

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Saumya Dwivedi, Civil Judge (Junior Division), Ambedkar Nagar at Akbarpur regarding grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In her application, Sushri Saumya Dwivedi has stated that she wants permission to pursue LL.M. course through distance learning education from Kurukshetra University for the session 2020-21, 2021-22. Thereafter through online objections, the officer was asked to intimate about status of her LL.M. Course with supporting papers. In reply the officer has stated that she has taken admission in the academic session of 2020-21, 2021-22 of LL.M. course of Kurukshetra university and appeared in the first year examination of LL.M. held in the August month of 2021 through online mode. The result of first year examination has not been declared till date, hence she has not taken admission in the second year. Again, as the officer has replied against the offline letter sent by this Hon'ble Court sent in regard of her earlier offline letter, thus she was asked to upload all the earlier offline communications and also be asked to submit papers from the university relating to LL.M. course continuation. In reply, the officer has attached all the earlier offline letters, which can be seen as attachments and stated that the session in which she has taken admission is of 2020-21, 2021-22, is in continuance and she has also attached the admit card of LL.M. second year and fee receipt of LL.M. second year of session 2021-22. She has also enclosed her declaration, prospectus, admit card of LL.M. 1st year and date sheet of LL.M 1st year examination of the LL.M. Course as attachments. She has, therefore, requested for grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 16.11.2019. 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 would not take study leave to pursue the course as the course is to be done through correspondence/ distance learning. It is also pertinent to mention here that the officer has sent this online letter in the light of Hon'ble High Court's letter dated 18.11.2021, which was sent against her letter dated 22.09.2021 and the Hon'ble Court's letter was sent in the light of Hon'ble High Court's letter no. 558/ III-CPC/ e-Courts/ Allahabad dated 31.08.2019, according to which all the application afterwards 31.08.2019 has to be taken up through online mode only. Now, as stated by the officer that she has already taken admission and appeared in the LL.M. 1st year examinations in anticipation of the Hon'ble High Court's permission; and now wants to pursue her LL.M. course; It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for her admission and appearance in the 1st year examinations of LL.M. course and to grant permission to pursue her LL.M. 2nd year 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 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, Nominated Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves :-

A) Sushri Saumya Dwivedi, Civil Judge (Junior Division), Ambedkar Nagar at Akbarpur may be granted ex-post facto permission for her admission in the LL.M. course and for her appearance in the LL.M. 1st year course as well as be granted permission to do/ pursue LL.M. 2nd year course through correspondence/ distance learning 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 her qualification if the University is not recognised, subject to the conditions mentioned above.

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.

Nominated Judge

Submitted for kind perusal & order

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