

Registrar (J) (Budget)

May kindly see the online application of Sri Davendra Singh, the then Principal Judge, Family Court, Gorakhpur presently posted as District & Sessions Judge, Shravasti at Bhinga regarding grant of permission to do/ pursue LL.M. course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In his application, Sri Davendra Singh has stated that he wishes to pursue LL.M Course through distance learning from Kurukshetra University for the session 2021-2022 for upgradation of his legal knowledge and acumen. He has also added that pursuing the aforesaid Course would enhance his knowledge, professional acumen, competence and would also enhance his competence in dealing with Judicial/Administrative matters, 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. The said LL. M Course is recognised by University Grants Commission. Thereafter through online objection, the officer was asked to intimate his status of taking study leave, his status of LL.M. 1st year and LL.M. 2nd year study and her declaration relating to no attendance requirement. In reply the officer has stated that he has taken admission in L.LM- January 2021 session of distance learning programme conducted by Kurukshetra University and also enclosed the copy of his provisional Identity Card, prospectus and his declaration, which can be seen as attachments. In regard of leave for attending classes, he has also stated that the classes were held online and he had attended the online classes from his residence at Gorakhpur as he was on quarantine leave since he was tested and found positive for COVID-19, as such, he has attended the online classes during his leave period and thereafter some classes were attended on Sunday and after the Court was over. As the officer has not clarified his status of taking study leave and LL.M. 2nd year status, he was asked to intimate about the same again. In his reply, after the lapse of nearly two (2) years, he has stated that he has attended online classes of distance learning of LL.M.-I and LL.M.-II, on Sunday, second Saturday, holidays and after Court Hours, therefore no leave for attending classes was taken by him and now he has completed the LL.M.-II also (mark sheet of LL.M. 2nd year can also be seen as attachments). 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 Davendra Singh has joined the U.P. H.J.S. on 17.01.2011. 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 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 and now has completed his LL.M. course also. He has also stated that no leave was taken by him for this course. It is also to mention here that he has not submitted any clarification regarding the delay caused in replying the objections. 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 01.07.2024 relating to re-constitution of Committees, Hon'ble The Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 65 of the list of Committees dated 01.07.2024, 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 01.07.2024 of Hon'ble The Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sri Davendra Singh presently posted as District & Sessions Judge, Shravasti at Bhinga 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 for the academic session 2021-2023, 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
Meetu Verma, Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)

