[7.]
250—29-7-96.

Educational (1898) Department.

ORDINARY PRINTED.

G.O., No. 350-A.

DATED 11-6-98

INDEXED.

24-27

[Despatch Abstract.]

Special Test Examinations

Passing orders on letter from the Collector of Tanjore bringing to notice certain difficulties experienced in ~~[illegible]~~ obtaining the assistance of officers to superintend at the ——, and directing the publication, in the Fort St. George Gazette, of a notification amplifying the orders issued in GO no 315 Edul of 22-10-73 on the subject.

T

BACK PAPERS.

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

FURTHER PAPERS.

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

Educational Dept.

G.O. No. 350-A Dt 24-6-1898 Edl.

Subject:- Special Test Examination

Government (1898) of Madras.

EDUCATIONAL.

Recd. } 1898. Enclosures

Regd. } Spare copies

G.O., No. 350-A., 11th June 1898.

JUNE.

Special Test Examinations.

Passing orders on letter from the Collector of Tanjore bringing to notice certain difficulties experienced in obtaining the assistance of officers to superintend at the —, and directing the publication in the *Fort St. George Gazette* of a notification amplifying the orders issued in G.O., No. 315, Educational, dated 22nd October 1873, on the subject.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 204, Educational, dated 26th April 1861.
" " 296 " " 30th September 1873.
" " 315 " " 22nd October 1873.

READ—also the following papers :—

From J. ANDREW, Esq., Acting Collector of Tanjore, to the Secretary to Government, Educational Department, dated 26th June 1897, No. 2953-Rev.

I have the honour to submit the following for the orders of Government.

1. Assistant Commissioner of Salt, Abkári and Separate Revenue.
2. Executive Engineer, Negapatam.
3. Sub-Judge, Negapatam.
4. District Munsif, Negapatam.
5. Port Officer, Negapatam.

2. Last October, the Head Assistant Collector, Mr. Marjoribanks, who had been appointed to superintend the Special Test examinations at Negapatam, requested the marginally-noted officers to assist him for a couple of days each, quoting as his authority, Government notification published on page 1670 of the *Fort St. George Gazette*, dated 28th October 1873. Under instructions of the District Judge, the Sub-Judge and District Munsif declined to comply with the request on the ground that the notification in question was not applicable to officers of Civil Courts. On receipt of a representation from the Head Assistant Collector in camp on 17th October, I made an urgent application to the District Judge to comply with the request made as a special case as the examinations were to commence on the 19th idem without prejudice to the question as to the correctness or otherwise of the Judge's interpretation of the Government order, and that officer courteously acceded to my request. Subsequently the District Judge reported the matter to the High Court (*vide* letter No. 1846, dated 16th November 1896) and the High Court, in its Proceedings, Dis. No. 1101, dated 1st December 1896, concurred with the view of the District Judge that "the only authority who can call upon officers of Government to superintend Special Test examinations is the Commissioner for such examinations," and found fault with the District Judge for having "lent the services" of the Sub-Judge and District Munsif in response to my urgent request. Before going on to discuss the general question, I would point out that —whatever may be said of Mr. Marjoribanks' "call," and his letter politely requesting, if possible, the services of the officers concerned, with enclosure, speaks for itself—the High Court is entirely in error in saying that I made any "call" at all upon either the Sub-Judge or District Munsif. I did nothing of the sort, but made a request to the Judge as matters of favour and of extreme urgency to direct the Sub-Judge and District Munsif to assist under the special circumstances reported. The High Court is equally in error in paragraph 2 of its proceedings in saying that the Commissioner would no doubt have addressed the District Judge if their (Sub-Judge and District Munsif) services had been required by him. A perusal of the letter of Secretary to the Commissioner to me shows that this surmise of the High Court is incorrect, as the Secretary requested the Collector (myself) to obtain, if necessary, the assistance of officers of other departments.

