

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Ankit Rastogi, Addl. Civil Judge (Jr. Div.), Muzaffarnagar regarding grant of permission to do/pursue LL.M. Course through distance learning from Kurukshetra University.

In his application, Sri Ankit Rastogi has stated that he has been doing LL.M. from Kurukshetra University through distance learning prior to his joining in U.P. Nyayik Sewa and wishes to pursue the same and the university has scheduled LL.M. 1st year examination from 11th September 2020 through online mode and he wants to appear in the same. Thereafter, through online objections were made through the portal by asking academic session, status of study leave and his appearance in the LL.M. 1st year examinations. In replies of the raised objections, the officer has stated that the academic session of the course is 2019-2021 and he would not take any study leave during the completion of the course. The officer has also stated that he has appeared in all the LL.M 1st year examination, 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 as per the official website of the Kurukshetra university, the exams for LL.M. 2nd year are scheduled from 11.08.2021 to 27.08.2021 and he has passed the LL.M. 1st year examination with 62.40 percent marks. He has also enclosed his Identity card, LL.M. 1st year and 2nd year examination 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 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 examinations in anticipation of the Hon'ble Court's permission and also passed the same. Now LL.M 2nd year examination is also going to be scheduled from 11.08.2021 and he wants to appear in the same examination, 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 Ankit Rastogi, Addl. Civil Judge (Junior Division), Muzaffarnagar may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination as well as permission be granted 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

17.07.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

