

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

May kindly see the online application of Sushri Pratibha, Additional Civil Judge (Junior Division), Lakhimpur-Kheri regarding grant of permission to do/pursue LL.M. Course through distance education from Kurukshetra University, Kurukshetra, Haryana.

In her application, the officer has stated that prior to her joining in this service, she had been pursuing LL.M., correspondence course (two year) from Kurukshetra University and being a sincere student of the course, she is keen on completing it. The first year of the course is going on and examinations of the same would be conducted in December 2020- January 2021 and she has also assured that pursuing this course would not suffer her judicial work. Thereafter, through an online objection, she was asked to intimate about her status of taking study leave, appearance status in the examination and about declaration. In reply of the same, the officer has stated that She has neither applied nor taken study leave for the said course and also not appeared in the aforesaid examination of LL.M. Course and declared that being a correspondence course no day to day attendance is required for the same. Again as the officer has not given the examination of LL.M. 1st year and also some time has been elapsed, therefore, to know the current status the officer was asked to intimate about the updated academic session of the course and in reply of the same the officer has stated she got enrolled for January 2020 session and examination of the same would be held from 13.08.2021 to 02.09.2021. It is also pertinent to mention here that as asked by Joint Registrar (Judicial) (Budget), the officer was asked to clarify about the difference in dates of commencement of examination and also to intimate as to whether she has appeared in the said examination in anticipation of permission from Hon'ble High Court.

In reply of the same the officer has stated that date of examination differs due to change in date of examination by the University because of COVID 19 pandemic and now the confirmed date of examination for the first year of session January 2020 is from 13. 08.2021 to 02.09.2021. She has further stated that she has appeared in the said examinations in anticipation of permission by Hon'ble High Court. She has also enclosed prospectus and date sheet of the examination as attachments. She has, therefore, requested for grant of ex post facto permission for her appearance in the aforesaid examination and for pursuing LL.M. Course through distance education/ correspondence from Kurukshetra University, Haryana.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 20.02.2020. 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 correspondence course, she do not require study leave for the said course and also stated that she has appeared in the LL.M. 1st year examination, started from 13.08.2021. Now, It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for her appearance in the LL.M. 1st year examinations 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 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 Pratibha, Additional Civil Judge (Junior Division), Lakhimpur-Kheri may be granted ex-post facto permission for her appearance in the LL.M. 1st year examination and also be granted permission to pursue LL.M. Course through distance education/ correspondence from Kurukshetra University for the academic session from 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.

Archana Awasthi  
Review Officer  
Mohd. Arshad  
Assistant Registrar  
20.09.2021

**Hon'ble Mr. Justice Pritinker Diwaker,**

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

