

## **Joint Registrar (Judicial) (Budget)**

May kindly see the online application of Sri Bhupendra Pratap, the then Chief Judicial Magistrate, Deoria presently posted as Judge Small Causes Court, Saharanpur regarding grant of permission to do/pursue LL.M. Course through distance education from Kurukshetra University, Haryana.

In his application, Sri Bhupendra Pratap has stated that he wishes to pursue the LL.M. course (Distant Learning) through Kurukshetra University, Haryana and this LL.M. degree may help him to perform his judicial duties more effectively. Thereafter, online objections were sent to the officer through which he was asked to intimate about status of taking study leave, declaration, academic session and his admission status in the said LL.M. course. In reply of the raised objections, the officer has stated that during the Course, he need not to attend the regular classes and thus no long Study Leave is required and also the judicial work would not be affected in any manner due to this course. The officer has also declared that he can pursue the LL.M. (Distant Education) Course without attending the day to day Classes through Distant Education Programme of Kurukshetra University, Haryana and stated that he has taken admission in LL.M. starting from the academic session July 2020. Furthermore, as sufficient time has been elapsed, therefore, the officer was again asked to intimate the current status of LL.M. Course and in reply the officer has stated that his LL.M. 1st year study has been completed and the examinations are scheduled from 13.08.2021 and he wants to appear in the same. It is also pertinent to mention here that as asked by Learned Joint Registrar (Judicial) (Budget), the officer was asked as to whether he has appeared in the said examination scheduled from date 13.08.2021 in anticipation of permission from Hon'ble High Court and in reply the officer has stated that he is appearing in the LL.M. examination scheduled from date 13.08.2021 in anticipation of permission from Hon'ble High Court. He has also enclosed prospectus, examination date sheet 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 06.01.2010. 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 already taken admission in the LL.M. Course and appeared in the LL.M. 1st 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 admission and for his appearance in LL.M. 1st year examination as well as permission for pursuance of LL.M. 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.

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 Bhupendra Pratap, presently posted as Judge Small Causes Court, Saharanpur may be granted ex-post facto permission for his admission in the LL.M. Course and for his appearance in the LL.M. 1st year examination as well as permission to do/pursue the LL.M. Course through Distance education from Kurukshetra University, Kurukshetra for the academic sessions July 2020- June 2022, 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 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  
25.08.2021

**Hon'ble Mr. Justice Pritinker Diwaker,**

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

