

I/c Joint Registrar (J) (Budget)

May kindly see the online application of Sri Hari Prasad, Additional District & Sessions Judge, Bareilly regarding grant of permission to do/ pursue part-time Ph.D. in Law from University of Lucknow.

In his application, the officer has stated that he wishes to pursue Part time Ph.D. course from the recent session from Lucknow University, Lucknow and he has also assured that no judicial work would be hampered. Thereafter, through online objection, the officer was asked about the academic session, status of admission and status of taking study leave and his declaration regarding no attendance requirement. In reply, the officer has stated that he wants to pursue part time Ph.D. course for the academic session 2020-21 and has taken admission in the said course in anticipation of permission from the Hon'ble Court. Again through online objection, the officer was asked to intimate amended academic session as the stated one has expired now and also asked to intimate selection procedure, about the rules and guidelines from university, which shows that for pursuing the part time Ph.D. no day to day classes are required as from the perusal of the attached papers there appears no such information and also to intimate the purpose and fruitfulness of the course also. In reply, the officer has stated that as per the guidelines issued by the university of Lucknow, he has to stay at the place of research for a period of six days per semester during the entire period of research work and as per the guidelines, the aforesaid part time Ph.D. programme would be for a minimum of 4 year and maximum of 8 year, hence as per recent guidelines issued by the university, he would not require study leave. He has also stated that he has to take admission for the academic session 2021-2022 instead of 2020-21. He has also stated that as per guidelines no day to day classes are required and also stated that he wishes to appear in the course to achieve higher education. He has also enclosed relating papers of his Ph.D course, 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 Hari Prasad has joined the U.P Nyayik Sewa on 30.06.2006. 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. It is also pertinent to mention here that he has not enclosed any papers from the university regarding rules which states that no day to day classes are required for the said 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 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 Hari Prasad, Additional District & Sessions Judge, Bareilly, may be granted permission to pursue part-time Ph.D. (Law) course from University of Lucknow for the academic session starting from 2021-22, 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)

