

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Hershika Rastogi, Civil Judge (Jr. Div.), (FTC), Gautambuddha Nagar regarding grant of permission to do/pursue LL.M. Course through distance learning from Kurukshetra University.

In her application, Sushri Hershika Rastogi has stated that she has taken admission in the LL.M. course from Kurukshetra University through distance learning prior to her joining in U.P. Nyayik Sewa and wishes to appear in the LL.M. 2nd year examinations, expected to be conducted by the end of July or in the first week of August (based on credible information) through online/offline mode. Thereafter an online objection was raised through which the officer was asked to intimate about status of taking study leave, LL.M. 1st year results and current status of LL.M. 2nd year studies. In reply of the same the officer has stated that as this course is conducted through open and distance learning mode, thus she is not taking the study leave and the University vide date sheet dated 31.08.2020 had declared that exams would be conducted from 11.09.2020 to 05.10.2020 through online mode due to COVID-19 pandemic and the date sheet was then notified on a very short note. She has also stated that she had applied for the permission regarding LL.M. 1st year on the very first date but exams were conducted before the permission could be granted and the same is pending. Furthermore, she has stated that her 2nd year study is not completed yet and the officer has stated that as per the official website of the Kurukshetra university, the exams for LL.M. 2nd year are scheduled from 11.08.2021 to 27.08.2021. She has also enclosed her Identity card, LL.M. 1st year result and LL.M. 2nd year examination date sheet as attachments. She has, therefore, requested to kindly place her application before the Hon'ble Court for grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that the officer has joined the U.P. Nyayik Sewa on 19.11.2019. 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 would not take study leave for the said LL.M. Course. It is also pertinent to mention here that the officer has stated that her LL.M. 1st year examination permission request is pending at the end of this section, therefore it is to be submit that her online application regarding permission for appearing in the LL.M. 1st year examination, having case Id. 947 is forwarded by the District Judge on 14.07.2021 i.e. after the forwarding date of this instant application, therefore the same can not be entertained as this was pending at the District Judge level. Moreover as the officer has stated that she has already appeared in all the papers of LL.M. 1st year examinations in anticipation of the Hon'ble Court's permission and now LL.M 2nd year examination is also going to be scheduled from 11.08.2021 and she wants to appear in the same examination, it is on the discretion of the Court either to regularize the matter by granting ex post facto permission for her appearance in LL.M 1st year examination and permission to appear in LL.M 2nd year examination 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 her 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) Sushri Hershika Rastogi, Civil Judge (Junior Division) (FTC), Gautambuddha Nagar may be granted ex-post facto permission for her appearance in the LL.M. 1st year examination as well as permission be granted to appear in the LL.M. 2nd year examinations through Distance Learning Programme of Kurukshetra University, Kurukshetra for the academic sessions 2019-2021, with exemption of the requirement to take study leave for the same without entering into the fact whether the University is recognised by UGC 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

Arvind Kr. Srivastava

I/c Assistant Registrar

23.07.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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