



MAHATMA GANDHI CENTRAL UNIVERSITY

[A Central University established by an Act of Parliament]

Email: osdadmin@mgcub.ac.in | **Website:** www.mgcub.ac.in

Dated: 21st June 2023

NOTICE INVITING APPLICATION

for

EMPANELMENT OF ADVOCATES/LAW FIRMS

1. The Mahatma Gandhi Central University (herein after referred to as 'MGCU') is an autonomous body of the Government of India established by an Act of Parliament [Central Universities (Amendment) Act 2014]. The university became functional w.e.f. February 2016 onwards with its headquarter at Motihari, District – East Champaran, Bihar. MGCU is fully funded by the Government of India through Ministry of Education, New Delhi.
2. MGCU invites applications from interested and eligible advocates for empanelment of Advocates/Law firms to represent the university in legal cases before different Hon'ble Court of Law in India, and any other judicial bodies within the territory of Union of India.
3. The services of the Advocates/Law firms will be mainly utilized in the matters relating to Teaching & Non-Teaching Staff, Admission, Recruitment, Promotion, Attendance, Leave, Sexual Harassment, Reservation, C.R. & Vigilance, Estate/Arbitration matter, RTI matter, Employees retirement benefits and Disciplinary proceedings etc.
4. The practicing Advocates who are registered with Bar Council of India/State Bar Council are eligible for empanelment. The qualification, experience, schedules of fees, other terms and conditions and the application format in which the application must be made, have been prescribed.
5. **How to Apply:** Interested and eligible practicing Advocates/Law Firms must submit application in the format prescribed in **ANNEXURE – 'A'**, enclosed herewith, along with all relevant required supporting documents in a sealed envelope to:

The OSD (Administration)
Mahatma Gandhi Central University
Dr Ambedkar Administrative Building
Raghunathpur, Near OP Thana
Motihari, District – East Champaran
Bihar – 845 401

The envelope should be super-scribed with the following:

“Application for Empanelment of Advocates/Law Firms to represent the Mahatma Gandhi Central University, Motihari before different Hon’ble Courts of Law”

The last date of receiving of applications in the prescribed format along with all relevant required supporting documents is 13th July 2023 [till 05:00 PM].

6. Before filling the application form, the Advocates/Law Firms are advised to carefully read and follow the eligibility criteria, instructions and other terms and conditions, as prescribed below.
7. **IMPORTANT NOTE:**
 - i. Only those who are ready to accept the terms and conditions in the notice shall be considered for empanelment.
 - ii. Application for empanelment at MGCU does not confer any right/assurance whatsoever; to an applicant that he/she will be empanelled on the panel of MGCU. Letters to advocates/law firm confirming their empanelment will be issued by MGCU separately.

8. Guidelines for Empanelment of Advocates/Law Firms:

Following guidelines are designed to provide and regulate the manner and procedure for empanelling the advocates/law firms to represent and assist MGCU before various courts including the district courts and other judicial bodies, and for regulating the referral of the cases and payment of fee/remuneration. These guidelines shall supersede all existing instruction in this regard, if any, and is subject to change without assigning any reason thereto.

A. Scope of Work:

- i. Rendering legal services and providing opinion, as and when referred, on matters related to Teaching & Non-Teaching Staff, Admission, Attendance, Recruitment, Promotion, Leave, Sexual Harassment, Reservation, C.R. & Vigilance, Estate/Arbitration matters, RTI matter at CIC, Employees retirement benefits and Disciplinary proceedings etc. besides other litigation matters.
- ii. Handling notices and other legal queries, as and when referred.
- iii. Representing the University before any Court of Law or Tribunal or Statutory Body or Quasi-judicial authority or Arbitrators/Arbitral Tribunals under the relevant act(s) and any other proceedings, as and when referred.
- iv. Conducting legal due diligence, as and when referred.

- v. Providing legal opinion, advice related to Legal matters of the University as and when referred.
- vi. Legal Vetting of draft notices, agreements, bidding documents, MoAs, MoUs etc.
- vii. Any other legal assignment prescribed by the competent authority of the MGCU.

B. Eligibility of Empanelment:

- i. Advocates/Law Firms should possess professional expertise especially in handling cases in the areas stated above.
- ii. Bachelor's Degree in law from a recognized university and registration with Bar Council of India/State Bar Council.
- iii. For empanelment as Legal Counsel(s) an individual Advocate must have at least 10 years of experience as practicing Advocate, and in case of firms the Senior most Advocate/Partner/Associate of the firms must have at least 10 years of experience as practicing Advocate.
- iv. Advocate/Law Firm should not have been debarred by any Central/State Government/University/Government Departments.
- v. Having good communication skills in English and good knowledge of law and procedure.

