

Kendriya Vidyalaya Sangathan



Standard Operating Procedure for the Timely Processing, Continuous Monitoring, and Timely Disposal of Court Cases in a time bound manner

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Standard Operating Procedure for the Timely Processing, Continuous Monitoring, and Timely Disposal of Court Cases

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STANDARD OPERATING PROCEDURE		
Department	Kendriya Vidyalaya Sangathan	
SOP Title	Standard Operating Procedure for the Timely Processing, Continuous Monitoring, and Timely Disposal of Court Cases	
Applicability	SOP shall apply to all KVs, all ROs and KVS (HQ)	
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Standard Operating Procedure for the Timely Processing, Continuous Monitoring, and Timely Disposal of Court Cases

1. Objective

To establish a structured, time-bound framework for handling court cases across Kendriya Vidyalaya Sangathan (KVS). It aims to ensure an efficient legal defense, clear allocation of operational responsibilities within KVS / KVS Regional Offices / KVS Headquarters, and absolute accuracy in updating the Legal Information Management & Briefing System (LIMBS) portal to eliminate procedural delays.

2. Scope

This SOP covers all categories of litigation including, but not limited to:

- Civil suits, writ petitions, service matters, appeals, and Special Leave Petitions (SLPs).
- Highly time-sensitive matters such as Contempt of Court petitions.
- Digital data management, mandating real-time milestone updates on the LIMBS portal.

2.1 Scope of Legal Jurisdictions

The procedures, timelines, and monitoring protocols mandated herein shall govern the management of all legal disputes before:

- The Supreme Court of India.
- All Benches of the High Courts and the Central Administrative Tribunal (CAT).
- District/Subordinate Courts, Consumer Forums, and Labour Courts.
- Arbitration Tribunals and other quasi-judicial authorities.

2.2. Scope of Litigation Matters

This SOP covers all categories of litigation including, but not limited to:

- Civil suits, writ petitions, service matters, appeals, and Special Leave Petitions (SLPs).
- Highly time-sensitive matters such as Contempt of Court petitions.
- Digital data management, mandating real-time milestone updates on the LIMBS portal.

3. Applicability

This SOP applies uniformly to all administrative officers, nodal officers, dealing hands, and administrative staff across KVS Headquarters, all Regional Offices (ROs), and individual Kendriya Vidyalayas (KVs) nationwide.

3.1. Applicability to Existing and Future Cases

This SOP applies prospectively to all new cases filed after the date of issuance. For litigations currently pending before any judicial forum, these guidelines and timelines strictly apply from their current procedural stage onward.

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4. Core Legal Definitions:

- **LIMBS Portal:** The mandatory government website used by KVS to log, track, and update the real-time status of all court cases.
- **Para-wise Comments:** A point-by-point factual reply written by the KVS department to answer every specific allegation made by the petitioner.
- **Counter Affidavit / Written Statement:** The final legal defense document signed under oath by the KVS Competent Authority and filed in court.
- **Standing / Panel Counsel:** The official empanelled lawyer or law firm authorized to represent KVS in court.
- **Summons / Notice:** A legally binding order from a court demanding KVS to appear or submit a written defense by a specific date.
- **Interim / Stay Order:** A temporary freeze or directive issued by a judge to pause an administrative action (like a transfer or penalty) while the case is ongoing.
- **Certified Copy:** The official, stamped copy of a court judgment. Its receipt date marks the official start of the timeline for compliance or filing an appeal.
- **Contempt of Court:** A high-priority petition filed against KVS for allegedly failing to obey a time-bound court order.
- **Vakalatnama:** The formal document signed by the KVS Authority giving the empanelled lawyer the power to act on KVS's behalf.
- **Original Application(OA):** A fresh case filed directly before a tribunal (such as the Central Administrative Tribunal/CAT) by an aggrieved employee regarding service or administrative matters.
- **Writ Petition (WP):** A case filed directly before a High Court or the Supreme Court seeking immediate judicial intervention because an administrative action is fundamentally unfair or violates a legal right.
- **Review Petition (RP):** A formal request asking the *exact same* court or tribunal to re-examine its own judgment, strictly limited to fixing an obvious, glaring error on the face of the record.
- **Contempt Petition (CP):** A legal complaint filed against a department or official for deliberately failing to comply with, or willfully disobeying, a binding court direction within the stipulated deadline.
- **Appeal:** A formal challenge taken to a *higher* court or appellate authority to overturn or modify a decision passed by a lower court or tribunal.
- **Special Leave Petition (SLPs):** A petition asking the Supreme Court of India for special permission to file an appeal against an order passed by any lower court or tribunal.
- **Transfer Petition (TP):** A request submitted to a higher court to shift an active case from one court branch or location to another for reasons of convenience, administrative efficiency, or fairness.

