

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Lakhwinder Singh Sood, Additional District & Sessions Judge, Meerut regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Lakhwinder Singh Sood has stated that he wants to pursue two Year LL.M. Course through distance education programme offered by the directorate of distance education, Kurukshetra University, Kurukshetra for the session from 2020 to 2022 and also assured that his official duties and obligations in any manner would not suffer by pursuing the aforesaid course. Thereafter, online objections were sent to the officer through which he was asked to intimate about status of taking study leave, his declaration for no class requirement and his admission status. In replies of the raised objections, the officer has stated that as the LL.M. is a distance education programme which is offered by the Directorate of Distance Education, Kurukshetra University, Kurukshetra, thus in the said course, attending day to day classes is not required and as such the same may be pursued without taking the study leave, therefore, he has not taken the study leave for the said course. The officer has also stated that he has taken admission in the LL.M. course for the session 2020-22 in anticipation of the Hon'ble High Court's permission and the examination date sheet has not been declared by the university till date. Again as sufficient time has been elapsed, the officer was again asked to intimate about the current status of his LL.M. study and also be asked to intimate about his appearance in the aforesaid LL. M. first year examinations. In reply of the same, the officer has stated that he has appeared in the LL.M. 1st year examination in anticipation of the Hon'ble High Court's permission, result of which has not been declared by the university so far and the session for the second year of LL.M. is yet to start. He has also enclosed prospectus and his declaration regarding no class requirement as attachments. He has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Higher Judicial Services on 31.07.2019. There is circular letter dated 4.11.11, 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 as this a distance education course thus he would not take study leave for the said LL.M. Course. It is also pertinent to mention here that the officer has already taken admission in the LL.M. Course and also appeared in the LL.M. 1st year examination in anticipation of the Hon'ble High Court's permission. It is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for admission and for his appearance in the LL.M. 1st year examination and permission for pursuance of LL.M. 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 his 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) Sri Lakhwinder Singh Sood, Additional District & Sessions Judge, Meerut may be granted

ex-post facto permission for his admission in the LL.M. Course and for his appearance in the LL.M. 1st year examination and permission to do/pursue the LL.M. Course through Distance education from Kurukshetra University, Kurukshetra for the academic sessions 2020-2022, 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.

Or

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

Archana Awasthi
Review Officer
Mohd. Arshad
Assistant Registrar
25.09.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

