

Edn.

(19450) Department.

Ms. SERIES.

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G.O. NO. Ms. 852 Edn.

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18/2
Supdt.

Dated

15-3-50.

[Despatch Abstract.]

Schools - Secondary - Aided - Zamin dar High School,
Turaiyur - Subbu Reddiar, Headmaster - Petition against
the Director's order debarring from all patronage and
declaring him unfit to be headmaster for two years -
Interference - Declined.

Back Papers.

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

Further Papers.

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



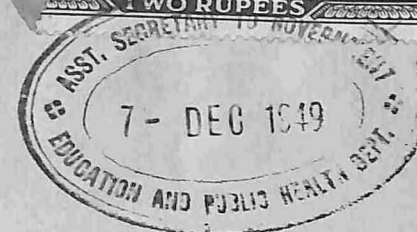
To

The Hon'ble Minister for Education,
Government of Madras, Fort St. George,
M A D R A S.

The humble petition of N. Subbu Reddiar,
Headmaster, Zamindar's High School, Turaiyur,
Tiruchirappalli District, respectfully sheweth:

2 The petitioner herein is the Headmaster of
the Zamindar's High School, Turaiyur, for the past
about 10 years. In Proceedings R.O.C.1970 E4/49
dated 30-11-49 of the Director of Public Instruction,
Madras, (original enclosed), the petitioner herein
has been debarred permanently from all patronages
such as Examinership, Nominations to the various
committees, etc. and that ^{he} be declared unfit to be
the Headmaster for a period of 2 years with effect
from the date of relief. Orders have also been
passed directing the Correspondent of the said
High School to relieve the petitioner from the
Headmaster's post which he has been occupying for
the last about 10 years. The order further
directs that the Divisional Inspector of Schools,
Coimbatore, do publish the usual notification in
the Fort St. George Gazette.

3 The petitioner herein is aggrieved by the
said order as no copy of the Report of Enquiry
dated 1-11-49 of the Deputy Director of Public
Instruction has been furnished to him nor has the
Director of Public Instruction stated any reasons
for taking the action he has done. The petitioner
has been quite honest, diligent and mindful of his



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Sum

p3 infra

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duties during the term of ^{office} he is holding and he believes
that no case has been made out ^{against} to him, and that the
enquiry is the result of some anonymous petitions
sent. The petitioner is unable to canvass the ^{justness of the} punish-
ment ^{given} meted out to him as no reasons have been/for the
conclusion.

4 In the circumstances, it is prayed that the
Hon'ble Minister be pleased to call for the entire
records and examine the case and pass orders as may
be just and necessary. Pending final orders, the
petitioner also prays that the Proceedings of the
Director of Public Instruction cited above be kept
in abeyance as otherwise the petitioner's reputation
for all services is likely to be impaired and materially
affected.

6th December, 1949.

N. Subbaray
6.12.49.
PETITIONER.

Subject: Madras Educational Rule - Disciplinary action against
Sri N.Subba Reddiar, Headmaster, Zamindar's High School,
Thuraiyur - Malpractice in the S.S.L.C. Examination 1948.
R e a d: 1. Director's Proceedings Rc.1970 E4/49 dated 13-7-1949.
2. Report of enquiry dated 1-11-1949 of the Deputy
Director of Public Instruction, (Elementary Education)
together with defence statements and other papers.

After a careful consideration of the report of enquiry and findings of the Deputy Director of Public Instruction (Elementary Education) on the charges framed against Sri N.Subba Reddiar, Headmaster, Zamindar High School, Thuraiyur in the Director's Proceedings quoted above and of the defence of the accused officer, the Director hereby orders (1) Sri N.Subba Reddiar, Headmaster, Zamindar's High School, Thuraiyur be debarred permanently from all patronage such as Examinerships, Nomination to the various committees etc. and (2) that he be declared unfit to be a Headmaster for a period of two years with effect from the date of his relief from duty as the Headmaster of the present school.

1 The Correspondent, Zamindar High School, Thuraiyur is requested to report the date on which the Headmaster is relieved from the Headmaster's post, through the Divisional Inspector of Schools, Coimbatore.

2 The Divisional Inspector of Schools, Coimbatore is requested to have the usual notification published in the Fort St. George Gazette.

J. S. Pantarabie
1.12.49

For Director of Public Instruction.

To
Sri N.Subba Reddiar, Headmaster, Zamindar High School, Thuraiyur.
The Correspondent, Zamindar's High School, Thuraiyur.
The Divisional Inspector of Schools, Coimbatore and the District
Educational Officer, Trichy.
The Secretary to the Commissioner for Government Examinations, Madras.
Copy to L, D1 and E Sections:.

vs. 30-11.
1/12

1/12/49.

Received

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3.12.49

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o. t. v. l. 2v

E & P. H. (B.)

Schools - Secondary - Aided - Zamindar's High School,
Turaiyur - disciplinary action taken against the Headmaster

Petition from Sri N. Subba Reddiar, Headmaster,
Zaminder's High School, Tiraiyur d/6-12-49

Memo No 95719 B, /49-1 Edm d/10-12-49

A copy of the petition d/6-12-49 from Sri N. Subba Reddiar, Headmaster, Zamindar's High School, Turaiyur, against the proceedings of the D.P.S ordering disciplinary action against him is forwarded to the Director for early report. The Director is also requested to send the connected papers for perusal by Govt.

To
The D.P.
(with copy of pp. 1-2 of)

Memo to Mr. [unclear]
Mr. [unclear] 15/12

for early report. The
connected papers for p.

Sd/-
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GOVT. SECRETARIAT
10 DEC 1949
EDUCATION AND PUBLIC HEALTH DEPT.

SECRETARY, GEN. AND L.R. DEPT.
10 DEC 1949
GOVERNMENT OF MADRAS

007
MINISTER FOR EDUCATION
13 DEC 1949
GOVT. OF MADRAS

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To

The Hon'ble Minister for Education,
Government of Madras, Fort St., George,
M A D R A S.

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SM

Further to his humble appeal petition dated 6-12-49,
N. Subbu Reddiar, Headmaster, Zamindar's High School, Turaiyur,
Thiruchirapalli District, begs to add to the kind information
of the Hon'ble Minister the following:

That he has applied to the Director of Public Instruction
Madras for a copy of the following records:

1. The Findings of the Deputy Director of Public Instruction
(Elementary Education.) 1-11-49
2. The Judgement of the Director of Public Instruction,
Madras in the matter.

and

That upon the receipt of the same he would humbly
submit to the Hon'ble Minister, the grounds on which he has
preferred the appeal.

Dated 11---12---1949

N. Subbu
PETITIONER. 11.12.49.

E & P. H. (B.)

Vide memo at
p 4 ante.

The report called for from the Director may be
awaited till 10.1.50.

16/12/49
16/12/49

18/12/49

Education Department

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

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



Roc No. 1970-E4/49 dated 28-1-1950

Sir,

Subject: Madras Educational Rules - Disciplinary action
against Sri N. Subba Reddiar, Ex Headmaster,
Zamindar High School, Thurayur

Reference: Government Memorandum No. 95719-B1/49-1 Education
dated 10.12.1949.

The records connected with the case detailed
below are herewith submitted as desired by Government in their
Memorandum quoted above.

- 7674
- p4 ante
- p4 ante
1. Exhibit No. 1 Answer books of candidates Nos.
38,867, 38,901, 38,906.
- (U) 2 Exhibit No. 2 Return relating to the stationery sent
by the Chief Superintendent, Thuraiyur
Centre, S.S.L.C. 1948.
- (T) 3. Exhibit No. 3 Investigation records leading to
Proceedings of the Board of Secondary
Education.
- (R) 4. Exhibit No. 4 Petitions relating to malpractices sent
to the District Educational Officer.
5. Exhibit No. 5 Plan of seating arrangements.
- (S) 6. Exhibit No. 6 Preliminary investigation report of the
District Educational Officer, Trichy.
- (Q) 7. Exhibit No. 7 Letter produced at the Enquiry by witness
XVI and filed.
8. Exhibit No. 8 Plans submitted by the accused Officer.
9. Exhibit No. 9 Statements made during the investigation
of the District Educational Officer, Trichy
of persons to be examined and statements
filed by the accused Officer.
- (P) 10. Statements of Vidwan N. Subba Reddiar.
- (V) 11. Question papers Instructions to Chief Superintendents -
S.S.L.C. Scheme.
- (I) 12. Evidence of the accused Officer and witnesses.

2. The following history of the case leading to the issue
of orders in my proceedings Rc. No. 1970-E4/49 dated 30.11.1949 is given
for the information of Government.

3 Sri N. Subba Reddiar was the Chief Superintendent of the
S.S.L.C. Public Examination of 1948 held at Thuraiyur.

4 The District Educational Officer, Trichinopoly received an
anonymous petition from students of Thuraiyur High School alleging that

Sub: Enquiry - Vidwan Sri N. Subba Reddiar, Headmaster, Zamindar's High School, Thuraiyur - Disciplinary action against.

