

Permission to pursue academic (LL.M.) course

Joint Registrar (Judicial) (Budget)

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

In her application, Sushri Niharika Pandey has stated that before joining the prestigious Uttar Pradesh Judicial Services, she has applied for LL.M.-Distance education course from the Kurukshetra University, Haryana and being a distance education programme, there is no need to attend the regular day to day classes. LL.M. 1st year online exams are to be held from 11.09.2020 and students are required to appear online because of COVID-19 pandemic. She has also declared that she do not seek any study leave for the same and earlier the exams were scheduled to be held in the month of June 2020 but due to this unprecedented COVID-19 pandemic the same could not happen and now she wants to appear in the online examination. Thereafter through online objection, the officer was asked to intimate as to whether she has appeared in the LL.M. 1st year examination in anticipation of the Hon'ble High Court's permission. In reply, the officer has stated that in anticipation of Hon'ble Court's permission, she has appeared in all the examination of LL.M. 1st year course. Again as sufficient time has been elapsed, the officer was asked to intimate about the current status of her LL.M. study and also be asked to submit the result of LL.M. 1st year. In reply the officer has stated that in anticipation of the Hon'ble High Court's permission, she has appeared for the 2nd year LL.M. examination and also attached her LL.M. First Year Result (copy can be seen as attachment and relevant portion is highlighted on page no. 33). She has also enclosed prospectus, LL.M. 1st year result and other related papers of LL.M. Course as attachments. She has, therefore, requested 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 16.11.2019. 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 declared that she would not take study leave to pursue the course. It is also pertinent to mention here that as stated by the officer, she has sent the intimation regarding her LL.M. Course through offline mode and now send this instant online fresh application in the light of Hon'ble High Court's letter no. 558/ III-CPC/ e-Courts/ Allahabad dated 31.08.2019 and in the light of same; all the application afterwards 31.08.2019 has to be dealt through online mode only, therefore, the matter is being processed through online mode only. Now, as stated by the officer that she has already appeared in the LL.M. first year and LL.M. second 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 her appearance in the LL.M. first year course and second year course examinations 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 Niharika Pandey, Additional Civil Judge (Junior Division), Mathura may be granted ex-post facto permission for her appearance in the LL.M. first year and LL.M. second year 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 .

Archana Awasthi
Review Officer
Mohd. Arshad
Assistant Registrar
26.11.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)

