



Government of the People's of Bangladesh  
Ministry of Education  
Secondary and Higher Education Division  
Directorate of secondary and Higher Education  
Finance and Procurement Wing



## Terms of Reference (ToR) for Panel lawyer

### Background and general descriptions:

Directorate of Secondary and Higher Education is working towards providing educational facilities available to all to produce enlightened people who can contribute to the development of Bangladesh to attain Sustainable Development Goals (SDGs).

Every year, myriad of files cases related to important public affairs, education policy and financial issues to the different District Judge Court, High Court division and Appellate Division of Supreme Court, Administrative Tribunal, and Administrative Appealate Tribunal against the Directorate of Secondary and Higher Education. In these cases/litigations, Secretary, Secondary and Higher Education Division are shown the Respondent Number 1 and Director General, Directorate of Secondary and Higher Education is shown as Respondent Number 2. At present Directorate of Secondary and Higher Education is handling around 400 cases every year. The number of litigations/Cases is increasing day by day. However, DSHE does not have any recruited panel lawyer to deal these cases and thus, need to depend on concerned law officer/Advocate who are appointed by Attorney general Office/Solicitor Office under Ministry of Law, Justice and Parliamentary Affairs of the Court. As a result, it is becoming a major challenge to handle this issue.

At Present, the Directorate of Secondary and Higher Education required qualified Panel Lawyer to handle the issue related to writ petitions/Appeals/A.T cases and other legal matters more efficiently and timely. The DSHE expects that, Law Panel Lawyer can provide instant required service regarding issues with wide range and guide us to take the appropriate steps to handle the legal matters effectively and efficiently. Therefore, Directorate of Secondary and Higher Education has initiated to appoint panel lawyer who can provide legal advisory support and proper contest the relevant court and also communicate the government lawyers (Attorney General/Additional Attorney General/ Deputy Attorney General /Assistant Attorney General /Government Panel Advocate/Government Pleader) in delivering its role and responsibilities.

### Objectives:

The objective of this assignment is to deal the writ petitions, cases and others legal issues of Directorate of Secondary and Higher Education judiciously and efficiently in order to dispose of the Directorate of Secondary and Higher Education related writ/appeal/case timely.

### Duration of the service Contract:

Duration of the service contract will be 02 (Two) years. But duration may increase or decrease depending on the needs and satisfaction of the services provided by appointed panel lawyer.

### Duties and responsibilities:

Panel lawyer will work together in partnership with the officials of the Directorate of Secondary and Higher Education and Government Prosecutors of Tribunals/High Court Division and Appellate Division of Supreme Court of Bangladesh. The services to be provided such as drafting and preparation of Para-wise reply on the appeal orders, revisions, affidavit on opposition, Compliance in

Panel lawyer will report to the Director General/Director (Admin) and law officer of Directorate of Secondary and Higher Education. Panel Lawyer will work closely with law Adviser and Law officers of Law Division of DSHE to undertake or provide legal services on the areas set out (but not limited to) below:

**(a) Appellate Division of Supreme Court:**

Activities involves in the Appellate Division are as follows-

1. Collecting petition of Appeal and other papers, Drafting and Filing.
2. Drafting for filing cases for, filling appeal (CMP/CP/CA), Review Petition, applications, vacating stay petition etc including typing, printing and filing (mandatory).
3. Filing of Civil Miscellaneous Petition (CMP) or Civil Petition for Leave to Appeal (CP) or Civil Appeal.
4. Formal appearance in court/in chamber hearing including filing power, documents obtaining permission, mentioning or fixing dates or attending court.
5. Withdrawing the certified copy of the judgment, order and other documents.
6. Miscellaneous legal supports when required.

**(b) High Court Division of Supreme Court:**

Activities involves in the High Court are as follows-

1. Perusal of papers, consultation and discussion for preparation on brief.
2. Preparation of Para-wise reply/Statement of facts for rule nisi/appeal/revision/affidavits/objection Affidavit in compliance in Contempt court etc. including typing, printing and filing (mandatory).
3. Formal appearance in the court including filing powers and documents, mentioning, fixing the matter in court or attending court for hearing in civil/service matter/writ matter/contempt (as required).
4. Collect the Petition and certified copy of the judgment, order and other documents (as required).
5. Providing legal opinion in other activities such as agreement, drafting laws and rules etc (as required).
6. Withdrawing the certified copy of the judgment, Adinterim order/ order or final Judgement and other documents (as required).
7. Other relevant legal supports when required.

**(c) District Judge/Administrative Tribunal/ Administrative Appeal Tribunal;**

Activates involves in Judge Court/Administrative Tribunals/Appellate Tribunals are as follows-

1. Consultation and discussion for preparation of Reply.
2. Formal appearance in court for hearing in Administrative Tribunal/Appellate Tribunal related cases proceeding (as required).
3. Withdrawing the certified copy of the judgment, order and other documents (as required).
4. Other relevant legal supports when required.

