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- (1) பக்கங்களின் எண்ணிக்கை 4
(2) புதுக்கித் திருப்பிய நாள் 19 ஜூன் 90
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 609

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

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P. W. D. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	3380 W	அச்சகம் பலவகை
நாள் :	15-12-1891	198.

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மடிக்கவோ கண்டபடி கையாளவோ கூடாது

2 sheets

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—again the following papers:—

G.O., dated	7th December 1887,	No. 676,	Educational.
" "	31st July	1888	" 446 "
" "	14th November	"	" 650 "
" "	25th June	1891	" 483 "
" "	25th "	"	" 485 "

READ—also the following paper:—

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated Madras, 8th September 1891, No. 2217.

In forwarding herewith copy of the correspondence noted in the margin, I am directed to request you will be so good as to obtain the orders of the Government on the points raised by the Acting District Judge of South Arcot, and communicate them to the High Court.

1. Letter from the Acting District Judge, South Arcot, dated 8th June 1891, No. 48.
2. Letter to the Accountant-General, Madras, dated 29th July 1891, No. 1849.
3. Letter from the Deputy Accountant-General, Madras, dated 8th August 1891, No. 39—I.A.C.D., Treasury Account Department.
4. Letter from the Secretary to the Commissioner for the Uncovenanted Civil Service Examinations, Madras, dated 28th August 1891, No. 1084.

ENCLOSURES.

From T. M. HORSFALL, Esq., Acting District Judge of South Arcot, to the Registrar of the High Court, Appellate Side, Madras, dated Cuddalore, 8th June 1891, No. 48.

I have the honour to request to be informed whether under notification, No. 48, published in the *Fort St. George Gazette* of the 2nd July 1889, page 435, an unpassed man employed in the inferior service, but holding on the 1st April 1891 an acting appointment in the superior service of less than Rs. 15 in value, may be confirmed in his acting appointment after the above date. Also whether an unpassed man holding on the above date an acting appointment in the inferior service may be confirmed in his acting appointment after that date.

2. Clause (I) (b) of the above notification says that on and after the 1st April 1891, in order to be admitted to an appointment classed as superior, but of less than Rs. 15 in value, or to an appointment which although classed as inferior is not menial in its character, a candidate must have passed the prescribed examinations. The question is whether the holding of the acting appointments by unpassed men in these cases on the 1st April 1891 was tantamount to their "admission" to those appointments prior to that date.

3. I beg also to be favoured with the orders of the High Court on the question whether short-term, acting appointments of less than Rs. 15 in value may not be given to unpassed men when passed candidates are not available.

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, to the Accountant-General, dated Madras, 29th July 1891, No. 1849.

In forwarding herewith copy of a letter, dated the 8th ultimo, No. 48, from the Acting District Judge, South Arcot, I am directed to request that you will be so good as to favour this Court with your opinion on the points raised therein.

From R. MORRIS, Esq., Deputy Accountant-General, to the Registrar of the High Court, Appellate Side, dated Fort St. George, 8th August 1891, No. 39—I.A.C.D.

I have the honour to inform you that your letter, No. 1849, dated 29th July 1891, has been transferred to the Secretary to the Commissioner for the Uncovenanted Civil Service Examinations for disposal.

From E. H. ELLIOT, Esq., B.A., Secretary to the Commissioner for the Uncovenanted Civil Service Examinations, Madras, to the Registrar of the High Court, Appellate Side, dated Madras, 28th August 1891, No. 1084.

With reference to your letter of the 29th July last, No. 1849, to the Accountant-General transferred to this office for disposal, I am directed to state that Notification, No. 48, of the 2nd July 1889, which Mr. Horsfall refers to in his letter, has since been superseded by Government Notification, No. 41, of the 25th June 1891, prescribing rules for admission to the Public Service. A reference to the latter notification will show that unpassed men may be appointed to posts in the inferior service up to the 31st December 1893. The second of his two questions, therefore, is answered in the affirmative. As regards his first question, I am to state that it does not appear that an unpassed candidate can be confirmed in a superior appointment in which he may have been acting prior to the publication of the rules. The notification, however, is not very clear on the point and the question raised is one that may be referred to Government for decision.

ORDER—dated 4th December 1891, No. 903, Educational.

