

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Bal Raj Singh, the then Additional District & Sessions Judge, Muzaffarnagar, presently posted as Special Judge (Uttar Pradesh Dacoity Affected Area), Banda regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Bal Raj Singh has stated that he wants to pursue LL.M. through distance education from Kurukshetra University, Kurukshetra and earlier in 2019 he had applied for the same and was asked to give reasons for pursuing LL.M. He has also stated that he wants to pursue LL.M for enhancing his academic knowledge, for deputation postings and for advance increments in salary and it is not required to attend any class as the University provides study material and course is done by distance learning and he has to appear in exams only and he would not take any privilege in his Hon'ble Court duty. Thereafter, online objection was sent to the officer through which he was asked to intimate about status of taking study leave and his declaration for no class requirement. In reply of the raised objection, the officer has stated that as the course is to be done through distance education so he would not take any study leave for LL.M course and there is no requirement or condition for regular classes. Again as sufficient time has been elapsed, the officer was again asked to intimate about the current status of his LL.M. study and also be asked to intimate about the academic session as the earlier stated session got expired. In reply of the same, the officer has stated that he did not appear in academic session 2018-2019 as he was waiting for kind approval of Hon'ble High Court and has appeared in academic session 2020-2021 for LL.M. first year examination and the result of the same is yet to be declared. He has also enclosed prospectus, examination date sheet and other relating papers as attachments. 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 education from Kurukshetra University.

In this connection, it is stated that the officer has joined the U.P. Nyayik Sewa on 30.04.2004. 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 as this a distance education course thus he would not take study leave for the said LL.M. Course. 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, appears to be started from 13th August 2021 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 Bal Raj Singh presently posted as Special Judge (Uttar Pradesh Dacoity Affected Area), Banda 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 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
18.09.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

