

Registrar (J) (Budget)

May kindly see the online application of Sri Manish Arora, Addl. Civil Judge (Jr. Div.), Mathura regarding grant of permission to appear in the second year examinations of LL.M. Course in order to complete his LL.M. Course from Kurukshetra University, Kurukshetra, Haryana.

In his application, the officer has stated that before joining the prestigious Uttar Pradesh Judicial Services, he was pursuing LL.M., a distance education course from the Kurukshetra University, Haryana and he had already passed all the LL.M. first year exams in the year 2019 and already applied for the 2nd year exams before joining the judicial services. He has also stated that he is pursuing LL.M. through distance education program and there is no need to attend the regular day to day classes and now the LL.M. 2nd year online exams are to be held from 10.09.2020, in which he is required to appear online because of COVID-19 pandemic. He has further stated that he does not seek any study leave for the same and added that earlier the exams were scheduled to be held in the month of June 2020 but due to this unprecedented COVID-19 pandemic the same could not happen. Thereafter, an objection was raised through which he was asked to intimate about his presence/ appearance in the examination, held from 10.09.2020.

In reply, the officer has stated that in anticipation of the Hon'ble Court's permission, he has appeared in the LL.M. part-2 examination held from 10.09.2020 and he has appeared in the following three exams in anticipation of the Hon'ble Courts permission:-

- 1) Exam held on 10.09.2020 (Law of Research Methodology).
- 2) Exam held on 12.09.2020 (Law of Banking and Negotiable Instruments)
- 3) Exam held on 14.09.2020 (Law of industrial and intellectual property)

He has also enclosed prospectus, examination schedule and other related documents of his LL.M. Course examination and his declaration relating to the pursuance of his LL.M. Course without attending any day to day class, which can be seen as attachments. He has, therefore requested to place his application before the Hon'ble Court for grant of permission to appear in the LL.M. part-2 examinations for completing his LL.M. Course.

In this connection, it is stated that Sri Arora has joined the U.P. Nyayik Sewa on 16.12.2019. There is a circular letter dated 04.11.11, 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 as this Course is being pursued through distance learning, so 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 Manish Arora, Addl. Civil Judge (Jr. Div.), Mathura may be granted permission to appear in the rest of the examinations of his LL.M. part- 2 Course through distance learning as well as be granted ex-post-facto permission for his appearance in the examinations, held on 10.09.2020, 12.09.2020 and on 14.09.2020, in order to complete his LL.M. Course 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

24.09.2020

Hon'ble the Chief Justice

My Lord,

Submitted for His Lordship's
kind perusal & orders

Registrar(J)(Budget)

26.09.20