Whereas it has been brought to the notice of the Director of Public Instruction -

(1) that as seen from a comparison of the marks obtained by the candidates in the same subjects on different occasions and from the answer books of the candidates at the S.S.L.C. Public Examination held in March 1948 at the Zamindar's High School, Thuraiyur, as per particulars given below :-

	<u>At class</u>		<u>At Public Examination</u>	
			<u>1948.</u>	
(i) <u>Sampath Gowri</u> (No. 38867)				
Elementary Mathematics	<u>32</u>		<u>85</u>	
(ii) <u>N. Padmanabhan</u> (No. 38901)				
	<u>1947</u>		<u>1948</u>	
	First appearance		Second appearance.	
	<u>Class</u>	<u>P. Exmn</u>	<u>Class</u>	<u>P. Exmn.</u>
Elementary Mathematics	50	49	<u>66</u>	<u>84</u>
Alegbra and Geometry	21	18	35	48
(iii) <u>M. Doraiswamy</u> (No. 38906)				
	<u>1946</u>		<u>1947</u>	
	<u>Class</u>	<u>P. Exmn</u>	<u>Class</u>	<u>P. Exmn</u>
English	29	35	42	36
Ele. Maths	38	<u>29</u>	54	<u>44</u>
Algebra and Geometry	18	<u>7</u>	58	<u>23</u>
			28	<u>68</u>

there are evidences of malpractice in their answering of the examination;

(2) that as reported by the District Educational Officer, Tiruchirapalli in his letter No. Rc. 11(Confdl)/48 dated 23-5-1949 Vidwan Sri N. Subbu Reddiar, Headmaster, Zamindar's High School, Thuraiyur and Chief Superintendent, S.S.L.C. Public Examination, Thuraiyur Centre, arranged the seats of Sampath Gowri, N. Padmanabhan and M. Doraiswamy, candidates with register Nos. 38867, 38901, and 38906 respectively, at the S.S.L.C. Public Examination, March 1948, held in the above said school, in such a manner that they were not under the same extent of supervision as other candidates who sat for the examination in the said school and were thus enabled to have recourse to malpractices; and

(3) that as seen from the written statement dated 6.8.48 of the said

M 113-119 of
Exhibit 9

Vidwan Sri N. Subbu Reddiar, Headmaster, Zamindar's High School, Thuraiyur, given to the District Educational Officer, Tiruchirapalli, he failed to carry out the official instructions to the Chief Superintendents to prevent opportunities for malpractices -

- (a) by his not accounting for distribution of blank answer books and additional books on each occasion that they were issued,
- (b) by his sending additional answer books through the peon, and
- (c) by his giving away copies of question papers to persons not connected with the examination;

the following charges are framed against the said Vidwan Sri N. Subbu Reddiar, Headmaster, Zamindar's High School, Thuraiyur. --

(1) that the said Vidwan Sri N. Subbu Reddiar did not maintain an account of the issue of answer books and additional books as required under Rule 9 (Custody of blank answer books) (Chapter I) of General Rules and Instructions for the guidance of superintendents in respect of the S.S.L.C. examination which is to be the effect that the Chief Superintendents should maintain an account of the blank answer books, additional answer books and other articles of stationery supplied for the examination showing clearly the supply received from the Secretary, Board of Secondary Education, the issues made during the examination on each occasion and balance left at the end of the examination;

(2) that he sent the answer books through the peon without adequate precautions for his being watched as required in Rule 8 relating to the precautions in the matter of the employment of menials of General Rules and Instructions for the guidance of superintendents in respect of the S.S.L.C. examination.

(3) that he left a partly packed bundle of answer books in Physical Science in charge of the clerk of the school on 17-3-1948 at the school office room in the interval between 11.15 A.M. and 11.30 A.M., instead of its being kept in a safe place under the personal custody of the Chief Superintendent as required in Rule 6 relating to the collection and despatch of answer books of "General Rules and Instructions for the guidance of the Superintendents in respect of the S.S.L.C. Public Examination.

(4) that as stated by him in his statement dated 6.8.1948, he gave away a copy of the question paper in Elementary Mathematics and Algebra and Geometry on 16.3.1948 and 19-3-1948 respectively at about 11 A.M. to

p 5 of Bkcat V
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M-113-119 of
Exhibit 9

Thuraiyur contrary to the Rule 4 of the General Rules and Instructions for the guidance of superintendents which requires that copies of question papers should not be given to persons other than the candidates who actually sit for the examination, as it is likely to lead to malpractices;

(5) that by his above said acts, he knowingly and wilfully c^onnived at and deliberately abetted the malpractices of the above-mentioned candidates in the said examination..

He is hereby directed to show cause why his collegiate teachers' certificate should not be cancelled under Rule 154 Madras Educational Rules and why he should not be declared unfit to be a Headmaster for a specified period or permanently as the ~~see~~ circumstances of the case warrant with reference to Rule 98(b) of the Madras Educational Rules and such other action be taken against him as may be deemed fit by the Director of Public Instruction under the above circumstances. He should submit his answer in writing to the above charges together with his Collegiate Teachers' Certificate and any relevant records he may submit in support of his answer, so as to reach the Director of Public Instruction on or before the 25th instant and state whether he desires to have an oral enquiry or whether he wants to be heard in person and in that case furnish the full names and addresses of the witnesses he desires to be examined. In the event of his failure to submit an answer, it will be deemed that the charges are proved and the action indicated above will be taken.

D.S. Reddi,
Director of Public Instruction.

/True copy/

Copy of the report of enquiry of the Deputy Director of Public Instruction, Madras.

I submit this report on the enquiry into the conduct of Vidwan Sri N. Subbu Reddiar, Headmaster, Zamindar's High School, Thuraiyur as Chief Superintendent, S.S.L.C. Public Examination held in March 1948 at the Thuraiyur centre.

2 A brief history of the case leading to the enquiry is given below:
The District Educational Officer, Tiruchy, in his letter No. 11-Confl./48 dated 15-4-1948, reported to the Secretary, Board of Secondary Education, Madras, that when he visited the Zamindar's High School, Thuraiyur, on

17-3-1948 (third day of the S.S.L.C. Public Examination) he found that seatin

arrangement was not satisfactory and directed a re-arrangement of seats and that he subsequently received on his return to headquarters an anonymous petition alleging that the Chief Superintendent actually helped 3 students (Sampath Gowri, N. Padmanabhan and M. Doraiswamy) to resort to malpractice. An anonymous petition to the same effect was also received in the office of the Commissioner for Government Examinations. In order to find out the truth or otherwise of the allegations, the examiners were directed to examine the answer papers of the candidates in question and they reported that nothing wrong was found in the valuation. The report of the departmental officer, Sri R. Ramaswami, was that he found no room for suspecting malpractice. The District Educational Officer was therefore requested to conduct a local enquiry, and he submitted a report after enquiry, which disclosed that there was some truth in the allegations. The Divisional Inspector of Schools, Coimbatore Division, was asked to hold a detailed enquiry and he submitted his report. But action could not be taken on his enquiry report because of the defect noticed in the procedure followed. On the basis of these reports, the Director considered that there was a prima facie case to take disciplinary action against Sri Subbu Reddiar under rule 154 of the Madras Educational Rules and I was deputed to take up this enquiry.

3. The charges framed against the accused officer are as follows :--

(1) "that the said Vidwan Sri N. Subbu Reddiar did not maintain an account of the issue of answer books and additional books as required under rule 9 (custody of blank answer books) Chapter I of General Rules and Instructions for the guidance of Superintendents in respect of the S.S.L.C. examination which is to the effect that the Chief Superintendent should maintain an account of the blank answer books, additional answer books and other articles of stationery supplied for the examination showing clearly the supply received from the Secretary, Board of Secondary Education; the issues made during the examination on each occasion and balance left at the end of the examination."

(2) "That he sent the answer books through the peon without adequate precautions for his being watched as required in rule 8 relating to the precautions in the matter of the employment of menials of General Rules and Instructions for the guidance of superintendents in respect of the S.S.L.C. examination."

answer books in Physical

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-5-
Science in charge of the clerk of the school on 17-3-48 at the school office room in the interval between 11-15 a.m. and 11-30 a.m. instead of its being kept in a safe place under the personal custody of the Chief Superintendent as required in Rule 6 relating to the collection and despatch of answer books of General Rules and Instructions for the guidance of the superintendents in respect of the S.S.L.C. Public Examination.

4-9-10 ante (4) "That as stated by him in his statement dated 6-3-48, he gave away a copy of the question paper in Elementary Mathematics and Algebra and Geometry on 16-3-48 and 19-3-48 respectively at about 11 a.m. to Sri S. Parthasarathi, former Assistant of the Zamindar's High School, Thuraiyur, contrary to the Rule 4 of the General Rules and Instructions for the guidance of superintendents which requires that copies of question papers should not be given to persons other than the candidates who actually sit for the examination as it is likely to lead to malpractices, and

4 p 10 ante (5) "That by his above said acts, he knowingly and wilfully connived at and deliberately abetted and the malpractices of the above-mentioned candidates in the said examination.

