

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Ashok Kumar Yadav, Additional District & Sessions Judge, Jaunpur regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Ashok Kumar Yadav has stated that he wishes to enroll himself for two year LL.M. programme from Directorate of Distance Education, Kurukshetra University for enhancement of his education, whose examination are supposed to take place in June 2021. Being a distance education course, neither classes are held nor attendance is required and the course would be completed by him by his own and it would not adversely affect her post responsibilities. No study leave or earned leave would be taken by him for this course. Thereafter, online objection was sent to the officer through which he was asked to intimate about his admission status and to submit declaration relating to no attendance requirement. In reply of the raised objection, the officer has stated that the registration for admission in July Session of LL.M.-I year has been completed in anticipation of permission by the Hon'ble Court and examinations for the course was proposed to be held in the month of June 2021 for which the time table is yet to be declared. Again as sufficient time has been elapsed, the officer was again asked to intimate about the current status of his LL.M. study and also be asked to intimate about his appearance in the LL. M. first year examinations. In reply of the same, the officer has stated that he has appeared in the LL.M. 1 year exams for July 2020 session conducted by online mode in the month of August/ September in anticipation of the Hon'ble High Court's permission and the result of the examination is still awaited. He has also enclosed syllabus, declaration regarding no attendance requirement and date sheet of LL.M. examination as attachments. He has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Higher Judicial Services on 31.08.2019. 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 any study leave to pursue the course and it would not in any way impact his judicial work. It is also pertinent to mention here that the officer has already taken admission in the LL.M. Course and also appeared 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 admission and for his appearance in the LL.M. 1st year examination 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 Ashok Kumar Yadav, Additional District & Sessions Judge, Jaunpur may be granted ex post facto permission for his admission in the LL.M. Course and for his appearance in the LL.M. 1st year examination and permission to do/pursue the LL.M. Course through Distance

education from Kurukshetra University, Kurukshetra 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 his qualification if the University is not recognised, 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

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