

Registrar (Judicial) (Budget)

May kindly see the online application (which was sent as a reply of Court's letter dated 29.07.2020) of Sushri Astha Mishra, Addl. Civil Judge (Jr. Div.), Mirzapur, regarding grant of ex-post facto permission for her appearance in the third semester examinations of LL.M. Course (regular) and permission to appear in the final semester online examinations of her LL.M. Course (regular) from University of Allahabad.

In her application, Sushri Mishra has stated that she had been pursuing her LL.M. from the Faculty of Law, University of Allahabad prior to joining the service on 26th November, 2019 and had successfully completed two semesters of the said course prior to joining the service (photocopies of the marksheets of both semesters can be seen as attachments). The officer has also stated that she had requested to the Hon'ble Court for its permission to continue and complete her LL.M. course by her letter dated 07.12.2019 and in anticipation of the permission of the Hon'ble High Court, she had taken/appeared in the third semester exams of the LL.M. course and the results have been announced (the photocopies of the marksheets of third semester examinations can be seen as attachment). She has also stated/declared that the requisite attendance for taking the third semester exams had been fulfilled by her prior to joining the service on 26th of November, 2019 and thereafter no classes have been attended by her and now the fourth semester exams have not yet been conducted by the University and are due to be conducted on 28th and 29th of September, 2020 and due to the pandemic the University has announced guidelines for conducting online examination for the final semester and for submitting online dissertation for the final semester students. She has further stated that in view of the extraordinary situation arising out of the COVID-19 pandemic, the University has not conducted any classes for the final semester requiring physical presence of the students, hence, she has not attended any classes requiring physical presence in the classroom and also declared that she has not taken any classes requiring physical presence in the classroom after joining the service and hence has not compromised on the quality of services being discharged by her. Furthermore, she has submitted that taking the fourth semester exam would have no adverse effect on the quality of service being discharged by her and since it is the final semester exam no further permission would be required after taking this exam. She has, therefore, requested for grant of permission to appear in the fourth semester examination (through online mode) of her regular LL.M. Course and also permission for submission of online dissertation of LL.M. Course to University of Allahabad

In this connection, it is stated that Sushri Astha has joined the U.P. Nyayik Sewa on 26.11.2019. There is circular letter dated 4.11.11 (flagged 'M') which provides that if any Judicial Officer during the course of her Service, requests to pursue higher studies, she has to apply for grant of 'Study Leave' as per rules which will be subject to the discretion of Hon'ble the Chief Justice. In the instant case, the officer has stated that she has already completed two semesters prior to her joining in the U.P. Nyayik Sewa and also completed the required residential attendance for appearing in the third semester examinations prior to her joining and now due to pandemic no physical presence is required for appearing in the fourth semester examinations and the same to be conducted through online mode hence there appears no need of 'study leave' for the said Course. It is also pertinent to mention here that the letter of the officer regarding permission for appearing in the third semester exam was received in the section after the third semester examination of her Course, which were scheduled in December 2019, hence she was sent a Court's letter dated 29.07.2020 and now the officer has replied to the Court's letter through online mode. Now, as the officer has stated that no class study is taken by her after joining the service and the University has not conducted any classes for the final semester requiring physical presence of the students, hence, she has not attended any classes requiring

physical presence in the classroom and also declared that she has not taken any classes requiring physical presence in the classroom after joining the service and hence has not compromised on the quality of services being discharged by her and as stated by the officer, for the fourth semester the University has organised online examination, scheduled on 28th and 29th of September and also online dissertation is to be submitted by her for completing her regular LL.M. Course from University of Allahabad, acceptance of his request is on the discretion of the Court. It is also submitted that a Judicial Officer can be accorded permission to attend academic classes and specialized higher studies in terms of G.O. No.24/1066-Appointment (B) dated 21.08.1967 (copy at flag X), subject to the following conditions:-

1. Government work should not suffer in any way.
2. The academic classes, if any are held outside office hours.
3. No preferential treatment will be given in the matter of leave postings and transfer.
4. The permission can be withdrawn without notice if; it is found at any time that the government servant neglects her normal work or that public work suffers, in any way.

May, therefore, if approved, the instant matter may be laid before Hon'ble the Chief Justice for His Lordship's kind perusal and if His Lordship approves:-

(a) Sushri Astha Mishra, Addl. Civil Judge (Jr. Div.), Mirzapur may be granted ex-post facto permission for her appearance in the LL.M. III semester examinations and also be granted permission to appear in the final semester online examinations as well as permission to submit her online dissertation of the LL.M. Course, in order to complete her LL.M. Course (regular) from University of Allahabad, for the academic session from 2018-2020 with exemption of the requirement to take study leave for the same and without entering into the fact whether the University is recognised by UGC or not as well as without reserving any future claim of the Officer regarding her qualification if the University is not recognised.

Or

(b) To pass any other order which His Lordship deems fit and proper.

Archana Awasthi

Review Officer

Mohd. Arshad

Assistant Registrar

24.09.2020

Hon'ble the Chief Justice

My Lord,

Submitted for His Lordship's
kind perusal & orders

Registrar(J)(Budget)

26.09.20