

Registrar (J) (Budget)

May kindly see the online application of Smt. Shaila, Special Judge (E.C. Act), Bijnor regarding grant of permission to pursue part-time Ph.D. in Human Rights/ Cyber Law from Jamia Hamdard University (Federal Studies), New Delhi.

In her application, Smt. Shaila has stated that she wants to pursue Part time Ph.D. course from Jamia Hamdard University (Federal Studies), New Delhi in Human Rights/ Cyber Law and the entrance examination of the same was scheduled to be held on 15.12.2021 and also stated that earlier she had appeared in the entrance examination of Gautam Buddha University in anticipation of Hon'ble Court's permission but as she was not NET/JRF qualified, thus she could not clear the same. Thereafter, through online objection, the officer was asked about her appearance in the stated entrance examination as the application is received on the portal after the date of said entrance examination alongwith the details of the topic, supervisor etc., in case of selection. In reply, the officer has stated that she has appeared in the said entrance examination and after selection in that exam, she has also appeared for the interview of the said course, in anticipation of permission of Hon'ble Court. She has also stated that this is a part time course, wherein 'study leave' is not required and also added that she would neither take study leave nor would attend any regular classes. She has further stated that Smt. Mehtaj Begum would be her supervisor for the course. Her application Id. is JH21/PHD/0678 and she has also submitted the fee for the part time Ph.D. course and (Copy of selection list having the name of the officer and fee receipt can be seen as attachments).

Again through online objections the officer has been asked about the duration/ academic session of the course. In reply, of the same, the officer has stated that she would make her best effort to complete her Ph.D. course with a stipulated time as earliest (3 -4 years) and added that it would not hamper her judicial work as it is part time course. Thereafter through online objection, the officer has been asked to furnish prospectus and relevant rules/letter/document of the university that the said course is 'Part Time' or 'Full Time', minimum attendance criteria if any as directed by Ld. Registrar (J) Budget. In reply, the officer has enclosed Ph.D. ordinance of Jamia Hamdard University (can be seen as attachment and relevant page no. Of Ordinance are page number 1 and 11.) in which it is stated that PhD part time course can be done by Government employees and attendance is required only in course work (pre PhD course work) for which she has stated that she has attended during residing in Noida and in Bijnor. She has therefore, requested to place her application before the Hon'ble Court for grant of permission to pursue part time Ph.D. course in Human Rights/ Cyber Law from Jamia Hamdard University (Federal Studies)

In this connection, it is stated that Smt. Shaila has joined the U.P Nyayik Sewa on 14.06.2006. There is circular letter dated 04.11.11, which provides that if any Judicial Officer during the course of her service, requests to pursue higher studies, she 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 as it is part time course, she would not take study leave for doing the aforesaid part time Ph.D. course and also stated that she would make her best effort to complete her Ph.D. course with a stipulated time as earliest (3 -4 years) and added that it would not hamper her judicial work as it is part time course. Now, It is on the discretion of the Hon'ble High Court either to grant her permission to pursue part-time Ph.D. in Human Rights/ Cyber Law from Jamia Hamdard University (Federal Studies) 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 her normal work or that public work suffers, in any way.

Recently, vide order dated 30.11.2023 relating to re-constitution of Committees, Hon'ble The Acting Chief Justice has been pleased to change the single Judge Committee appearing at sl.

no. 3 of the list of Committees dated 23.04.2023- last modified on 29.08.2023, and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to pursue academic course.

May, therefore, if approved, the file may be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 30.11.2023 of Hon'ble The Acting Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Smt. Shaila, Additional District & Sessions Judge, Bijnor, may be granted ex-post facto permission for her appearance in the entrance examination of the part time Ph.D. course and also be granted permission to pursue part-time Ph.D. course in Human Rights/ Cyber Law from Jamia Hamdard University (Federal Studies), New Delhi, starting from the academic session 2021-2022 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 her qualification if the University is not recognised.

Or

(b) to pass any other order which His Lordship deems fit and proper .

Archana Awasthi, Review Officer
Munmun Narang, Section Officer
Meetu Verma, Assistant Registrar
Admin A-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial)(Budget)

