of judicial officers in Madura City who with a view to favour Dr P.N.Ramasubramaniam, Secretary of the Madura College Board, had prevented me successfully from going to the High Court in revision in time against any order refusing me temporary injunction against holding the meetings of the Madura College Board on 18-12-1949 and 13-2-1950, and thus have violated Article 14 of the Constitution of India which is a constitutional matter of great importance, and does not relate to the permission granted for the amendment of the Articles of Association of the College Board. The relevant facts are related in
PP9-20 ante my above letter to His Excellency the President of India and it is unnecessary to go over them again in this letter.

3 My letter was forwarded by the Secretary to the Government of India to the Secretary to the Government of Madras (Education and Public Health Department) fpr necessary action in his letter No.D.1361/50-D1 Ministry of Education dated 3-5-1950 and the documents which I had submitted to His Excellency the President of India in support of the facts mentioned in my said letter were returned to me as desired, as they would be required during the inquiry which would be held on my petition. I was expecting an inquiry on the facts mentioned in my letter and was prepared to produce all evidence including documents which would be required to prove my charges as mentioned in my above letter. But instead I had your letter under reply informing that my letter related to the amendments of Articles of Association and that the matter could not be re-opened. Therefore I request you as I prayed in para 39 of my above letter to His Excellency the President of India ~~and taken~~ to be good enough to investigate into the facts stated by me and the breach of Article 14 of the Constitution of India and take appropriate steps thereon. If notice be given to me I shall produce all available evidence in my possession in regard to the same. I may mention that the relief prayed for in the letter to His Excellency the President of India is a comprehensive one - restraining the Madura College Board from holding the meeting on the notified date or any adjourned or further date and taking any steps or passing any resolution under the provisions of the Indian Companies Act in violation of the terms and conditions of the Registered Indenture dated 15-6-1935. I may mention here that the No. of the G.O. mentioned in para 9 of my letter to His Excellency the President of India is not G.O. No.265 of 1948 as wrongly given there but G.O.No.3379 of 1948.

P19 ante

P11 ante

(W)

I have sent a copy of this letter to His Excellency the President of India informing him of the stage at which the matter stands at present.

Yours faithfully,

A Rangaswami Ayyar

Trustee A Rangaswami Ayyar
Family charities
Mathurai

A.Rangaswami aiyar, B.A.B.L.,
Trustee of A.R.Charities and
Life President, Madura College Board.

"Vasantashrama"
108, Santapettai St.,
Mathurai. 19-8-1950.

127

ASSISTANT SECRETARY
24665
22 AUG 1950
EDUCATION DEPARTMENT

To

By Registered Post.
Ack - Due -

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

Sir,

PP79-81 ante Ref:- My letter dated 5-8-1950.

I sent you the above letter a copy of which I enclose herein for easy reference requesting you to be good enough to investigate the charges preferred by me against some judicial officers ~~tx~~ in this city in my letter to the President of India dated 5-3-1950 which was forwarded to you for 'necessary action' by the Secretary to the Government of India in his letter No. D 1361/50 - D1 Ministry of Education dated 3-5-1950. The charges relate to a matter of great constitutional importance, and if any further delay takes place in the investigation of the charges, the matter is likely to become stale and the very object of my complaint will be defeated which is to see that moral values are maintained without deterioration, about which so much insistence is made now by authorities of Government and leaders of Public opinion. I have sent a copy of this letter to His Excellency the President of India. I request you to be good enough to order the investigation as early as possible and inform me of the same so that I may place the evidence in support of these charges.

PP85-87 infra

P21 ante

PP9-20 ante My complaint to His Excellency the President of India dated5-3-1950 is nearly 6 months old; it is submitted that justice to be effective should be swift as well as sure in a Free India.

Yours faithfully,
A.Rangaswami Aiyar
Trustee, A.R.Charities
and Life President, Madura College Board.

XLI

"Vasantashrama"
Santapettai Street,
Mathurai. 5-8-50.

(Same as pp 79-81 ante)

From

Sri A.Rangaswami aiyar, B.A.B.L.,
Trustee, A.Rangaswami aiyar family charities,
"Vasantashrama",
No.108, West Santapettai Street,
Mathurai.

To

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

Sir,

I acknowledge receipt of your letter, No.5219 F-50-5 Education, expressing the regret of Government about re-openong of the matter of approval of the amendments proposed by the Madura College Board in the Board's Articles of Association.

2. I beg to represent that in neither of my letters dated 5th March 1950 addressed to the President of India and my letter dated 27th March 1950 which was only a notice of suit under S 80 Civil Procedure Code did I seek re-opening of the decision conveyed to me in Memorandum No.45 dated 8-3-1950 sent to me by the Deputy Secretary to Government (Development Department) in which the Government declined to revoke the order passed in G.O.No.3379 Development dated 23-6-1948 approving the amendments proposed by the Madura College Board to its articles of Association, as such attempt on my part would prove futile, although I might feel that the restoration of G.O.No.1228 dated 8-7-1941 would not have led to the regrettable consequences of the necessity for my bringing a protracted suit in Civil Court for declaring the amendments against the terms of a registered Indenture null and void - not a suitable reward for an act of philanthrophy. This is especially so as the College Board never ventured to bring a suit entitling them to so amend the articles according to the latter G.O. for a period of 7 years, and the permission was granted by Government to amend the articles as it were a routine and informal matter, without notice to me, though such permission helped to destroy substantial civil rights, to establish which I have to bring the present pending suit. But ~~in~~ my letter to the President of India dated 5-3-1950 was for a different purpose altogether of great public importance and not merely one personal to me. It concerned the concerted action of a number of judicial officers in Madura City who with a view to favour Dr P.N.Ramasubramaniam, Secretary of the Madura College Board, had prevented me successfully from going to the High Court in revision in time against any order refusing me temporary injunction against holding the meetings of the Madura College Board on 18-12-1949 and 13-2-1950, and thus have violated Article 14 of the Constitution of India which is a constitutional matter of great importance, and does not relate to the permission granted for the amendment of the Articles of Association of the College Board. The relevant facts are relat my above letter to ~~His Excellency~~ the President of I is unnecessary to go over them this let

86

letter was forwarded by the Secretary to the Government of India to the Secretary to the Government of Madras (Education and Public Health Department) for necessary action in his letter No.D.1361/50-D1 Ministry of Education dated 3-5-1950 and the documents which I had submitted to His Excellency the President of India in support of the facts mentioned in my said letter were returned to me as desired, as they would be required during the inquiry which would be held on my petition. I was expecting an inquiry on the facts mentioned in my letter and was prepared to produce all evidence including documents which would be required to prove my charges as mentioned in my above letter. But instead I had your letter under reply informing that my letter related to the amendments of Articles of Association and that the could not be re-opened. Therefore I request you as I ed in para 39 of my above letter to His Excellency the President of India ~~and takes~~ to be good enough to investigate into the cts stated by me and the breach of Article 14 of the Constitution of India and take appropriate steps thereon. If notice be iven to me I shall produce all available evidence in my possession in regard to the same. I may mention that the relief prayed for in the suit referred to in my letter to His Excellency the President of India is a comprehensive one - restraining the Madura College Board from *holding the meeting on the notified date or any adjourned or* further date and taking any steps or passing any resolution under the provisions of the Indian Companies Act in violation of the terms and conditions of the Registered Indenture dated 15-6-1935. I may mention here that the No. of the G.O. mentioned in para 9 of my letter to His Excellency the President of India is not G.O. No.265 of 1948 as wrongly given there but G.O.No.3379 of 1948.

I have sent a copy of this letter to His Excellency the President of India informing him of the stage at which the matter stands at present.

Yours faithfully,

(Sd) A. Rangaswami aiyar

Trustee, A. Rangaswami aiyar Family charities, Madurai.

(True Copy)

A Rangaswami Aiyar
Trustee

C.Madras ~~D.35881/50~~

A.Rangaswami aiyar, B?A.B.L.,
Trustee, A.Rangaswami aiyar
family charities.

"Vasantashrama"
108. Santapettai Street,
Mathurai. (South India
6-8-1950.

ASSISTANT SECRETARY
2 8 AUG 1950
EDUCATION DEPARTMENT

His Excellency Hon'ble Sri Rajendra Prasad, D.L.
President of India and Protector of Her Constitution,
New Delhi.

May it please your Excellency:-

I, the undersigned A.Rangaswami aiyar, Trustee of A.R. harities residing in "Vasantashrama", 108, Santapettai Street, Mathurai, South India, made a representation to your Excellency by my letter dated × 3 5-8-1950 in which I brought to your notice grave irregularities in the conduct of certain judicial officers in the city of Mathurai involving a constitutional matter of great importance bearing on the right of subjects under Article 14 of the Constitution Act of India and prayed investigation and due ction.

2. My letter was forwarded to the Secretary to the Govt of Madras Education and Public Health Department, for necessary action by the Secretary to the Government of India in his letter No.D 1381/50-DI Ministry of Education dated 3-5-1950, and the documents which I had sent in support of my charges were returned to me as desired.

3. But the Government of Madras instead of making due investigation into the facts stated, which had become a subject of ssip and scandal in this city informed me through the Secretary to the Governement of Madras ~~in~~ by his letter No.5219 F/50-5 Education dated 25-7-1950, in which without in any way dealing with the char which I had made against the said judicial officers, referred to certain amendments to the articles of association of the Madura College Board as a matter which cannot be reopen ough I did ot make any ~~regret~~ request at all that they reopened in my

abovementioned letter to your Excellency. It is a glaring m -reading of my letter to your Excellency which has made my represe tation to become entirely fruitless, and completely ignored, without t 'necessary action' as directed of the Government of India

PP9-20 ante

4. Thereupon, I have written a letter to the Sec to the Government of Madras on 5th instant drawing the attentio of the Government of Madras to the allegation made by me in my letter to your Excellency dated 5-3-1950 and requesting that matter contained in my said letter should be investigated notice to me and with the evidence oral and documentary whi may be adduced by me and that due action should be taken there

5. The citizens are repeatedly exhorted by responsible leaders and ministers of state to bring such and similar irregu larities and abuses referred to in my letter to the notice of Government and when they are brought to the notice of responsible authorities they are often ignored and no action is taken or taken tardily or after delay, with no real zest to take rigoro action and the representation becomes useless.

PP91 to 102 ante

6. I enclose herein (i) a copy of my letter to your Excellency dated 5-3-1950 as my original letter has been sent the Secretary to the Government of Madras and as I do not know whether any copy of ~~my~~ thereof is maintained in the Secretariat of the Government of India (this is sent for easy reference) (ii) copy of the letter from the Secretary to the Government Madras No.5219 F/50-5 Education dated 25-7-1950 to me and (i copy of my letter to the Secretary to the Government of Mad dated 5-8-50 in reply. PP105-107 ante

P103 ante

I request that your Excellency may be pleased to direct the Government of Madras to make due investigation into the charg made by me and take due action thereon as early as possible.

I beg to remai
Your Exce
Obedient and Hu

A Rangaswami
Trustee

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(1)

"Vasantashrama
108, West Sandapetta
Madura (South In

5. 3. 1950.

Same as PP9-20 ante

To

His Excellency Hon'ble Sri Rajendra Prasad, D.L.
President of India and Protector of Her Constitution
NEW DELHI.

May it please your Excellency:-

I, the undersigned A. Rangaswami Aiyar, Truste A.R. Charities residing in 'Vasantashrama', 108, Sandapetta Mathurai, South India, beg to bring the following facts to notice and careful consideration of your Excellency the advice of the Hon'ble The Prime Minister of India colleagues as they involve a constitutional matter o bearing on the right of subjects under Art. 14 of the of India passed by the Constituent Assembly on 26-11-1949 a came into operation on 26-1-1950.

2. The Madura College managed by a Board called Madura College Board, a body registered under the Indian Companie Act, was a second grade College affiliated to the Madras Univ till 1924 and was raised to the status of a First Grade Colleg in 1925. A site comprising about 50 acres was acquired under the Land Acquisition Act out of private donations and grant fro Government at a cost of about Rs.60,000/.

3. But from 1925 to 1935 the Board was not able to raise funds to build the New College Buildings and for endowments required by the Madras University for maintaining the College as a First Grade College, and was year after year running the risk of losing the one half grant for the Building from Government disaffiliation of the College as a First Grade College.

4. Seeing the critical situation the College was, I, as Trustee of A.R.Family charities, at Madura, be oldest member of the Board in my "personal" capacity came rescue in 1935 by agreeing to give Rs.25,000/- towards the co ction of the New College Buildings and a conditional Rs.50,000/- to be invested with [illegible] ments [illegible] benefit of the Co

it continued to be maintained as a First Grade College, as the Board had to raise further endowments for such maintenance to supplement the said Rs.25,000/-. As I intended that the College should be developed as a Hindu National College on the lines of the Central Hindu College, Banares, it was stipulated that I in my personal capacity should be the Life President of the Board. The agreement between me as Trustee and the College Board containing the above and other terms and conditions was registered as an Indenture on 15-6-1935 (Vide printed copy of the Indenture marked as A1 in Annexure I attached hereto). The Memorandum and Articles of Association were framed afresh in accordance with the terms and conditions of the said Indenture (Vide document marked as A2 in Annexure I).

5. The College Buildings named in memory of Dr. Besant's services to Indian National Education as 'Besant Memorial Buildings' were completed with my donation of Rs.25,000/-, and my remaining conditional donation of Rs.25,000/- was paid to the Treasurer of Charitable Endowments, Madras with the permission of Madras Government accorded in G.O.No.1757 dated 4-8-1937 (Vide document marked as A3 in Annexure I)

6. The College Board was not able to raise the endowment required by the Madras University for the maintenance of the College as a First Grade College. So the conditional endowment of Rs.25,000/- was returned to me by the Treasurer of Charitable Endowments with the permission of Madras Government under G.O.No.1349 P.H. dated 14-6-1938 (Vide document marked as A4 in Annexure I) as the College was reduced to Second Grade status in 1938.

