

Registrar (J) (Budget)

May kindly see the online application of Sushri Saumya Mishra-I, Civil Judge (Junior Division), Firozabad regarding grant of permission to do/ pursue LL.M. course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In her application, Sushri Saumya Mishra-I has stated that she wishes to pursue LL.M course (session 2019-2021) in which she had taken admission before joining Judicial services. Thereafter through online objection, the officer was asked to intimate complete academic session of the course, her status taking study leave, declaration regarding no attendance requirement. In reply, after the lapse of two year the officer has stated that she is pursuing LL.M course for academic session 2019-21 and as this is a distance learning correspondence course, there was no need of regular classes. She has also stated that she has pursued LL.M. without attending any class. Again the officer has been asked to clarify the reason for intimating about her LL.M. course after the lapse of two years of the raised objection and also about study leave status and be asked to submit her LL.M. marksheets. In reply, the officer has stated that due to lack of knowledge she couldn't reply to the objections well within the stipulated time limitations and the period of her study was that of the COVID times (academic session 2019-2021) so she had the mis-information that the objections could be replied after the degree has finally been achieved. She has further added that she had not taken any Study leave and she has completed LL.M. examination by using Casual leaves. She has again made this assurance that this kind of mistake would not be repeated again by her and also sought for apology. She has also enclosed the marksheets of her LL.M course alongwith other relating papers, which can be seen as attachments. She has, therefore, requested to Hon'ble Court to kindly grant her permission to do/ pursue the stated LL.M. course from the aforesaid university.

In this connection, it is stated that Sushri Saumya Mishra-I has joined the U.P. Nyayik Sewa on 16.11.2019. There is circular letter dated 04.11.11, 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 already completed her LL.M. and also stated that she has not taken any study leave for doing the aforesaid LL.M. course. In the instant case, the officer has pursued her course and appeared in the course examinations in anticipation of grant of permission form the Hon'ble Court and now has completed her LL.M. course also. Moreover, for the delay caused in replying to the objection, the officer has stated that it was due to her lack of knowledge and also assured that she won't repeat such mistake again and also sought for apology. Now, 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 1st year and LL.M. 2nd year examinations 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.

Recently, vide order dated 01.07.2024 relating to re-constitution of Committees, Hon'ble The Chief Justice has been pleased to reconstitute the single Judge Committee appearing at sl. no. 65 of the list of Committees and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to pursue academic course.

May, therefore, if approved, the file may be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 01.07.2024 of Hon'ble The Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sushri Saumya Mishra-I, Civil Judge (Junior Division), Firozabad may be granted ex-post facto permission for her appearance in the LL.M. 1st year examination and LL.M. 2nd year examinations of LL.M. Course 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

To pass any other order, which His Lordship deems fit and proper.

Archana Awasthi, Review Officer
Munmun Narang, Section Officer
Meetu Verma, Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)

