



F.No. 5-30/2015/NCTE/Estt.

Dated 17.6.2016

**Circular on Engagement of Legal Counsels for NCTE**

National Council for Teacher Education, a Statutory body under the Ministry of Human Resource Development (Government of India) intends to engage Legal Counsels/Standing Counsels to represent it in the Hon'ble Supreme Court, Delhi High Court and Tribunals/Commissions in New Delhi and High Courts under the jurisdiction of the Regional Committees of NCTE at Jaipur, Bhopal, Bangalore and Bhubaneshwar as follows.

Name of the Office/ Regional Committee	Name of the Hon'ble Courts	Address & e-mail ID of the Authority to whom the application to be submitted
<b>NCTE (HQ), New Delhi</b>	Supreme Court of India Delhi High Court National Commission for Minority Educational Institutions & other Trial Courts at Delhi. Central Administrative Tribunal, Principal bench at New Delhi.	Under Secretary (Legal) National Council for Teacher Education, Hans Bhawan, Wing-II, 1, Bahadur Shah Zafar Marg, New Delhi-110002 e-mail-legal@ncte-india.org
<b>Northern Regional Committee</b>	High Court of Allahabad, Allahabad and Lucknow Bench. High Court of Nainital High Court of Shimla High Court of Delhi High Court of Punjab & Haryana at Chandigarh. CAT Bench, Chandigarh High Court of Rajasthan at Jaipur and Jodhpur	The Regional Director, Northern Regional Committee, 4 <sup>th</sup> Floor, Jeevan Nidhi-II LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur-302005 0141-2744288, 2744635 e-mail-nrc@ncte-india.org
<b>Western Regional Committee</b>	High Court of Madhya Pradesh at Jabalpur, Indore & Gwalior High Court of Bombay, Nagpur, & Aurangabad High Court of Goa at Panaji	The Regional Director, Western Regional Committee, Manas Bhawan, Shyamla Hills, Bhopal-462002 0755-2739672, 2660372 e-mail-wrc@ncte-india.org
<b>Southern Regional Committee</b>	High Court of Madras, at Chennai , High Court of Madras at Madurai, High Court of Kerala at Ernakulam High Court of Karnataka at Banaglore High Court of Karnataka at Dharwad High Court of Andhra Pradesh and Hyderabad and Telangana at Hyderabad	The Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Opp. National Law School Nagarabhavi, Bangalore-560072 080-23185669, 23185670 & 23185672 e-mail-src@ncte-india.org

<b>Eastern Regional Committee</b>	High Court of Patna, Bihar High Court of Jharkhand at Ranchi High Court of Calcutta High Court of Assam at Guwahati & Shillong, Tripura High Court of Orissa at Cuttack	The Regional Director, Eastern Regional Committee, 15, Nilakantha Nagar, Nayapalli, Bhubaneswar-751012 0674-2562793, 2563156 e-mail-erc@ncte-india.org
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2) The eligibility and Terms and Conditions of engagement shall be the following:

(a) **For Empanelment in Supreme Court of India**

(i) The Advocate must have minimum experience of five years of handling Educational/Regulatory/Civil, Service matters and issues pertaining to Autonomous Organisations of Govt. of India, in the Supreme Court.

(ii) The Advocate must be 'Advocate on Record'

(b) **For Empanelment in High Courts**

(i) The Advocate must have minimum experience of three years of handling Regulatory/Civil/ Educational/Service matters and issues pertaining to Autonomous Organisations of Govt. of India.

3) The terms of engagement shall be governed by Legal Policy of NCTE. **(Copy attached)** The period of engagement will be for one year extendable for further period with the approval of the Competent Authority.

4) Interested advocates may apply along with complete details/ credentials of their qualifications/ experience (including experience of representing Central/State Government before Courts/ Tribunals) by e-mail and by post to the authorities mentioned against each court along with authenticated copies of the certificate and testimonials so as to reach the concerned authority by 15<sup>th</sup> July 2016. Applications received after the due date will not be entertained.

5) The applications already received by the Regional Directors of the Regional Committees in response to their advertisements for empanelment in the respective courts of jurisdiction will also be considered.

6) An undertaking is also to be furnished by the applicants along with their applications that, if the information provided is found to be incorrect, NCTE reserves the right to reject such applications, and if already empanelled, to debar him/her from the empanelment.

The decision of the Competent Authority of NCTE in this regard will be final.

