

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Ajita Verma, Civil Judge (Junior Division), (Fast Track Court), Kanpur Nagar regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In her application, Sushri Ajita Verma has stated that she wishes to pursue LL.M. through the distance learning programme from Directorate of Distance Education Kurukshetra University, Kurukshetra. Exams of LL.M 1st year are scheduled in August 2021. Thereafter, online objections were sent to the officer through which she was asked to intimate about status of taking study leave, declaration, academic session and her admission status in the said LL.M. course. In reply of the raised objections, the officer has stated that she has taken admission in LL.M. for the session July 2020- June 2021 and July 2021 - June 2022 and as this is a distance learning course, so she do not require study leave for pursuing the course. The officer has also stated that she has taken admission in the LL.M. course for the session July 2020- June 2022 and also stated in her application that she do not need to attend day to day classes as this is a distance education course. It is also pertinent to mention here that as asked by Ld. Joint Registrar (Judicial) (Budget), the officer was asked as to whether she has appeared in the said examination scheduled from date 13.08.2021 in anticipation of permission from Hon'ble High Court and in reply the officer has stated that she has appeared in the examination in anticipation of the Hon'ble High Court's permission. She has also enclosed syllabus, prospectus, examination date sheet and other relating papers as attachments. She has, therefore, requested to kindly place her application before the Hon'ble High Court for grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In this connection, it is stated that the officer has joined the U.P. Nyayik Sewa on 16.12.2019. 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 as this is a distance education course. It is also pertinent to mention here that the officer has already taken admission in the LL.M. Course and also appeared in the LL.M. 1st year examination, started from 13th August 2021 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 admission and for her appearance in the LL.M. 1st year examination and permission for pursuance of LL.M. course 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 Ajita Verma, Civil Judge (Junior Division) (Fast Track Court), Kanpur Nagar may be granted ex-post facto permission for her admission in the LL.M. Course and for her appearance in the LL.M. 1st year examination and permission to do/pursue the LL.M. Course through Distance education from Kurukshetra University, Kurukshetra for the academic sessions July 2020- June 2022, 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 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
15.09.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

