Pension 1898 Department

Government {1898} of Madras.

EDUCATIONAL.

Consult No. 496

Recd. } 1898. *Enclosures*

Regd. *Spare copies*

G.O., No. 350-A., 11th June 1898.

JUNE.

Special Test Examinations.

Passing orders on letter from the Collector of Tanjore bringing to notice certain difficulties experienced in obtaining the assistance of officers to superintend at the —, and directing the publication in the *Fort St. George Gazette* of a notification amplifying the orders issued in G.O., No. 315, Educational, dated 22nd October 1873, on the subject.

List 463 of 4th July 1898.

Order.

Recorded.

2nd 30/6/98

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—again the following papers :—

G.O., No. 204, Educational, dated 26th April 1861.
" " 296 " " 30th September 1873.
" " 315 " " 22nd October 1873.

Read—also the following papers :—

From J. ANDREW, Esq., Acting Collector of Tanjore, to the Secretary to Government, Educational Department, dated 26th June 1897, No. 2953-Rev.

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

2. Last October, the Head Assistant Collector, Mr. Marjoribanks, who had been appointed to superintend the Special Test examinations at Negapatam, requested the marginally-noted officers to assist him for a couple of days each, quoting as his authority, Government notification published on page 1670 of the *Fort St. George Gazette*, dated 28th October 1873. Under instructions of the District Judge, the Sub-Judge and District Munsif declined to comply with the request on the ground that the notification in question was not applicable to officers of Civil Courts. On receipt of a representation from the Head Assistant Collector in camp on 17th October, I made an urgent application to the District Judge to comply with the request made as a special case as the examinations were to commence on the 19th idem without prejudice to the question as to the correctness or otherwise of the Judge's interpretation of the Government order, and that officer courteously acceded to my request. Subsequently the District Judge reported the matter to the High Court (*vide* letter No. 1846, dated 16th November 1896) and the High Court, in its Proceedings, Dis. No. 1101, dated 1st December 1896, concurred with the view of the District Judge that "the only authority who can call upon officers of Government to superintend Special Test examinations is the Commissioner for such examinations," and found fault with the District Judge for having "lent the services" of the Sub-Judge and District Munsif in response to my urgent request. Before going on to discuss the general question, I would point out that —whatever may be said of Mr. Marjoribanks' "call," and his letter politely requesting, if possible, the services of the officers concerned, with enclosure, speaks for itself—the High Court is entirely in error in saying that I made any "call" at all upon either the Sub-Judge or District Munsif. I did nothing of the sort, but made a request to the Judge as matters of favour and of extreme urgency to direct the Sub-Judge and District Munsif to assist under the special circumstances reported. The High Court is equally in error in paragraph 2 of its proceedings in saying that the Commissioner would no doubt have addressed the District Judge if their (Sub-Judge and District Munsif) services had been required by him. A perusal of the letter of Secretary to the Commissioner to me shows that this surmise of the High Court is incorrect, as the Secretary requested the Collector (myself) to obtain, if necessary, the assistance of officers of other departments.

1. Assistant Commissioner of Salt, Abkári and Separate Revenue.
2. Executive Engineer, Negapatam.
3. Sub-Judge, Negapatam.
4. District Munsif, Negapatam.
5. Port Officer, Negapatam.

3. I do not consider it necessary to go into the questions of precedence and the like raised by the District Judge and replied to by the Head Assistant Collector, further than to say that I apprehend that probably every Revenue Divisional-officer in the Presidency would gladly surrender the dignity, and with it the labour, of the office of Chief Superintendent in favour of the local Judicial officer, and accept with pleasure the minor and much less troublesome duty of "assisting" at the examinations.

