

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Smt. Priyambada Lal, Nyayadhikari, Gram Nyayalaya, Baraut-Baghpat regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In her application, Smt. Priyambada Lal has stated that prior to joining the service, the officer had already taken admission for LL.M. (2 year course) through distance learning mode in Kurukshetra University, for the academic session 2020-22 and examinations of LL.M. 1st year are scheduled in August 2021. The officer has also stated that she has earlier sent an offline letter dated 18.03.2020 in this regard. Thereafter, online objections were sent to the officer through which she was asked to intimate about status of taking study leave and for declaration. In reply of the raised objections, the officer has stated that as the course curriculum is through correspondence mode, thus, no study leave is required to pursue the course and also ensured that no judicial work would be affected in any manner. It is also pertinent to mention here that as asked by Learned 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 in anticipation of the permission from the Hon'ble High Court, she has appeared for the examination scheduled from 13.08.2021, through online mode. She has also enclosed 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 ex-post facto permission for her appearance in the LL.M. examination and permission to do/ pursue the 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 24.02.2020. 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 stated that she has earlier sent an application dated 18.03.2020 related to pursuing LL.M. but in the light of Hon'ble High Court's letter no. 558/ XXXIII-CPC/ e-Courts/ Allahabad dated 31.08.2019, the application from 01.09.2019 onward has to be dealt through online mode, thus the same appears not to be entertainable. Now as the officer do not need study leave and being a distance course, it appears that no day to day classes are required to be taken. Moreover, as the officer is also appearing in the LL.M. 1st year examination in anticipation of the Hon'ble High Court's permission, started from 13.08.2021. 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 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) Smt. Priyambada Lal, Nyayadhikari, Gram Nyayalaya, Baraut-Baghpat may be granted ex-post facto permission 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 2020- 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
24.08.2021.

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

