

Registrar (Judicial) (Budget)

May kindly see the online application of Sri Ajeet Kumar Mishra, Civil Judge (Jr. Div.), Kushinagar at Padrauna regarding grant of ex-post facto permission to appear in LL.M. 1st year examination, re-appear examination and for pursuance and completion of LL.M. 2nd year examinations through distance learning from Kurukshetra University.

In his application, Sri Ajeet Kumar Mishra has stated that he has taken admission in the LL.M. course through distance learning in August 2019 i.e prior to his joining in U.P. Nyayik Sewa & he has already completed all the LL.M. 1st year and 2nd year examinations and now has applied for revaluation and reappearance in the first paper of LL.M. 1st year examination. Thereafter, through online objection, the officer has been asked to clarify the reason for intimating about his LL.M. course after three years of his joining and after the completion of the course alongwith the result of LL.M. examinations. In reply, the officer has enclosed his reply through a letter (can be seen as attachment) wherein, he has stated that he has taken admission prior to his joining and has appeared in the three papers of LL.M. 1st year examination. After taking over the charge as Civil Judge (Jr. Div.), he has appeared in the rest three papers of LL.M. 1st year through online mode by taking casual leave. He has also stated that he has intimated the Hon'ble Court through letter dated 20.04.2021 at the time of admission in LL.M. 2nd year and also appeared in the LL.M. 2nd year examination through online mode on 11th, 16th, 19th, 24th and 27th August 2021 (Examination schedule can be seen as attachment). Again, at the time of applying for LL.M. 1st year reappear examination; he has intimated to the Hon'ble Court through letters dated 19.01.2022 and 05.01.2023. He has further added that he has also appeared in the reappear examination on 17.08.2023, 02.09.2022 and 13.03.2023 and result of reappear examination is still awaited. He has attached the mark sheets of LL.M. 1st year and 2nd year, which can be seen attachments. He has also stated that prior to his joining in U.P. Nyayik Sewa, he was posted as Asst. Prosecution Officer in Uttarakhand and had also applied there for permission to pursue the LL.M. in 2019. He has therefore requested to Hon'ble Court to grant permission for his appearance in the same.

Thereafter, as the officer has mentioned that he has submitted offline letter earlier regarding the pursuance of his LL.M. course and only a single letter dated 05.01.2023 has been received in the section, thus, through a report dated 17.10.2023, Admin (H) section (custodian of the Misc, files of the Judicial Officers) was asked to submit a report as to whether the officer has sent any offline letters dated 20.04.2021, 20.01.2022 regarding grant of permission to pursue LL.M. as he has intimated through online portal that he had sent the aforesaid offline letters. In reply, the A.R.O. Of Admin (H) section has submitted a report wherein it is mentioned that as per serialization register no such letters of Sri Ajeet Kumar Mishra regarding grant of permission to pursue LL.M. has been received at Admin (H) section till date. Again the officer has been asked to clarify as to when he is aware that in such type of matters, permission is required to be obtained, as he has already done/applied for that being in his past service, then as to why he during his present judicial service, appeared all time in LL.M. examinations, only after intimating about the same and in his Casual leave applications he has also not mentioned about the ongoing examinations. In reply the officer has stated that he has appeared in the remaining papers of the LL.M. 1st year online examinations just after taking the charge in U.P. Nyayik Sewa, thus he has not mentined about the examination in his casual leave applications. He has further added that prior to his joining in U.P. Nyayik Sewa, he was working as A.P. O. in Uttrakhand and has submitted his application regarding LL.M. permission there. He has also stated that he was under the impression that in the new service one has to send the intimation only for a earlier pursued course and thus he has just intimated about the LL.M. course by disclosing all the facts from time to time. Now, the officer has stated that he is submitting all the relating papers after the objection from the Court, which can be seen as attachments.

In this connection, it is stated that the officer has joined the U.P. Nyayik Sewa on 20.09.2020. 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 completed his LL.M. 1st year and 2nd year course and also appeared in the re appear examination of his LL.M. 1st year examination, thus there appears no need of taking study leave now. It is also pertinent to mention here that as the officer has stated that he has intimated to Hon'ble Court about pursuance of his LL.M. course through offline letters but except a letter dated 05.01.2023, no offline letter has been received in the section till date and also the Admin (H) section has reported that no other letter has been received in this Court regarding this matter and on the letter received in the section; necessary communication has been made to officer through Hon'ble Court's letter dated 14.03.2023 and in the light of the same the officer has applied for this permission on the e-services portal. In the instant case, the officer has

also appeared in all the examinations without having any communication/ acknowledgment of the Hon'ble Court, which appears to be quite objectionable. Now, it is on the discretion of the Hon'ble Court either to regularize the matter by granting ex post facto permission for his appearance in LL.M 1st year examination, re appear examination and for pursuance and completion of LL.M 2nd year course 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 single Hon'ble Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra for His Lordship's kind perusal and if His Lordship approves:-

Sri Ajeet Kumar Mishra, Civil Judge (Jr. Div.), Kushinagar at Padrauna may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination, re-appear in examination and for pursuance and completion of LL.M. 2nd year course through Distance Learning Programme of Kurukshetra University, Kurukshetra for the academic sessions 2019-2021, 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

To pass any other order which His Lordship deems fit and proper .

Archana Awasthi

Review Officer

Munmun Narang

Section Officer

Meetu Verma

Assistant Registrar

Admin A-4

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (J)(Budget)