C. Documents required to be submitted by the Advocate/Law Firm:

The Advocates and Law Firms will be required to submit their applications in the prescribed format as given in the **ANNEXURE - 'A'**. The self-attested copies of the following documents are required to be submitted with the application:

- i. High School Certificate [*Senior Partner in case of Law Firm*]
- ii. Certificates in support of educational qualifications of Advocate [*Senior Partner in case of Law Firm*]
- iii. Certificate of Registration with Bar Council
- iv. Identity Card issued by Bar Association/Bar Council
- v. Income Tax PAN Card
- vi. 3-Years Income Tax Return
- vii. 3-Years Audit Report [*in case of Law Firm*]
- viii. Details regarding representation of other Government/PSU/Statutory Bodies/Universities etc.
- ix. Documents regarding empanelment with other Organizations, if any.

- x. Details regarding the cases in which the Advocate was able to get favourable outcome/decision which are reported/referred in reputed in legal journals etc.
- xi. Details of office Infrastructure and number of Associates in addition to office staff.
- xii. Other relevant information, if any.

D. Payment of Fees and other Conditions:

- i. The fee payable to the empanelled Advocate/Law Firm shall be governed by the Schedule of Fee structure given at **ANNEXURE - 'B'** attached with these guidelines, as amended from time to time.
- ii. No retainer fee shall be paid to any empanelled Advocate/Law Firm merely because such advocate has been empanelled.
- iii. The Competent Authority shall have the right in exceptional cases to approve the payment of a higher fee than the fee mentioned in the annexed schedule keeping in view the importance of the matter and the labour and efforts put in by the advocate in a particular case. It shall also have the power to fix the fee for eventualities which have not been mentioned in the schedule till appropriate amendment is made in this regard in the Fee Schedule by the MGCU.

E. Communication of Empanelment:

After a decision to empanel the advocate is taken, a communication in writing to this effect shall be sent to the shortlisted Advocate/Firms. The process of empanelment shall be complete when MGCU receives an acceptance letter from the advocate/law firm.

F. Tenure of Empanelment:

The initial empanelment will be for three (03) years or until further orders whichever is earlier. Performance of empanelled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the advocate/law firm, the empanelment may be renewed for a period of another one (01) year by the MGCU as per the terms & conditions in effect at the time of renewal.

Note: The MGCU reserves the right to terminate the empanelment of any advocate at any time without assigning any reason thereof.

G. Procedure for Empanelment:

- i. The applications received will be evaluated by the Committee to be constituted by the university, and the Advocates/Law Firms will be empanelled on the recommendations of the said committee based on their expertise and experience in litigation.
- ii. The said committee while appraising the applications of the Advocate/Law Firm, may consider the following points:
 - a. Length of practice and specialization.
 - b. Proper and adequate infrastructure such as office premises, number of junior Advocates, Assistants, Clerks etc.
 - c. 3-year Annual Income Tax Return filed with the Tax Authorities.
 - d. Track record and integrity.
 - e. If considered necessary, an enquiry with the respective Bar Council/Bar Association about the claims and conduct of the Advocate/Law firm to be empanelled may be made and credentials may also be verified.
 - f. If the Advocate/Law Firm is empanelled by other organizations/authorities, opinion of those organizations may be obtained.
 - g. Any application received after the last date prescribed in the advertisement shall not be entertained.
 - h. If required, MGPU may call the eligible Advocates/Law Firms for interview/interaction. Accordingly, if called, the eligible Advocates/Law Firms shall be required to bring original documents at the time of interaction with the said committee.
- iii. Merely fulfilling the eligibility criteria will not confer any right/assurance whatsoever, to any applicant to be empanelled.
- iv. The decision of the Competent Authority regarding short listing and selection of the candidates shall be final.

H. Duties of the empanelled Advocates/Law Firms:

The empanelled Advocate/Law Firm shall perform the following duties:

- i. Represent MGPU before the different Hon'ble Court of Law and any other judicial bodies within the territory of India.
- ii. Provide legal advice to MGPU on civil, criminal, service and such other matters arising in due course of administration of the University as are referred to him/her including: **(a)** Examination of petition and drafting of statement of objections/legal documents; **(b)** Drafting of applications, petitions etc., to be filed in various courts of law; and **(c)** Prompt removal/

curing of defects in appeals/petitions files; as may be pointed out by the registry.

