

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Rajneesh Kumar, Civil Judge (Junior Division), (Fast Track Court), Ghaziabad regarding grant of permission to appear as ex- student in the back paper LL.M. second semester examination (regular) Course in Chaudhary Charan Singh University, Meerut.

In his application, Sri Rajneesh Kumar has stated that he has pursued LL.M. course in 2016-2018 batch from Chaudhary Charan Singh University, Meerut but in 2nd semester got less marks due to which final degree might not get prepared and due to this reason he wants to apply as ex- student to pursue LL.M. He has also stated that since he has joined the Judicial Service on 13-12-2019, so he needs permission to fill the form and appear in said Examination in session 2021-2021 and also declared that he would not seek any study leave for said purpose. Thereafter through online objections, the officer was asked to intimate mode of course, dates and status of his appearance in LL.M. examination and his declaration regarding no attendance requirement. In reply the officer has stated that his 1st Semester completed in December 2016, 2nd Semester could not complete because of less marks in two subjects and 3rd and 4th semester successfully completed on December-2017 and June 2018 and because of less marks in two subjects of LL.M. in 2nd semester, he has to reappear in all subjects of 2nd semester as ex Student and his complete academic year is 2016-2018 extended upto 2021. Furthermore, as per University schedule, dates of examination of pending papers of LLM first year second semester are 09-11-2021, 11-11-2021, 13-11-2021 and 15-11-2021 and in anticipation of Hon'ble High Court permission, he has appeared in all the examination of LL.M. 2nd semester on respective dates as stated above. It is also pertinent to mention here that as asked by Learned Joint Registrar (Judicial) (Budget), the officer was asked about his class attendance after joining the service as an ex student and also be asked to upload relevant rules/ administrative order or any other circular of University concerned by clearly specifying that there is no requirement for him to attend the classes as an ex student for appearing in LL.M 2nd year examination. In reply, the officer has stated that he has not attended any classes as an ex-student after joining of judicial service and also uploaded the desired documents which can be seen under the attachment heading "circular letter as desired". He has also enclosed all semesters marksheets of his LL.M. Course, back papers datesheet and other relating papers of his regular LL.M. Course as attachments. He has therefore requested to grant him permission to appear in the aforesaid examination.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 17.12.2019. There is circular letter dated 4.11.11, 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 stated that he would not take study leave. It is also pertinent to mention here that the officer has completed his 1st, 3rd and 4th semesters successfully prior to his joining and due to less marks in second semester, he has to appear in all the papers of second semesters as ex-student and as stated by the officer, he has appeared in papers of LL.M. on 09-11-2021, 11-11-2021, 13-11-2021 and 15-11-2021, in anticipation of permission from the Hon'ble High Court; now, It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for his appearance in the LL.M. second semester examination as ex-student; 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 his 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) Sri Rajneesh Kumar, Civil Judge (Junior Division), (Fast Track Court), Ghaziabad may be granted ex-post facto permission for his appearance in the second semester examination of LL.M. course; as an ex student in Chaudhary Charan Singh University, Meerut 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 his 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
24.02.2022

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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