

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Smt. Rekha Vishwakarma, Additional Civil Judge (Junior Division), Allahabad regarding grant of permission to do/ pursue regular LL.M. Course through University of Lucknow.

In her application, Smt. Rekha Vishwakarma has stated that prior to joining the judicial service, she has been pursuing LL.M. course since 2018 from Lucknow and she has to appear in only one paper of LL.M. 3rd semester, scheduled on 21.12.2019 and for the IV semester, she has to submit dissertation; for which no regular classes are required. Thereafter through online objections, the officer was asked to intimate about her appearance in the LL.M 3rd semester exam and in viva voce of 4th semester and submission status of dissertation in anticipation of the Hon'ble High Court's permission as well as be asked to submit her declaration relating to no attendance requirement. In reply, the officer has stated that she has already submitted offline application regarding her LL.M. course pursuance and added that she has appeared in the remaining paper of LL.M. 3rd semester and submitted her dissertation and appeared in the viva-voce of the same in anticipation of Hon'ble High Court's permission. She has also stated that she has not taken any study leave for the said course and completed her LL.M. Course after the Hon'ble Court's hours without hampering her training. She has also attached her LL.M. semester marksheets, which may kindly be seen as attachments. She has also declared that she has attended regular classes for 1st, 2nd and 3rd semesters and no classes has been attended by her after joining the U.P. Nyayik Sewa. Again, as the course appears to be regular, thus the officer was again asked to upload the papers from the University relating no attendance requirement for IV semesters and also regarding her statement that she has fulfilled attendance requirement for III semesters prior to joining the judicial service. In reply, the officer has uploaded the related papers from the University, wherein, it is stated that all the regular classes has been conducted prior to the commencement of LL.M. III semester examination i.e. prior to 11.12.2019 and as per the syllabus of LL.M. IV semesters, dissertation has been completed by the students under the guidance of faculty professors and no regular classes are conducted in LL.M. IV semester. She has, therefore, requested for grant of permission for her appearance in the LL.M. 3rd semester examination and for submission of dissertation and appearance in viva voce of the same from University of Lucknow.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 16.12.2019. There is circular letter dated 4.11.11, 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 not taken study leave for the LL.M. course. In the instant case, the officer has stated that she has not attended classes after joining the judicial service and no regular classes are required for the IV semesters of LL.M. The officer has attached the papers from the university wherein, it is mentioned that classes for III semester has already been completed prior to 11.12.2019 and no regular classes are held in IV semester. It is pertinent to mention here that the as per the university the classes are completed prior to 11.12.2019 whereas the officer has joined the U.P. Nyayik Sewa on 16.12.2019, thus it appears that her statements regarding no classes attendance for III and IV semester are genuine. Moreover, as stated by the officer that the officer has intimated about her course through offline mode and has not received any reply for the same, thus here it is to submit that the same application was received in the section after her online application and as per the Hon'ble High Court's letter no. 558/ III-CPC/ e-Courts/ Allahabad dated 31.08.2019, application afterwards 31.08.2019 has to be dealt through online mode only, thus the same is being processed through online mode only. Now, as the officer has appeared in the one papers of LL.M. 3rd semester examination and also submitted her dissertation and appeared in the viva voce of the same of LL.M. 4th semester in anticipation of permission of Hon'ble High Court; It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for her appearance in the LL.M. 3rd semester examination and ex-post facto permission for submission of dissertation and for her appearance in the followed viva voce to the officer or to pass any such order which deems to be proper.

May, therefore, 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 if His Lordship approves :-

A) Smt. Rekha Vishwakarma, Additional Civil Judge (Junior Division), Allahabad may be granted ex-post facto permission for her appearance in one papers of LL.M. 3rd semester examination; for submission of dissertation of her regular LL.M. course and for his appearance in the viva voce of the same, for the academic session 2018-2020, from University of Lucknow, with exemption of the requirement to take study leave for the same and without entering into the fact whether the University is recognised by University Grants Commission or not and 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 deem fit and proper .

Archana Awasthi
Review Officer
Mohd. Arshad
Assistant Registrar
02.02.2022

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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