

Joint Registrar(J) (Budget)

May kindly see the online applications of Sri Rajat Kumar Yadav, Civil Judge (Jr. Div.), Fatehpur regarding grant of permission to get admission and to do/pursue LL.M. Course through distance learning from Kurukshetra University.

In his applications, Sri Yadav has stated that he wishes to pursue higher education and for that is seeking Hon'ble High Court's permission to pursue L.L.M course through distance education programme offered by the Krukshetra University. He has also stated that since the mode of education will be distance education it shall not affect any official duties or in anyway hamper the work allotted to him and no study leave would also be taken by him. The academic session of his LL.M. course would be from Januray 2021 to December 2022 (2 year). He has further stated that as per the notification dated 17-12-2018 from directorate of distance education Kurukshetra University, Kurukshetra that there are no day to day classes in any course in the directorate of distance education. He has also enclosed prospectus of LL.M. and attendance related notification of University as attachments. He has, therefore, requested for grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In this connection, it is stated that Sri Yadav has joined the U.P. Nyayik Sewa on 15.11.2019. There is circular letter dated 4.11.11, 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 he would not take study leave for the said LL.M. Course, 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 The permission can be withdrawn without notice if; it is found at any time that the government servant neglects his normal work or that public work suffers, in any way.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 15.10.2020 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 requests 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. Justice Pritinker Diwaker, Nominted Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sri Rajat Kumar Yadav, Civil Judge (Jr. Div.), Fatehpur may be granted permission to do/ pursue the LL.M. Course through distance education from Kurukshetra University, Kurukshetra, Haryana starting for the academic session from January 2021 to December 2022 with exemption of the requirement to take study leave for the same and without entering into the fact whether the University is recognised by UGC or not as well as 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 deems fit and proper.

Mohd. Arshad

Assistant Registrar

25.11.2020

Hon'ble Mr. Justice Pritinker Diwaker,

Nominted Judge

Submitted for kind perusal & order

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