

Registrar (J) (Budget)

May kindly see the online application of Smt. Supriya Sharma, Addl. Civil Judge (Junior Division), Amroha regarding grant of permission to do/ pursue LL.M. course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In her application, Smt. Supriya Sharma has stated that she has taken admission in the LL.M. course from Kurukshetra University before joining the present service and also has sent offline application regarding admission in LL.M. course. She has also stated that she don't have to attend any day-to-day class to pursue this course, hence, she needs no study leave and wants to appear in the first-year examinations. Thereafter, through online objection, the officer was asked to intimate about his appearance in the LL.M. first-year examinations. In reply, the officer has stated that she has appeared in all the examinations of LL.M. 1st year course in anticipation of Hon'ble High Court's permission. Again, as the stated session has expired, the officer was asked to intimate the present status of her LL.M. course alongwith supporting papers. In reply, the officer has stated that she has completed her LL.M. Course from Kurukshetra University distance learning program and also attached the LL.M. mark sheets and degree which can be seen as attachments. Now as the officer has replied after the lapse of three (3) years, thus through online objection, the officer has been asked to intimate the genuine reason for her delayed reply. In reply, the officer has stated that she is sorry for the delay in submitting the reply of the raised objection of the Hon'ble Court. She has also stated that she had taken LL.M. examination in anticipation of permission of Hon'ble Court. She has further stated that as she was new to the service and did not have proper knowledge about the procedures regarding the same and she had taken the examination in good faith and anticipation of Hon'ble Court's permission. She has also added that it was a bonafide mistake due to a lack of knowledge about the procedure for which she is sorry from the bottom of her heart and stated that she would not repeat this in the future. She has also enclosed prospectus, course syllabus and other relating papers, which can be seen as attachments. She has, therefore, requested to Hon'ble Court to kindly grant her permission to do/ pursue the stated LL.M. course from the aforesaid university.

In this connection, it is stated that Smt. Supriya Shrama 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 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 has not taken any study leave for doing the aforesaid LL.M. course. It is also pertinent to mention here that the officer has stated that she has earlier applied for permission through offline mode, whereupon through Hon'ble Court's letter dated 24.06.2020 some information have been sought and she was also asked to submit her online application through e-services portal as per direction of the Court's letter no. 558/XXXIII-CPC/e-Courts/ Allahabad/ Dated: 31 August 2019 and accordingly she has sent the same through online portal. Now, the officer has pursued her course and appeared in the course examinations in anticipation of grant of permission from the Hon'ble Court, in the meantime of online correspondence and also has completed her LL.M. course. Moreover, for the delay caused in replying to the objection, the officer has stated that she was new to the service and had mistaken due to lack of knowledge about the procedure for which she is really sorry from the bottom of her heart and stated that she would not repeat this in future. Now, 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 LL.M 1st year and LL.M. 2nd year examinations 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 her normal work or that public work suffers, in any way.

Recently, vide order dated 01.07.2024 relating to re-constitution of Committees, Hon'ble The Chief Justice has been pleased to reconstitute the single Judge Committee appearing at sl. no. 65 of the list of Committees and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to pursue academic course.

May, therefore, if approved, the matter be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 01.07.2024 of Hon'ble The Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Smt. Supriya Sharma, Addl. Civil Judge (Junior Division), Amroha may be granted ex-post facto permission for her appearance in the LL.M. 1st year examination and LL.M. 2nd year examinations of LL.M. Course through Distance Learning Programme of Kurukshetra University, Kurukshetra, 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 her qualification if the University is not recognised.

Or

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

Archana Awasthi, Review Officer
Meetu Verma, Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial)(Budget)