4-9-10 ante The basis of the above charges will be found in the memo of charges.

4. I conducted an oral enquiry at the office of the District Educational Officer, Tiruchy, on 22nd, 23rd and 24th August 1949. 16 witnesses for the prosecution and 2 witnesses for the defence were examined at the enquiry. The accused officer submitted his final defence statement on 12-9-1949.

5 Charge I: The defence of the accused officer is this:

"He has sent a return at the end of the examination showing the total number of blank answer books received and issued each day. In regard to the additional books, he has sent a consolidated statement of the total number of additional books used during the examination. It has not been possible or practicable to maintain a correct account then and there of the additional books supplied for each examination and in each hall. The technical omission to record the actual number used on each occasion has no significance. All the answer books and additional books issued to him have been duly and faithfully accounted for by him. He has noticed that rule only when it was pointed out to him recently and he shall note it for future guidance."

relevant rule is not obviously acceptable. Apart from the fact that ignorance is no excuse, I cannot believe him when a person of his service and experience pleads ignorance in the matter. That his plea is only an after thought is too obvious.

There is no doubt that the accused officer has contravened the said Rule 9, in that he has failed to maintain an account of the issues made during the examination on each occasion and balance left at the end of the examination and it is proved on his own admission. He deposed at the oral enquiry that he has made use of the additional books for ~~and~~ sending returns and other correspondence to the Secretary in connection with the examination; that he has used them also for other educational authorities and that he has given one or two sheets to the departmental officer to answer some correspondence. He adds that he does not consider it a misuse of examination stationery nor a violation of Rule 9. I consider that his action in having made use of the additional books for purposes specified by him is highly irregular as Rule 9 does not admit of such things being done. I find him guilty of this charge.

Charge II: The accused officer states that if additional books were necessary in the course of the examination, the 2 reliable peons were used by him for the purpose of sending them to the respective halls under his supervision and that para 1 of rule 8 has not been contravened in any manner because the peons were being closely watched during the progress of the examination. At the enquiry he deposed that with reference to the instruction in para 1 of rule 8 that peons are ~~are~~ not allowed to leave their posts in the examinations, he could not follow the instructions since the examination was conducted in 4 different rooms. The peon, P. Muthuswamy, deposed that sometimes the additional books were sent to class through him when the Headmaster would stand by outside and show him the class in which they should be given and that he has never taken the paper alone at any time. In the first instance, rules do not contemplate that peons might be employed for the purpose. This very act of entrusting this work to the peon is irregular. Further beyond the evidence of the peon, there is nothing on record to show that when books were sent through the peon, it was done only under the immediate eye of the Chief Superintendent.

ps of book at (V)
(Ex II)

p 1 of (I)
(Ex II)

ps of Bk at (V)
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M-1-3 of (I)
8

ps of Bk at (V)
(Ex II)

p 3 of (I)

M-19-21 of (I)

I find him guilty of this charge also

relevant rule is not obviously acceptable. Apart from the fact that ignorance is no excuse, I cannot believe him when a person of his service and experience places ignorance in the matter. That his plea is only an after thought is too obvious.

There is no doubt that the accused officer has contravened the said rule 9, in that he has failed to maintain an account of the issues made during the examination on each occasion and balance left at the end of the examination and it is proved on his own admission. He reported at the oral enquiry that he has made use of the additional books for self sending returns and other correspondence to the Secretary in connection with the examination; that he has used them also for other educational authorities and that he has given one or two sheets to the departmental officer to answer some correspondence. He says that he does not consider it a misuse of examination stationery nor a violation of rule 9. I consider that his action in having made use of the additional books for purposes specified by him is highly irregular as rule 9 does not admit of such things being done. I find him guilty of this charge.

Charge II: The accused officer states that if additional books were necessary in the course of the examination, the 2 tablets were used by him for the purpose of sealing them to the respective desks under his supervision and that para 1 of rule 9 has not been contravened in any manner because the books were being closely watched during the progress of the examination. At the enquiry he deposed that with reference to the instruction in para 1 of rule 9 that books are not allowed to leave their desks in the examinations, he would not follow the instructions since the examination was conducted in a different room. The point.

2. Mr. ... deposed that sometimes the additional books were taken to the desks through him when the Headmaster would stand by outside and when the clock struck 12 they should be taken and that he has never taken the books alone at any time. In the first instance, rules do not require that books should be employed for the purpose. The very act of bringing this work to the desks is irregular. There is no provision in the rules that it was done only under the supervision of the Headmaster. It is not stated that the books were taken to the desks by the Headmaster and that he was present when the books were taken to the desks.

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M-3-4-87 BK
at (V)

(V)

M-13-1506 (I)

M-23-2506 (I)

Charge III: The accused officer deposed at the oral enquiry that with reference to the last para of rule 6, he had the packing and sealing of the answer books in his office room, not in the examination hall, not in any of the examination places. He also added that he considered the rule to refer to the presence of the departmental educational officer and not to the place of packing. It is evident that the packing of answer books was done, not in the examination hall, but in the office room. According to Rule 6, of the General Rules and Instructions for the guidance of Superintendents, which requires by implication that the packing and the sealing of the packets should be done in the examination hall itself, his action is highly irregular. His explanation that the rule is not explicit enough cannot be accepted.

10 Assuming that the packing of answer books in the office room is permissible, even so, the accused officer has not discharged his duties in a responsible manner expected of him. In his first defence statement the accused Officer stated that when the answer books in a cloth cover were being stitched partly, it was time for the distribution of the question papers and the answer books for the Natural Science subject; and that himself and the departmental officer had to go to the respective sheds for distributing the same. The clerk, Sri K. Srinivasa Ayyangar deposes that at the time when the District Educational Officer came and the cloth packing was three fourths over, there were in the office room the departmental officer and the Chief Superintendent, that the departmental officer went out only after the District Educational Officer came and the packing was finished; and that both the Chief Superintendent and the departmental officer went out together only and after the packing was complete. Janab M.A. Abdul Khadir, District Educational Officer, Tiruchi states as follows :

"I went into the office room, saw the answer papers of Physical Science paper being packed; the cloth cover was being stitched. The departmental officer was not there. The Chief Superintendent came out of the room just when I got out of the car. Then I asked for the departmental officer and was told he was in the hall superintending the examination."

11 The evidence of the departmental officer shows that he was present only when the Physical Science paper answer books were packed in brown paper

and therefore that the departmental officer was not

present at the time when the sealed bundles were being packed into cloth cover.

12 In the face of the clear evidence of both the departmental officer and the District Educational Officer, no reliance can be placed on the clerk's evidence that the departmental officer went out only after the District Educational Officer came.

13 Rule 6 provides that the scripts should be carefully packed and the closed paper bundles should be sealed with the private seal of both the Chief Superintendent and the departmental officer before being kept in a safe place under the personal custody of the Chief Superintendent and that on the next day, the sealed bundles should be examined again by the Chief Superintendent and the departmental officer to see that the seals are intact before being put into cloth covers and sealed with the Chief Superintendent's private seal. With reference to this rule, the accused officer should have kept sealed bundles in a safe place under his personal custody and attended to the work connected with the Natural Science examination, because the work could not possibly be completed in the presence of the departmental Officer before the Natural Science examination commenced. After the Natural Science examination was over, the sealed bundles relating to Physical Science papers could have been conveniently taken out and put into cloth covers and sealed in the presence of the departmental officer. This he failed to do. There is no point in the accused officer's defence that there was no time to have the work finished.

14 The accused officer has not offered any explanation as to why he had left the physical Science bundles in charge of the clerk, when he left for the examination hall instead of placing them in a safe place under his personal custody. Obviously he has no satisfactory explanation to offer.

There can be no doubt that he is guilty of this charge.

Charge IV:- The defence of the accused officer is this: He admits that more than one hour after the commencement of the examination the question papers relating to Elementary Mathematics and Algebra and Geometry were shown to Sri Parthasarathy just for perusal to satisfy his curiosity to know whether they were stiff or easy and they were taken back. But he argues that the question paper becomes a public property as it were after half an hour of the commencement of the examination and that anybody can have access to it from

M-3-4 of BK at (V)

M-7-9 of (I) 15

from the candidates who leave the hall after a period of half an hour. He therefore avers that there has been no infraction of either the letter or the spirit of the rule. At the oral enquiry, he admits however that while the candidate can show his paper to anybody, the Chief Superintendent himself, cannot directly make the question paper public before the end of the examination. He points out also that at this particular examination, no candidate went out immediately after half an hour; that he does not remember if any candidate went out before he showed the question paper to the teacher and that he did not ascertain if at least one candidate had given up his answer book and gone out of the examination hall before he showed the question paper to any teacher. In the first place, the Chief Superintendent has no business to show, even for a while, any question papers to anybody whatsoever. Secondly, even if, according to the accused officer's own statement, there is no objection to question paper being shown by him for the reason that the question paper had become public property, there is no evidence to indicate that question papers had actually become public property before question papers were shown to Mr. Parthasarathy. His arguments are therefore not acceptable and this charge may be held to have been proved.

