

Joint Registrar(J) (Budget)

May kindly see the online application of Sri Brijendra Kumar Pandey, Addl. Principal Judge Family Court, Lucknow regarding grant of permission to do/pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Pandey has stated that he wants to pursue LL.M. Course through distance learning from Kurukshetra University for the academic session 2020.-2021, wherein day to day classes are not mandatory. He has also assured that judicial work will not suffer on account of him pursuing this course, but the same will be helpful in proper dispensation of his duties. he has also stated that he would not be required to avail study leave for pursuing this course. He has also declared that he will not attend day to day classes for pursuing the Course (declaration can be seen as attachment). He has also enclosed prospectus of LL.M. Course as attachment. He has, therefore, requested for grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that Sri Pandey has joined the U.P. Nyayik Sewa on 19.06.2006. 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 The permission can be withdrawn without notice if; it is found at any time that the government servant neglects his normal work or that public work suffers, in any way.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 07.10.2020 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 Prtinker Diwaker, Nominated Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sri Brijendra Kumar Pandey, Addl. Principal Judge, Family Court, Lucknow may be granted permission to do/ pursue the LL.M. Course through distance learning from Kurukshetra University, Kurukshetra, Haryana, for the academic session starting from 2020- 2021 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 and also subject to the conditions mentioned above.

Or

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

Mohd. Arshad, A.R.

01.12.2020

Hon'ble Mr. Justice Prtinker Diwaker,

Nominated Judge

Submitted for kind perusal & orders

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05.01.21