

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

May kindly see the online application of Sri Ravi Pandey, the then Metropolitan Magistrate presently posted as Addl. Civil Judge (Jr. Div.), Kanpur Nagar, regarding grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Ravi Pandey has stated that he wishes to pursue LL.M. through distance learning program of Kurukshetra University, Kurukshetra for the academic session starting from 2020-2021. Thereafter, an online objection was sent to the officer through which he was asked to intimate about study leave, status of his admission in the said LL.M. Course. In reply of the raised objection, the officer has stated that it is a distance Learning programme, whose annual examinations are conducted in the month of June, for which he would utilize his summer vacation leaves and casual leaves and would not take 'Study leave'. The officer again through an online objection, was asked to intimate about his appearance in the examination stated to be held in June 2021 and in the reply of the same, the officer has stated that he has not appeared in the examination in June 2021, since it was not held by the University citing COVID-19 pandemic. The first year examination for the LL.M. Course has been proposed to be held in the month of August/ September 2021. He has also enclosed prospectus and LL.M. 1<sup>st</sup> year examination date sheet and other relating papers as attachments. He has, therefore, requested to kindly place his application before the Hon'ble 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 U.P. Nyayik Sewa on 16.11.2019. 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. Officer concerned in his declaration dated 27.10.2020 (seen as attachment) has stated that it will not affect his Judicial work in any way. It is also pertinent to mention here that the officer has already taken admission in the LL.M. Course in anticipation of the Hon'ble Court's permission and now wants to appear in the LL.M. 1<sup>st</sup> year examination, appears to be scheduled from 13.08.2021. It is on the discretion of the Hon'ble Court either to regularize the matter by granting ex post facto permission for admission and permission for appearing in the LL.M. 1<sup>st</sup> year examination and 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 Ravi Pandey presently posted as Addl. Civil Judge (Junior Division), Kanpur Nagar may be granted ex-post facto permission for his admission in the LL.M. Course as well as permission to appear in the LL.M. 1<sup>st</sup> year examination and to do/pursue the LL.M. Course through Distance Learning Programme of 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 UGC 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

19.07.2021

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

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

