

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Shubham Dwivedi, Addl. Civil Judge (Jr. Div.), Shravasti at Bhinga, regarding grant of permission to do/pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Shubham Dwivedi has stated that the Directorate of Distance Education, Kurukshetra University, Kurukshetra has invited applications for the course of distance learning programme of LL.M., for which it also provides all the services to the enrolled candidates through digital mode to facilitate the distant learners and he wants to pursue the LL.M. Course from the aforementioned University. Thereafter, an online objection was sent to the officer through which he was asked to intimate about study leave, his admission, academic session and other details relating to his course.

In reply of the raised objection, the officer has stated that as LL.M. is a correspondence course, so there is no need to attend any regular classes and hence no requirement of study leave. He has further stated that there is no need to attend any classes for pursuing the course and the judicial work will not be hampered from the same (Declaration can be seen as attachment). He has also stated that he has taken admission in LL.M. Course on 23.10.2020 in the anticipation of the Hon'ble Court's permission for the academic session July 2020- July 2022 (copy of related papers and prospectus can be seen as attachments). He has, therefore, requested to kindly place his application before the Hon'ble Court for grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that Sri Shubham Dwivedi has joined the U.P. Nyayik Sewa on 15.11.2019. 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 for the said LL.M. Course. It is also pertinent to mention here that the officer has already taken admission in the LL.M. Course in anticipation of the Hon'ble Court's permission. Now, it is on the discretion of the Hon'ble Court either to regularize the matter by granting ex post facto permission for admission 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, Nominated Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves :-

A) Sri Shubham Dwivedi, Addl. Civil Judge (Junior Division), Shravasti at Bhinga may be granted ex-post facto permission for his admission in the LL.M. Course as well as permission to do/pursue the LL.M. Course through Distance Learning Programme of Kurukshetra University, Kurukshetra for the academic sessions July 2020- July 2022, with exemption of the requirement to take study leave for the same without entering into the fact whether the University is recognised by UGC 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

12.07.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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