- iii. Apply for the copy of judgment from the court in cases attended by him/her and supply the copy of judicial pronouncements at the earliest but not later than 10 days from the date of order (*excluding the time taken by the court in preparation of the copy*).
- iv. If required, render all assistance to Special or Senior Counsel engaged in a particular case before the Court of Law.
- v. Keep MGCU 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.
- vi. The Advocate/Law Firm shall not advise any party or accept any case against the university 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 the MGCU.
- vii. In case where on the request of the Union of India, Ministry of Education, and University Grants Commission have also to be represented, no extra fee shall be paid to the Advocate/Law Firm to watch and safeguard the interests of Union of India, Ministry of Education and University Grants Commission.
- viii. Furnish monthly statement about the cases represented by him/her before Supreme Court, High Court/different judicial bodies/Tribunals/Forums/Commissions or any other court/authority and their outcomes.
- ix. Perform such other duties of legal nature which may be assigned to him/her by MGCU from time to time.
- x. When any case assigned to him/her is decided against the University, give considered opinion regarding the advisability of filing an appeal from such a decision not later than five (05) working days of the order.

I. Doubt/Ambiguity:

If there arises any doubt/ambiguity with respect to the implementation/interpretation of any clause of these guidelines, the same shall be placed before Vice-Chancellor, MGCU and his decision in this regard shall be final and binding.

J. Right to Practice:

- i. Advocate(s)/Law Firm(s) will have the right of private practice, which should not however, interfere with the efficient discharge of work of MGCU but he/she shall not advise, hold briefs, or appear against MGCU before any authority, tribunal, or court of law.

- ii. If the counsel happens to be a partner in a firm of lawyers or solicitors, it will be incumbent on the firm, not to take up any case against MGCU in any court of law or.

Any other case arising in other courts out of cases pertaining to MGCU e.g., appeals and revision in the High Court/Supreme Court/Commissions/Forum/Tribunals.

K. Disablements:

Disablement on the part of the Advocate/Law Firm shall mean and include any of the following:

- i. Giving false information in the application for empanelment.
- ii. Handing over the brief or matter to another advocate without prior written permission of the MGCU.
- iii. Failing to attend the hearing of the case without any sufficient reason and/or prior information.
- iv. Not acting as per MGCU's instructions or going against specific instructions.
- v. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand.
- vi. Misappropriation of the MGCU's funds or earmarking's, using the same towards his/her fee without MGCU's permission.
- vii. Threatening, intimidating, or abusing any of the MGCU's employees, officers, or representatives.
- viii. Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to MGCU
- ix. Committing an act that tantamount to contempt of court or professional misconduct.
- x. Conviction of the Advocate/Law Firm in any offence resulting into arrest or detention or disbarment by the Bar Council.
- xi. Passing on information relating to MGCU's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the MGCU's interests.
- xii. Giving false or misleading information to the MGCU relating to the proceedings of the case.
- xiii. Seeking frequent adjournments and/or not objecting the adjournment moved by other party without sufficient reason. Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Advocate/Law Firm.

L. Termination of Appointment/Resignation:

MGCU reserves the right to terminate the appointment/empanelment of an Advocate/Law Firm with one month's notice in writing without assigning any reason. The Advocate/Law Firm may also resign from the University Panel by serving one month's notice.

MGCU is free to engage any advocate/law firm of its own choice and an empanelled Advocate shall make no claim that he/she alone should be entrusted with MGCU's legal matter(s).

M. General Instructions:

- i. The size of the panel and number of Advocates/Law Firm in panel shall be determined by the university based on the requirement and quantum of work.
- ii. Refusal of any Advocate/Law Firm to accept any work without any reasonable cause (e.g., on grounds of conflict of interest) may entail removal of such advocate/law firm from the panel.
- iii. MGCU reserves the right to allot matters/cases to the advocates/law firms from the empanelled list or outside the list, at its sole discretion.
- iv. The Advocate/Law Firm shall accept the terms and conditions of the empanelment as determined by the MGCU from time to time.
- v. That the empanelled Advocate/Law Firm (either in person or through an authorized Associate), shall visit the university to discuss urgent legal cases/matter whenever called upon by the university.
- vi. That the empanelled Advocates shall send the bills as per approved rates and complete in all respects, preferably within two months.
- vii. That the empanelled Advocates/Law Firms should have proper infrastructural facilities including manpower. It includes scanner, photocopier, computer etc. as well as peon, dealing clerk and Associate advocate.
- viii. In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply mutatis mutandis to them.
- ix. Cases involving similar issues/points of law or otherwise interlinked or clubbed may be entrusted to the same Advocate as far as possible.
- x. The Advocate/Law firm shall not advise any party or accept any case against the MGCU 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 the MGCU.
- xi. If the Advocate 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

MGCU in any Court of Law/Tribunal/Commission/Forum or any case arising out of those cases e.g., appeals and revisions.

