

16/4
Educational (1897) Department.

ORDINARY MS.

G.O., No. 235.

Dated 23. 4. 97

INDEXED.

[Despatch Abstract.]

11-11
WS
27/4

Stating with remarks, that the Govt
will not object to the employment of K.
Kannan Nayar as a teacher in a school
under private management.

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

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	CN ^o 644/97						

The Director of Public
Instructions Madras

No. 3617

Dated 31st March 1897.

Received 2

Registered

Enclosures

Spare copies

SUBJECT.

Submitting with remarks,
memorial from K. Kannan Nayan
Schoolmaster, Parlakemidi praying
for the reconsideration of G.O. No.
31 dated 18.1.97 ~~stating that in~~
~~view of the circumstances reported, he~~
~~should not be granted a teacher~~
~~certificate.~~ ^{But} ~~in~~ ^{order} the issue
this teachers' certificate, ~~at this~~
~~there is no objection to his being~~

Fin Orders.

The D.P.I. has no objection to the employment of the peti. in a School under private management.

1407

It is curious how persistently
the D.P.D. comes up with
cases in wh. he has been
over ruled. This case was
dealt with on the merits
in fd. 11/1/97 no. 31 D.

Lager into the Director. Being
not a case for severity.

286
14/4/97

C 12/4/97

BACK PAPERS.

G.O.	No.	Department.	Date.
	107	ED	24-2-97
	31	"	18-3-97
	1178	JD	17-6-91
	2337	"	13-11-88
Pubbishan Dammal			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To,

His Excellency the Governor in Council
of Fort St. George,
Madras.

The humble petition of K. Kannan Nayar, School
master, Parakkimedi, Ganjam District.

Most respectfully sheweth that:-

1. The petitioner is the subject of G.O. No. 31, Educational, dated 18th January last and now humbly begs the Government to re-consider his case for the new and important reasons set forth in the following paragraphs.
2. From the letter of the Director of Public Instruction, Madras, No. $\frac{13818}{19-12-96}$ referred to in the said G.O., it is clear that the Director has not laid before the Government the right view of the matter and that therefore the Govt. withheld the petitioner's Teachers' Certificate. The petitioner after being dismissed from the Police Department in 1887 and being "declared ineligible for re-employment in the Public Service (vide G.O. Nos. 2337, Judicial, dated 13th November 1888 and 1178, Judicial, dated 17th June 1891)" got admission into the Teachers' College as a Govt. stipendiary student by means of a Certificate of Good Conduct signed by the ^{then} Ag. Inspector of Schools, Western Circle - The Director states in his report that at the time when the Inspector signed the Certificate he (the petitioner) had disclosed to the Inspector "only the fact of his dismissal from the Police" and that although the petitioner reported that he had also shown

to the Inspector the orders passed by Government in the case, yet "both the Inspector and the sub-Assistant deny having ever seen them." Thus the Director's report in substance amounts to saying that the Inspector signed the Conduct Certificate knowing that the petitioner had been dismissed from the Police Department but not knowing that the petitioner had been declared ineligible for Public Service. This plea of the Inspector, the petitioner begs to point out, should not have been received by the Director without suspicion. In the first place the Inspector must have been fully aware of the fact, supported both by Govt. Orders on the subject and by the practice in vogue, that a person dismissed from one department was ineligible for employment in any other department of the Public Service except with the special permission of the Government. Again it was but natural that an officer of the rank of Inspector of Schools would, when required to certify to the good Conduct of a person who had been dismissed from a department of the Public Service, have made enquiries about the circumstances connected with the dismissal, especially when the certificate was intended to enable the person to draw a Government stipend. These facts, the petitioner submits, rather go to show ^{the truth of} what the petitioner has already reported to the Director, viz., that the Inspector was shown all the papers relating to the petitioner's case and that he was satisfied that the petitioner's case did not merit such a treatment as to have the benefit of a Conduct Certificate denied him. Considering the motives to, it will be clear that the petitioner's report to the Director, is true.

As regards the Inspector, there is sufficient reason to presume that when he was called on by the Director to report how the Conduct Certificate was signed, he thought that his action would be found fault with and therefore confessed only what could not but be established by the Sub-Assistant's records, viz. the knowledge that the petitioner had been dismissed from the Police. The Sub-Assistant, Mr. J. Mathai, was personally acquainted with the petitioner and the petitioner can even prove by oral evidence that Mr. Mathai had known the fact of the petitioner being declared ineligible for Public Service. Mr. Mathai in recommending the petitioner to the Inspector, thought it his duty to mention in his report the fact of the petitioner's dismissal from the Police and advised the petitioner to show the Inspector the Govt. orders in the petitioner's case and the petitions which the petitioner had submitted to the Madras Govt. and the Secretary of State for India. The papers were accordingly shown to the Inspector. That the petitioner had no motive nor reason to conceal the papers from the Inspector will be plain from this fact:—viz., in the petitioner's memorials to the Madras Government above referred to, which had been submitted prior to the date of the petitioner applying to the Inspector for a Conduct Certificate, the petitioner prayed the Government to allow him to be employed in any other department of the Public Service in spite of his dismissal from the Police. This evidently shows that the petitioner was at the time under the belief that a person dismissed from one department could not be employed in another without the special

permission of the Government. The G.O.'s referred to by the Director in his report are those passed on the petitioners' memorials and declined to grant the petitioners ^{the} permission sought for in ~~the~~ memorials. They did not put upon the petitioners any disqualification or ineligibility which did not exist before they were passed. They only refused to remove an ineligibility for Public Service which the petitioners already had in virtue of his dismissal from the Police. Then, if the petitioners wanted to obtain a good Conduct Certificate by concealing any of the petitioners' antecedents, he would have concealed likewise the fact of the petitioners' dismissal from the Police, for this was, in the opinion of the petitioners, identical with the declaration of his ineligibility for "Public Service". The petitioners hopes that when the facts above represented are laid before the Government, no doubt will be entertained of the truth of the petitioners' assertion that he when he applied to the inspecting officers of the Western Circle for a Certificate of good Conduct he made them fully aware of the G.O.'s referred to by the Director.

