

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Surya Chauhan, Additional Civil Judge (Junior Division), Khurja- Bulandshahr regarding grant of permission to appear in the final year examinations of his LL.M. (regular) Course from Maharaja Ganga Singh University, Bikaner.

In his application, Sri Surya Chauhan has stated that due to Covid-19 pandemic, his LL.M. Part II (Final Year) examinations kept postponing due to which examination was not conducted and finally the date sheet has been released on 19.09.2020 for the examination (can be seen as attachment). He has also enclosed the attendance certificate, mark sheet of LL.M. Part I as attachment and humbly requested for grant of permission to appear in the LL.M. final year examinations. Thereafter, through online objections, the officer was asked to intimate about his status of taking study leave, about his appearance in the LL.M. 2nd year examination; it's result and his declaration regarding no attendance requirement for completing the course. In reply the officer has stated that he has not required any study leave and only required leaves on the days of respective exams to appear in the same. He has also stated that his course was a regular course and the attendance has already been completed before his joining in the esteemed services and also undertaken that he has not attended any classes after 16.11.19 i.e. after joining the esteemed services as well as has not taken any leaves for preparation. He has further stated that he has appeared in the final year examination in anticipation of permission of the Hon'ble High Court and result has also been declared. He has enclosed his LL.M. 2nd year result , prospectus, and other relating papers for his regular LL.M. Course as attachments. It is also pertinent to mention here that as asked by Ld. Joint Registrar (Judicial) (Budget), the officer was asked to clarify that whether he has attended any regular classes after joining services as the certificate of attendance is issued on date 25.06.2020 subsequent to joining of his services and clearly do not mention that whether any classes were attended by his goodself from date of joining of service till date 25.06.2020. In his online reply dated 08.02.2022, the officer has stated that he has not attended any regular classes after he has joined the esteemed services and stated that he had not attended classes from the date of his joining till 25-06-2020 or afterward as well. He has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of ex-post facto permission for his appearance in the LL..M. Final year examination from Maharaja Ganga Singh University, Bikaner.

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 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 study leave. It is also pertinent to mention here that the officer has submitted this instant online application in the light of Hon'ble High Court's letter no. 558/ XXXIII-CPC/ e-Courts/ Allahabad dated 31.08.2019 and has already completed his LL.M. 1st year examinations prior to his joining in judicial services and appeared in the LL.M. 2nd year (final year) examinations in anticipation of permission of Hon'ble High Court and also stated that he has neither taken any class after his joining in judicial services nor taken any preparation leave for appearing in the LL.M. final year examination; 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. 2nd year (final year) examination 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 Surya Chauhan, Additional Civil Judge (Junior Division), Khurja- Bulandshahr may be granted ex-post facto permission for his appearance in the LL.M. 2nd year (final year) course examination from Maharaja Ganga Singh University, Bikaner 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.

Or

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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