

I/c Joint Registrar (J) (Budget)

May kindly see the online application of Sri Rajendra Kumar Singh, Additional Chief Judicial Magistrate, Farrukhabad 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 join part time Ph.D. in law from Lucknow University, Lucknow and there is no requirement of regular classes in this course. He has also stated that the course duration is of minimum 4 years and joining of this course would not affect discharge of his official duties. He has also assured that he would not take study leave for this course and last date for applying for the said course is 16th August, 2022 and 'No Objection Certificate' from the head of institution is to be submitted at the time of registration for the course. Thereafter through online objection, the officer was asked to intimate about the admission procedure etc. In reply, the officer has stated that there is an interview also for admission in part time Ph.D and stated that he wants to pursue the part time Ph.D. course of Lucknow University. It is also pertinent to mention here that as asked by Ld. I/c Joint Registrar (J) (Budget), the officer has been asked about selection process, whether he has applied for the Course and also be asked to attach relevant rules of the University concerned, stating that no day to day classes are required to be attended by the officer concerned for the said course. In reply, the officer has stated that he has applied for the said course in anticipation of permission from Hon'ble Court and stated that selection process is yet to be conducted and no date has been announced by the University. He has also enclosed the university brochure and stated that in the Ph.D. brochure it is mentioned that the part-time research scholar shall stay at the place of research work for a minimum of 6 days per semester(residence period) during the entire period of research work and shall give an undertaking to this effect at the time of registration. He has further stated that for attending six days classes per semester without hampering the judicial work is concerned he would request the University officials to arrange the classes in non-working days of the Courts e.g. second Saturday, IVth Saturday, Summer Vacation, Winter Vacation etc and if any requirement of any leave arises he would apply for compensatory leave or casual leave. He has also assured that judicial work would not be hampered in any manner and again assured that he would not take study leave in any condition. He has, therefore, requested for issuance of No Objection certificate for appearing in the interview and also permission for pursuing part time Ph.D. in law from Lucknow University.

In this connection, it is stated that Sri Rajendra Kumar Singh has joined the U.P Nyayik Sewa on 13.03.2014. 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 and also stated that no judicial work would affect from pursuing the stated course as well as added that there is also an interview for getting admission in the stated course. 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 and to issue a 'No Objection Certificate' in his favour 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 Rajendra Kumar Singh, Additional Chief Judicial Magistrate, Farrukhabad may be issued

'No Objection Certificate' offline, in duplicate, under the signature of I/c Joint Registrar (Judicial) (Budget) in his favour for appearing in the interview of part time Ph.D. course (Law) as well as be granted permission to pursue part-time Ph.D. in 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)

