

Registrar (Judicial) (Budget)

May kindly see the online application of Sri Nijender Kumar, Addl. District & Sessions Judge, Bijnor regarding grant of permission to do/ pursue a six months Certificate Course in French language through distance education mode from Indira Gandhi National Open University.

In his application, Sri Nijender Kumar has stated that he wants to get registered and to pursue a six months Certificate Course in French language from Indira Gandhi National Open University through distance mode and stated that his Judicial work would not be affected in adverse on his part. Thereafter, through online objection, the officer has been asked to intimate his status of taking study leave, admission status, prospectus and his declaration regarding no class requirement. In reply, the officer has stated that no study leave and physical classes/ day by day would be taken by him and he has also not taken admission at present. He has also stated that the above course is in distance mode/already prepared video/email based mode and only casual leaves would be taken for exams. He has also enclosed the copy of prospectus, which can be seen as attachment. He has, therefore, requested for grant of permission to do/ pursue the six months Certificate Course in French language through distance education mode from Indira Gandhi National Open University.

In this connection, it is stated that the officer has joined the U.P. Nyayik Sewa on 28.09.2019. 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 would not take the study leave as this course is to be done through distance mode and he would take only casual leaves for exams. Now, it is on the discretion of Hon'ble Court either to grant him permission to do/ pursue the stated six month course or to pass any other order. 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 Mr. Justice Surya Prakash Kesarwani, Senior Judge (J-1), for His Lordship's kind perusal and if His Lordship approves :-

Sri Nijender Kumar, Addl. District & Sessions Judge, Bijnor be granted permission to do/ pursue the six months Certificate Course in French language through distance education mode from Indira Gandhi National Open University, as requested, with exemption of the requirement to take study leave for the same and 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 subject to the conditions mentioned in the above noted G.O. dated 21.8.1967 and all other Rules, Regulations, Circulars and Government orders, if any.

Or

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

Archana Awasthi
Review Officer
Munmun Narang

Section Officer
Meetu Verma
Assistant Registrar
Admin A-4

Hon'ble Mr. Justice Surya Prakash Kesarwani,

Senior Judge (J-1)

Submitted for kind perusal & order

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