

Registrar (J) (Budget)

May kindly see the online application of Sri Arpit Goel, Judicial Magistrate, Mau regarding grant of permission to do/ pursue LL.M. course from Swami Vivekanand Subharti University, Meerut for the academic session starting from 2024.

In his application Sri Arpit Goel has stated that he wants to pursue 3 Year Executive Masters in Law (LL.M.) conducted by Swami Vivekanand Subharti University, Meerut from the session starting August 2024. He has also stated that this LL.M. Executive program is as per BCI Govt. gazette notification dated 04.01.2021 Year 2021 (Gazette notification can be seen as attachment). He has also added that this program is designed for in services person and therefore would be conducted in hybrid mode on weekends, vacations, as well as through on-line coursework and/or pre-examination class room revision courses, etc (Certificate from SVSU can be seen as attachment) and stated that this course would enhance his academic knowledge and improve his working as a Judicial Officer. Thereafter, through online objection, the officer has been asked to intimate his status of taking study leave, papers relating to no offline attendance requirement and also be asked to intimate as to how he could pursue a regular course in spite of being in service, In reply, the officer has stated that he would not be required to take study leave during Executive LL.M Program and also declared that no day to day/ physical classes are required for pursuing and completing this Executive LL.M program. He has also stated that It's a correspondence course and Classes would be held in the evening and on weekends through online mode. Certificate dated 20.05.2024 regarding the same and Prospectus of the university are stated to be seen as attachment. Again as the officer has stated that this is a correspondence course, thus the officer has been asked to submit supporting papers relating to his statement. In reply, the officer has submitted following points:-

- That as per Page No.26 of Prospectus 2024, Executive LL.M. is a Three Years Program introduced via Government of India Gazette Notification dated 04/01/2021 for all working professionals after LL.B. The above notification notified The Bar Council of India Legal Education (Post Graduate, Doctoral, Executive, Vocational, Clinical and other Continuing Education) Rules, 2020 with the view that the Bar Council of India should itself regulate Post Graduate and Other Higher Education in Law.
- That Rule 2(ei) of Bar Council of India Legal Education (Post Graduate, Doctoral, Executive, Vocational, Clinical and other Continuing Education) Rules, 2020 defines Executive Program as-

“Any program which may be run according to these Rules, on weekends, vacations when the courts remain in holidays, as well as through online coursework leading to a Masters degree by any Law Graduate.”

- That as per Rule 13 of Bar Council of India Legal Education (Post Graduate, Doctoral, Executive, Vocational, Clinical and other Continuing Education) Rules, 2020 -

“ The course design would be same as regular LL.M. course for 2 years but teaching-learning methods would be at suitable time-schedule according to working legal professionals preferably in evening with online instruction.”

- That as per certificate issued by Dean Faculty of Law Prof. Dr. Vaibhav Goel Bhartiya (copy can be seen as attachment), Swami Vivekananda Subharti University, Meerut is a University under U.P. State Act No.29 of 2008, is duly recognized by University Grants Commission, Government of India and Bar Council of India for running Centre of Legal Education.
- The officer has also declared that this online coursework of LL.M. would never create any obstacle in his fulfillment of responsibilities as a Judicial Officer and also apologized for mistakenly mentioning “It is a correspondence course” whereas it is not so rather. It is a regular course duly recognized by Bar Council of India.

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 Arpit Goel 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 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 and added that this program is designed for in services person and therefore would be conducted in hybrid mode on weekends, vacations, as well as through on-line coursework and/or pre-

examination class room revision courses, etc. He has also declared that this online coursework of LL.M. would never create any obstacle in his fulfillment of responsibilities. 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 Arpit Goel, Judicial Magistrate, Mau may be granted permission to do/ pursue the three year LL.M. course (weekend programme) from Swami Vivekanand Subharti University, Meerut for the academic session starting from 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 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)