- xii. The University reserves the right to take away a case assigned to a particular advocate/firm and may assign it to some other advocate/firm from the panel or even outside the panel if it deems fit that the case is not properly represented or in case the Advocate/Firm expresses their inability to fight the case.
- xiii. The University can even hire the services of any other advocate(s) apart from the panel of Legal Counsel(s) on any amount of payment as per the severity of the case, it deems fit to protect the rights of the University in any case. The panel should give due respect to the decision of the University, and they ought to provide their legal advice and support to that advocate in case the University asks them to assist that Advocate.
- xiv. The University may also appoint any of the Advocate from the panel or even outside the panel to receive the Petitions/Summons/Notices/Orders from a court on behalf of the University and take appropriate steps on the same in consultation with the University.
- xv. Canvassing in any form shall be treated as a disqualification. The candidature of such applicants shall be cancelled forthwith.

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APPLICATION FORM FOR EMPANELMENT IN MGCU

[To be filled in by all applicant Advocate/Law Firm]

FORMAT OF BIO-DATA FOR ADVOCATE/LAW FIRMS

1.	Name of the Advocate	
2.	Name of the Law Firms	
3.	Date of Birth	
4.	Date of Enrolment, Name of Bar Council (<i>Enclose attested copy of enrolment certificate</i>)	
5.	Period of Practice	
6.	Details of Experience/Practice	
7.	Area of Practice (specialized)	
8.	Specialization, if any (<i>constitution /taxation/service etc.</i>) the details of a few important cases the advocate has dealt with/handled and reported judgment, if any.	

9.	Whether Central/State Govt/ Counsel/Pleader <i>(indicate period)</i> <i>(with documentary evidence)</i>	
10.	Brief list of clients e.g., Govt./ Organization/Institutes or Autonomous Body/PSUs <i>(Enclose the documentary evidence)</i>	
11.	The Courts where the Advocate is regularly practicing <i>(Enclose attested copy of Bar Association Member Certificate)</i>	
12.	Proper and adequate infrastructure of an advocate such as office premises, number of junior advocates, assistants, clerks and fax mobile phone, fixed phone, and internet connection etc.	
13.	Date of enrolment as an Advocate and Registration No.	
14.	Income tax PAN Number <i>(Enclose copy of PAN Card)</i>	
15.	A brief note on suitability for empanelment. <i>(If required please enclosed separate Annexure)</i>	
16.	Office Address <i>(copy enclose)</i>	
17.	Residential Address <i>(copy enclose)</i>	

18.	Court Chamber Address <i>(copy enclose)</i>	
19.	3 Years Income Tax Return <i>(Enclose the supporting documents)</i>	
20.	3 Years Audit Reports <i>(Enclose the supporting documents)</i>	
21.	Any disciplinary proceedings, enquiry, legal action, or punishment is ever contemplated or pending <i>(If yes, please provide details)</i>	

**Signature of the Advocate/
Authorized person of the Law Firm**

Name: _____

Place:

Date:

ANNEXURE – ‘B’**SCHEDULE OF FEE AND ALLOWANCES**

S1.	Item of Work	Rates
1.	Fee for appearance in Hon'ble Supreme Court	Rs.9,000/- per case per day <i>[for effective hearing]</i> ; Rs.1,000/- per case per day <i>[for non-effective hearing subject to a maximum of 5 hearings]</i>
2.	Fee for appearance in Hon'ble High Court	Rs.4,000/- per case per day <i>[for effective hearing]</i> ; Rs.1,000/- per case per day <i>[for non-effective hearing subject to a maximum of 5 hearings]</i>
3.	Fee for appearance in Tribunals/Commissions	Rs.3,000/- per case per day <i>[for effective hearing]</i> ; Rs.1,000/- per case per day <i>[for non-effective hearing subject to a maximum of 5 hearings]</i>
4.	Fee for appearance in District Courts/ Subordinate Courts	Rs.2,500/- per case per day <i>[for effective hearing]</i> ; Rs.1,000/- per case per day <i>[for non-effective hearing subject to a maximum of 5 hearings]</i>
5.	Fee for drafting SLP/Writ Petition/Transfer Petition/Counter Affidavit	Rs.5,000/-
6.	Fee for drafting Additional Affidavit/ Miscellaneous Applications etc.	Rs.4,000/-
7.	Fee for Legal Opinion	Rs.4,000/-
8.	Fee for filing appeals (revision/review on behalf of MGCU)	Rs.6,000/- per case
9.	Clerkage	10% <i>[no clerkage will be paid on simple adjournment]</i>
10.	Miscellaneous Charges	As per actual <i>[on production of Bills/Receipts]</i>
11.	Similar/Identical Cases	Where in two or more cases involve substantially identical questions of law or facts and where the main difference is in the names, addresses of the parties concerned, amount of money involved, etc., and/or where common or identical judgments are delivered, irrespective of the fact that all the cases are heard together or not, the Advocate/Law Firm shall be paid the full amount in the main case and Rs.250/- per case per effective hearing for each of the connected case(s). SLP/Petitions of appeal arising out of one common judgement or order will be considered as one case, if they are heard together.