The District Judge of South Arcot raises three questions, namely—

(1) Whether an unpassed "inferior" Government servant who is acting in a "superior" appointment on a salary of less than Rs. 15 on the 1st April 1891 can be confirmed in his acting appointment?

(2) Whether an unpassed man who is acting in an "inferior" appointment on the 1st April 1891 can be confirmed in it?

(3) Whether an acting appointment of less than Rs. 15 in value can be conferred upon an unpassed man if no passed man is available?

2. The answer to the first two questions will be found in the following rule, which will be substituted for Rule 13 of the Primary School Examination Notification approved in G.O., dated 25th June 1891, No. 483, Educational:—

"16. Unpassed persons holding substantive or acting appointments, to which these rules are declared applicable upon the date on which they come into force, will not be affected thereby so far as the appointments in question are concerned, but such persons cannot be appointed to other offices carrying higher salaries to which these rules apply and cannot be confirmed in the appointments in which they are acting after the date when these rules come into force unless they duly qualify."

It is observed that the Primary School Examination Rules have not been rendered applicable to any appointments in "inferior" service until the 1st January 1894.

3. With reference to the third question, the Government considers it desirable to extend slightly the powers of heads of departments in regard to the employment of unpassed men.

By G.O., dated 7th December 1887, No. 676, Educational, the Board of Revenue received power to appoint unpassed persons to acting appointments in posts of Rs. 15 and upwards in the Ceded Districts and Ganjam without reference to Government, provided the acting pay was less than Rs. 15 and that the duration of the appointment did not exceed one month.

In G.O., dated 31st July 1888, No. 446, Educational, the above concession was extended to all departments.

Finally, by G.O., dated 14th November 1888, No. 650, Educational, the Board of Revenue was empowered to grant exemption from examination rules in cases similar to those above referred to, provided that the acting appointment does not exceed three months in duration.

The existing rules thus make no provision for the employment of unpassed men to act in posts of which the pay is less than Rs. 15 *per mensem*, nor for the appointment by any authority but the Board of Revenue of unpassed men in acting vacancies for periods of more than one month, nor for the appointment by any authority of unpassed men to act in posts carrying an acting pay of Rs. 15.

Accordingly, in supersession of the three orders quoted above, the Government resolves to lay down the following rule for future guidance:—

"The Board of Revenue and all other Heads of Departments are authorised in the Ceded Districts and Ganjam to appoint persons who have not passed the examinations prescribed in the Public Service Notification to act in posts of which the acting pay does not exceed Rs. 15 *per mensem*, provided that no such person shall be appointed to any such post for a period exceeding three months."

From this rule the District Judge of South Arcot will observe that the power of appointing unpassed men to act for short periods is confined to the Ceded Districts and Ganjam.

4. In Rule 15 (a) of the Primary School Examination Notification, published with G.O., dated 25th June 1891, No. 483, Educational, the word "appointment" should be substituted for the word "admission," and in Rule 3 of the Public Service Notification, published with G.O., dated 25th June 1891, No. 485, the word "appointed" should be substituted for the word "admitted."

(True Extract.)

Chief Secretary.

To the Honorable the Chief Justice, with C.L.
" the Director of Public Instruction.
" the Commissioner for the U.C.S. Examinations.
" all Departments of the Secretariat.

Exd. A. Raitt.

Govt. of {1891} Madras.
EDUCATIONAL.

Ms 3380 Wd/15th Dec/91

Communicated to
officers of the Public Works
Department for infor-
mation and guidance
in continuation of the
undermentioned orders.

C.O. 3503 wd/21 Dec - 87.
2624 w - 24 Aug - 88
1928 w - 14 July - 91.
1897 w - 10 " - "

Issued

Recd.

Encl

G.O., 4th December 1891, No. 903.

DECEMBER.

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14.12.91

See

Primary School Examination.

Directing the substitution of a rule for Rule 16
of the — Notification approved of in G.O., 25th
June 1891, No. 483, and extending the powers of
Heads of Departments in certain districts in regard
to the employment of unpassed men.

C.E. for J. with one more copy
C.E. for Rys. S.
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C.A. S.
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2/5/12

LS. C. 16-11

2/6/12

With order