

Registrar (J) (Budget)

May kindly see the online application of Sri Sumit Gupta-II, Judicial Magistrate, Saharanpur regarding grant of permission to do/ pursue LL.M. course from the School of Law and Constitutional Studies (Centre of Post Graduate Legal Studies), Shobhit Deemed to-be University, Meerut for the academic session 2024-2025.

In his application Sri Sumit Gupta-II has stated that as part of his career progression and to stay informed and up-to-date with the latest laws, he wishes to pursue a one-year master's program in Law (LL.M.). The modern legal landscape is continuously evolving, and undertaking an LL.M. would place him at the forefront of current legal developments and returning to academic studies will also enable him to enhance his legal research skills, a proficiency that judges in the district judiciary must constantly have to ensure improved analysis and presentation of findings. He has also stated that he intends to do the LL.M. course at Shobhit University, Meerut which is designed to be highly flexible and accessible and the University administration has informed him that the School of Law and Constitutional Studies (Centre of Post Graduate Legal Studies) has adopted a blended learning approach, with lectures being delivered online and in-person only on national holidays, the 2nd and 4th Saturdays and Sundays. He has also enclosed the offer letter which can be seen as attachment. He has also added that this program would not require him to take any 'study leave' and a few days casual leave only, for appearing in the trimester examinations would be enough and declared that he may pursue the one-year LLM program without needing to attend the classes on any of the Court working days. He has further stated that he can successfully pursue this LL.M. program while continuing to perform his duties as a Judicial Officer and has ensured that if the Hon'ble Court permits him to pursue this course no hindrance of any kind would be caused in performing the judicial function and that he would ensure proper and smooth functioning of his duties because the classes would be held only on national holidays, the 2nd and 4th Saturdays and Sundays.

Thereafter through online objection, the officer has been asked to intimate as to how he can pursue a regular course in spite of being in judicial service and also be asked to clarify the online class timigs and clarify the term blended learning. In reply, the officer has stated that online classes for the LLM program are scheduled to be conducted on every 2nd, 4th Saturday, Sundays & on national holidays between 10am to 5 pm. The term "blended mode" indicates that while the mode of instruction is online (not regular classes), there may be occasional in-person classes or activities that could be organized by the university on holidays. Again through online objection, the officer has been asked to intimate UGC recognition status of the university, academic session of the course as the stated one appears to be expired etc. In reply, the officer has attached papers relating to UGC recognition (can be seen as attachment) and stated that the law school will conduct classes on 2nd & 4th Saturday, Sundays and other holidays (in which the judicial work would not be hampered and no further leave would be required). He has also added that distance between Saharanpur and Meerut is approximately 110 Km and there are many trains including Vande Bharat and Shatabdi Express which cover such distance in approximately 1 Hour to 1 Hour 20min. He has also stated that he wants to take admission in this session (2024-25) and has enclosed paper relating to this which can be seen under attachment heading "Offer letter Uni.". He has, therefore, requested to Hon'ble Court to kindly grant him permission to do/ pursue the stated LL.M. course from the aforesaid university.

In this connection, it is stated that Sri Sumit Gupta-II has joined the U.P. Nyayik Sewa on 16.12.2019. There is circular letter dated 04.11.11, 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 study leave is not required for pursuing this course and online classes for the LLM program are scheduled to be conducted on every 2nd, 4th Saturday, Sundays & on national holidays between 10am to 5 pm and there may be occasional in-person classes or activities but the same would be organized by the university on holidays. Now, It is on the discretion of the Hon'ble High Court either to grant permission to the officer 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 his normal work or that public work suffers, in any way.

Recently, vide order dated 01.07.2024 relating to re-constitution of Committees, Hon'ble The Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 65 of the list of Committees dated 01.07.2024, 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 file may be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 01.07.2024 of Hon'ble The Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sri Sumit Gupta-II, Judicial Magistrate, Saharanpur may be granted permission to do/ pursue one year LL.M. course at the School of Law and Constitutional Studies (Centre of Post Graduate Legal Studies), Shobhit Deemed to-be University, Meerut for the academic session 2024-2025, 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, subject to the conditions mentioned above.

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-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)

