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## SCHOOL & MASS EDUCATION DEPARTMENT

### NOTIFICATION

The 27th January, 2012

No. 2397-XIVE-Codes-3/2010/SME.—Government in School & Mass Education Department, in pursuance to their Resolution No.17802/SME., dated the 29th June, 2001 and in consultation with Law Department have been pleased to appoint Sri Sandip Parida, Advocate, Odisha High Court as Senior Standing Counsel to look after all the Court cases of the School & Mass Education Department in Odisha High Court / Odisha Administrative Tribunal, Cuttack / Bhubaneswar and State Education Tribunal, Bhubaneswar with effect from the date he assume office subject to the terms and conditions mentioned below:—

1. The Sr. Standing Counsel will be exclusively responsible to aid and advise the School & Mass Education Department.

2. The Sr. Standing Counsel will get retainer fee and daily fee from the date of joining as applicable to the Government and Additional Government Advocates of High Court respectively as provided in the Law Officers of the High Court (Recruitment, Remuneration and Duties) Rules, 1974 with its amendment from time to time. The bill of fees and T.A. of the Sr. Standing Counsel shall be drawn after countersignature of the Advocate General.

3. The appointment is terminable at any time with one month's notice from either side or on payment of one month retainer fee in lieu thereof.

4. He is entitled to T.A. and D.A. as admissible to Class-I Officers of the State.

5. The period of appointment will be for one year w.e.f. the date he assumes the charge of office. The appointment can be terminated without notice and without any compensation in case of gross neglect, misconduct and inefficiency.

6. The assignment of the Standing Counsels shall be decided by the Sr. Standing Counsel in consultation with Learned Advocate General, Odisha. The Sr. Standing Counsel should function under the Administrative control of Learned Advocate General, Odisha like the existing Government Advocate and Sr. Standing Counsel of the Office of the Advocate General.

7. The Senior Standing Counsel shall be held responsible, if any Court goes unrepresented on behalf of School & Mass Education Department because, in the past, Hon'ble High Court have taken a serious view of the non appearance on behalf of the School & Mass Education Department before the courts. In such case(s), the same will be viewed seriously.

8. The Sr. Standing Counsel shall ensure that the Standing Counsels in the Cell shall attend to all types of legal activities for each case such as making available the copy of the writ petitions and any other petitions arising out of it and paper book and other ancillary papers to Government/ Field Officers concerned on the very next day of the receipt of the same, preparation of P.W.C /Counter, Time Petition and filing of the same in the Courts / Tribunals. The Sr. Standing Counsel shall finally scrutinize and approve the Counter Affidavits / Writ Petitions / Misc. Petitions drafted by the Standing Counsels before they are filed on behalf of School & Mass Education Department. The Sr. Standing Counsel shall ensure that the Counter Affidavit / Show Cause Affidavits before their filing in the Courts / Tribunal by the Field Officers are complete in all form and vetted by the Government, if the matter involves Government Policy Matters / Financial Matters.

9. The Senior Standing Counsel shall submit a monthly report by 5th of the following month to Government in School & Mass Education Department, stating the opening balance at the beginning of the month (Court wise) cases received/filed during the month (Court wise) /P.W.C/ Counter filed (Court wise) /disposal of cases (Court wise). He will further submit a report on the overall performance of the Standing Counsels.

10. The Senior Standing Counsel shall maintain and ensure smooth functioning of the office of the S&ME Cell, Cuttack and Bhubaneswar and ensure punctuality of the employees of the Cells. He will further ensure that the case records / files are being placed before the concerned Standing Counsels to conduct the case one day in advance as per the cause list.

11. The Sr. Standing Counsel shall ensure that the field functionaries coming to the Cell for discussion / finalization of draft are being duly attended to by the concerned

Standing Counsels on the same day and disposed off. He will also check the Visitors Register of the Cell and ensure proper maintenance of the Register by the Section Officer of the Cell. He should maintain cordial relations with the staff of the Cell and infuse a sense of administrative responsibility among the staff of the Cell and see that the objective of opening a separate Cell for School & Mass Education Department is being fulfilled.

**12.** The Sr. Standing Counsel shall function with the aid of their private chamber and library.

**13.** This has been issued with the concurrence of the Law Department vide U.O.R. No.2332/L., dated the 17th December, 2011 and clearance has been obtained from the State Election Commission Odisha vide their letter No. 1683 date the 25th January, 2012.

**14.** The Notification No.XIV-Codes-03/2010-4808/SME., dated the 17th March, 2010 issued by School & Mass Education Department in respect of appointment of Shri Rangadhar Behera, Sr. Standing Counsel is hereby cancelled. The appointments of Shri Behera is terminated with immediate effect. He is advised to handover the records / documents, if any, to the new Sr. Standing Counsel.

This Notification will come into force with immediate effect.

By order of the Governor

Smt. APARAJITA SARANGI

Commissioner-*cum*-Secretary to Government