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4.1. The Stages of a Case

While procedures vary by jurisdiction, a typical case moves through a predictable lifecycle:

- **Pleadings / Initiation:** A formal complaint, petition, or charge-sheet is filed, outlining the grievances or violations, followed by a formal response from the defending party.
- **Investigation:** Both sides gather and exchange evidence, witness statements, and documentation to build their arguments.
- **Trial / Adjudication:** The case is presented before a judge (or jury). Witnesses testify, evidence is formally introduced, and legal arguments are debated.
- **Judgment / Final Order:** The court issues a formal decision determining liability, awarding damages, or imposing penalties.
- **Appeal:** If a party believes the lower court made a legal error, they can take the matter to a higher appellate court to review the interpretation and application of the law.

5. Operational Roles & Stakeholders

5.1. Responsibility of Kendriya Vidyalayas

The Principal of the concerned Kendriya Vidyalaya shall:

- Ensure timely submission of records, comments, reports, and documents sought by the Regional Office or Headquarters.
- Coordinate with concerned staff members for collection of facts and records relating to court cases.
- Facilitate compliance with court orders and directions.
- Provide factual inputs required for preparation of para-wise comments, counter affidavits, and other legal pleadings.
- Maintain proper records relating to litigation involving the Vidyalaya.

5.2 Regional Office / Headquarters Stakeholders

The primary functions of legal processing, defense drafting, and monitoring are carried out directly by the administration/legal section at the Regional Office or Headquarters, distributed across the following roles:

Stakeholder Role	Core Legal Responsibilities
Dealing Hand (Legal Section)	Initial receipt and logging of summons/notices; tracking physical files; retrieving service records or establishment files; uploading data to the LIMBS portal.
Nodal Officer (Legal)	Coordinates between the individual KV, the Regional Office, and KVS HQ; reviews drafts of Para-wise Comments and Counter Affidavits; ensures strict timeline compliance.
Deputy Commissioner (RO)	Acts as the competent administrative authority at the regional level; approves legal strategies; signs off on written statements/counter-affidavits; appoints panel counsel.
KVS Headquarters (Legal section)	Oversees policy-level litigations; handles Supreme Court cases (SLPs); settles complex legal drafts; monitors pan-India compliance on the LIMBS portal.

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6. Standard Process Flow

The following steps outline the procedure for handling court cases from receipt to filing:

Step 1: Receipt and Logging

- Court notice, summons, or petition received at KVS HQ, Regional Office, or Vidyalaya shall be immediately date-stamped, scanned, and digitized.
- The matter must be forwarded to the concerned Section for examination and collection of relevant records.
- Basic case details shall be entered in the LIMBS portal.

Step 2: Fact Collection and Para-wise Reply

- The concerned Section/Dealing Hand shall examine the case records and collect all relevant facts, documents, and records pertaining to the matter.
- A para-wise reply shall be prepared, providing point-wise factual responses to the allegations/claims.
- Relevant documents, rules, office orders, service records, and correspondence shall be compiled.
- All records shall be authenticated and arranged systematically for submission to counsel.

Step 3: Briefing to Standing Counsel

- The Principal of the concerned Kendriya Vidyalaya, Dealing Hand, and concerned administrative section shall collect all relevant records, documents, office orders, correspondence, and factual information relating to the case.
- The facts shall be verified and examined in light of applicable rules, regulations, and administrative instructions.
- Para-wise comments shall be prepared, providing point-wise factual responses to the allegations or claims made in the petition.
- All supporting documents shall be authenticated and arranged systematically for submission to counsel.

