Educational (1895) Department.

ORDINARY MS.

G.O., No. 439.

Dated 24th May 1895.

INDEXED.

[Despatch Abstract.]

SPECIAL TEST FRAUDS .

Declining to reconsider the orders passed in the case of B.Srini--vasa Rao, late clerk of the District Munsif's Court, Cuddapah, in connec--tion with the -- alleged to have been committed by him.

BACK PAPERS.

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

FURTHER PAPERS.

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

[G / 9]
2,000—3-4-95.

Current No. 5[illegible]

DEPARTMENT.

From

B. Srinivasa Row
Late clerk of the
2nd Munsif's Court
Cuddapah.

No.

Dated 4.5.95

Received 9/5

Enclosures 8

SUBJECT.

Appeal against the G.O. no 704 dt 26.9.93, ordering that his successful result at the Ex. Test, ~~higher~~ lower grade, held in Oct. 1892, may be quashed and against the H. Ct. Pros: no 152 dt 22.1.94 directing his removal from the public service.

dt 24th May 1895 No 439

S.M.

Order

The Govt see no reason to reconsider the orders already passed in the petn case

D 16.5.95

DESPATCHED 31 MAY 95

The Petnr to, with enclosures

No 6

There is nothing new in the petn which has not already been considered by Govt except the vague statt that the Deputy Colr who reported the petr to be well at the time when he telegraphed that dangerous illness prevented his appearing at the re-examination is an enemy of his. This statt is unsupported - & the petr has waited for over a year before making it.

D 16-5

17/5/95.

Current No 580

CHIEF SECRETARY
6 MAY 1895
GOVERNMENT OF MADRAS

To

HIS EXCELLENCY
THE GOVERNOR IN COUNCIL,
Fort Saint George,
MADRAS.

The humble appeal petition of B. SRINIVASA ROW
Late Clerk of the District Munsiff Court of Cuddapah.

MOST RESPECTFULLY SHEWETH :—

The petitioner was suspected of having had access to the question papers set at the Criminal Test, Lower Grade in October 1892 and the Government in its order No. 704 dated 26th September 1893 ordered that the successful results of that Examination in the case of the petitioner be quashed and that he shall not be allowed to reappear for the said Test and bringing these facts to the notice of the High Court suggested to the latter the expediency of inflicting a further punishment. The High Court in its proceedings No. 152 dated 22nd January 1894 has directed that the petitioner be removed from the office of the clerk in the District Munsiff's Court of Cuddapah. The petitioner begs respectfully to submit this his humble appeal against the said order of Government and of the High Court. There is absolutely no proof that he participated in the frauds at the Examination. The Examiners themselves admit in their report about the various answers given by the suspected candidates, that they have no reason to suspect foul pay in connection with answers Nos. 3, 4, 5, 6, 7 and 9.

2 With reference to the remarks of the Examiner in respect of answer No. 1, the petitioner submits that the army decipline and regulation act of 1879 referred to therein finds its place in a printed book on the Evidence Act. That book was got by heart by the petitioner and he has reproduced only the very words occurring therein.

3 With referrence to answer No. 2. The petitioner submits that the phraseology which has given rise to the suspicion has been adopted by the petitioner who has studied the same Text book and the same commentaries. If another candidate who has read the same book on the subject adopts the very same words which the petitioner has used the fault is not the petitioner and the petitioner cannot be held liable therefore.

4 With reference to answer No. 8 the petitioner submits that there is nothing extraordinary with petitioners quoting the numbers of the Section. It is a well known fact that the natives of the country while reading Evidence Act get by heart not only the very words of the Section, but also the number of the Section.

With reference to answer No. 10 the petitioner submits the very same explanation. If the answers of all other candidates with reference to particular question are consulted, they would be found generally to be the same.

The petitioner is not informed of the name of the person who has informed against the petitioner. If he knows who the informent is, the petitioner would be in a position to explain matters against him; some person who is a personal enemy of the petitioner should have taken into his head the idea of informing against petitioner.

The fact that such information was not laid against petitioner for 6 months after the examination results were published in the Gazette indicates that the complaint against the petitioner is false and malicious. If it were a true complaint the complaint would have been made either before the examination was to take place or immediately after the examination or at any rate soon after the results were published.

My inability to appear at the proposed second examination was construed into an act indicative of conscious guilt. The petitioner submits that this is a misconstruction of which has led to the miscarriage of justice. I was seriously ill and was bedridden and at once sent a telegram communicating my physical inability to attend the examination at Madras. The Deputy Collector of Cuddapah Mr. R. Govinda Row Naidu when he came to my house to see me really found me ill, but he has misreported to the authorities that I was able to attend the Examination. At best I could move in and about the house but was not able to bear the motion of a carriage and I was physically unable to go all the way to Madras. Mr. R. Govinda Row Naidu is my enemy and bears me a grudge in connection with the Pujaries of Puspagiri temple. very vague

The other suspected candidate Mr. Raja Row, Head Clerk of the District Board's Office who was also removed by the Collector was re-instated by the District Board itself which was satisfied of his innocence on his appeal to the said District Board.

The petitioner humbly submits that a grave and serious injustice has been made in his case by removing him from his appointment and by directing him not to appear for the examination in future as the guilt was not brought home to him, as there was absolutely no proof whatever that he had participated in the Examination fraud. As petitioner was removed from office on purely conjuctural grounds which have no foundation in fact.

The petitioner humbly and respectfully prays that Your Excellency in Council will be pleased to give the petitioner's case best consideration possible and that the petitioner may be ordered to be reinstated in the office he was holding and the stigma be removed from him.

For this Act of charity and kindness the petitioner as in duty bound shall ever pray.

B. Srinivasa Rao
Late Clerk of the
District Munsif Court
of Cuddapah

Letter Diary 3
(1889) 3
18 Sept. 2

[G. / 25.] 8-3-95.

Ed.l DEPARTMENT.

C. No. 580 of 95.

FOR ORDERS.

I can see no sufficient ground in the petn C 4.5.95 for reconsidering G.O. 26.9.93

JR 21/5

The facts of the case are set out fully in the note to Current 478 of 94 (G.O. no. 429 Ed.l of 12th June 1894). The Memorialist, B Srinivasa Rau at the time a clerk in the Dt. Munsiff's Court Cuddapah, was one of those concerned in the fraud. His previous examination was quashed, he was debarred from appearing for the Criminal Test Lower again & his conduct was brought to the notice of the High Court who ordered his dismissal. It is against these orders that the petitioner now appeals. He has not put forth ~~[illegible]~~ any ground at all for a reconsideration

G.O. Ed.l no. 704 (Para 3). 26.9.93

G.O. no. 64 Ed.l 2.2.94

of the order previously passed. The fact that he absented himself from the re-examination & urged as an excuse that he was ill, which excuse proved on personal enquiry to be false, goes to shew that his pass in the previous examination was not fairly obtained. He says in para 7 of his petition that the fact that information of the fraud was not given to Dr. Duncan until after the expiry of six months after the publication of the results of the examination shews that the information was false. His inference is not a valid one. It may be that information was obtained by Dr. Duncan's informant only after six months & this fact does not in any way go to declare the petitioner's innocence. There seems to be very strong circumstantial evidence, though not positive proof, against the petitioner, & his request for a reconsideration of the previous order should, it is submitted, be refused.

R.S. 1.4.95

FOR ORDERS.

When given for copying
When copied
When examined
When signed
} 189.

READ AGAIN G.O., No. 189, DATED

CURRENT No.

ENCLOSURES TO O. No

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

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