

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Ajay Kumar Srivastava, Presiding Officer, Motor Accident Claim Tribunal, Bahraich regarding grant of permission to appear in the LL.M. 2nd year examinations of his LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Ajay Kumar Srivastava has stated that he had completed first year of LL.M. from Kurushetra University vide session 2010-2011 and his DDE Ref No. is 6861. He has also stated that though he was intended to complete the second year but in between he had to appear in the Higher Judicial Services Examination of U.P. and other States and Advocates on record Examination of Hon'ble Supreme Court as well at the same time, due to some urgent personal reasons, he could not complete his Second year of LL M. He has added that it was neither intentional nor deliberate but due to the above stated reasons. Since it is a distance education Course(LL.M.) conducted through the Kurushetra University Haryana and the examination for said course is scheduled to be held twice in a year in the month of June and December every year and for pursuing higher studies & then to seek permission for study leave is concerned, he has stated that said course is conducted by the distance education and therefore, the question for seeking study leave does not arise except for exams. He has also mentioned that permission has been granted by the Vice-Chancellor of University Kurukshetra through Directorate of Distance Education for the session 2021-2022 vide /21/10286 dated letter No.DDEISE-II/DE- 28/09/21 (copy can be seen as attachment) and further submitted that by the said letter it has also been intimated to him that he can seek admission in the said Course upto 30.11.2021 and once he gets the permission for pursuing/appearing in the said course, the University Authorities also would not face difficulty to consider his candidature to take admission and appear in the said course. Thereafter through online objection, the officer was asked to intimate his status of taking study leave either for pursuing the course or for appearing in the examinations and also be asked to submit declaration regarding no attendance requirement. In reply the officer has stated that status of taking Leave is required to appear in the examination of said course only in anticipation when the dates would be declared by the department of Distance Education of the University and also stated that he has not taken admission in the LLM 2nd year as his prayer for the admission is under consideration before Hon'ble High Court. He has also undertaken that the Hon'ble Court work would not be affected in any manner and he would not study or pursue the said course during Hon'ble Court hours in any eventuality. He has also enclosed his declaration and relating papers for his 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 Higher Judicial services on 19.08.2013. 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 said course is conducted by the distance education and therefore, the question for seeking study leave does not arise except for exams and leave is required to appear in the examination of said course only in anticipation when the dates would be declared by the department of Distance Education of the University. It is also pertinent to mention here that the officer has completed his LL.M. 1st year in 2010-2011 and due to his engagements in Higher Judicial Services examination of Uttar Pradesh and other states and Advocates on record examination of Hon'ble Supreme Court and due to some urgent personal reasons, he could not appear in the LL.M. 2nd year examination; now he wants to pursue his LL.M. 2nd year through distance education from Kurukshetra University for the academic session 2021-2022 in order to complete his LL.M. Course, for which the University agrees to consider his candidature as a special case after so long period with normal fee, special chance fee and penalty also. As stated by the officer the last date of taking admission is 30.11.2021 and he has not taken admission in the said course as the matter is under consideration, It is on the discretion of the Hon'ble High Court either to regularize his LL.M. Course by granting him permission to take admission and to do/ pursue LL.M. 2nd year

course 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 Ajay Kumar Srivastava, Presiding Officer, Motor Accident Claim Tribunal, Bahraich may be granted permission to take admission /to appear in 2nd year examination of LL.M., Kurukshetra University, Haryana distance education course for the academic year 2021-2022 in order to complete the course, 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

A.K.Jaiswal,
D.R. (Admin Misc.I)

25.11.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)