7. A new Secretary of the Board who succeeded to the office moved the Government of Madras in 1941 for amendments and alterations of the Articles of Association of the Board in breach of the terms and conditions of the above Indenture and [illegible] for permission of the Madras Government to do so, as the [illegible] Indian Compan

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previous permission. The Madras Government by th 1225 dated 8-7-1941 (Vide document marked as A5 in declined to give such permission unless the Board obt decision from a competent court that I had violated the of the said Indenture to enable the Board to rescind the with me and alter the articles against the terms of the

8. In 1946 the Board was able to get the Coll affiliated to the University as a First Grade College and

new Secretary of the Board [illegible] Sri. P.N. Ramasubraman

M.B.B.S. asked me to pay the above conditional donat Rs.25,000/-. I intimated to him that the former donation of Rs.25,000/- had lapsed according to the conditions of the said Indenture, the condition ha but that I would xm make a fresh donation under the and conditions.

9. The Secretary, College Board again ap Government for permission to amend and alter the Artic Association in breach of the terms and conditions of the sa Indenture. This time the Madras Government granted permiss to make such amendments and alterations in breach of the ter and conditions of the said Indenture in their G.O.No.265 of 1948 (Vide document marked as A6 in Annexure I), without giving any reason for going against their former G.O.No.1225 of 1941 refusing such permission.

No.265 should be No.3379

10. The Secretary, the said Sri.P.N. Ramasubraman called a meeting of the Board on 23-7-1948 for effecting the said amendments and alterations in violation of the terms a conditions of the said Indenture.

11. I got notice of the said meeting on 14 and filed a suit on 19-7-1948 (O.S. No.265 of 1948 on of the District Munsiff's Court, Madura Town) for a per injunction restraining the College Board from holding t meeting on 23-7-1948 or any other meeti[illegible] passing any resolution in [illegible] conditions

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aid Indenture (Vide copy of plaint marked as document B1 in Annexure II).

12. I by an emergent application in IA No.541 of 1948 moved the said court on 19-7-1948 to grant me an ad interim temporary injunction till the disposal of the suit. But the District Munsiff, Sri.M.V. Harihara Aiyar, rejected that application.

13. I preferred an appeal to the Dt. Judge, Madura (Mr.K. Srinivasan) on 23-7-1948, the date fixed for the College Board Meeting and moved by an emergent application (I.A.No.360 of 1948) for a similar ad interim injunction, ~~at the same time~~ The Dt. Judge rejected my emergent application for ad interim injunction, at the same time entering unnecessarily into the merits of my appeal and declined to recognise my status in my personal capacity as an Advocate acting for myself in my capacity as Trustee and declined to adjudge Advocate's fee for me as such advocate for the Trustee.

14. The meeting of the Board was held accordingly on 23-7-1948 which passed resolutions amending and altering the Articles of Association in violation of the terms and conditions of the said Indenture.

15. The District Judge Mr.K. Srinivasan transferred the said main appeal CMA No.22 of 1948 to Sr.C.R.Krishnaswami, Sub-Judge, Madura, who dismissed it on 28-2-1949 on the only ground that the meeting fixed for 23-7-1948 had already been held, although I represented that the suit was not only in regard to that meeting which was held on 23-7-1948 but also with regard to passing any resolution in violation of the terms and conditions of the said Indenture at any future meeting and was more comprehensive than what he deemed fit to decide.

a altera 16. The said Mr.P.N. Ramasubramaniam is a person breach of the terin these parts and was giving out that he lied for permission of t justice in the panies India

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29 2 87 95

Madura.

17. My suit O.S.No.265 of 1948 was tra Madura Taluq Munsiff's court for trial as O.S.No.315 on its file. The Dt. Munsiff of that court Janab Kh Sahib framed issues in the case and suo mottu raised whether he had jurisdiction to try the suit which wa raised by the Defendant College Board, though the relie claimed was only for a permanent injunction valued at Rs. according to law as I thought fit which determined also jurisdiction of the court to try the suit under S 8 suits valuation Act.

18. On 4-11-1949 he returned the plain for pr tion to proper court vaguely directing that suitable amend should be made to the plaint which a court 'returning a for presentation to proper court' has no jurisdiction to di without indicating in what way I should amend the plaint, a the plaint was only for a bare permanent injunction without claiming any relief as regards Rs.25,000/- paid by me or the conditional donation of Rs.25,000/-. His action in returnin the plaint amounted to a refusal to entertain my suit (Vide his order of return marked as Documents Nos.B2 and B2a in Annexure II).

19. Then to conform to his order I presented the plaint to Subjudge, Madura (Mr.C.R.Krishnaswami) the same Subjudge who dismissed the above CMA No.22 of 1948 on a techni ground that the Board meeting convened for 23-7-1948 had alrea been held and refrained from entering into its merits as stated in para 17 above; and I prayed that the plaint may be returned to me for presentation to proper court as the jurisdiction of the Sub court was only in respect of suits above Rs.3000/- in value. He successively called upon me to amend the plaint without indicating in what manner I should amend the plaint (Vide the several orders of the Subjudge B4, B6 and B8 and my explanation B7 in Annexure II).

Chief Justice of the Madras High Court, advisedly requesting that they should be considered only on the administrative side as I could not bring the same in any judicial proceedings before the High Court. So I sent the letter dated 8-1-1950 with Annexures I and II (Vide the letter marked as C2 in Annexure III). I received an endorsement dated 31-1-1950 from the Assistant Registrar, Appellate side, returning the whole records to me informing me that "no administrative action can be taken in matters relating to judicial proceedings" (Vide document marked C3 in Annexure III).

26. Meanwhile I had received a printed copy of the order of the Madura Taluk Munsif dated 4-11-1949 returning my plaint for presentation to proper court after amending the plaint as stated in para 18 above, to enable me to appeal against the same.

27. As the College Board did not pass any resolution on 18-12-1949, Sri.P.N. Ramasubramaniam, the Secretary of the Board again called for another meeting on 13-2-1950 for passing the same amendments and alterations to the Articles of Association in breach of the terms and conditions of the said Indenture.

28. I preferred an appeal to the District Judge Mr.K. Srinivasan, who dismissed my former emergent application I.A.No.380 of 1948 in CMA No.22 of 1948 (referred to in para 13 above) against the order returning the plaint in O.S.No.305 of 1948 (referred to in para 18 above) in CMA No.6 of 1950 on 16-1-1950 and also a petition IA No.64 of 1950 for an ad interim injunction to restrain the passing of any resolution amending or altering the said Articles of Association in breach of the terms and conditions of the said Indenture, accompanied by another petition to treat the said IA No.64 of 1950 as emergent and pass emergent orders as the meeting of the Board was to be held on 13-2-1950.

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(5)

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injunction came on for orders on 3-2-1950 and I reque
Judge to pass an emergent order so that I may have som
before 13-2-1950 to obtain copy of his order and prefer
revision petition to the High Court, if the order was adverse
to me, for obtaining an ad interim temporary injunction before
13-2-1950.

30. The District Judge dismissed my petition on
9-2-1950 after an interval of 6 days entering into the merits
of the whole CMA No.6 of 1950 thus prejudging my whole appeal
without merely confining himself to the matters necessar
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disposal of the said main appeal CMA No.6 of 1950, w
come to be heard. I have applied for a copy of his
the same date ie. 9-2-1950 and I have received copy
order which was only ready on 25-2-1950 ie. 16 days a
date of the order and so could not apply to the High C
in revision before 13-2-1950 fixed for the meeting of

31. Meanwhile the meeting of the College Boar
was held on 13-2-1950. The Board declined even to consider
my offer of an increased addition donation of Rs.30,000/- to
College as stated in para 24 above and passed the said amendm
and alterations to the Articles of Association in breach of th
terms and conditions of the said Indenture.

32. Thus for the 5th time I was prevented from getting relief in civil courts in respect of the said amendment and alterations ~~being passed in breach of the terms and condi~~ of the said Indenture.

33. The facts above stated prove, I respectf
submit, that the combined effect of the actions of the j
officers, viz., the Dt. Judge, Madura (Mr.K. Srinivasan),
Subjudge, Madura (Sri.C.R.Krishnaswami); The Madura Taluk
District Munsif (Janab Khaja Sheriff Sahib), and the Madura
~~Town District Munsif~~ (Sri.K.S. Palanisamy [illegible]
resulted in denyi [illegible] courts including

Chief Justice of the Madras High Court, advisedly requesting that they should be considered only on the administrative side as I could not bring the same in any judicial proceedings before the High Court. So I sent the letter dated 8-1-1950 with Annexures I and II (Vide the letter marked as C2 in Annexure III). I received an endorsement dated 31-1-1950 from the Assistant Registrar, Appellate side, returning the whole records to me informing me that "no administrative action can be taken in matters relating to judicial proceedings" (Vide document marked C3 in Annexure III).

26. Meanwhile I had received a printed copy of the order of the Madura Taluk Munsif dated 4-11-1949 returning my plaint for presentation to proper court after amending the plaint as stated in para 18 above, to enable me to appeal against the same.

27. As the College Board did not pass any resolution on 18-12-1949, Sri.P.N. Ramasubramaniam, the Secretary of the Board again called for another meeting on 13-2-1950 for passing the same amendments and alterations to the Articles of Association in breach of the terms and conditions of the said Indenture.

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29. The said I.A.No.64 of 1950

injunction came on for orders on 3-2-1950 and I reque
Judge to pass an emergent order so that I may have son
before 13-2-1950 to obtain copy of his order and prefer
revision petition to the High Court, if the order was adverse
to me, for obtaining an ad interim temporary injunction before 13-2-1950.

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Subjudge, Madura (Sri.C.R.Krishnaswami); The Madura Taluk
District Munsif (Janab Khaja Sheriff Sahib), and the Madura
Town District Munsif (Sri.K.S. Palanisamy Co ts including
resulted in denyin

at present would unduly burden the attached records in support of the above facts ~~xx~~ if such an investigation is ordered by your Excellency.

40. I would not have moved in the matter while your Excellency and your Excellency's Government are engaged in weighty matters both inside and outside India, but for the fact that the events I am placing before Your Excellency raise an important constitutional question relating to fundamental rights of a citizen, which is always important and more as in the initial stages of our Infant Republic.

I beg to subscribe myself as a loyal and
dutiful citizen of India and Your Excellency's
obedient and humble servant,

(sd.) A. Rangaswami Aiyar.

TRUSTEE OF A.R. CHARITIES, MADURA.

It is prayed that Annexures may be returned to me when no longer required.

equa.

cognised

(True copy)

A Rangaswami Aiyar

ental right which

purpose of [illegible] representation,

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(2)

Government of Madras.
Education Department.
Letter No.5219 F/50-5, Education.

Same as p 77 ante

From
Sri S.A.Iyengar, I.C.S.,
Secretary to the Government of Madras.

To
Sri A.Rangaswami Aiyar, B.A.B.L.,
Trustee, A.Rangaswami Aiyar Family Charities,
"Vasnatashram", No.108, West Santapettai Street,
Mathurai.

Dated, Fort St.George, the 25th July 1950.

Sir,

Sub:- College - Madura College - Amendments to th articles of Association - Suit notice.
Ref:- Your letter dated 5th March 1950 to the President of India and 27th March 1950

I [illegible] only after due consideration [illegible] Government have approved [illegible] by the College Board in the Board's [illegible] of Association. The Govenmment regret that the matter cannot be reopened.

Yours faithful

(Sd) N.V.Srinivasan
For Secretary to

(True copy)

A Rangaswami

Sri A.Rangaswami aiyar, B.A.B.L.,
Trustee, A.Rangaswami aiyar family charities,
"Vasantashrama",
No.108, West Santapettai Street,
Mathurai.

To

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

ir,

I acknowledge receipt of your letter No.5219 F-50-5 Educa-
tion expressing the regret of Government about re-openong of the
matter of approval of the amendments proposed by the Madura Coll
ge Board in the Board's Articles of Association.

2. I beg to represent that in neither of my letters dated
5th March 1950 addressed to the President of India and my letter
dated 27th March 1950 which was only a notice of suit under S 8
Civil Procedure Code, did I seek re-opening of the decision conve
to me in Memorandum No.45 dated 8-3-1950 sent to me by the De
Secretary to Government (Development Department) in which th
Government declined to revoke the order passed in G.O.No.33
Development dated 23-6-1948 approving the amendments propo
the Madura College Board to its articles of Association. as
attempt on my part would prove futile, although I might feel tha
the restoration of G.O.No.1228 dated 8-7-1941 would not have le
to the regrettable consequences of the necessity for my bringin
a protracted suit in Civil Court for declaring the amendments
against the terms of a registered Indenture null and void - not
a suitable reward for an act of philanthropy. This is especiall
so as the College Board never ventured to bring a suit entitling
them to so amend the articles according to the latter G.O. for
period of 7 years; and the permission was granted by Governmen
to amend the articles as it were a routine and informal matter
without notice to me, though such permission helped to destr
substantial civil rights, to establish which I have to bring
present pending suit. But my letter to the President of
dated 5-3-1950 was for a different purpose altogether of gr
public importance and not merely one personal to me. It co
the concerted action of a number of judicial officers in Mad
City who with a view to favour Dr P.N.Ramasubramaniam, Secre
of the Madura College Board, had prevented me successfully fro
going to the High Court in revision in time against any orde
refusing me temporary injunction against holding the meetin
the Madura College Board on 18-12-1949 and 13-2-1950, and t
have violated Article 14 of the Constitution of India which
constitutional matter of great importance, and does not re
permission granted for the amendment of the Articles
ion of the College Board. The relevant facts are rel
ve letter to His Excellency the President of India
cessary to go over them again in this letter.

the High Court for seeking appropriate and effective relief of temporary injunction restraining the Madura College Board from passing the said amendments and alterations in breach of the terms and conditions of the said Indenture. I further submit that such combined effect is not merely an accidental coincidence but confirm what the Secretary of the Board Sri.P.N. Ramasubramaniam expressed as his resolve that I should not get justice in civil courts in Madura, as referred to in para 16 above.