Step 4: Drafting of Counter Affidavit / Written Statement

1. Upon receipt of the complete brief and supporting documents, the Standing Counsel shall prepare the draft Counter Affidavit, Written Statement, Reply, Rejoinder, or any other pleading required by the Court or Tribunal.
2. The draft shall be based on the factual records supplied by KVS and the applicable legal provisions.
3. The draft shall be transmitted to the Legal Section for review and approval.

Step 5: Review, Approval and Filing

1. The draft pleading prepared by the Standing Counsel shall be examined by the Legal Section and concerned administrative authorities.
2. Necessary corrections, modifications, or factual clarifications shall be incorporated.
3. The final pleading shall be approved by the Competent Authority and signed by the authorized officer.
4. The Standing Counsel shall file the approved pleading before the concerned Court or Tribunal within the prescribed timeline.
5. Details of filing, including date of filing and next date of hearing, shall be updated in the LIMBS Portal.

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7. Case Monitoring and Reporting

7.1. Monitoring of Court Cases

The Legal Section shall:

- Maintain a comprehensive register/database of all pending cases.
- Track hearing dates, interim directions, and final court orders.
- Monitor compliance with judicial orders and follow up with Standing Counsel regularly.

7.2. Periodic Reporting

- Periodic status reports regarding pending, disposed, and newly instituted cases shall be submitted to the Competent Authority.
- Significant developments and landmark court orders shall be reported immediately to KVS HQ.

7.3. LIMBS Compliance

All litigation-related information must be updated on the LIMBS portal promptly, including: case registration, pleadings, hearing dates, interim/final orders, compliance status, and subsequent appeals.

Mandatory Rule: As far as practicable, no legal file shall be processed or moved without ensuring that the corresponding LIMBS entry has been updated to its latest procedural stage.

8. Judgment Review and Compliance

8.1. Examination of Judgments

Upon receipt of a judgment or order, the Legal Section shall examine its operational and policy implications. The matter shall be referred to the concerned administrative section for expert comments, and legal opinions from the Standing Counsel shall be obtained where necessary.

8.2. Decision on Further Course of Action

The Competent Authority shall evaluate the findings and decide whether:

1. The judgment is to be implemented and complied with or
2. An appeal, review petition, writ appeal, or Special Leave Petitions(SLP) needs to be preferred before a higher forum.

8.3. Compliance of Court Orders

Where a decision is taken to comply with the judgment, necessary administrative action shall be initiated without delay. Compliance reports shall be maintained and communicated to the Legal Section. If additional time is required to comply, appropriate legal remedies (e.g., extension of time) must be pursued through counsel.

8.4 Filing of Appeals

Where a decision is taken to challenge a judgment or order, the Legal Section shall take immediate action for obtaining certified copies, legal opinion, preparation of appeal papers, and filing of the appeal within the prescribed limitation period.

9. Contempt Matters

Contempt petitions and matters involving strict, time-bound compliance of court orders shall be accorded the **highest priority**.

9.1. Immediate Reporting: Any contempt notice or court direction involving time-bound compliance shall immediately be brought to the personal notice of the Deputy Commissioner, Joint Commissioner or higher competent authority.

9.2. Examination of compliance status: The legal section shall verify the exact status of compliance of the original order, the pendency of any appeal/review and the existence of any stay order granted by a higher forum.

9.3. Remedial Measures: where no stay order exists, immediate action shall be initiated for compliance. If compliance is not feasible due to administrative or legal constraints, appropriate legal applications seeking clarification, modification or extension of time must be filed immediately through the standing counsel.

10. Record Management and Archiving

10.1. Maintenance of Legal Records

Separate physical and digital files shall be maintained for each court case containing: pleadings, court orders, correspondence, legal opinions, and compliance reports.

10.2. Digital Preservation

All-important records, historic judgments, and signed affidavits shall be digitized and stored securely to ensure institutional memory and future reference.