3. I do not consider it necessary to go into the questions of precedence and the like raised by the District Judge and replied to by the Head Assistant Collector, further than to say that I apprehend that probably every Revenue Divisional-officer in the Presidency would gladly surrender the dignity, and with it the labour, of the office of Chief Superintendent in favour of the local Judicial officer, and accept with pleasure the minor and much less troublesome duty of "assisting" at the examinations.

4. No doubt the District Judge and High Court are correct in saying that the Government notification of 1873 only authorises the "Commissioner" to call on officers of every department to "superintend" these examinations, and I may go further and say that it does not authorise even him to call on any one to "assist" the Superintendent. Therefore taking the notification literally, I do not see how the Commissioner himself could—as assumed by the High Court—have called on the District Judge to lend the services of his subordinate officers unless by way of being joint "Superintendents" with the Head Assistant Collector who was already appointed, and it has never been usual to have more than *one* Superintendent, and I do not see how there could, with any advantage, be more than one. The others are merely to assist.

5. Setting aside, however, this very technical point, I would beg orders as to whether it is advisable to saddle the Commissioner with all the additional petty work which the High Court would throw on him. If the services of judicial officers cannot be lent without a direct application from the Commissioner to the Judge, the same procedure will have to apply to officers of the Police, Salt and Abkári, Educational, Public Works and Marine Departments, as they are not the "subordinates" of the Collector. The consequence would be that the Commissioner would have to address the district heads of these departments whenever he wished to utilize the services of any of them or of their subordinates, and as there are over 20 districts, this would mean an enormous amount of the merest red tape correspondence for that highly-paid officer. Moreover, graver inconveniences might arise, *e.g.*, at the last moment, one of the selected officers, say the Executive Engineer, might find himself called away on urgent work to repair flood damages, and it would be necessary to write or telegraph to the Commissioner to make a requisition on some one else and for this there might be no time as the day of examination might be at hand. It is true that these difficulties have not, so far as I am aware, arisen hitherto, but that this is so has been doubtless due to the fact that the various officers concerned have not been overcareful to stand on their dignity. The question however having been raised, definite orders seem necessary, and I beg to suggest that the notification of 1873 be amended in the following manner :—

After "superintend" add "or assist in"; after "Commissioner" add "or Collector or Subordinate officers deputed by him." For "Collector" might be substituted "Judge" if Government considers that the duties should be discharged by that officer, and to that course I would not offer the slightest objection.

6. In the above alteration, I propose to insert "or officer deputed by him" after "Collector" (or Judge), as once the Collector has appointed the superintendent, it should not be necessary to trouble him (Collector) further with details as to the local officers who might be requested to assist. The less the correspondence in such routine matters the better for all concerned. The local officers would in 99 cases out of 100 have the sense to arrange details without troubling their superiors, and if any superintendent were so foolish as to call on high officers, such as District Judges, to assist, he would soon be brought to task. Only where, for any reason, they could not arrange among themselves, would it be necessary to write to the higher officers, such as District Judge, Collector, Deputy Commissioner or the like.

7. One other point I must mention. It might be urged that judicial officers should be exempted from superintending or assisting. To that I would reply that they are the very officers whose services can best be counted on without detriment to the public service or risk of failure at the last moment. They are always at their head-quarters; they can post fewer suits for days of examination, and can partly hear

them, if necessary, in the early morning or late afternoon. Revenue, Magisterial, Department of Public Works and Salt Officers may however have urgent work elsewhere, and that this is not a fanciful representation. I may mention that if the Negapatam riots of last year had happened a few days earlier or at another station in the Negapatam division, it would have been a sheer impossibility for Mr. Marjoribanks to have superintended the Special Test examinations, and at the last moment he would have had to get the duty transferred. If the High Court's view is accepted this would have involved telegraphic communication at the last moment with the Commissioner in order to obtain the services of the Sub-Judge, and meanwhile the riots and the examinations would have been running their courses with the attention of the Head Assistant Collector divided between the two.

I regret to have to trouble Government with this reference about a matter which ought never to have occasioned any dispute, and I should have preferred to let the differences of last October drop. But as the Special Test examinations will be coming round again in 3 or 4 months, and as the same question may then arise, I think this reference is necessary.

