

## **Joint Registrar(Judicial) (Budget)**

May kindly see the online application of Sri Shiv Kumar-III, the then Addl. District & Sessions, Bareilly presently posted as Special Judge, Special Court (Prevention of Corruption Act), Bareilly regarding grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is submitted that in his earlier application Sri Shiv Kumar-III has stated that he wants to pursue the Course of Master of Laws (LL.M.) through distance learning from Kurukshetra University for the academic session starting from January 2021 wherein day to day classes are not mandatory and no judicial work would suffer on pursuing this course. He has also enclosed necessary details and papers as attachments. The matter was submitted before Hon'ble Mr. Justice Pritinker Diwaker, vide online office note dated 14.06.2021, upon which His Lordship has been pleased to pass the following order:-

"In the first paragraph of his reply dated 18.5.2021, the officer concerned has mentioned 'objections in the property statement', whereas the matter relates to grant of permission to pursue higher study. He be asked to clarify and correct the factual position.

In the third paragraph of his reply, the officer concerned has mentioned that "I has to apply for grant of study leave" as per rules before Hon'ble Court on dated 6.10.2020, whereas in his application/request letter, he has mentioned that 'I shall not be required to avail study leave for pursuing the course'."

The order was communicated to the officer through online objection.

In reply of the Hon'ble High Court's order, the officer has stated that in reference to the explanation sought with respect to objections raised against information furnished in the first paragraph of his reply dated 18.5.2021, wherein it has been mentioned as follows "in the property statement.", it is to submit that this was a typographical error and therefore, he has humbly requested to kindly read in the place of "in the property statement" as "to grant permission for pursuing LL.M. course through distance learning".

The officer has also stated that in the third paragraph of his reply it is mentioned that "he has to apply for grant of study leave" as per rules before Hon'ble High Court on dated 6.10.2020, but the expression "Study Leave" is mentioned by typographical error. Furthermore for pursuing LL.M. course through distance learning day to day classes are not required and therefore there is no need of study leave for pursuing this course, therefore, he has humbly requested to kindly read in the place of "he has to apply for grant of study leave" as "he has to apply for grant of permission for pursuing LL.M. course through distance learning." and also submitted that he would not avail study leave for pursuing this course. Now as the officer has amended his mistakes and also requested stated that he would not avail study leave and wants to pursue his LL.M. course starting from the academic session January 2021, it is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission to the officer for his admission in the LL.M. course and permission to do/pursue the LL.M. Course through distance learning or to pass any other 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 Shiv Kumar-III, presently posted as Special Judge, Special Court (Prevention of Corruption Act),

Bareilly 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 from 2021-2023, 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

(B) To pass any other order which His Lordship deem fit and proper .

Archana Awasthi  
Review Officer  
Mohd. Arshad  
Assistant Registrar  
25.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