34. I have no remedy under law to take regular judicial proceedings against the premedidated combination of the said actions and their combined effect.

35. I respectfully submit that the independence of judicial officers in the Republic and their jurisdiction to decide rightly or wrongly is a valued privelege both in the interest of the State as well as its citizens, which is not in any way sought to be impaired by the present representation to your Excellency. My present representation concerns the fundamental right of even the humblest citizen to have equality before the law and equal treatment and protection of law recognised in Art. 14 of the Constitution of the Republic of India which came into formce on 26-1-1950.

36. As mischief has already been done by my being prevented from getting any order from the civil courts on my application for ad interim temporary injunction before 13-2-1950 as stated in paras 11 to 30 Supra, and the meeting of the College Board having been held in consequence on 13-2-1950 and the amendments and alterations to the Articles of Association having been passed at that meeting in breach of the terms and conditions of the said Indenture, no recourse could be had to the Supreme Court for the issue of any direction order or writ under Art 32 of the constitution for the enforcement of my fundamental right which has been already violated. The main purpose of my present representation, I submit,

---

if due notice is taken of the actions of the judicial offi concerned, by the Government thus preventing the occu of similar actions in the future.

37. There are one or two persons in high places who have worked behind the scenes but I have not mentioned their names here. Many untoward events have followed as the result of the above combined actions. Many members of th College Board did not attend the meeting held on 13-2-19 Incidents referred to in para 10 of my letter addressed the Premier of Madras Hon'ble Sri.P.S. Kumaraswami Raja 17-2-1950 ~~has~~ have taken place (Vide the document marked as C Annexure III).

38. The Madura College had the honour of el the Chief Justice, Madras, Hon'ble P.V. Rajamannar as its Rector through the initiative of the Secretary Sri.P.N. Ramasubramaniam in 1948. He presided over the Rector's Day on 28-2-1948 when an appeal was made to the fiends of the Secre for each of them to subs be Rs.100/- for calling a s building in the name of the Secre Sri. P.N. Ramasubramaniam, and the s pleased to give a donation of towards the College funds.

39. I, conscious of my responsibilities as a citizen and having been in my personal capacity a legal practitioner of nearly 55 years standing and having held many position of public trust and responsibili during that period feeling that in a free India in the past capacities, standards of public behaviour should be maintained high, have ventured to approach your Excellency with a prayer that the violation of the above fundamental right in my case which denied to me equality before law and its equal protection on an equal level with Sri.P subramaniam, the Secretary of the Madura uitably investigated and

My letter was forwarded by the Secretary to the Government India to the Secretary to the Government of Madras (Educati and Public Health Department) for necessary action in his l No.D.1361/50-D1 Ministry of Education dated 3-5-1950 and th documents which I had submitted to His Excellency the Presic of India in support of the facts mentioned in my said letter were returned to me as desired, as they would be required du the inquiry which would be held on my petition. I was expec an inquiry on the facts mentioned in my letter and was prepa to produce all evidence including documents which would be re red to prove my charges as mentioned in my above letter. But instead, I had your letter under reply informing that my lette related to the amendments of Articles of Association and that matter could not be re-opened. Therefore I request you as I prayed in para 39 of my above letter to His Excellency the Pre dent of India ~~and takes~~ to be good enough to investigate into facts stated by me and the breach of Article 14 of the Constitution of India and take appropriate steps thereon. If notice be given to me I shall produce all available evidence in my possession in regard to the same. I may mention that the relief prayed for in the suit referred to wrongly letter to His Excellency the President of India is a comprehensive one - restraining the Madura College Board from holding the meeting on the notified date or any adjourned or further date and taking any steps or passing any resolution under the provisions of the Indian Companies Act in violation of the terms and conditions of the Registered Indenture dated 15-6-1935. I may mention here that the No. of the G.O. mentioned in para 9 of my letter to His Excellency the President of India is not G.O. No.265 of 1948 as wrongly given there but G.O.No.3379 of 1948.

Suit referred to wrongly

I have sent a copy of this letter to His Excellency the President of India informing him of the stage at which the matter stands at present.

Yours faithfully,

(Sd) A. Rangaswami aiyar
Trustee, A Rangaswami aiyar
family charities
Madurai.

(True Copy)

A Rangaswami Aiyar

(56) 1098 ~~24~~

Forwarded to the Chief Secretary to the Government of

.........Madras.........

for favour of disposal.

ASSISTANT SECRETARY
2 8 AUG 1950
25580
EDUCATION DEPARTMENT

2. The petition(~~s~~) has/~~have~~ not been acknowledged.

With the compliments of the Secretary to the President, India.

PETITIONS.

No.37- G/50.

Government House,
New Delhi, the 18 · 8 · 1950.

83SPO—1,000—13-5-50—SPP

Edn

110

A.Rangaswami aiyar, B.A.B.L.,
Trustee of A.R.Charities.

"Vasantashrama"
108, Santapettai Stre
Mathurai. 2-9-195

ASSISTANT SECRETARY
26688
5 SEP 1950
EDUCATION DEPARTMENT

To

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

F

Sir,

pp 9-20 ante
pp 79-81 ante
p 83 ante

Ref:- My letter dated 5-3-1950 to the President of India and my letters to you dated 5-8-1950 and 19-8-50 on the same subject.

As there is already a delay of nearly 6 months since I sent my above complaint to the President of India and as the facts mentioned there as regards the judicial officers concerned relate to an important public matter I request that you may be good enough to cause an early inquiry to be made so that I may produce the necessary evidence both oral and documentary relating to the same. I have sent a copy of this letter to His Excellency the President of India for his information.

Yours faithfully,

A Rangaswami Aiyar
Trustee,
A.R.Charities, Mathurai.

Edn (F)

Filed. So vol 15/9/50.

5/9/50

6/9/50

7/9/50

A.Rangaswami aiyar, B.A.B.L.,
Advocate and Trustee of
A.Rangaswami aiyar family charities.

F/B

"[illegible]ashrama"
108, S[illegible]apettai
Mathurai.
6th September 1 95

(58)

MINISTER FOR EDUCATION
7
GOVT. OF MADRAS

ASSISTANT SECRETARY
8 SEP 1950
EDUCATION DEPARTMENT

SECRETARY
7 SEP 1950
27145
EDUCATION DEPARTMENT

Edu
[illegible]
7/9

To

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

Dear Sir, Sub: A Rangaswami Ayyar High School, Mathurai

You may remember that myself and my son Sri R.A.Narayana Iyer, M.A.B.L., Assistant Legal Adviser to the High Commissioner for India in London (on leave) saw you in your office early in June last in connection to the alteration of the name of 'A.Rangaswami aiyar High School' which Dr P.N.Ramasubramaniam, Secretary of the Madura College Board, Mathurai is trying to accomplish. You told us then that you would peruse the papers and do the needful. I received a copy of the Proceedings of the Director of Public Instruction, Madras No.ROC 245 - D3/50 dated 11-7-1950 informing me that the question of approval of the change in nomenclature could be taken up for consideration only after the decision of the court is known. Attempt is being made to get cancellation by the Secretary of the Board, which is due to malice, spite and personal illwill and not in any way connected with the interests of the institution. I received a letter from the District Educational Officer, Mathurai to which I have sent the enclosed reply. I desire to meet you and explain the matters in detail and request you to be good enough to appoint a time for that purpose after 20th instant. Hoping to be favoured with your reply

PP 115-117 infra

R

Yours faithfully,

A Rangaswami Ayyar
Trustee AR
charities Mathurai

ngaswami aiyar, B. [illegible],
Advocate.
Life president, Madura College Board
& Trustee NR charities, Madura

"Vasantashrama"
108, Santapettai
Mathurai. 1-9-

59

To

The District Educational Officer,
Mathurai.

Sir,

Ref:- Your ROC.No.940 - B/50 dated 29-8-50.

With reference to your above letter, I have to inform you:-

(1) The Civil suit in the Madura Town District Munsiff's Co was filed on 19-7-1948 and is not yet disposed of. I give furthe details on this point. The civil suit was originally filed as O. No.265 of 1948 in Madura Town District Munsiff's Court. After so time, the suit was transferred to the court of the District Munsif of Madura Taluq in Madura Town and was numbered as O.S.No.315 of 1948 on its file. The Defendant did not raise any plea that the Suit ~~plaint~~ was ~~not~~ is beyond the pecuniary jurisdiction of the court, as the suit was only for issue of permanent injunction which the Plaintiff was entitled to value at his own discretion at Rs.100/-. 17 issues were framed in the suit but no issue was framed on the question of ~~injunction~~ jurisdiction is as no plea was raised by the Defendant on that point. After the suit became ready for trial, the District Munsif without any req uest from the Defendat College Board, of his own accord, framed an additional issue as to whether he had jurisdiction to try the suit. After pending for nearly 1 year and 4 months the plaint was returned by the District Munsif to me on 11-11-1949 calling upon me to amend the plaint which he had no jurisdiction to order and to present it to proper court. I had either to present it to proper court or to appeal to District Court against the District Munsif's order of return of plaint. I tried both. I presented the plaint successively to the Sub Court, Madura and the District Munsif of Madura Town and they would not accept the plaint. I appealed to the District Court, Madura against the order of return where it has been numbered as CMA.No.6 of 1950 and is at present pending and not disposed of. The suit has not yet been tried on the merits and can only be tried after the appeal is disposed of on the point of jurisdiction and the plaint is taken up for trial. Since the judicial officers acted in concert to thwart or delay my attempt to get a decision of the suit on merits, to help the Secretary of the Board Dr P.N.Ramasubramaniam in preventing me to get a prompt relief in the civil court, I sent a letter dated 5-3-1950 to the President of India Dr Rajendra Prasad, being the Protector of her Constitution requesting His Excellency to direct an inquiry into the above conduct of the judicial officers concerned. My petition was forwarded by the Secretary to the Government of India in his letter No.D. 1361/50-D1 Ministry of Education dated 3-5-50 to the Secretary to the Government of ~~India~~ Madras (Education and Public Health Department) for necessary action. Since that time I have been waiting for communication from the Government of Madras ordering the inquiry into the conduct of the judicial officers and requiring me to produce the documents returned to me by the Government of India together with other evidence in support of the charges preferred in my above letter to the President of India. I have already sent 2 letters dated 5-8-1950 and 19-8-1950 to the Secretary to the Government of Madras requesting to arrange an early inquiry the same and am sending a similar letter to them

ame. I am awaiting the reply. Meanwhile please note that
l is pending not owing to any fault on my part in the Madura
ict Court and is not yet disposed of.

(2) In the letter No.5219 F/50-5, Education dated 25th July
from the Secretary to the Government Education Department
St George, Madras, to me, my suit notice to Government is mentioned
e subject and a referance is made to "my letter dated 5-3-50
e President of India and 27th March 1950". In these two com-
ations I did not ask that the Government should reopen their
of approval of amendments to the articles which was already
sed of in their Memorandum No.45 dated 8-3-1950 communicated
by the Deputy Secretary to Government, Development Department,
ining to revoke the orders in G.O.MS 3379 Development dated
-48. Since the letter of the Secretary to Government No.5219
-5 Education dated 25-7-1950 proceeded on an erroneous reading
above communications, I have addressed a letter dated 5-8-50
he Secretary to Government Education Department pointing out
bject of the above communications and the mistake made in
truing them as a request from me for reconsideration of the per-
ion granted for the amendment of the articles. I have requested
Government in that letter to take action on the real object of
e communications. I have not received any orders from the
rnment on that letter.

I addressed a letter to the Director of Public Instruction
d 13-4-1950 through you and the Divisional Inspector of Schools
urai Division, giving interalia fully the grounds for not chang-
the name of 'A.Rangaswami aiyar High School' and inviting his
ntion to the fact that a suit for restraining the Madura College
d from ~~taking any action in violation of the terms~~ of the In-
ure is pending in the civil court for the past 3 years. I need
go into the other contents of that letter and needlessly prolong
reply as especially you want me to reply by return of post.
eply to that letter I received a copy of Proceedings ROC 300-
dated 21-7-1950 communicationg to me copy of Proceedings ROC
45 - D3/50 dated 11-7-1950 of the Director of Public Instruction
hich I was informed that the question of approval of the change
omenclature of 'A.Rangaswami aiyar High School' could be taken
or consideration only after the decision of the Court is known.
efore it was finally decided that the name of 'A. Rangaswami
r High School' should not be changed until the civil suit was
osed of. The civil suit is not yet disposed of.

The letter of the Secretary to Government Education Department
219 F/50-5 Education dated 25-7-1950 has no bearing upon the
er of changing the name of the school. It only relates to the
ission granted for amendment of articles which is pending dis-
l in civil ~~suit~~ court, being the subject matter of the above
. Therefore the above letter of the Secretary to Government,
ation Department, cannot serve as a reason for altering the
sion in the above Proceedings of the Director of Public Instruc-
by which the question of approval of the change in nomenclature
be taken up only after the decision of the civil court is
.

