

Registrar (J) (Budget)

May kindly see the online application of Sri Abhinav Tripathi, Addl. Civil Judge (Junior Division), Sant Kabir Nagar regarding grant of permission to appear in the last semester examination of LL.M. course from Lucknow University for the academic session 2022-2024.

In her application Sri Abhinav Tripathi has stated that he was already pursuing LL.M. from Lucknow University for the academic session 2022-2024 and 4th (Last) semester commenced from 27.01.2024 and ended on 30.04.2024. As per University of Lucknow, for academic programs under CBCS Ordinances 2015, 75% attendance in normal circumstances and 60% in exceptional circumstances is required to appear in the end semester examination and added that he had been attending all the classes since the beginning of the session i.e. 27.01.2024 and for achieving optimum attendance percentage, he had sought permission from the Hon'ble Court for delay in assuming charge of Additional Civil Judge (J.D.) by stating the reason for delay in response to which the Hon'ble Court was pleased to grant two months' time to assume the charge from 28.02.2024 vide Letter No. 144/Admin (Services) dated 06.03.2024 (copy can be seen as attachment), thus he has achieved the required attendance percentage for appearing in the last semester examination by attending LL.M. session before joining. He has also stated that he has not attended any LL.M. session after assuming the charge and also enclosed 'No Objection Certificate' for appearing in the last semester examination from The Head and Dean, Faculty of Law, Lucknow University and copies of earlier semester marksheets, which can be seen as attachments. He has also added that he has earlier applied through offline mode as the other services section of the portal was not working due to insufficient data being uploaded (date of joining was not mentioned) and in reply of the same through Hon'ble Court Letter No. 558/XXXIII-CPC/e-Courts/Allahabad dated 31-08-2019 (letter was sent through e-mail by keeping in view of the urgency of matter, however he has not attached that letter in the attachments). Thereafter through online objection, the officer has been asked to intimate her status of taking study leave and also be asked to attach copies of offline communication. In reply the officer has stated he has achieved the optimum attendance percentage required for appearing in end semester examination before taking charge and has not attended any LL.M. session after becoming a Judicial Officer and also enclosed the copies of offline communication made by him which can be seen as attachments. He has further stated that the dates of examination are 01.05.2024, 04.05.2024, 07.05.2024 and 11.05.2024 and exams initially scheduled on 03.05.2024 and 09.05.2024 were rescheduled on 04.05.2024 and 07.05.2024 respectively and he has also appeared in the exam held on 01.05.2024. He has, therefore, requested to Hon'ble Court to kindly grant him permission to appear in the examinations of LL.M. course from the aforesaid university.

In this connection, it is stated that Sri Abhinav Tripathi has joined the U.P. Nyayik Sewa on 01.03.2024. There is circular letter dated 04.11.11, 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 has completed the required percentage criterion already before joining the judicial service and has also attached a 'No Objection Certificate' in this regard and now he has to appear in the examinations only, thus no further requirement of study leave appears to be required. It is also pertinent to mention here that this is a regular course but the officer has declared that he has completed the attendance requirement prior to his joining and also submitted a 'No Objection Certificate' from the University, which validates his statements made regarding attendance fulfillment. It is also to mention here that the officer has stated that he has appeared in the examination scheduled on 01.05.2024 in anticipation of Hon'ble Court's permission, thus it appears that he might have appeared in the examination scheduled on 04.05.2024, 07.05.2024 and 11.05.2024. Now, It is on the discretion of the Hon'ble High Court either to grant ex-post facto permission to the officer for his appearance in the last semester examination held on 1st, 4th and 7th May and permission to appear in the examination scheduled on 11th May 2024 of his LL.M. course 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 his normal work or that public work suffers, in any way.

Recently, vide order dated 30.11.2023 relating to re-constitution of Committees, Hon'ble The Acting Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 3 of the list of Committees dated 23.04.2023- last modified on 29.08.2023, and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to pursue academic course.

May, therefore, if approved, the file may be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 30.11.2023 of Hon'ble The Acting Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sri Abhinav Tripathi, Addl. Civil Judge (Junior Division) (FTC), Sant Kabir Nagar may be granted ex post facto permission for his appearance in the last semester examinations held on 01st, 4th and 7th May of 2024 as well as permission to appear in the last semester examination, scheduled on 11th May 2024 of LL.M. Course from Lucknow University for the academic session 2022-2024, with exemption of the requirement to take study leave for the same, 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, subject to the conditions mentioned above.

Or

To pass any other order, which His Lordship deems fit and proper.

Archana Awasthi
Review Officer
Munmun Naranag
Section Officer
Meetu Verma
Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)