

I/c Joint Registrar (Judicial) (Budget)

May kindly see the online application of Smt. Kalpana Yadav, Judicial Magistrate, Jaunpur regarding grant of ex-post facto permission for her appearance in the LL.M. Course examinations through distance learning from Kurukshetra University.

In her application, Smt. Kalpana Yadav has stated that she is pursuing LL.M. distance course from Kurukshetra University, Kurukshetra, Haryana and intimation and permission for this course was communicated to the Hon'ble Court by her and final year examination of the said course is scheduled to be held on 11th, 16th, 19th, 24th and 27th August 2021. She has requested for permission to appear in the said examination. Thereafter through online objection, the officer was asked intimate about her appearance in the LL.M. 1st year and 2nd year exam and her status of taking study leave alongwith declaration regarding no attendance requirement. In reply, the officer has stated that before joining of service, she has appeared in the four papers out of six papers for LL.M. Part-I examinations conducted in offline mode in June, 2018 but she could not appear for remaining two papers of LL.M Part-I examinations due to her joining in the service, for which she has appeared in supplementary examinations held in December, 2018 after intimating to the Hon'ble High Court. (copy of letter can be seen as attachment). She has also stated that she could not appeared in LL.M. part - II examinations due to Induction Training programme at IJTR, Lucknow and also could not appear in LL.M. Part- II supplementary examinations held in June, 2020 due to Covid 19 pandemic. The officer has appeared in LL.M. part- II supplementary examinations held in August, 2021 in blended mode (offline as well as online) and she has opted for online mode. The course was completed in the year 2021. She has further stated that she has pursued LL.M. course without attending day to day classes as the said course was Distance LL.M. Course and also added that she has not taken any study leave. She has also enclosed relating papers of her LL.M. course, which can be seen 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. examinations through distance learning from Kurukshetra University.

In this connection, it is stated that Smt. Kalpana Yadav has joined the Uttar Pradesh Nyayik Sewa on 18.06.2018. 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 has not taken study leave for the said LL.M. Course. It is also pertinent to mention here that the officer has already appeared in two supplementary papers of LL.M. 1st year examinations as well as also appeared in the LL.M. 2nd year examinations, started from 11.08.2021; 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 her appearance in LL.M 2nd year examinations and permission to appear in the two supplementary papers of LL.M. 1st 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, Senior Judge (J-1), for His Lordship's kind perusal and if His Lordship approves :-

A) Smt. Kalpana Yadav, Judicial Magistrate, Jaunpur may be granted ex-post facto permission for her appearance in the LL.M. 2nd year examinations as well as for her appearance in the

supplementary examinations of LL.M. 1st year through Distance Learning Programme of Kurukshetra University, Kurukshetra, 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

Hon'ble Mr. Justice Pritinker Diwaker,

Senior Judge (J-1)

Submitted for kind perusal & order

I/c Joint registrar (Judicial) (Budget)

