M.R.O. 1—39,000—16-10-20.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Judicial **DEPARTMENT.**

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| G.O. No. | 1345 | Press / Mis. |
| 58-59 Dated | 10-9-~~19~~ 1864 | |

9/10

***Not to be folded or roughly handled***

Read the following Petition.

No. 58. To His Excellency the Honorable the Governor in Council,
*Fort Saint George.*

The humble address of B. PASOOPATY MOODELLIAR, Deputy Writer in the Civil and Session Court of Coimbatore.

May it please your Excellency,

With profound respect and submission, I most humbly and respectfully beg to be pardoned for submitting these few lines for your Lordship's favorable consideration and orders.

2. Under the rules promulgated by the Honorable Government in 1855, I passed the several tests prescribed for the office of Moonsiff and Pleader in 1857, and obtained Diploma of fitness. Owing to several senior passed candidates in Coimbatore Court, I had not the fortune of being made a Moonsiff although my period of service in the judicial line amounts to upwards of 20 years.

3. On the 15th January 1864, the High Court of Judicature at Madras, in their Registrar's letter to the address of the Civil Judge of Coimbatore, observed with regard to my nomination to a Moonsiffship "that the test of 1857, which I passed, is now become an *obsolete standard* and could not be confirmed in the office of District Moonsiff."

4. This order at once blasts my hopes of getting a promotion just in time when vacancy in the Moonsiffship has taken place. I never thought or knew that the test once passed by me under the rules of Government would become an obsolete standard; and had the intention of the framer of the rules of the 18th November 1862, been such, a general Notification might have been issued and published in the *Official Gazette*. That nothing of the kind has taken place to this very day, and the Proceedings of the Madras Government, dated 5th February 1862, No. 175, do not at all touch the passed Candidates of older dates, in proof of which I humbly beg to state that many Diploma holders were appointed as permanent Moonsiffs, and the Honorable Government have also passed a favorable order* on the 14th September 1863. Consequently I concluded myself to have been exempted from further examination under the rules of 18th November 1862.

* Copy enclosed.

5. Under these circumstances, I most humbly and respectfully beg your Excellency, abounded with mercies and blessed by the Almighty God with the supreme power of rendering justice and protecting the poor and helpless creatures, will be graciously pleased, in consideration of my length of service in the judicial line, and of my having passed the several tests prescribed for the office of Moonsiff under the rules in force in 1855, to exempt me from further examination and issue orders accordingly.

(Signed) B. PASOOPATY MOODELLIAR.

Coimbatore,
14*th July* 1864.

2. It will be in the
recollection

No. 59. To the Honorable Sir C. H. SCOTLAND, Knight, Chief Justice of the High Court of Judicature, Madras, dated Fort Saint George, 10th September 1864, No. 1345.

I am directed by the Governor in Council to transmit for the consideration of the Honorable the Judges of the High Court, the enclosed petition addressed to Government by B. Pasoopaty Moodelliar, a Deputy writer in the Civil and Session Court of Coimbatore, and a passed candidate for the office of District Moonsiff under the Examination Rules published in 1855, complaining that the High Court have declined to sanction his appointment to the office of Moonsiff on the ground that the examination test which he passed in 1857, has now become an obsolete standard.

2. It will be in the recollection of the Judges that a very similar case was referred for their consideration in the Proceedings of Government, under date 4th November last, in which His Excellency in Council expressed it as his opinion, that as a general rule, persons who had 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. The order in question went on to say that it was of course open to the High Court, in individual cases to pass such an order as that which was then under notice, and which required an officer who was then acting as District Moonsiff, having passed under the rules of 1855, to qualify under the rules now in force before he could be confirmed. The reply of the Court was to the effect that they had re-considered the circumstances of the particular case then in question, and that they saw no reason to alter the view which they had originally taken of it. They did not advert to the general question of the operation of the Examination Rules of 1855. Adverting, however, to the wording of the order which appears to have been passed by the High Court in the case of the present petitioner, the Governor in Council gathers that the Judges have laid it down as a rule that no person shall be appointed to the office of District Moonsiff who has only passed the examination prescribed by the rules of 1855; and, if this be a correct statement of the Judges' views, I am directed to request that the subject may receive further consideration. The Judges must be aware that after a certain time of life the obligation to pass examinations is usually considered to be, and in fact is, a very serious hardship, and that to require a person who has already passed what the Government of the day have declared to be a sufficient test of qualification for a particular office, is calculated to excite grave discontent in the minds of public servants, and to weaken their confidence in the declarations and policy of the Government. The Examination Rules which the Honorable the Judges have now pronounced to be obsolete, were in many respects much less satisfactory than those which have been since prescribed; but there can be no question that in certain Districts, the examinations held under those rules did furnish a very fairly effective test of the qualifications of the Examinees, and that in such cases it would be very unfair to deprive the successful candidates of the privilege which they were led to expect.

3. It appears to the Governor in Council that when a public servant who has passed under the rules in question is nominated by the Judge of the District in which he is serving as a fit person for the office of District Moonsiff, his claims to that office should not be rejected merely on the ground of his not having passed an

*Proceedings of the Madras Government, Judicial Department,*
**10*th September* 1864.**

examination according to the rules which have been in force for the last two years, and which were clearly not intended to apply to persons who had passed according to the rules previously in force.

