

I/c Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Kanishk Kumar Singh, Additional District & Sessions Judge, Ramabai Nagar (Kanpur Dehat) regarding grant of permission to pursue one year regular LL.M. Course from Shobhit University, Meerut.

In his application, Sri Kanishk Kumar Singh has stated that he wants to pursue LL.M. course from Shobhit University, Meerut, Uttar Pradesh for the academic session 2021-2022. The classes shall be conducted online on working days after the Hon'ble Court hours and his judicial work would not be hampered. He has also stated that he wants to pursue this course to enhance his knowledge and would not take any study leave to pursue this course, and for the purpose of appearing in examinations, would be applying casual leave or earned leave as the case may be. He has also enclosed the admission offer letter of the university in which the details of the LL.M. program are mentioned as follows:-

1. Shobhit Institute of Engineering and Technology - Deemed to be University, Meerut is duly constituted and approved university by the UGC under Section 3 of the UGC Act, 1956 vide notification No. F.9-37/2004-U.3 (A) dated 8.11.2006.
2. The Academic Session for the Program is 2021-22.
3. The LL.M. (One Year) Program is a full time regular course being offered under the aegis of Centre for Post Graduate Legal Studies.
4. The Program is regular program and it is neither a Correspondence nor part time Course.
5. The mode of delivery of the lectures for the current academic session 2021-2022 shall continue to be online (virtual) on all working days and offline (physical) on all holidays including Sundays irrespective whether COVID-19 protocol restrictions continue to be in force or are relaxed or even withdrawn by the Government.
6. The Course has been designed as not to adversely affect the official discharge of duties of the Government Officials/Officers and Hon'ble Judicial Officers.
7. The online (virtual) Classes/Lectures shall not be held during working hours of the Courts and offices. The online classes shall be held beyond the office hours prescribed by the Hon'ble High Court for Judicial Officers and by the State Government for the Executive and Police Officers.
8. Proper protocol for prevention of COVID-19 infections shall be strictly followed during the offline (physical) classes.

Thereafter through online objection, the officer was asked about the status of course as sufficient time has been elapsed. In reply, the officer has stated that the admission has been kept on hold till the permission is granted by the Hon'ble High Court and he has, therefore, requested for grant of permission to pursue the LL.M. course as requested earlier.

In this connection, it is stated that Sri Kanishk Kumar Singh has joined the Uttar Pradesh Higher Judicial Services on 30.09.2019. There is a circular letter dated 04.11.11, 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 he would not avail any study leave for the said Course. It is also pertinent to mention here that this a regular course but as stated by the University that the mode of delivery of the lectures for the current academic year shall continue to be online (virtual) on all working days and offline (physical) on all holidays including Sundays irrespective whether COVID-19 protocol restrictions continue to be in force or are relaxed or even withdrawn by the Government. It is also pertinent to mention here that earlier in the same matter of grant of permission to pursue LL.M. from Shobhit deemed to be University, Meerut through case Id. S00001732021 and Old Case Id :1644 of Sri Himanshu Kumar Singh, Additional Civil Judge (Senior Division)/ Additional Chief Judicial Magistrate, Meerut His Lordship has been pleased to pass the following order:-

“Since it is a Full Time Programme, permission to pursue the same cannot be granted. Not Approved.”

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, Senior Judge (J-1), for His Lordship's kind perusal and further order in the matter.
Archana Awasthi

Review Officer
Mohd. Arshad
Assistant Registrar

Hon'ble Mr. Justice Pritinker Diwaker,

Senior Judge (J-1)

Submitted for kind perusal & order

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