

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Amratanshu Raj, Civil Judge (Junior Division), (FTC), Hathras regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Amratanshu Raj has stated that he was enrolled in LL.M. distance program at Kurukshetra University in July 2019, for the session 2019-2021 before joining the services and wishes to continue the above mentioned course offered by the Kurukshetra University and wants to appear in the examination, starting from 10th of September, 2020. Thereafter, online objections were sent to the officer through which he was asked to intimate about status of taking study leave, his appearance in the LL.M. 1st year examinations, declaration regarding no attendance requirement and LL.M. 1st year result. In reply of the raised objections, the officer has stated that as this is a distance education course, he would not take/ apply for study leave and also he would not attend any classes. The officer has also stated that he has appeared in all the examinations of LL.M. 1st year in anticipation of the Hon'ble High Court's permission and result of the same was declared on 02.03.2021 and he has passed all the subjects and has been promoted to 2nd year. He has also enclosed prospectus and other relating papers as attachments. He has, therefore, requested to kindly place his application before the Hon'ble Court 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 stated that he would not take study leave for the said LL.M. Course as this is a distance education course. It is also pertinent to mention here that the officer has stated that earlier through offline mode, he has sent an intimation to the Hon'ble High Court regarding permission to appear in the examination, but here it is also to submit that the offline application of the officer was received in the section on 24.11.2020 i.e. after the date of his online application. Moreover in the light of Court's letter no. 558/ XXXIII-CPC/ e-Courts/ Allahabad dated 31.08.2019, the application from 01.09.2019 onward has to be dealt through online mode, thus the same offline application appears not to be entertainable. Now, as the officer has appeared in the examination of the LL.M. 1st year course and now wants to pursue his LL.M. 2nd year course and to appear in the examination; 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. 1st year examination and permission for pursuance of Course and for appearing in the LL.M. 2nd year course 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 Amratanshu Raj, Civil Judge (Junior Division), (FTC), Hathras may be granted ex-post facto permission for his appearance in the LL.M. 1st year course examination as well as permission to do/ pursue and to appear in the LL.M. 2nd year course examination 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 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
11.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

