

Registrar (J) (Budget)

May kindly see the online application of Sushri Sonal Singh, Addl. Civil Judge (Junior Division), Maharajganj regarding grant of permission to appear in Viva Voce of the Ph.D. in law Course, topic of which is "Challenges in the application of Common but Differentiated Responsibility Principle: Indian Experience" from Faculty of Law, Banaras Hindu University, Varanasi.

In her application Sushri Sonal Singh has stated that she is pursuing Ph.D. from Faculty of Law, Banaras Hindu University, Varanasi and was enrolled for Ph.D. at Faculty of Law, Banaras Hindu University, Varanasi on 11th April 2019, having enrolment number 411863 (copy of Ph.D. registration letter can be seen as attachment). She has also stated that prior to joining U.P. Judicial Services, she has already submitted the Ph.D. Thesis titled "Challenges in the application of Common but Differentiated Responsibility Principle: Indian Experience" on 28th February 2024 and the only thing required is the kind permission of the Hon'ble Court to appear for Ph.D. Final Viva-Voce. She has further added that the Ph.D. Final Viva-Voce would not affect her training at Judicial Training Research Institute, Lucknow or at District Court of Maharajganj and she needs only 2 Day Casual leave for the Ph.D. Final Viva-Voce to be held on 3rd July 2024. Thereafter, through online objection, the officer has been asked to intimate about her appearance in the same alongwith supporting paper. In reply, the officer has stated that she has appeared in Ph.D., final Viva-Voce on 3rd July 2024 at Faculty of Law, BHU, Varanasi, in anticipation of Hon'ble Court's permission (relating paper can be seen as attachment). She has, therefore, requested to the Hon'ble Court to kindly grant her permission to appear in the Viva Voce Examination of Ph.D. thesis

In this connection, it is stated that Sushri Akanksha Pathak has joined the U.P. Nyayik Sewa on 01.03.2024. 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 she has already submitted the Ph.D. Thesis prior to her joining and has also appeared in the stated viva voce in anticipation of Hon'ble Court's permission, thus there appears no need of taking any study leave in question. Now, It is on the discretion of the Hon'ble High Court either in order to regularize the matter to grant ex-post facto permission to the officer for her appearance in the viva voce examinations of her Ph.D. thesis 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 01.07.2024 relating to re-constitution of Committees, Hon'ble The Chief Justice has been pleased to change the single Judge Committee appearing at sl. no. 65 of the list of Committees dated 01.07.2024, 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 01.07.2024 of Hon'ble The Chief Justice relating to re-constitution of Committees, for His Lordship's kind perusal and if His Lordship approves:-

(a) Sushri Sonal Singh, Addl. Civil Judge (Junior Division), Maharajganj be granted ex-post facto permission for her appearance in Viva Voce of the Ph.D. in law Course, topic of which is "Challenges in the application of Common but Differentiated Responsibility Principle: Indian Experience" from Faculty of Law, Banaras Hindu University, Varanasi, as requested.

Or

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

Archana Awasthi

Review Officer

Munmun Naranag

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)

