

## **Registrar (J) (Budget)**

May kindly see the online application of Smt. Richa Upadhyay, Addl. District & Sessions Judge, Gautambuddha Nagar regarding grant of permission to do/ pursue LL.M. course from Gautam Budh Nagar University for the academic session 2023-2025.

In her application Smt. Richa Upadhyay has stated that she wants to persue LL.M. 2 year (weekend programme) from Gautam Budh Nagar University and it would not interfere with her work as judicial officer. Thereafter through online objection, the officer has been asked to intimate her status of taking study leave, complete details of LL.M. course and papers relatng to no attendance requirement. In reply, the officer has stated that mode of study would be regular class study which would be held on weekends and holidays only. She has also stated that status of admission is provisional and this weekend course is specifically designed for public servants only, that's why classes are taken on weekends and holidays, as second Saturday and fourth Saturday is off for judicial officers it would not interfere with her judicial work. She has also added that she is a single widowed mother of two kids and this course would give her academic and personal growth as well as she won't let this programme interfere her judicial work anyway. Again as the officer was asked to submit papers from the university relating to it's recognition and also be asked to intimate as to how she would complete the course as there was class on every weekend. In reply, the officer has submitted following reply:-

1. That for LLM weekend course academic session is stated to be of 2 years ( 2023-2025) with four semesters.
2. That, as per the information available on the website of the University Grant Commission, Gautam Buddha University is a state University and the University was Established by the Uttar Pradesh Gautam Buddha University Act 2002 UP Act No. 9 of 2002. Approved by UGC under Section 12-B & NAAC accredited.
3. That, at page no. 2 of the prospectus of the University (can be seen as attachment) the programme is described as a weekend programme and on the page 36 of the prospectus the programme has been clearly mentioned as LL.M. (Two Year) (working professional).
4. That, on the basis of above information mentioned in prospectus of the university, on oral inquiry the admission coordinator of the university informed her in the beginning that minimum percentage of attendance required is 75% and also said that since this LL.M. programme has been designed mainly for working professionals and since many candidates may not be able to attend classes on Saturday, the classes would also be held during vacations and in the evening hours of weekdays.
5. That, recently the Gautam Budh University has issued a notice no. GBU-029/Law/01/2023-527 dated 17.07.2023 which says that "classes of LL.M. (Two Year) (Weekend Programme) shall be conducted on weekend (Saturday & Sunday), holidays and during the vacations". (said notice can also be seen as attachment).
6. That, recently the Gautam Budh University has also issued a tentative time table dated 17.07.2023 of first semester of the LL.M. (Two Year) (Weekend Programme). The time table shows that classes would also be conducted in the evening of week days between 7:00 PM to 9:00 PM. (tentative time table can also be seen as attachment)
7. That, the relevant pages of the copy of the ordinance containing course structure for LL.M. (Two Year) (Weekend Programme) offered by Gautam Budh University and Counselling cum Admission Schedule can also be seen as attachment.
8. That, the Gautam Budh University is located near her residence in Greater Noida so this also aids her doing this course .
9. That she has applied for mid term transfer after untimely demise of her husband late Mr Manoj upadhyaya, thus it is not a transfer year for her.
10. That, she is certain and sure that she would be able to meet the attendance required to pursue the LL.M. (Two Year) (Weekend Programme) without affecting her work as DLSA secretary and maintainability of official punctuality.
11. That she had applied for the said LL.M. (two Year) (Weekend Programme) and in anticipation of permission from Hon'ble court after seeking leave from the competent authorities she has appeared in the entrance exam and viva-voce exam and has been finally selected for admission and as one year is elapsed in anticipation of permission she

has given exam of first semester on roll no. 237PLL015.

12. She has also undertaken that she do not require study leave as it is not affecting her judicial duties and she would not let her official duty and punctuality be affected in any manner because of the fact that she would be pursuing the LL.M. (Two Year) (Weekend Programme)

She has, therefore, requested to Hon'ble Court to kindly grant her permission to do/ pursue the stated LL.M. course from the aforesaid university.

In this connection, it is stated that Smt. Richa Upadhyay has joined the U.P. Nyayik Sewa on 15.11.2019. There is circular letter dated 04.11.11, 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 do not require study leave as it is not affecting her judicial duties and she would not let her official duty and punctuality be affected in any manner because of the fact that she would be pursuing the LL.M. (Two Year) (Weekend Programme). She has also stated that on the basis of information mentioned in prospectus of the university, on oral inquiry the admission coordinator of the university informed her in the beginning that minimum percentage of attendance required is 75% and also said that since this LL.M. programme has been designed mainly for working professionals and since many candidates may not be able to attend classes on Saturday, the classes would also be held during vacations and in the evening hours of weekdays. It is also to mention here that she has appeared in the entrance exam and viva-voce exam and has been finally selected for admission. Now as one year is elapsed in anticipation of permission she has also given exam of first semester. Now, It is on the discretion of the Hon'ble High Court either to grant ex-post facto permission to the officer for her admission and permission to do/ pursue the aforesaid LL.M. course 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.

Recently, vide order dated 30.11.2023 relating to re-constitution of Committees, Hon'ble The Acting Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 3 of the list of Committees dated 23.04.2023- last modified on 29.08.2023, and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to pursue academic course.

May, therefore, if approved, the instant matter may be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 30.11.2023 of Hon'ble The Acting Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Smt. Richa Upadhyay, Addl. District & Sessions Judge, Gautambuddha Nagar may be granted ex-post facto permission for her admission in the said LL.M. course and also be granted permission to do/ pursue the LL.M. course (weekend programme) from Gautam Budh Nagar University for the academic session 2023-2025, with exemption of the requirement to take study leave for the same, 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 abovementioned conditions.

Or

(b) To pass any other order, which His Lordship deems fit and proper.

Archana Awasthi  
Review Officer

Meetu Verma  
Assistant Registrar  
Admin A-IV

**Hon'ble Mr. Justice Anjani Kumar Mishra,**

**Nominated Judge**

Submitted for kind perusal & order

Registrar (Judicial) (Budget)