4. No doubt the District Judge and High Court are correct in saying that the Government notification of 1873 only authorises the "Commissioner" to call on officers of every department to "superintend" these examinations, and I may go further and say that it does not authorise even him to call on any one to "assist" the Superintendent. Therefore taking the notification literally, I do not see how the Commissioner himself could—as assumed by the High Court—have called on the District Judge to lend the services of his subordinate officers unless by way of being joint "Superintendents" with the Head Assistant Collector who was already appointed, and it has never been usual to have more than *one* Superintendent, and I do not see how there could, with any advantage, be more than one. The others are merely to assist.

5. Setting aside, however, this very technical point, I would beg orders as to whether it is advisable to saddle the Commissioner with all the additional petty work which the High Court would throw on him. If the services of judicial officers cannot be lent without a direct application from the Commissioner to the Judge, the same procedure will have to apply to officers of the Police, Salt and Abkári, Educational, Public Works and Marine Departments, as they are not the "subordinates" of the Collector. The consequence would be that the Commissioner would have to address the district heads of these departments whenever he wished to utilize the services of any of them or of their subordinates, and as there are over 20 districts, this would mean an enormous amount of the merest red tape correspondence for that highly-paid officer. Moreover, graver inconveniences might arise, *e.g.*, at the last moment, one of the selected officers, say the Executive Engineer, might find himself called away on urgent work to repair flood damages, and it would be necessary to write or telegraph to the Commissioner to make a requisition on some one else and for this there might be no time as the day of examination might be at hand. It is true that these difficulties have not, so far as I am aware, arisen hitherto, but that this is so has been doubtless due to the fact that the various officers concerned have not been overcareful to stand on their dignity. The question however having been raised, definite orders seem necessary, and I beg to suggest that the notification of 1873 be amended in the following manner :—

After "superintend" add "or assist in"; after "Commissioner" add "or Collector or Subordinate officers deputed by him." For "Collector" might be substituted "Judge" if Government considers that the duties should be discharged by that officer, and to that course I would not offer the slightest objection.

6. In the above alteration, I propose to insert "or officer deputed by him" after "Collector" (or Judge), as once the Collector has appointed the superintendent, it should not be necessary to trouble him (Collector) further with details as to the local officers who might be requested to assist. The less the correspondence in such routine matters the better for all concerned. The local officers would in 99 cases out of 100 have the sense to arrange details without troubling their superiors, and if any superintendent were so foolish as to call on high officers, such as District Judges, to assist, he would soon be brought to task. Only where, for any reason, they could not arrange among themselves, would it be necessary to write to the higher officers, such as District Judge, Collector, Deputy Commissioner or the like.

7. One other point I must mention. It might be urged that judicial officers should be exempted from superintending or assisting. To that I would reply that they are the very officers whose services can best be counted on without detriment to the public service or risk of failure at the last moment. They are always at their head-quarters; they can post fewer suits for days of examination, and can partly hear

them, if necessary, in the early morning or late afternoon. Revenue, Magisterial, Department of Public Works and Salt Officers may however have urgent work elsewhere, and that this is not a fanciful representation. I may mention that if the Negapatam riots of last year had happened a few days earlier or at another station in the Negapatam division, it would have been a sheer impossibility for Mr. Marjoribanks to have superintended the Special Test examinations, and at the last moment he would have had to get the duty transferred. If the High Court's view is accepted this would have involved telegraphic communication at the last moment with the Commissioner in order to obtain the services of the Sub-Judge, and meanwhile the riots and the examinations would have been running their courses with the attention of the Head Assistant Collector divided between the two.

I regret to have to trouble Government with this reference about a matter which ought never to have occasioned any dispute, and I should have preferred to let the differences of last October drop. But as the Special Test examinations will be coming round again in 3 or 4 months, and as the same question may then arise, I think this reference is necessary.

8. I enclose for favour of return (*a*) my endorsement to the District Judge, No. 3699—Revenue, dated 17th October 1896 (copy), (*b*) District Judge's letter to High Court, No. 1846, dated 16th November 1896, (*c*) High Court's Order, Dis. No. 1101, dated 1st December 1896, (*d*) Head Assistant Collector's letter to Collector, No. 400—Revenue, dated 3rd March 1897, with its enclosure.

