

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Siddi Jai Prakash, the then Additional Civil Judge (Junior Division), Amroha presently posted as Nyayadhikari, Gram Nyayalaya, Dhanaura-Amroha regarding grant of permission to do/ pursue regular LL.M. Course through University of Delhi.

In his application, Sri Siddi Jai Prakash has stated that prior to the date of taking charge, he got enrolled into LL.M Three year (Six Terms) Course with Faculty of Law and prior to taking charge, he has completed attending three semesters successfully and only two semesters and dissertation remains to be completed. In this LL.M. Three-year Course, only four classes per week are conducted in the evening in the university premises, i.e. either 5:30-7:30 pm, or 7:30-9:30 pm and this course was introduced to enable working persons to acquire the LL.M degree. He has also stated that Amroha is situated at about 130 kilometers from the said university and it takes around 2 hour 30 minutes travel time to reach there and if the Hon'ble Court is pleased to permit him to attend class having duration 7:30-9:30 pm, then attending three such classes per week would enable him to fulfill the University attendance criteria. This way, he can complete LL.M course and also would be able to serve the Uttar Pradesh Judicial Services without any deficiency in service. Thereafter the officer was asked to intimate academic session, his status of taking study leave, papers relating to class timings and other details relating to his LL.M. Course. In reply, the officer has stated that the academic session for 4th Semester is from January-May 2020, and for 5th Semester it is from September-December 2020, for 6th Semester (dissertation) from January-May 2021 and since the classes are held only in the evening, he has assured that he can complete LL.M course and also would be able to serve the Uttar Pradesh Judicial Services without any deficiency in service at the same time and also stated that he do not require study leave for this purpose. He has also added that under the point no. 3 of attached Prospectus", it is mentioned that, "Classes of LL.M. Three-year Course are conducted in the evening". He has also declared that he would not attend any day to day classes which conflict with the performance of his duties as judicial officer. Again as sufficient time has been elapsed, the officer was asked to intimate about his appearance in the LL.M. course between his joining in the UP Nyayik sewa and Pre- COVID-19 period, about his appearance in semester examinations and also be asked to intimate submission status of his dissertation by furnishing all the supporting papers to Hon'ble Court. In reply, the officer has stated that due to the effect of COVID-19 pandemic in the last academic session, all the students were promoted from year II to year III directly without conducting any exams vide the Faculty of Law notification dated 31-08-2020 (copy can be seen as attachment) and stated that he has attended evening classes only on 10th, 13th and 27th January 2020 and on 3rd, 17th and 24th February 2020. He has stated that no physical classes are attended in March 2020 in Faculty of Law, University of Delhi by him and he has attached station leaves application of the earlier mentioned dates and stated that he has completed his judicial work with utmost dedication on each day and then only went to attend LL.M classes to fulfill his dream of further education and then went to stay in his permanent address in Delhi and joined Hon'ble Court on the next working day. He has also enclosed the notice of university as attachment wherein it is mentioned that classes were held online from 16-03-2020 in the evening time between 05:30PM to 09:30PM, which he has attended in his residential premises in the station itself. The classes for the subsequent Vth semester was also conducted online vide notice dated 28-08-2020 (can be see as attachment as Annexure 3-8). Furthermore, he had appeared in the V semester examination in anticipation of permission of this Hon'ble High Court. This examination was held in Remote mode (Online) in an Open Book Examination (OBE) model, where the answer scripts can either be uploaded on a portal or emailed to the Nodal Officer from any location by the student and physical presence of the student at University campus is not needed (attachment can be seen as Annexure 3-9 and 3-10 respectively) and VIth semester is dissertation where neither coursework nor examination is required to be conducted. He has added that the officer has submitted the dissertation in anticipation of permission of this Hon'ble High Court on 2nd August 2021 by taking a casual leave and there is no provision for conducting Viva for the submission of Dissertation, thus he has never appeared for any Viva-voce examination for dissertation and no such Viva-voce examination would be conducted in future. He has further mentioned that he has submitted the

Library Clearance Certificate and University ID Card to the University on 2nd August 2021 along with the submission of the hard copy of the dissertation and undertaken that studying the course of the LL.M. study and the research done, has helped him to develop deeper understanding of the legal subjects and has never hampered in the performance of judicial work and duties in any manner and he would continue to steer his efforts towards service in the best possible way. He has also enclosed LL.M. result and relating papers of his LL.M. Course, which can be seen as attachments. He has, therefore, requested for grant of permission to do/ pursue LL.M. Course through University of Delhi.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 19.11.2019. There is circular letter dated 4.11.11, which provides that if any Judicial Officer during the course of his Service, requests to pursue higher studies, he 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 he would not take study leave to pursue the course. In the instant case, as stated by the officer that he has not attended offline classes after 16th March 2020 and due to COVID-19 promoted from IV semester and also appeared in the V semester examination and submitted his dissertation 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 his appearance in the LL.M. semester examinations and ex-post facto permission for submission of dissertation 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) Sri Siddi Jai Prakash, presently posted as Nyayadhikari, Gram Nyayalaya, Dhanaura-Amroha may be granted ex-post facto permission for his appearance in the LL.M. semester examinations and for submission of online dissertation of his LL.M. regular three year course to University of Delhi, 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 his 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
17.02.2022

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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