

Registrar (J) (Budget)

May kindly see the online application of Sri Amandeep, the then Civil Judge (Junior Division), Meerut presently posted as Nyayadhikari, Gram Nyayalaya, Dhanaura, Amroha regarding grant of permission to do/ pursue LL.M. course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In his application, Sri Amandeep has stated that he wants to pursue LL.M. from Kurukshetra University, Kurukshetra through distance learning and he had enrolled in the LL.M. programme in the 2017-2018 session but could not appear in the examination for the first year. He then came to know that it was possible to revive the old admission and appear in the revised examination which are ongoing and he would appear in the two exams which have been conducted already along with the exams of second year. Thereafter, through online objection, the officer has been asked to intimate his LL.M 1st year status, status of taking study leave, academic session and declaration regarding no class requirement. In reply, the officer has stated that due to competitive exams and interview he can not pursue his LL.M. 1st year and now in anticipation of the Hon'ble Court's permission, he has appeared in the LL.M. part -I examination to be held in Sept-Oct 2020 and academic session of the LL.M. programme consists of two sessions of one year each, i.e., 2017-2018 session has already been pursued and 2020-2021 session is to be pursued. He has also declared that he does not have to attend day to day classes for the LL.M. degree as the course is a distance education programme. Again as sufficient time has been elapsed and as the officer has also not declared his status of taking study leave, he was again asked to intimate about his LL.M. 1st year result and about 2nd year course. In reply, the officer has stated that he had appeared in the four exams of LL.M. Part-1 in September-October 2020 and result of these exams was declared in March 2021 (copy can be seen as attachment). Since he had passed in more than 50% of the papers, he has taken admission in LL.M. Second year in July 2021 session (ID card and fees receipts can also be seen as attachments). He has also added that he has appeared in rest of the two exams of LL.M. Part -I in August 2021 (copy of date sheet and admit card can be seen as attachments). He has further added that he is still awaiting the result of these two exams and is continuing the studies of LL.M. second year, the studies and examinations of which would be completed by June-July 2022 (dates would be declared by the university in future) and he does not need study leave as the LL.M. program is a distance learning program and he would only takes leave to appear in the examinations as and when they are conducted. In reply of another online query raised regarding the current status of his course etc., he has stated that new admissions were discontinued from the session 2021-2022, but all the previous batches were undergoing their examinations even after that and as he was waiting for his marksheets and degree certificate that's why he could not reply earlier. He has also attached the marksheets of LL.1st year and LL.M. 2nd year course as well as the degree certificate, which can be seen as attachments. 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 Amandeep has joined the U.P. Nyayik Sewa on 16.12.2019. 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 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. 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 Amandeep, presently posted as Nyayadhikari, Gram Nyayalaya, Dhanaura, Amroha 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
Meetu Verma
Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Anjani Kumar Mishra

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)