3. The petitioners also begs to place before the Govt. another view of the matter. Whether the Inspector of Schools signed the petitioners' Conduct Certificate knowing the petitioners' antecedents fully or he signed it not knowing some of the antecedents, the petitioners begs to point out that it was not owing to that Certificate that the petitioners was able to qualify himself for

which he qualified himself

the Teachers' Certificate now withheld from him. The Conduct Certificate was needed only to obtain admission into the Teachers' College. But without any such Certificate and without any training in the Teachers' College the petitioner could, as any person may even now, appear for the Teachers' Certificate Examination and qualify himself for an "Untrained Teachers' Certificate". And the petitioner's Certificate is only an "Untrained Teachers' Certificate" and not a "Trained Teachers' Certificate". It is, the petitioner begs to point out, strange that his Untrained Teachers' Certificate was cancelled while he is allowed to hold the "Training Certificate" granted from the Teachers' ~~Certificate~~ College, which he could not have obtained except by means of the Conduct Certificate in question.

4. Again, the Teachers' Certificate serves the petitioner for the purpose of enabling him to draw 'grants' from public funds and also as a Certificate of his qualification to follow the teaching profession. As for the former purpose, the petitioner may be considered disentitled ~~to~~ 'grants' from Public Funds as he is declared ineligible for "Public Service", if the Court considers a teacher drawing 'grants' a "public servant" in its legal sense. And the Director of Public Instruction has in his Proceeding No. 2700 dated 9th March 1896, declined to sanction any grants from public funds in behalf of the petitioner. But the

present Order of the Government withholding the
petitioner's Untrained Teachers' Certificate, deprives him
also of the latter benefit of a certificate pointed out
above. The Government has in its previous orders
only refused to re-employ the petitioner in "Public Service"
and the petitioner is ineligible only for that service.
And the petitioner hopes that the intention of the
Government is only to preclude him from admission
to "Public Service" and not to deprive him of the
means of earning his bread in private service.
But the Government has, by cancelling the petitioner's
Untrained Teachers' Certificate, not only deprived
him of what he is in every way entitled to
possess, ~~but~~ has likewise, in effect, shut against
him, Contrary to the intention of the Government as
understood by the petitioner, all doors of admission
to a recognised school under private management.
For, in the absence of a specific ~~and~~ declaration
to the contrary, a recognised school attaches
no other meaning to the order of the Government
than that it intends to prohibit the petitioner's
employment in such a school likewise, although
it may be unaided by 'grants' and under private
management. The Principal of the Rajah's College,
Darlakinedi, in which the petitioner is now
employed and which is an 'unaided' recognised

... for which he qualified himself

institution under private management, has already required the petitioner to make a reference regarding the matter and obtain a declaration of the nature above referred to lest he may lose his appointment in the College on account of the Government Cancelling his Teachers' Certificate. Nothing can be more heart-rending to the petitioner than to be so deprived by the Government of the only means now left open to him to earn a decent living — to be deprived of it for the reason, after all, that the petitioner was once convicted of 'Wroufful' Confinement' under circumstances that proved only his youthful imprudence and no stain on the moral character. The petitioner humbly begs to state that the certificates which the petitioner possesses and most of which the petitioner has ^{already} sent to the Director for perusal, of the manner in which he discharged his duties both in the Police Department and as a schoolmaster, will all show that he does not merit such a severe treatment as to be left only to beg or to labour in a gang of ordinary 'coolies'.

5. In these circumstances the petitioner humbly prays your Excellency to be so kind as either to Cancel G. O. No. 31 dated 18th January last and allow the issue to the petitioner of the Untrained Teachers' Certificate for which he qualified himself

at the 'Practical Test' held in April 1893; or
(b) to pass an order declaring that the said G.O.
is not intended to prevent the petitioners from
being employed as a teacher in a recognised
school under private management.

For which act of justice and mercy the
petitioners shall, as in duty bound, ever pray.

Parlakimedi, }
20th March 1897. }

M. Kannan Nayar
Petitioners.

Submitted thro' the Director of Public
Instruction, Madras.

M. Kannan Nayar
Petitioners.

20-3-1897.

1897.

CURRENT No. 416

From

K. Kannan Nayar,
School Master,
Parlakimedi.

No 3617 31st Mar

Submitted to Govt

To, The Govt. of Madras
Thro' The Director of Public
Instruction, Madras.

The undersigned sees no
to the employment of
as teacher in a school
private management
a grant cannot be
on his behalf if he is
in an aided school.

Dated 20-3-97

Dispatched

Received.



Enclosure

Praying for the re-consideration
of G.O. No. 31 dated 18-1-97.

[G. 24.]
or copy 890-20-1-97.

Ed. DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 18th June - 1897, No. 31

Again G.O., dated 189 , No.

Current No. 416

of 1897, dated 31st March from the D.P.I.

" "

" 189 , " , "

" "

" 189 , " , "

ORDER. 23 April 1897 No 235
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The Govt will not object
to the employment of the Kannan
Nayar as a teacher in a school
under private management;
but a grant cannot be
sanctioned on his behalf
if he is employed in an
aided school.

(from orders)

2/4
11/4/97

25/4/97

To

The D.P.I. 960

1897.

416

26/4/97

Mr. Mac

for copying

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1897

No.

DATED

GOVERNMENT

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GOVERNMENT.

WITH DITTO.

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