

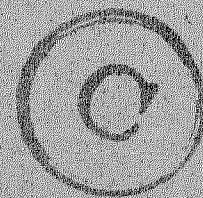
Educational (1899) Department.

ORDINARY MS.

G.O., No. 105

Dated 22. 2-88

INDEXED.



9.9

[Despatch Abstract.]

Stating that Muhammad Aminuddin, a
Military Hospital Assistant pupil of the Medical
College, Madras, should be given his diploma
directing certain alterations in the
College rules and the form of the bond executed
by Stipendiary Students.

22/2/88

BACK PAPERS.

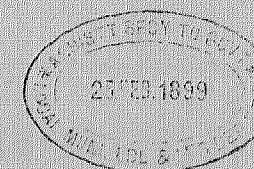
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Educational (1897) Department.

CURRENT No.



From The Director of
Public Instruction
Madras

No. 834

Dated 23 January 1899.

Received

Registered

Enclosures

Spare copies

SUBJECT.

Order No. 105 of 22-2-99

in the present case,
The Govt considers that ^{Geogian} Muhammed
Aminuddin should ~~have~~ his diploma
but that the College rules and the form
of the bond executed by stipendiary
students should be altered so as to
allow of the recovery of ^{the} tuition fees and
the withholding of the diploma in
similar cases in future. The Director
will submit a draft of the necessary alterations.
from orders

20
18/2/99

AT 20 2 99

20
18/2/99

The D.P. I. qto
with impl. encl. ret.

22/2/99

Submitting, for the
orders of Government,
certain correspondence
relating to the grant
of diploma of Hospital
Assistant to Muhammed
Aminuddin, lately a
Military Hosp. Asst.
pupil of the Medical
College, Madras.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Copy of a letter from the Government Solicitor, Madras, No 435, dated 6th October 1898 to the Surgeon-General with the Government of Madras.

I beg to acknowledge receipt of your letter of 4th instant No 2910/5 with its enclosures.

2. The bond entered into by Ghulam Mohidin Hakim on behalf of Muhammad Aminuddin has no connection with the granting to the latter of a diploma by the Director of Public Instruction. The condition of the bond has, apparently, been fulfilled by Muhammad Aminuddin having refunded to Government the amount expended by Government in assisting Muhammad Aminuddin whilst at the College. There is nothing before me to show that the Director of Public Instruction would be justified in withholding the diploma.

3. I return the bond.

/True Copy/

J. G. M. M.

Director of Public Instruction.

*and
He*

15th December 1898.

From

The Government Solicitor, Madras.

To

The Director of Public Instruction,

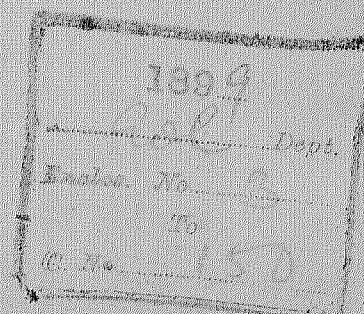
Madras.

Sir,

I beg to acknowledge receipt of your letter of the 12th instant No 13972 with its enclosure and with a copy of the Calendar of the Madras Medical College for 1898/97

2. Taking it that all classes of Hospital Assistant pupils, ^{except} ~~except~~ the Government stipendiaries, are required to pay for their education in the College, it seems to me that the pupil Aminuddin came within the exception, for he was a Government stipendiary and Ghulam Mohideen Hakim entered into the required bond to Government. Aminuddin did not fulfil all the conditions of the bond but he or Ghulam Mohideen fulfilled the final condition of paying to Government the amount expended by Government in assisting Aminuddin whilst at the College. The fact of Aminuddin having resigned the service instead of as contemplated, continuing therein, does not have effect of removing him from the exception of Government stipendiaries. He was a Government stipendiary and was never anything else and, as a Government stipendiary, he was ^{not} ~~not~~ and, in my opinion, is not liable for the fees. I do not agree with the view of the Principal, Medical College, that immediately a Government stipendiary resigns the Government service, he comes under the category of a private pupil and is liable to the payment of fees unless, of course, the pupil, after his resignation, continues his studies in College.

3. As regards the question of granting or withholding a diploma the Principal, Medical College, says in paragraph 3 of his letter of 6th instant No 309 to you, that there are no rules regulating the grant of a diploma to any student of the College and that it is not stated anywhere that a diploma shall be given to a student on the successful termination of his career at College and that the granting of a diploma is merely a custom that has come into force as a means whereby successful and unsuccessful



students are differentiated, so that no student can claim a diploma. If this be so and there is no contract, express or implied, to grant a successful student a diploma, I am of opinion that it would be legal and justifiable to refuse a diploma to Aminuddin.

4. I return the Calendar sent to me and

I have &c
(Sd) Ernest Barclay,
Government Solicitor.

/True Copy/

J. Duncan
Director of Public Instruction.

Ernest Barclay

189
Dept.
Encls. No.
To
C. No.

RECURRENT No. 153

OFFICE OF THE DIRECTOR OF

PUBLIC INSTRUCTION,

Madras, 23rd January 1899.

No. 834

From

THE HONORABLE MR. D. DUNCAN, M.A., D.S.C., LL.D.,

DIRECTOR OF PUBLIC INSTRUCTION,

Madras,

To

The Secretary to Government,

Educational Department,

Fort Saint George.