16 Charge V:-- The accused officer denies this charge.

Arrangement of seats :-- The accused officer states that the seating arrangement adopted by him was the one he considered proper and reasonable to the best of his lights, having regard to the nature and type of the buildings available .and that it was approved by the District Educational Officer. The District Educational Officer deposes as follows :--

"Even if there was need for 4 halls, all the school candidates and the private candidates should be separate. That is what I thought. I expressed these to both the Chief Superintendent and the Departmental Officer and I even said about private candidates that their seats could be arranged for every day, because all the 15 were not taking examination every day. I got a report from the Departmental Officer and the Chief Superintendent about the changing of the seats. After that also, there was no change in the 4th hall excepting inserting 2 more private candidates and there were again a mixing up of school and private candidates. What I felt was that there might be malpractice. When I went there, the arrangements were rather queer because I would not have done it in this way. It was a very inconvenient arrangement".

17 The District Educational Officer's instructions in effect were that the school candidates and the private candidates should not be mixed up. But when even after the District Educational Officer's instructions

at the time of the visit to the school, the accused officer had not cared to carry out his instructions. Of the four halls in which the examination was conducted, the school candidates and the private candidates were mixed up in three halls even after the rearrangement of seats.

M-3-7 of I

The accused officer deposes at the oral enquiry that it did not strike him to put all the 6 private candidates in the re-arrangement in one room and that he could have put 6 private candidates in the South shed and 3 more school candidates in the small room but it did not strike him to do so. The defence of the accused officer is untenable for the following reasons:--

(1) The accused officer himself pointed out that the placing of private candidates in one hall would only facilitate collection of answer books. Though he knew that such an arrangement had this particular advantage yet he did not choose to adopt this obvious arrangement.

(2) The District Educational Officer repeatedly emphasized the necessity to place all the private candidates in one hall. But his instructions in this respect were disregarded by the accused officer. There can be no doubt that the seats were arranged deliberately and wilfully.

Of the four halls in which the Public Examination was conducted, one hall is in V-A room which is one of the three rooms in one block. The end rooms have encroachments namely library room has projected into one end of the room which is V A room and the other end has an inside room. These encroachments in the end rooms thus leave pockets where a person, standing at one end of the pocket cannot see things happening at the other end of the pocket. The middle room is free from these encroachments and therefore has no such disadvantage.

The defence of the accused officer is this :--

"The reason why I chose the end room instead of the middle one, which had no inner room or pockets, is that generally in schools examinations, we follow this order, and secondly there is special provision for one girl candidate in the end room."

18 The defence is not only unconvincing but it also proves that the headmaster did indeed have a motive in choosing the particular room. In this context, I feel that the choice of the end room is very significant. The choice of the end room and not the middle room as well as the disposition of seats in the end room appears to me deliberate and there is no valid ground to justify the choice of the end room being made.

19 The school candidates bearing Nos. 38899, 38900 and 15 private

-11- 18

c candidates were given seats in the south shed. When the south shed could accommodate 18 candidates the number of candidates actually accommodated there were only 17. In the one vacant place thus available, the school candidate bearing No. 38901, who was seated in V Form A room could have been accommodated in the south shed. The accused officer has no explanation to offer for this.

20 The accused officer states that the pupil bearing Register No. 38867 was the only girl student taking her examination at that centre and that in order to avoid any embarrassment to that girl by making her sit along with the other pupils, she was given a seat separately in that tiled shed. At the enquiry, he deposes that when the Assistant Superintendent goes behind the seat of No. 38867 in the small room he could not see No. 38901 and vice versa. All the candidates including the girl accommodated in V form are school pupils. When it caused no embarrassment to the girl when she studied along with male pupils in the school, it is not known what kind of embarrassment would be caused if she had been seated in a place where she could be seen by other candidates seated there.

21 In the circumstances, the conclusion is irresistible that in the arrangement of particularly 3 seats viz., Nos 38901, 38906 and 38867 the accused officer is actuated by malafide motive.

22 A comparative study of the marks obtained by the three candidates in both the class and Public examinations, which are given below, leads one to suspect whether, having regard to their ability as evidenced by the marks obtained in the class examinations they could have normally secured the marks at the Public Examination they did. I do not consider the accused officer's explanation in this respect satisfactory.

	At class		At Public Examination 1948	
(1) Sampath Gowri (No. 38867)	32		85	
Elementary Mathematics				
(ii) N. Padmanabhan (No. 38901)				
	1947		1948	
	First appearance		Second appearance.	
	Class	P. Exm.	Class.	P. Exm.
Ele. Mathematics.	50	49	66	84
Algebra and Geometry	21	18	35	48
(iii) M. Doraiswamy (No.. 38906)				

(iii) M. Doraiswamy (No. 38906)

	1946		1947		1948	
	Class	P.Exmn	Class	P.Exmn	Class	P.Exmn.
English	29	35	42	36	38	38
Ele. Maths	38	29	54	44	43	100
Algebra & Geometry	18	7	58	23	28	68

Regarding the performance of the candidate No. 38906 in the optional Mathematics paper, Sri S. Narasimhan, Headmaster, R.B.A.N.B.'s High School, Bangalore to whom the valued answer paper of the above candidate was referred for his opinion by the Secretary to the Commissioner for Government Examinations as states as follows :--

M-7-7a of (T)
(Ex-3)

"In 38906, the proof of the theorem of Question XII is not adequately expressed and half the maximum has been awarded.

38906 has fumbled at first and judging from the answers to the first few questions, one would not have expected so many marks from him. As a matter of fact, he has got only 8 marks in the main answer paper and all the remaining marks in the additional sheets. Some of the questions attempted incorrectly in the main answer paper have been again worked correctly in the additional books.

23. This candidate secured 8 marks in the main answer book and 49 3/4 marks in the additional books. The accused offer states that "this may be due to nervousness in the first instance and proceeding calmly afterwards".

24 The candidate who used 3 additional books and scored 68 percent of marks in the examination hall before the cannot possibly be expected to leave the examination hall before the expiry of the time limit assigned to the paper, especially as he himself admitted that he is an average student. But the evidence on record shows that he left the hall before the time limit fixed. His scoring of large ^{no.} of marks in the additional books and leaving the examination hall before the expiry of the prescribed time, taking together with the giving away or showing the question paper to a teacher of the school by the Headmaster before the examination was over, the presence of this teacher in the Physical Education room which is only a part of the office room, and the packing of bundles of answer books in the same office room contrary to the rules requiring packing in the hall and with no certainty that the Departmental Officer was always there at the

packing as revealed by the evidence

... candidates were given seats in the south shed. When the south shed could accommodate 18 candidates the number of candidates actually accommodated there were only 17. In the one vacant place thus available, the school candidate bearing No. 38901, who was seated in V form A room could have been accommodated in the south shed. The accused officer has no explanation to offer for this.

The accused officer states that the pupil bearing register No. 38887 was the only girl student taking her examination at that centre and that in order to avoid any embarrassment to that girl by making her sit alone with the other pupils, she was given a seat separately in that shed. At the enquiry, he deposes that when the Assistant Superintendent goes behind the seat of No. 38887 in the small room he could not see No. 38901 and vice versa. All the candidates including the girl accommodated in V form are school pupils. When it caused no embarrassment to the girl when she studied along with male pupils in the school, it is not known what kind of embarrassment would be caused if she had been seated in a place where she could be seen by other candidates seated there. In the circumstances, the conclusion is inevitable that in the arrangement of particularly 8 seats viz., Nos 38901, 38906 and 38907 the accused officer is actuated by malevolent motives. A comparative study of the marks obtained by the three candidates in both the class and public examinations, which are given below, leads one to suspect whether, having regard to their ability as evidenced by the marks obtained in the class examinations they could have normally secured the marks as the public examination show. I do not consider the accused officer's explanation in this respect satisfactory.

(i) Sample mark (No. 38901)
Language Examination
(ii) ...

First examination
Class 7. English

...
...
...

(iii) M. Doraiswamy (No. 38906)

by other circumstances and lends support to the conclusion that some malpractice must have been committed.

25 The accused officer winds up his defence by saying that the allegations made against him are the result of malice, but has not mentioned any single act of his which may have given rise to malice in any quarters; that the evidence let in did not show that Maruthamuthu had occasion to leave the examination hall and that the evidence of Sri T.K. Ganesan is interested.

26 I find that the witnesses at the oral enquiry resiled from the statements given at the preliminary enquiry. I believe that the witnesses have evidently been won over.

27 The evidence of Sri Ganesan is interesting and throws light on the matter. His evidence only indicates that "something is rotten in the state of Denmark". Apart from the evidence most of my conclusions are chiefly based on the statement of the Headmaster himself, on the disposition of the buildings in which the examination was held and the place where the answer books were packed and the evidence afforded by the answer books. If the Headmaster were a man with less experience, each irregularity taken by itself may not be so significant and may be attributed merely to his negligence in the discharge of his duties. But I cannot believe that a Headmaster with so much experience could be so easily ignorant or negligent in respect of so many of these matters together and at the same time. The evidence under all irregularities in its cumulative perspective goes to show that the accused officer has deliberately arranged things with intent to help the candidates to resort to malpractice.

