

Registrar (J) (Budget)

May kindly see the online application of Sri Ankit Kushwaha, Additional Civil Judge (Junior Division), Jaunpur regarding grant of permission to appear in the last semester examination of LL.M. course from Allahabad University.

In his application, Sri Ankit Kushwaha has stated that he had duly taken charge on 12.02.2024 as he was granted extension of two months to join the services vide letter no.27/admin(services)2024 dated 16.01.2024 (copy can be seen as attachment) and he was enrolled in 2 year LL.M. course at University of Allahabad on 16.11.2022 i.e. before joining the Uttar Pradesh Nyayik Sewa and has successfully completed his three semesters of LL.M. and now requested for permission to appear for 4th semester LL.M. exam which is scheduled on 09.05.2024, 14.05.2024 and 16.05.2024. He has also added that his inability to appear in the 4th semester exam would result in vain of his academic efforts of 2 year and loss of his LL.M. degree. Thereafter, through online objections, the officer has been asked to intimate the reason for delay in applying for the permission, his study leave status, appearance status in the examination, realting papers regarding no attendance requirement etc. In reply, the officer has submitted following points:-

- That he tenders an unconditional apology for withdrawing his previous application dated 30/04/2024 as in that application, an objection was raised and he couldn't understand and reply. Due to some error in that previous application he has withdrawn it and filled fresh application before the Hon'ble Court. He has also begged pardon of the Hon'ble Court for applying in such a short span of time and requested to the Hon'ble court to consider this application.
- That he has taken admission in the 2 year LL.M. course from University of Allahabad on 16.11.2022 that is before joining the Uttar Pradesh Nyayik Sewa.
- That he has applied for extention to join the services so that he can appear for his 3rd semester exam and the Hon'ble Court granted him an extension to join the services (letter can be seen as attcahment).
- That he has appeared for her LL.M. exams dated 09/05/2024, 14/05/2024 and 16/05/2024 in anticipation of Hon'ble Court permission.
- That he has taken casual leave to appear for his exam in anticipation of his application before the Hon'ble Court and has not taken any study leave as he only has to appear for the exams.
- That he has attached scanned PDF of LL.M. 1st and 2nd semester marksheet (copy an be seen as attachment) and marksheet of 3rd semester exam has yet not been made available by the university.
- Copies of self declaration, his admission card, exam schedule and bona fide certificate can also be seen as attachments.

He has therefore requested to Hon'ble Court to grant him permission, so that his academic efforts of 2 years does not go in vain and there is no loss to his LL.M. degree.

In this connection, it is stated that Sri Ankit Kushwaha has joined the U.P. Nyayik Sewa on 12.02.2024. 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 that he has appeared in the last semester examination, was scheduled on 09th , 14th and 16th May 2024 by taking casual leave in anticipation of his application before the Hon'ble Court and has not taken any study leave as he only has to appear for the exams. Now, It is on the discretion of the Hon'ble High Court either to grant him ex- post facto permission for his appearance in the last semester examinations of 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 instant matter 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 Ankit Kushwaha, Additional Civil Judge (Junior Division), Jaunpur may be granted ex-post facto permission for his appearance in the last semester examinations of LL.M. course from Allahabad University in order to complete his LL.M. Course, with exemption of the requirement to take study leave and without entering into the fact whether the University is recognised by UGC 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

Meetu Verma
Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)