

I/c Joint Registrar (Judicial) (Budget)

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

In his application, Sri Shrayansh Niranjn has stated that he has taken admission in the LL.M. Course prior to his joining for the academic session 2019-2021 through distance education in Kurukshetra University and being a distance learning programme this course would not contain mandatory classroom sessions, hence any leave from judicial work and responsibilities would not be consequential thereto and for the purpose of appearing in examinations which would be over a span of few days, he would be taking Casual Leaves/ Earned Leaves as and when the need arises. He has also stated as he could not attain the kind permission from the Hon'ble High Court in due time because of delayed notification from the Kurukshetra University, he has not appeared in the online examinations, started from 11.09.2020. Thereafter, online objection was sent to the officer through which he was asked to intimate about status of taking study leave and his declaration for no class requirement. In reply of the raised objection, the officer has stated that he would not be availing any study leave because the said course does not require to attend any regular classes. Again as the officer has not taken up the LL.M. first year examination, he was again asked to intimate about the complete academic session of his LL.M. course and in reply the officer has stated that academic Session for LL.M part I is 2019-2020 and academic Session 2020-2021 for LLM part II but since he has not appeared in LL.M. part I annual examination held in the month of September 2020, and due to the exams being delayed due to corona pandemic, the session would extend by an year, which is likely to end with final LL.M Part II examinations in 2022. It is also pertinent to mention here that as asked by Ld. Joint Registrar (J) (Budget), the office was asked to redraft the note by asking necessary details from the officer, thus the officer was asked to upload papers / documents from the university relating to his statement that the LL.M. course academic session would not change to 2020-2022 and shall remain to be 2019-2021 as the academic session began in 2019 itself, only the first year examination got delayed, consequential to that delay the passing year would change as and when he would pass the final year examinations. In reply, the officer has enclosed certificate from the Directorate of Distance Education of Kurukshetra University which states that his LL.M. part I academic session is 2019-2020 and he has 5 years duration to clear the both parts of the LL.M. course. He has also enclosed prospectus, examination date sheet and other relating papers as attachments. He has, therefore, requested to kindly place his application before the Hon'ble High Court 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 U.P. 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 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 as this a distance education course thus he would not take study leave for the said LL.M. Course because the said course does not require to attend any regular classes. It is also pertinent to mention here that the officer has appeared in the LL.M. 1st year Course examination in anticipation of the Hon'ble High Court's permission in 2021 and wants to complete his LL.M. course. 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 permission 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 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, Senior Judge (J-1), for His Lordship's kind perusal and if His Lordship approves :-

A) Sri Shrayansh Niranjn, Additional Civil Judge (Junior Division), Kanpur Nagar may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination and permission to pursue/ complete the LL.M. Course through Distance education from Kurukshetra University, Kurukshetra, starting from the academic session 2019- 2020, 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 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
15.06.2022

Hon'ble Mr. Justice Pritinker Diwaker,

Senior Judge (J-1)

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)