28 The accused officer's failure to maintain a daily account of the issues and the balance of the answer books; his improper and wilful use of some additional books for purposes not contemplated in the rules, the packing of answerbooks in the office room where access could be had by anybody and not in the examination hall; (the presence of Sri Parthasarathy Mathematics Assistant, in the Physical Science hall near the office room, to whom papers relating to Mathematics were shown; the unsatisfactory and queer manner in which the seats were rearranged even after the District Educational Officer's visit, disregarding his instructions - all these force me to the conclusion that the accused officer is guilty of ~~cheating~~ the

Copy of Director's proceedings Roc 1970 E4/49 dated 30.11.49.

Subject: Madras Educational Rules - Disciplinary action against Sri
N. Subbu Reddiar, Headmaster, Zamindar's High School,
Thuraiyur - Malpractice in the S.S.L.C. Examination 1948
R e a d: Director's proceedings Rc 1970 E4/49 dated 13-7-1949
Report of enquiry dated 1.11.1949 of the Deputy Director of
Public Instruction (Elementary Education) together with the
defence statements and other papers.

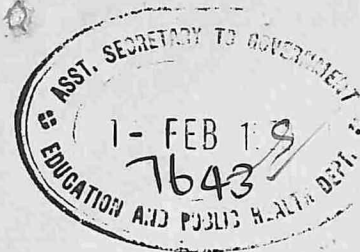
After a careful consideration of the report of enquiry
and findings of the Deputy Director of Public Instruction (Elementary
Education) on the charges framed against Sri N. Subbu Reddiar, Headmaster,
Zamindar High School, Thuraiyur in the Director's proceedings quoted
above and of the defence of the accused officer, the Director hereby
orders (1) that Sri N. Subbu Reddiar, Headmaster, Zamindar's High
School, Thuraiyur be debarred premanently from all patronage such as
Examinerships, Nomination to the various committees etc and (2) that
he be declared unfit to be a Headmaster for a period of two years
with effect from the date of his relief from duty as the Headmaster
of the present school.

The Correspondent, Zamindar High School, Thuraiyur is requested
to report the date on which the Headmaster is relieved from the Headmaster's
post, through the Divisional Inspector of Schools, Coimbatore.

The Divisional Inspector of Schools, Coimbatore is requested
to have the usual notification published in the Fort St. George Gazette.

/True copy/

D. P. Pantanah
for Director of Public Instruction.



Before the Minister for Education, Government of Madras,
Fort St. George, Madras.

N. Subbu Reddiar, (on leave)
Headmaster, Zamindar's High School,
Turaiyur, Tiruchirapalli Dt. .. Petitioner.

The Petitioner abovenamed begs to state as follows:-

- M 1-2 ante*
1. The Petitioner herein has already, on 6-12-1949, presented a petition against Proceedings R.O.C.1970-E.4-49 dated 30-11-1949 of the Director of Public Instruction, Madras, requesting the Government's intervention in the order aforesaid.
- p 21 ante*
- M 8-10 ante*
2. The charges against the Petitioner were ~~the~~ five in number, alleging malpractices and breach of the rules contained in the "general rules and instructions for the guidance of Superintendents" in respect of the S.S.L.C. Examination held at Turaiyur High School in March, 1948. The said examination commenced on 15-3-1948 and was over on 20-3-1948. In the Turaiyur High School, there were four Examination Halls, of which Room No.5-A is stated to be the place where the alleged malpractice had been committed in respect 3 candidates whose Register Numbers are 38867, 38901 and 38906. It is also stated that - the alleged malpractices were committed in respect of the Elementary Mathematics Examination and the Examination in Algebra and Geometry. The Elementary Mathematics Examination took place on the forenoon of 16-3-1948 and the Examination in Algebra and Geometry was held on the morning of the 19th in the Central Hall, as it was found sufficient and adequate to accommodate 43 students who -

23
- 2 -
appeared that year for that subject.

M 63-65 of I
(C 112)
M 23-31 of I
3. The Elementary Mathematics Examination in respect of the 3 particular candidates was held in Room No.5-A. There were 7 students sitting in that Hall. The Assistant Superintendent in charge of that Room was one Sri S. Marudamuthu, who has been examined as P.W.7 in the case. The District Educational Officer, P.W.16 in the case, visited the centre on 17-3-1948 at about 11-30 A.M. and went round the Examination Halls. According to his evidence, he along with the Petitioner went round the halls and found that the arrangement was not satisfactory and that it should immediately be re-arranged even for the afternoon examination. This suggestion, in the words of P.W.16, was made "in a general way". His evidence makes it clear that he did not give any particular or specific direction as to the particular re-arrangement which he thought should be made or could be made. His evidence also makes it clear that he never communicated to the Chief Superintendent, viz. the Petitioner, as to how and in what manner the re-arrangement should take place. The Departmental Officer who was present on all the Examination days and who came to the place a day prior to the commencement of the examination, did not make any suggestion about the arrangement of seats and in the absence of any suggestion from him, the Petitioner legitimately felt that the arrangement was proper and did not require any alteration anywhere in

24
- 3 -
the four Examination Halls. After the suggestion of P.W.16, no time was lost to re-arrange the seats in Class Room No.5-A by bringing in two more students, including P.W.4 and another who has not been examined in the ~~same~~ enquiry. The re-arrangement was made on the afternoon of 17-3-1948. The Elementary Mathematics examination was, as already stated, on the forenoon of 16-3-1948. The evidence of P.W.4 is clear that on the date of the Elementary Mathematics Examination, he was not in V-A Room. This witness, P.W.4, being a History student was not present on the Algebra and Geometry Examination day in the hall where the examination on that subject took place. This witness was thus absent on the two days so far as Room No.5-A is concerned, and his evidence does not help the prosecution in any way or to any extent. The witness is definite that the candidates Padmanabhan and Doraiswamy, whose Register Numbers are 38901 and 38906 were not helped by the Headmaster in this or any other subject. According to his evidence he had not seen nor heard that the two candidates were helped by the Headmaster.

M 75-77 of I
H 27 of 9
4. The evidence of P.W.16 as to the alleged malpractices in the Algebra and Geometry Examination is not worthy of any credence, as the same is based on the absence of any writing in the margin Ex.I, himself being admittedly ignorant of Algebra and Geometry, and he is unable to speak to any malpractices as having taken place, as he says that such things ~~are~~ are quite possible and perhaps probable, and nobody can be convicted on possibilities and probabilities in a matter of this kind. When he felt any queerness of the arrangement which made

him think such a thing possible, it was up to him as a responsible officer and as the District Educational Officer to have made necessary suggestions not only before the commencement of the Examination but even at the time when he found the queerness in the arrangement by giving concrete suggestions and seeing that the suggestions are carried out, instead of attempting to take action on anonymous letters addressed to him and pursuing the matter further with the help and assistance of the Deputy Inspector of Schools Mr. R. Subramania Pillai, who has not been examined in the enquiry. The evidence of the District Educational Officer, P.W.16, indicates that there was compulsion and coercion in bringing forward witnesses to depose against the Petitioner. He states that he did not take statements from everybody and did not compel everyone to give a statement, thereby making it obvious that there was compulsion in respect of some at least of the persons examined by him.

M 79-81 of ⑨ 5. In fact, a suggestion to P.W.3 has been made in the course of his cross-examination that one Lokanathan, who took the witness to the Travellers' Bungalow at the District Educational Officer's enquiry, suggested on the way that the witness could also talk to the Deputy Inspector of Schools about teachers' posts vacancies, for which P.W.3 apparently made attempts. Further questions on this subject of a promise to the witness to get a teacher's post in the event of his giving evidence against the Petitioner, were put to the witness, but the Enquiring Officer -

disallowed those questions and the matter could not be pursued further. It is in the evidence of this witness that persons have been employed for the purpose of recording the evidence given in Tamil and the translation in English was dictated by the District Educational Officer himself. It is very strange that students who stood for the S.S.L.C. Examination and who also passed in the very same examination should be taken by the District Educational Officer to be incapable of writing in English what they say in Tamil and that the District Educational Officer should come in for dictation.