SIR,

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

2. One Muhammad Aminuddin was admitted into the Medical College as a Native Military pupil in October 1894, under an agreement with the Secretary of State executed by his guardian Ghulam Mohidin, and was trained therein for the service of Government and at the expense of the State. In virtue of his position as a Native Military Hospital Assistant pupil, he received not only stipends from Government, but also free education unlike non-stipendiaries, who are required to pay the prescribed tuition fees. After completing his course successfully, Aminuddin refused to enter the service of Government, and the Surgeon-General with the Government of Madras accepted his resignation, on condition of his refunding the amount of stipends received by him from Government. He has, accordingly, fulfilled this condition and has applied to the Principal, Medical College, for his Hospital Assistant diploma. The Principal demands the payment of tuition fees by Aminuddin prior to the grant of the diploma, but the Surgeon-General considers the claim to be untenable, inasmuch as the student has fulfilled the terms of the enclosed agreement and as the question of his joining the Medical Service or otherwise is one entirely for the consideration

the kindly returned

of the Medical Department. It was then pointed out to him that the refund by Aminuddin of the stipends paid to him released him, no doubt, from all obligations to the Secretary of State imposed by the above bond, but that it did not release him from his obligations to the Medical College in which he was trained, in respect of the tuition fees, the demand of which it had waived solely in consideration of his having undertaken to serve under Government, and which he would have had to pay, had he not bound himself at the outset to serve the Government on the completion of his course. It was alleged further, that the bonds executed in behalf of Aminuddin and other Government stipendiaries made no reference whatever to the grant of diplomas to such students, that the system of granting diplomas to successful students was merely a custom that had come into force as a conventional method of differentiating successful from unsuccessful candidates, and that a diploma could be granted to Aminuddin only if he complied with the regulations of the College in regard to tuition fees, which are binding on all private students, to whose level he had apparently reduced himself by relinquishing the service of Government. The Surgeon-General not being convinced of this aspect of the question, a reference was made to the Government Solicitor, copies of whose replies, Nos. 435 and 629, dated 6th October and 15th December 1898 are enclosed herein for the perusal of Government. The Government Solicitor, it will be observed from his second letter, has proposed a compromise by declaring the demand of tuition fees unjustifiable and by leaving it to the discretion of the College authorities to grant or not a diploma to Aminuddin.

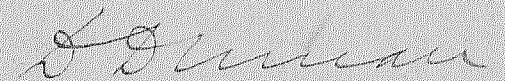
3. For my part, I am inclined to the opinion of the Principal, Medical College, that Aminuddin and other Government stipendiaries similarly circumstanced, should not be granted their diplomas unless tuition fees are also paid. In training institutions, students trained at the expense of Government are required to pay such fees, should they be unwilling to serve as teachers and are permitted to refund the stipends drawn by them, and there is no reason

whatever to suppose that the Medical College should undertake to educate free of charge students with lower educational qualifications than those possessed by civil and private Hospital Assistant pupils, if they ultimately choose to quit the service of Government for which they are specially trained and allowed an advance in the shape of stipends. If a diploma is given to Aminuddin, there is nothing to prevent it becoming a general practice for students in this way to obtain their medical education for nothing. In these circumstances, I beg to be favoured with a definite ruling on the point.

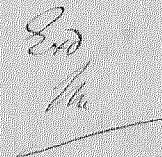
I have the honour to be,

Sir,

Your most obedient servant,



Director of Public Instruction.



C. No. 156

SUBJECT.

Grant of ~~Diploma~~ Hospital Assistant
Diploma to Muhammad Aminuddin

FOR ORDERS.

~~Mr.~~ Muhammad Aminuddin, was ad-
mitted into the Madras Medical
College as a Native Military
pupil in October 1894 under
an agreement that, unless
prevented by illness or by in-
-table accident, he ^{should} attend
and completely go through the
full course of instruction at
the (said) college during a period
of three consecutive years, that
upon the completion of this
training he shall if required
to do so, enter service as an
Hospital Assistant & that if
he fails to do either, he shall
through 9

through his guardian pay
the amount which shall
have been expended by the
Govt of Madras in assisting
him.

2. Aminuddin completed his
Course successfully but refused
to enter service & the Surgeon
General accepted his resignation
on condition of his refunding
the amount of stipends received
by him. The Principal of
the College however refuses to give
him his diploma unless he
pays his tuition fee also. The
Surgeon General considers this claim
to be untenable.

3. The question was referred to
the Govt. Solicitor & he has expressed
the opinion that the demand of
the tuition fee is unjustifiable
but that the diploma may be
refused if its grant is a mere
custom

custom so that no student can
claim it & there is no contract
express or implied to grant a
successful student his diploma.
It seems doubtful whether a
diploma can be refused as a
successful student is by
implication entitled to his
diploma. The best thing appears
to be to grant it in the present
instance and alter the form
of the bond for the future.

Secy
7/2/99
Submitted that there
is no compulsion here that
a successful student
is entitled to his diploma, which
has nothing to do with the
bond, & that the view of
the D.P.I. expressed in para 8
of his letter may be accepted.
If Aminuddin chooses to pay
his tuition fees he may be
granted a diploma.
On page 109 of the Med. Coll
Calendar it is stated in regard
to the exam^{ls} for the Apolthoon
Grade (rule 20) that successful

When given for copying _____
When copied _____
When examined _____
When signed _____

189 .

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

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

NOT FILLED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
F = Copy abstract only.
Q = Copy heading only.