

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

May kindly see the online application of Sushri Nagma Khan Additional Civil Judge (Senior Division), Firozabad regarding grant of permission to attend the UN Regional Course in International Law for Asia Pacific region.

In her application, Sushri Nagma Khan has stated that she is interested to attend the forthcoming UN Regional Course in International Law for Asia Pacific region, which is being organized by the Codification Division of the United Nations Office of Legal Affairs in collaboration with the Government of the Kingdom of Thailand and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), scheduled to be held in Bangkok, from 18th November to 11th December 2024. She has also added that she has been interested in various aspects of public international law such as intellectual, environmental, and criminal and has just co-edited a collection of documents relating to international criminal law (International Criminal Law: Texts & Materials, Globalisation of Rule of Law and Indian jurisprudence) with Gurdhyan Singh, Executive Director, Global Justice Academy, and Justice Harinder Singh Sidhu (Retd.) Punjab and Haryana High Court and the Reuters would publish the Book in June-July 2024. She has further stated that she has not been able to acquire in-depth knowledge of International Law in a structured manner and this program would certainly add to her professional skills and intellectual understanding of public international law and she would try her best to apply the enhanced knowledge to her day to day work as a Magistrate. She has also added that she has done a bit of that but feels lacking in depth understanding of the concept. The curriculum of the course is "Introduction to international law, the law of treaties, State responsibility, diplomatic and consular law, international peace and security, peaceful settlement of international disputes, international human rights law, the law of the sea, international humanitarian law, international criminal law, international environmental law, international trade law, international investment law, and international law in the Asia-Pacific region." The UN process requires in order for her to apply for the course her employer must nominate her candidacy formally and if she gets selected the UN would award her a fellowship that would cover the entire expenses of the course, except that her current salary etc, which UN wants to be protected by the employer.

She has further requested to nominate her application and grant permission to attend the UN Regional course on International law for the stated duration; concerning the grant of study leave as per Chapter XI A of study leave rules (formulated under Rule 84 of Uttar Pradesh Fundamental Rules) for the duration of the course, a separate application in offline mode by registered post on 03.06.2024 has been moved by her as there is no option available on online portal for study leave and a permission to visit abroad with case Id S00045052024 has also been moved by her. She has also enclosed her CV, course brochure and application form, her linkedin profile <http://www.linkedin.com/in/khannagma>, which can be seen as attachments. She has therefore requested to grant her permission to attend the aforesaid course at the earliest because deadline to apply for the course is June 28, 2024.

In this connection, it is stated that Sushri Nagma Khan has joined the U.P. Nyayik Sewa on 06.07.2018. There is a circular letter dated 04.11.11, which provides that if any Judicial Officer during the course of his/her Service, requests to pursue higher studies, he/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 she has applied for grant of study leave through offline mode on 03.06.2024 and regarding the same a report has been asked from the concerned leave section, wherein the concerned section has mentioned/ submitted that the provision of study leave has been incorporated in Chapter XI-A, Subsidiary Rule 146-A of Financial Handbook Volume II Part II to IV, the relevant portion of which is reproduced herein as under:-

"... These rules **apply to the Public Health and Medial Research Departments, the Civil Veterinary Department, the Agriculture Department, the Education department, the Public Works Department and the Forest Department** (Except in respect of Continental Tours, to which special rules apply). The rules may be extended by the Government to any Government Servant not belonging to any of the departments mentioned above in whose case

they may be of opinion that leave should be granted in the **public interests** to pursue a special course of study or investigation of a scientific or technical nature.

Note 2.... Study leave should not ordinarily be granted to Government servant of less than five years' service of to Government servants within three years of the date at which they have the option of retiring..."

It is also to mention here that as this course is to be pursued abroad, thus her application regarding abroad visit is also to be processed through online mode, if the permission to pursue the course abroad is granted. Here it is to mention that the officer wants to pursue the course in personal capacity, though to enhance her knowledge in the field of International law, which is said to be tried to apply the enhanced knowledge to her day to day work as Magistrate. That may be considered by the Hon'ble Court but the conditions, that the UN process requires in order for her to apply for the course, her employer must nominate her candidacy formally, seems not approvable. The office request to the Hon'ble Court to see Part-II- letter of Transmission and also Part-III-Recommendations (page 9 and 10 of attachment namely- "application form') wherein non-filled application form is annexed and requested to nominate her for the course by employer. Here, it is also to mention worthy that the employer of the Judicial Officer means the Appointing authority is His Excellency the Governor of Uttar Pradesh. As such, the application of the officer, if finds, approvable, appears only be approved for grant of permission to pursue the course only without its nomination by the employer. However, it is upon the discretion of the Hon'ble Court to consider her application for grant of requested permission only or grant of permission with recommendation/ nomination too in proper filled up application form obtained afterwards. 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/ intant matter 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 Nagma Khan Additional Civil Judge (Senior Division), Firozabad may be granted permission to apply for the course without any nomination/ recommendation of this Court and to attend the forthcoming UN Regional Course in International Law for Asia Pacific region, which is being organized by the Codification Division of the United Nations Office of Legal Affairs in collaboration with the Government of the Kingdom of Thailand and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) in Bangkok, Thailand from 18.11.2024 to 11.12.2024, subject to grant of permission to visit foreign country separately.

Or

(b) Sushri Nagma Khan Additional Civil Judge (Senior Division), Firozabad may be granted permission to apply for the course alongwith the nomination/ recommendation of this Court

and to attend the forthcoming UN Regional Course in International Law for Asia Pacific region, which is being organized by the Codification Division of the United Nations Office of Legal Affairs in collaboration with the Government of the Kingdom of Thailand and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) in Bangkok, Thailand from 18.11.2024 to 11.12.2024, subject to grant of permission to visit foreign country separately and with the direction to submit proper filled up application form, so that the nomination/ recommendation (Part II & Part III of the application form) be signed by the Registrar General accordingly?

Or

(c) The application of Sushri Nagma Khan Additional Civil Judge (Senior Division), Firozabad may be rejected, as this Court does not find appropriate to nominate her for the Course as the reasons for pursuing the course seems not be beneficial in her day to day Judicial work as Magistrate and also the conditions of Study leave, which should be granted in public interests to pursue a special course of study or investigation of a scientific or technical nature, is not appropriately applicable in her case.

Or

(d) To pass any other order, which His Lordship deems fit and proper.

Archana Awasthi, R.O.  
Meetu Verma, A.R.  
Admin A-IV

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

**Nominated Judge**

Submitted for kind perusal & order

Registrar (Judicial) (Budget)