8. I enclose for favour of return (*a*) my endorsement to the District Judge, No. 3699—Revenue, dated 17th October 1896 (copy), (*b*) District Judge's letter to High Court, No. 1846, dated 16th November 1896, (*c*) High Court's Order, Dis. No. 1101, dated 1st December 1896, (*d*) Head Assistant Collector's letter to Collector, No. 400—Revenue, dated 3rd March 1897, with its enclosure.

From J. B. BILDERBECK, Esq., M.A., Acting Commissioner for Government Examinations, to the Secretary to Government, Educational Department, dated Madras, 31st August 1897, No. 549—2-D.

In obedience to memorandum, No. 53 M., dated 27th August 1897, I have the honour to submit a copy of the Commissioner's letter to the Collector of Tanjore, No. 376, dated 7th September 1896, on the subject of superintending the Special Test examinations.

Enclosure.

From E. H. ELLIOT, Esq., Secretary to the Commissioner for Government Examinations, to the Collector of Tanjore, dated Madras, 7th September 1896, No. 376.

The Special Test examinations, including the tests for officers of the Salt and Abkári Department, having been fixed for the 19th October next and following days, I am directed by the Commissioner for Government Examinations to request that you will, while undertaking the general supervision of the arrangements, depute an Educational or other competent Government officer to take the immediate superintendence and make the necessary arrangements, with whom also all the correspondence on the subject of the examinations may be carried on, and to whom the examination papers may be sent. I have to ask that you will inform me, *as soon as possible*, of the address of the officer whom you may direct to undertake this duty. This letter should be transferred to him *at once* for his guidance. I have also to request that you will aid the Chief Superintendent in obtaining the assistance of other officers in accordance with G.O., No. 315, Educational, dated 22nd October 1873, to attend and supervise the performance of the papers, if necessary. When an officer not being your subordinate is appointed, intimation of his appointment should be sent to his superior officer so as to enable that officer to obtain the necessary exemption if such appointment will seriously interfere with the discharge of his public duties. The greatest probable number of candidates that will be examined *at one time* at the centres* in your district, notified in the *Fort St. George Gazette*, should be gathered from a nominal list which will follow.

* Tanjore and Negapatam.

2. A statement showing the order of time in which the examinations will be conducted has already been sent to you by the Superintendent, Government Press, to be issued by you with your District Gazette after filling in the name of the hall at which the examination will be held.

From the Collector of Tanjore, dated 12th October 1897, Endt. on C. No. 1781—Gl. Rev.

Order—No. 350-A, Educational, dated 11th June 1898.

After a consideration of present requirements as brought to notice in the papers read above, His Excellency the Governor in Council resolves to amplify the orders notified in G.O., No. 315, Educational, dated 22nd October 1873, regarding the superintendence of the Special Test examinations, so that there may, for the future, be no room for doubt as to the manner in which it is the intention of Government that effect should be given to the long-established practice in the matter.

2. The following notification will accordingly be published in the *Fort St. George Gazette*:—

NOTIFICATION.

His Excellency the Governor in Council desires that it may be clearly understood that it is the duty of all qualified officers of every department of the public service to superintend the examination of candidates for Special tests held under the orders of the Commissioner for Government Examinations if requested by the Commissioner to do so; and that no officer is entitled to claim any remuneration for such superintendence.

2. On the request of the Commissioner, Collectors will submit to that officer the name of an Educational or other Government servant to be the Superintendent at any such examination held in their districts, and also the names of Government servants to assist the Superintendent in the conduct of the examination as Assistant Superintendents. At the request of the Commissioner, Collectors will also undertake the general supervision of such test examinations. Before nominating an officer not immediately under his orders as Superintendent or Assistant Superintendent, the Collector will consult with the District Judge or other head of the department to which the officer is subordinate, and will then submit his list of selections to the Commissioner, who will make the appointments by a printed letter.

(True Extract.)

