

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Mohd. Shahnawaz Ahmad Siddiqui, the then Additional Civil Judge (Junior Division), Raebareli presently posted as Judicial Magistrate, Raebareli regarding grant of ex-post facto permission for his appearance in the third and fourth semester examinations of LL.M. Course (regular) from University of Allahabad.

In this connection, it is submitted that in his earlier application, Sri Mohd. Shahnawaz Ahmad Siddiqui has stated that he has been pursuing LL.M. from the Faculty of Law, University of Allahabad prior to joining the service and had successfully completed two semesters of the said course prior to joining the service (photocopy of the mark sheets of both semesters can be seen as attachment) and in anticipation of the Hon'ble Court's permission, he has appeared in the third semester examinations as he had completed the required attendance criterion for appearing in the third semester examinations prior to his joining in the service. He has also stated that he do not need study leave for the course and also stated that in view of the extraordinary situation arising out of the COVID-19 pandemic, the University has declared session 2019-2020 as zero attendance session and he has also appeared in the online examination of the IV semester and also submitted his dissertation in anticipation of the Hon'ble High Court's permission. The matter was submitted before Hon'ble Mr. Justice Pritinker Diwaker, vide online office note, upon which His Lordship has been pleased to pass the following order:-

"Officer concerned be asked to furnish the following documents:

1. Copy of application seeking permission to appear in the third semester examination of LL.M.
2. Copy of leave application taken for appearing in the third semester examination of LL.M.

Office to verify the following facts from the concerned University:

1. As to what was the period of study/class of LL.M (IV Sem) in the case of concerned officer.
2. As to whether the session of LL.M (IV Sem) in the case of concerned officer is declared as 'Zero Attendance Session' and there is no requirement to attend the regular class in LL.M (IV Sem), as stated by the officer.
3. As to whether all papers of LL.M (IV Sem) of the concerned officer (like theory, dissertation and viva) were conducted through On Line mode."

The first half of the order was communicated to the officer."

In reply the officer, has uploaded his application regarding grant of permission to appear in third semester, which can be seen as attachment and further stated that as the examination was on 12.12.2019 and 14.12.2019 and 14.12.2019 falls on second Saturday, therefore casual leave is taken only for 12.12.2019. He has also uploaded the Casual leave certificate issued from Judicial Training And Research Institute for taking leave to appear in papers of 3rd semester of LL.M. scheduled in the month of January 2020, which can also be seen as attachment.

As per the second half of His Lordship's order, after several correspondence, which were made by the Hon'ble High Court's letter via offline mode, the Registrar, Allahabad University through his letter No. 05/R/ 612/ 2021 dated 18th August 2021 (can be seen as attachment) has submitted replies on the points of query, as mentioned below, in verbatim:-

SI.No.	Queries	Reply
1	As to what was the period of study/class of LL.M. (IV semester) in the case of concerned officer i.e. Sri Shahnawaz Ahmad Siddiqui	That the period of study for LL.M. Semester-IV, wherein Mr. Shahnawaz Ahmad Siddiqui S/o Sri Imtiyaj Ahmad was a student, was to be from January 2020 to mid April 2020, but due to pandemic (Covid-19) the classes could run only till the mid March 2020 (i.e. before Holi)

2	As to whether the session of LL.M. (IV semester) in the case of concerned officer is declared as 'Zero Attendance Session' and there is no requirement to attend the regular class in LL.M. (IV semester), as stated by the officer i.e. Sri Shahnawaz Ahmad Siddiqui	That the session of LL.M. Semester- IV (2019-20) was a regular session and like other session it was not declared as Zero Attendance Session meaning thereby that the candidate was required to attend the regular classes in LL.M. Semester-IV like earlier semesters of Course.
3	As to whether all papers of LL.M. (IV semester) of the concerned officer i.e. Sri Shahnawaz Ahmad Siddiqui (like theory, dissertation and viva) were conducted through Online mode.	That the candidate had submitted a dissertation in partial fulfillment of the LL.M. Course of which the Viva-Voce was held in online mode on November 06, 2020.

Under the facts and details received in the light of report/ reply submitted by the Registrar of University of Allahabad, Prayagraj vide his letter No. 05/ R/ 612/ 2021 dated 18th August 2021, received in compliance of Hon'ble High Court Letter No. 9216/ IV-4737/ Admin (A-4) dated 04.08.2021, sent in respect of queries made in accordance of Hon'ble High Court order, if approved, the instant matter may be laid before Hon'ble Mr. Justice Pritinker Diwaker, Nominated Judge for the purpose, for His Lordship's kind perusal and approval on the following proposals :-

(A) In view of the assertions, submitted by the Registrar, University of Allahabad, Prayagraj, vide Letter No. 05/R/612/2021, dated 18th August,2021 that session of LL.M. Semester- IV (2019-20) was a regular session and like other session, it was not declared as Zero Attendance Session, in respect of the queries made by the Hon'ble Court, regarding LL.M. (IV Semester-Regular Course) of Sri Mohd. Shahnawaz Ahmad Siddiqui. His prayer, seeking permission to complete LL.M. (IV-Semester- Regular Course) cannot be granted and is refused.

Or

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

Archana Awasthi
Review Officer
Mohd. Arshad
Assistant Registrar
02.12.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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