

Registrar (J) (Budget)

May kindly see the online application of Sushri Shubhi Agrawal, Addl. Civil Judge (Jr. Div.), Bulandshahr regarding grant of permission to pursue her LL.M. Course and to appear in the first year examinations of LL.M. Course from Kurukshetra University, Kurukshetra, Haryana. In her application, the officer has stated that she had been pursuing LL. M. Course from Kurukshetra University before joining her present service and as per the datesheet of examination issued by the university vide notification dated 31.08.2020, she has to appear for the examination on 11.09.2020,19.09.2020,28.09.2020,03.10.2020 and 05.10.2020 through online mode from her place of residence itself and she wants to appear in the same. She has also stated that neither she has to attend any class for pursuing this course nor she need any study leave. She has also enclosed his identity card, payment receipt 1 and 2, prospectus, LL.M course syllabus, exam notification, LL.M datesheet and declaration as attachment. Thereafter, an objection was raised through which she was asked to intimate about her presence/ appearance in the examination, held from 11.09.2020.

In reply, the officer has stated she has appeared in the examinations, started from 11.9.2020, in anticipation of Court's permission. She has, therefore requested to place her application before the Hon'ble Court for grant of permission to do/ pursue LL.M. Course and for her appearance in the LL.M. 1st year examination.

In this connection, it is stated that Sushri Shubhi has joined the U.P. Nyayik Sewa on 15.11.2019. There is a circular letter dated 04.11.11, which provides that if any Judicial Officer during the course of her Service, requests to pursue higher studies, she 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 she will not take 'study leave' and as she has appeared in the LL.M.1st year examinations, in anticipation of the Court's permission, started from 11.9.2020, which were held online on a short notice by University, her request appears to be considerable. However acceptance of her 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 her normal work or that public work suffers, in any way.

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) Sushri Shubhi Agrawal, Addl. Civil Judge (Jr. Div.), Bulandshahr may be granted ex-post facto permission for her appearance in the LL.M. first year examinations as well as be granted permission to pursue her LL.M. Course through distance learning, 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 her qualification if the University is not recognised.

Or

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

A.K. Patel

Review Officer

Mohd. Arshad

Assistant Registrar

27.01.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J)(Budget)