G. S. FORBES,
Secretary to Government.

To the Collector of Tanjore.
„ the Commissioner for Government Examinations.
„ all other Collectors.
„ all other Heads of Departments.
„ the Hon'ble the Judges of the High Court (with C.L.).
„ all Departments of the Secretariat.
Gazette.

Exd. W. D'Moss.

~~Local & Munl.~~ (1897) Department.

Educational

CURRENT No. 774

Ek for G.O. 315/73 [illegible] [illegible] 5/7

From The Collector of Tanjore.

No. 2953/Rev

Dated 26th June 97.

DESPATCHED

Received 1 JUL. 1897 2 JUL. 1897

Registered 2-7-97

Enclosures 8.

Spare copies

~~**Order.**~~ Mem No. 53 M/27-8-97 Copd & [illegible] 26/8/97

The Commr. for Govt. Examns is requested to be good enough to submit a copy of his letter to the Collector of Tanjore, no 376 d 7th Sept. 1896, on the subject of the superintending of Spl. Test examinations.

fair signed by [illegible]

WB 26/8/97

To the Commr for Govt. Examns. Desp 27/8/97

SUBJECT.

Submitting for the orders of Government correspondence between the District Judge and the Head Assistant Collector in the matter of superintendence at the special Test examinations held in 1896.

86-13-2-94

BACK PAPERS.

G.O.	No.	Department.	Date.
Apl.	598	Pub.	26-4-61
"	296	Edⁿ.	30-9-73
"	315	"	22-10-73

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Educational (1897) Department.

CURRENT No. 996

31 AUG 1897

Order

From J. B. Bilderbeck, Esq., M.A.
Acting Commissioner for Government
Examinations, Madras.

No. 549/2D

Dated 31st August 1897.

Received 1 SEP 1897

Registered 1-9-97

Enclosures one

Spare copies

SUBJECT.

Submitting a copy of the Commissioner's letter to the Collector of Tanjore, No. 376 dated 7th September 1896 on the subject of superintending the special test exam in obedience to memorandum No. 53 M, dated 27th August 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Educational

~~Local & Munl.~~ (1897) Department.

CURRENT No. 1183

Order

From The Collector of Tanjore

Endt. on C. No. $\frac{1781.}{\text{gl Rev.}}$ 897

Dated 12. 10. 97.

DESPATCHED

Received 14 OCT 1897 12 OCT 1897

Registered 15th October 1897.

Enclosures 3.

Spare copies.

SUBJECT.

Submitting Head Assist. and Collector's letter stating that the District Munsiff and the Sub Judge have declined to assist him in supervising the Special Test examinations and requesting to obtain definite ruling about it

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

District Munsiff's Court
Negapatam.
5th October 1897

From.
J. C. Fernandez Esquire
District Munsif, Negapatam.

To.
The Head Assistant Collector of
Tanjore.

Sir,

In reply to your letter No 424 dated the 27th ultimo, I have the honor to forward herewith copy of the proceedings received this day from the District Judge in answer to the reference made by me on the subject.

2. I regret my inability to comply with your request as I have posted cases for hearing throughout the week during which the examinations are to continue.

3. I may mention that, a similar request having been made last year, a reference was made to the High Court by the District Judge with the result that the High Court was of opinion that my services should not have been lent except upon a request made by the Commissioner for Government Examinations

to

to the District Judge

I have &c &c

(Signed) J. C. Fernandez

Dist. Munsif.

(True Copy)

JJCotton

DC

C.G.Ma collectr

27th ultimo, I have the honor to forward herewith copy of the proceedings received this day from the District Judge in answer to the reference made by me on the subject.

2 I regret my inability to comply with your request as I have fixed cases for hearing out the week during which the examinations are to continue.

3 I may mention that, a similar request having been made last year, a reference was made to the High Court by the District Judge with the result that the High Court was of opinion that my services should not have been lent except upon a request

REVENUE DEPARTMENT.

Enclosure No 1.
In a letter.

FROM

THE COLLECTOR OF

Tanjore.

TO

THE Secretary to Government
Local + Municipal
Department

Dated 12th
Despatched
Received
October 1897.

