

Registrar (J) (Budget)

May kindly see the online application of Sri Anind Umrao, Addl. Civil Judge (Junior Division), Fatehpur regarding grant of permission to appear in the last semester examinations of LL.M. course from Rama University, Rama City, Mandhana, Kanpur for the academic session 2023-2024.

In his application Sri Anind Umrao has stated that he has already taken admission and pursuing one year LL.M. from Rama University, Rama City, Mandhana, Kanpur for the academic session 2023-2024 and he has completed all the formalities of his LL.M. course prior to his joining in U.P. Nyayik Sewa. He has also stated that as per the enclosed time table, last semester examination are scheduled from 23.05.2024 (copy of the same can be seen as attachment). Thereafter, through online objection, the officer has been asked to intimate his declaration regarding no class requirement, mode of the study of the course, status of taking study leave, UGC recognition status of the course etc. In reply of the same, the officer has stated that the mode of pursuing LL.M. is regular (one year) and he is enrolled in the one year LL.M. program in Constitution and Administrative Law at Rama University, a UGC-approved institution, for the session 2023-24, prior to joining the Judicial Service and at this juncture, only the final examination is pending as he has already completed the coursework before joining the Judicial Service. He has also declared that he has not attended any physical or day-to-day classes for the LL.M. course after joining the U.P. Nyayik Sewa. He has further stated that Rama University and one year LLM course for the session 2023-24 is recognized by the UGC (relating papers can be seen as attachment). He has also enclosed a certificate (can be seen attachment under heading 'Annexure 1') from the University wherein it is stated that he has complied with all the attendance requirement for the academic session 2023-2024 by the month of January 2024. He has also added that as no further classes are required, he would only need to take casual leave for the final examination and there is no requirement for study leave. He has, therefore, requested to Hon'ble Court to kindly grant him permission to appear in the last semester examination of his LL.M. course from the aforesaid university.

In this connection, it is stated that Sri Anind Umrao has joined the U.P. Nyayik Sewa on 04.01.2024. 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 he do not need any study leave and added that he has completed the required percentage criterion already before joining the judicial service and has also attached a 'Certificate' from the University in this regard. It is also pertinent to mention here that this is a regular course but the officer has declared that he has completed the attendance requirement prior to his joining and also submitted a 'Certificate' from the University, which validates his statements made regarding attendance fulfillment. Moreover as per the enclosed date sheet of the examination, it appears that the officer would have been taking up the examination in anticipation of Hon'ble Court's permission. Now, It is on the discretion of the Hon'ble High Court either to grant permission to the officer to appear in the last semester examinations of his 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 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 file 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) Sri Anind Umrao, Addl. Civil Judge (Junior Division), Fatehpur may be granted permission to appear in the last semester examination of LL.M. Course from Rama University, Rama City, Mandhana, Kanpur for the academic session 2023-2024, 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.

Or

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

Archana Awasthi
Review Officer
Munmun Naranag
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)

