

Joint Registrar (J) (Budget)

May kindly see the online application of Sushri Shreya Solanki, Addl. Civil Judge (Jr. Div.), Bulandshahr 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 LL.M. part-I course through distance learning mode from Kurukshetra University, Kurukshetra, Haryana in July 2019 i.e. prior to joining the service and now wants to appear in the LL.M. first year examinations, which are going to be held online and can be given from her residence and also stated that her judicial functioning will not be affected from this. 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 is pursuing her LL. M. by way of distance learning and no study leave would be required for the same. The first semester course has been completed by her and this is first year examination. The session for 2 year LL.M. course is from July 2019 to June 2021 and she will not be attending any regular classes during the academic session as it is distance learning program. She has further stated that due to prevailing Covid -19 situation, exams scheduled in June 2020 have been rescheduled in September-October 2020 through online mode 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 Shreya 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, 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 08.10.2020 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 Shreya Solanki, Addl. Civil Judge (Jr. Div.), Bulandsahar 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, A.R.

25.11.2020

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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