

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Anant Kumar, Nyayadhikari, Gram Nyayalaya, Behat-Saharanpur regarding grant of permission to do/pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Anant Kumar has stated that he was enrolled in LL.M. programme (**July 2019 session**) through distance education from Kurukshetra University, Kurukshetra prior to his joining the Judicial Service and wants to appear in the LL.M 1st year examinations, scheduled from date 11.09.2020 through online mode. Thereafter online objections were made through the portal by asking about status of taking study leave and other details and his appearance in the examination. In reply of the raised objection, the officer has stated that he need not to take any study leave for LL.M. and he has appeared in all the online examinations in anticipation of the Hon'ble Court's permission. 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 the he has obtained admission in the LL.M. 2nd year and the examination of the same is scheduled from 11th August 2021 and in relation to 1st year result, he has stated that he has cleared all the papers except one paper for which the re- evaluation result is still pending. He has also enclosed prospectus, syllabus, LL.M. 1st year marksheet, LL.M. 2nd year date sheet and other related papers as attachments. He has, therefore, requested to kindly place his application before the Hon'ble Court for grant of permission to do/ pursue LL.M. Course through distance learning from Kurukshetra University.

In this connection, it is stated that Sri Kumar 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 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 examinations in anticipation of the Hon'ble Court's permission and also passed the same except one paper for which re- evaluation result is still pending and wants to pursue the LL.M 2nd year and to appear in it's examination, now, it is on the discretion of the Hon'ble Court either to regularize the matter by granting ex post facto permission for his appearance in LL.M 1st year examination and permission to appear in LL.M 2nd 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 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 Anant Kumar, Nyayadhikari, Gram Nyayalaya, Behat- Saharanpur may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination as well as permission be granted to do/pursue the LL.M. Course and to appear in the LL.M. 2nd year examinations 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

24.07.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

