

I/c Joint Registrar (J) (Budget)

May kindly see the online application of Smt. Vandana, Additional Civil Judge (Junior Division), Muzaffarnagar, regarding grant of permission to pursue part-time Ph.D. (Law) course from Shri Venkateshwara University, Amroha, Uttar Pradesh and study centre at Meerut..

In her application, the officer has stated that she wishes to pursue Ph.D in Law (Part Time) and added that she has gone through the advertisement for Ph.D admissions academic session 2022-2023 in Shri Venkateshwara University, Amroha, Uttar Pradesh. She has checked her eligibility and as she has fulfilled the eligibility conditions, thus she has filled online application form for Ph.D in Law (Part-Time). She has also stated that she is exempted from entrance test for the Ph.D as she is UGC-NET qualified and get preference in selection. As per admission process, personal interview would be conducted for admission in Ph.D. program. Thereafter, through online objection, the officer was asked about her appearance in the said examination and academic session etc. In reply, the officer has stated that she has qualified for admission in Ph.D Part Time Programme (Four Years Duration) on the basis of Personal Interview conducted on 11.04.2022. She has also enclosed the email copy of Admission offer letter (can be seen as attachment) and stated that the academic session of said part time Ph.D. is from June 2022 and the Course work classes of four months duration would start from last week of June, 2022 and the timing would be from 6.30 PM to 8.30 PM on Monday, Wednesday & Friday. She has further added that as per discussion with Head of Department, the course work would be conducted through online mode instead of attending physical classes and the officer has also submitted required declaration for no class requirement, which can be seen as attachment. She has also stated that she do not require any leave for pursuing Ph.D in Law for part time programme and in case any leave is required she would take earned leave or extraordinary leave (leave without pay). She has requested for No Objection Certificate from this Hon'ble Court as mentioned in admission letter at point no. 5 before 15th April, 2022. Again as the said time has expired, the officer was again asked about his admission in the said part time Ph.D. course. In reply, the officer has stated that in order to secure her admission in part time Ph.D in Law from Shri Venkateshwara University, she has deposited a sum of Rs. 25,000/- as installment towards fees in anticipation of permission from the Hon'ble Court and University on her oral request had allowed her to deposit fee in installments and concerned person in the University has orally asked her to deposit the remaining payment of Rs. 50,000/- towards fee at the earliest and they have given her time till 25.04.2022. She has, therefore, requested for grant of 'No Objection Certificate' for the said part time Ph.D. programme from the aforesaid University.

In this connection, it is stated that Smt. Vandana has joined the U.P Nyayik Sewa on 04.07.2018. 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 earlier requested for study leave but later on stated that she do not require any leave for pursuing her Ph.D and in case any leave is required she would take earned leave or extraordinary leave (leave without pay). Now, as the officer has taken admission in the said part time Ph.D. course and also deposited some amount of fee in anticipation of permission from the Hon'ble Court, it appears that the rest amount would also be deposited by her in anticipation of permission from the Hon'ble Court. Now, it is on the discretion of the Hon'ble Court either to grant her ex-post facto permission for her appearance in the said interview and to grant 'No Objection Certificate' in order to regularize the matter alongwith the permission to pursue four year duration part time Ph.d. from the said University or to pass any other order. 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.

May, therefore, if approved, the file may be laid before Hon'ble Mr. Justice Pritinker Diwaker, Senior Judge (J-1) for the purpose, for His Lordship's kind perusal and if His Lordship approves :-

(a) Smt. Vandana, Additional Civil Judge (Junior Division), Muzaffarnagar may be granted ex-post facto permission for her appearance in the said interview and be issued 'No Objection Certificate' offline, in duplicate, under the signature of I/c Joint Registrar (Judicial) Budget in her favour for her appearance in the said interview as well as permission to pursue four year duration part time Ph.D. (Law) course from Shri Venkateshwara University, Amroha, Uttar Pradesh, from the academic session June 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 deem fit and proper .

Archana Awasthi, R.O.

Mohd. Arshad, Assistant Registrar

Hon'ble Mr. Justice Pritinker Diwaker,

Senior Judge (J-1)

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)

