

Registrar (J) (Budget)

May kindly see the online application of Sri Shyam Mohan Jaiswal, Spl. Judge (Spl. Court (Pre. Cor. Act), Lucknow regarding grant of permission to do/ pursue LL.M. course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In his application, Sri Shyam Mohan Jaiswal has stated that before joining this service, he was already enrolled in the LL.M. two year course through distance learning from Kurukshetra University, Kurukshetra, Haryana vide DDE Ref No- 19238217 in the academic session year 2019-2021 and he wants to pursue the same. He has also declared that he would not take any study leave to persue the said course except leave to appear in the examination and can pursue the said course without attending day to day classes. Thereafter through online objection, the officer was asked to intimate complete academic session of the course, his status of appearance in LL.M. 1st year exam and also about the status of pursuance of LL.M. 2nd year course study. In reply the officer has stated that he has appeared in the LL.M. 1st year exam but could not clear two papers, hence not taken admission in 2nd year till now. Again as the sufficient time has been elapsed and the officer has also not disclosed his LL.M. 2nd year admission and pursuance status, thus he was again asked to upload the first year result and status of LL.M. 2nd year studies with all the relevant supporting papers. In reply the officer has enclosed the marksheet of first year exam (can be seen as attachment) and added that he has taken admission in LL.M. second year in session 2023-24 and also attached receipt of payment of fees (can be seen as attachment). He has further stated that exams of second year are yet to be conducted and he has to reappear in two papers of LL.M. Ist year and has applied for the same (Copy of application can also be seen as attachment). Furthermore the date of exams of the same has not been published till now. He has, therefore, requested to Hon'ble Court to kindly grant him permission to do/ pursue the stated LL.M. course from the aforesaid university.

In this connection, it is stated that Sri Shyam Mohan Jaiswal has joined the U.P.H.J.S. on 18.09.2019. There is 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 appeared in the LL.M. 1st year examination in anticipation of Hon'ble Court's permission and also has taken admission in the LL.M. 2nd year. He has also added that he has to reappear in two papers of LL.M. 1st year also for which the date of examination is yet to be declared. 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 permission to appear in the re examination of two papers of LL.M. 1st year and to pursue LL.M. 2nd year course 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.

Recently, vide order dated 01.07.2024 relating to re-constitution of Committees, Hon'ble The Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 65 of the list of Committees dated 01.07.2024, 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 file may 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) Sri Shyam Mohan Jaiswal, Spl. Judge (Spl. Court (Pre. Cor. Act), Lucknow may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination and permisison to appear in the re-examination of two papers of LL.M 1st year as well as permission to pursue LL.M. 2nd year Course

through Distance Learning Programme of Kurukshetra University, Kurukshetra for the academic session starting from 2019, 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 his qualification if the University is not recognised, subject to the conditions mentioned above.

Or

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

Archana Awasthi, Review Officer
Munmun Narang, Section 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)

