

Joint Registrar(Judicial)(Budget)

May kindly see the online application of Sri Siddharth Bargoti, Addl. Civil Judge (Jr. Div.), Etah regarding grant of permission to pursue LL.M. Course and to appear in the first year examinations of LL.M. Course from Kurukshetra University, Kurukshetra, Haryana.

In his application, the officer has stated that he had enrolled himself for 2 year LL.M. programme from Directorate of Distance Education Kurukshetra University, Kurukshetra for the session of July 2019 i.e. before the joining the service. He has also stated that as per the date sheet of examination, he has to appear for the examination from 11.09.2020. Thereafter, an objection was raised through which he was asked to intimate about some details regarding his course and also relating to his presence/ appearance in the examination, held from 11.09.2020.

In reply, the officer has stated he would not be taking any Study Leave for pursuing his distance LLM from Directorate of Distance Education Kurukshetra University Kurukshetra and he has appeared in all the examinations of LL.M. 1st year course in anticipation of the Court's permission. 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 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 do/ pursue LL.M. Course and for his appearance in the LL.M. 1st year examination.

In this connection, it is stated that Sri Bargoti has joined the U.P. Nyayik Sewa on 16.11.2019. 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/ correspondence, so he will not take 'study leave' and as he has appeared in the LL.M.1st year examinations, started from 11.9.2020, in anticipation of the Court's permission, which were held online on a short notice by University, 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.

It is further submitted that earlier the matter was submitted onwards for placing the same before Hon'ble the Chief Justice on 13.10.2020 through above office note, but in the meantime nomination have been changed and Hon'ble The Chief Justice vide His Lordship's order dated 19.10.2020 has been pleased to nominate Hon'ble Mr Justice Pritinker Diwaker for considering such request of

Judicial officers. As such, this fresh note is being submitted for onward submission before Hon'ble Mr. Justice Pritinker Diwaker for His Lordship's kind perusal and orders

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Pritinker Diwaker , Nominated Judge for His Lordship's kind perusal and if His Lordship approves:-

(a) Sri Siddharth Bargoti, Addl. Civil Judge (Jr. Div.), Etah may be granted ex-post facto permission for his appearance in the LL.M. first year examinations as well as be granted permission to pursue his LL.M. Course through distance learning/correspondence, for the academic session from 2019-2021 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 .

A.K.Patel

R.O.

Mohd. Arshad

A.R.

Hon'ble Mr. Pritinker Diwaker ,

Nominated Judge

Submitted for kind perusal & orders

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