

Registrar (J) (Budget)

May kindly see the online application of Sri Divyakant Singh Rathore, Addl. Civil Judge (Senior Division)/ ACJM, Gautambuddha Nagar regarding grant of permission to do/ pursue LL.M. course from Gautam Budh Nagar University for the academic session 2024-2026.

In his application Sri Divyakant Singh Rathore has stated that he wants to pursue the two-year LL.M. weekend programme at Gautam Buddha Nagar University, Greater Noida starting from session 2024-2025 onwards and it would in no way affect the delivery and performance of the judicial work, while it would improve his understanding and knowledge to make him more competent as a judicial officer. He has also submitted information regarding his course which is as follows:-

1. The Gautam Buddha Nagar University was established under the Uttar Pradesh Gautam Buddha University Act 2002 UP Act No. 9 of 2002 approved by UGC under Section 12-B.
2. The LL.M. weekend programme is duly approved by the university Board in its meeting held on 14-07-2023 (copy can be seen under attachment heading as "Annexure-1").
3. The classes would take place at the weekends for generally a period of four months i.e. 120 days (18 weekends) of each semester whereby attendance of 75% is compulsory (copy can be seen under attachment heading as "Annexure-1"). Thereby it would roughly require to attend classes for 27 days per semester out of which 18 days would be Sundays and 8 days would be second and fourth Saturdays. Therefore only a few casual leaves would be required at most to complete the course. Thus, he would not be required to take 'study leave' as per Hon'ble Court's circular letter dated 04-11-2011.
4. The course is of two years but a candidate is required to complete the course maximum within four years. His transfer would be due in 2025. Therefore, he can easily complete one year without any difficulty being posted in the Gautam Buddha Nagar district only. Then he would have another 3 years to complete the remaining one year of the course out of which the fourth semester is already allotted for the preparation of the Dissertation (copy can be seen under attachment heading as "Annexure-3"). Thus, he would not face much difficulty in completing the course.

Thereafter through online objection, the officer has been asked to intimate her status of admission, mode of the course and realting rule, by which he can pursue a regular course etc. In reply, the officer has replied through following submission:-

- Status of admission - Applied for the upcoming session i.e. 2024-26
- Mode of the course - Regular at the weekends only.
- Circular - Under U.P. Government Order No. 24/10/66-Appointment(B) dated Lucknow, August 21, 1967, the public servant might be permitted to pursue academic classes subject to certain conditions like classes must be attained outside the office hours which is possible in this course.
- The prospectus and syllabus of the course, supporting papers from the UGC and documents from the university that the University recognises the said course can be seen as attachments.
- He has also declared that he would not be attending day-to-day classes in the said course and would only attend the weekend classes as prescribed without affecting his duty hours and Court work.

He has, therefore, requested to the 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 Divyakant Singh Rathore has joined the U.P. Nyayik Sewa on 01.08.2018. 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 he would not be required to take 'study leave' and also declared that he would not be attending day-to-day classes in the said course

and would only attend the weekend classes as prescribed without affecting his duty hours and Court work. However, it is noteworthy to mention here that the officer wants to pursue a regular course stated to be done through weekend classes. 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 Divyakant Singh Rathore, Addl. Civil Judge (Senior Division)/ ACJM, Gautambuddha Nagar may be granted permission to do/ pursue the two year LL.M. course (weekend programme) from Gautam Budh Nagar University for the academic session 2024-2026, 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 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)