

Registrar (J) (Budget)

May kindly see the online application of Sri Gandhrv Patel, Addl. Civil Judge (Jr. Div.), Bahraich regarding grant of permission to pursue his 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 LLM programme from Directorate of Distance Education Kurukshetra University, Kurukshetra for the session of July 2019 i.e. before the joining the service on 31.09.2019 and as the course is a correspondence course and thus there is no regular day to day classes held due to which he does not require study leave. He has further stated that, the University vide notification dated 25.08.2019, notified that the examination for LLM part-1 distance mode shall be held online from 10.09.2020. Thereafter, an objection was raised through which he was asked to intimate about the reason of sending application just on the day of examination and also relating to his presence/ appearance in the examination, held on 11.09.2020 and 19.09.2020.

In reply, the officer has stated that in anticipation of the Hon'ble Court's permission, he has appeared in the LL.M. part-I examination held on 11.09.2020 and 19.09.2020 and the academic session of the LL.M. Course is from July 2019 to July 2021. He has also stated that he has sent the application through offline mode on 18/03/2020 from Bahraich judgeship which was not the proper mode for making an application and thus he submits his unconditional apology for late submission of application through proper channel and also assured that no such thing will be repeated in future (copy of application made through offline mode can be seen as attachment. 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 do/ pursue LL.M. Course and for appearing in the LL.M. 1st year examination.

In this connection, it is stated that Sri Patel 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 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 correspondence, 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 Gandhrv Patel, Addl. Civil Judge (Jr. Div.), Bahraich may be granted permission to do/ pursue LL.M. (2 year) Course through distance learning/ correspondence, for the academic session from July 2019- July 2021 as well as be granted ex-post-facto permission for his appearance in the examination, held on 11.09.2020 and on 19.09.2020 and also be granted permission to appear in the rest of LL.M. 1st year examinations 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