

Registrar (J) (Budget)

May kindly see the online application of Smt. Priyanka Sharma, 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 has taken admission in LL.M. (2 years) course through distance course from kurukshetra University in the session of July 2019 i.e. prior to her joining in present service and as per the notification and datesheet, 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. She has also stated that she had applied offline too for permission vide her letter in March 2020, which is still awaited.

Thereafter, an objection was raised through which she was asked to intimate about some details regarding her course and also relating to her presence/ appearance in the examination, held from 11.09.2020.

In reply, the officer has stated she would not be taking any STUDY LEAVE for pursuing her LL.M. course and she has appeared in all the examinations of LL.M 1st year course in anticipation of the Court's permission. She has also enclosed prospectus, examination schedule and other related documents of her LL.M. Course examination and her declaration relating to the pursuance of her LL.M. Course without attending any day to day class, which can be seen as attachments. She has, therefore requested to place her application before the Hon'ble Court for grant of permWission to do/ pursue LL.M. Course and for her appearance in the LL.M. 1st year examination. In this connection, it is stated that Smt. Priyanka 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 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. It is also pertinent to mention here that the officer has stated in her application that she has earlier sent an intimation in this regard to this Court in hard copy but till now not received any reply from the Court, so it is necessary to mention here that as per the Court's order dated 31.08.2019, the officer has to send her application in online mode through e-services portal only but she has sent her application in offline mode which was not in proper format, hence the same can not be entertained. In the instant case, the officer has stated that as this Course is being pursued through distance education and she do not need to attend classes, so she will not take 'study leave' and as she 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, 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:-

Government work should not suffer in any way. The academic classes, if any are held outside office hours. No preferential treatment will be given in the matter of leave postings and transfer. 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 the nominated judge

Hon'ble Mr. Justice Pritinker Diwaker for His Lordship's kind perusal and if His Lordship approves:-

(a) Smt. Priyanka Sharma, 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 education, 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 deems fit and proper.
Archana Awasthi

Review Officer

Mohd. Arshad

Assistant Registrar

31.10.2020

Hon'ble Mr. Justice Pritinker Diwaker

Nominated Judge

Submitted for kind perusal & order

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05.11.20