M 75-77 of ① 6. The evidence of P.W.4 makes it clear that even a student, who has failed in English, is capable of writing his statement in English. P.W.5 has given a statement on 2-8-1948 before the District Educational Officer, but the statement has been written by Sri Ranganathna Sastri, who is P.W.6 in the case. P.W.5 states that the contents written by P.W.6 were not what the witness deposed and that he only affixed his signature to the statement on the assurance given by the District Educational Officer that the witness need not be afraid of putting his signature. That there was such an assurance given by the District Educational Officer is clear from the evidence of P.W.6, the said Sri Ranganathna Sastri, who is definite that the District Educational Officer said "Why are you afraid". P.W.6 would say that he was able to conjecture as to why P.W.5 would not write in English and why his own services should be called in to write the statement. The reason given by P.W.6 for recording the statement of P.W.5 is very strange, in that, according to his conjecture, P.W.5 perhaps thought that he would commit spelling mistakes and there-

did not want to write it himself. It is noteworthy that P.W.5 has ~~in~~ passed the S.S.L.C. Examination - the same year, even in English, and is now a student of the College. It is still more noteworthy that - the statement of P.W.5 is recorded in Tamil and it - is well nigh impossible that an S.S.L.C. student who passed the examination even in English and aged 19 years should be afraid of writing a statement in Tamil his mother-tongue. In these circumstances, it is - fairly clear, ~~but~~ if not conclusive, that the recording of the statement was not free from suspicion and coercion.

7. There is no evidence of any eye-witness among the several witnesses on the side of the prosecution, to state that any malpractice was committed on the - date of the Elementary Mathematics Examination, the - evidence of P.W.4 being of no help, as, according to - his own evidence, he was not present in Room No.5-A on that date. The examination in Algebra and Geometry took place on 19-3-1948 (forenoon) when all the 43 - candidates who appeared for the examination were seated in the Centre Hall only, and it is incredible that in addition to the Chief Superintendent, --the Petitioner herein, --the Departmental Officer and one Assistant Superintendent were present in the hall on that date anything would have happened. The Departmental Officer has been examined as P.W.10 in the case. The - evidence of this witness is very important and interesting. He states that he considered the arrangement convenient enough to collect private and school, candidates' answer-books separately and took all steps to see that the instructions of the District Educational

Officer were carried out without delay. In his opinion he did not consider the possibility of putting the school candidates and the private candidates in - separate sheds in re-arrangement. He took all steps to see that no strangers were present in the buildings and compound. He corroborates the case of the Petitioner that the Algebra & Geometry Examination took - place at the Central shed and that there was only one hall on that day for the examination. Algebra and - Geometry was the only subject of examination in that session. He is unable to state definitely whether additional books were supplied before or after some boys left the examination hall. Even this witness did not consider it objectionable that the Chief Superintendent - should show the question paper to teachers and taking it back shortly afterwards. If in the opinion of the Deputy Inspector of Schools, who was the Departmental Officer for the examination in this centre, the showing by the Chief Superintendent of the question paper to - teachers and taking it back shortly afterwards is not - objectionable, so there is nothing wrong in the Petitioner also viewing the same as unobjectionable. The Departmental Officer was also present when the question paper was shown to the teachers and taken back and no - protest or objection was raised by him then. This - witness is quite definite and certain that the question paper was shown to teachers only half an hour after the commencement of the examination and further states that it may be one hour or 1½ hours afterwards that the teachers came to see the question paper. All seating arrangements were done to the satisfaction of the Departmental Officer and any suggestion given by the District Educational Officer was carried out immediately and without -

any delay. The Petitioner cannot, in any view of the matter, be found to be responsible for anything that he did in this manner.

pg ante

pg of book at (V)

8. Taking the Charges seriatim: The First Charge is that the Petitioner did not maintain an account of the issue of Answer-books and Additional-books as required under Rule 9 of Chapter I of 'General Rules and Instructions for the guidance of Superintendents' in respect of the S.S.I.C. Examination. The said Rule simply states that an account should be maintained by the Chief Superintendent of the blank answer books, additional answer books and other articles of stationery supplied for the examination, showing clearly the supply received from the Secretary, the issues made during the examination on each occasion and balance left at the end of the examination and at the conclusion of the examination a statement in the prescribed form should be sent to the Secretary, Board of Secondary Education along with the Report of the examination. There is no dispute in the case that the Petitioner sent statements in the prescribed form at the conclusion of the examination. The complaint is that the issues made during the examination on each occasion has not been noted by the Petitioner. Technically viewed, this may be a fault on his part, but this omission does not in any way speak to the discredit of the Petitioner, in as much as the statements in the prescribed form have been made showing clearly the supply received and balance left at the end of the examination.

pg ante

9. The Second Charge is that the answer books were

pg of book at (V)

sent through the peon without adequate precautions for his being watched as required by Rule 8. The Rule states that care should be taken to see that peons and Mochis are closely watched during the progress of the examination and that they are not allowed to leave their posts in the Examination Hall while the examination is going on. The said Rule 8 does not in terms say that answer books should not be sent through the peons at all. It is not easily possible for the Chief Superintendent to take the necessary answer books to four halls all at the same time during the examination. The Rule requires only close watching and the Petitioner has taken all steps that peons and Mochis who took the answer books did not misbehave and are not used as means of communication between the candidates in the examination room as well as between candidates and their accomplices outside. It is the case of the Petitioner that blank answer books and additional books used to be carried to the respective halls by the Assistant Superintendents concerned at the beginning of the examination. Only if additional books were necessary in the course of the examination they used to be sent through the two reliable peons employed in the School and that he was ~~supervising~~ supervising closely and carefully the conduct of those peons when taking the additional books. The answer books were never sent through the peons without adequate precautions being taken. There are only two peons in the School and four Examination Halls. The Chief Superintendent cannot take additional books himself to four halls when demands come in simultaneously for additional books, and he has necessarily to indent

upon the services of the peons, the Assistant Superintendents being engaged in the respective Examination Halls and cannot come out for taking the additional books. The two peons have been employed in the School and are in service for about 8 or 9 years. One of the two peons has been examined as D.W.2. He states that sometimes additional books were sent to the Examination halls through him when the Headmaster would stand outside his office room and show him the class in which the books should be given. He is definite that he never took the answer books alone at any time. Nobody except the Headmaster gave any blank answer book or additional book to him to take to the class room. P.W.7, Sri S.Marudamuthu, who was also an Assistant Superintendent in the Public Examination held in March 1948, states in his evidence that whenever he required additional answer books, he used to stand at the entrance and call out "Additional sheets" to be heard by someone in the office and that peon Periaswamy or Muthuswamy (Munuswamy in the recorded deposition is an obvious mistake) whose name he does not know for certain, used to bring the additional books. He also states that after the peon entered his room with the additional books, the Headmaster followed about 10 feet behind. This witness states that the Headmaster came after the peon generally, though he does not remember if the headmaster so followed the peon every time. It is thus clear that the Petitioner,--the Headmaster and the Chief Superintendent,--took all precautions possible to see that no mal or questionable practice was committed by the peon entrusted with the duty of carrying

the additional books. It is also clear that the Headmaster following the peon 10 feet behind has kept close watch over the peon at the time. In the face of this fair and candid admission of P.W.7, it is obvious Charge No.2 has no foundation whatever, there being no prohibition to send answer or additional books through the peon and when it is admitted by the prosecution witness that adequate precautions have been taken by the Headmaster following closely behind the peon whenever he took the additional books to the examination hall.

P9 aut

10. Charge No.3 is to the effect that the Petitioner left a partly packed bundle of answer books in Physical Science in charge of the Clerk of the School on 17-3-1948 at the School office-room in the interval between 11-15 A.M. and 11-30 A.M. instead of its being kept in a safe place under the personal custody of the Chief Superintendent, and reliance is placed on Rule 6. On 17-3-1948 the Physical Science examination took place between 10 and 11-15 A.M. The second examination was in Natural Science, which took place between 11-30 and 12-45. P.W.16, the District Educational Officer, has been called in to prove this charge. He relies upon Rule 6 of the Instructions for saying that packing should not be done in the Office-room. This witness came to the Turaiyur centre on 17-3-1948 at about 11-30 A.M. He went into the Office-room, saw the answer papers of the Physical Science Examination being packed and the cloth cover being stitched then. It is to be remembered that at this hour, 11-30 A.M. the examination in Natural Science is to start at this precise hour. So the Departmental Officer was not in the Office-room and had gone to the

Central shed. This Officer does not say in his evidence that he ever objected to the packing and stitching being done in the Office room, so that even if - doing the thing was objectionable under Rule 6, on which he now strongly relies, the Petitioner might not commit the same irregularity afterwards. This Officer is supposed to be thorough with the Rules and have them at his finger's ends at all times. He was not - then able to draw the attention of the Petitioner or even the Departmental Officer that packing the answer books in the Office-room was objectionable, as being in violation of Rule 6. He has now chosen to frame a charge and rely very strongly on Rule 6, when in fact he himself perhaps was unaware of the Rule at the time when he inspected the office on the same day when the objectionable thing was being done in his very presence. In any event, it must be deemed that the District Educational Officer did not then consider it to be in any way a serious irregularity.

