

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Gaurav Dwivedi, Metropolitan Magistrate, Kanpur Nagar regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Gaurav Dwivedi has stated that he has been enrolled for 2 year LL.M. program from Directorate of Distance Education, Kurukshetra University for the session of July 2019 - June 2020 and July 2020 -June 2021 before joining U.P. Judicial Service and earlier he has sent an offline application in this regard and now in the light of Hon'ble High Court's letter no. 558/ III-CPC/ e-Courts/ Allahabad dated 31.08.2019, submitting fresh application. He has also stated that this LL.M. programme is a correspondence/distance learning course and no day-to-day classes are required for its completion. Examinations for 1st year have already been conducted in September 2020 through online platform and for second year, it is proposed in June 2021. He has also informed that in anticipation of Hon'ble High Court's permission, he has already appeared in online examination conducted in September 2020 and no Study leave for completing this program is required to him. Thereafter, through online objections, the officer was asked to intimate about the current status of his LL.M. study and also about his appearance in the LL.M. 2nd year examination. In reply the officer has stated he has passed the LL.M. 1st year examinations and also stated that he has appeared in the LL.M. 2nd year examinations in anticipation of permission of Hon'ble High Court. He has also enclosed prospectus, LL.M. 1st year result and other related papers of LL.M. Course as attachments. He has, therefore, requested 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 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 to pursue the course. It is also pertinent to mention here that as stated by the officer, he has sent the intimation regarding his LL.M. Course through offline mode and now send this instant online fresh application in the light of Hon'ble High Court's letter no. 558/ III-CPC/ e-Courts/ Allahabad dated 31.08.2019. Now, as stated by the officer that he has already appeared in the LL.M. first year and LL.M. second 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 his appearance in the LL.M. first year course and second year course examinations to the officer or to pass any such order which deems to be proper.

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 Gaurav Dwivedi, Metropolitan Magistrate, Kanpur Nagar may be granted ex-post facto permission for his appearance in the LL.M. first year and LL.M. second year examinations through Distance education from Kurukshetra University, Kurukshetra for the academic sessions July 2019- June 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 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

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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