

Joint Registrar(Judicial)(Budget)

May kindly see the online application of Sushri Nidhi Madhav Kuril, Civil Judge(Jr.Div.), Pratapgarh regarding grant of permission to pursue LL.M. Course from Kurukshetra University, Kurukshetra, Haryana.

In her application, the officer has stated that the Directorate of Distance Education, Kurukshetra University, Kurukshetra has invited applications for the course of Distance Learning Programme of LL.M., for which it also provides all the services to the enrolled candidates through digital mode to facilitate the distance learners. It is further submitted that since no compulsory attendance is pre-requisite for pursuing the course, no leave from judicial work shall be sought in order to pursue the course, other than for the examinations of the above mentioned course and requested to kindly forward her application before the Hon'ble court for granting permission to pursue LL.M. . Thereafter, an objection was raised through which she was asked to intimate about her status of taking study leave, academic session of her course, attach the prospectus of LL.M. course and give a declaration saying that she may do/pursue the LL.M. Course without attending day to day class for taking further necessary action in the matter.

In reply, the officer has stated that the LL.M. course is a Distance Learning Programme therefore no study leave is required and also inform that the Session of the aforesaid course shall be 2021-2023. She has also enclosed prospectus of the course and her declaration relating to the pursuance of LL.M. Course without attending any day to day class. She has, therefore requested to place her application before the Hon'ble Court for grant of permission to do/ pursue LL.M. Course.

In this connection, it is stated that Sushri Nidhi Madhav Kuril 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. In the instant case, the officer has stated that as this Course is being pursued through distance learning/correspondence, so she will not take 'study leave', 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 Mr. Justice Pritinker Diwaker, Nominated Judge for His Lordship's kind perusal and if His Lordship approves:-

(a) Sushri Nidhi Madhav Kuril, Civil Judge(Jr.Div.), Pratapgarh may be granted permission to pursue her LL.M. Course through distance learning/correspondence, for the academic session 2021-23 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 .

A. K. Patel

R.O.

Mohd. Arshad

A.R.

02.02.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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