M.R.O. 1—[illegible]—16-10-33.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1725 Press Mis.

32-33

Dated 4— 11— 19-1987.3

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Not to be folded or roughly handled

12.55

Proceedings of the Madras Government, Judicial Department, 4th November 1863.

No. 32. Read the following letter from L. KRISTNAIYENGAR, Officiating District Moonsiff of Conad; to the Honorable A. J. ARBUTHNOT, Commissioner for the Uncovenanted Civil Service Examinations, dated Trichinopoly, 22nd September 1863.

1. I respectfully beg to bring to your notice, that under the rules of Government published in the Fort Saint George Gazette, dated 6th July 1855, page 791, I passed the test prescribed for the office of District Moonsiff and Pleader and obtained Diploma from the Divisional Committee at Madura in 1856.

2. In June last the Civil Judge of this place recommended me to the High Court to be appointed as District Moonsiff of Conad which then became vacant. In reply to this communication the High Court requested the Civil Judge to inform them what examination I have passed, and in case of my not having passed the standard prescribed by the Notification of 4th February 1862, relating to special test, to state whether there were no candidates who have passed under that standard.

3. As the list of passed candidates under the special test was not then published, the Civil Judge reported that there were none who passed the said standard, that I am a passed candidate under the rules of 1855 as above stated and possess a Diploma. Thereupon I was appointed to officiate as Conad Moonsiff subject to my appearing and passing at the next special test examination; a copy of the Proceedings of the High Court is appended for your perusal.

4. With due deference to the order of the High Court, I beg to state that the rules of 1855 were superseded by the Uncovenanted Civil Service Examination promulgated in 1858, and the latter by the special test now in force. During a period of four years the rules of 1858 were in force, the candidates who passed under the rules of 1855 have been appointed as District Moonsiffs in several Zillahs without being required to pass again under the rules of 1858. It is not clearly laid down in the special test examination rules, that candidates who have passed in the old rules of 1855 or 1858 should pass again to make them eligible for appointment as District Moonsiffs.

5. Under these circumstances and believing that it would not be the intent of Government to subject candidates who have once passed under any of the old rules for the grade of Moonsiff to pass examination every time the rules are revised or altered, myself and several other candidates who hold Diplomas from the Divisional Committees, and from the late Sudder Court, did not attempt to present ourselves for examination under the special test.

6. In obedience to the order of the High Court I must pass the examination again. In doing so I will have to re-pass in Hindu and Mahomedan Laws in which I have already passed. My confirmation in the office of District Moonsiff depends on my passing the new special test examination.

7. I request therefore you will be pleased to favor me with your opinion as to whether it is obligatory on a person under my circumstances to pass the new test also? If so, whether I am to pass again in Hindu and Mahomedan Laws?

Proceedings of the High Court of Judicature at Madras, dated 17th July 1863.

Read again letter, dated 17th ultimo, from the Civil Judge of Trichinopoly, reporting the death of Mr. L. C. REBEIRO, the District Moonsiff of Conad, and recommending that L. KRISTNAIYENGAR, the Sheristadar of his Court be appointed to the vacant post.

Read also letter dated 11th instant from the same Officer replying to the High Court's Proceedings under date the 1st idem.

The High Court sanction the appointment of L. Kristnaiyengar to officiate as District Moonsiff of Conad on full salary subject to his appearing and passing at the next special test examination. The examination is of the simplest character, and there will be no difficulty whatever in a person possessed of the qualifications attributed to L. Kristnaiyengar by the Civil Judge, passing it.

(True Extract)

(Signed) T. WILKINS,
Deputy Registrar.

To the Civil Judge of Trichinopoly.

Proceedings of the Madras Government, Judicial Department,
4th November 1863.

MEMORANDUM.

Transferred to the Chief Secretary to Government, Fort Saint George, for disposal with reference to G. O., 28th August last, No. 1393, Judicial Department.

By order,
(Signed) C. G. MASTER,
Secretary.

OFFICE OF THE COMMISSIONER FOR THE UNCOVENANTED CIVIL SERVICE EXAMINATIONS,
26*th October* 1863.

No. 33. ORDER THEREON, 4th November 1863, No. 1725.

The Governor in Council resolves to refer the foregoing letter to the Honorable the Judges of the High Court for their remarks, together with a copy of the Proceedings of Government, under date the 28th August last, No. 1393.

2. It appears to the Governor in Council that, as a general rule, persons who have already passed an examination which has been pronounced by Government to be sufficient as a test of qualification for a particular office, should not, on the examination rules being changed, be required to pass a fresh examination according to the new test. It is, of course, open to the High Court, in individual cases, to pass such an order as that of which the Acting District Moonsiff complains.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the L. Krishnayyan Actg Dist. Moonsiff of Conrad in the Pulicat Polly District

(Rec'd enter 22d Sept. 1863 No. 2361)

Order thereon 4th November 1863 No. 1725

The Governor in Council resolves to refer the foregoing letter to the Honorable the Judges of the High Court for their remarks, together with a copy of the Proceedings of Government under date the 28th August last, No. 1393.

2. It appears to the Governor in Council that, as a general rule, persons who have already passed an Examination which has been

been pronounced by Government to be sufficient as a test of qualification for a particular office, should not, on the Examination rules being changed, be required to pass a fresh Examination according to the new test. It is, of course, open to the High Court, in individual cases, to pass such an order as that of which the Acting District Mun. Lift complains.

[illegible]

To The Hon'ble the Chief Justice of the High Court with No 1395 dated 9

The Commissioner for the Income Tax dated 7

Pro. Nov^r

Judicial 1863. Department.

No. 1725.

PROCEEDINGS of GOVERNMENT.

Dated 4 November 1863.

~~J. A. 2727.~~

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