

Registrar (J) (Budget)

May kindly see the online application of Smt. Aditi Singh, Addl. Civil Judge (Jr. Div.), Ghaziabad 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 was enrolled in the said Course before Joining the present service on 15-11-2019 and shall not need any leave including the study leave for completing the said Course. She has also stated that the expenses of the same shall be borne by her alone and the said academic pursuit & the pattern of the course is such that it will not hinder discharge of her official duties instead the augmented scale of knowledge might help her to improve output as Judicial Officer qualitatively. Moreover, she is anticipating maternity leave starting September and now the Kurukshetra University has declared the date of the examination of LLM-1st year Course belatedly & abruptly without prior notice. The said examination shall be conducted through the internet online from the place of posting home itself in view of the prevailing situation of Covid-19 Pandemic.(The copy of the notification of official website & rol no. can be seen as attachment).The said examination is to commence from 11-09-2020 to 05 October 2020 on different dates and she may be able to appear in some of the papers this time after child birth. 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 is pursuing her LL. M. for the academic year 2019-2021 and as her child birth was not sure till 09.9.2020 and she was also facing pregnancy related problems, she appeared in the examination from 28.9.2020 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 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 Smt. Aditi 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 was facing pregnancy related problems, she could not appear in the first two papers and after the childbirth she has appeared in the LL.M.1st year examinations, from 28.9.2020, 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:-

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 the Chief Justice for His Lordship's kind perusal and if His Lordship approves:-

(a) Smt. Aditi Singh, Addl. Civil Judge (Jr. Div.), Ghaziabad may be granted ex-post facto permission for her appearance in the LL.M. first year examinations as well as be granted permission to appear in the remaining papers of LL.M. first year Course and to pursue her 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 her 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

12.10.2020

Hon'ble the Chief Justice

My Lord,

Submitted for His Lordship's
kind perusal & order

Registrar(J)(Budget)

14.10.20