

### **Registrar (Judicial) (Budget)**

May kindly see the online application of Sri Shamsul Rahman, the then Civil Judge (Junior Division), Garhmukteshwar- Hapur presently posted as Addl. Civil Judge (Junior Division), Vidhuna- Auraiya regarding grant of permission for pre submission of Ph.D. thesis and final submission of Ph.D. thesis/viva to Aligarh Muslim University, Aligarh.

In his application, Sri Shamsul Rahman has stated that prior to his joining in U.P. Judicial Services, he was pursuing Ph.D. programme from Faculty of Law, Aligarh Muslim University. He has completed his course work and duly passed the course work examination prior to his joining in the U.P. Judicial Services. He has also stated that his final work of the Ph.D. thesis is complete and is ready for submission and he do not require any special leave for the purpose of submitting his Ph.D. thesis and it would not affect his judicial work in any manner. He has also added that he would only take casual leave for submitting the Ph.D. thesis as well as for pre Ph.D. submission and final submission/ viva. Thereafter, through online objection, the officer was asked to intimate guide name, topic of thesis, registration date and date of pre-submission and final submission of thesis etc. In reply the officer has stated as follows:-

- Name of Guide- Dr. Fasih Raghob Gauhar.
- Topic of Thesis- "Labour welfare laws in India vis a vis Human Rights with special reference to women workers in unorganised sector."
- Date of registration in Ph.D. is- 02.11.2016 (Copy of admission card can be seen as attachment)

He has further stated that he do not require study leave as he has already passed his course work (copy can also be seen as attachment) and he only needs casual leave. He has also stated that the probable date of pre submission would be 30.11.2022 and the probable date of final submission viva would be in the last week of December 2022 subject to the notification by the University and he do not require 'No objection' certificate for appearing in the final viva. He has therefore, requested for grant of permission from the Hon'ble Court for pre submission of Ph.D. thesis and final submission of Ph.D. thesis/viva to Aligarh Muslim University.

In this connection, it is stated that the officer has joined the Uttar Pradesh Nyayik Sewa on 16.12.2019. There is circular letter dated 4.11.11, 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 do not need study leave and has already completed his course work and now wants to permission for pre and final submission of Ph.D thesis in order to complete his Ph.D. It is pertinent to mention here that earlier the detailed office note/ e-file was submitted to Hon'ble Mr. Justice Pritinker Diwaker, the then Senior Judge (J-1) but the same got reverted as per the Hon'ble Court's order dated 23.04.2023 i.e. due to change of Hon'ble Senior Judge (J-1). In the meantime, the stated dates of thesis submission and viva got elapsed, thus, through an online objection, the officer was asked to intimate as to whether he has completed/ performed the pre and final submission of thesis. In reply of the same, the officer has stated that he has completed pre and final submission of Ph.d. thesis in anticipation of approval from the Hon'ble Court and also successfully appeared in the viva-voce of Ph.d. submission held on 18.03.2023. Now, It is on the discretion of the Hon'ble High Court either to grant ex-post facto permission to the officer for pre and final submission of Ph.D. thesis, in order to regularize the matter or to pass any such order which deems to be proper. It is further to mention here that recently, vide order dated 23.04.2023 regarding reconstitution of different Committees, Hon'ble The Chief Justice has been pleased to form a single Hon'ble Judge Committee i.e. Hon'ble Senior Judge (J-1) to deal with the matter of grant of permission to Judicial Officers to pursue academic courses.

May, therefore, if approved, the instant matter may be laid before Hon'ble Mr. Justice Surya Prakash Kesarwani, Senior Judge (J-1), for His Lordship's kind perusal and if His Lordship

approves :-

A) Sri Shamsul Rahman, presently posted as Addl. Civil Judge (Junior Division), Vidhuna-Auraiya be granted ex-post facto permission for his appearance in the viva-voce of his Ph.D. course and also for pre and final submission of Ph.D. thesis, on the topic "Labour welfare laws in India vis a vis Human Rights with special reference to women workers in unorganised sector"" in the supervision of Dr. Fasih Raghob Gauhar to Aligarh Muslim University, Aligarh, as requested.

Or

B) To pass any other order which His Lordship deem fit and proper.

Archana Awasthi  
Review Officer  
Munmun Narang  
Section Officer  
Meetu Verma  
Assistant Registrar, Admin A-4

**Hon'ble Mr. Justice Surya Prakash Kesarwani,**

**Senior Judge (J-1)**

Submitted for kind perusal & order

Registrar (Judicial) (Budget)

