

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Aayushi Pandey, Additional Civil Judge (Junior Division), Mainpuri regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In her application, Sushri Aayushi Pandey has stated that she had already taken admission in LL.M. course in Kurukshetra University via Distance Learning Programme for the session 2019-2020 prior to her joining in Uttar Pradesh Nyayik Sewa and her LL.M. (First Year) exam would be taking place from 11th September, 2020 and also stated that her judicial work would not be affected in any manner while appearing for the examination . She has also replied to the queries asked by the Hon'ble High Court's letter Dated 27.08.2020 and stated in the attachment namely 'reply to the queries asked by Hon'ble Court' that as the course is to be done through distance learning mode, hence she do not require attending of day to day classes and do not require study leave for pursuing of the course. Thereafter online objection was raised and in the reply of objection the officer has replied that she has appeared in all the examination (online distance mode) in anticipation of Hon'ble High Court's permission. Again as sufficient time has been elapsed, thus the officer was asked to intimate present status of LL.M studies and also about her appearance in the LL.M. 2nd year examinations. In reply the officer has stated that she has passed the LL.M. 1st year examination and also enclosed the mark sheet of the same and stated that she has appeared in the LL.M. 2nd year examination started from 11th August 2021 in anticipation of permission of Hon'ble High Court. She has also enclosed her declaration regarding no attendance requirement and other related papers of LL.M. Course as attachments. She 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 18.11.2019. There is circular letter dated 4.11.11, 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 declared that she would not take study leave to pursue the course. It is also pertinent to mention here that as stated by the officer, she has sent the intimation regarding her LL.M. Course through offline mode 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 officer was asked to send his application through online mode only. Now, as stated by the officer that she 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 her 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. 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.

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) Sushri Aayushi Pandey, Additional Civil Judge (Junior Division), Mainpuri may be granted

ex-post facto permission for her appearance in the LL.M. first year and LL.M. second year examinations through distance education 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 her 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

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)

