

I/c Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Ashok Kumar-VII, Principal Judge, Family Court, Azamgarh regarding grant of permission for applying and appearing in the one year advanced Diploma Course in Alternative Dispute Resolution by correspondence from NALSAR University Of Law, Hyderabad.

In his application, Sri Ashok Kumar-VII has stated that he wants permission for applying and appearing in the one year Advanced Diploma Course in Alternative Dispute Resolution by correspondence from NALSAR University Of Law Hyderabad. Thereafter, through online objection, the officer was asked to clarify the reason for delayed intimation to the Hon'ble Court and also asked about his status of taking study leave and about his appearance in the examination of the said diploma course. In reply the officer has stated that due to prevailing COVID -19 situations in India and the world, he got an opportunity to apply in the extended window of admission than the normal admission procedure & time. The admission was online and he has taken admission in October 2021. He has also added that since, he got the opportunity to study a relevant subject randomly & belatedly, hence, he could not seek the prior permission of the Hon'ble Court before applying for the same and further, due to COVID -19 situations following the admission & and official engagements, he missed the opportunity to apply for the permission just after the admission. He has also stated that he has appeared in the said examination in anticipation of Hon'ble High Court's permission and further stated that no study leave has been taken for the said Course and no special leave was required as home study material /recorded lectures were supplied which could be listened/assimilated at the time suited to the student and hence, neither any official time or leave was required nor ever availed for the said course. Furthermore, the said course is from the most reputed National University (NALSAR) at Hyderabad and the said subject matter is relevant to the dispensation of Justice. In this regard, He has also mentioned that the JTRI, Lucknow has also organised lectures on Arbitration to provide adequate knowledge of the subject to the Judicial Officers and the said correspondence course is also related to the same subject matter and It is a purely academic activity. He has, therefore, humbly requested to grant him ex-post facto permission for pursuing the said diploma course from, NALSAR University of Law, Hyderabad.

In this connection, it is stated that the officer has joined the U.P. Nyayik Sewa on 10.09.1993. 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 has not taken study leave for the said diploma and stated that he has also taken admission and appeared in the examination of the said diploma course in anticipation of Hon'ble High Court's permission. Now, it is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for pursuance of the diploma course and for his appearance in the said diploma course examinations to the officer or to pass any such order which deems to be proper.

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 if His Lordship approves :-

(a) Sri Ashok Kumar-VII, Principal Judge, Family Court, Azamgarh may be granted ex-post facto permission for pursuance of one year advanced diploma course in Alternative Dispute Resolution by correspondence from NALSAR University Of Law, Hyderabad and also for his appearance in the examinations of said diploma course with exemption of the requirement to take study leave for the same without entering into the fact whether the University is recognised by UGC 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

Mohd. Arshad
Assistant Registrar

Hon'ble Mr. Justice Pritinker Diwaker,

Senior Judge (J-1)

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)

