

**Registrar (J) (Budget)**

May kindly see the online application of Sri Ashok Kumar-VII, Presiding Officer, Motor Accident Claim Tribunal, Jalaun at Orai regarding grant of permission for pursuing LL.M Course and appearing in the examination of LL.M. 1st year Course.

In his application, the officer has stated that he earnestly seeks to pursue two year LL.M. Course through correspondence from the academic session 2018-2019 from Kurukshetra University, Kurukshetra, Haryana and the expenses of the same shall be borne by him alone and the said academic pursuit and the pattern of the Course is such that it will not hinder discharge of his official duties instead the augmented scale of knowledge might help him to improve his output as judicial officer qualitatively. He has also stated that he earlier sent a letter seeking permission of this Court for doing LL.M. dated 02.01.2019 (copy of the same can be seen in attachment) and he admitted himself in the LL.M. Course with Kurukshetra University belated in the beginning of year 2018 after paying late admission fee in the academic session 2018-2019 and this year is LL.M. 1st year (reappearance examination) duly processed with the University as he could not appear earlier and also added that he has not received any information in this regard from this Court till date. He has further stated that now Kurukshetra University has declared the date of examination of the LL.M. first year Course belatedly and abruptly without prior notice and the said examination will be conducted through the internet online from the place of posting itself in the view of the prevailing situation of the COVID-19 pandemic and the said examination will commence from 11 September 2020 (related documents can be seen as attachment). The officer through his online application case Id. 1011 has stated that he will not take any 'Study Leave' for the said LL.M. Course. He has, therefore requested to place his application before the Hon'ble Court for grant of permission to do/pursue LL.M. Course and for appearing in the LL.M. 1st year examination.

In this connection, it is stated that Sri Ashok has joined the U.P. Nyayik Sewa on 10.09.1993. It is also pertinent to mention here that the officer has stated that he earlier sent an application regarding permission to pursue LL.M. Course from Kurukshetra University but till now no communication has been received to him by this Court, therefore, a report has been asked to the Admin (H), a file custodian section; and in the report it has been stated that "from the perusal of serialization register, it appears that the letter regarding permission for doing LL.M. Course has not been received in the section", thus it clears the reason of no action regarding grant of permission by this Court, as the same was not received in the office. There is a 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 he will not take 'study leave', his request appears to be considerable. However acceptance of his request is on the discretion of the Court. 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.

May, therefore, if approved, the instant matter may be laid before Hon'ble the Chief Justice for His Lordship's kind perusal and if His Lordship approves:-

(a) Sri Ashok Kumar-VII, Presiding Officer, Motor Accident Claim Tribunal, Jalaun at Orai may be granted permission to do/ pursue LL.M. Course through distance learning, starting from the academic session 2018-2019 as well as permission to appear in the LL.M. 1st year examination starting from 11 September 2020 from Kurukshetra University, Kurukshetra, Haryana, with exemption of the requirement to take study leave for the same 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.

Or

(b) To pass any other order which His Lordship deem fit and proper .

Archana Awasthi

Review Officer

Mohd. Arshad

Assistant Registrar

07.09.2020

**Hon'ble the Chief Justice**

My Lord,

Submitted for His Lordship's  
kind perusal & orders

Registrar(J)(Budget)

08.09.20