

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Varun Kaushik, Judicial Magistrate, Baghpat regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Varun Kaushik has stated that he had enrolled himself in LL.M. programme from Kurukshetra University Haryana before joining the Uttar Pradesh Judicial services and the examination would commence from 11 September 2020 onwards and he wishes to take the said LL.M. examination. Thereafter, online objection was sent to the officer through which he was asked to intimate about status of taking study leave and declaration regarding no attendance requirement. In reply of the raised objection, the officer has stated his LL.M. 1st year examinations were conducted online in October, 2020 due to Covid-19 situation and he has appeared in the same by taking casual leave and stated that it is a distance learning post graduate programme for which he do not need to attend any day to day classes and has successfully completed one year of this two year LLM course. He has also assure that his services as a judicial officer would not get affected due to the continuance of this course and he don't need to take any study leave to complete this course. Again as the officer was asked to intimate about his appearance in the LL.M. 2nd year examination and also be asked to intimate the reason for attaching final year result attachment whereas earlier he has stated that has appeared in the LL.M. first year examination till then. In reply, the officer has stated that he has appeared in LL.M. 2nd year examination in anticipation of Hon'ble High Court's permission and stated that before appearing for the exam he has informed the District Judge and has taken Casual Leave on the respective dates of examination. Furthermore, he has added that he has duly completed his final year studies and the result is pending. He has also enclosed prospectus and LL.M. first year marksheet as attachments. He has, therefore, requested for grant of permission for his appearance in the LL.M. Course examinations through distance education from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Higher Judicial Services on 18.11.2019. 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 any study leave to pursue the course and stated that his 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 his 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 his 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) Sri Varun Kaushik, Judicial Magistrate, Baghpat may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination and LL.M. 2nd 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 his 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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