

- (1) பக்கங்களின் எண்ணிக்கை 4
(2) புதுக்கித் திருப்பிய நாள் February/90
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/9

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

10/9/90 துறை

அரசாணை எண்.	2994 W	அச்சகம்
மு. கோப்பித் தாள் எண்.		பலவகை
நாள் :	11. 11. 1890.	198.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

From D. DUNCAN, Esq., M.A., D.Sc., Acting Commissioner for the Uncovenanted Civil Service Examinations, to the Chief Secretary to Government, dated Madras, 7th August 1890, No. 912.

A suit for damages having been filed against Mr. Grigg as Commissioner for the Uncovenanted Civil Service Examinations in the Court of the District Munsif at Ellore, I have the honor, in reporting the matter now, to request that Government will be pleased to undertake the defence of it and to approve of the action that has already been taken.

2. The facts of the case are briefly these: One Kommu Venkatakrishnayya applied in August last, being then resident at Ellore, for admission to the Middle School examination to be held at Rajahmundry in the December following. The Treasury officer, who received his fees, reported to the Commissioner what he considered to be certain suspicious circumstances connected with the application of the candidate. As cases of fraud had frequently been reported in connection with the examinations held at several of the centres in the Northern districts, Ellore among others, it was thought advisable, as a precautionary measure, to refer the matter to the Superintendent of Police, Rajahmundry, and to forward to him the application of the candidate containing such particulars in regard to him as would be required for purposes of the inquiry. The application not being in the office at the time of the preparation of the nominal lists, the matter was lost sight of, and Venkatakrishnayya's name came to be omitted from the printed list of candidates furnished to the Superintendent of the Examination at Rajahmundry. Venkatakrishnayya declares that he proceeded to Rajahmundry and presented himself for the examination at the appointed hour but was refused admission; and he claims damages now for the loss alleged by him to have been sustained in consequence of the action which he supposes the Commissioner to have taken. It is a sufficient answer to plaintiff's case that he was not debarred by the Commissioner from appearing for the examination, and was not refused admission to it. Mr. Metcalfe, the Chief Superintendent of the Examination at Rajahmundry, to whom a reference was made, denies all knowledge of the candidate, and declares that no one was refused admission to the examination because his name was not in the list. I may add that the omission of Venkatakrishnayya's name from the list was purely accidental and did not imply that he was to be refused admission. On the contrary, all Superintendents are instructed to admit to the examination candidates who present themselves even though their names may not be in the printed list, and Mr. Metcalfe declares that had the candidate come to him, he would undoubtedly have admitted him though his name was not to be found in the list.

3. In anticipation of the approval of Government, the Government Pleader at Rajahmundry was asked to appear in defence of the suit, but he expressed his inability to do so and suggested the employment of a local pleader, one M. Suryanarayana Garu, to whom accordingly all the necessary papers and instructions have been forwarded. I trust Government will approve of the employment of this gentleman, and will authorize me to take such further steps as may be necessary in defence of the suit.

A true translation of the plaint is enclosed for the information of Government.

Reference, dated 26th August 1890.

With reference to paragraph 3 of the foregoing letter, the District Magistrate, Godáviri, is requested to ascertain and report why the Government Pleader at Rajahmundry expressed inability to appear in the defence of the suit instituted against the Commissioner for the Uncovenanted Civil Service Examinations.

(Signed) J. F. PRICE,
Chief Secretary.

To the District Magistrate, Godáviri,
with copy of portions of letter No. 868.

From M.R.Ry. N. SUBBA ROW, Public Prosecutor and Government Pleader,
to the District Magistrate, Godáviri, dated Rajahmundry, 12th September 1890, No. 59.

In reply to your memorandum No. 322, dated 4th September 1890, I beg to state that I have not been engaged by Government up to date, in any suit in any District Munsif's Court or Sub-Court outside Rajahmundry. I believe there are Government Pleaders at each station to conduct their suits. The present suit against the Commissioner of Uncovenanted Civil Service Examinations is one I believe for about 600 rupees, the legal fees of which is 30 rupees. Considering my business here, I could not afford to conduct that suit. Besides, no scale of fees per day has been fixed by Government to engage my services, and I think the Government would not care to spend more than the legal fees to engage me to go specially to Ellore. Under these circumstances, I telegraphed and wrote to the Secretary on the 6th July to engage a pleader of the station and recommended Mr. Mylaverapu Suryanarayana Garu, a pleader of the Munsif's Court, to be engaged. It appears he was already engaged for the Tahsildar, who was also added as a defendant in the case.

No. 42.

Submitted to Government in reply to its Reference order, dated 26th August 1890, on No. 868 of 1890. It appears to me that the Government Pleader's action is right. He is attached to the District Court and represents the Government as a rule in cases on the file of that Court. If he is to attend Courts at out-stations it is reasonable that he should get additional fees. In each Court in the district there is a pleader who is engaged on behalf of Government in all suits to which Government is a party.

COCANADA,
22nd September 1890.

(Signed) W. A. HAPPELL,
District Magistrate.

ORDER—dated 17th October 1890, No. 669, Educational.

The defence of the suit is sanctioned, the question as to whether Government should finally bear the cost being postponed for consideration until the ultimate decision of the Courts upon the suit becomes known.

2. The Government is not prepared to accept the view of the Collector in regard to the conduct of the Government Pleader and considers that he had no right to refuse to appear in defence of the suit without reference to the Collector who is the representative of Government interests in the district. The retaining-fee of Rs. 50 per mensem is paid for securing the performance of the duties, not only of Public Prosecutor, but also of Government Pleader, and it is not the intention of Government that the Government Pleader should be required to appear in the District and Sessions Court alone.

3. With regard to the statement to the effect that no daily scale of fees in civil cases has been laid down by Government, the attention of the Government Pleader should be drawn to G.O., dated 26th August 1886, No. 2273, Judicial, from which he will observe that the regulation fees are to be adopted as a general rule, but that in exceptional cases the Collector is empowered to recommend higher rates.

(True Extract.)

Ledwith Hill
Chief Secretary.

To the Commissioner, U.C.S. Examinations.
„ the Collector of Godáviri.
„ all other Collectors.
„ the Departments of the Secretariat.

Exd. P. L. Pereira.

Govt. of {1890} Madras.
EDUCATIONAL.

20.5.90

Go 1615 W & 20 June 1899

Issued

Recd. 7-11-90 Encl.

G.O., 17th October 1890, No. 669.

OCTOBER.

Defence of Suits and duties of
Government Pleaders.

Sanctioning the defence, at the public expense,
of a certain suit against the Commissioner for the
U.C.S. Examinations; and defining the duties of
Government Pleaders.

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