

Joint Registrar(Judicial) (Budget)

May kindly see the online application of Sri Prabhat Singh, Civil Judge (Junior Division), Shravasti at Bhinga regarding grant of permission to do/ pursue LL.M. Course through distance learning/ correspondence from Kurukshetra University.

In his application, Sri Prabhat Singh has stated that he wants to pursue LL.M. Course through distance learning from Kurukshetra University for the academic session 2020-2022 and since no compulsory attendance is per-requisite for pursuing the course, no leave from judicial work shall be sought in order to pursue the course, other than for the examinations of the above mentioned course. He has also stated that he do not take any study leave for pursuing this course and also declared that he can pursue his course without attending day to day classes. It is also to mention here that as asked by Learned Joint Registrar (Judicial) (Budget), the officer was asked to intimate as to whether he has taken admission in the LL.M. Course in anticipation of the Hon'ble High Court's permission and in reply the officer has stated that he has taken admission in LL.M. course through distance learning from Kurukshetra University, Kurukshetra Haryana for the session 2020-2022 in anticipation of Hon'ble High Court's permission and probably examination would be held in the month of June. Thereafter sufficient time has been elapsed, therefore, the officer was again asked about present status of LL.M. Studies and about his appearance in the 1st year examinations.

In reply the officer has stated that he had taken admission in session starting July 2020-2022 and at present, is appearing in LL.M. 1st year examination in anticipation of Hon'ble High Court's permission and for second year examination, he does not require any study leave because the course is of distance education. He has also enclosed prospectus, declaration and other related papers of LL.M. Course as attachment. He has, therefore, requested for grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that Sri Prabhat Singh has joined the Uttar Pradesh Nyayik Sewa on 15.06.2018. 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 and also appearing in the LL.M. 1st year examination 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 LL.M 1st year examination and permission for pursuance of LL.M. 2nd year 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 His Lordship's kind perusal and if His Lordship approves:-

(A) Sri Prabhat Singh, Civil Judge (Junior Division), Shravasti at Bhinga may be granted ex-post facto permission for his appearance in the LL.M. 1st year examinations and permission to do/ pursue the LL.M. Course through distance learning/ correspondence from Kurukshetra University, Kurukshetra, Haryana, for the academic session from 2020- 2022 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 as well as without reserving any future claim of the Officer regarding his qualification if the University is not recognised and also 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

Joint Registrar (J) (Budget)

