

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

May kindly see the online application of Sri Sandeep Kumar Singh, Additional District & Sessions Judge, Moradabad regarding grant of permission to appear in the LL.M. Course examinations from Uttarakhand Open University, Haldwani, Nainital.

In his application, Sri Sandeep Kumar Singh has stated that before joining the service he was pursuing LL.M. (Second year) from Uttarakhand Open University, Haldwani, Nainital and he sent intimate of the same through offline mode and inadvertently the same remained to be applied through portal. Now examination of LL.M. Second Year is starting from 22.02.2021 at Uttarakhand, he has therefore requested to grant him permission to participate in the said exam. He has also sincerely apologised that the information regarding pursuance of LL.M. has not uploaded on the portal. Thereafter, through online objections, the officer was asked to intimate about his appearance in the LL.M. 2nd year examinations and it's result, academic session, status of taking study leave and his declaration regarding no attendance requirement. In reply, the officer has stated that he has participated in LL.M. Part-II exam, however, one subject result is yet to be declared as the exam of said subject was conducted in October, 2021 and when the complete result of LL.M. Part-II, is declared he would send the same to Hon'ble Court. Again, the officer was asked to intimate about the status of completion of his LL.M. course. In reply, the officer has stated the academic sessions of his LL.M. Course are 2018-2019 (Ist Year) and 2019-2020 (Second Year) and he has appeared in all the theory papers of LL.M. Second Year and has also submitted Dissertation and appeared in the viva-voce of the dissertation subject. He has also enclosed relating papers, which can be seen as attachments. He has, therefore, requested for grant of permission to appear in the aforesaid examination of LL.M. from Uttarakhand Open University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Higher Judicial Services on 04.06.2020. 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 declared that he has not taken any study leave for the said examination. It is also pertinent to mention here that as stated by the officer, he has sent offline letters regarding pursuance of his LL.M. Course but it is to submit here that in the light of Hon'ble High Court's letter no. 558/ III-CPC/ e-Courts/ Allahabad dated 31.08.2019; all the application afterwards 31.08.2019 has to be dealt through online mode only, therefore, the matter is being processed through online mode only. Now, as stated by the officer that he has already appeared in the 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. second year course examinations to the officer or to pass any such order which deems to be proper. It is further to mention here that recently, vide order dated 23.04.2023 regarding reconstitution of different Committees, Hon'ble The Chief Justice has been pleased to form a single Hon'ble Judge Committee i.e. Hon'ble Senior Judge (J-1) to deal with the matter of grant of permission to Judicial Officers to pursue academic courses.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mrs. Justice Sunita Agarwal, Senior Judge (J-1), for Her Lordship's kind perusal and if Her Lordship approves :-

A) Sri Sandeep Kumar Singh, Additional District & Sessions Judge, Moradabad may be granted ex-post facto permission for his appearance in the LL.M. second year examinations, for submission of dissertation and for his appearance in the viva-voce of the same from Uttarakhand Open University, Haldwani, Nainital, 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 Her Lordship deem fit and proper .

Archana Awasthi  
Review Officer  
Munmun Narang  
Section Officer  
Admin (A-IV)

**Hon'ble Mrs. Justice Sunita Agarwal,**

**Senior Judge (J-1)**

Submitted for kind perusal & order

**Registrar (J) (Budget)**