11. D.W.1, the Clerk of the High School, has been examined in this connection. He is definite that at no time when the Chief Superintendent and the Departmental Officer were not present did he do any packing. When P.W.16 came to the Office room, the witness states, that the peon was stitching three-fourth part of the cloth bag and after that was complete, the Chief Superintendent began to affix his seal. The Departmental Officer had gone urgently in connection with another examination to give away question papers. According to this witness, the Departmental Officer used to be present at the time when the school-rubber-stamp was affixed. So far as this charge is concerned, the

Petitioner submits that in as much as the first examination was over at 11-15 A.M. and the second examination started at 11-30 A.M., and in view of the fact that the second examination should take place in the halls and the packing and everything should be complete in the interval of fifteen minutes, and in ^{the} view of the Petitioner and the Departmental Officer it would not be possible to complete the packing, stitching and sealing in the respective halls, the answer books collected were taken to the office-room and the rest of the thing was being done as expeditiously as possible in the presence of the Departmental Officer and the little that remained to be done after the Departmental Officer and the Chief Superintendent had left the office-room for the purpose of opening the question paper cover and distributing them to the candidates was left to be done under the direct supervision of the Office-clerk and the Chief Superintendent after his return. The shortness of time was the sole factor which compelled the petitioner to depart from the requirements of Rule 6, and in the special and peculiar circumstances stated above, the Petitioner craves that any infringement of Rule 6 may be overlooked and pardoned.

14-9-10 ante

12. The Fourth Charge that the Petitioner gave away a copy of the question paper in Elementary Mathematics and Algebra and Geometry on 16-3-1948 and 19-3-48 respectively at about 11 A.M. ~~and~~ to Sri S. Parthasarathy former Assistant of the Zamindar's High School, Turaiyur contrary to Rule 4, has been satisfactorily explained by the Petitioner in his answers. The Departmental Officer, who has been examined as P.W.10 in the case, has

stated that he did not consider it objectionable if the Chief Superintendent showed the question paper - to teachers and took it back. He asserts that the question paper was shown to teachers only half an hour after the commencement of the examination. In the view taken by the Departmental Officer, the Petitioner also thought that it was not a serious violation of the Rules, which are only Instructions, that the question paper should not be shown even to teachers employed in the School and who were in charge of the particular subject. In the submission of the Petitioner, the prohibition against giving copies of question papers to persons other than the candidates seems to be intended to the giving of the paper soon after the packet containing it is opened. The object of the Instruction seems to be that if the question paper is given to a non-candidate simultaneously with its distribution to the candidates, the paper may go out of the examination hall and be available for perusal by the candidates who are entitled to enter the hall at any time within half an hour after the commencement of the examination. If any question paper is given or shown to a teacher employed in the School after half an hour of the commencement of the examination, there is no possibility of the question paper leaking out and the candidates coming in after knowing the questions to write the examination. The evidence in the case is quite definite and positive that the question paper was shown to the teacher concerned only after ~~the~~ half an hour of the commencement of the examination. The spirit underlying the prohibition

has been very well carried into effect by the question paper being withheld even ^{from} by the School-teacher in charge of the subject by its being shown only after the half hour, when the possibility of any candidate coming into the examination hall is ruled out.

13. The Fifth charge is a sweeping all-round charge, that the Petitioner knowingly and wilfully connived at and deliberately abetted the malpractices of the abovementioned 3 candidates in the said examination. The Petitioner has attempted to point out that there has been no malpractice or any kind whatsoever either in respect of the three candidates or in respect of any others, and there is therefore no question of deliberately abetting the said malpractices and knowingly and wilfully conniving at them.

14. After all, the prosecution is bound to prove the case to the very hilt and if the prosecution fails in that duty, the Petitioner is entitled to be absolved from the charges laid against him.

15. P.W.1 states that the Petitioner spent only between 2 and 3 minutes more than he spent in Rooms other than V-A, where the 3 candidates in question were seated. Between 2 and 3 minutes nothing can be done by way of helping the candidates in Elementary Mathematics or in Algebra and Geometry. In cross-examination, the same witness says that he cannot say definitely how long the Chief Superintendent spent in Room V-A.

16. P.W.2 states that the alleged help received by Doraiswamy and Padmanabhan, two of the 3 candidates

mentioned in the Charge, was only a rumour and that he had not seen the thing himself and he too did not believe it. He never knew when Doraiswamy and Padmanabhan left the examination hall, and he did not see them leaving the hall. The whole thing is based on hearsay.

17. The evidence of P.W.3 is almost to the same effect and he relies upon what Rajesvaran Buckle had told him about the help which Padmanabhan, Doraiswami and Gowri received from the Headmaster. It is curious that Rajesvaran Buckle, who is alleged to have told P.W.3 about the Headmaster's help to the 3 candidates, had not been examined in the case. The witness had not seen the help, as he was in a separate shed. This is the witness who was promised a teacher's post by the Deputy Inspector of Schools, and his statement given on 1-8-1948 with the promise of a job stands condemned.

18. The lady candidate, Sampath Gowri, whose Register Number is 38867, was, according to P.W.4, seated in front of this witness, and he says that so far as he could see in front, nobody helped Candidate No.38867, and he is quite honest and frank in saying that he could not say if anybody helped those seated behind him. He goes further and states that he did not hear any sign of help from behind and he admits that P.W.7 was sitting near the girl candidate. It is impossible that any help should have been given to Sampath Gowri when P.W.7, the Assistant Superintendent, was always sitting close by her.

19. P.W.5 does not advance the case of the

prosecution to any extent. P.W.6 was the instrument for writing the statement given by P.W.5 in Tamil. The recording was also in Tamil. There is no reason why the statement of P.W.5 should not have been written by the witness himself in Tamil, although he passed the S.S.L.C. even in English in the same examination.

20. The evidence of S. Marudamuthu, P.W.7, is unworthy of any credit. He does not remember in which direction the girl candidate was facing, although he is able to remember that she was sitting in a corner. He does not remember the date of the visit of the District Educational Officer, but he was quite sure that the seating was not changed after the visit of the District Educational Officer, even though the Departmental Officer admits that the seating arrangement was altered on 17-3-1948 at the suggestion of the District Educational Officer. If, according to his evidence, the girl candidate faced a different side from the others, it would have been possible for the candidates to have seen if any help was given by the Headmaster or by anybody else to the girl candidate particularly. This witness admits that the Headmaster was doing only supervision work by going round the room and he cannot remember definitely if he stood near and watched any of the candidates. This witness had been alert and vigilant, in that he never used to sit but always kept standing and going round the room. In spite of all his alertness, he does not state that the Headmaster rendered any help either to Sampath Gowri or to any other male candidate. He admits that he possessed

ordinary memory to say how long the Chief Superintendent spent in his room, but cannot say exactly ~~xx~~ how many minutes.

21. The evidence of P.W.8 is to the effect that additional books used to be brought by the Chief Superintendent also.

22. The evidence of P.W.10, far from helping the prosecution goes a long way in support of the Petitioner.

23. In the course of the cross-examination of P.W.11, an attempt has been made to produce the letter written by the District Educational Officer asking this witness to come and give a statement about the Petitioner herein. The witness is asked to produce the letter and he states that the letter was taken back from him by the District Educational Officer when he went to see him. The suggestion made is to the effect that this witness has been coerced to give evidence against the Petitioner by the District Educational Officer, and in spite of this, this witness admits that the Headmaster used to take the Additional books whenever they were required.

24. One of the candidates who is alleged to have received help from the Petitioner by objectionable and questionable methods is N. Padmanabhan, P.W.12 in the case. This witness appeared for the S.S.L.C. Public Examination in 1947 and 1948. It is not very curious or astonishingly strange that a candidate appearing for a second time in the same examination should have got 84 marks in the Public Examination, while his

class-marks are only 66 in Elementary Mathematics. Similarly, in Algebra and Geometry, he got 48 marks in the Public Examination, while he got only 35 marks in the class. It cannot be stated that a student will not make progress even in the second year. Without steady and continued progress, a candidate who failed in one year can never hope to succeed in the subsequent years. The disparity in marks is not very high and if the alleged help by the Headmaster was real, the marks would have been very much higher. The fact that he got only 48 marks at the Public Examination in Algebra and Geometry is eloquent testimony for his inability to answer the full paper and leaving the examination hall earlier than the appointed time. He took additional books ~~but~~ for working further sums, and in spite of it he has not even scored 50 per cent. The alleged help of the Headmaster is imaginary and unbelievable. The evidence of the expert witness, Rev. D. Thambuswamy, P.W.14 in the case, is not in any way against the Petitioner.

25. P.W.15 is M. Doraiswamy, one of the candidates alleged to have received help. This candidate sat 3 times for the S.S.L.C. Public Examination and it is no wonder that he has scored high marks in his third attempt.

