

Registrar (J) (Budget)

May kindly see the online application of Sushri Roli Tiwari, Additional Civil Judge (Junior Division), Jaunpur 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 Roli Tiwari has stated that she was enrolled in LL.M. (one year course from 2023-2024) from Sriram Swaroop University, Lucknow before joining U.P. judicial service and wants to continue and complete the LL.M. course. Thereafter through online objections, the officer has been asked to intimate mode of the course, her status of taking study leave and papers relating to no attendance requirement. In reply the officer has stated that she was joined in the course prior to her joining and due to her bad health she could not appear in final examination which were held in the month of May 2024 and now wants to appear in the re-examination as ex-student which is expected to be held during 2nd July to 10th July 2024 so that she can complete her course. She has also declared that she would not avail any study leave for the purpose of LL.M. course and also has not attended any physical classes of programme after joining the U.P. Nyayik Sewa. Again as the examinations has been started, thus the officer has again be asked to intimate about her appearance. In reply, the officer has stated that she is appearing in final re examination of end semester in anticipation of Hon'ble High court's permission, scheduled from 4th July to 9th July 2024 as per the attached schedule of the examination. She has also enclosed her LL.M. 1st semester marksheet, prospectus, letter from the University relating to her attendance and other relating papers, which can be seen as attachments. She has, therefore, requested to Hon'ble Court to kindly grant her permission to appear in the final re examination of end semester of LL.M. course from the aforesaid university.

In this connection, it is stated that Sri Roli Tiwari has joined the U.P. Nyayik Sewa on 12.01.2024. 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 would not avail any study leave for the course and now as she has to appear in the examinations of last semester re-examinations as ex-student. It is also pertinent to mention here that this is a regular course but the officer has declared that she has not attended any physical classes after her joining and also enclosed a letter from the University stating that her attendance is above 75%. Moreover as the officer has stated that she has been appearing in the stated examinations in anticipation of Hon'ble Court's permission. Now, It is on the discretion of the Hon'ble High Court either to grant ex-post facto permission to the officer for appearing in the last semester re- 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 Roli Tiwari, Additional Civil Judge (Junior Division), Jaunpur may be granted ex-post facto permission to appear as a ex-student in the last semester re-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.

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)