Besides there is another reason why the name of the 'A.Ranga-
aiyar High School' could not be changed at all. The amend-
of the articles whose validity is subjudice as mentioned above
into force from 13-2-1950. But the name of the School as
mi aiyar High School' was established in 1935 more than
virtue of a duly completed registered Binding
935 and that name could not be altered by an

name would be

amendment of the articles which only c
13-2-1950 and therefore could not retr
accomplished fact of the naming of 'A.
more than 15 years previously as menti
Director of Public Instruction dated 1
This is apart from the result of the s
of 'A.Rangaswami aiyar High School' ca
of Setupati High School or of any othe
be changed at the sweet will and pleas
not stand to reason.

Further I invite your attention to
ment declined to revoke their orders pa
23-6-1948 approving the amendments to t
to me by the Development Secretary in h
8-3-1 950 as mentioned above i.e. more
Director of Public Instruction passed h
D3/50 dated 11-7-1950 mentioned above i
taken up for consideration after the de
was known. The Director of Public Inst
above orders, would have had before him
declining to revoke their permission to
I had an interview by previous appointme
Inspector of Schools on 4-8-1950 for get
of the fact that the change in the name
High School' would be considered only af
decided, before I wrote to the Secretary
action on the above Proceedings of the D
tion. He told me that as the matter was
the name of the school could be only con
~~decision in the civil suit would be only~~

Since the second point referred to i
has caused some confusion as regards the
Director of Public Instruction, I desire
possible and request you to inform me whe
your office on 3rd or 4th September 1950
would be ~~in~~ in Mathurai.

(True Copy)

A Rangaswa

118

(F) 61 B 169 8/9

828

R.A. NARAYANAN
(Asst.Legal Adviser to H.E.
The High Commissioner for
India in London).

Camp: 6/68I, Lodi Road,
NEW DELHI,
Dated the 7th Sept. 1950.

ASSISTANT SEC
9 SEP 1950
27237
EDUCATION DEPARTMENT

SECRETARY
8 SEP 1950
EDUCATION DEPARTMENT

Dear Sir Madhava Menon,

You may remember I met you on my arrival from London on leave in connection with the affairs of the Madura College Board of which my father Sri A. Rangaswami Aiyar (formerly Government Pleader and Public Prosecutor for Madura and Ramnad Districts) is Life-President and is also Trustee of a certain family private trust called A.R.Charities in which I am interested as his succession trustee. There has been unfortunately certain malignant influences in the College Board which impeded the work of my father and he has been constrained to file a suit in Madura which is still pending to keep unimpaired a registered instrument entered into between the Trustee, A.R.Charities and Madura College Board. I need not go into these matters as they are sub judice and at the stage I met you and the Chief Minister I was only anxious that nothing should be done by Government which would alter the status quo with respect to the name of the High School bearing my father's name and obviate unnecessary multiplicity of proceedings. My father has been a leading man of the District having occupied responsible and respectable positions in public life, has been a colleague of the late Dr. Annie Besant in memory of whom he built with a large [illegible] donation from himself the present College Building opened by your predecessor the then Minister of Education Dr.P.Subbaroyan and has set apart a large portion of his property for charity as a pious Hindu should. He is a man of high principles and integrity of character which naturally arise jealousy and malice in lesser men and I am sure time will soon justify him. I wanted to meet you before I left for London and thank you for the orders passed by the D.P.I. maintaining the status quo with reference to the High School's name as hitherto till the disposal of the suit, and as it may not be possible to meet you, before I leave for London, I contend myself with writing this letter.

With kindest regards,

Yours sincerely,

R. A. Narayan

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

Dockelpleas

121

62

121

Education (F)

Letter/Ms.No. 2629 Edn., dated 20.9.50.

D/n
19/9/50

To

28/20/9

Sri A.Rangaswami Aiyar, B.A.B.L.,
Advocate and Trustee of A.Rangaswami Aiyar family charities,
"Vasantashrama", No.108, Santapettai Street,
Mathurai.

Sir,

Sub:- College -Madura College Mathurai - Amendments to the articles of Association - suit notice etc. - ~~Interview with H.M.(E.&L) - reg.~~

Ref:- Your letter dated 6-9-1950.

dsd 26/9

P113 cf

I am to state that ~~the Govt. consider that~~ there is no point no useful, ~~purpose will be served by an interview with~~ in your interviewing H.M.(E.&L) again ~~on the subject.~~ ~~as the matter has already been represented to him more than once in the past.~~ ~~as~~ as you have already met him & made ~~in the past~~ personal representations to him ~~rest~~ in this matter.

~~Yours ffly~~

RS
16/9/50
Dy
16/9/50

19.9.50.

D/19.9

dsd 26/9

Copy to the D.P.I.

2 S/cs.

122

(63) 123

ASM

ASSISTANT SECRETARY
20 SEP 1950
HEALTH DEPARTMENT

No. D. 1381/50-D.1.
Government of India.
Ministry of Education.
New Delhi 3, the 21th September, 1950. 29499

20 SEP 1950
EDUCATION DEPARTMENT

From

The Secretary to the Government of India.

To

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

Sir,

I am directed to invite your attention to this Ministry letter of even No. dated the 3rd May, 1950 forwarding in original a representation from Shri A. Rangaswami Aiyar for necessary action and to request the State Government to let this Ministry know what action has since been taken thereon. If an enquiry has been made into the matter, the Government of India would be interested to have a report about it at an early date.

P21 G of
Lr. No. 2629 E.W.
28/9/50
(K)

Yours faithfully,

B. Chatterji

for Secretary.

Tappal clerk
I think that this relates to the Madras College. Please consult Education (Sri Ramaswamy's section)

'SRG'
[illegible]
(7)

Health Dept

Education W.O.

28/9/50

A S(1)

ASSISTANT SECRETARY
-8 NOV 1950
HEALTH DEPARTMENT

ASSISTANT SECRETARY
35846
14 NOV 1950
EDUCATION DEPARTMENT

EXPRESS

No. D.1381/50.D.1
Government of India
MINISTRY OF EDUCATION

New Delhi 3, the 6th November, 1950 7

From
The Secretary to the Government of India.

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

Subject:- REPRESENTATION FROM A. RANGASWAMI AIYAR.

Sir,

Mark

I am directed to invite a reference to this Ministry letter of even number dated 21st September, 1950 (copy enclosed) and to request that a detailed report of your enquiry made into the matter may kindly be furnished to this Ministry at a very early date.

Yours faithfully,

(A. S. Grewal)
for Secretary.

Health Dept.

Edn. V.O.

Health 13/11/50

Edn

H 80
10/11/50

126

~~Health Dept~~

Edn. V.O

Edn

127

(65)

NO. D.1381/50.D.1
Government of India
MINISTRY OF EDUCATION

New Delhi 3, the 21st September 1950

From
The Secretary to the Government of India.

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

Sir,

I am directed to invite your attention to this Ministry letter of even No. dated the 3rd May, 1950 forwarding in original a representation from Shri A. Rangaswami Aiyar for necessary action and to request the State Government to let this Ministry know what action has since been taken thereon. If an enquiry has been made into the matter, the Government of India would be interested to have a report about it at an early date.

Yours faithfully,

Sd/- B. CHATTERJEE.
for Secretary.

KRT.

Education Dept.(F).

Letter No. 29499F/50 dated 11/12/50.

DHcodr
11/12

despatched
SS
12/12/50.

(K) + G

G

To

The Secretary to the Govt. of India,
Ministry of Education,
New Delhi 3.

Sir,

Sub:- Representation from Sri A. Rangaswami Aiyar of Mathurai.

I am directed to refer to your letters No. D.1381/50-D.I. dated 21st September 1950 and 6/7th November 1950 on the above subject and to state that the Government of Madras do not propose to take any further action on the representation of Sri A. Rangaswami Aiyar of Madura, since they have already passed final orders after consideration of all the points in issue on the matters referred to in his representation. The Civil Courts had also decided against him.

I am to suggest ~~add that in the circumstances, it is not clear why the Govt. of India are interesting themselves in this matter and also to suggest~~ that further representations from him may be ignored.

Yours faithfully,

2.12.50.

A. Rangaswami aiyar,
Trustee, A.R.Charities.

"Vasantashrama"
108 Santapettai St.,
Mathurai. 12-10-50.

F 67

4th Reminder

Sir,

32163

Ref:- Letter No.D 1381/50-D.1. Government of India-Ministry of Education dated 3-5-1950 from the Secretary to the Govt of India to you.
My letters to you dated 5-8-50, 19-8-50 and 2-9-50 on the same subject.

In continuation of the same, I request you to be good enough to cause an early inquiry to be made into the facts menti[illegible]ed in my above letter, so that I may produce the necessary evidence relating to the same, I am informing to

132

the Secretary to the
Government of India,
Ministry of Education,
Government of India,
New Delhi about the ~~[illegible]~~
communication.

Yours faithfully,

A Rangaswami Aiyar
Trustee of
A.R.Charities.

POST CARD

ADDRESS ONLY

MADURA WEST
13 OCT 50
10 AM

MADRAS-DELY.
14 OCT 50
8 45 A.M.

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

133

68

Edu(F)

Please see the post card from Sri Rangaswami Iyer on pp 1-2 ante. The main file on the subject has been submitted separately. This may be added to that file.

/12.10.

DCS
15/10/50.

DY
15/10/50

F 69 135

RA.Rangaswami Aiyar, B.A.B.L.,
Trustee of A.R.Family Charities,

"Vasantashrama",
108 Santapettai St.,
Madhurai.
14-11-1950.

ASSISTANT SECRETARY
36196
16 NOV 1950
EDUCATION DEPARTMENT

To

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

Sir,

Ref:- Letters Nos. Dis D 1361/50 - D.1 dated 3-5-1950 and D 1381-50-D.1 dated 6-11-1950 from the Secretary to the Government of India, Ministry of Education, to the Secretary to the Government of Madras, Education and Public Health Department, Madras.

Before making the detailed report of your enquiry into the matter of my representation referred to in the above letters, I request you to be good enough to give me notice of the date of inquiry so that I may furnish the materials both oral and documentary to you for enabling you to make the report as without which the inquiry would not be complete, and as the documents were returned to me by the Government of India according to their communication in No.D 1381/50 D.1 dated 3-5-1950.

I may suggest that inquiry may be held in the last of December 1950 or the 1st week of January 1951 to allow sufficient time to the parties concerned.

I have sent a copy of this letter to the Secretary to the Government of India (Ministry of Education) for information.

Yours faithfully,
A Rangaswami Aiyar
Trustee,
A.R.Family Charities,
Madhurai.

2/136

3/137

Edn (F)

Please see Sri A. Rangaswami Iyer's letter on p.1 ante. He suggests that an enquiry into his representations may be held in the last week of December 1950 or in the first week of January 1951. The main file on the subject has been submitted separately. It ~~is not~~ does not appear necessary to hold an enquiry. ~~for orders whether Mr. Rangaswami Iyer~~

PTO.

4/138

into the matter, nor does it appear necessary to send a reply to Mr. Rangaswami Iyer. Fadden.

24/11/50

21/11/50

This may be added to the main file & put up on the return

24/11/50

25

F 139

A.Rangaswami Aiyar, B.A.B.L.,
Trustee of A.R.Family Charities.

"Vasantashrama",
108 Santapettai St.,
Madurai.
7-12-1950.

39623
8 DEC 1950
EDUCATION DEPARTMENT

To

The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George,
MADRAS.

Sir,

Ref:- Letters Nos. Dis D 1361/50 - D.1 dated 3-5-1950 and D 1381-50-D.1 dated 6-11-1950 from the Secretary to the Government of India, Ministry of Education to the Secretary to the Government of Madras, Education and Public Health Department, Madras. My letter to you dated 14-11-1950.

main file sent separately

PJ ack

I have uptonow received no notice of the date of inquiry into the matter referred to in the above letters to you from the Secretary to the Government of India, Ministry of Education, to enable me to submit the material both oral and documentary to you for enabling you to make the report as without which the inquiry would not be complete. I request you to send me that notice without any further delay before 12th instant, as I propose to be absent from Madurai from 15th instant upto the end of 1st week of January 1951.

I have sent a copy of this letter to the Secretary to the Government of India, Ministry of Education, New Delhi for their information.

Yours faithfully,

A Rangaswami Aiyar
Trustee,
A.R.Family Charities,
Madurai.

PTO

140/6

Edu (F)

Submitted for perusal. May be added to the main file and ~~[illegible]~~ notes if necessary, on the return of the main file.

9/12/50

9/12/50

11.12.50

Sri Rangaswami Ayyar may be informed that the Govt. do not propose to hold any enquiry & that further representations from him will be ignored.

12.12.50

A/ Ignore it now itself.

12/12

---

141 26/12

A. Rangaswami Aiyar , B.A., B.L
formerly Govt. Pleader & Public Prosecutor,
Madura & Ramnad Districts)
Trustee, A.R.Charities, & Life President,
Madura College Board.

As from, "Vasantashrama",
MADURA, 27th.Dec.50
Camp. 6, Third Lane,
Norton Colony, Mandavali,
MYLAPORE, Madras.S.

1198

9 JAN 1951
EDUCATION DEPARTMENT

HOME DEPARTMENT

2388 4/1/51.

