

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Samreen Fatima Nomani, Additional Civil Judge (Junior Division), Azamgarh regarding grant of permission to do/pursue LL.M. Course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In her application, Sushri Samreen Fatima Nomani has stated that she wants to pursue LL.M. through distance learning from Kurukshetra University and it will enhance her knowledge and day to day classes are also not required, so her Court work would not be affected. Thereafter, through online objection, she was asked to intimate about her admission status, status of taking study leave, academic session, declaration regarding no attendance requirement for the said course. In the reply the officer has stated that she has taken admission in the LL.M. course for the academic session July 2020-July 2022 in anticipation of Hon'ble High Court's permission and as this is a distance course, so no study leave is required for the same. Again as sufficient time has been elapsed, the officer was asked to intimate current status of her LL.M. studies and in reply the officer has stated that examination of LL.M. 1st year has been scheduled from 13.08.2021 and the same is to be scheduled through online mode. She has also declared that pursuing the LL.M. Course, no regular attendance is required. It is also pertinent to mention here that as asked by Learned Joint Registrar (Judicial) (Budget), the officer was asked as to whether she has appeared in the said examination scheduled from date 13.08.2021 in anticipation of permission from Hon'ble High Court and in reply the officer has stated that she has appeared in the examination scheduled from 13.08.2021 and also stated that she has appeared in examination on 13.08.2021 and 18.08.2021 in anticipation of permission from Hon'ble High Court. She has also attached/ enclosed declaration, prospectus, date sheet of the examination and other related papers of the course as attachment. She has, therefore, requested for grant of permission for pursuing LL.M. Course through distance education from Kurukshetra University, Haryana.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 18.11.2019. There is circular letter dated 4.11.11 which provides that if any Judicial Officer during the course of her Service, requests to pursue higher studies, she 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 being a distance course, she do not require study leave and she has taken admission in the said course and also appeared in LL.M. 1st year examination, started from 13.08.2021 in anticipation of the Hon'ble High Court's permission through distance education from Kurukshetra University; It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for her admission and her appearance in the LL.M. 1st year examination of the LL.M. Course and permission to pursue the 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 her 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) Sushri Samreen Fatima Nomani, Additional Civil Judge (Junior Division), Azamgarh may be granted ex post facto permission for admission and her appearance in the LL.M. 1st year examination as well as permission to do/pursue LL.M. Course through distance learning from Kurukshetra University for the academic Sessions 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 and without reserving any future claim of the Officer regarding her qualification if the University is not recognised.

Or

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

ArchanaAwasthi
Review Officer
Mohd. Arshad
Assistant Registrar
31.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

