

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Mikky Singh, Civil Judge (Junior Division), (Fast Track Court), Hathras regarding grant of permission to appear in the final year examinations of his LL.M. (regular) Course from Dr. Bhimrao Ambedkar University Agra.

In her application, Sushri Mikky Singh has stated that prior to joining the service and assuming the charge, she had taken admission and enrolled herself in the 2-year LL.M. regular degree course of Dr. Bhimrao Ambedkar University, Agra in the academic session 2015-16. She has already passed the previous year (first year) examination and regular classes of the final year of the aforementioned course had concluded before her joining in the service. The final year examination of the LL.M. course is due and may be scheduled any time in the near future and only formality of taking examination is left for the purpose of obtaining the degree of LL.M. She has also stated that the process of taking the final year examination of LL.M. course would not adversely affect the official work allotted to her and would not hamper the efficient discharge of her official duties in any manner. Thereafter, through online objections, the officer was asked to intimate about her status of taking study leave, about her appearance in the LL.M. 2nd year examination; her declaration regarding no attendance requirement for completing the course. In reply the officer has stated that she had already undertaken the examination of LL.M. First Year before joining in the service and has not undertaken any examination after joining in the service. She has also added that she has already fulfilled all the formalities like attending the classes prior to the joining in the service, thus there has been no need or occasion to apply for "study leave". She has also declared that she has not attended any day-to-day classes of the LL.M. course whose examination she wishes to undertake and would not compromise with her work and duties in order to take this examination and had enrolled herself in the academic session 2015-16. It is solely due to the delay in the completion of academic session by the University that she has to seek permission to take the final examination now, after joining in the service. Furthermore, the classes have not been conducted for the final year owing to COVID-19 pandemic and she has enclosed the necessary documents establishing her bonafide as a student of the University. It is also pertinent to mention here that as asked by Ld. Joint Registrar (Judicial) (Budget), the officer was asked to upload needful documents clearly highlighting that there is no requirement of attendance for her in respect of LL.M second year examination and exemption from attendance should be certified by University concerned or should clearly highlight the rules / prospectus detailing such exemptions. In reply, the office has stated that she has written an application dated 02.04.2022 to the Principal of Agra College, Agra seeking certification enabling her to answer the objections raised with reference to her earlier application and she has attaching the reply to the said application that specifically states that she has been a regular student of the College in academic session 2016-17, the examination of which is scheduled to be held from 05.04.2022 onwards. She has also stated that as stated in her earlier applications, she has reiterated that she had taken admission as a regular student in academic session 2015-17. However, the session got delayed and the examination for the final year could not be held within the stipulated time period. In the normal course, had the academic session been on time, she would have taken the final examination before joining the service on 11.01.2021. Furthermore, owing to many unforeseen factors such as the unprecedented COVID-19 pandemic, the session got delayed and the examinations could not be held on time. She has also attached the lockdown guidelines issued by MHA as well as the UGC guidelines stating various restrictions regarding conduct of classes during the pandemic. She has also added that she had taken admission in LL.M. academic session 2015-16 and had completed all the formalities before joining the service except taking the final year examination due to delay in Session and now she only need to take the final year examination for the completion of LL.M. course. Therefore, at no point of time after joining the service, her admission in LL. M. (before joining the service)/prior academic involvement has interfered in the effective execution of her duties as a judicial officer and kind consideration in this regard in form of permission to take LL.M. Final Year Examination would salvage her hard work and would also aid her career. Again the officer was asked about his appearance in the said LL.M. 2nd year examination. In reply, the officer has stated that she has not appeared in the examination because she didn't get the permission from the Hon'ble Court. She has also enclosed prospectus, LL.M. first year marksheet, his application to university and its reply and other supporting papers as attachment. She has, therefore most humbly request to Hon'ble Court that if Hon'ble Court would permit her, she would take the examination in near future as an ex-student in the next academic examination of LL.M final year which may tentatively be held in October 2022.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 11.01.2021. 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 would not take study leave. It is also pertinent to mention here that the officer has stated that she has already completed her LL.M. 1st year examinations prior to her joining in judicial services and also declared that she would not compromise with her work and duties in order to take LL.M. 2nd year examination for which she has already completed all the formalities and attendance criterion and also due to lack of permission, she has not appeared in the examination, started from 05.04.2022 and now requested to the Hon'ble Court to grant her permission to appear in the LL.M. 2nd year examination, tentatively to be held in October 2022 as an ex-student; It is on the discretion of the Hon'ble High Court either to grant permission to the officer for appearing in the LL.M. 2nd year (final year) examination, tentatively to be held in October 2022 as an ex-student or to pass any such order which deems to be proper. 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, 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 Mr. Justice Pritinker Diwaker, Nominated Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves :-

A) Sushri Mikky Singh, Civil Judge (Junior Division) (Fast Track Court), Hathras may be granted permission to appear in the LL.M. 2nd year (final year) course examination from Dr. Bhimrao Ambedkar University Agra, tentatively to be held in October 2022 as an ex-student, 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

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)

