

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

May kindly see the online application of Sri Gyanendra Kumar, Additional Civil Judge (Senior Division)/ Additional Chief Metropolitan Magistrate, Kanpur Nagar regarding grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Gyanendra Kumar has stated that he wishes to enroll himself for two year LL.M. programme from Directorate of Distance Education, Kurukshetra University for the session 2020-2021. Thereafter, online objections were sent to the officer through which he was asked to intimate about his status of taking study leave, about his admission status in the said LL.M. course and about his appearance in the LL.M. first year examinations. In reply the officer has stated that he would not avail study leave for the said LL.M. course and would take up the LL.M. examinations by taking casual leaves and earned leaves. He has also stated that being a distance learning course, he would not have to attend any class for the said course and his judicial work would also not hamper. He has further stated that he has taken admission in the LL.M. course and also appeared in the LL.M. first year examination in anticipation of permission from the Hon'ble High Court. He has also enclosed prospectus, declaration and other related papers of the LL.M. Course as attachment. 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 learning from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 21.01.2017. 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 Court. In the instant case, the officer has stated that he would not take study leave to pursue the course and it would not 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 Gyanendra Kumar, Additional Civil Judge (Senior Division)/ Additional Chief Metropolitan Magistrate, Kanpur Nagar 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.

Or

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

Archana Awasthi  
Review Officer  
Mohd. Arshad  
Assistant Registrar  
28.09.2021

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

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)

