

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sushri Isha Tripathi, Additional Civil Judge (Junior Division), Pratapgarh regarding grant of permission for admission and to do/pursue LL.M. Course through distance learning from Kurukshetra University, Kurukshetra, Haryana.

In her application, Sushri Isha Tripathi has stated that Directorate of Distance Education, Kurukshetra University, Kurukshetra has invited applications for the course of distance learning programme of LL.M., for which it also provides all the services to the enrolled candidates through digital mode to facilitate the distant learners and since no compulsory attendance is pre-requisite for pursuing the course, no leave from judicial work shall be sought in order to pursue the course, other than for the examinations of the course. Thereafter, through online objections, she was asked to intimate about her status of study leave, academic session, declaration regarding no attendance requirement and admission status in the said course and in the reply the officer has stated that as this is a distance learning course, so no study leave is required for the same and academic session of the course is 2021-2023 and added that she has not yet taken admission in the said course. She has also declared that the course being a distance learning programme day-to-day classes would not be required to be attended by her. Again as sufficient time has been elapsed, therefore, the officer was asked to intimate about the present academic session of the course.

In reply the officer has stated that she has not yet applied for the course and hence not enrolled for any academic session presently, but wants to get enrolled in the LL.M. course in the upcoming academic session i.e. 2022-2024. She has also attached the prospectus of the course as attachment. She has, therefore, requested for grant of permission for admission and pursuing LL.M. Course through distance education from Kurukshetra University, Haryana.

In this connection, it is stated that the officer has joined the U.P. Nyayik Sewa on 16.11.2019. 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 wishes to take admission and thereafter wants to pursue LL.M. Course through distance learning from Kurukshetra University and also stated that no 'study leave' would be required as this a distance learning programme, her request appears to be considerable. However acceptance of her request is on the discretion of the Hon'ble High Court. 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 Isha Tripathi, Additional Civil Judge (Junior Division), Pratapgarh may be granted permission for admission and to do/pursue LL.M. Course through distance learning from Kurukshetra University for the academic Sessions 2022-2024, 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.

Or

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

Archana Awasthi
Review Officer
Mohd. Arshad
Assistant Registrar
11.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

