

Term and conditions and Application proforma for Empanelment of Standing Counsel to represent All India Council for Technical Education (AICTE) before Hon'ble Supreme Court of India and High Courts/ CAT /other judicial Fora in India.

All India Council for Technical Education(AICTE) has been established by an Act of Parliament (52 of 1987) for proper planning and co-ordinated development, regulation and maintenance of norms and standards in the Technical Education System throughout the Country. The AICTE is in the process of empanelment of Standing Counsel(s)/AOR to represent AICTE before Supreme Court of India/High Courts /CAT in different States and other judicial fora in all over India and for legal advisory work and invites expression of the interest for empanelment of Standing Counsel(s) from Advocates practicing in the Hon'ble Supreme Court of India, various High Courts and other Judicial or Quasi Judicial fora in different States all over India.

The Counsel engaged by AICTE will fall in two categories viz:

- a) Standing Counsel(S)
- b) Advocate on Record (AOR) in Supreme Court of India.

QUALIFICATIONS OF STANDING COUNSEL AS UNDER:

- (a) **Standing Counsel:** In order to be eligible for appointment as Standing Counsel a person should: Be enrolled/ registered as an advocate with the Supreme Court/ High Court.

Have a minimum experience of ten years of handling Civil/Criminal/Service matter cases. Preference will be given to the Counsels who have dealt earlier with matters pertaining to academic / Education institutions and Statutory Bodies.

- (b) **Advocate on Record (AOR)** : An Advocate on Record (AOR) in Supreme Court of India is an advocate who has cleared the exam held by the Supreme Court of India and has registered as an Advocate on Record(AOR) with the Hon'ble Supreme Court of India. An Advocate on Record is entitled under the Order IV of the Supreme Court Rules, 2013 to act as well as to plead for a party in the Supreme Court of India. As per the Rule, No Advocate other than an Advocate on Record shall be entitled to file an appearance or act for a party in the Supreme Court of India. No advocate other than an Advocate on Record (AOR) can appear and plead in any matter unless an advocate on record instructs him.

TERM OF ENGAGEMENT:

The term of engagement of the counsel would be for a period of 3 years on year to year performance basis and may be extended for a further period till the next empanelment of Standing Counsel.

DUTIES OF THE COUNSEL:

1. Represent AICTE before Hon'ble Supreme Court of India, High Court/CAT and other judicial fora etc.;
2. Standing Counsel shall take notice and inform to AICTE (HQ) on the same day for providing comments and submitting Counter Affidavit.
3. Provide Legal Advice to AICTE on Court matters, Educational Institutions matters and such other matters arising in the course of administration of the Council as are referred to him/ her including:
 - (a) Examination and drafting of legal documents;
 - (b) Drafting of applications, petitions etc., to be filed in various courts of law;
 - (c) Prompt removal/ curing of defects in appeals / petitions filed, as may be pointed out by the registry;
 - (d) To take up all legal cases of AICTE as assigned from time to time.
4. Apply for the copy of judgment from the court in cases attended by him/her and supply of copies of judicial pronouncements at the earliest preferably within 3 working days from the date of order but not later than 7 working days, along with comments of the Standing Counsel on the Court Order;
5. The Counsel shall also prepare reply to the legal notices of the applicants on behalf of AICTE and its officer/officials, whenever asked for.
6. If required, to render all assistance to Special or Senior Counsel engaged in a particular cases before the Supreme Court, High Courts and other judicial bodies;

7. All India Council for Technical Education (AICTE) must be informed and updated on all important developments in the designated cases, dates of hearing, order of the court on the date of its pronouncement, supplying copy of judgment etc;
8. Furnish monthly statement about the status of the cases represented by him/her before the High Court or any other authority and their outcomes.
9. Perform such other duties of legal nature which may be assigned to him/her by AICTE.
10. When any case attended by him/her is decided against the Council, give considered comments regarding the advisability of filing an appeal from such a decision immediately not later than 3 working days of the order (Kuchha copy).
11. Identical Cases/Tag Cases.: Two or more cases where substantially identical questions of law of facts are involved and where in main difference is in the names, address of the parties concerned, amount of money involved etc. where the common or identical judgments are delivered and heard together or not.
12. Standing Counsel must attend all the proceedings in particular dates in Hon'ble Supreme Court of India, High Courts/CAT/District Courts irrespective of Performa/Non Performa Party.
13. Standing Counsel must submit their fee bills along with supported documents within 3 months from hearing.
14. As the AICTE has its own software for maintaining and monitoring the Legal Matters namely Legal Soft. It is mandatory to all AICTE Standing Counsels to update the status of Court Cases on the Legal Soft portal daily.

SCHEDULE OF FEES:-

Annexure-X as Fee Schedule fixed by AICTE from time to time.

GENERAL INSTRUCTIONS:

- The Standing Counsel/AOR shall not advise any party or accept any case against the AICTE in which he/she has appeared or is likely to be called upon to appear for or advise which is likely to affect or lead to litigation against AICTE.
- If the Standing Counsel/AOR happens to be a partner of a firm of lawyers or solicitors, it shall be incumbent upon the firm not to take up any case against the AICTE in any Court of Law /Tribunal/ Commission or any case arising out of those cases e.g. appeals and revisions;
- Effective hearing means a hearing in which either one or more parties involved in the case are heard by the Court/ Tribunal/ Commission on the facts or law of the case. If the case is mentioned by the other side and adjourned or only when directions are given or only judgement is delivered by the Court/ Tribunal / Commission, the same shall be a non- effective hearing;
- In case where on the request of the Ministry of Education, interests of UOI have also to be protected, no extra fees shall be paid to the Advocate to watch and safeguard to the interest of Ministry of Education or UOI.
- Standing Council should maintain absolute integrity towards All India Council for Technical Education (AICTE).
- Standing Counsel should abide by the rules/ directions/ office orders/ schedule of fees as per notified/ fixed by AICTE from time to time.
- If any Court/Tribunal issued Dasti Notices the opponent party, the Standing Counsel is liable to serve the Dasti Notices to the party.

RIGHT TO PRIVATE PRACTICE

- The Counsel will have the right of private practice, which should not however, interfere with the efficient discharge of work of AICTE but he/ she shall not advise, hold briefs or appear against AICTE before any authority, Tribunal or Court of Law.
- If the Counsel happens to be a partner in a firm of lawyers or solicitors, it will be binding to the firm, not to take up any case against AICTE.

TERMINATION OF APPOINTMENT / RESIGNATION:

AICTE reserves the right to terminate the appointment/ empanelment of a Counsel on a one months' notice in writing without assigning any reason, however in case of any emergent situations appointment / empanelment may be cancelled at any time without any reason.

AICTE is free to engage any Advocate of its own choice and an empaneled of Advocate shall make no claim that he/ she alone should be entrusted with AICTE legal matter(s).

The decision of Chairman AICTE will be final on any dispute arising out of it.

Accepted
Signature(.....)

Name : (.....)