

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Smt. Manali Chandra, Additional Civil Judge (Junior Division), Allahabad regarding grant of ex-post facto permission for her appearance in the LL.M. Course examinations through distance learning from Kurukshetra University.

In her application, Smt. Manali Chandra has stated that she was enrolled in LL.M. programme (July 2019 session) through distance education from Kurukshetra University, Kurukshetra prior to her joining and University vide letter dated 31.08.2020 issued date sheet for the said examination and as per the date sheet, issued by the university, he has to appear in the examination on 11.09.2020, 19.09.2020, 28.09.2020, 30.09.2020 and 03.10.2020 through online mode from her place of residence. Thereafter online objection was made through the portal by asking about status of taking study leave and other details and her appearance in the examination. In reply of the raised objection, the officer has stated that she need not to take any study leave for LL.M. and academic session of complete LL.M. course is 2019-2020 and 2020-2021. Furthermore, 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 she has appeared in all the examination of LL.M. Part 1 in the anticipation of Hon'ble High Court's permission and the result of the same was issued on 3rd April 2021 and out of 6 papers she has passed 5 papers but in the subject of Indian Constitutional law and the new challenges, she could not attain minimum 50% passing marks, therefore due to that paper she has been marked reappear. She has also stated that she has taken admission in LL.M. Part 2 and date sheet and the information regarding examination is yet to be pronounced by the University. Thereafter again the officer was asked to intimate about the LL.M 2nd year dates and date of examination of the back paper. In reply the officer has stated that her LL.M. 2nd year examination is scheduled from 11th August and University has declared nothing yet about the back paper. It is also pertinent to mention here that as asked by Learned Joint Registrar (Judicial) (Budget), the officer was asked as to whether she has appeared in the said examination scheduled from date 11.08.2021 in anticipation of permission from Hon'ble High Court and in reply the officer has stated that she has appeared in the examination dated 11.08.2021 and subsequent exams as well in the anticipation of permission from Hon'ble High Court after availing casual leave, from her place of residence through online mode. She has also enclosed Identity card, prospectus, LL.M. 1st year result and LL.M. 2nd year date sheet, which can be seen as attachments. She has, therefore, requested to kindly place her application before the Hon'ble High Court for grant of ex-post facto permission for her appearance in the LL.M. examinations through distance learning from Kurukshetra University.

In this connection, it is stated that Smt. Manali Chandra has joined the Uttar Pradesh Nyayik Sewa on 18.11.2019. 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 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 examinations as well as also appearing in the LL.M. 2nd year examinations, started from 11.08.2021; in anticipation of the Hon'ble High Court's permission and also passed the LL.M. 1st year examination except one paper and stated that she has completed major part of her study during lockdown, it is on the discretion of the Hon'ble High Court either to regularize the matter by granting ex post facto permission for her appearance in LL.M 1st year and LL.M 2nd year examinations and permission to appear in the back paper of LL.M. 1st year examination 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) Smt. Manali Chandra, Additional Civil Judge (Junior Division), Allahabad may be granted ex-post facto permission for her appearance in the LL.M. 1st year and LL.M. 2nd year examinations as well as permission be granted to appear in the LL.M. 1st year back paper examination 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 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
24.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