26. If it is the view of the Department that any student should continue to be of the same ability without any improvement or progress and continue to fail in any Public Examination, then the charge of having received help may seem to have any basis. In that case, all educational institutions will render no useful purpose

to the society. The increase in the number of marks in the case of this particular ~~statement~~ student is due wholly to the fact that his former two attempts had failed and he had taken strenuous efforts to improve his knowledge of Elementary Mathematics and Algebra & Geometry, and his efforts have yielded the result sought for. In this case there was an Assistant Superintendent in charge of the room, Room 5-A and the Headmaster exercised only casual supervision as and when time permitted. The Assistant Superintendent, who was in charge of the room, has been examined as P.W.7, and his evidence has been analysed in the preceding paragraphs. He too does not go to the extent desired by the prosecution that the Headmaster rendered any help either to P.W.15 or P.W.12. The girl student has not been examined in this case for reasons not known. Two out of the 3 candidates who were alleged to have received help have given evidence denying any such help, and there is no positive evidence that the Headmaster did anything positively or otherwise to help all or any of the 3 candidates. The report of the enquiry has not been furnished to the Petitioner although he made applications for the same twice, and on that ground he is unable to meet the points made out against him in that Report, and if one is furnished to him, he has no objection to meet every point found against him by the Officer who conducted the enquiry.

26. Lastly, the Petitioner submits that by the denial of legal assistance to conduct the defence,

he has been considerably prejudiced and handicapped, he being only a teacher not acquainted with the procedure or the legal aspects of the matter.

27. For all the reasons above stated, the Petitioner submits that no case of malpractice has been proved or established against him, and if, in the opinion of the Government, it is found that he has not been strictly adhering to the letter of the law, he regrets for such inadvertence and requests Government to take a sympathetic and lenient view of the case. The punishment awarded to the Petitioner is, in the circumstances of this case, far in excess of the requirements of justice, and ^{he} prays that the punishments ordered in the proceedings of the Director of Public Instruction Madras be quashed.

Dated at Madras this 1st day of February, 1950.

N. Subbar.
Petitioner.

Before the Minister for
Education, Govt. of Madras,
Fort St. George, Madras.

N. Subbu Reddiar,
Headmaster,
Zamindar's High School,
Turaiyur (Tiruchi Dt)
.. Petitioner.

P e t i t i o n .

33 43

Edn Dep

Schools - Secondary. Aided Zamindar High School
Turaiyur - Subbu Reddiar - Headmaster - Petition
against the Director's order debarring from all
patronage & declaring him unfit to be head master for
two years - Interference - Declined

Amended
14/3/50

H-2, 5-22-42cf

pages 6-7cf

Petition from Sri N. Subbu Reddiar - Ex-headmaster
Zamindar High School Turaiyur & 6-12-49, 11-12-49
& 1-2-50
From the DP & Dec. no 1970 E. 4/49 & 28-1-50

Order no 852 Education 15-3-1950
Ms

The Govt decline to interfere with the
orders passed by the Director of Public Instruction
in the matter.

2 to 10th Aug
15/3/50

To

Sri N. Subbu Reddiar through
the Correspondent, Zamindar
High School Turaiyur
The DP & (with records in origl
returned) By registered Post.

14/3/50

14/3/50

Schools - Secondary - Aided-Zamindar High School,

Turaiyur - Subbu Reddiar Sri N - Headmaster - Petition

against the orders of the D.P.I. debarring him to

be a headmaster for two years and with-holding of
examinership, nomination to committee

Petition from Sri N. Subba Reddiar Ex-Headmaster,

Zamindar High School, Turaiyur dated 6-12-49

11-12-49 and 1-2-50 — M-22-420

From the D.P.I. R.O.C No 1970 E4/49 dated 28-1-50

The case relates to the petition of Sri N. Subbu

Reddiar, Ex-headmaster, Zamindar High School, Turaiyur

(Tiruchirappalli Dt) against the proceedings of the D.P.I. (R.C.No 1970

E4/49 dated 30-11-49) declaring the petitioner to be

unfit to be the headmaster of any high school for

a period of two years with reference to Rule 98(b)

of the Madras Educational Rules and permanently

declaring him debarred from all patronage such as

examinerships, ~~etc~~ nomination to committee etc.

2. The case is briefly set out below:-

The petitioner was the Chief Superintendant of the

S.S.L.C. Public Examination held at Turaiyur during

March 1948. On receipt of certain anonymous petitions

alleging that the petitioner was helping three

students in whom he was interested in answering papers

in the S.S.L.C. Public Examination, the D.P.I. directed

the D.E.O. Tiruchirapalle to conduct a local enquiry

and submit a report. As the report disclosed that

there was some truth in the allegations and there

seemed to be a prima facie case to institute discip-

linary proceedings, the D.P.I. directed the Deputy

D.P.I. (Sri T.P. Santhanakrishna Nayudu) to frame

definite charges against the petitioner, conduct an

enquiry and submit a report with his findings. The

following charges were accordingly framed against

the headmaster:-

M-8-100

Fort St. George Madras

para 3 on p 6 of

para 4 on p 6 of and

para 7 on p 7 of

para 9 on p 7 of

p 21 of

p 23 of BKM 151

M-1-20

M-1-20

p 5 of

(1) That he did not maintain an account of the issue of answer books and additional books;
 (2) that he sent the additional books to the examination hall through the peons without adequate precautions for their being watched,
 (3) that he left a partly packed bundle of answer books in Physical science in charge of the clerk of the school instead of being kept in a safe place under the personal custody of the Chief Supdt. as required under the rules,

(4) that he gave a copy of the question paper in Elementary Mathematics and Algebra and Geometry to a former assistant of the school ^{after the commencement of the examination} contrary to the rules, and

(5) that by his above acts he knowingly and wilfully connived and deliberately abetted the malpractices of the three candidates in the examination. The explanation of the headmaster to the charges will be found on pp 10-17 of Ex.10 (P). The Deputy D.P.I. considered the explanation as unsatisfactory and found him guilty of all the charges although there was no direct evidence to prove charge no 5. Vide pp 10-20 C.F. He has concluded as follows:-

'The accused officer's failure to maintain a daily account of the issues and the balance of the answer books; his improper and wilful use of some additional books for purposes not contemplated in the rules, the packing of answer books in the office room where access would be had by anybody and not in the examination hall; the presence of Sri Parthasarathy, Mathematics Assistant, in the Physical science hall near the office room, to whom papers relating to mathematics were shown; the unsatisfactory and queer manner in which the seats were rearranged even after the D.E.O's visit disregarding his instructions - all these force me to the conclusion that the accused officer is guilty of the charges."

The D.P.I. accepted the findings of the Enquiry Officer and passed orders that the petitioner be debarred from being the headmaster of a high school for a period of two years from the date of his relief. As the case related to the conduct of the headmaster as Chief Superintendent, the D.P.I. also permanently debarred the petitioner from all patronage such as examinations etc.

4. Sri N. Subbu Reddiyar has since submitted a detailed petition refuting the charges. From a perusal of the Deputy Director's report and the connected

records it will be seen that the headmaster was not very careful in making arrangements for holding the examination and in following the rules relating to the conduct of the examination. The petitioner has admitted that he was maintaining an account of the answer books and additional ^{answer} books only in a general way and that he did not maintain an account of the ^{answer} books issued for each examination as required by the rules, that he utilised the services of the peons for supply of additional books though he watched them, that he showed the question paper to the mathematics Assistant after half an hour ^{from the commencement of the examination} and that the departmental officer ^(a Deputy Inspector of Schools) did not object to it. He also contends that the seating arrangements were made to the best of his knowledge and that neither the D.E.O. nor the departmental officer was ^{able} to make any concrete suggestions to improve the arrangements made by him.

He submits that there was no motive behind his actions, that the punishment awarded to him is in excess of the requirements of justice and that a sympathetic and lenient view may be taken of his case. Attention is solicited to paras 11 and 12 of the D.P.I.'s letter on page 7 C.F. He states that he has afforded all reasonable facilities to the petitioner to defend himself and that he had already taken a lenient view in view of the fact that this is the first occasion when any offence by Sri Subbu Reddiar came to his notice. In the circumstances the Director requests that his proceedings may be upheld.

In the circumstances it is for orders whether Govt should interfere with the orders passed by the D.P.I. The file may be circulated to H.M. (Edn and Law) with reference to his minutes on page 1 C.F.

The memorialist has been awarded two punishments - vide p 21 of. The question whether both the punishments are necessary may, perhaps, be decided by MM (C.R.)

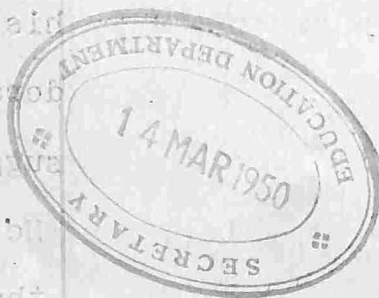
They are not his punishments at all.

10.3.50

13-3-50

4
This is a case of misbehavior on the
part of Headmaster appointed to supervise the
S.S.L.C. public examination. The punishment
given by the Director - debarment from permanently
from being appointed to supervise examinations and
debarment from for two years from being promoted
as Headmaster is not by any means too severe.
Such misdeemeanor deserves the severest
condemnation and exemplary punishment.

There is no need to interfere with the
Director's order.



H.M. (S. Z.)
KM
1413

A draft order is submitted below for approval

14.3.50

14/3/50

[Issued as G.O. no 852 Edu & 15.3.50]

143 of B-2

KM
1713