

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

May kindly see the online application of Sri Ankit Kumar Mittal, Addl. District & Sessions Judge (Fast Track Court), Meerut regarding grant of permission to pursue one year regular LL.M. Course from Shobhit University, Meerut.

In his application, the officer has stated that as a part of his career progression and to be aware and abreast with the latest laws, he wishes to pursue the course of Masters in Law (LL.M.) and he has been informed by Shobhit University, Meerut that they are offering one year LL.M. course through E-learning module with classes on Saturdays, Sundays and all Gazetted Holidays (Offer letter and Prospectus can be seen as attachment). He has also stated that attending such course and classes would not hamper his Judicial work at all. Thereafter, through online objection, the officer was asked to intimate about his admission status, status of taking study leave, University Grants Commission recognition status of University and his declaration regarding no attendance requirement for the said course.

In reply, the officer has stated he has not yet taken admission in the said LL.M. Course and the complete academic session of Course is 2020-2021 and further stated that he would not avail any study leave for pursuing this course and judicial work would not be hampered from the Course also. He has also attached the certificate from the University wherein it is stated that Shobhit Institute of Engineering and Technology - Deemed to be University, Meerut is duly approved university by UGC under Section 3 of UGC Act, 1956 vide notification No. F.9-37/2004-U.3 (A) dated 8.11.2006. In the attached certificate from the University, following points are also stated by the University:-

1. The LL.M. (One Year) Program is a full time regular course. It is not a Correspondence Course. The academic session for the program shall be 2020-21.
2. The mode of delivery of the lectures for the current academic year shall continue to be online on Sundays and other Holidays and offline on Sundays and other holidays irrespective whether COVID-19 protocol continue or is relaxed or withdrawn by the Government.
3. The Course has been designed as not to adversely affect the official discharge of duties of the Government Officials/Officers and Hon'ble Judicial Officers.
4. The offline Classes/Lectures shall not be held during working hours. The offline classes shall be beyond the office hours prescribed by the Hon'ble High Court for the Judicial Officers and by the State Government for the Executive and Police Officers.
5. The Proper protocols for prevention of COVID-19 shall strictly be followed during the offline classes. The officer has also enclosed his declaration regarding no day to day class requirement and, therefore, requested to the Hon'ble High Court for grant of permission to do/ pursue LL.M. Course.

In this connection, it is stated that Sri Ankit Kumar Mittal has joined the Uttar Pradesh Higher Judicial Services on 18.03.2020. There is a circular letter dated 04.11.11, 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 he would not avail any study leave for the said Course and University has also stated that the mode of delivery of the lectures for the current academic year shall continue to be online on Sundays and other Holidays and offline on Sundays and other holidays irrespective whether COVID-19 protocol continue or is relaxed or withdrawn by the Government and also offline lectures/ classes are scheduled after the office/ working hours.

It is also pertinent to mention here that earlier in the same matter of grant of permission to pursue LL.M. from Shobhit deemed to be University, Meerut of Sri Himanshu Kumar Singh, Additional Civil Judge (Senior Division)/ Additional Chief Judicial Magistrate, Meerut (Case Id. No. 1644) His Lordship has been pleased to pass the following order:-

**“Since it is a Full Time Programme, permission to pursue the same cannot be granted. Not Approved.”**

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 His Lordship's kind perusal and further order in the matter.

Archana Awasthi  
Review Officer  
Mohd. Arshad  
Assistant Registrar  
22.09.2021

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

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