Endt. in C. No. 1781. / 81. Rev

ENCLOSURES.

SUBJECT.

Copy of letter from the District Munsiff Negapatam to the Head Assistant Collector of Tanjore d/5-10-97.

1067

Proceedings of the District Court of Tanjore.

The 2nd day of October 1897.

Read letter no. 611, dated the 30th September 1897, from the District Munsiff of Negapatam, requesting to know whether he is at liberty to assist the Head Assistant Collr. of Tanjore personally in superintending the ensuing Special Test Examinations to be held at Negapatam, as requested by the Head Assistant Collector.

Order

The Commissioner has not addressed the District Judge on the subject. The District Munsiff is not obliged to assist the Head Assistant Collector personally in superintending

the

the examinations if he finds it will interfere with his work to do so. He may offer to lend the Services of one or more of his chief ministerial officers.

(Sd) F. H. Hamnett
Ag. District Judge

To
The Dt. Munsiff of
Negapatam

(True copy)

(Sd) J. C. Fernandez
District Munsiff

(True copy)

Ag. Hd. Asst. Collr.

9th October 1897

REVENUE DEPARTMENT.

Enclosure No 2
In a letter

FROM

THE COLLECTOR OF

Tanjore

TO

THE Secretary to Government
Local & Municipal Department

Dated 12th
Despatched } October 1897.
Received

Endt on C. No. 1781/L.M.

ENCLOSURES.

SUBJECT.

Copy of Proceedings of the District Court of Tanjore d/. 2nd October 97.

Negapatam Sub Court.

Dated 7th October 1897

No 1527

From

P. Narayanasamy aiyer
Subordinate Judge,

To.

J. J. Catton Esquire,
Acting Head Assistant Collector,
Tanjore.

Sir.

With reference to your letter of the 27th ultimo, No 424, I have the honor to inform you that, under Proceedings of the District Court of Tanjore, dated the 2nd Instant, I am unable to comply with your request, as I find it will interfere with my work, and that I offer to lend the services of 2 of my ministerial officers for a day or two as you may fix and communicate to me.

I have &c &c

(Signed) P. Narayanasamy aiyer.
Subordinate Judge

(True copy)

J J Cotton
Actg H.A. collector

Enclosure No 3
In a letter

REVENUE DEPARTMENT.

FROM

THE COLLECTOR OF

Tanjore

To

THE Secretary to Government
Local & Municipal Department

Dated 12th
Despatched
Received
October 1897.

Endt on C. No. 1781.
Gl Rev.

ENCLOSURES.

SUBJECT.

Copy of letter from the Subordinate Judge Negapatam to the Head Assistant Collector of Tanjore dt 7-10-97.

REVENUE DEPARTMENT.

No.

Head Asst COLLECTOR'S OFFICE,
Negapatam, 9th Octr. 1897.

FROM J. J. Cotton Esquire,
~~THE~~ Ag. Hd. Asst COLLECTOR OF
Tanjore

To

THE Collector of Tanjore.

SIR,

With reference to Collector's disposal No. 4357 dated 7th ultimo, I beg to state that I addressed the District Munsiff and Sub-Judge to assist me in superintending the special test examinations to be held on the 18th next and the following days; but they have declined to assist for reasons given in their replies copies of which are enclosed. I am obliged to do my duty

Instant.

single

single handed, which I will without demur. Only other work may suffer but that cannot be helped. I request that some definite ruling may be obtained. It is not always possible to obtain the Commissioner's sanction for every case: and the propriety of charging me with the whole duty of supervision seems open to grave objection.

I have the honour to be,
Sir,
your most obedient servant

J. J. Cotton
9.10.97
Ag. H.S. Asst. Collr.

JR

REVENUE DEPARTMENT.

1781
8 Rev of 97

FROM

THE 4th asst COLLECTOR OF
Tanjore,

COLLECTOR
11 OCT 1897
TANJORE

TO

THE Collector of
Tanjore

Dated 9
Despatched October 1897.
Received

DESPATCHED.
9 OCT 97

Ref on Cur No. 424/El. Exp of 97

ENCLOSURES. -3

SUBJECT.

