

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Prashant Verma, Additional Civil Judge (Junior Division), Mainpuri regarding grant of permission to do/ pursue LL.M. Course through distance education from Kurukshetra University.

In his application, Sri Prashant Verma has stated that he had taken admission in LL.M. course for the academic session 2019-2021 through distance education from Kurukshetra University prior to his joining and due to the COVID-19 Pandemic the said examination for LL.M. Part-I were going to be held from 11th September. He had also stated that he was not seeking any study leave for the same and also declared that he was not attending any regular class for the course and also assured that his Judicial work would not be affected in any manner while appearing for the examinations. Thereafter he was asked to intimate about his appearance in the said examination. In reply the officer has stated that he has appeared in all the examinations of LL.M. 1st year through online mode by taking leave on that particular days. Now again as sufficient time has been elapsed, the officer was again asked to intimate about the current status of his LL.M. study and about the LL.M. 1st year result and about his appearance in the LL.M 2nd year examinations. In reply the officer has stated that he has passed the first year examination and promoted to LL.M. 2nd year. He has also added that he has appeared in exams conducted on 11.08.2021 & 16.08.2021 respectively and further wishes to appear in exams dated 19.08.2021, 24.08.2021 & 27.08.2021 respectively, in anticipation of the permission from the Hon'ble High Court. He has also enclosed prospectus, LL.M. 1st year result/ marksheet and other related papers of LL.M. as attachments. He has, therefore, requested to kindly place his application before the Hon'ble High Court for grant of ex-post facto permission to do/ pursue LL.M. Course through distance education/ correspondence from Kurukshetra University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 16.12.2019. 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 as this is a correspondence course. It is also pertinent to mention here that the officer has stated that earlier, he has sent an intimation to the Hon'ble High Court regarding permission to appear in the examination and till now the same is pending, but here it is to submit that as per the directions of Hon'ble High Court's letter no. 558/XXXIII-CPC/ e-Courts/ Allahabad dated 31.08.2019, the application from 01.09.2019 onward has to be dealt through online mode, thus the same has to be dealt through online mode only. Now, as the officer has appeared in the examination of the LL.M. 1st year course and also stated that he is appearing in the online LL.M. 2nd year examinations, scheduled from 11th August 2021; 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 the LL.M. 1st year examination and LL.M. 2nd year examination scheduled from 11th August 2021 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 Prashant Verma, Additional Civil Judge (Junior Division), Mainpuri may be granted ex-post facto permission for his appearance in the LL.M. 1st year course examination as well as for his appearance in the LL.M. 2nd year course examination, through distance education/ correspondence from Kurukshetra University, Kurukshetra for the academic sessions 2019- 2021, with exemption of the requirement to take study leave for the same and 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
06.09.2021

Hon'ble Mr. Justice Pritinker Diwaker,

Nominated Judge

Submitted for kind perusal & order

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