

Registrar (J) (Budget)

May kindly see the online application of Sri Krishna Kumar-VI, Spl. Judge, U.P. Dacoity.A.A., Farrukhabad regarding grant of permission to do/ pursue part-time Ph.D. in Law from Lucknow University.

In his application, Sri Krishna Kumar-VI has stated that he wants to join part time Ph.D. in law from Lucknow University, Lucknow in which there is no requirement of regular classes for appearance. The course duration is minimum of 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 he has to submit 'No Objection Certificate' from the head of institution at the time of registration for the course. Thereafter, through online objection, the officer has been asked to furnish information regarding residential period, attendance criterion and papers relating to no class requirement etc. In reply of the same the officer has submitted following reply:-

1. He has not appeared in the interview for the admission as yet which is scheduled for 13th March, 2024. (Date-sheet for interview can be seen under attachment heading 'Annexure -1')
2. The academic year for this Ph.D. programme starts from 2023-24. As per rules 4.1 and 4.2 of the Doctor of Philosophy (Ph.D.) Ordinance, 2023, of Lucknow University, the duration of this course is three years to six years which may be further extended to two more years with the permission of the Vice-chancellor.
3. The copy of Ph.D. ordinance, 2023 of Lucknow university can be seen under attachment heading 'Annexure-2'.
4. Eligibility Criteria for admission to the part time Ph.D. Programme is provided in Rule 3.1 read with Rule 9.4 of the Ph.D. Ordinance,2023. Rule 3.1 provides for educational qualification is as under:

“3.1 A 1-year/2-semester master's degree programme after a 4- year/8-semester bachelor's degree programme or a 2-year/4- semester master's degree programme after a 3 year/6-semester bachelor's degree programme or 5 qualifications declared equivalent to the master's degree by the corresponding statutory regulatory body, with at least 55% marks in aggregate or its equivalent grade in a point scale wherever grading system is followed.”

5. For part-time Ph.D., at least five years of continuous service experience at a senior level is required and a No Objection Certificate by the Head of Institution is also required. Relevant rules 9.4.1, 9.4.2 and 9.4.3 can be read as under:

“9.4.1 Part-time Ph.D. will be allowed, provided all the conditions mentioned in the existing Ph.D. regulations are met. A candidate shall be considered as part-time Research Scholar if he/she is employed and has submitted No Objection Certificate from the Head of the Institutions/ Organizations where he/ she is employed. The part-time research scholar shall stay at the place of research work for a minimum of 90 days (residence period) during the entire period of research work and shall give an undertaking to this effect at the time of registration. No fellowship/scholarship shall be paid to the part-time Ph.D. students through any source.

9.4.2 A candidate who is being registered as part-time Ph.D. scholar must have at least five years of continuous service experience at a senior level (interpretation of the Vice Chancellor in this regard shall be final) in a recognized educational institution, Government; State Government (s); Armed Forces; PSUs or Corporations listed in BSE or NSE. Candidate must submit a certificate in this regard to the DRC.

9.4.3 The University shall obtain a “No Objection Certificate” through the candidate for a part-time Ph.D. programme from the appropriate authority in the organization where the candidate is employed, clearly stating that:

- The candidate is permitted to pursue studies on a part- time basis.
- His/her official duties permit him/her to devote sufficient time for research.

- If required, he/she will be relieved from the duty to complete the course work.”

6. There is no requirement of day to day classes as is evident from the Ph.D. Ordinance, 2023. Rule 9.4.1 of the Ordinance provides:

“9.4.1 Part-time Ph.D. will be allowed, provided all the conditions mentioned in the existing Ph.D. regulations are met. A candidate shall be considered as part-time Research Scholar if he/she is employed and has submitted No Objection Certificate from the Head of the Institutions/Organizations where he/she is employed. The part-time research scholar shall stay at the place of research work for a minimum of 90 days (residence period) during the entire period of research work and shall give an undertaking to this effect at the time of registration.”

7. The residential period for the course is 90 days during the entire period of research (generally 3-6 years) and that would be fulfilled by staying at the place of research during recess period in June, winter vacations, second and fourth Saturdays' holidays, etc. He has also stated that he would complete the residential period without hampering the judicial work and would also request to the University officials to arrange his residential period in non-working days for the courts e.g., recess period in June, winter vacations, second and fourth Saturdays' holidays, other holidays etc. Moreover, If any requirement of leave arises, he would apply for casual leave or compensatory leave and he has also assured that judicial work would not be hampered in any manner and he would not take study leave in any condition.

8. The Lucknow University is category 1 university and as per Rule 3 of UNIVERSITY GRANTS COMMISSION [CATEGORISATION OF UNIVERSITIES (ONLY) FOR GRANT OF GRADED AUTONOMY] REGULATIONS, 2018 (Annexure-3), university shall be in Category-I if It has been accredited by NAAC with a score of 3.51 or above. In this regard, report of NAAC is also furnished by the officer which can be seen under attachment heading 'Annexure - 4'. News report of The Hindustan Times can also be seen under attachment heading 'Annexure 5' Rule 4.2 of the of UNIVERSITY GRANTS COMMISSION [CATEGORISATION OF UNIVERSITIES (ONLY) FOR GRANT OF GRADED AUTONOMY] REGULATIONS, 2018, provides that a category 1 university can start any course without approval of the UGC which reads as under:

“4.2 Universities may start a new course/programme/department/school/centre in disciplines that form a part of its existing academic framework without approval of the UGC, provided no demand for fund is made from the government on account of starting the new course/programme/department/school/ centre. Degree programs shall be consistent with the approved nomenclature of the UGC. Diploma and certificate courses approved by its Statutory Authorities or Statutory Regulatory Authorities wherever required, may be started in new and innovative areas that are relevant to local, national or international needs, with information to the UGC :”Thus, this part time Ph.D. of Lucknow university is authorised by UGC.

He has therefore, requested to grant him No Objection Certificate' and permission to pursue the part-time Ph.D. from Lucknow University.

In this connection, it is stated that Sri Krishna Kumar-VI has joined the U.P Nyayik Sewa on 08.02.2007. 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 as it is part time course, she would not take study leave for doing the aforesaid part time Ph.D. course in any condition. He has also stated that for the residential period of 90 days during the entire period of research (generally 3-6 years), he would fulfill that by staying at the place of research during recess period in June, winter vacations, second and fourth Saturdays' holidays, etc and also added that that he would complete the residential period without hampering the judicial work and would also request to the University officials to arrange his residential period in non-working days for the Court.

Now, It is on the discretion of the Hon'ble High Court either to issue him 'No Objection Certificate' and grant permission to do/ pursue the part-time Ph.D. in law from Lucknow University 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.

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) Sri Krishna Kumar-VI, Spl. Judge, U.P. Dacoity.A.A., Farrukhabad, 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 Lucknow University, starting from the academic session 2023-2024 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 his qualification if the University is not recognised, subject to the condition mentioned above.

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-IV

Hon'ble Mr. Justice Anjani Kumar Mishra,

Nominated Judge

Submitted for kind perusal & order

Registrar (Judicial) (Budget)