4. The Governor in Council trusts that on further consideration of this matter, the Honorable the Judges will see the propriety of recognizing the claims of such candidates of this class as may be able to furnish satisfactory testimonials as to their qualifications for the office of Moonsiff from the District Judges under whom they have served.

(Signed) J. D. SIM,
*Secretary to Government.*

**Exd. T. Cartledge.**

2. It will be in the recollection

Nov. 1923.

3

Petitioner joined (in 1857) the Examination Price-Lerished for Ironcliffs & Pleaders; in the 1/55 rules the was then, and is still, a writer in the Common Law Court. —

The High Court, on his being nominated to a Judgeship, remarked, on the 15th January 1/64 that "the test of 57 (2/55) had now become an obsolete standard"

Taking this in connection with the reference to the High

Court of the 4th Nov/63
& other reply of the 15th
Secr. — it is clear that
they definitely decline to
appoint any officers &
Journeymen who came out
Joined the new Special
Test. — by Regulation

The appointment of visit
with Provincial Court — trans-
ferred to Sudder Court — trans-
ferred to High Court.

As many questions exactly
similar are likely to arise-
it is desirable that a de-
finite line of policy should
be adopted, and that Govt
direct the reference to
Govt Architect, who framed
the Special Test rules

C.H.W.

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court objected to his nomination to the office of Munsiff on the ground that the Standard of 1857 is now became an obsolete.

Prays that for the reasons herein set forth an order may be passed for exempting him from passing any further examination under the rules which are in force at present.

Encl. Ltr. from B. Parsoopaty Modeliar Deputy writer for the civil & Sessions court of Coimbatore Dated 7th July 1864 Recd 13th July 1864 With 1 Enclosure.

States that he passed for the Judicial test for the office of pleader & Munsiff under the rules which were in force in 1857, that contrary to the order of Government the Judges of the High

Judl Dept. 23rd of 1864.

Judl Dept. 1579.

1 5

Judicial Deptt.

No. 1345.

To The Honble Sir C. A. Scotland, Kt. Chief Justice of the High Court, Madras.

Honble Sir,

I am directed by the Governor in Council to transmit for the consideration of the Judges of the High Court, the enclosed petition addressed to Govt by B. Parsooputty moodeliar, a Deputy Writer in the Civil and Session Court of Coimbatore, and a passed Candidate for the office of District Moonsiff under the Examination Rules published in 1856, complaining that the High Court have declined to sanction his appointment to the office of Moonsiff on the ground that the examination test which he passed in 1857 has now become an obsolete standard.

2. It will be in the recollection

recollection of the Judges that a very similar case was referred for their consideration in the Proceedings of Govt. under date 4th Novr. last, in which His Excellency in Council expressed it as his opinion, that as a general rule, persons who had already passed an examination, which has been pronounced by Govt. 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. The order in question went on to say that it was of course open to the High Court, in individual cases to pass such an order as that which was then under notice, and which required an officer who was then acting as



District Moonsiff, having passed under the rules of 1855, to qualify under the rules now in force before he could be confirmed. The reply of the Court was to the effect that they had reconsidered the circumstances of the particular case then in question, and that they saw no reason to alter the view which they had originally taken of it. They did not advert to the general question of the operation of the Examination Rules of 1865. Adverting however to the wording of the order which appears to have been passed by the High Court in the case of the present petitioner, the Governor in Council gathers that the Judges have laid it down as a rule that no person shall be appointed to the

the office of District Moon-
siff who has only passed
the examination prescribed
by the rules of 1855: and
if this be a correct
statement of the Judges'
views, I am directed to
request that the subject
may receive further con-
sideration. The Judges
must be aware that after
a certain time of life
the obligation to pass
examinations is usually
considered to be, and in
fact is, a very serious
hardship, and that to
require a person who
has already passed
what the Govt of the
day have declared to be
a sufficient test of
qualification for a
particular office, is cal-
culated to excite grave
discontent in the minds
of public servants, and
to weaken their confidence

in the declarations and
policy of the Govt. The
examination rules which
the Honble the Judges have
now pronounced to be
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ful candidates of the
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3. It appears to the
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is

is nominated by the Judge of the District in which he is serving as a fit person for the office of District Moonsiff, his claims to that office should not be rejected merely on the ground of his not having passed an examination according to the rules which have been in force for the last two years, and which were clearly not intended to apply to persons who had passed according to the rules previously in force.

4. The Governor in Council trusts that on further consideration of this matter, the Honble the Judges will see the propriety of recognizing the claims of such candidates of this class as may be able to furnish satisfactory testimonials as to their qualifications for the office of Moonsiff from the District Judges under whom they have served.

Fort St. George
16th September 1861

Judicial 1864 Register

No. 1545.

To Monroe La

The Chief Justice of the
Sixth Court of Exhibition
Parish

Feb. 2012 - 2397 -

Dated New Orleans September - 1864.

Respecting the claims
for promotion of the
Candidates who passed
the District Recorders'
test of 1855. being re-
cognized. -

58. 59.