

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Adarsh Kumar Singh, Civil Judge (Junior Division) (Fast Track Court), Rampur, regarding grant of ex-post facto permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Adarsh Singh has stated that he wishes to pursue two years LL.M. Course through correspondence in academic year 2020-2021 from Kurukshetra University, Kurukshetra, Haryana and also stated that he would not be required to take study leave as the said course is distance course and during the course the studies will not hamper Judicial work in any manner. Thereafter, online objections were sent to the officer through which he was asked to attach declaration regarding no attendance for pursuing the course and also intimate status of his admission in the said LL.M. course and dates of forthcoming examination. In reply of the raised objections, the officer has stated that the nature of the course is such that he doesn't have to attend the classes by any mode and he has taken admission in LL.M. distance education for the session July 2020 from Kurukshetra University in anticipation of Hon'ble Court permission and tentative exam schedule is from 13th August and also mode of examination is yet not declared. It is also pertinent to mention here that as asked by Ld. Registrar (Judicial) (Budget), the officer was asked as to whether he 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 he is appearing in the examination in anticipation of the Hon'ble High Court's permission and the mode of the examination is online. He has also enclosed syllabus, prospectus, examination date sheet and other relating papers as attachments. He has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of ex-post facto permission for admission and his appearance in the LL.M. examination through distance education from Kurukshetra University.

In this connection, it is stated that the officer has joined the U.P. Nyayik Sewa on 16.12.2019. 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 study leave for the said LL.M. Course as this is a distance education course. It is also pertinent to mention here that the officer has already taken admission in the LL.M. Course and also appearing in the LL.M. 1st year examination in anticipation of the Hon'ble Court's permission, appears to be scheduled from 13.08.2021. 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 Adarsh Kumar Singh, Civil Judge (Junior Division) (Fast Track Court), Rampur 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 correspondence/ distance education from Kurukshetra University, Kurukshetra for the academic sessions 2020- 2022, 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
21.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

