

Registrar (J) (Budget)

May kindly see the online application of Sri Shubham Malviya, Civil Judge (Junior Division) (FTC), Jaunpur regarding grant of permission to appear in Viva Voce of the Ph.D. Course, topic of which is "Redress Of Victims Of Crime: A Comparative Study" from Dr. Ram Manohar Lohiya National Law University, Lucknow.

In his application Sri Shubham Malviya has stated that before joining judicial services, he was pursuing Ph.D from Dr. Ram Manohar Lohiya National Law University, Lucknow and his Ph.D course work has been completed and thesis has also been submitted on 28.02.2024 before joining the U.P Judicial Services, i.e. 01.03.2024. He has also stated that reports of external examiner on his Ph.D submission have already come and only Ph.D viva voce remains to be conducted (relating paper can be seen as attachment). Thereafter, through online objection the officer has been asked to intimate about his appearance in the stated viva and also to submit relating papers. In reply, the officer has stated that he has appeared in the viva-voce of Ph.D on 16.07.2024 in anticipation of Hon'ble Court's permission and has been awarded the Ph.D degree on the same day. He has also enclosed the No Objection Certificate, thesis submission certificate, notification of award of Ph.D.degree and other relating papers which can be seen as attachments. He has, therefore, requested to the Hon'ble Court to kindly grant him permission to appear in the Viva Voce Examination of Ph.D. thesis

In this connection, it is stated that Sri Shubham Malviya 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 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 his Ph.D course work has been completed and thesis has been submitted prior to his joining in U.P. Nyayik Sewa. Moreover, the officer has also appeared in the stated viva-voce in anticipation of Hon'ble Court's permission and Ph.D. degree has also been awarded to him, 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 to regularize the matter, to grant ex-post facto permission to the officer for his appearance in the viva voce examinations of his 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 his 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) Sri Shubham Malviya, Civil Judge (Junior Division) (FTC), Jaunpur be granted ex-post facto permission for his appearance in Viva Voce of the said Ph.D. Course, topic of which is "Redress Of Victims Of Crime: A Comparative Study" from Dr. Ram Manohar Lohiya National Law University, Lucknow as requested.

Or

To pass any other order, which His Lordship deems 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)

