

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Pravin Kumar Yadav, Additional Civil Judge (Junior Division), Jaunpur regarding grant of permission to do/ pursue regular LL.M. Course through University of Allahabad.

In his application, Sri Pravin Kumar Yadav has stated that prior to joining the judicial service in 2019, he has been pursuing LL.M. course (2018-2020) from the Faculty of law, University of Allahabad since July 2018 and has been a sincere student of the said course. He has successfully completed the first two semesters (mark sheets of the same can be seen as attachment) and has given all the examinations of Third semester results of which are awaited. Due to COVID 19, his college has announced the guidelines for conducting online examinations and online dissertation submission for all final semester students of LL.M. Thereafter, through online objections, the officer was asked to intimate the reason for delay intimation of his LL.M. course, his appearance in LL.M. 3rd and 4th semester examination, status of submission of dissertation and papers from the university regarding no attendance requirement. In reply, the officer has stated that within a week from joining the service he has submitted an intimation letter (letter no. J.T.3175) with respect to the pursuance of current course in which it was humbly mentioned that the third semester is in partial completion with only 3 examinations being due and further intimated to this Hon'ble Court and sought permission for appearing in the final semester examination after the completion of third semester. He has also stated that he has appeared in online examinations and submitted his dissertation in anticipation of the permission of the Hon'ble High Court. However, since the university had granted option of taking online classes by press release (can be seen as attachment) dated 15.06.2020; Part C of which mentioned that online classes would be conducted for imparting education in COVID, therefore, he had attended the online pre recorded and uploaded videos through university portal in post Hon'ble Court hours and as per the requirements of non attendance any personal document is not given to the officer by the university but University through press release dated 15.06.2020 made it clear that physical appearance in classes not required and in the RTI (copy can be seen as attachment) the University has revealed that only online classes has been conducted which already has been accessed by the officer in post court hours and Hon'ble Court may ask further related information from the University regarding any supporting documents. Again, the officer was asked regarding his attendance in the LL.M. course in between after his joining in U.P. Nyayik Sewa and pre COVID 19 period and also be asked to submit declaration regarding no attendance requirement in the LL.M. course. Thus in reply, the officer has stated that he has not attended physical classes in between after joining of service and pre COVID 19 period and since more than 75% of course had been completed therefore, he has not taken study leave. He has also attached a declaration regarding attendance, wherein it is stated that he has completed fourth semester of LL.M. (2018-2020) without attending day to day class. He has, therefore, requested for grant of permission for his appearance in the LL.M. regular course examination of LL.M. from University of Allahabad.

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 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 since more than 75% of course had been completed therefore, he has not taken study leave for the LL.M. course. In the instant case, as stated by the officer that he has not attended physical classes in between after joining of service and pre COVID 19 period and also attached a declaration regarding attendance, wherein it is stated that he has completed fourth semester of LL.M. (2018-2020) without attending day to day class. It is further to submit here that as stated by the officer that he has sent offline intimation regarding his LL.M. course but the same was received in this section on 03.12.2020 whereas till that time the same matter has already being processed through online mode, thus the same is being dealt online afterwards. Now, as the officer has appeared in the examinations of LL.M. 3rd and LL.M. 4th 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 Pravin Kumar Yadav, Additional Civil Judge (Junior Division), Jaunpur may be granted ex-post facto permission for his appearance in the three papers of his LL.M. 3rd semesters course examinations and 4th semester examinations and for submission of dissertation of his regular LL.M. course, academic session 2018-2020, to University of Allahabad, 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

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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