

Joint Registrar(Judicial)(Budget)

May kindly see the online application of Sri Rajat Sharma, Civil Judge (Jr. Div.), Saharanpur regarding grant of permission to pursue LL.M. Course from Kurukshetra University, Kurukshetra, Haryana.

In his application, the officer has stated that he had taken admission in LL.M. in academic year August 2019 from Kurukshetra University before joining the Judicial Services and his pursuing of LL.M. course(2 years), would not adversely hamper in discharge of his official duties rather, it will enhance his judicial aptitude and acumen which help him in discharging his official duties and further submitted that due to this pandemic of Covid 19. the aforementioned University is conducting examination through online mode. The schedule of the examination is 11th September, 19th September, 28th September, 30th September, 3rd October and 5th October (copy as attachment). Therefore, an objections was raised through which he was asked to intimate about some details regarding his study leave, academic Session, whether he has appeared in the LL.M. examination in anticipation of Hon'ble Court's permission , prospectus and a declaration, saying that he may do the LL.M. Course without attending any day to day class.

In reply, the officer has stated he is pursuing 2 year LL.M. Course(Academic Session July 2019-2021) through distance education from Kurukshetra University Kurukshetra and will not take Study leave as the course is through distance Education and there is no need to attend classes and also informed that he had appeared in the LL.M. examination in anticipation of Hon'ble Court's permission and his declaration relating to the pursuance of LL.M. Course without attending any day to day class, which can be seen as attachments. He has, therefore requested to place his application before the Hon'ble Court for grant of permission to do/ pursue LL.M. Course and for his appearance in the LL.M. examination.

In this connection, it is stated that Sri Rajat Sharma has joined the U.P. Nyayik Sewa on 16.11.2019. There is a circular letter dated 04.11.11, which provides that if any Judicial Officer during the course of his Service, requests to pursue higher studies, he 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 he will not take 'study leave' and as he has appeared in the LL.M. examinations, started from 11.9.2020, in anticipation of the Court's permission, which were held online on a short notice by University, his request appears to be considerable. However acceptance of his 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 his 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) Sri Rajat Sharma, Civil Judge (Jr. Div.), Saharanpur may be granted ex-post facto permission for his appearance in the LL.M. first year examinations as well as be granted permission to pursue his LL.M. Course through distance learning/correspondence, for the academic session 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 his 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

Joint Registrar (J)(Budget)