

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Vidisha Bhushan, Civil Judge (Junior Division), Bhadohi at Gyanpur, regarding grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In her application, Sushri Vidisha Bhushan has stated that before joining the service, she has taken admission in LL.M. (Part I) for the academic session July 2019 in distance learning mode (no regular classes but only exam) conducted by Kurukshetra University, Kurukshetra, Haryana (Copy of fee receipt of admission and identity card issued by the university can be seen as attachments) and she has requested for permission to continue the course and to appear in examination, conducted online by the university from 11th September 2020. Thereafter, an online objection was sent to the officer through which she was asked to intimate about her appearance in the online examinations and about her status of taking study leave. In reply of the raised objection, the officer has stated that she would not take any study leave and she has also not appeared in the said examination. She has also stated that the Course is based on distance learning and she would pursue the LL.M. course without attending day to day classes and the complete academic session of LL.M. is from 2019-2021. 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 she has not appeared in 1st year LL.M due to lack of permission and now wants to appear in the LL.M. 1st year examination, scheduled to be conducted from 13th August 2021. It is also pertinent to mention here that as asked by Joint Registrar (Judicial) (Budget), the officer was asked to inform about compliance of clause 4 i.e. "The permission can be withdrawn without notice if; it is found at any time that the government servant neglects her normal work or that public work suffers, in any way." of G.O. No.24/1066-Appointment (B) dated 21.08.1967. In reply the officer has stated that she is informed that the permission can be withdrawn at any time without notice and stated that the examination would be conducted online and the course is distance education so no work will be hampered. Furthermore, she has stated that she has not given the exam which was going on from 11.08.2021 and if permission would be granted, she would give reappear in exam in forthcoming schedule. It is pertinent to mention here that as earlier proposed academic session 2019-2021 has already commenced, therefore, through online objection, the officer was asked to intimate about the academic session of her LL.M. course and in reply the officer has stated that as the permission to appear in exam was not allowed to her therefore she has not appeared in exams. Now in order give exam she has to reappear or take readmission and that procedure would commence from December and for that the session would be 2021-2022. She has also enclosed prospectus and other related papers as attachments. She has, therefore, requested to kindly place her application before the Hon'ble High Court for grant of permission to appear in the aforesaid examination and to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that the officer has joined the U.P. 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 Chief Justice. In the instant case, the officer has stated that she would not take study leave for the said LL.M. Course. It is also pertinent to mention here that the officer has stated that she can not appeared in the LL.M. 1st year examination due to lack of permission from the Hon'ble High Court, therefore, it is to be submit that the officer has applied just before a day to appear in the LL.M. 1st year examination i.e. on 10.11.2019 through the online portal and when objection was raised from the Hon'ble High Court for asking about some necessary details to the officer, she has replied for the same after a period of six months, therefore, the matter can not be dealt on time. Now again she has stated that she would give reappear in her LL.M. 1st year examinations in the forthcoming schedule, It is on the discretion of the Hon'ble High Court either to grant permission for appearing in the LL.M. 1st year examination and 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 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 Vidisha Bhushan, Civil Judge (Junior Division), Bhadohi at Gyanpur may be granted permission to take readmission and to do/pursue the LL.M. Course through Distance Learning Programme of Kurukshetra University, Kurukshetra for the academic sessions 2021- 2023, 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 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

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal and order

Joint Registrar (Judicial) (Budget)