

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Akshita Mishra, Metropolitan Magistrate, Kanpur Nagar regarding grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In her application, Sushri Akshita Mishra has stated that she wants to pursue LL.M. course through distance learning from Kurukshetra University, Haryana. Thereafter through online objections, the officer was asked to intimate about academic session, status of taking study leave, admission status, declaration regarding no class requirement. In reply the officer has stated that she has taken admission into the course in anticipation of the Hon'ble High Court's permission. Again the officer was asked to intimate about her appearance in the LL.M. 1st year examination, her status of taking study leaves and also be asked to submit result, if released. In reply, the officer has stated that she has appeared in the said examination in anticipation of Hon'ble High Court's permission and stated that LL.M course is of distance learning nature for which she do not have to attend the classes in physical mode. Furthermore, she has added that her judicial work would not suffer on pursuing the said course and she has not applied for any study leave as the present course is through Correspondence/ Distance Learning and LL.M. 1st Year result has not been declared yet. It is pertinent to mention here that as asked by Ld. Joint Registrar (J) (Budget), she was asked about the date of taking admission in LL.M. In reply, the officer has stated that she has taken admission in LL.M. exam on 30.10.2020. She has also enclosed her declaration, prospectus and syllabus of the LL.M. Course as attachments. She has, therefore, requested for grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 16.12.2019. There is circular letter dated 4.11.11, 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 take study leave to pursue the course as the course is to be done through correspondence/ distance learning. Now, as stated by the officer that she has already taken admission and appeared in the LL.M. 1st year examinations in anticipation of the Hon'ble High Court's permission; and now wants to pursue her LL.M. course; It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for her admission and appearance in the 1st year examinations of LL.M. course and to grant permission to pursue her LL.M. 2nd year Course to the officer 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.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Pritinker Diwaker, Nominated Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves :-

A) Sushri Akshita Mishra, Metropolitan Magistrate, Kanpur Nagar may be granted ex-post facto permission for her admission in the LL.M. course and for her appearance in the LL.M. 1st year course as well as be granted permission to do/ pursue LL.M. 2nd year course through correspondence/ distance learning from Kurukshetra University, Kurukshetra for the academic sessions 2020- 2022, 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 her qualification if the University is not recognised, subject to the conditions mentioned above.

Or

B) To pass any other order which His Lordship deem fit and proper .

Archana Awasthi
Review Officer
Mohd. Arshad
Assistant Registrar

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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