

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Gaurav Singh, the then Additional Civil Judge (Junior Division), Varanasi presently posted as Judicial Magistrate, Varanasi regarding grant of permission for his appearance in the LL.M. Course examinations through distance learning from Kurukshetra University.

In his application, Sri Gaurav Singh has stated that earlier through his offline application he has intimated the Hon'ble High Court regarding his LL.M. 1st year examination, scheduled in March 2020 and later on through his online application stated that due to COVID-19 pandemic, the said examination got postponed and now scheduled to be conducted online from 11th September 2020 and he wants to appear in the same from his place of posting. Thereafter an online objection was made through the portal by asking academic session and his appearance in the LL.M. 1st year examinations. In reply of the raised objection, the officer has stated that the academic session of the course is 2019-2021, referred to as July 2019 session by the University and he has appeared in all the LL.M 1st year examination. 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 LL.M. 2nd year examination has neither been conducted nor the dates of examination has been announced yet and vide result dated 27.02.2021, he has been promoted to 2nd year of the curriculum with a rider that he has to reappear in examination of one subject when it would again be conducted by the University. He has further stated that his LL.M. is a distance learning course which could be pursued by him without attending day to day classes and thus he is unwilling to avail the 'Study leave' and also enclosed prospectus, syllabus, LL.M. 1st year marksheet and other related papers as attachments. It is also pertinent to mention here that as asked by Learned Joint Registrar (Judicial) (Budget), the officer was asked to upload document issued by university concerned stating that he has been promoted to second year in spite of having re-till in subject L001 as shown in marksheet dated 27.02.2021. In reply of the same the officer has stated that as per page 56 of the prospectus (can be seen as attachment namely eligibility criterion), which says, "a person who has got re-appear in not more than 50% Papers of LL.M. Part-I shall also be eligible for provisional admission in LL.M. Part-II, subject to passing the remaining paper(s) of Part-I in the permissible number of chances. Provided further that the candidate shall also be required to pass both parts of the course within five years from the admission to this course.", he has been provisionally admitted to 2nd year of the examination. He has also stated that he has already deposited the fees for the 2nd year of the curriculum against the demand which the college authority has generated (fees receipt for the 2nd year of the course curriculum can be seen as attachment) and LL.M. 2nd year examination are scheduled from 11th August 2021. It is further to mention here that as asked by Learned Joint Registrar (Judicial) (Budget), the officer was asked as to whether he 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 he has appeared in the 2nd year examination, commenced from 11.08.2021 in anticipation of permission from Hon'ble High Court. He has further stated that earlier he informed the Hon'ble High Court that as per the results of first year examination, he has to reappear in the examination of one first year subject i.e. Law, Social Transformation and Judicial Process in India, but now that the revaluation results have been published (copy can be seen as attachment), he doesn't need to reappear in the examination for the aforementioned subject as he has passed all the subjects of the first year examination. He has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of ex-post facto permission for his appearance in the LL.M. Course examinations through distance learning from Kurukshetra University

In this connection, it is stated that Sri Gaurav Singh has joined the Uttar Prdaesh 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 and also appearing in the LL.M. 2nd year examinations, started from 11th August 2021 in anticipation of the Hon'ble High Court's permission and also passed the LL.M. 1st year examinations, 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 examinations 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 Gaurav Singh, presently posted as Judicial Magistrate, Varanasi may be granted ex-post facto permission for his appearance in the LL.M. 1st year examination and LL.M. 2nd year examinations of LL.M. 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 University Grants Commission 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
25.08.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

Joint Registrar (J) (Budget)

