

Registrar(J) (Budget)

May kindly see the online application of Smt. Shikha Yadav, Civil Judge (Jr. Div.), Bahraich regarding grant of permission to do/pursue LL.M. Course through distance education from Kurukshetra University.

In her application, Smt. Yadav has stated that she wants to pursue the course of master of laws (LL.M.) through distance education from Kurukshetra University for the academic session 2019-2021. She has also stated that she has applied through offline mode with her application dated 20.04.2019 and in anticipation of the Court's permission, has taken the admission in the academic session 2019-2021 and will not be required to avail study leave for pursuing this course. She has also enclosed prospectus of LL.M. Course and her declaration relating to non requirement of attendance for the Course as attachment. She 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 Smt. Yadav has joined the U.P. Nyayik Sewa on 17.01.2017. It is also pertinent to mention here that as the officer has taken admission in the academic session 2019-2021, thus it can be supposed that she would appear in the ongoing examination of the LL.M. 1st year and also seeks permission for the same. Furthermore, It is also noteworthy to mention here that as the misc. file of the officer has already been submitted to Hon'ble Judge in the matter of property statement from 10.06.2019, therefore, her offline application dated 20.04.19, regarding grant of permission for doing LL.M. can not be entertained at that time. There is circular letter dated 4.11.11, 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 she would not take study leave for the said LL.M. Course, 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. Shikha Yadav, Civil Judge (Jr. Div.), Bahraich may be granted permission to appear in the ongoing examinations of LL.M. 1st year Course and also be granted permission to do/ pursue the LL.M. Course through distance education from Kurukshetra

University, Kurukshetra, Haryana, starting from the academic session 2019-2021 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 her 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 deems 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