

Request-112

From,

Maharani Din,
Deputy Registrar,
High Court of Judicature at
Allahabad.

To,

The District Judge,
Meerut.

27
No. 8008 / IV- 3705/ Admin (A) / Dated 11-5-2011

Subject :- Grant of permission to Sri Awanish Gautam, Judicial Magistrate, Meerut to complete M.B.A. (Correspondence) course.

Sir,

With reference to your endt. no. 12/ I dated 03.01.2011 on the above subject, I am directed to say that the Court has been pleased to accord ex-post facto permission to Sri Awanish Gautam, Judicial Magistrate, Meerut to complete M.B.A. (Correspondence) course from IGNOU.

Sri Gautam may kindly be informed accordingly.

Yours faithfully

Maharani Din
9.5.11

Deputy Registrar

No. 8009 / IV- 3705/ Admin (A) / Dated 11-5-2011

Copy forwarded for information and necessary action to Sri Awanish Gautam, Judicial Magistrate, Meerut.

Maharani Din
9.5.11
Deputy Registrar

D.R.(M)
order dated
03.5.11 is placed
below.
May please?
Ch. Tareef
06.05.11

Dumra
3-5-11 AR
28

D.R.(M)

May Kindly see the letters, placed below at flag 'A', 'A-1' & 'A-2', received from Sri Awanish Gautam, Judicial Magistrate, Meerut for grant of permission to complete M.B.A. course.

In his earlier letter at flag 'A', Sri Gautam had stated that before joining the judicial service, he was pursuing M.B.A. (correspondence) from IGNOU, which is now very close to its completion. Being a correspondence course it will not hamper in his judicial function. He had, therefore, requested to kindly grant him permission to continue the course. As from the records it shows that the officer had earlier applied for grant of permission to pursue LL.M. correspondence course through application dated 29.10.2009 and the said permission was granted vide order dated 28.11.2009, the officer had been asked, vide Court's letter dated 26.07.2010 (flag 'B') to inform that from which date he is doing his M.B.A. (correspondence) course and why he had not inform to the Court earlier about the aforesaid course. He had also taken permission to do LL.M. course without showing the continuation of his M.B.A. and has also pursuing M.B.A. and in such circumstances, how he is able to continue study of both the courses at one time hampering the efficient disposal of judicial work. In the said Court's letter dated 26.07.2010, the District Judge, Meerut was also requested to submit his report to the effect that if the officer is accorded permission to complete M.B.A., it would not interfere with the efficient disposal of judicial/ public work.

In reply of Court's letter dated 26.07.2010, Sri Gautam through his letter dated 14.10.2010 (flag 'A-1') had stated the related facts as under:-

1. He had been doing MBA through correspondence from IGNOU since year 2001 much prior to the joining the judicial services (May 2009). All the papers of the MBA course were successfully cleared except one only, of which result was declared very late i.e. after joining the judicial services. Due to personal reasons he had decided to leave the course and he had opined to join LL.M. course, which after he had applied for High Court permission to do LL.M. course through correspondence. Accordingly, he did not appear in two successive examinations for the only remaining paper. Meanwhile his parents emphasized to complete the only remaining paper of MBA course, which was scheduled to be held in the month of June 2010. Immediately thereafter he submitted his application for seeking High Court permission to appear in the only remaining paper of MBA course. It was therefore, permission for both the courses could not be applied in continuation.
2. The only paper of MBA course for which he had to appear, required very little effort as it was the repetition of the course and needed minimum time to invest for its preparation.
3. Preparation for the last paper of MBA course without hampering the efficient

disposal of judicial work was quite possible because, as said above it was a repetition only. Hence does not require much involvement for its preparation. Further, he has not started/ joined the LL.M. correspondence course so far. He find myself fully committed to his job and efficient disposal of his judicial work, which after only involvement in any other matter may be considered.

4. According to his view, MBA course will increase his efficiency in efficient disposal of managerial responsibilities/problems, arising in managing the available human resources. LL.M. course will obviously increase his professional knowledge and efficiency in disposal of judicial work as it is a higher level of professional course.
5. He request kindly to consider the matter accordingly in the light of the facts given as above.

As from the letter dated 14.10.2010 (flag 'A-1'), the fact was come up that the remaining papers of M.B.A. course were scheduled to be held in June 2010 and from the letter it was not cleared by the officer as to whether he had already appeared in the said papers, the same was then asked from the officer to inform about the same through Court's letter dated 26.11.2010 (flag 'B-1') as to whether he had already appeared in the remaining papers of M.B.A. course, which was scheduled to be held in the month of June 2010. The District Judge, Meerut was also again requested to submit his report also, as already requested through earlier letter dated 26.07.2010 that if the officer is accorded permission to complete M.B.A. course, it would not interfere with the efficient disposal of judicial/ public work.

