

## **Registrar (J) (Budget)**

May kindly see the online application of Sushri Hershika Rastogi, Addl. Civil Judge (Junior Division), Hathras regarding grant of permission to do/ pursue part-time Ph.D. in Law from Swami Vivekanand Subharti University, Meerut, U.P..

In her application, Sushri Hershika Rastogi has stated that she wants to pursue Doctorate in Philosophy (Ph.D.) program in Law as Part Time Research Candidate through External Mode from the session June-July 2024 from Swami Vivekanand Subharti University, Meerut, U.P. wherein the mandatory coursework of one semester is conducted under hybrid mode via pre-recorded lectures through Massive Open Online Courses which are duly UGC approved. She has also stated that she likes to research on the three new criminal laws introduced i.e. Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023 and Bharatiya Sakshya Sanhita 2023 and know whether the cardinal principles laid down by Hon'ble Supreme Court in various rulings have been duly followed by the legislation and added that she would conduct the research work and listen to the lectures anytime excluding Court working hours and hence declared that doing Ph.D. in Law would never create any obstacle in the fulfillment of her responsibilities as a judicial officer. Thereafter, through online objection, the officer has been asked intimate her status of taking study leave, papers relating to no class requirement etc. In reply to the same the officer has submitted her point wise reply, which is as follows:-

1. She would not be required to take Study Leave during this Ph.D. program in Law as Part Time Research Candidate through External Mode.
2. She has also declared that no day to day/ physical classes are required for pursuing and completing this part time Ph.D. course (copy of Certificate dated 11.01.2024 can be seen as attachment). Certificate dated 11.01.2024 drafted by Shri Dr. Amar Prakash Garg Dean Academics and Director Research, Swami Vivekanand Subharti University clearly states that- "The mandatory course work of one semester with 16 Credits is being conducted under hybrid mode with a facility to the scholar to complete the course work through MOOCs (SWAYAM) courses which are online UGC approved courses and recognised for the credit transfer in Swami Vivekanand Subharti University Meerut, also for which the credit earned by the candidate are transferred to the University."
3. That because the mandatory coursework of one semester is being regulated through hybrid mode via pre-recorded lectures, she would conduct the research work and listen to the lectures anytime excluding court working hours.
4. Regarding the query, raised against the No Objection certificate, she has stated that she only needs 'No Objection Certificate' stating that "The candidate is permitted to pursue studies on a part-time basis." and added that she would not conduct the research work in the manner that would create any obstacle in her fulfillment of responsibilities as a judicial officer.

She has also attached Ph.D. guidelines, course work syllabus and other relating papers, which can be seen as attachments. She has therefore requested to grant her 'No Objection Certificate' and permission to pursue the part-time Ph.D. from Swami Vivekanand Subharti University, Meerut, U.P.

In this connection, it is stated that Sushri Hershika Rastogi has joined the U.P Nyayik Sewa on 19.11.2019. There is circular letter dated 04.11.11, which provides that if any Judicial Officer during the course of her service, requests to pursue higher studies, she 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 as it is part time course, she would not take study leave for doing the aforesaid course. She has also stated that the mandatory course work of one semester with 16 Credits is being conducted under hybrid mode with a facility to the scholar to complete the course work through MOOCs (SWAYAM) courses which are online UGC approved courses and recognised for the credit transfer in Swami Vivekanand Subharti University Meerut, also for which the credit earned by the candidate are transferred to the University. Now, It is on the discretion of the Hon'ble High Court either to issue her 'No Objection Certificate' and grant permission to do/ pursue the part-time Ph.D. in law from

Swami Vivekanand Subharti University, Meerut, U.P. 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 her normal work or that public work suffers, in any way.

Recently, vide order dated 30.11.2023 relating to re-constitution of Committees, Hon'ble The Acting Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 3 of the list of Committees dated 23.04.2023- last modified on 29.08.2023, and Hon'ble Mr. Justice Anjani Kumar Mishra is nominated in the said Committee, to deal with the matters relating to grant of permission to Judicial Officers to pursue academic course.

May, therefore, if approved, the file may be laid before single Judge Committee of Hon'ble Mr. Justice Anjani Kumar Mishra, as per order dated 30.11.2023 of Hon'ble The Acting Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sushri Hershika Rastogi, Addl. Civil Judge (Junior Division), Hathras, may be issued 'No Objection Certificate' under the signature of Registrar (Judicial) (Budget) and may be granted permission to do/ pursue part time Ph.D. course in law from Swami Vivekanand Subharti University, Meerut, U.P., starting from the academic session June- July-2024 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 her 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  
Meetu Verma, Assistant Registrar  
Admin A-IV

**Hon'ble Mr. Justice Anjani Kumar Mishra,**

**Nominated Judge**

Submitted for kind perusal & order

Registrar (Judicial) (Budget)