

## **I/c Joint Registrar (J) (Budget)**

May kindly see the online application of Sri Ashok Kumar-VII, Principal Judge, Family Court, Azamgarh regarding grant of permission to do/ pursue and complete Ph.D. in Law from IIMT University, Meerut.

In his application, the officer has stated that to upgrade his legal knowledge he wants to enroll in Ph.D. course in law or law related subject with IIMT, University, Meerut. He has also stated that he is eligible for the said academic activity and he has sought relevant information for the said Ph.D course and it is explicit that he can complete the course while in service till retirement in December 2024. The officer has also declared that he would not seek any study leave or leave on the ground of the permission of the Hon'ble Court for this Ph.D. Course except the leave that his service rules and regulations permits albeit subject to the discretion/ permission of Hon'ble Court. The said Course would not hamper his official discharge of duties and he would not claim any special concession or any financial assistance for/on the ground of the said PH.D Course as well as declared that he would abide by the rules and regulations of the said University. Thereafter, through online objection the officer was asked to intimate/ attach prospectus, time consumption in the course, status of course work, topic of thesis etc. In reply of the same, the officer has submitted following details/ information, which are as follows:-

1. The prospectus /Ordinance as obtained from the university is enclosed and can be seen as attachment under heading 'Annexure-1'.
2. Reply of Objection 'Time consumption in the process'- He has stated that the scholars are required to submit thesis within a period of six years from the date of initial registration which is extendable to seven year on recommendation of RAC & approved by the Vice-Chancellor.
3. Reply of Objection 'that how such a course may be done with regular performance of duties as a Judicial Officer'- He has stated that the activity is primarily academic and research oriented and study, conferences and discussions might be held on weekend days. He has also added that strict time schedule is not applicable and hence, course and thesis can be prepared after Hon'ble Court and office hours.
4. Reply of Objection 'that whether he can perform the course work and Ph.D. without attending any class ----" He has replied ' Yes' and stated that the basic foundation Course work would be conducted virtually (Copy of email by the University can be seen as attachment').
5. Reply of objection "purpose of doing the Ph.D."--- He has stated that the purpose of the present academic activity like any other academic activity is to enhance the intellectual caliber of individual researcher as well as to contribute to the societal pool of knowledge by in depth study. The present subject seeks to study, evaluate the existing legal system of disaster management and suggest a viable legal framework to regulate this particular field related to the benefit of the man standing at the last of societal structure and prune to natural and man-made disasters.
6. Reply of objection " topic of his Ph.D. Course, name of Ph.D. Course guide and date of Registration of his Research work, in case of pursuance of Ph.D. Course'---
  - Topic of his Ph.D. Course,----"A Retrospective and Prospective Study of Laws related to Disaster Management in India"(Subject to change /modifications with final consultations with the Guide subject to the approval by RDC of the University)
  - Name of Ph.D. Course guide --- University guide will be allotted /assigned as per rules in due course. He has further stated that for the outside guide, he is in touch of Dr. Surya Parkash, professor and Head CBBRN and Cyer Disaster Risk Management Division ,NIDM,MHA,GOI at National Institute of Disaster Management & Dr. Monica Rastogi,Professor at IIMT,G.B.Nagar.It is to be finalized with permission and approval of the primary guide as allotted by the University.
7. He has also stated that date of Registration of his Research work is 22.06.2022, and IIMT,Meerut ,Admission No./Registration No. is 520220052.

It is pertinent to mention here that as asked by Ld. I/c Joint Registrar (J) (Budget), the officer was asked about his appearance in the entrance examination of the same and also be asked to intimate his admission status. In reply, the officer has submitted that the schedule of the conduct of the Course & admission process thereof by the University is prefixed & scheduled and It is not individual specific, therefore, in anticipation and subject to the permission of Hon'ble Court, he has appeared in the entrance examination and passed the same and thereafter, has taken admission in Ph.D.Course. He has also added that the said admission is subject to the due permission of Hon'ble Court and has option not to pursue said academic course/pursuit if due permission is not accorded by Hon'ble Court. He has therefore, requested to grant him permission to pursue and complete his Ph.D. programme from IIMT University, Meerut.

In this connection, it is stated that Sri Ashok Kumar-VII has joined the U.P Nyayik Sewa on 10.09.1993. 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 stated that he would not take study leave for doing the aforesaid Ph.D. course. Now, It is on the discretion of the Hon'ble High Court either to grant him permission to pursue Ph.D. in Law from IIMT University, Meerut 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 file may be laid before Hon'ble Mr. Justice Pritinker Diwaker, Senior Judge (J-1), for His Lordship's kind perusal and if His Lordship approves :-

(a) Sri Ashok Kumar-VII, Principal Judge, Family Court, Azamgarh, may be granted ex-post facto permission for his appearance in the entrance examination and for admission in the stated Ph.D. course as well as may be granted permission to pursue and complete Ph.D. (Law) course from IIMT University, Meerut, with exemption of the requirement to take study leave for the same and 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, subject to the conditions mentioned above.

Or

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

Archana Awasthi  
Review Officer  
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)