

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Anchal Chandel, Additional Civil Judge (Junior Division), Gonda regarding grant of ex-post facto permission for her appearance in the examinations of LL.M. course through distance education from Kurukshetra University.

In her application, Sushri Anchal Chandel has stated that she wishes to pursue LL.M Course, academic session 2019-2021, which she has joined before joining the judicial services and is conducted by Directorate of Distance Education Kurukshetra University, Kurukshetra. She has also stated that her appearance in the LL.M. examination would not hamper/ hinder her duties. Thereafter, through an online objection, the officer was asked to intimate her status of taking study leave, her appearance in the LL.M. course examinations, reason for delay intimation and also asked to submit her declaration regarding no attendance requirement. In reply of the raised objections, the officer has stated that she has taken up all the examinations by taking casual leave s on the respective dates of LL.M. 1st year, started from 11.09.2020 and LL.M. 2nd year, started from 11.08.2021 through online mode (due to COVID-19 pandemic) and thus she do not need study leave now. She has further stated that as it is a distance learning correspondence course so there is no need to attend any day to day classes and stated that the reason behind the delay for this intimation was due to delay in examination due to COVID 19 pandemic and initially she had intimated to the Hon'ble High Court through registered post; later on in reply she has intimated about her examination through online portal and she is seeking for apology for this delay. She has also enclosed prospectus, syllabus, declaration for no attendance requirement and other related papers of LL.M. as attachments. She has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of ex-post facto permission for her appearance in the LL.M. course examinations through distance education/ correspondence from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 16.11.2019. There is circular letter dated 4.11.11, which provides that if any Judicial Officer during the course of her Service, requests to pursue higher studies, she 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 she do not need study leave for the said LL.M. Course as she has appeared in all the examinations of LL.M. Course in anticipation of Hon'ble High Court's permission. Now, as the officer has appeared in all the examination of the LL.M. 1st year and LL.M. 2nd year course and also seeking apology for her delay intimation; It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for her appearance in the LL.M. 1st year examination and LL.M. 2nd year examination to the officer or to pass any such order which deems to be proper.

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) Sushri Anchal Chandel, Additional Civil Judge (Junior Division), Gonda may be granted ex-post facto permission for her appearance in the LL.M. 1st year course examination as well as for her appearance in the LL.M. 2nd year course examination, through distance education/ correspondence from Kurukshetra University, Kurukshetra for the academic sessions 2019- 2021, 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 her 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
22.09.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)