Edn 21-20 50

Dear Sri. Madhava Menon,

I sent a letter to the Government of India dated 5-3-1950 and also to the Secretary here in which I brought certain serious charges against some judicial officers in Madura City who had occasion to deal with my suit aginst the Madura College Board, quite apart from the merits of that suit, based on oral and documentary evidence, showing that they discriminated between me and the Secretary of the Madura College and acted against the fundamental principles of the Constitution of India and denied justice to me. That letter was forwarded by the Secretary to the Govt. of India (Ministry of Education) to the Secretary to the Govt. of Madras (Education & Public Health), for inquiry and report. Nothing by way of calling evidence from me has been done up to now and I have had no notice so far, although I have reminded the Secretary of the Madras Govt, several times even as late as 7th inst to have the inquiry in this month or the beginning of next month and give notice to me. I have had no reply up to now although I have come here for that purpose also. The charges are serious and were preferred in public interests more than 9 months ago. I am getting old being past 80. The evidence may be lost by delay. Therefore I request you to have the matter taken up and inquired into without further delay as I intend leaving for Madura in the first week of next month. As a Minister of Law, it is your proud previlege just as it is our duty to help you in maintaining the the foundations of justice pure and undefiled in our infant State.

Yours Sincerely,

A Rangaswami Aiyar

To
The Hon'ble K. Madhava Menon,
Minister for Law & Education,
Fort St. George,
MADRAS.

Home Dept

Education [illegible]
8.1.51

6/1/51
6.1.51

Home U.O. 2388
8.1.51

25 JAN 1951
SECRETARY
EDUCATION DEPARTMENT

Edu (F)

Please see the letter from Sri A. Rangaswami Iyer above. Attention is in this connection solicited to Secretary's orders at A on p. 140 of (K). No action seems called for on this. May be filed with the papers at (K).

10.1.51

12.1.51.

27.1.

(2) F- ASII

R.A.Narayanan M.A.B.L.,
Advocate, Supreme Court of India,
(Formerly Assistant Legal Adviser
to H.E.The High Commissioner for
India in U.K.)

(Camp) "Vasantashrama",
108 Santapettai Street,
Madurai (S.I.Ry).
10th January 1951.

EDUCATION DEPARTMENT
18 JAN 1951
2405

D.O.

Dear Sri Madhava Menon,

It is with considerable reluctance but on account of a deep sense of public duty that I venture to address this letter to you in which I am not merely personally interested as belonging to what is called A.R. Charities Family Trust (The present Trustee of which is my father Sri A.Rangaswami Aiyar, Formerly Government Pleader and Public Prosecutor of Madura and Ramnad Districts and a prominent citizen of the city of Madura). From out of this Trust a donation of ₨.25000/- was made to build the Madura College Buildings on a site which, but for this timely donation, would have been forfeited long ago along with an infructuous foundation laid and neglected by this College Board for more than 10 years. The new College Buildings built by my father were opened by your predecessor as Minister of Education Dr P.Subbaroyan (now our Ambassador in Indonesia). Another sum of ₨.25000/- was sent by my father to the Registrar of Charitable Endowments, Madras to serve as endowment for providing the salary of the Principal of the College but was returned by Government as the College Board was unhelpful, quarrelling and partisan.

The College Board has always been riven by mutual jealousies and bickerrings all through as some of the members had been behaving like shareholders in a petty limited company and my father as the oldest member of the Board had always been trying his bestto make the Board steer clear of these factions very often without success.

P.T.O.

It was only his sense of public duty to the city of Madura with which our family has been connected for past one century and has done some notable contributions to it that made him to stand by this College in spite of rebuffs etc. It is not my desire that you should go into all the controversies raging in respect of the Madura College Board especially as it is the subject matter of court proceedings at present. But the Government is directly involved in the good name and efficient conduct of the institutions under the control of the Madura College Board both because the institutions are public institutions deriving every year a large grant of public aid from Government and therefore while the Government cannot and should not interfere in the disputes now the subject matter of court litigation must however safeguard public interests and I venture to think that it is their duty to do so. The present secretary of the Board is Dr P.N.Ramasubramaniam, a prominent surgeon of Madura, who is a relative of ours (his elder brother has married a cousin of mine) has been taking interest in the Board for the past few years in spite of his avowed andopen antipathy to my father as ~~some~~ such close relation for a number of years and my father's work for the Board. Serious allegations have been made by my father that Dr Ramasubramaniam has permitted himself to interfere with the course of justice and also with Government departments in order to eliminate my father's work for the College, which, I presume, have been brought to your notice by my father in his letters to you and the Government to set up an inquiry into the conduct of certain judicial officers etc. While these charges, I am sure, will be investigated by you through proper arrangements, I would like to impress upon you the necessity to see that the

(Contd

conduct of the public institution by the Madura College Board with the aid given by Government (and so the Government have naturally 'a large say' in their good name etc.,) is kept up beyond the pale of the personal rancour etc., exhibited in the conduct of affairs by the Secretary so that they may not affect the reputation and good name of the institutions. It had been the object of my father that the Madura College should become the nucleus of a future University for Madura even as his colleague Dr Besant's Central Hindu College became the nucleus of the Benares Hindu University and it will be inevitable for the Government now or sometime later to step in and take up the management of the College and the institutions under the Board more directly in view of all these sontroversies, I submit it is now necessary that you should go into the question and thoroughly investigate the Madura College affairs in recent times so that you may have an unbiassed and full picture of these affairs. I am interested in the Madura College not merely as a successor trustee of A.R.Charities which had helped the College but also as an old boy of the College and a former secretary of its Old Boys' Association and if I can, with your kind help, bring about a sufficient cleansing of the atmosphere here so that (now that I am free from office and can devote myself a little more fully for public affairs, if this is possible) I can help in building up a new University in Madura with Madura College as its nucleus as Madura in every way deserves to become a University town. I hope you will give some thought to this appeal to help in ridding the College Board of caucus-feeling etc., and make it a proper vehicle for bringing about a Madura University possible in the near future and if you let me know what I can do in this connection, I

P.T.O.

shall be glad to see you. In any case, I shall see you when I am at Madras.

With kindest regards,

Yours Sincerely,

R.A. Narayanan

To

Hon'ble Sri K.Madhava Menon,
Minister for Education, Govt of Madras,
Fort St. George,
Madras.

147

For my see p25 of 147

76

Education (F)

Lr.Ref.No. 2405F/51-1 Edn.,dated 5/2/51

To

Sri R.A.Narayanan,M.A.B.L.,
Advocate,Supreme Court of India,
(Formerly Assistant Legal Adviser to H.E.the
High Commissioner for India in U.K),
(Camp)"Vasantashrama",No.108,Santapettai Street,
Madhurai (S.I.Ry.).

Sir,

Sub:- College - Madura College,Madhurai - Representation regarding the administration.

Ref:-Your letter dated 10.1.1951.

I am directed to state that the Govt.do not propose to take ~~any~~ action as suggested ~~by you and~~ in your ~~above~~ letter cited above and that no ~~xxxxxx~~ purpose will be served by your interview with the Honourable the Minister for Education,on the subject.

Yours ffly,

PP1-4 of

RS 3/2/51

5/2/51

3/2

148

Doc file on pp 27-28 [illegible]

76

149

SECRETARY
From
2 MAR 1951
8213
EDUCATION DEPARTMENT

2 MAR 1951
EDUCATION DEPARTMENT

Madurai.
26-2-1951.

Sri R.A.Narayanan, M.A.B.L.,
Advocate, Supreme Court of India,
(Formerly Assistant Legal Adviser to His Excellency
the High Commissioner for India in U.K.)
Camp 'Vasantashrama', No.108 Santapettai St.,
MADURAI (S.I.R.)

To

Sri K.M.Unnithan, I.C.S.,
Secretary to Government,
Education Department,
Government of Madras,
MADRAS.

Please See 'x' & 'xx' in p 2 of this letter. The concerned paper may be pump for circulation [illegible] (E & L) [illegible]
[illegible] 3/3.

Sir,

Sub:- College - Madura College, Madurai.

I acknowledge receipt of your communication Ref. No.2405 F/51-1 Education dated 5th February 1951. p147 cf ⑤

I shall thank you if you can place this further representation on the above subject before the Hon'ble Minister for Education.

It was not my object in my last letter above referred to addressed to the Hon'ble Minister for Education nor is it in my present communication to raise any controversies about the Madura College Board except if possible to seek the good offices of the Hon'ble Minister to bring about a reconciliation for the betterment of institutions of the Madura College Board and their good name. It is admitted that my father had given a timely donation of Rs.25,000/= to the College Board, built the College Building and saved from forfeiture a large site purchased for the Madura College Board with donations given by the late Sir Raja Annamalai Chettiar (who curiously had the same fate as my father with reference to the College Board as he wanted to build his University originally in Madura and on account of the ungrateful attitude of so of its members built it at Chidambaram instead.) The Hon'ble Minister will be surprised to learn that the Secretary of the Madura College Board has pulled out even the Memorial Tablet put in by my father in the Madura College Building built by him in grateful memory of the work of Dr Annie Besant to whom the building was dedicated by him and which was duly opened by the then Hon'ble Minister of Education Dr Subbaroyan and the Secretary of the College Board has relegated the tablet to some storehouse in the College premises -- a piece of vandalism which must arouse deep distress to all and I felt it my duty that I should bring this to the notice of the Hon'ble Minister for Education, so that he may see through the rank propaganda and prejudice and render what justice is possible. So far as my father is concerned I have always felt that like his great colleague Dr Besant, he should share her fate viz: rank ingratitude. This will not and should not deter us from doing what is good for the city of Madura with which we have been connected for over a century and if I can either by this letter or personal interview bring in proper appreciation of things for the betterment of education in Madura city, I would be very grateful indeed. I shall be staying at the Theosophical Society, Adyar for about 10 days ~~from~~ at the end of this month ~~today~~ and if the Hon'ble Minister for Education would be graciously pleased to grant an interview to me - not for any personal controversies - but for an objective talk about in what way matters can be remedied with his good offices I shall be glad to see him at any time convenient to him. It is unnecessary for me to add that I am a responsible person with some credit for good public work done and I should not ordinarily waste either the Hon'ble Minister's time or mine own with any request for an interview unless I felt that

X

XX

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something can be done useful for public weal.

Yours faithfully,

R. A. Narayanan

P.S.

I could be reached at Theosophical Society at Adyar through the Recording Secretary of the Society.

R. A. N.

Letter/Ref No. 8213 F/51-1 Edn. Dt. 27.3.51

27/3/51

To

Sri R. A. Narayanan, M.A.B.L.,
Advocate, Supreme Court of India,
(camp) Vasanthaashrama,
No. 108, Santaipettai Street,
Madurai.

27/3

Sir,

Sub:- College — Madurai College, Madurai — ~~[illegible]~~

18/27/3

Ref:- Your letter Dt. 28.2.51.

cf

I am directed to inform you that the Govt. ~~do not~~ see ~~sufficient reason~~ no need to comply with ~~your~~ the request made in your letter cited above.

Mon 27/3

Y.f.

13.3.51

14/3/51.

16/3

27.3

A. Rangaswami Aiyar, B.A.B.L.,
Trustee of A.R. Family Charities.

"Vasantashrama",
108 Santapettai St.,
Madurai. 11-7-1952.

14 JUL 1952
DEVELOPMENT DEPARTMENT

Edu. U.O.
14/7/52

Dev. U.O. No. 78865/R/52-1.
14. 7. 52

FIRST ASSISTANT SECRETARY
78865
15 JUL 1952
14. 7. 52
EDUCATION DEPARTMENT

To

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

Sir,

Pp 1-4 of G.O. 2629 Edn 20/9/50

(c) 1) I gave a notice of suit to Government dated 27th March 1950 informing that contrary to the terms of the Indenture dated 15-6-1935 the Madura College Board is attempting to alter the name of the High School named 'A. Rangaswami Aiyar High School' Madurai recognized by the Director of Public Instruction, Madras in his Proceedings R.C.599-D36 dated 28-7-1936 into Madura College High School' Madurai and that if the Government approved or agreed to the alteration of the name of 'A. Rangaswami Aiyar High School' a suit would be filed for obtaining a permanent injunction restraining the Government from so approving or agreeing to the alteration of the name of 'A. Rangaswami Aiyar High School' into any other name.

noted

2) The Director of Public Instruction passed Proceedings R.O.C. No.245 - D3/50 dated 11-7-1950 directing that the name of the High School would not be altered pending the result of a suit between me and Madura College Board. The suit is still pending.

noted

3) Nevertheless the Madura College Board in defiance of the above proceedings of the Director of Public Instruction has altered the name of the school into 'Madura College High School', and the College Board through its officers is carrying on correspondence with the District Educational Officer, Madurai, Divisional Inspector of Schools, Madurai

Director of Public Instruction under the name and style of the 'Madura College High School' without any objection being raised by the latter who have thereby accepted the alteration.

I request the Government to instruct the Director of Public Instruction ~~fx~~, the Divisional Inspector of Schools, Madurai South and the District Educational Officer, Madurai to direct the Madura College Board to see that the correspondence with the officers of the Educational Department on the part of the College Board, the Correspondent and the Headmaster of 'A. Rangaswami Aiyar High School' and its officers should be carried on under the style of 'A.Rangaswami Aiyar High School' and not 'Madura College High School' and that any correspondence under the latter designation would not be accepted or recognized.

Yours faithfully,

A Rangaswami Aiyar
Trustee,
A.R. Family Charities.

Copy to the Director of Public Instruction, Madras.
,, the Divisional Inspector of Schools, Madurai Division.
,, the District Educational Officer, Madurai.

Education Deptt.(F)

Lr. Ref No. 29104F/52-1 Edn dt- 2/8/52

To

Sri A. Rangaswami Aiyar, BABL,
Trustee of the A.R. Family charities,
"Vasantashrama",
108, Santapettai Street,
Madurai.

Sir,

Sub:- College - Madura College, Madurai - Amendments to the Articles of Association.

Ref:- Your letter dt 11-7-52

PP1-2 cf

I am to invite your attention to Lr. Ref No. 5219F/50-5 Edn dt- 25.7.50 on the above subject, ~~[illegible]~~ and to state that ~~as the matter was fully considered already~~, the Govt. regret that the matter cannot be re-opened now.

