

Registrar (Judicial) (Budget)

May kindly see the online application of Sri Rajat Sinha, Spl. Judge (SC/ST, Pev. of Atroci Act), Ramabai Nagar regarding grant of permission for his admission and for pursuance of post graduate diploma in medical laws and ethics conducted by National Law School of India University, Bengaluru.

In his application, Sri Rajat Sinha has stated that he wishes to pursue post graduate diploma in medical laws and ethics conducted by National Law School of India University, Bengaluru to upgrade his knowledge. This is an online/hybrid course. Thereafter, through online objection, the officer has been asked about his status of admission, taking study leave and declaration regarding no class requirement etc alongwith supporting papers. In reply, the officer has stated that the academic session is 2022-2023 and the course duration is of 12 months and no study leave is needed as this is an online course. He has also added that no day to day class is needed to be attended to pursue this course and he has also taken admission in the course in anticipation of Hon'ble High Courts permission. He has also enclosed papers relating to his course, which can be seen as attachments. He has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of permission to pursue the aforesaid course.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 22.12.2003. 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 is not required to take study leave for the said course. Now the officer has stated that he has taken admission in the said course in anticipation of Hon'ble High Court's permission and now wants to pursue the said online course, It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for his admission in the said course and permission to pursue the said 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 his normal work or that public work suffers, in any way.

It is further to mention here that recently, vide order dated 23.04.2023 regarding reconstitution of different Committees, Hon'ble The Chief Justice has been pleased to form a single Hon'ble Judge Committee i.e. Hon'ble Senior Judge (J-1) to deal with the matter of grant of permission to Judicial Officers to pursue academic courses.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mrs. Justice Sunita Agarwal, Senior Judge (J-1), for Her Lordship's kind perusal and if Her Lordship approves :-

(a) Sri Rajat Sinha, Spl. Judge (SC/ST, Pev. of Atroci Act), Ramabai Nagar may be granted ex-post facto permission for admission and permission to pursue post graduate diploma in medical laws and ethics conducted by National Law School of India, University Bengaluru, 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 his qualification if the University is not recognised.

Or

(b) To pass any other order which Her Lordship deem fit and proper.

Archana Awasthi
Review Officer
Munmun Narang
Section Officer
Meetu Verma
Assistant Registrar

Hon'ble Mrs. Justice Sunita Agarwal,

Senior Judge (J-1)

Submitted for kind perusal & order

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