

Joint Registrar (J) (Budget)

May kindly see the online application of Sri Saransh Sharma, Addl. Civil Judge (Jr. Div.), Mathura regarding grant of permission to pursue LL.M Course through Distance Learning from Kurukshetra University.

In his application, Sri Sharma has stated that he was pursuing LL.M. (2 years) from Kurukshetra University and applied for the same before joining this service and after appointment and also sent an initiation to the Hon'ble High Court regarding grant of permission to pursue LL.M. from the said university whose 1st year LLM examination was scheduled from June 2020. Thereafter a Court's letter (copy can be seen as attachment) was also sent the officer asking for requirement of study leave and some details regarding the course. In reply of the same the officer has stated that he do not need study leave as the same is a distance learning course and the examination got postponed due to COVID-19 and has been rescheduled from 11th September 2020 and will be conducted online and he wants to appear in the same. Thereafter, He was again asked to intimate about his appearance in the online examinations as the reply of the officer was received after the commencement of the online examination.

The officer in the reply of the raised objections has stated that he has appeared in all the examinations of LL.M. 1st year Course through online mode. He has also enclosed prospectus, syllabus, Declaration relating to no attendance requirement for the course and related papers of LL.M. Course, which may be seen as attachment. He has, therefore, requested for grant of permission to do/ pursue the LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that Sri Sharma has joined the U.P. 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 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 no 'study leave' for doing the aforesaid Course would be required as this a distance learning programme and also stated that he has appeared in the LL.M. 1st year examination through online mode. Now, as the officer has appeared in the LL.M. 1st year examination and wants to pursue his second year LL.M. Course, therefore to regularize the matter, 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 the purpose, for His Lordship's kind perusal and if His Lordship approves :-

Sri Saransh Sharma, Addl. Civil Judge (Jr. Div.), Mathura may be granted ex post facto permission for his appearance in the LL.M. 1st year examination as well as permission to do/pursue the LL.M. Course through Distance Learning Programme of Kurukshetra University, Kurukshetra for the academic Sessions from 2019-2021, 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

To pass any other order which His Lordship deem fit and proper .

Archana Awasthi

Review Officer

Mohd. Arshad

Assistant Registrar

03.07.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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