

Joint Registrar (J) (Budget)

May kindly see the online application of Sri Vidya Bhushan Pandey Additional Distt. & Sessions Judge (F.T.C) Gonda, U.P regarding grant of permission to apply for and pursue part-time Ph.D. (Law) course from University of Lucknow.

In his application, the officer has stated that he wants to excel his academic carrier and pursue part time Ph.D. course in Law (The Course is designed for working professionals only) from University of Lucknow in academic session 2020-2021. Recently University of Lucknow has invited online applications for admission to the part time Ph.D course and in anticipation of Hon'ble Court's permission, he has applied/submitted for the same because last date for submission of online application was very short. University Of Lucknow will conduct very soon a test for admission to the part time Ph.D course. He further stated that as per clause 5 of the University of Lucknow Ph.D. Ordinance 2020, part time Ph.D. will be allowed provided if all the other conditions mentioned in this Ph.D. ordinance are met. A candidate shall be considered as a Part Time research scholar if He/She is employed and has submitted a NOC from the Head of the Institution/Organisation where He/She is employed. The Part Time research scholar shall stay at the place of research work for a minimum of six days per semester (residence period) during the entire period of research work. So, If he could be able to clear the entrance exam and got enrolled in part time Ph.D. course, then he will have to stay in Lucknow for only six days in a Semester. He has not mentioned about his study leave although he has specifically mentioned in his online application dated 17.05.2021 that he will not apply for any special leave for pursuing this part time Ph.D. course in Law and and also judicial work will not suffer. He has also enclosed the application form, Ph.D. Ordinance-2020 and Ph.D. guidelines 2021 related to his part time Ph.D. course, which may kindly be seen as attachment. He has, therefore, prayed that the matter may kindly be placed before the Hon'ble Court for granting him permission to apply for and pursue part-time Ph.D. (Law) course from University of Lucknow.

In this connection, it is stated that Sri Vidya Bhushan Pandey has joined the U.P Nyayik Sewa on 29.06.2009 There is circular letter dated 04.11.11, 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 not stated about his 'study leave' for doing the aforesaid part time Ph.D. course although assures that he will not apply for any special leave for pursuing this part time Ph.D. course in Law. His request may be considered by granting ex-post facto permission to apply for and to pursue the course. However acceptance of his request is on the discretion of the Hon'ble Court. 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 file 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 Vidya Bhushan Pandey Additional Distt. & Sessions Judge (F.T.C) Gonda, may be granted ex-post facto permission to apply for and to pursue part-time Ph.D. (Law) course from University of Lucknow, from the academic session 2020-21 (2 years), 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 .

Balram ji Verma

R.O.

Mohd. Arshad

A.R.

Hon'ble Mr. Justice Pritinker Diwaker,
Nominated Judge

Submitted for kind perusal & order

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