

Registrar (J) (Budget)

May kindly see the online application of Sri Sandeep Mani, Nyayadhikari, Gram Nyayalaya, Sawayajpur- Hardoi regarding grant of permission to do/ pursue LL.M. course from Gautam Budh University for the academic session 2024-2026.

In his application Sri Sandeep Mani has stated that he wants to apply for LL.M. (2 Year) [Weekend Programme] course from Gautam Buddha University. Thereafter through online objection, the officer has been asked to intimate his status of taking study leave, complete details of LL.M. course and papers relating to no attendance requirement. In reply, the officer has stated that the LL.M. (Weekend Programme) is a regular course for working professionals and passed by U.P. State Government and approved by U.G.C. and NAAC. The LL.M. (Weekend Programme) is also passed by the Ordinance (can be seen as attachment) of the course by the University and he is seeking permission for the academic session, 2024 to 2026. He has also stated that LL.M. (Weekend Programme) consists two year course with four semesters and mode of class is off-line and running on first four Saturday (i.e. I, II, III, and IV Saturday) of every month from 9:00AM to 5:00PM and out of four Saturday, three Saturday class is compulsory. He has also added that according to the Judicial Services Rule, IIInd and IVth Saturday is holiday. So, he requires one leave for compulsory class and would attend that after taking C.L. or E.L., provided to the Judicial Officers by the Judicial Services Rules. Admission in the LL.M. (Weekend Programme) based on entrance test which would be conducted by the university on Sunday 09.06.2024. Thereafter again the officer has been asked to intimate his status of admission , status of taking study leave and his clarification as to how he would manage to pursue and complete the course by taking CL/ EL for a period of two years. In reply, the officer has submitted his reply, which is as follows:-

- Admission in the said course was scheduled on 1st July, 2024 but he has taken 15 days' leave for taking admission till the Hon'ble High Court permission is not granted to the him. According to University after giving him 15 days' leave for admission University would close its admission on 15 July, 2024.
- There is no need of taking study leave because LLM (Weekened Programme) is launched by University only for working professionals. According to the University ordinance Para No. K(VI) dated 03.05.2024, it is clear that working professionals can pursue this course with their work because the classes of the said course runs only on weekened (Saturday, Sunday) and holidays (copy of relating papers can be seen under attachment heading as Annexurer 1).
- He has also added that he has no need of taking C.L./E.L. because classes of the said course runs on Saturday, Sunday and holidays. According to University ordinance 75% attendance is compulsory. As per service rule, all the Sunday and 2nd and 4th Saturday are holiday. Only 1st and 3rd Saturday is working day. Including all the weekened holidays which is provided to him and holidays declared by Hon'ble High Court the attendance required by University is fulfilled. So there is no need of taking C.L. or E.L. for the classes.
- He has also attached the G.O. No. 24/10/66 (copy can be seen as attachment), wherein it is stated that Government servant is entitled to attend academic classes and lectures outside office hours with the permission of the head of the office.

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 Sandeep Mani 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 her 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 has no need of taking study leave because LL.M. (Weekened Programme) is launched by University only for working professionals. He has also stated that this is a two year course with four semesters and mode of class is off-line and

running on First Four Saturday (i.e. I, II, III, and IV Saturday) of every month from 9.00AM to 5.00PM and out of four Saturday, three Saturday class is compulsory and including all the weekend holidays which is provided to him and holidays declared by Hon'ble High Court the attendance required by University is fulfilled. In his subsequent communication, he added that the classes will be conducted on Sunday too. It is also pertinent to mention here that as the officer is posted at Hardoi and wants to do/ pursue a two year LL.M. course from Gautam Buddha University and as stated that the LL.M. course is of two-year duration and there would be offline classes on every weekends, it appears to be quite difficult for the officer to perform journey on every weekend for such a long duration without hampering the judicial work. The course is a regular one, and as the officer is posted far away, there seems no justification that he will be able to attend the classes without hampering this Judicial work. 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.

However, this appears to be not a fit case to grant of requested permission.

May, therefore, if approved, the file may be laid before the single Hon'ble Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra for His Lordship's kind perusal and if His Lordship approves:-

(a) Sri Sandeep Mani, Nyayadhikari, Gram Nyayalaya, Sawayajpur- Hardoi be granted permission to do/ pursue the LL.M. course (weekend programme) from Gautam Budh 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 recognized by University Grants Commission 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-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)