

I/c Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Piyushika Tiwari, the then Additional Civil Judge (Junior Division), Jaunpur presently posted as Nyayadhikari, Gram-Nyayalaya, Sahaganj at Jaunpur regarding grant of permission to appear in the Mid term and end term examinations of LL.M. Course (regular) from South Asian University, New Delhi.

In her application, Sushri Piyushika Tiwari has stated that she has taken admission in South Asian University in 2018 and completed three semester prior to her joining and now her mid term and end term examinations are proposed from 11.03.2020 to 18.03.2020 and 12.05.2020 to 20.05.2020 and for the regular course, 75% attendance is required and for the same 'study leave' is required. Thereafter the officer was informed that she is not entitled for study leave and also be asked to intimate her position for continuation of regular LL.M. Course without attending any classes. In reply, the officer has stated that University has allowed her to take the examination without the attendance and thus requested to grant permission to take the mid-term as well as end-semester examination. Again as sufficient time has been elapsed, therefore, the officer through online objection, was asked about her appearance in the aforesaid examination and also be asked to submit documents from the university regarding no attendance requirement. In reply, the officer has stated that in anticipation of the Hon'ble High Court's permission, she has given her mid-term and end-term examination and also attached her degree and mark sheets as attachments. The officer has also attached some notification from the university and messages from the university regarding suspension of classes. Again, the officer was asked to intimate about her attendance between the pre COVID 19 period and after her joining in Uttar Pradesh Nyayik Sewa. In reply the officer has stated that as far as the attendance required before Pre- Covid period is concerned the University authorities had waived the attendance criteria so it was not material for the University administration that any student has fulfilled the attendance criteria or not as the COVID situation was unprecedented and the University is an International University which is home to many foreign students. The officer has also added that LL.M. course has already been completed so she does not need study leave to complete it and also declared that she has completed her LL.M. course without attending any day to day classes after joining as Additional Civil Judge(Junior Division) in U.P. Judiciary. She has re-emphasized on the fact that as COVID-19 is an unprecedented event in the history of mankind due to which all the institutions of the state as well as international institutions got affected, and South Asian University being International University followed all the protocols decided by WHO and the university was completely shut down physically so there was no need of attendance as survival was the only goal then. She has, therefore, requested for grant of permission to do/ pursue LL.M. Course through distance education from South Asian University, New Delhi.

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 completed the LL.M, course, thus no study leave is required and declared that she has completed her LL.M. course without attending any day to day classes after joining as Additional Civil Judge (Junior Division) in U.P. Judiciary, however she has not enclosed any papers from the university regarding the attendance waive as stated; for the period between her joining in U.P. Nyayik Sewa and pre Covid-19 period. It is also pertinent to mention here that as stated by the officer, due to Covid-19 pandemic, her institution was completely shut down and stated that university has waived attendance requirement for her and allowed her to appear in the examinations of mid term and end term whereas for that period has not submitted any papers from the University. Now, as stated by the officer that she has already appeared in the mid term and end term examinations 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 mid term and end term examinations of LL.M. course 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, Senior Judge (J-1), for His Lordship's kind perusal and if His Lordship approves :-

A) Sushri Piyushika Tiwari, presently posted as Nyayadhikari, Gram-Nyayalaya, Sahaganj at Jaunpur may be granted ex-post facto permission for her appearance in the mid term and end term examinations of her LL.M. regular course from South Asian University, New 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 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,

Senior Judge (J-1)

Submitted for kind perusal & order

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