P77 cf

VS
30/7/52

1852

Education (F)

Endowment - Madura College, Mathurai . Donation of Sri A.Rangaswami Iyer - Conditions - Alteration etc. - Complaint.

C.No.5219/50.

pp1-4 cf From Sri A.Rangaswami Iyer, B.A.B.L., Trustee, A.Rangaswami Aiyar Family Charities, Vasantasramam, 108, West Santapettai Street, Mathurai, dated 27.3.50.

p21 cf From the Govt.of India, Ministry of Education, No.D.1381/50-D.1 dated 3-5-1950.

pp23 & 29 cf From Sri R.A.Narayanan, Asst.Legal Adviser to H.E.the High Commissioner for India in U.K., Camp Madras, dated 17-5-1950, and 23.5.1950.

Secretary's orders on p.29 c.f.

" Papers please."

The file is submitted herewith.

2.Sri A.Rangaswami Iyer, Trustee of A.Rangaswami Iyer Fami Charities, has given a notice of suit against the amendment of the scheme relating to the Madura College Endowment, for the reasons mentioned in his letter on p.p. 1-4 ~~ante~~ cf. The D.P.I.'s remarks thereon have been called for. The Govt.of India have also forwarded a letter in original which they have received from Mr.Rangaswami Iyer, on the above subject. Sri R.A.Narayanan, Assistan Legal Adviser to H.E.the High Commissioner for India in U.K., now at ~~Madras~~ Madhurai, has addressed two letters. He ~~request that~~ states that he is the Succession Trustee of the A.R.Family Charities Trust and that he is anxious to settle the disputes on the above subject before he leaves India for U.K. He ~~therefore~~ requests that a conference may be summoned consisting of H.M.(E.&L), H.C.M., Mr.A.Rangaswami Iyer, President of the Madura College Board, and Mr.Ramasubramaniam, Secretary of the Board, at which he will also be present, for settling the outstanding points at issue on the question. It does not appear that a conference of the kind suggested by him is necessary now. On receipt of the D.P.I.'s remarks which have been called for, the question may be ~~decided~~ considered. ~~Mr. Narayanan may therefore be informed that the Govt. do not consider it necessary to summon a conference for~~ the

H1-4 cf

p5 cf

p21 cf

pp23 & 29 cf

p29 cf

P.T.O

~~the purpose.~~ It is submitted in this connection that the question of approving the amendments proposed by the Madura College Board to its articles of association was examined in detail by Development and that orders approving the amendments were issued by that Deptt in ~~[illegible]~~ G.O. No 3379 Dev d 23-6-1948. Attention is invited to the minutes of H.M (E&L) on p 8 nf of the G.O.

VRS
29/5/50

pp 90-91 cf of (W)

p 8 nf of (W)

DK.

This case has arisen from the notice ~~of suit~~ given by Sri A. Rangaswami Aiyar threatening ~~as~~ a suit against the Govt. in respect of certain apprehended action on the part of the Govt. approving or agreeing to the alteration of the name of "A. Rangaswami Aiyar High school" to any other name. This alteration, among others, has been approved by Madura College Board, a body registered under the Indian Companies Act. In January 1948 the College Board applied to Govt. in the Dev.Deptt for the approval of the amendment of the articles of the Association of the College Board. It is observed that two of the alterations are:

– p 3 cf

(1) to remove Sri A. Rangaswamy Aiyar from his life Presidentship which he enjoyed under the original Article and

(2) to re-name the institution as Madura College Board High School (instead of A. Rangaswami Aiyar High School).

– B p 16 cf in (W)

A on p B (W)

After very careful consideration, the amendments to the article have been approved in the Dev.Deptt. G.O.No.3379 d/ 23rd June 1948. Strictly speaking, therefore, Edn. deptt. is not concerned with this matter.

W/90-91 cf

However as an educational institution~~s~~ is concerned, the D.P.I.'s remarks have been called for ~~for~~ in the Memo on page 5 cf for what they are worth. Even after his remarks are received, it is doubtful whether any effective interference can

(PTO)

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(92)

can be made by this department in this matter. However Director's remarks are being awaited —

So far as the merits of the dispute are concerned, Sri A. Rangaswamy Aiyar's claim seems to be based on his donation of Rs.25,000 to the institution building fund. This gentleman seems ~~feel disputed,~~ ~~disappointed~~ to feel disappointed at ~~only,~~ the alteration of the name of the institution. Attention is invited to the note of Secretary, Dev.Deptt. on page 8 nf. of G.O. ~~on~~ and the minutes of the Hon'ble Ministers on the same page. The amendment~~s~~ to the articles have been approved in the interests of the institution. There does not appear to be any justification at all to re-open the case~~s~~; nor is it possible for Govt. to do so now.

p 7 cf

(W)

In the circumstances, it is not quite clear, how Sri R. A. Narayanan (vide letter on page 29 cf) proposes to settle the dispute ~~here~~ now. It will have to be settled only in the manner proposed by Sri A.Rangaswami Aiyar, that is by filing a suit in a Court of Law. It is for orders whether the gentleman may be informed that there is no need for any conference as suggested by him and that the Govt. can do ~~anything~~ nothing in the matter at this stage.

M

A / p-29 cf

~~Development may see.~~

No special remarks seem to be called for on Sri Rangaswami Ayyar's long representation on pages 9-19 cf, addressed to the President of India -

Dev. may see -

31.5.50

3.6.50

Edn(F)
No. 5219 F/50-3 Edn
3/6/50

C No. 49188 K/50 Dev
5-6-50.

FIFTH ASSISTANT SECRETARY TO GOVERNMENT
6 JUN 1950
DEVELOPMENT DEPARTMENT

Dev.

Development Department.

The note of Education Dept. on pp. 1-3 above may be perused.
The Madura College Board is an association not for profit register- para 1 on p. 76 cf of (W)
ed under section 26 of the Indian Companies Act, 1913. Under an [G.O. 3379, Dev. d. 23-6-48]
agreement entered into between the Madura College Board and Sri ✓ copy on pp. 58-65 cf of (W)
A.Rangaswami Aiyar ~~of Mathurai~~, Trustee, A.R.Family Charities,
Mathurai, the latter became the life President of the College Board 'A' on p. 40 cf (W)
and acquired certain rights and privileges which were incorporated
in the articles of association of the Board. In 1941, the College × pp 41-67 of (F) [G.O. 1228, Dev. dt. 8-7-41]
Board proposed certain amendments to its articles of association pp. 37-39 of (F)
in order to take away the privileges conferred on Sri Rangaswami para 7 on p. 39 of (F)
Aiyar on the ground that the latter did not fulfil the terms of the
agreement executed by him. In G.O.Ms. No. 1228, Dev. dated 8.7.41, p.105
the Secretary, Madura College Board, was informed that the Govt. would
not consider the question of approving the proposed amendments unless
the Board obtained a decision from a competent court that Sri Ranga-
swami Aiyar ~~a~~ had violated the terms of the indenture. Early in
1948, the Madura College Board again applied to the Govt. for approval pp. 11-25 cf (W)
of the amendments originally proposed by it to its articles of
association. The matter was considered at length in this Dept. in Vide notes on pp 1-6 n.f. (W)
consultation with R.J.S.C. and the Legal Dept. and, in G.O.Ms. No.
3379, Dev. dated 23.6.48, orders were passed approving the proposed pp. 90-91 cf (W)
amendments. The facts relating to the case are set out ~~in~~ in extenso
in the office note on pp. 1-6 n.f. of (W). Sri A.Rangaswami Aiyar
and his son Sri R.A.Narayanan, Asst. Legal Adviser to the High
Commissioner in the United Kingdom, made repeated representations pp 92-95 and 98-100 of (T)
~~so~~ requesting the Govt. to restore their original orders declining to approve pp 13, 17-26, 23-36, 39- 89-90 and 109-113 cf (T) [Memo. 45 dt. 8-3-50]
the ~~amdm~~ amendments proposed by the Madura College Board until
the Board obtained a decision from a competent court entitling it
to do so and to instruct the R.J.S.C. not to record, with reference
to section 82(1) of the Indian Companies Act, 1913, any special
resolution passed by the College Board effecting the amendments to ~~its~~
the articles. The requests were, however, negatived. Sri A.Ranga- ✓ pp 96 and 102 cf (W) and p. 117 cf (T)
swami Aiyar also filed a civil suit for obtaining a permanent injunction to para 10 on p. 25 of and 'M' on p. 102 of (T)
restrain the Madura College Board inter alia from making the above
amendments or taking any steps in violation of the terms and condi-
ns of the indenture entered into between him and the College

83

Board.

2. The amendments to the articles of association approved pp 90-91 cf (W)
in G.O.Ms. No. 3379, Dev. dated 23.6.48, were effected by a
special resolution passed at a meeting of the College Board held Vide para 1 on p. 109 cf of (W)
on 13.2.50 and a copy of the special resolution was also record-
ed by the Asst. Registrar, Mathurai, with reference to Section p. 139 cf (W)
82(1) of the Indian Companies Act, 1913. According to one of not put up
the amendments to the articles of association, the provision
binding the College Board to name the College High School Vide article 5 on p. 13 cf (W)
as 'A.Rangaswami Aiyar High School' was deleted from the
articles. In his petition dated 5.3.50 addressed to the Presi- pp 9-20 cf
dent of India, Sri A.Rangaswami Aiyar has alleged that the
civil courts have been very unfair to him in having prevented Vide paras 11-32 on pp 11-17 cf
him at every stage from getting relief on his application for
ad interim ~~temporary~~ injunction restraining the Madura College
Board from passing the special resolution and has requested
that suitable action may be taken against the judicial officers para 36 on p. 18 cf
concerned. In another petition dated 27.3.50 addressed to pp 1-4 cf
this ~~Deptt~~ Govt., Sri Rangaswami Aiyar has ~~stated~~ represented that the
College Board, on the strength of the amendments effected to its para 6 on p. 2 cf
articles of association, is attempting to alter unilaterally
the name of the High School from "A.Rangaswami Aiyar High School"
into some other name without the concurrence of the donor and
has threatened that, if the Govt. or the D.P.I. acting on behalf of the Govt., para 7 on p. 3 cf
consent and give their approval to such an alteration, they
would be legally answerable to all the consequences following
from the breach of the terms of the indenture. The representa-
tions made above are ~~examined~~ noted on below:-

(i) Allegation re: unfair treatment by civil courts of the application from ~~Sri~~ A.Rangaswami Aiyar for ad interim injunction: paras 11-32 on pp 11-17 cf

Attention is invited to paras 11 to ~~25~~ 32 of the petition
on pp. 11-~~15~~ 17 c.f. No specific remarks seem called for in this
Dept. on the representations made thereon. Education may be
requested to consult Home also in the matter.

R

(ii) Suit notice for apprehended action on the part of the Govt. to approve the alteration of the name of ~~Sri~~ A.Rangaswami Aiyar High School: para 8 on p. 3 cf

The amendments to the articles of association of the pp 13-25 cf (W)

6/

Madura Collge Board were approved by the Govt. after examining allaspects of the question and after taking into consideration the possibility of the Govt. being involved in civil litigation. Attention is invited, in this connection, to the Secretary's note and the orders in circulation on pp. 7-8 n.f. of Ⓦ. The threatened legal suit by SriA.Rangaswami Aiyar need not, therefore, deter the Govt. from ~~taking~~ the stand which they had already ~~previously~~ taken in the matter. The remarks of the D.P.I. have been invited on the suit notice of Sri Rangaswami Aiyar. They may be awaited.

para 8 on p 3 cf

p. 5 cf

S

3. In the circumstances stated above, the conference suggested by Sri R.A.Narayanan in his letter on page 29 c.f. may not serve any useful purpose. With the above remarks, the file may be returned to Education Dept.

T

My 10-6-50
D.S.

BR
7-6-50

CP
9/6/50

PA
9-6-1950

Edn.

Dev. Dept. no. no. 49188-K/50-1 dt. 12/6/50

Education(F)

Please see this Department note on p.p.1-3 ante and Devt.note on p.p.4-6 above. On the question of a conference to discuss the matter, Development agree with this Department that no useful purpose will be served thereby.It may be stated in this connection that Mr.Rangaswami Iyen had actually interviewed the Secretary on 9.6.50 on the matter. ~~No further~~ For orders whether a reply should be sent to Sri Narayanan as at M on p 3 ante. ~~action seems called for in this direction.~~ Regarding the threatened legal suit, the D.P.I.'s remarks which have been called for may be awaited till 1.7.50. If no reply to Sri Narayanan is considered necessary in view of the interview, the file may be sent to Home ~~Home may in the meanwhile see the file~~ for remarks with reference to Mr.Rangaswami Iyer's ~~xxxx~~/allegation of unfair treatment by civil courts of his application" for ad-interim injunction.- vide R on p.5 ante.

T above + A on p 3 ante

P35 cf

P5 cf + Deviation T above

N

15413.
13 JUN 1950
EDUCATION DEPARTMENT

Sri Rangaswami Iyer's allegations against the Civil Courts may be ignored

Z

pages 11-17 cf

RS
16/6/50.

19/6/50

The change (of the name) of the name of the School, which has been effected by an amendment of the articles of the Association and duly approved by Govt. and which is the grievance of the change against the College Board is a matter in which no interference is called for in any manner. A suitable reply may be given to Sri R. Iyer. The D.P.I.'s reply may be filed when received. Home may see Regarding Z on the previous page — even though admittedly "no administrative action can be taken in matters relating to judicial proceedings".

21.6.50

21.6.50

The matter has been well considered before the decision to accept the modifications proposed by the College Board. There seems to be no need to reopen the matter. The threatened suit may be awaited. Kanik.
21.6.50

But shd. not legal advice on the suit notice?
(answered)

21/6

22/6/50
Edn. con 52191/50-4
Edn. d 22/6/50

Home.
Legal.