~~Reporting~~ Stating that the Dt. Munsiff & the Subjudge have declined to assist him in Supervising the Special test Examinations & requesting to obtain definite ruling about it.

Please show me my letter

flag
Ref 10/97

V.E.

put up

Your Honor's letter to Govt. No. 2953 26.6.97 re superintendence of Spl. Examinations at Negapatam is put up

12/10

Rd 11/10/97
Enc: 3.

Endt. on Curt. No. 1781/8 Rev of 97

Submitted to Government in the Local & Municipal Dept in continuation of my letter No 2953 Revenue dated 26 June 1897, with the request that these papers might be returned when no longer required. The difficulty anticipated in my letter of June has now arisen.

Collector

12.10.97.

Ind 11.10.97

---

c 18.5.98
Rd 19.5.98

LOCAL AND MUNICIPAL DEPARTMENT.

16

Again G.O., dated 189 , No.
Current Nos. 774, 996 & 1183 of 1897, dated from the
Current No. of 189 , dated from the

SUBJECT.

Superintendence of the Special Test Examns.

FOR ORDERS.

Hon. Mr. Grose. ✓
Hon. Sir H. Bliss. ✓
H.E. The Governor.

H.T.
4.5.98

It is not correct to say as is said in the Note in the Judl. Dept that Judicial officers are the only officers not under the Collr. who are requisitioned to assist the Superintendents of Sp. Test exams. Sub Registrars, for instance, sometimes are. Nor do I see any need for the Commr. to address Judges each time there is a Sp. Test exam. or a Judicial officer has to be changed for another. Their "susceptibilities" will be met ~~much~~ much better by a direction from Govt. All that it is necessary to do is for Govt. to issue in-

In 1861 it was made the duty of the Commr. U.C.S. Examns. to nominate officers to superintend the Examns. (Rule XII. Notifn. 26 Apr. 61. Flag D.).

2. In 1873, in consequence of the pressure of work upon the Revenue Officers of Negapatam, Govt. ruled that the duty of presiding at the Examns. shd. be "fairly distributed among all classes of qualified public officers"; adding that under the Notifn. of 1861 the Commr. himself could arrange this by his nominations. (Flags C & A.)

3. In time a practice grew up of the Commr. requesting the Collr. to undertake the general supervision of

I must say that I think the course suggested in the note preferable as less likely to give rise to friction

H.S.
10/5/98

Would it not be the simplest plan, and the plan least likely to give rise to friction, to revert to the arrangement set forth in the original circular, G.O. No. 315, ~~dd.~~ 22 Oct. 1873, namely the Commissioner is empowered to call upon all qualified Officers to serve? This may cause a little more trouble, and take a little more time, ~~The Collector might name the Officers to the Commissioner, and the latter issue the requisition;~~ but it would, at any rate, save the friction which is now complained of. The Collector might name the Officers to the Commissioner, and the latter officer might thereupon send the requisition to the Depts. concerned. Choice by the Collectors would then be secured and friction, ~~avoided~~ with all the waste of time and paper which it entails, would be avoided.

A.G.H. 15.5.98

instructions to all Heads of Depts to direct their subordinates to assist the Superintendents of Sp. Test. exams. when informed by the Superintendents that such assistance is necessary. With refce to Judicial officers the High Court might be requested to issue the instructions. In this case it might be laid down that whenever ~~there~~ is sufficient time the requisition shall be sent to the Judges through the Collr.

J.G.
7/5/98

H. M. [illegible]

H.T.
17.5.98

The course proposed by H.S. may be adopted, but it will be necessary to give the Commr. the power to appoint Assist. Supts, & to direct the Collrs of each district to supervise. The orders 296/30.9.93 and 315/22.10.73 only give the Commr. ~~[illegible]~~ the power to nominate Superintendents. Then it will be necessary, also, to direct Collrs to consult Judges or other Heads of Depts, before selecting any subordinate. This list of selections should then be sent to the Commr. & the Commr. should appoint by printed letters.

