

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Neeraj Kumar Mahajan, Additional District & Sessions Judge, Hamirpur regarding grant of permission to do/pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Neeraj Kumar Mahajan has stated that prior to his joining of service, he had taken admission in LL.M. course through distance education from Kurukshetra University, Kurukshetra through distance education for the academic session 2019-2021. He had also stated that his LL.M. 1st year examination were proposed to be conducted from 11.09.2020 and he did not need to take study leave. Thereafter online objection was made through the portal by asking about his appearance in the aforesaid examination and in reply the officer stated that he had appeared in all the examinations in anticipation of Hon'ble Court's permission by taking casual leave. Furthermore, as sufficient time has been elapsed, therefore, the officer was again asked to intimate the current status of LL.M. Course and in reply the officer has stated that his LL.M. second year Course is yet not completed and he is pursuing the same and the examination of LL.M. 2nd year is scheduled from 11th August 2021 and re-till in two subjects. Again the officer was asked to intimate about the dates of back examination and in reply the officer has stated that the dates of back examination of LL.M 1st year are not known to him because he has not applied for back examination of LL.M. 1st year so far. It is also pertinent to mention here that as asked by Learned Joint Registrar (Judicial) (Budget), the officer was asked as to whether he has appeared in the said examination scheduled from date 11.08.2021 in anticipation of permission from Hon'ble High Court and in reply the officer has stated that he has appeared in the examination of LL.M. 2nd year starting from 11.08.2021 in the anticipation of permission from Hon'ble High Court. He has also enclosed Identity card, prospectus, LL.M. 1st year result and LL.M. 2nd year date sheet, his declaration for no attendance requirement and other details relating to LL.M., which can be seen as attachments. He has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of ex-post facto permission for his appearance in the LL.M. examinations through distance learning from Kurukshetra University.

In this connection, it is stated that Sri Neeraj Kumar Mahajan has joined the Uttar Pradesh Nyayik Sewa on 30.09.2019. 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 he would not take study leave for the said LL.M. Course. It is also pertinent to mention here that the officer has already appeared in all the papers of LL.M. 1st year examinations and also appearing in the LL.M. 2nd year examination, starting from 11.08.2021, in anticipation of the Hon'ble High Court's permission and also passed the LL.M. 1st year examinations except two paper. Now, it is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex-post facto permission for his appearance in LL.M 1st year and LL.M. 2nd year examination, and permission to appear in the **back paper** of LL.M. 1st year examination to the officer or to pass any such order which deems to be proper. 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 :-

(A) Sri Neeraj Kumar Mahajan, Additional District & Sessions Judge, Hamirpur may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination and LL.M. 2nd year examinations as well as permission be granted to appear in the LL.M. 1st year back paper examination through Distance Learning Programme of Kurukshetra University, Kurukshetra for the academic sessions 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 University Grants Commission 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 .

Archana Awasthi
Review Officer
Mohd. Arshad
Assistant Registrar
25.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

