

## **Joint Registrar (Judicial) (Budget)**

May kindly see the online application of Sri Shivji Yadav, Additional Civil Judge (Junior Division), Mohammadabad- Ghazipur regarding grant of permission to do/pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Shivji Yadav has stated that he has taken admission in the Distance Learning Programme of LL.M. in Kurukshetra University prior to his joining in Uttar Pradesh Nyayik Sewa and since no compulsory attendance is per-requisite for pursuing the course, no leave from the judicial work would be sought in order to pursue the course, other than for the examinations of the above mentioned course. Thereafter, through online objections, he was asked to intimate his status of taking study leave, his appearance in the LL.M. 1st year examinations and also asked to submit declaration regarding no attendance requirement for the aforesaid course. In reply the officer has stated that he would not take or apply for study leave for pursuing this course and the complete academic session of the course is 2019-2021. He has also undertaken that he has applied to pursue the course through distance mode, therefore he would not be required to attend any class or classes and also appeared in the LL.M. 1st year examinations in anticipation of permission of Hon'ble High Court. Again as sufficient time has been elapsed, therefore, the officer was again asked to intimate the current status of LL.M. Course and in reply the officer has stated that he had appeared in five subjects out of six subjects of 1st year LL.M. course and had been promoted to the 2nd year and the mark sheet of LL.M 1st year course could not be attached because it had not been issued by the university. Again as the officer has not appeared in one paper of the LL.M. 1st year examination, therefore the officer through online objections, was asked to intimate the reason for not appearing in the one paper of LL.M. 1st year examinations and also be asked to upload papers relating that he has passed the LL.M. 1st year course and promoted to LL.M. 2nd year course and also be asked to intimate as to whether he has appeared in the LL.M. 2nd year examinations in anticipation of permission of Hon'ble High Court. In reply, the officer has stated that due to some personal reason, he could not appear in that examination. He has further stated that he had appeared in five subjects out of six subjects of 1st year LL.M course and had been promoted to the 2nd year. The marksheet of LL.M. 1st year course could not be attached with the application because it had not been issued by the university and also added that he has appeared in the examinations of 2nd year course in anticipation of permission from the Hon'ble High Court. It is further to mention here that as asked by Learned Joint Registrar (Judicial)(Budget), the officer was asked to specify the details of rules in compliance of which he is promoted to second year of LL.M though he had appeared only in five out of six subjects of LL.M 1st year examination. In reply, the officer has uploaded the concerned page of Prospectus of year 2019 Distance Education Programme of Kurukshetra University, wherein It is provided on page 70 of the prospectus under the head Eligibility Conditions of LL.M ( 2-YEAR ) that "Provided that a candidate who has got re-appear in not more than 50% Papers of LL.M. Part-I shall also be eligible for provisional admission to LL.M. Part-II, subject to passing the remaining paper(s) of Part-I in the permissible number of chances. Provided further that the candidates shall be required to pass both the parts of the course within five years from their admission to this course. " (The stated paragraph is been highlighted and can be seen as attachment under the heading 'concerned page of prospectus'). He has also enclosed his application, result and datesheet of examination as attachment. He has, therefore, requested to kindly 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 U.P. Nyayik Sewa on 15.11.2019. 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 he would not take study leave for the said LL.M. Course. It is also pertinent to mention here that the officer has already appeared in all the papers of LL.M. 1st year (except one paper) and LL.M. 2nd year examinations in anticipation of the Hon'ble High Court's permission, now it is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for his appearance in LL.M

1st year and LL.M. 2nd year examination to the officer and permission to appear in the remaining one paper of LL.M. 1st year examination or to pass any other 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 Shivji Yadav, Additional Civil Judge (Junior Division), Mohammadabad- Ghazipur may be granted ex-post facto permission for his appearance in the LL.M. 1st year and LL.M. 2nd year examinations as well as be granted permission to appear in the remaining one paper of LL.M. 1st year Course through Distance Learning Programme of Kurukshetra University, Kurukshetra for the academic sessions 2019-2021, with exemption of the requirement to take study leave for the same without entering into the fact whether the University is recognised by UGC 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

**Hon'ble Mr. Justice Pritinker Diwaker,**

**Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)