

Joint Registrar (Judicial) (Budget)

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

In her application, Sushri Ishita Singh has stated that she has taken admission in LL.M. course through distance education from Kurukshetra University prior to her joining of Judicial Services for the academic session 2019-2021 and also sent an application in this regard on date 1.02.2020 (number-453/2020) through offline mode via proper channel and as per the instructions of Honble High Court's letter No-9381/IV-5173/Admin(A-4) dated: Allahabad: 19-10-2020, she is applying on e-services portal. The officer has also stated that she has appeared in all the examinations (through online mode) of LL.M. 1st year course by taking casual leaves on the particular days in anticipation of the Hon'ble Court's permission and assured that it would not affect her judicial work in any way. Thereafter, online objections were sent to the officer through which she was asked to intimate about status of taking study leave and her declaration regarding no attendance requirement. In reply of the raised objections, the officer has stated that she would not take study leave for the said course and also submitted her declaration that during the two year course of LL.M., she is not required to attend classes anytime during the course. She has also enclosed her earlier letter, prospectus, declaration and other related papers of LL.M. as attachments. She has, therefore, requested to kindly place her 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 Nyayik Sewa on 14.12.2019. 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 she 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 stated that earlier through offline mode, she has sent an intimation to the Hon'ble High Court regarding permission to appear in the examination, but as per the directions of Hon'ble High Court's letter no. 558/ XXXIII-CPC/ e-Courts/ Allahabad dated 31.08.2019, the application from 01.09.2019 onward has to be dealt through online mode, thus the same has to be dealt online. Now, as the officer has appeared in the examination of the LL.M. 1st year course and requested to pursue her LL.M. 2nd year course; 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 examination and permission for pursuance of Course and for appearing in the LL.M. 2nd year course examination 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 Ishita Singh, Additional Civil Judge (Junior Division), Sitapur may be granted ex-post facto permission for her appearance in the LL.M. 1st year course examination as well as permission to do/ pursue and to appear in the LL.M. 2nd year course examination through distance education from Kurukshetra University, Kurukshetra for the academic sessions 2019- 2021, 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
12.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

