

Registrar (J) (Budget)

May kindly see the online application of Sri Subhash Chandra Yadav, Additional District & Sessions Judge, Barabanki regarding grant of permission to do/ pursue LL.M. course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In his application, Sri Subhash Chandra Yadav has stated that he wishes to pursue LL.M. Course through distance learning from Kurukshetra University, Kurukshetra, Haryana for the session 2021-2022 for upgradation of his legal knowledge and acumen and by pursuing the aforesaid Course his knowledge, professional acumen, competence in dealing with Judicial/Administrative matters would enhance and thereby immensely helping him in the discharge of judicial duties. He has also stated that pursuance of the course would not adversely hamper/affect his regular judicial work since there is no requirement of regular attendance of the classes and the said LL.M. Course is recognised by University Grants Commission also. Thereafter through online objections, the officer has been asked to intimate his status of taking study leave, status of his LL.M. 1st and 2nd year course etc. In reply of the same the officer has stated that since the mode of course is distance education, he has not taken study leave so far and has appeared in LL.M. 1st year examination but has not stated about his LL.M 2nd year course status. Thereafter as sufficient time has been elapsed, thus he was again asked about his status of LL.M. course and in reply of the same, he has stated that he has appeared in LL.M. 1st year and cleared it and afterwards has taken admission in LL.M. 2nd year and appeared in 2nd year annual examination (copy of fee receipt of LL.M. 1st year and 2nd year, final result of LL.M. 1st year and admit card of LL.M. 2nd year can be seen as attachments). He has also enclosed the prospectus of the course and his declaration (can be seen as attachments), wherein he has declared that since the mode of course is distance education, thus he may do the course without attending day to day class. He has, therefore, requested to Hon'ble Court to kindly grant him permission to do/ pursue the stated LL.M. course from the aforesaid university.

In this connection, it is stated that Sri Subhash Chandra Yadav has joined the U.P. Nyayik Sewa on 01.07.2009. There is 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 already completed his LL.M. and also declared that he has not taken study leave nor attended any day to day classes; as the course is distance one. Now, the officer has pursued his course and appeared in the course examinations in anticipation of grant of permission from the Hon'ble Court in the meantime of online correspondence. Now, It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission to the officer for his appearance in LL.M 1st year and LL.M. 2nd year examinations 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.

Recently, vide order dated 30.11.2023 relating to re-constitution of Committees, Hon'ble The Acting Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 3 of the list of Committees dated 23.04.2023- last modified on 29.08.2023, and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to pursue academic course.

May, therefore, if approved, the file may be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 30.11.2023 of Hon'ble The Acting Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His

Lordship approves:-

(a) Sri Subhash Chandra Yadav, Additional District & Sessions Judge, Barabanki may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination and LL.M. 2nd year examinations of LL.M. Course through Distance Learning Programme of Kurukshetra University, Kurukshetra, 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

To pass any other order, which His Lordship deems fit and proper.

Archana Awasthi
Review Officer
Munmun Narang
Section Officer
Meetu Verma
Assistant Registrar,
Admin A-4

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)