Fged

Home Department.

This case has been sent to this Dept. with ref. to 'N' on p. 6 supra.

~~Mr.~~ Sri A. Rangaswami Ayyar has made certain allegations that "the combined effect of the actions of the judicial officers, viz. the ~~Dt~~ Dt. Judge, Mathurai, (Sri K. Srinivasan), the ~~the~~ Dt. Munsif, Mathurai ~~town~~ Taluk (Janab Khaja Sheriff Sahib .), the Sub-judge, Mathurai (Sri C.R. Krishnaswami) and the ~~Dt~~ Munsif, Mathurai Town (Sri K.S. Palanisamy Gounder) have resulted in denying him access to the

80188
23.6.

para 33, page 14 cf

the Civil Courts including the High Court for seeking appropriate and effective relief of temporary injunction restraining the Mathurai College Board from passing the amendments and alterations in breach of the terms and conditions of the Indenture entered into by him with the said Board." He says that "Such combined effect ~~which~~ is not merely an accidental coincidence but goes to confirm the challenge thrown by Sri Ramasubramania Ayyar, the Secretary of the Mathurai College Board, that the petr. should not get any justice in the civil courts in Mathurai Dist. The petr. has given notice of a suit against Govt. under sec. 80 C.P.C. It does not seem necessary to refer the matter to the High Court, as no grounds have been adduced in support of his allegations. As a matter of fact the High Ct itself has informed Sri Ranga~~swami~~ Ayyar that 'no administrative action can be taken in matters rel. to judl proceedings'. ~~This Dept. may therefore agree with the view of~~ The views of Education at Z, on p.6 supra may be agreed to.

(16)

para 33, page 17 cf

pp1-4 cf

S p15 cf

2. The case may be passed on to Legal.

29.6.50

28.6.50.

29.6.50

92373
6.7.50
Through Courts I,

Legal Department.

ASSISTANT SECRETARY EDUCATION DEPARTMENT 18737 1 JUL 1950 8/6/50

Home no 86088 cbI/50-1
30.6.50.

The threatened suit may be awaited.

6.7

Mis Sect. 6.7.50

Home

Home no 92373 cbI/50-1
7.7.50

ASSISTANT SECRETARY 10041 3 JUL 1950

Leg. no 1004
6.7.

DS

ASSISTANT SECRETARY TO GOVERNMENT 6-JUL 1950 HOME DEPARTMENT

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(85)

Education (F)

The case relates to the notice given by Sri A.Rangaswami Iyer, Trustee of ~~the~~ A.Rangaswami Iyer Family Charities, threatening a suit against the Govt. in respect of ~~certain~~ apprehended action on the part of the Govt. ~~agreeing or approving the~~ approving or agreeing to the alteration of the name of the "A.Rangaswami Iyer High School" to some other name. This alteration has been approved by the Madura College Board a body registered under ~~the~~ the Indian Companies Act. Two of the most important alterations are:--

(1) To remove ~~the~~ Sri A.Rangaswami Iyer from his life Presidentship which he enjoyed under the original articles of Association and

(2) to rename the institution as Madura College Board High School (instead of A.Rangaswami Iyer High School)

These alterations were approved by Govt. in the Devt Department after a careful consideration of the matter in G.O.No.3379 Devt., dated 23-6-1948. However as this is a complaint ~~against~~ regarding an educational institution the D.P.I.'s remarks have been called for and they are awaited. In view of 'A' above, this Deptt. proposed to give a suitable reply to Mr.Rangaswami Iyer and await the threatened suit. Devt. and Legal also agree with the views of this Deptt. ~~The~~ Mr. Rangaswami Iyer also made certain allegations against the ~~the~~ civil courts but Home Deptt. consider that it is not necessary to take action on them as no grounds have been adduced in support thereof. In the circumstances, Mr.Rangaswami Iyer may be informed that the matter relating to the amendments was well considered ~~already~~ by Govt. before the Govt. decided to accept the modifications proposed by the Board, and that the Govt. therefore see no need to re-open the matter. Subject to orders, the draft letter below is for approval. The threatened suit may be ~~awaited. H.M.(E.&L) may see the case.~~ awaited

pp1-4 cf

A on p13 cf
B on p14 cf (W)

A

pp90-91 cf

(W)

This reply may be filed when rec.
21.7.50

p7 ante

pp4-6 ante +

pp7-8 ante

pp7-8 "

P.T.O

10/

C No. 5219/50-F

awaited.
HM (E&L) may see the case.

VRS
14/7/50

DY
15/7/50

HM E&L's orders at page 8 n.f. of G.O. No. 3379 Dev. Dated 23.6.48 may be perused, with regard to Sri Rangaswami Ayyar's protest against the Amendment of the Articles of Association of the Madura College Board.

W

The draft reply below may be approved –

C No 5219/50-F

21.7.50

May issue

22.7.50

HM(E&L)

28/7

(Letter.Ref.5219-F/50-5Edn.,dated 25.7.50)
C.No.22916/50. From Sri A.Rangassami Aiyer,Mathurai,d./-5.8.50
and 19.8.50.

P77 cf

pp 79-81 cf +
p 83 cf

Please see Mr.Rangassami Aiyer's letters on p.p.79-81 c.f., and p.83 c.f. He requests that the charges preferred by him against the judicial officers in the Madura City may be investigated. Attention is in this connection solicited to the Home Deptt. note on p.p.7-8 ante. No action seems called for on these letters. May be filed with the previous letters and further developments in the matter may be awaited till 15-9-1950.

S

Home may see the latest letter of Mr Rangaswami Ayyar

VRS
23/8/50

DY
24/8/50

25850

Home –

Edn (F)

121840

C No 5219 F/50-6 Edn

26/8/50

86

Home (Courts II) Dept

(This Dept's note on pp 7-8 supra).

–.–

Please see the letter from Sri A. Rangaswami Ayyar on pp 79-81 & 83 cf. and the typed note of Edn on p 10 above. 'S' on p 10 ante may be agreed to in this dept & the case returned to Education.

29.8.50

29.8.50

29/8.

6th.

Edn (F)

Home U.O. 121860 Cts II/50-1
29/8/50

ASSISTANT SECRETARY
31 AUG 1950
26146
EDUCATION DEPARTMENT

pp 89-90 cf

A letter addressed by Sri Rangasami Iyer to the Presdt, the Indian Republic, since forwarded by the G. of I., has since been added to current file. Please see Home Deptt note above. This may lie over till 15/9/50.

29.9.50

31/8/50

DY
1/9/50

C No. 27145/50 p 113 cf From Sri A Rangasami Aiyar d/- 6/9/50

" 27237/50 p 119 cf " " R A Narayanan, Delhi, d/- 7/9/50.

Please see the letters on pp 113 + 119 cf. With reference to Mr Rangaswami Aiyer's request at R on p. 113 cf, it does not appear necessary that we should interview the HM in this matter. ~~No reply need be perhaps be sent to him. May be directed to lie over till 15/9/50~~

9/9/50

P.T.O.

12

C. No. ...19F/50

For orders.

Dy
9/9/50

Please see the typed note on pages 9–10 ante, the further note & orders on p.10 ante. Sri Rangaswami does not seem to realize yet, notwithstanding Govt's reply on p 77 cf. that nothing is possible at this stage. He is anxious to meet Hon & explain matters. An interview especially when the Assembly session is on, will be a waste of time. It will however serve a purpose as the gentleman can be told at the interview that it is no use to trouble Govt. in the manner in which he has been doing ~~it~~ on a subject which has long ago been decided by Govt & which, he has already been told, cannot be reopened now. For orders.

p 113
cf

524/50

90–91 cf

(W.)

p 77 cf

11.9.50

Hon Sec

He ~~has~~ has met me more than once. ~~He~~ as also his son & then both together. No purpose will be served by an interview as he has told me all he has to say.

KM
13/9

An interview may, I think, be granted by the Hon (Edn) on a suitable date. For orders

12/9

Hon (Edn)

14 SEP 1950
SECRETARY

(87)

Please see the orders in circulation on p.12 ante. Mr. Rangaswami Aiyar may be informed accordingly and the ~~xxx~~ papers closed. Subject to orders, the draft letter below is for approval.

VS
16/9/50
Dy
16/9/50

19.9.50

[Issued as Lr. Ms No. 2629 Edn, dt-20 9/50]

8

88

Education (F)

COLLEGE - Madura College,Mathurai - Amendments to the Articles of Association -Representation against.

C.No-29499/50-F.

From the Govt.of India, Ministry of Education,New Delhi, No.D.1381/50-D.1 dated 21.9.50.

P1cf

(K)

P2 n.f. (K)

notes and orders on P7 n.f. (K) + P7-9 c.f. (K)

PP 11-17 c.f. (K)

P17cf

Please see the letter from the Govt.of India on p.1 c.f. The previous representation of Sri Rangaswami Iyer to the Govt.of India referred to therein is on p.p. 9-19 c.f. of Lr.Ms.2629 Edn.,dated 20-9-50. The two main objections raised by Sri Rangaswami Iyer to the amendments made to the Articles of Association of the Madura College Board ~~xxxxxxxxx~~ related to the removal of Sri A.Rangaswami Ayer from his life Presidentship which he enjoyed under the original article and to the renaming of the institution as Madura College Board High School(instead of A.Rangaswami Aiyar High School). As the amendments referred to above were approved by the Govt. in the Development Department after a detailed examination, it was not considered necessary to re-open the matter, and Mr.Rangaswami Iyer was also informed accordingly. Mr. Rangaswami Iyer refers to the alleged unfair treatment by civil courts of his application for ad interim injunction. He states in his letter to the Govt.of India that "the combined effect of the actions of the judicial officers ~~xxxxxxxxx~~ x x x x have resulted in denying him access to the civil courts including the High Court for seeking appropriate and effective relief". Please see in this connection the remarks of the Home Department on p.p. 7-8 n.f. of (K). No action was therefore considered necessary on the representation of Mr.Rangaswami Iyer to the Govt.of India. It is therefore for orders whether the Govt.of India may be informed that no action ~~xxxxxxxx~~ has been considered necessary on Mr.Rangaswami Iyer's letter, in view of the fact that ~~xxxxxxxx~~ orders on the amendment of the articles of Association of the Madura College Board to which he objects were passed by the Govt.after a careful consideration ~~xxxxxxxxx~~

and

P.T.O

16

and as ~~the allegations~~ no grounds have been adduced by the petitioner to support his allegations and as no administrative action can be taken in ~~the~~ matters relating to judicial proceedsings. Development and Home may see for remarks prior to circulation.

Home Dept. note on pp 7-8 of (15)

9.10.50

7/10/50

What is the stage of G of India in the matter

~~AS~~ Dev. Plan. Wing.

Home

Spoken to Secy

Secretary raised the point as to how the Govt. should take interest in the matter & ask for a report from the State Govt. Sri A Rangaswami Ayyar submitted a representation to the President of India among others. Hence the G. of I is pursuing the matter.

Sri Rangaswami's grievances relate to certain amendments to the Articles of Association of the Madura College Board approved by Govt. as early as in 1948, ~~[illegible]~~ under the

---

3

17

(89)

Regulations under the Indian Companies Act, and the alleged denial of justice by the Civil Courts in respect of those amendments. It is considered that no reply need be sent to India. No action in that direction need be taken. The Govt. of India is likely to send reminders.

for orders.

~~17.10.50~~
22.10.50

Put up ~~this~~ on 15th Nov

Dev.
Home

Resubmitted.

1/11/50

1.11.50

1/11/50

In another file I have asked for a list of cases in which Govt. of India have asked for replies in similar cases. Put up with this [illegible]!!

Edn (F)

Please see Secretary's orders on p. 3 ante. The list called for is sub'd in rere of file.

DS
7/11/50

Dy
7/11/50

The letter of the Govt of Gov India asking for an early reply in the matter, since received is on p 3 c.f

Dy
14/11/50

WB
15/11/50

S.

C.F.O.
27501/50 f

PTO

Education Dept.

Subj:- Interference by the Govt. of India in matters pertaining to the jurisdiction of the State Governmental subjects.

For some time past, letters are being received from the Govt. of India addressed to the State Government in this Department (1) asking for information on matters pertaining to the subjects dealt with by the Education Department, (2) asking the State Government to report to them the action taken by this Government on certain representations made to the Govt. of India direct by the employees of managements of schools in this State or others on allegations or grievances concerning the conditions of service of the employees in Government or semi-Govt. services, or other subjects and (3) asking for the remarks of the State Government on matters which may lie on the border line between the jurisdiction of the State Government and that of the Govt. of India and in which the latter may be interested in pursuance of certain of their policies. A list of such cases is put up below at (J).

e.g. those in the c.f.

p 23 infra

2. With regard to the references from India calling for information as such, e.g. the number of schools in the State, the number of teachers employed therein, etc., in this State, information is collected and given wherever possible and available. There seems to be no objection to compliance with such requests, viz, those referred to in item (1) in para 1 above.