**Under Secretary (Legal)**



## National Council For Teacher Education

An approach paper cum guidelines in regard to the litigation matters of National Council For Teacher Education and its Regional Committees, a statutory body under the Ministry of Human Resource Development set up with a view to achieving planned and coordinated development of the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher education system and for matters connected therewith, have been framed as under:

### **I CATEGORY OF COURT CASES**

- a) **Important Matters:** Cases where the judgement will affect the NCTE Act, Rules or any regulations and where any unfavorable decision may have serious consequences.
- b) **Ordinary Matters:** Cases where the petitioner has impleaded NCTE as one of the respondents and NCTE has only to furnish certain facts based on regulations to the Court.
- c) **Performa Matters:** Cases where NCTE is impleaded as one of the respondents, but no relief is sought from it.

### **II) ELIGIBILITY, APPOINTMENT AND EMPANELMENT OF LEGAL COUNSEL FOR HON'BLE SUPREME COURT OF INDIA, VARIOUS HIGH COURTS AND OTHER LOWER COURTS.**

A panel will be drawn by the NCTE(HQRs) for the legal counsels for Hon'ble Supreme Court of India and various High Courts and other courts as per criteria given below:

#### **a) Hon'ble Supreme Court of India:**

- i) **Appointing Authority :** Appointment and removal of advocates will be made by NCTE(HQRs) with the approval of Chairperson, NCTE.
- ii) **Eligibility :** The advocates should have a minimum of 5 years experience in handling the educational matters before the Supreme Court of India.
- iii) **Terms of appointment :** The term of appointment of the Counsels would be for a period of one year and extendable on year to year basis from the date of appointment. The appointment of the Counsels may be terminated at any time by the appointing authority without assigning any reason.

#### **b) Hon'ble High Courts and other courts:**

- i) **Appointing Authority :** Appointment and removal of advocates will be made by NCTE(HQRs) with the approval of Chairperson, NCTE. The Regional Directors have to recommend the names of advocates for various courts under their jurisdiction.
- ii) **Eligibility :** Advocates should have a minimum of 3 years experience in handling the educational matters.
- iii) **Terms of appointment :** The term of appointment of the Counsels would be for a period of one year and extendable on year to year basis from the date of appointment. The appointment of the Counsel may be terminated at any time by the appointing authority without assigning any reason.



**III) ENGAGEMENT OF LEGAL COUNSELS AND ASSIGNMENT OF CASES FOR HON'BLE SUPREME COURT, VARIOUS HIGH COURTS AND OTHER LOWER COURTS.**

- a) **Hon'ble Supreme Court of India:** Engagement of advocates and assignment of the cases will be made by NCTE(HQRs) with the approval of Member Secretary, NCTE from the panel of advocates prepared for the purpose. For important cases, Senior Advocates will be engaged with the approval of Chairperson, NCTE.
- b) **Hon'ble High Courts of India and other courts:** : Engagement of advocates and assignment of the cases will be made by concerned Regional Directors out of the panel prepared by NCTE(HQRS)and ensure the equitable distribution of the cases. An advocate may be nominated in each court for receiving court notices/petitions on behalf of NCTE to avoid any ex-parte decisions on a monthly retainer-ship of Rs. 5000/-including charges for staff, office, rent and postage and other establishment charges except for his appearance etc.
- Note :** For the cases defended by NCTE(HQRs) at Delhi/New Delhi, advocates will be engaged with the approval of Member Secretary, NCTE.

**IV) FILING OF VAKALATNAMA AND DEFENDING THE CASES ON BEHALF OF NCTE(HQRS) AND REGIONAL COMMITTEES.**

- a) **Cases where NCTE(HQRs) is a party along with concerned Regional Committees:** Regional Director concerned will defend the case also on behalf of NCTE(HQRs) and file the Vakalatnama. Specific information will have to be obtained from the NCTE(HQRS) for filing the affidavit, if any. Information about the latest status of the case invariably be sent to NCTE(HQRs).
- b) **Cases where Regional Committee is a party and NCTE(HQRs) is not a party:** Regional Director concerned will defend the case and file the Vakalatnama. Specific information, if any, will have to be obtained from the NCTE(HQRS) for filing the affidavit, if any.
- c) **Cases where NCTE(HQRs) is a party and Regional Committee is not a party:** Regional Director concerned will defend the case on behalf of NCTE(HQRS) and file the Vakalatnama in the Courts under their jurisdiction. Specific information will be obtained from the NCTE(HQRS) for filing the affidavit, if any. For the cases at Delhi/New Delhi, NCTE(HQRs) will defend the same and file the Vakalatnama accordingly.

**Note:** The cases pertaining to the service matters of the NCTE Staff before various Courts at New Delhi should be defended by NCTE(HQRS) after taking the required information from the concerned Regional Committee, if any.



