

### **Registrar (J) (Budget)**

May kindly see the online application of Sri Saurabh Pandey the then Judicial Magistrate, Maharajganj presently posted as Civil Judge (Junior Division), Bulandshahar regarding grant of permission to do/ pursue LL.M. course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In his application, Sri Saurabh Pandey has stated that he had taken admission in LL.M. (2 year) course through distance mode from Kurukshetra University on 14.08.2019 (before joining present service). He has also stated that this course is through distance mode; hence, he don't need any study leave to continue pursuing this course and also declared that he can attend this course without attending any day to day class. Thereafter through online objection, the officer was asked to intimate complete academic session of the course, his status of appearance in LL.M. 1st year exam and also about the status of pursuance of LL.M. 2nd year course study. In reply the officer has stated that he has completed his entire course of LL.M. (both first year and second year) through distance mode in May, 2021 from Kurukshetra University. He has further added that he had joined the course before joining the service and result of the examination of both first year and second year have been declared (copy of LL.M. course marksheets and LL.M. degree can be seen as attachment) which he has passed with First Division. As the officer has submitted this reply after the lapse of nearly three (3) years, thus he was asked to clarify the reason of the same. In reply the officer has stated that the delay caused in replying to the objection has genuinely been due to lack of information and misunderstanding about the entire process of application at e-services portal due to him having newly joined the service at the time of making this application. He has also stated that he was under an impression that the concerned officer has just to make the application on the portal and after that it gets accepted by the Hon'ble Court and was under the belief that his application has been processed and accepted which is his fault. He has sincerely accepted that the delay caused in replying to the objection is due to his fault and misbelief and he has most respectfully and unconditionally apologise for the same and seek forgiveness. He has also assured that he would take all precautions to ensure that no such delay is caused by him in future. He has, therefore, requested to Hon'ble Court to kindly grant him permission to do/ pursue the stated LL.M. course from the aforesaid university.

In this connection, it is stated that Sri Saurabh Pandey has joined the U.P. Nyayik Sewa on 16.11.2019. There is circular letter dated 04.11.11, 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 already completed his LL.M. and also declared earlier that he has not taken any study leave for doing the aforesaid LL.M. course. In the instant case, the officer has pursued his course and appeared in the course examinations in anticipation of grant of permission from the Hon'ble Court in the meantime of online correspondence and now has completed his LL.M. course also. Moreover, for the delay (nearly of 3 years) caused in replying to the objection, the officer has stated that it was due to his fault and misbelief and he has most respectfully and unconditionally apologise for the same and sought for forgiveness. He has also assured that he would take all precautions to ensure that no such delay is caused by him in future. Now, 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 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.

Recently, vide order dated 30.11.2023 relating to re-constitution of Committees, Hon'ble The Acting Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 3 of the list of Committees dated 23.04.2023- last modified on 29.08.2023, and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to pursue academic course.

May, therefore, if approved, the file may be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 30.11.2023 of Hon'ble The Acting Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-  
(a) Sri Saurabh Pandey, Civil Judge (Junior Division), Bulandshahar may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination and LL.M. 2nd year examinations of LL.M. Course through Distance Learning Programme of Kurukshetra University, Kurukshetra, 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

To pass any other order, which His Lordship deems fit and proper.  
Archana Awasthi, Review Officer  
Munmun Narang, Section Officer  
Meetu Verma, Assistant Registrar  
Admin A-IV

**Hon'ble Mr. Justice Anjani Kumar Mishra,**  
**Nominated Judge**

Submitted for kind perusal & order

Registrar (Judicial) (Budget)