3. The second category of references adverted to above, raises certain difficulties. Items relating to (a) the representations from the Hindi Pandits referred to in the list and (b) the petition from Sri A. Rangaswami Ayyar of Mathurai also mentioned in the list are instances in point. The former relates to the introduction of the study of Hindi in secondary schools in the State and the grievances of the Hindi Pandits in the State. Education being a State subject, numerous

item 4 in (J)

C.

representations from Hindi Pandits and others interested in them have already been received by the Government. The questions raised in the enclosures to the Govt. of India's letter referred to in item 4 of the list (J) have already been dealt with here in consultation with the D.P.I. and suitable action wherever necessary has been taken or is being taken on the merits of each case. It is not clear where the Govt. of India comes in, unless it be that Hindi being the federal language under the Constitution, the Govt. of India are interested to know the progress achieved in the development of the language in the State; but this latter point can also be expected to be borne in mind by the State Government when dealing with the subject in relation to the secondary schools in the State. In any event, it does not appear necessary for the Govt. of India to ask the State Government to report to them on the action taken on individual representations or even group representations, on matters which the State Government themselves are competent to deal with in accordance with the rules and orders which are in force from time to time. It is not unlikely that if such tendency were to receive any encouragement either from this Government or from the G. of I., individuals aggrieved by the final orders of the Government might create embarrassing situations for both the Governments.

Vide letters in the C

4. The case of Sri Rangaswami Iyer is another instance where the Govt. of India need not have asked us to report our action to them, with such persistence. The matter complained of by Sri Rangaswami Iyer, viz. the amendments to the Articles of Association of the Madura College Board changing the name of a High School in Mathurai from that of 'Rangaswami Iyer High School' to 'Madura College High School',

(P.T.O

has long ago been dealt with, orders in circulation have been obtained and the orders have also been issued under the Regulations framed under Section 26 (2) of the Indian Companies Act, 1913. Neither this matter nor his complaint against the Civil Courts in this State which, according to him, have refused to take proper action on his applications and petitions before them with regard to this matter, can call for any further action at all. It is ~~surprising~~ therefore, ~~that~~ not clear simply because Sri Rangaswami Iyer wrote to the President of India, they should take cognisance of it and call for a report from the State Government.

(W) G.O. 3379 Dev 23.6.40

e.g. p. 13 of in (K)

Why,

5. As regards the third category of cases, it will be seen from the List below that we have already furnished some information to the Govt. of India, e.g. facilities for Muslim Education, alleged discrimination of certain castes and communities in educational institutions, etc. Item 3 in (J) which apparently belongs to this category is separately dealt with. No objection is now raised to giving information on matters of this type.

6. It is only with reference to the second category of cases referred to in paragraph 1, some action to make the position clear to India seems to be called for, in view of the points urged in paras 3 & 4 above — The following points may also be borne in mind in that connection. So far as Education is concerned, it is purely a State Government's subject. The State Government have general responsibilities for the development of Education and have statutory powers under the Rules and the Acts (e.g. Elementary Education Act, The Madras Local Boards Act, the Madras Dt. Municipalities Act, etc., and the Rules thereunder) for dealing with appeals and petitions from aggrieved persons. If the Govt. of India are to receive petitions and appeals from aggrieved persons who have been thus dealt with by the State Government as in this case, there will be no finality in these matters, and the positions of the finality in these matters, and the position of the

(P.T.O

No. 29499/50

13

11/12.

State Government will become somewhat embarrassing. In cases where the G. of I. desire to let them know the action taken, the language of the letter of India should not mislead us: their wording generally is "The Government of India would be interested to have a report about the matter at an early date". This should be deemed to be really an interference in matters within the State Government's jurisdiction.

7. However, it is for consideration whether it will not suffice if we explain the real position relating to the case of Sri Rangaswami Ayyar dealt with in this file to the Govt. of India and request them to state in view of that position what is the nature of the further action action they would like the Provl. Government to take in the matter. Subject to orders, a draft letter is submitted for approval. HM (E&L) may see.

SECRETARY
4 DEC 1950
EDUCATION DEPARTMENT

2.12.50

3.12

HM Edn.

HM (Edn)

11/12

[Issued as D. 29499F/50 - 1 Edn 21-11(14 N)]

SECRETARY
11 DEC 1950
EDUCATION DEPARTMENT

List of cases in which the Govt. of India have been approached by the parties felt aggrieved at the action taken by this Govt., where final orders are to be passed by this Government and were so passed.

Serial No.	Description of the cases.	Remarks.
1.	Colleges - Madura College - Endowment - Articles of Association - Amendment.	Sri A.Rangaswami Iyer, Advocate, Madura, represented against the amendments to Articles of Association approved by the State Government and against the decision of the Court in the matter, to the President of the Indian Union, and the Govt. of India have called for a report as to the action taken by this Government in the matter.
2.	Colleges- Municipal College, Salem - Abolition of Urdu Section and termination of the services of the Urdu Munshi.	Representation by the Muhammadan Educational Association to the Govt. of India, Ministry of Education. Govt. of India desire to hear of the action taken by this Government in the matter.
3.	Closure of elementary schools for Muslims in Kurnool and Coimbatore Districts. Full investigation was made & complaints were [illegible] Kurnool was [illegible] complaints.	Representation made by the Chairman, Municipal Council, Kurnool, to the Hon'ble Minister for Education, Govt. of India. The private Secretary to the H.M. has called for a report on the real position. (The representation was received in September 1949, more than a year ago.)
4.	Pay of Hindi Pandits in high schools.	The Visakha Hindi Pandits' Association sent a memorandum to the Govt. of India in June last. That Government forwarded the papers to this Govt. for further action. The file on the subject has been separately disposed of. A reply has been sent to India. - G.O. 3350 Edn. 13.12.50
5.	Muslim Education facilities.	Attention is invited to Letter No.2674, Edn. dated 28-10-48 to Moulana Abul Kalam Azad - pp.41-46 c.f. of 'B'.
6.	Alleged discrimination against certain castes and communities in Madras educational institutions.	Attention is invited to letter No.1517, Edn. dated 9-6-48 at pp.72-77 c.f. of 'Q' and D.O.No. 49326 dated 29-10-48 at pp.146-147 n.f. of 'Q'.

23.11.50.

L- 70372/ 17/2/57

Fw c/ sa pp 143-148 c/

Education (F)

COLLEGE . Madura College, Madhurai - Representation regarding the administration.

C.No.2405/F/51. pp1-4 c/

From Sri R.A.Narayanan,M.A.B.L., Advocate,Supreme Court of India,"Vasantashrama", 108, Santapettai St., Madhurai, dated 10-1-1951.

----

pp1-4 c/

The letter from Sri R.A.Narayanan,M.A.B.L., who is the son of Sri A.Rangaswami Iyer, Madhurai, contains a representation ~~regarding~~ complaining against the administration of the Madura College and requests the Government to investigate the Madura College affairs. Incidentally, the controversies relating to the amendment of the Articles of Association of the College Board removing his father from life Presidentship and changing the name of the High School maintained by the Board ~~are also adverted~~ and the Civil suits filed by his father in that connection are adverted to by Sri. Narayanan.

p3 c/

p2 c/

2. Sri Rangaswami Iyer himself submitted several petitions to the Government and to the higher authorities including the President of India, making representations on the same matters. The amendments to the Articles of Association of the College Board have long ago been approved in the orders in the matter issued by the Development Department. Hence nothing further can be done in that matter. With regard to Sri Rangaswami Iyer's allegation against the civil courts which according to him have denied him justice, it has been decided that no action is called for and the Home Department have concurred.

pp1-4 of of (P)
Lr MS 2629 Edn. 20.9.50
pp 79-83 c/ of (P),
pp 111-113 c/ of (P)
pp 135, 139 & 141 c/ of (P)
pp 9-20 c/ of (P)
pp 90-91 c/ of (W)
Go 3379 Devt 23.6.48
Para 33, p. 17 c/ of (P)
Z on p. 6 c/ of (P) & notes on pp 9-10 c/ of (P) & orders in on p. 10 c/ of (P)
pp 7-8 c/ of (P)
p1 c/
p3 c/
M on p1 c/
N on p3 c/

3. Sri Narayanan's representation relates to the same subject, though he puts his suggestions in a slightly different form, viz. that in the interests of education an investigation of the College affairs should be ordered. No specific allegations have been made, except that there are bickerings and Caucus-feeling in the College Board. On this, it does not appear that Government can take any action. Nor

is

26 2405/F/51.

-2-

is any investigation by the Director or ~~by~~ the University necessary. In fact, we had forwarded a copy of Sri Rangaswami Iyer's petition to the D.P.I. and though his remarks had not been received, it was considered at some stage of the question dealt with in the papers at 'P' that his remarks need not be awaited for final orders on the matters raised therein. Sri Narayanan himself ~~had~~, on a former occasion wrote a letter to the Govt. on which we found that no action was feasible at all.

p 5 c.f. (P)

notes on pp 9-10 n.f. (P) & orders in circn on p 10 n.f. (P)

p 29 c.f. (P)

notes on p. 6 n.f. (P)

4. In the circumstances, it does not appear to be necessary at all to order any investigation of the Madura College affairs as suggested by Sri Narayanan in his letter in the current file, unless the D.P.I. or the University feels when matters are brought to their notice that some action of this kind is called for. It is for orders whether Sri Narayanan may be informed that the Government do not propose to take any action as suggested by him and that no purpose will be served by his interview with the Honourable the Minister for Education.

2.2

For orders

approved HM

1.2.51

2/2

HM (Ed)

HM (Ed)

6/2

ASSISTANT SECRETARY
3 FEB 1951

SECRETARY
3 FEB 1951
EDUCATION DEPARTMENT

With reference to orders in circulation above, a draft letter is submitted for approval.

3/2/51

3/2/51

5.2.51

5/2

[Dr. 2405F/51 - (Edn) - 5/2/51.]

27

Education (F) Depar

pp 149-151 c.f.

From Sri R. A. Narayanan, Madurai, dated 28-2-51.

College--Madura College, Madurai.

Extract of Secy.'s orders on p. 1 c.f:-

p 1 c.f.

" Please see 'X' and 'XX' on p 2 of this letter. The concerned papers may be put up for circulation to H.M. (E. & L.) for orders.

K.M.U.
2-3-51."

Please see the representation from Sri R.A. Narayanan of Madurai in the c.f. and the orders of the Secy. thereon at p. 1 c.f.

pp 143-146 c.f. (S)

2. ~~xxx~~ On 10-1-51, Sri R.A.Narayanan made certain representations regarding the Board of the Madura College, Madurai and requested for an interview with H.M. (E. & L.) in that connection. His letter will be found at pp 143-146 c.f. (S). After considering the points raised by him, he was informed that Govt. did not propose to take any action as suggested by him and that no useful purpose would be served by his interview with H.M. (E. & L.) Attention is in this connection invited to the notes and orders in circn. at pp. 25-26 n.f. (S).

p 147 c.f. (S)

3. In his letter in the c.f., he states that a memorial tablet put in by his father in memory of the late Annie Besant in the College building has been removed . He also reiterates his request for an interview with H.M. (E. & L.) for an 'objective talk' about the way in which matters could be remedied. In view of the orders already passed in the matter, it does not appear necy. to reopen the question. Sri Narayan may perhaps be informed that Govt. do not see sufficient reason to comply with his request. The file may be circulated to H.M.(E. & L.) for orders whether he would grant an interview to Sri Narayanan.

X on p 150 c.f.

XX on p 150 c.f.

HM (Ed)

SECRETARY
10 MAR 1951
EDUCATION DEPARTMENT

3.3.51

3.3.51

7.3.

HM (Ed)

5.3.51

HM (Ed)

2 28 Edn/F

Please see the orders in circulation on p1. ante. A draft letter to Sri Narayanan is subd. for appl.

13.3.51

DY 14/3/51

HM (Edn) may see XX on p2 cf, before a reply is sent -

16.3.51

HM (Edn)

173

The draft may issue HM (Edn)

ASSISTANT SECRETARY
27 MAR 1951
EDUCATION DEPARTMENT

95

Education (F).

Sub:- College - Madura College, Madurai - Amendments to the Articles of Association.

From Sri A. Rangaswami Ayyar, B.A., B.L., Trustee of A.R. Family Charities, "Vasantashrama", 108, Santapettai St., Madurai, dated 11-7-52.

pp1-2 cf

Please see the letter from Sri A. Rangaswami Ayyar on p.1 c.f. He refers to the notice of suit given by him in his letter dated 27-3-50 on pp.1-4 c.f. of letter Ms. No.2629, Edn., dated 20-9-50, in regard to the change of the name of 'A. Rangaswami Ayyar High School' into 'Madura College High School'. He states that the D.P.I. directed that the name of the High School would not be altered pending the result of a suit between him and the the Madura College Board which is still proceeding, and that still the College Board is carrying on correspondence with the Officers of the Education Dept. under the name and style of 'Madura College High School'. He therefore requests that instructions may be issued to the College Board that any correspondence should be carried on only under the name of 'A. Rangaswami Ayyar High School' and not under the name of 'Madura College High School. Submitted that the question of approving the amendment proposed by the Madura College Board to its Articles of Association, was examined in detail by Development and orders approving the amendments were issued by that Deptt in G.O.No.3379 Dev., dated 23.6.48. The matter relating to the amendments was well considered by Govt. before they ~~Govt~~. decided to accept the modifications proposed by the Board. Please see in this connection the note on p.p.9-10 n.f. of Lr.Ms.No. 2629 Edn., dated 20-9-50. Attention is also invited in this connection to the Secretary's orders on p.140 c.f. of the above letter. In the circumstances, it is for orders whether Sri Rangaswami

Para 2, p1 cf

p2 cf

p2 nf

swami

swami Aiyar's representation may be ignored, or whether the remarks of the D.P.I. may be called for, in view of the representation contained in paragraph 2 of the letter on p.1 c.f.

VRS
23/7/52
PCR
23/7/52

The matter has been considered fully in the papers at (C) –
The Request need not be complied with –
Mr Rangaswami Iyer may be so informed –

~~Dev.~~ ~~may see~~
25.7.52

~~Dev.~~

28/7

Dew
(Chimney)

A draft letter is Submitted for approval.

VRS
30/7/52
PCR
30/7/52

1.8.52