

I/c Joint Registrar (Judicial)(Budget)

May kindly see the online requisition dated 16.03.2021 (uploaded online on 16.03.2021) of Smt. Archana Yadav, the then Additional Principal Judge, Muzaffar Nagar presently posted as Additional District Judge (FTC), Lucknow, requesting for inclusion of her LL.M. qualification in her service records vide Case Id No. 03802021 (Old Case Id 1853). In support of the same, Smt. Archana Yadav furnished her LL.M. credentials comprising LL.M. Mark-sheets of both the years and copy of Degree for inclusion of her qualification in her service records.

In this context, it is pertinent to mention here, that before applying on eServicesJO portal vide her aforesaid case id, earlier Smt Archana Yadav, vide her letter dated 22.05.2009, bearing endorsement no. 619/I dated 22.05.2009 of the District Judge, Farrukhabad, applied for grant of permission to appear in second year LL.M. examination, however, since then she has not provided any details about the course and name of the College/University from where she was pursuing the course, vide Hon'ble Court's letter no. 16092/IV-3716/Admin (A)/ dated 30.11.2009 she was asked to provide below mentioned information regarding the said course so that further necessary action may be taken :-

1. *From which University/College, she is pursuing LL.M. and. Since when ?*
2. *Whether she is a regular student of the course or otherwise ?*
3. *If she is regular student of the course, what's the timings of the classes and how she is able to attend the classes ?*
4. *The date schedule of the examination.*
5. *Copy of 1st year mark sheet of LL.M.*
6. *Whether final year examination of LL.M., is only pending or any other semester exam is/are also remains pending for completing her LL.M. ?*

It is further submitted that in response to Hon'ble Court's letter dated 30.11.2009, Smt. Archana Yadav provided the following reply vide letter dated 29.01.2013, bearing endorsement no. 192/XV dated 29.01.2013 of the District Judge, Ghazipur :-

1. *She is enrolled in the 2 year LLM course before joining the service on 29/08/2005 from ICFAI University, Tripura.*
2. *She is not a regular student. The course is a Distance Learning course.*
3. *The exams are held every three months and it is up to the convenience of the student to take the exam or to postpone it.*
4. *She had already given the first semester exam of the second year programme. Exams are held on Sundays only. Final year examination of the programme is pending. No other semester exam is pending for the completion of the course. The mark sheet of first year is attached for kind perusal.*

It is must to mention here that in response to letter no. 192/XV dated 29.01.2013, vide Hon'ble Court's letter no. 4555/IV-3716/Admin (A) dated 03.04.2013, Smt. Archana Yadav was asked to furnish the information regarding the exact passing date of LL.M. First year examination from ICFAI University, Tripura so that further necessary action may be taken by the office of Court. The office has yet not received any reply of Hon'ble Court's letter from Smt Archana Yadav's end.

Thereafter, District Judge, Jyotiba Phule Nagar, vide letter no. 642/14 Nyay Prashasan dated 24.06.2013 recommended some of the Judicial Officers of Jyotiba Phule Nagar Judgeship for sanction of three advance increments, which also contained the name of Smt. Archana Yadav. Subsequently, the office Hon'ble Court's letter no. 12206/IV-3716/Admin (A) dated 03.09.2013 informed District Judge, Jyotiba Phule Nagar that she does not fulfills the criteria for sanctioning of three advance increments.

It is further submitted that Smt. Archana Yadav, presently working as Additional District Judge (FTC), Lucknow, now, online applied for inclusion of her LL.M. Degree dated 16.03.2021. In response to which, the office through online reply, dated 25.06.2021, as well as through letter no. 13761/IV-3716/Admin (A) dated 17.11.2021 further queried her to furnish the reply of letter no. 4555/IV-3716-Admin (A) dated 03.04.2013 and also to inform that whether she was granted permission to appear in the second year examination of LL.M. from ICFAI University, Tripura and also why she did not make any effort to reply to Hon'ble Court's letter in the time span of 9 years.