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From J. B. BILDERBECK, Esq., M.A., Acting Commissioner for Government Examinations, to the Secretary to Government, Educational Department, dated Madras, 31st August 1897, No. 549—2-D.

In obedience to memorandum, No. 53 M., dated 27th August 1897, I have the honour to submit a copy of the Commissioner's letter to the Collector of Tanjore, No. 376, dated 7th September 1896, on the subject of superintending the Special Test examinations.

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Enclosure.

From E. H. ELLIOT, Esq., Secretary to the Commissioner for Government Examinations, to the Collector of Tanjore, dated Madras, 7th September 1896, No. 376.

The Special Test examinations, including the tests for officers of the Salt and Abkári Department, having been fixed for the 19th October next and following days, I am directed by the Commissioner for Government Examinations to request that you will, while undertaking the general supervision of the arrangements, depute an Educational or other competent Government officer to take the immediate superintendence and make the necessary arrangements, with whom also all the correspondence on the subject of the examinations may be carried on, and to whom the examination papers may be sent. I have to ask that you will inform me, *as soon as possible*, of the address of the officer whom you may direct to undertake this duty. This letter should be transferred to him *at once* for his guidance. I have also to request that you will aid the Chief Superintendent in obtaining the assistance of other officers in accordance with G.O., No. 315, Educational, dated 22nd October 1873, to attend and supervise the performance of the papers, if necessary. When an officer not being your subordinate is appointed, intimation of his appointment should be sent to his superior officer so as to enable that officer to obtain the necessary exemption if such appointment will seriously interfere with the discharge of his public duties. The greatest probable number of candidates that will be examined *at one time* at the centres * in your district, notified in the *Fort St. George Gazette*, should be gathered from a nominal list which will follow.

* Tanjore and Negapatam.

2. A statement showing the order of time in which the examinations will be conducted has already been sent to you by the Superintendent, Government Press, to be issued by you with your District Gazette after filling in the name of the hall at which the examination will be held.

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From the Collector of Tanjore, dated 12th October 1897, Endt. on C. No. 1781—Gl. Rev.

Order—No. 350-A, Educational, dated 11th June 1898.

After a consideration of present requirements as brought to notice in the papers read above, His Excellency the Governor in Council resolves to amplify the orders notified in G.O., No. 315, Educational, dated 22nd October 1873, regarding the superintendence of the Special Test examinations, so that there may, for the future, be no room for doubt as to the manner in which it is the intention of Government that effect should be given to the long-established practice in the matter.

2. The following notification will accordingly be published in the *Fort St. George Gazette*:—

NOTIFICATION.

His Excellency the Governor in Council desires that it may be clearly understood that it is the duty of all qualified officers of every department of the public service to superintend the examination of candidates for Special tests held under the orders of the Commissioner for Government Examinations if requested by the Commissioner to do so; and that no officer is entitled to claim any remuneration for such superintendence.

2. On the request of the Commissioner, Collectors will submit to that officer the name of an Educational or other Government servant to be the Superintendent at any such examination held in their districts, and also the names of Government servants to assist the Superintendent in the conduct of the examination as Assistant Superintendents. At the request of the Commissioner, Collectors will also undertake the general supervision of such test examinations. Before nominating an officer not immediately under his orders as Superintendent or Assistant Superintendent, the Collector will consult with the District Judge or other head of the department to which the officer is subordinate, and will then submit his list of selections to the Commissioner, who will make the appointments by a printed letter.

(True Extract.)

A. Russell
for *Secretary to Government.*

To the Collector of Tanjore.
" the Commissioner for Government Examinations.
" all other Collectors.
" all other Heads of Departments.
" the Hon'ble the Judges of the High Court (with C.L.).
" all Departments of the Secretariat. (Pensions)
Gazette.

Ed. W. D'Moss.