J.G.
18/5/98

Draft please
H.T.
[illegible] 5. 98

2.

the arrangement while deputing an educational or other competent Govt. officer to take the immediate superintendence. The printed Circular, Flag L, asks that the Collr. will inform the Commr., as to whom he may direct to undertake this duty. It does not contemplate that the person so directed shall necessarily be subordinate to the Collr.; on the ~~other hand~~ contrary, it lays down that when a person not so subordinate is appointed; intimation shall be sent to his superior officer to give the latter an opportunity of seeking exemption if necessary.

It requested the Collr. also to "aid ~~4~~ the Chief Supt. in obtaining the assistance of other officers (to attend & supervise the performance of the papers) in accordance with the order of 1873 (See para. 2. above.)

4. It is obvious that in this Circular ~~are~~ lay the seeds of dispute. Hitherto the Commr. could do nothing but appoint Supts. He is now found requiring Collrs. to appoint Supts. - a power which ~~had~~ has not been conferred upon

Colls. & which independent Depts. were sure sooner or later to resent. The Circular also refers to the orders of 1873 as justifying the Coll. in obtaining the assistance of other officers to attend & supervise, whereas the orders of 1873 referred only to Chief Supts., as they are now called.

5. Nevertheless the system laid down in the Circular worked well — to judge from my own experience & from all papers I have seen. In 1894 there was a case of want of tact & politeness on the part of the Coll. of Godavery, but the Colls. right to nominate under the authority delegated by the Commr. was not brought into question.

6. In Oct. /96 however the dispute sprouted at Negapatam. The Head Asst. Coll. whom the Coll. had appointed Supt. wrote "under instructions from the × × Commr." & with reference to the Orders of 1873 to request five officers to assist him in the Spec. Test & S & A Test

Examrs. Flag

It is doubtful how far this action was covered even by the Circular. That asked the Coll^r. to aid the Chief Sup^t. in obtaining assistance; and in my experience the Coll^r. generally selects & asks the assistants; this seems preferable to the Sup^t. himself doing so.

7. The five officers included the Sub-Judge & District Munsiff. These addressed the District Judge. The High Court was informed, & has taken the point that it is the Commissioner alone who can call upon officers to superintend.
Flag N.

8. In this it is apprehended the High Court is correct; but it is submitted that to allow the matter to rest there would permit a very unsatisfactory ending to the matter. Mr. Andrew puts the difficulty forcibly in his letter of 26. June. 97. flag M. He questions whether it is advisable to saddle the Comm^r. with all the additional petty work which

would be entailed. ~~If the~~ The Judicial Dept. is not subordinate to the Collr., true; but neither technically are the Police, S & A, Educational, DPW & Marine. In every case therefore the Commr. would have to address the district heads of these Depts. Without going into detail, it is apparent that the Commr. would be weighted with an enormous amount of petty correspondence.

9. Nor, as has been pointed out above, do the orders of /61 & /73 touch the question of Asst. Supts. who with the growth of the Munns. have become very necessary.

10. It therefore appears clear that the existing orders should be recast in order to act upon the principle ~~that~~ which will hardly be disputed, ~~that~~ ~~which~~ that all Depts. must share in these Munns., & in order to relieve the Commr. of all the detail of arrangement which the H. C's contention would throw upon him.

11. It would seem that this detail of arrangement must mainly fall upon the Collr. It seems unlikely that other Depts than the Judicial will object to his having the power of nomination, provided time is given them for advancing special reasons for exemption. But the H.C. might not view favorably a proposal to allow the Commr to delegate his power of selecting Supts absolutely to the Collr. I suggest therefore that this power of delegating be given i.e. of selecting Chief & Asst Supts, but that in those cases where the Collr proposes to select Judicial officers (this does not happen in every district) either the Judge shall sit with him in his task of selection, or the Collr shall be obliged formally to consult the Judge before issuing his selections.

H.T.
29.4.91.

X Has Judicial any remarks to offer?

P.T.O.