Now, Smt. Archana Yadav vide letter dated 08.02.2022, bearing endorsement no. 90/I dated 08.02.2022 of the District Judge, Rampur, has given the reply of letter dated 17.11.2021 in the following given points :-

1. *I enrolled for two years LLM course through correspondence from ICFAI University, Tripura on*

29/08/2005 before joining the Uttar Pradesh Nyayik Sewa.

2. I gave the exams for first year LLM before joining the service in the month of March 2009.
3. The result was declared in the month of July 2009.
4. I applied for the permission of the Hon'ble Court to appear in second year examination after joining the service on 22/05/2009.
5. I completed my LLM examination for 2nd year in anticipation of the permission of the Hon'ble Court in the year - 2012.
6. By Hon'ble Court's letter no. 4555/IV-3716/Admin (A) dated 03.04.2013, I was directed to furnish whether I passed the LLM 1st year examination before or after joining the service.
7. Due to heavy work load and the stress of taking care of my small baby, I could not send my reply for a long period.
8. I sincerely apologize for the mistake and request to include my LLM degree ex post facto in my service records.
9. Your kindness is also requested to grant me three advance increments for the LLM course.

In continuation of the above mentioned information, this office submits that although Smt. Archana Yadav had initially sought permission to appear in the second year examination of LL.M. conducted by ICFAI University, which has not been granted to her till now, as she has not submitted the reply of the aforesaid queries, raised vide this Court's letter, yet she had appeared in the examination in anticipation of the permission from Hon'ble Court. Now, vide her aforesaid letter dated 08.02.2022, she has apologized for such mistake, while explaining the reasons & circumstances and further requested this Hon'ble Court to include her qualification of LL.M. in her service records.

In this connection, it is submitted that Smt. Archana Yadav, aforesaid, joined the U.P. Judicial Service on 18.05.2009, as Additional Civil Judge (Junior Division), Farrukhabad. Besides, as evident from submitted copies of Mark-sheets (both the years) and Degree of LL.M., Smt. Archana Yadav completed two years LL.M. course, and was subsequently awarded Degree from The Institute of Chartered Financial Analysts of India University (ICFAI), Tripura, on 17.12.2012.

Thus, in view of the above facts, the following matter may kindly be placed before the Hon'ble Mr. Justice Mahesh Chandra Tripathi, Administrative Judge, Lucknow, for His Lordship's kind perusal and approval :-

1. Considering the fact that Smt. Archana Yadav, Additional District Judge (FTC), Lucknow, without being granted permission to appear in the 2nd year examination of LL.M. by this Hon'ble Court, appeared for the same just in anticipation of the permission of this Hon'ble Court and further apologized for such mistake and requested this Hon'ble Court to include her LL.M. Degree in her service records, the online application regarding inclusion of LL.M. Degree of Smt. Archana Yadav may be approved for forwarding the copies of Mark-sheets (both the years) along with Degree of LL.M. as well as attested copy of form of U.P. Nyayik Sewa to the Government of U.P. for obtaining further necessary orders, since the appointing authority of Judicial Officer is Government of U.P.

2. Smt. Archana Yadav, Additional District Judge (FTC), Lucknow, may be asked to apply for the ex post facto permission to appear in her second year examination of LL.M., conducted by ICFAI University through eServicesJO portal and on being granted requisite permission in this regard, the said online application regarding inclusion of her Degree of LL.M. may then be pursued for further necessary approval.

3. The online requisition for inclusion of LL.M. Degree in her service records may be rejected as Smt. Archana Yadav, Additional District Judge (FTC), Lucknow appeared for the same without being granted permission to appear in the 2nd year examination of LL.M from Hon'ble Court to appear before the second year examination of LL.M. conducted by ICFAI University, Tripura?

Or

4. Any other order His Lordship may deem fit and proper ?

Farida

Section Officer

Arvind Kr. Srivastava

Asst. Registrar

Admin A-1 Section

Hon'ble Mr. Justice Mahesh Chandra Tripathi,

Administrative Judge, Lucknow

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)

