

I/c Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Mohit Nirwal, Additional Civil Judge (Junior Division), Moradabad regarding grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Mohit Nirwal has stated that he had applied for LL.M (Non-regular) in 2019 through Directorate of Distance Education (DDE) Kurukshetra University, Kurukshetra Haryana prior to his joining in Uttar Pradesh Judicial Services and the examination through online mode for LL.M Part 1" is to be conducted from 11.09.2020 to 05.10.2020. Thereafter through online objection, the officer was asked to intimate his status of taking study leave and to intimate as to whether he has appeared in the LL.M. 1st year examination in anticipation of the Hon'ble High Court's permission. In reply, the officer has stated that the examination of LL.M. Previous year (LL.M.-1) was conducted by the University on several dates in the month of September- October, 2020 through online mode. He has added that information of such proposed examination and for such permission has been requested by him from Hon'ble High Court through offline letters which is still awaited. He has further stated that he has attended the examination of LL.M.-I year conducted in September-October, 2020 in anticipation of the Hon'ble High Court's permission by taking casual leave on examination dates and added that since the applied course is of nature of distance learning, so no study leave would be taken by him for such purpose. Again as sufficient time has been elapsed, the officer was again asked to intimate about the current status of his LL.M. study and also be asked to submit the result of LL.M. 1st year. In reply the officer has stated that in anticipation of the Hon'ble High Court's permission, he has also appeared in the LL.M-II (Last Year) examination through online mode in the month of August, 2021 by taking casual leave on examination dates and since result of such examination is still awaiting, so second year is not completed yet. He has further stated that he has asked for permission to appear in the LL.M-II Year examination through another case Id. but as the same matter is already being processed through instant case Id., therefore, he has withdrawn such application. He has also declared that as the nature of course is through distance learning (Non-regular) so, he has completed said LL.M. course without attending day to day classes and also declared that his judicial work would not be hampered in any way due to his study. It is also pertinent to mention here that as asked by Ld. Registrar (Judicial) Budget, the officer was asked to clearly specify whether result of LL.M. second year has been declared or not and whether he has appeared in RE-TILL in L002 subject as mentioned in his 1st year marks sheet. In reply the officer has attached an attachment wherein, he has stated that the result of LL.M-II year has not been declared yet and is still awaited and added that he has appeared in reappear exam of L002 subject (Indian Constitution Law and the new challenges) as mentioned in first year marksheet. He 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 16.12.2019. 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 declared that for the pursuance of course he would not take study leave and no judicial work would suffer from his study. It is also pertinent to mention here that as stated by the officer, he has sent offline letters regarding pursuance of his LL.M. Course but it is to submit here that in the light of Hon'ble High Court's letter no. 558/ III-CPC/ e-Courts/ Allahabad dated 31.08.2019; all the application afterwards 31.08.2019 has to be dealt through online mode only, therefore, the matter is being processed through online mode only. Now, as stated by the officer that he has already appeared in the LL.M. first year and LL.M. second year examination in anticipation of the Hon'ble High Court's permission; 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 the LL.M. first year course and second 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, Senior Judge (J-1), for His Lordship's kind perusal and if His Lordship approves :-

A) Sri Mohit Nirwal, Additional Civil Judge (Junior Division), Moradabad may be granted ex-post facto permission for his appearance in the LL.M. first year and LL.M. second year examinations through distance learning 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 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

Hon'ble Mr. Justice Pritinker Diwaker,

Senior Judge (J-1)

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)

