

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Sulochna Verma, Additional Civil Judge (Junior Division), Sitapur regarding grant of ex-post facto permission for her appearance in LL.M. Course examinations through distance education from Kurukshetra University.

In her application, Sushri Sulochna Verma has stated that before her joining in U.P. Nyayik Sewa, she had applied for Distance Learning Education program of LL.M. (first year) for academic year 2019-20 from Kurukshetra University, Kurukshetra and also sent an offline intimation in this regard to Hon'ble High Court and also stated that due to COVID-19 pandemic, Kurukshetra University has decided to conduct online examination of LL.M. (first year) for academic year 2019-20 from 11-09-2020 and she wants to appear in the same and also assured that it would not affect her judicial work also. Thereafter, through online objection, she was asked to intimate about her status of taking study leave, about her appearance in the LL.M. 1st year examination and other details. In reply the officer has stated that she do not need study leave to pursue this course as she need not to attend any kind of class either online or offline because the nature of the course is such that candidate does not have to attend class by any mode and this would in no manner hamper her judicial work. Again as sufficient time has been elapsed, the officer was again asked to intimate about the current status of her LL.M. study i.e. about the LL.M. 1st year result and about her appearance in the LL.M. 2nd year examinations. In reply the officer has stated that she has appeared in all the examinations of LL.M. 1st year and also appeared in the LL.M. 2nd year examination in anticipation of permission from the Hon'ble High Court and also added that she has not appeared in any compartment examination as in re-evaluation she has passed in all the subjects. She has also enclosed prospectus, declaration for no attendance requirement, LL.M. 1st year re-evaluation result and other related papers of LL.M. as attachments. She has, therefore, requested to kindly place her application before the Hon'ble High Court for grant of ex-post facto permission to do/ pursue LL.M. Course through distance education/ correspondence from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 14.12.2019. 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 Court. In the instant case, the officer has stated that she would not take study leave for the said LL.M. Course as this is a correspondence course. It is also pertinent to mention here that the officer has stated that earlier, she has sent an intimation to the Hon'ble High Court regarding permission to appear in the examination and till now the same is pending, but here it is to submit that as per the directions of Hon'ble High 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 and the aforesaid offline application of the officer was received in this section on 03.12.2020 whereas till that time this matter has already been taken up through online mode on her online application. Now, as the officer has appeared in the examination of the LL.M. 1st year and LL.M. 2nd year course in anticipation of permission from the Hon'ble High Court; 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 the LL.M. 1st year examination and LL.M. 2nd year examination 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, Nominated Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves :-

A) Sushri Sulochna Verma, Additional Civil Judge (Junior Division), Sitapur may be granted ex-post facto permission for her appearance in the LL.M. 1st year and LL.M. 2nd year course 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 .

ArchanaAwasthi
ReviewOfficer
Mohd.Arshad
AssistantRegistrar
07.10.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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