

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Shalini, Additional Civil Judge (Junior Division), Banda regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In her application, Sushri Shalini has stated that she was enrolled in Directorate of Distance Education, Kurukshetra University for Master of Law- 2019 and she had taken admission in the aforementioned University before joining the U.P. Judicial services. She has also stated that University has announced the schedule for annual examination from 11/09/2020 to 05/10/2020 to be conducted in blended form (i.e. Question Paper is to be downloaded from the University website and scanned answer book in soft copy to be sent through E-mail in pdf format to the nodal center of the concerned authority) and since exams are to be conducted through online mode, she can give her examination from the place of posting. Thereafter, through online objections, she was asked to intimate about her status of taking study leave status, about her appearance in the LL.M., examinations and her declaration regarding no attendance requirement. In reply the officer has stated that since exams are being conducted through online mode thereby she could appear for the aforementioned examinations by taking casual leaves on the assigned days of examinations from the place of posting hence did not seek study leave to appear in the aforementioned examination and also added that she has appeared in all the examinations of LL.M 1st year in anticipation of permission of Hon'ble High Court. She has further stated that since the aforementioned Post Graduation Programme is a correspondence based LL.M Course from Directorate of Distance Education, Kurukshetra University, she does not have to attend the day to day classes for the completion of the course and also enclosed her Declaration and Prospectus as attachments. Again as sufficient time has been elapsed, the officer was again asked to intimate about her LL.M. 2nd year study, examination status and also to intimate about LL.M. 1st year result. In reply, the officer has stated that she has passed the LL.M first year examination and has appeared in the LL.M. 2nd year examination by taking casual leaves on the scheduled examination dates in anticipation of the Hon'ble High Court's permission. It is pertinent to mention here that as Ld. Joint Registrar (Judicial) (Budget) has asked to clearly specify that where the blended modalities of conducting examinations are mentioned, it is to submit that the officer in his very first request has stated the same and in the page no.3 of the attachment heading 'Documents for LL.M. part-1 annual examination' it is mentioned that the candidate should download the correct question paper. She has also enclosed LL.M. 1st year result and relating papers of her LL.M. Course, which can be seen as attachments. She has, therefore, requested for grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 18.11.2019. 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 to pursue the course. In the instant case, as stated by the officer that she has appeared in the LL.M. 1st year and LL.M. 2nd year examination in anticipation of permission from the Hon'ble High Court and also passed the LL.M. 1st year; It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for her appearance in the LL.M. 1st year and LL.M. 2nd year course examinations to the officer or to pass any such order which deems to be proper.

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 Shalini, Additional Civil Judge (Junior Division), Banda may be granted ex-post facto permission for her appearance in the LL.M. 1st year and LL.M. 2nd year course examination through Distance education from Kurukshetra University, Kurukshetra for the academic sessions 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 University Grants Commission 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

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)