

Joint Registrar (Judicial) (Budget)

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

In his application, Sri Deevanshu Saini has stated that he has taken admission in LL.M. course through distance education from Kurukshetra University prior to her joining and the examination was scheduled from June 2020 but the same got postponed due to spread of COVID-19 pandemic and now rescheduled from 11th September 2020 through online mode. He has also stated that LL.M. course from Kurukshetra university is a distance education program wherein it is not mandatory to attend day to day regular classes and he would not be required to take any study leaves for 1st year LL.M. examinations. Thereafter, through an online objection, the officer was asked to intimate about his appearance in the said examination, academic session, his status of taking study leave for LL.M. 2nd year and his declaration regarding no attendance requirement. In reply of the raised objections, the officer has stated that he has appeared in all the examinations of LL.M. 1st year and complete academic session of his course is 2019-2021 and he would not take study leave for the LL.M. 2nd year course. Now again as sufficient time has been elapsed, the officer was again asked to intimate about the current status of his LL.M. study and about the LL.M. 1st year result. In reply the officer has stated that he has passed the first year examination and also has been allowed from the university to appear in the LL.M. 2nd year examination, scheduled from 11th August 2021. 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 11.08.2021 in anticipation of permission from Hon'ble High Court and in reply the officer has stated that he has been appearing regularly in the examination scheduled to be held from the date 11.08.2021 in anticipation of permission from Hon'ble High Court. He has also enclosed prospectus, declaration for no attendance requirement, LL.M. 1st year marksheet and other related papers of LL.M. as attachments. He has, therefore, requested to kindly place his 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 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 correspondence course. It is also pertinent to mention here that the officer has stated that earlier, he 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, thus the same has to be dealt online mode only. Now, as the officer has appeared in the examination of the LL.M. 1st year course and also stated that he is appearing in the online LL.M. 2nd year examinations, scheduled from 11th August 2021; 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 scheduled from 11th August 2021 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) Sri Deevanshu Saini, Additional Civil Judge (Junior Division), Mathura may be granted ex-post facto permission for his appearance in the LL.M. 1st year course examination as well as for his appearance in the LL.M. 2nd year course examination, through distance education/ correspondence 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
07.09.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

