

I/c Joint Registrar (Judicial) (Budget)

May Kindly see the online application of Sushri Jyoti Prakash Singh, Additional Civil Judge (Junior Division), Allahabad regarding grant of permission for her appearance in the third and fourth semester examinations of LL.M. Course (regular) from University of Allahabad.

In this connection, it is submitted that in her earlier application, Sushri Jyoti Prakash Singh has stated that she has been pursuing LL.M. from the Faculty of Law, University of Allahabad prior to joining the service on 16.12.2019 and had successfully completed two semesters of the said course prior to joining the service (photocopy of the mark sheets of both semesters can be seen as attachment) and after applying for appearing in 3rd semester of LL.M.; in anticipation of the Hon'ble Court's permission, she has appeared in the third semester examinations as she has completed the required attendance criterion for appearing in the third semester examinations prior to her joining in the service. She has also stated that she has not applied for study leave for the course and due to out break of Covid 19 the classes requiring physical appearance could not take place for the fourth semester and she has also applied for grant of permission for appearing in the said examination through offline mode but in the light of Hon'ble Court's C.L. dated 31.08.2019, the same offline application has not been entertained and in the meantime, the officer in the light of aforesaid C.L., has applied for permission through online portal and further in reply of the objection raised through online portal, she has stated that in anticipation of permission of Honourable High Court, she has appeared for the fourth semester examination and also submitted dissertation by way of online platform by taking casual leave without compromising training as well as quality of service as a judicial officer. Later on as per the order of His Lordship she has also attached the date sheet of online examination (copy of the same can be seen as attachment) and also stated that the third semester examination was conducted in offline mode that is in physical mode. Again the detailed note has been placed before Hon'ble Lordship through online portal, upon which His Lordship has been pleased to pass the last following order:-

The order was communicated to the officer through online portal.

In reply the officer, has submitted the following reply:-

1. She has stated that as per her best knowledge the actual date of commencement of LL.M. 4th Semester for the academic session 2018-2020 was 20 January 2020 as there was no official announcement of the same and the date of completion of LL.M. 4TH Semester can be presumed to be the date of last exam of 4TH Semester, the time table of which has been annexed.
2. She has stated that as regards the exemption from attendance in the corona period by the University of Allahabad is concerned, no circular was issued by the University. Rather, classes requiring physical presence were not conducted by the University in the covid 19 pandemic.
3. That she has appeared in the LL.M. 4TH Semester examination without attending any class in physical form.
4. The examination of LL.M. 4TH Semester examination was conducted in online mode. The guidelines regarding the examination for final semester to be conducted in online mode, were issued by the university, which can be seen as attachment.
5. She has also attached the time table of LL.M. 4th semester examination.,

It is also to submit here that as ordered by His Lordship, necessary correspondence has also been made with the University and after several correspondence, which were made through the Hon'ble High Court's letters, the University through his letter dated 22nd September 2022 has submitted his replies in verbatim (copy of letter of the University alongwith enclosures can be seen under attachment heading 'Reply from the University'), as under:-

- (i) That the actual date of commencement LL.M. Semester (IV Semester) in Academic session was 20.01.2020. The semester was for 6 months but due to Covid-19 (Pandemic) the classes

could not run after Holi festival.

(ii) That the Semester of LL.M. (2018-20) was regular session and it was not declared as Zero attendance session.

(iii) That internal examinations Test -I was held on 02 & 03 March, 2020. Mid Test and Test-2 were scheduled on 30 & 31 March, 2020 and 13 & 14 April, 2020 but could not be conducted due to Covid-19 Pandemic. External examination was within the domain of Controller of Examination which could not take place due to lockdown (Covid-19) Pandemic.

(iv) That the candidate Sushri Jyoti Prakash Singh had submitted a dissertation of LL.M. Course of which the Viva-Voce was held in online mode on November 06, 2020.

Now, the officer and also the University have submitted the reply of aforementioned queries as per the Hon'ble Court's order and from the perusal of the same, it appears that the officer has appeared in the third semester offline examination and fourth semester online examinations (University resolution, page no. 2 can be seen under attachment heading 'University guidelines') and also submitted her dissertation and appeared in online viva-voce in anticipation of permission of Hon'ble High Court's permission. Here, it is worth mentioning that the university concerned has not submitted clear reply about appearance of the officer in LL.M. IV Semester without attending any class in physical form, rather, the University replied about the dates of examinations of IV semester. However, the officer for the said point, has declared that she has appeared in the LL.M. 4th Semester examination without attending any class in physical form. Now, it is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission to the officer for her appearance in the third and fourth semester examination and for submission of dissertation as well as for her appearance in the viva-voce of her regular LL.M. course or to pass any other 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 Jyoti Prakash Singh, Additional Civil Judge (Junior Division), Allahabad may be granted ex-post facto permission for for her appearance in the LL.M. III and IV semester examinations of her regular LL.M. course, academic session 2018-2020 as well as be granted ex-post facto permission for submission of dissertation and appearance in online viva-voce of her regular LL.M. Course 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 as well as 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 deems fir and proper.

Archana Awasthi

Review Officer,

Mohd. Arshad

Assistant Registrar, Admin A-4 sec.

Hon'ble Mr. Justice Pritinker Diwaker,

Senior Judge (J-1)

Submitted for kind perusal & order

