

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

May kindly see the online application of Sri Saurabh Saxena, Additional District & Sessions Judge (Fast Track Court), Azamgarh U.P. regarding grant of permission to pursue part-time Ph.D. in Law from University of Lucknow.

In his application, the officer has stated that he wants to pursue Part time Ph.D. Programme 2021-2022 in Law from Lucknow University and as per Ph.D. brochure, this programme can be joined by a person, who has at least five years of continuous service experience at a senior level in State Government. This programme would be for a minimum duration of four years and maximum of eight years and the research scholar should have to stay at the place of research work for a minimum of 6 days per semester during the entire period of research work. He has also stated that the candidate has to submit No Objection Certificate from the head of the organization where he is employed and the last date for applying for admission in part time Ph.D. programme is 16.08.2022 and assured that this would not affect his judicial work in any manner. Thereafter, through online objection, the officer was asked to intimate his status of taking study leave and also his declaration regarding no attendance requirement. In reply, the officer has stated that this programme is for persons who are in service having experience of 5 years, thereby there is no need to take study leave, hence he is not applying for study leave. He has further stated that no regular classes would be conducted and only research work would be done under the supervision of guide/professor and added that details of academic session is not described in brochure of programme. He has also declared that he would pursue part time Ph.D Programme without attending day to day classes and no judicial work would affect from pursuance of this course. He has also enclosed the Ph.D brochure, which can be seen as attachments. He has therefore, requested to grant him permission to pursue part time Ph.D. programme from Lucknow University.

In this connection, it is stated that Sri Saurabh Saxena has joined the U.P Nyayik Sewa on 18.07.2009. 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 stated that he would not take study leave for doing the aforesaid part time Ph.D. course but has to attend minimum of 6 days per semester during entire period of research, Now, It is on the discretion of the Hon'ble High Court either to grant him permission to pursue part-time Ph.D. in Law from University of Lucknow 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 Saurabh Saxena, Additional District & Sessions Judge (Fast Track Court), Azamgarh, may be granted permission to pursue part-time Ph.D. (Law) course from University of Lucknow, 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 .

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)