**Deliverables for individual Panel lawyer:**

No	Deliverables	Frequency/Time
1	Progress and status Report on assessment of overall performance of cases.	Report have to be submitted Monthly to Director General, Directorate of Secondary and Higher Education
2	Report on update of the pending cases that have been heard in the last 6 months in different Courts/Tribunals.	Report have to be submitted in every 6 (six) months to Director General, Directorate of Secondary and Higher Education
3	Other Reports to be assigned by Directorate of Secondary and Higher Education	As per instruction by Director General or a Law officer authorized by him

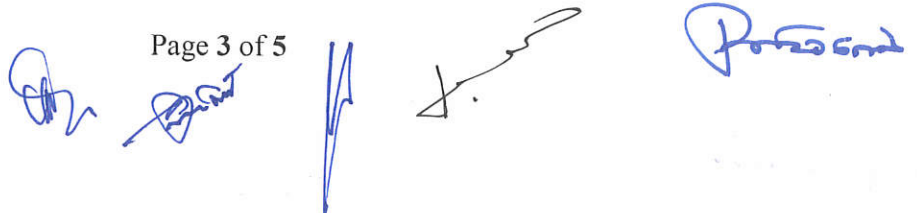
**Selection Criteria:**

Applicants meeting the following requirements are encouraged to apply

- Minimum LLB Degree from UGC recognized any University.
- Minimum 07(Seven) years experiences as Advocate in Supreme court of Bangladesh and 02 (two) years experiences as Panel Advocate/Legal Advisor with the government/semi government/Autonomous organization in Bangladesh will be privileged.
- Applicant must have Bar Council Enrollment Certificate for High Court Division.
- Applicant having Bar Council Enrollment Certificate for Appellate Division will get privilege.
- Applicants having experiences with dealing cases about Writ/Contempt/CMP/CP/CA/Review/AT/AAT/Execution case in Tribunal/High Court and Appellate Division will get privilege.
- If anyone working as Panel Lawyer simultaneously in 03 (Three) Government organizations are not eligible to apply for this post.
- Age Limit Maximum 60 years.

**Location(s) and facilities provided to the consultant by the client:**

The appointed Panel Lawyers shall perform duties in the Appellate Division and High Court Division of Supreme Court, Administrative Tribunal, Administrative Appellate Tribunal in Dhaka. Besides, various cases need to be discussed with the concerned officials including the Director General of the Directorate of Secondary and Higher Education, Dhaka. Necessary documents will be provided from the Directorate of Secondary and Higher Education for response to the case or preparation for SF/ parawise reply/grounds of Appeal. The duty and responsibilities of the appointed Panel Lawyers shall be allotted by Director General or an officer authorized by him. Without informing Director General or Director (Admin) or Law Officer authorized by Director General appointed law Adviser cannot appear in court for hearing in any Writ petition or cases. He/She also communicate with Attorney General Office/ Solicitor Office/ Tribunal Register/any local Court Register where necessary. It is stated that after appointment of any Panel Lawyer, he/she cannot maintain/receive any cases



or suits against the Ministry of Education and Directorate of Secondary and Higher Education. The appointed Panel Lawyer will receive a Lump sum Payment event by event.

Estimated volume of various activities for Per Panel Lawyer per year is as follows. Activities volume may increase or decrease per year:

Name of Activities

1. Drafting for filing cases for civil petition (CMP/CP), civil Appeal petition/review petition and appeal/ affidavit/ applications/ vacating stay petition etc.
2. Preparation of Para-wise reply/ Statement of facts for rule nisi/the appeal/revision/affidavits-in-compliance in Contempt Petition/objection/ affidavit in opposition etc. including typing, printing and filing.
3. Withdrawing the certified copy of the Ad-interim order/ order/ judgment/ other documents on the basis of judgments paper size.
4. Withdrawing the petition copy/ certified copy of the judgment/order/other documents on the basis of judgments.
5. Formal appearance in the court including filing powers and documents/mentioning/fixing the matter in court or attending court for permission regarding in civil/writ matter/contempt matter.
6. Providing legal opinion in other activities such as agreement/drafting laws/rules/Other relevant legal supports.
7. Court Appearance in High Court division with hearing for single/bundle case.
8. Filing of Civil Miscellaneous Petition (CMP) and Civil Petition for leave to appeal/Civil Appeal/ (CA) / Review with paper book
9. Court Appearance in Appellate Division with hearing.
10. Court Appearance in Appellate Division without hearing.
11. Execution and Contempt Petitions court appearance in Tribunal/High Court Division/Appellate Division with Hearing and submitting compliance.
12. Submit legal opinion/ report about the judgment and order of the relevant Court on instant Writ/Appeal/AT/AAT and Contempt matter in own pad.
13. Always Communicate with Law Divisions of DSHE.
14. To protect the interest of Government, must personal appearance in the court and submit affidavit in opposition of behalf of DG, DSHE and instantly filled an application for certified copy for avoid delay to file appeal and legal proceedings.

### Deliverables for Panel Lawyer

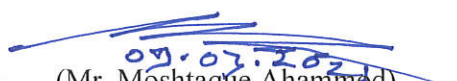
No	Deliverables	Unit	Estimated No. of reports for Per Panel Lawyer per year
1	Progress and status Report on assessment of overall performance over the month	No	
2	Report on update of the writ petitions that have been heard in the last 6 months in different Court.	No	
3	Other Reports to be assigned by Directorate of Secondary and Higher Education	No	
4	Instant reports submitted with own pad about the order of the judgment and opinion about the relevant matter within 48 hours.	No	



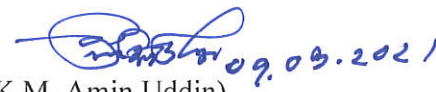
(Md. Ruhul Momin)  
Deputy Director (Admin)  
DSHE, Dhaka  
Member Secretary  
Terms of Reference Committee



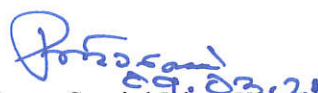
(Md. Al-Amin Sarker)  
Education Officer (Law-2)  
DSHE, Dhaka  
Member  
Terms of Reference Committee



(Mr. Moshtaque Ahammed)  
Deputy Solicitor (Admin)  
Department of Justice  
Member  
Terms of Reference Committee



(A.K.M. Amin Uddin)  
Deputy Attorney General  
AGO, Dhaka.  
Member  
Terms of Reference Committee



(Professor Serajul Islam Khan)  
Director  
Finance & Procurement Wing  
DSHE, Dhaka  
Chairperson  
Terms of Reference Committee