

## **Joint Registrar (Judicial) (Budget)**

May kindly see the online application of Sri Ankush Srivastava, Civil Judge (Junior Division) (Fast Track Court), Bahraich regarding grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Ankush Srivastava has stated that he has been pursuing the LL.M. course since July 2020 (Session- July 2020) before joining the judicial service and stated that in anticipation of the permission, he would be appearing in the said examination as the date sheet of the exam has been issued by the University and the examination would be conducted through on-line mode from 13th August, 2021 to 02nd September, 2021 (total 6 papers). Thereafter, through online objections, the officer was asked to intimate about his status of taking study leave and about his appearance in the said LL.M. examinations. In reply the officer has stated that neither he has taken any study leave nor he is interested in taking any study leave in future to pursue this course and also stated that he has appeared in the LL.M. first year examination in anticipation of the permission of the Hon'ble High Court. He has also enclosed prospectus and other related papers of LL.M. Course as attachment. He has, therefore, requested 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 Uttar Pradesh Nyayik Sewa on 11.01.2021. 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 to pursue the course. It is also pertinent to mention here that as stated by the officer, he has sent the intimation regarding his LL.M. Course through letter dated 12.05.2021 but here it is to submit that in the light of Hon'ble High Court's letter no. 558/ III-CPC/ e-Courts/ Allahabad dated 31.08.2019, all the application afterwards 31.08.2019 has to be taken up through online mode only, thus the same offline serial does not appear to be entertainable. Now, as stated by the officer that he has already appeared in the LL.M. first year examination, started from 13.08.2021 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 his appearance in the LL.M. first year Course 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 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 Ankush Srivastava, Civil Judge (Junior Division) (Fast Track Court), Bahraich may be granted ex-post facto permission for his appearance in the LL.M. first year course 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 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

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,**

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)