**V) FILING OF APPEALS BEFORE DIVISION BENCHES OF HON'BLE HIGH COURTS AND HON'BLE SUPREME COURT OF INDIA BY NCTE AND ITS REGIONAL COMMITTEES:**

In cases where the directions are against the NCTE Rules, Regulations, Norms and Standards, an action shall be taken to file an appeal against such directions:

- a) For filing of Appeals against any decision of the lower Court before and upto the Division Bench of Hon'ble High Courts, approval of Member Secretary, NCTE is required.
- b) For filing of Appeals before Hon'ble Supreme Court of India, approval of Chairperson, NCTE is required.

**VI) PAYMENT OF LEGAL FEES TO THE COUNSELS ENGAGED.**

**HON'BLE SUPREME COURT OF INDIA**

**i) Senior Advocates**

As mutually settled

**ii) Other Advocates**

(i)	Appearance	:	Rs. 3000.00
(ii)	Final Appearance	:	Rs. 4500.00
(iii)	Preparation and filing of Counter Affidavit	:	Rs. 3000.00
(iv)	Preparation and filing of additional affidavit:		Rs. 1000.00
(v)	Conference charges( per Conference/day)		Rs. 2000.00
(vi)	Misc. expenditures	:	As per actual
(Photocopy, typing, court fee, attestation etc.)			

**VARIOUS HIGH COURTS AND OTHER COURTS**

**i) Senior Advocates**

As mutually settled

**ii) Other Advocates**

(i)	Per appearance	:	Rs. 2250.00
(ii)	Final Appearance	:	Rs. 3500.00
iii)	Preparation and filing of CA (High Courts)	:	Rs. 3000.00
(iii)	Preparation and filing of CA (Other Courts):		Rs. 2500.00
(iv)	Preparation and filing of Additional Affidavit:		Rs. 1000.00
(v)	Conference charges( per Conference/day)	:	Rs. 1000.00
(vi)	Misc. expenditures	:	As per actual
(Photocopy, typing, court fee, attestation etc.)			

**Legal Opinion**

For legal opinion on various documents and other issues related to the NCTE an amount of maximum of Rs. 1500.00 will be paid for each of the opinions. In exceptional cases, the fee for legal opinion tendered by a senior advocate will be as mutually agreed upon.

## **Out of Headquarters**

If the Counsel is required to go out of the Headquarters in connection with the Court case, he will be entitled to the TA/DA as admissible to the Class-I officer of the Govt. of India having grade pay of Rs. 7600-8900 (As per the acceptance of the report of Sixth Pay Commission)

## **CLERKAGE**

The Counsel will not be entitled to any clerkage on the amount of fee payable to him.

## **GENERAL**

- i) **Identical cases:** Two or more cases where substantially identical questions of law or facts are involved and where the main difference is in the names, addresses of the parties concerned, amount of money involved etc. where the common or identical Judgement are delivered irrespective of the fact whether all the cases are heard together or not. The Counsel shall be paid the full fee in the main case and Rs. 250/- each of the connected case.
- ii) No fee will be allowed in cases which were got adjourned by the Counsel without the directions from the NCTE or on his personal grounds.
- iii) These rates will also be applicable to the lawyers engaged by Regional Offices of the NCTE. Only one set of fee will be entitled on behalf of all the parties involved from NCTE point of view or UOI if the Counsel asked to appear for the same by UOI, Ministry of Human Resource Development.
- iv) If a senior advocate/lawyer of extra ordinary repute is engaged to defend/contest the case for the Council, his charges will be negotiated in advance and prior approval of the NCTE(HQRs) will be taken before such engagement.
- v) In any case if more than one lawyer is engaged in Supreme Court/High Court, in that case main lawyer will receive the charges as prescribed above and assisting lawyer will be paid @Rs. 3000.00 per appearance subject to a maximum of Rs. 10,000.00 per case.
- vi) No Conference/Opinion charges will be paid if decision/meeting is held with lawyer in a matter related to on-going case in any of courts in which that lawyer is engaged as Counsel of NCTE. However, if he is called to NCTE Office for discussion/meeting/conference, he will be entitled to claim TA/DA as applicable to the officers of NCTE at the level of Deputy Secretary.



- vii) A Counsel will have to right to private practice, which should not, however, interfere with the efficient discharge of his duties as a Counsel for the NCTE/Government of India. A Counsel shall not advise any party in or accept any case against the NCTE/Govt. of India in which he has appeared or is likely to be called upon to appear for or advise or which is likely to affect or lead to litigation against the NCTE/Govt. of India.

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