

Joint Registrar (J) (Budget)

May kindly see the online application of Sushri Ayushi Chaturvedi, Addl. Civil Judge (Jr. Div.), Raebareli 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 had enrolled herself for 2 year LLM programme from Directorate of Distance Education Kurukshetra University, Kurukshetra for the session of July 2019 i.e. before the joining the service and made intimation regarding the same to Hon'ble High Court through District and Session Judge on 01.01.2020. She has also stated that as per the date sheet of examination, she has to appear for the examination from 11.09.2020. Thereafter, an objection was raised through which she was asked to intimate about some details regarding her course and also relating to her presence/ appearance in the examination, held from 11.09.2020.

In reply, the officer has stated she would not be taking any STUDY LEAVE for pursuing her distance LLM from Directorate of Distance Education Kurukshetra University Kurukshetra and she has appeared in all the examinations of LL.M 1st year course in anticipation of the Court's permission. She has also enclosed prospectus, examination schedule and other related documents of her LL.M. Course examination and her declaration relating to the pursuance of her LL.M. Course without attending any day to day class, which can be seen as attachments. 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 her appearance in the LL.M. 1st year examination.

In this connection, it is stated that Sushri Ayushi Chaturvedi 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. It is also pertinent to mention here that as the officer has stated in her application that she has earlier sent an intimation in this regard to this Court and as per the Court's letter dated 31.08.2019, the officer has to send her application in online mode through e-services portal only but she has send her application in offline mode which was not in proper format, hence the same can not be entertained. In the instant case, the officer has stated that as this Course is being pursued through distance learning, so she will not take 'study leave' and as she has appeared in the LL.M.1st year examinations, started from 11.9.2020, in anticipation of the

Court's permission, which were held online on a short notice by University, 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.

It is further submitted that earlier the matter was submitted onwards for placing the same before Hon'ble The Chief Justice on 12.10.2020 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, Nominated Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sushri Ayushi Chaturvedi, Addl. Civil Judge (Jr. Div.), Raebareli may be granted ex-post facto permission for her appearance in the LL.M. first year examinations as well as be granted permission to pursue her LL.M. Course through distance learning, for the academic session from 2019-2021 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 .

Mohd. Arshad

Assistant Registrar

25.11.2020

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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25.01.2021