Now, in reply of Court's letter dated 26.11.2010, Sri Gautam vide his letter dated 03.01.2011 (flagged 'A-2') has stated that the following:-

1. After applying for permission to appear in only remaining paper and in anticipation of kind permission of the Court, he had already appeared in only remaining paper of the M.B.A. course held in the month of June 2010, result of which was declared in the month of December 2010. Further with respect and pleasure, he would like to inform that he successfully completed the only remaining paper and thus his M.B.A. course from IGNOU have now been completed.
2. As the M.B.A. course have now been successfully completed there is no any question/ problem of interference with the efficient disposal of judicial/ public work.

In this connection, it is 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 (copy at flag X), subject to the following conditions: -

- (1) Government work should not suffer in any way.

- (2) The academic classes 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 neglect his normal work or that public work suffers, in any way.

It is further submitted that as the officer has already completed/ appeared in the remaining papers of the M.B.A. correspondence course in the month of June 2010 for which he had already requested for in the very same month. However, he had to apply priorly within a reasonable time. He had also been permitted to join LL.M. correspondence course from Kurukshetra University, vide this Court's order dated 28.11.2009 (flag 'C'), which he had not joined thereafter, but had not informed about the same and, on furnishing application for grant of permission to complete the course of M.B.A. course, when he was asked vide Court's letter dated 26.07.2010 (flag 'B') to inform that from which date he is doing his M.B.A. (correspondence) course and why he had not inform to the Court earlier about the aforesaid course and had also taken permission to do LL.M. course without showing the continuation of his M.B.A. and has also pursuing M.B.A. and in such circumstances, how he is able to continue study of both the courses at one time hampering the efficient disposal of judicial work, he has stated that he had not joined the LL.M. course. Present situation in the case of Sri Gautam is, that he had already completed/ appeared in the remaining papers of the M.B.A. correspondence course in the month of June 2010 for which he had already requested for and he is not pursuing the LL.M. correspondence course, for which he had been permitted vide Court's order dated (flag 'C').

Under the facts and circumstances, mentioned above, if approved by Hon'ble The Chief Justice:-

- A | 1. Sri Awanish Gautam, Judicial Magistrate, Meerut may be accorded ex-post facto permission to complete M.B.A. (correspondence) from IGNOU ?
- or

2. to pass any such order which His Lordship deem fit and like to pass.

Registrar (Budget)

Submitted for kind perusal & if approved by R.G. the file may kindly be laid before Hon'ble the C.J. for his Lordship's kind perusal & orders as proposed at 'A' above or pass any other orders as his Lordship may deem fit & proper.

Dr. Jain
08.04.11

Sharma
11-4-11

(Vishnu Kumar)
A.R.

15/4/11
DRCM

Sarital
18-1-11
w.c. Encl

Request-112
19-1-11 1962

From,

Awanish Gautam
Judicial Magistrate,
Meerut (U.P.)

3705
21

27/1/11

17-3-11

To,

The Joint Registrar,
Honorable High Court of Judicature,
at Allahabad.

Through,

The District Judge,
Meerut.

No.

Date. 3/01/11

Sub-

In respect of application for Grant of permission to complete M.B.A Correspondence course.

Respected Sir,

With reference to your endorsement no-18747/IV-3705/Admin.(a) Dated. 26-11-2010 Allahabad on the above subject with your kind permission. I submit herewith as under-

After applying for permission to appear in only remaining paper and in anticipation of your kind permission, I had already appeared in the only remaining paper of the M.B.A. course held in the month of June 2010. result of which was declared in the month of December 2010. Further with respect and pleasures, I would like to inform you that, I have successfully completed the only remaining paper and thus my M.B.A. course from IGNOU have now been completed.

2. As the M.B.A. course have now been successfully completed, there in no any question/ problem of interference with the efficient disposal of Judicial/ public word.

Date- 03-01-2011

Your faithfully,

Gautam
(Awanish Gautam
Judicial Magistrate,
Meerut (U.P.)

कार्यालय जनपद न्यायाधीश, मेरठ।

पत्रांक 12/2

दिनांक-3-1-11

सेवा में, संयुक्त निबन्धक, माननीय उच्च न्यायालय,
इलाहाबाद को अग्रसारित।

जनपद न्यायाधीश, मेरठ। - वायव्य

मेरठ।

17-1-11
935

269
Sd/- Awanish Gautam

J.R.M.
18-1-11

J.R.M.
18-1-11

A.W.G.
18-3-11