

Joint Registrar (Judicial) (Budget)

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

In her application, Sushri Mahima Chaudhary has stated that she got enrolled in two year distance learning study program of LL.M. from Kurukshetra University in July 2019-2021 session before her joining in U.P. Nyayik Sewa and by pursuing further studies her working as a judicial officer in Hon'ble Court would not be adversely affected in any way. She has, therefore requested to appear for online examination of LL.M. 1st year through distance learning in Kurukshetra University, as scheduled from 11th September 2020. Thereafter, online objection was sent to the officer through which she was asked to intimate about status of taking study leave, her appearance in the LL.M. 1st year examinations and declaration regarding no attendance requirement. In reply of the raised objection, the officer has stated the LL.M. course can be completed without attending any day to day class and she would not require any study leave for the same and added that she has not taken any study leave for the purpose of giving online examination of LL.M. through distance learning and appeared in all the LL.M. year examinations by taking casual leaves (casual leave application and supporting papers can be seen as attachment). As sufficient time has been elapsed, the officer again through an online objection was asked to intimate the present status of her LL.M. year study i.e. about her appearance in LL.M. 2nd year examination and also be asked to submit LL.M. 1st year result. In reply, the officer has stated that she has successfully cleared the 1st and 2nd year of LL.M. and now waiting for the result of online examination of LL.M. 2nd year. She has also enclosed prospectus, LL.M. first year marksheet and other relating papers as attachments. She has, therefore, requested for grant of permission for her appearance in the LL.M. Course examinations through distance learning 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 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 stated that she would not require any study leave to pursue the course and stated that her services as judicial officer would not get affected by pursuance of the Course. It is also pertinent to mention here that the officer has already appeared in the LL.M. first year and second year examinations of the LL.M. Course 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. 1st year and LL.M. 2nd year 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 Mahima Chaudhary, Additional Civil Judge (Junior Division), Moradabad may be granted ex-post facto permission for her appearance in the LL.M. 1st year examination and LL.M. 2nd 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 her qualification if the University is not recognised, subject to the conditions mentioned above.

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

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