10.3. Closure of Cases

Upon final disposal of a case, LIMBS records shall be updated to "Disposed", compliance status recorded, and the physical case file indexed and preserved as per the record retention rules of KVS/Government of India.

11. Timelines and Responsibility Matrix

The following matrix prescribes the indicative timelines and responsibilities for handling court cases. All officers concerned shall make every effort to adhere to these timelines to ensure timely filing, effective representation, and compliance with judicial directions.

T = Date of Receipt of Notice/Petition by the concerned Office.

Process Stage	Key Action / Milestone	Primary Responsibility	Timelines(Working Days)
Step 1: Receipt & Logging	Receipt, date-stamping, scanning, and digital entry of notice/summons into the LIMBS portal.	Dealing Hand who maintains Dispatch & Diary Register – JSA	T
Step 2: Fact Collection & Para wise comments	Examination of records, file retrieval, and compilation of the Para-wise Reply/Factual Comments.	At KVS (HQ) level Dealing Hand who will put up file – JSA / SSA / ASO / SO At KVS (RO) level Dealing Hand who will put up file – JSA / SSA / ASO / SO At Vidyalaya level Principal of KV Concerned	T+5 (Ordinary Matters); T+2 (Urgent Matters involving interim relief, stay orders, or court-imposed short timelines)
Step 3: Counsel Briefing	Forwarding para-wise comments to Standing Counsel; face-to-face or digital briefing on facts.	Principal/Nodal Officer (Legal) / Admin Officer	Within 3 Days of finalizing Para-wise Reply (T+8)
Step 4: Drafting of Counter Affidavit / Written Statement	Preparation and submission of draft Counter Affidavit/Written Statement based on records and para-wise comments.	Standing Counsel	Within 5 Working Days of receipt of complete brief and records (T+13)
Step 5: Review & Filing	Review of Counter Affidavit draft, signature by Competent Authority, and official filing in Court.	Principal/ Deputy Commissioner (RO) / Assistant Commissioner - Legal Section of KVS (HQ)/ Standing Counsel	Within 5 Days of receiving draft from Counsel (T+18)

Process Stage	Key Action / Milestone	Primary Responsibility	Timelines(Working Days)
Judgment Review	Analysis of court orders, acquisition of legal opinion, and final decision to appeal or comply.	Legal Section & Deputy Commissioner	Within 10 Days from receipt of certified copy
Contempt Processing	Escalation of contempt notices, verification of stay orders, and initiation of urgent compliance measures.	Deputy Commissioner / Legal Section/ Principal (where compliance relates to KV)	Immediate (Within 24 Hours)
Compliance of court orders	Implementation of court directions and submission of compliance report to legal section	Concerned Administrative section/ Principal/ Competent Authority	Within time prescribed by the court or immediately where no time line is specified
Case Closure	Updating final disposal status on LIMBS, indexing files, and transferring records to archives.	Dealing Hand (Legal Section)	Within 7 Days of final compliance/disposal

Note: The timelines prescribed above are indicative and may be modified depending upon the urgency of the matter, directions of the Court, statutory limitations, or administrative exigencies.

11.1 Deviation from Timelines

Where adherence to the prescribed timelines is not feasible due to administrative exigencies, non-availability of records, court-related constraints, or other unavoidable circumstances, the reasons for such delay shall be recorded in writing and brought to the notice of the Competent Authority.

12. Review

1. These SOPs shall be reviewed periodically by KVS Headquarters. Amendments may be issued from time to time in view of:

- Changes in Government policies;
- Judicial pronouncements;
- Statutory requirements;
- Administrative necessities.

The latest approved version issued by KVS Headquarters shall supersede all previous instructions on the subject to the extent of inconsistency.

2. In case of any ambiguity, inconsistency, or dispute regarding interpretation or application of any provision of this SOP, the matter shall be referred to KVS Headquarters for clarification. The decision of the Commissioner, Kendriya Vidyalaya Sangathan (HQ) shall be final, conclusive, and binding on all units and offices under KVS.

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