

Registrar (J) (Budget)

May kindly see the online application of Sushri Jyotsna Rai, Addl. Civil Judge (Jr. Div.), Faizabad regarding grant of permission to pursue her LL.M. Course and to appear in the first year examinations of LL.M. Course from Kurukshetra University, Kurukshetra, Haryana.

In her application, the officer has stated that she has taken admission in the LL.M. (2 year course) for the academic session from July 2019-2021 through distance learning from Kurukshetra University, before joining this service. She has also stated that she do not need to attend any class while continuing this course and hence she would not need any study leave for pursuing this and also added that she wants to appear in the terminal exam which is about to start from 10th September 2020, which can be given online from her home. Thereafter, an objection was raised through which she was asked to intimate about her presence/ appearance in the terminal examination, started on 11.09.2020.

In reply, the officer has stated that she has appeared in the said online examination in anticipation of the Court's permission. She has also enclosed prospectus, syllabus, examination schedule and other related documents of her LL.M. Course, which can be seen as attachment. She has, therefore requested to place her 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 Sushri Rai 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 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 and thus she will not take any '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 the Chief Justice for His Lordship's kind perusal and if His Lordship approves:-

(a) Sushri Jyotsna Rai, Addl. Civil Judge (Jr. Div.), Faizabad may be granted permission to do/ pursue LL.M. (2 year) Course through distance learning, for the academic session 2019-2021 as well as be granted ex-post-facto permission for her appearance in the examination, held on 11.09.2020 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 her 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

17.09.2020

Hon'ble the Chief Justice

My Lord,

Submitted for His Lordship's kind perusal
and orders?

Registrar(Judicial)(Budget)

22.09.2020