

Request (112)

15
23/11/15

Deputy Registrar(M)

May kindly see the letters dated 25.6.14 and dated 7.10.15 (placed below at flag 'A' and 'A-1') received from Sri Kamal Kant Gupta, Additional Civil Judge(Jr.Div.), Farrukhabad regarding grant of permission to appear in LL.M.(Final Semester) Examination of Chaudhary Charan Singh University, Meerut.

In this connection, it is submitted that earlier, through his letter dated 26.6.14(flag 'A'), Officer has stated that he is enrolled candidate for the course of LL.M. at Chaudhary Charan Singh University Meerut (Roll No.112187, Enrollment No. M0659318). He has entered present Judicial Services as Additional Civil Judge(Junior Division) on May 20, 2013 and that he was already pursuing the LL.M. Course. He further submits that he has duly attended the classes for the final semester and that he hereby seeks permission to take Final Examinations for the said course to be held in July 2014. As the letter dated 26.6.14, in question, was received in Admin.(A) Section after the proposed date of examination, a Court's letter dated 26.8.2015(flag 'C').has been sent to the officer to intimate the Court as to whether he has appeared in the LL.M.(Final Semester) Examination of Chaudhary Charan Singh University, Meerut, scheduled to be held in July 2014 in anticipation of Court's permission and, if so, what was the result of the same and the present position.

In reply of aforesaid Court's letter, the officer humbly submit that he did appear in the said examination conducted in July 2014 in the anticipation of Hon'ble Court's permission and further submitted that the result of the said examination has been declared and the applicant has duly passed the examination.

In this connection it is stated that Sri Gupta has joined the U.P. Judicial Service on 20.5.2013. Prior to joining the Judicial Service, he had already been enrolled in LL.M. Course. The officer in his letter dated 26.6.14 has stated that he had joined the service on 20.5.13 and also that he has duly attended the classes for the final semester and has now the position is that he has already appeared in final semester examination of LL.M. and passed the examination. As such, the matter in question is of grant of ex-post-facto permission now. However, it is on discretion of the Court. Generally Judicial Officer may 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. if any
- (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.

In this case, if the Court likes to regulate the matter by granting ex-post-facto permission for the same as requested by the officer it may be accorded subject to the conditions as mentioned above.

May, therefore, if approved, the file may be laid before Hon'ble the Chief Justice for His Lordship's kind perusal and order of one of the following:-

- (a) Sri Kamal Kant Gupta, Additional Civil Judge(Jr.Div.), Farrukhabad be granted ex-post-facto permission to appear in LL.M.(final semester) Examination of Chaudhary Charan Singh University, Meerut without entering into the fact whether the University is recognised by UGC or not and without reserving any future claim of the officer regarding his qualification if the University is not recognised.

Request (112)

Or

(b) to reject the application of the officer as he has appeared for LL.M. (final semester) examination for which no permission was granted as the matter was pending.

Md. Ashraf R.O.
5.11.15
Ok. Tahir
06.11.15
S.O.

Senior Registrar (Judicial)(Budget)

Submitted for kind perusal and if approved by Learned Registrar General the file may kindly be laid before Hon'ble the Chief Justice for His Lordship's kind perusal and orders as proposed at (a) Or (b) above and page ante also.

Barkat
11.15
D.R. (Misc.)

Registrar General

. May kindly peruse the office note if approved the file may kindly be laid before Hon'ble the Chief Justice for His Lordship's kind perusal and orders.

Barkat
Sr. Registrar(Judicial)(Budget)
18.11.2015

Hon'ble the Chief Justice

Submitted for kind perusal and approval as proposed at 'a' above.

Barkat
20.11.15
Registrar General

X. approved
Am
21/11/15

DR (m)

Sr. Regr (B)

Sr Regr (J)(B)
23/11/15

R.G.
21.11.15

S.O. (Adm Ali)

Barkat
D.R (m)
23-11-15

Mr. Ashraf
19/11
24.11.15