Judicial

The subordinate officers of the Judicial Dept. differ from the other officers whose services are requisitioned in that they are in no way subordinate to or connected with the Collector. The proper way to obtain their assistance is, it is submitted, through the Dt. Judge.

It would cause little extra work for the Commr. if he were to write to the Dt. Judge and ask him to lend the services of certain specified subordinates (or of his subordinates generally) to the Chief Supt. (the Collector) adding that the latter would communicate with him as to the time & place at which they would be required. A printed letter to this effect would probably ~~[illegible]~~ suffice to save the susceptibilities of the Judicial officers.

AK
2/5/98

I agree with the U.S.' note. If care is not taken the H.C. will declare that no judicial officer can be spared at any time to assist, & Govt. could hardly contend against such a declaration. I am rather surprised the H.C. have conceded so much as they have.

ALA 3.5.98

(From orders)

Superintendence at the Sp. Test Examns.

10

Educational Department.

Read

Again G.O.No.204 d/ 26-4-61 & Notification of the same date.
,, ,, 296 d/ 30-9-1873. 315 d/ 22-10-73.
Current No. 75 Ed of 1894 d/23-1-94 from the D.P.I. with enclosures.
~~Again G.O.No.86 Ed.d/13-2-94.~~
~~,, ,, 53 Ed.d/27-8-97.~~
A Cur.No.774 of 1897 d/ 26-6-97 from the Collr. of Tanjore. without enclosures
A ,, No.996 of 97 d/ 31-8-97 from the Commr. for Govt. Examns.
G/ — No 1183 of 97

Prsd

Secy

ORDER No 350-A d/ 11-6-98

P.S.

After a consideration of present requirements as brought to notice in the papers read above, H.E. the Governor in Council resolves to ~~a~~ amplify ~~recast~~ the orders ~~on the subject so~~ ~~[illegible] set forth~~ notified in G.O. No 315 Ed. d 22 Octr. 1873, regarding the superintendence of the Sp. Test examns., so that there may, in future, be no room for doubt as to the ~~names~~ manner in which it is the intention of Government that effect should be given to the long established ~~rule~~ practice ~~explained~~ in the matter. ~~enunciated in G.O No.315 Ed. d/ 22nd Oct. 1873~~

2. The following notification will accordingly be published in the Fort St. George Gazette.

Notification.

H.E. the Governor in Council desires that it may be clearly understood that it is the duty of all qualified officers of every Department of the public service to superintend the examination of candidates for Special Tests held under the orders of the Commissioner for Govt. Examns.

if

if ~~called upon~~ requested by the Commissioner to do so ; and that no officer is entitled to claim any remuneration for such superintendence.

2. On the request of the Commissioner ~~for Govt.~~, ~~He will direct~~ Collrs. ~~to~~ will submit to that officer the name of an Educational or other Govt. servant to be the Supdt. at any such ~~any~~ examination held in their districts, and will also ~~submit~~ the names of Govt. servants to assist the Superintendent in the conduct of the examination as Asstt. Supdts. At the request of the Commissioner, ~~will also direct~~ Collrs. ~~to~~ will also undertake the general supervision of such Test Examinations. Before ~~selecting~~ nominating an officer not immediately under his orders ~~of another department~~ as the Superintendent or Asstt. Supdt. ~~Collrs.~~ will consult with the Ct. Judges ~~and~~ or other heads of the departments to whom the officer is subordinate and will then submit ~~lists~~ his list of selections to the Commissioner, ~~for Govt. Exams.~~ who will make the appointments by a printed letter.

Note It is submitted that "officer" leaves no room for suggesting that only subordinate i.e. the less important officers, can be asked to take the work. H.M's word is "subordinate"

27. 5. 98

(from orders)

S.S.R.
27. 5. 98

9/6/98 Issue

To

The Collector of Tanjore Encls. x A.
" C. G. E.
all other Collectors
all other Heads of Depts
the Hon'ble the Judges of the H.C. (written)
all Depts of the Secretariat.

despd 16/7/98.

Gazette 5/7/98

despd 29-6-98

12/11/32 I

6/1/33. I