

Registrar (J) (Budget)

May kindly see the online application of Sushri Rupali Tiwari, Civil Judge (Junior Division) (FTC), Bahraich regarding grant of permission to do/ pursue LL.M. course from Shri ram Swaroop University, Lucknow in the academic session 2023-2024.

In her application Sushri Rupali Tiwari has stated that she is enrolled in LLM (1 year course from 2023-2024) from Shri Ram Swaroop University, Lucknow and last semester examination would be conducted from 07.05.2024 to 14.05.2024. Thereafter through online objections, the officer has been asked to intimate her status of taking study leave and papers relating to no attendance requirement. In reply the officer has stated that as her LL.M. course is pursued through a blended mode, which does not necessitate physical presence at the university for day-to-day classes, therefore, she do not availed any study leave since joining the service on 05-01-2024. She has also reaffirmed that she has not attended any such classes and her mode of study is entirely compatible with the responsibilities as a Civil Judge and she has diligently fulfilled her duties without any interruption. She has further added that she had already completed her minimum qualifying attendance for the course before joining this service and she has taken admission to the course prior to appointment to this service. She has also enclosed a 'No Objection Certificate' from the University (can be seen as attachment), which validates her pursuit of the LL.M. course alongside the judicial service and added that this documents confirms that her mode of study aligns with the requirements of her position as a Civil Judge. She has also declared that she has not attended any physical class after joining the U.P. Nyayik Sewa on 05.01.2024 and enclosed the mark sheets of her first semester alongwith other relating papers, which can be seen attachments. 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 Sushri Rupali Tiwari has joined the U.P. Nyayik Sewa on 05.01.2024. 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 has not taken any study leave for pursuance of the course and now as she has to appear in the examinations of last semester examinations only, thus no further requirement of study leave appears to be required also. It is also pertinent to mention here that this is a regular but the officer has declared that she has completed the attendance requirement prior to her joining and also has not attended any physical classes after her joining in U.P. Nyayik Sewa. She has also submitted a 'No Objection Certificate' from the University wherein it is mentioned that her attendance is above 75% and she is allowed to appear in the LL.M. last semester examination, scheduled from 07.05.2024 onwards. Now, It is on the discretion of the Hon'ble High Court either to grant permission to the officer to appears in the last semester examinations of her 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 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) Sushri Rupali Tiwari, Civil Judge (Junior Division) (FTC), Bahraich may be granted permission to appear in the last semester examination of her one year LL.M. Course from Shri Ram Swaroop University, Lucknow in the academic session 2023-2024, 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 conditions mentioned above.

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)

