

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2020
PART-II, PAPER-I**

ADMINISTRATIVE LAW

Total Marks 100
Time: 3 hrs

PART I

Answer any SEVEN questions. Each carries 5 marks.

Write short notes on the following:

1. Quasi Judicial function
2. Personal bias
3. Colourable exercise of power
4. Proportionality
5. Compensation in writ proceedings
6. The concept of right to know
7. Acting under dictation
8. Natural Justice
9. Error apparent on the face of record
10. Writ of quo warranto

[7x5=35]

PART II

Answer any TWO questions. Each carries 10 marks.

1. Under Section 10 of the Industrial Disputes Act, 1947, when an industrial dispute is raised by the workmen the Government has discretion to refer the matter to the Industrial Tribunal examining the nature of the dispute raised. The Government refused to refer the matter citing the reason that the workers resorted to go slow strike during the year. The decision of the Government is being challenged on the ground that the discretion exercised by the Government is bad in law as the same is an irrelevant consideration.

...2.

2. The parent Act stipulated that the Notification to be published under the Act shall be published in the official gazette (English) as well as in a local daily newspaper in Malayalam having circulation in the locality concerned. The Notification was published only in the official gazette. The Notification was challenged. Decide.

3. The Employees Union of a Public Sector Undertaking through a PIL challenged the disinvestment policy and its implementation by the management of a public sector undertaking as violative of their fundamental rights and hence arbitrary. The counter argument before the Court is that it cannot intervene into economic policy decisions.

4. The police seized some gold from a person on the suspicion that it was contraband gold. The gold was kept in the police station but was stolen by a police constable who then escaped to Pakistan. Later on investigation it was revealed that the gold belonged to the person from whom it was seized. He approached the Court for remedy claiming compensation from the State and the State took a defence that it is not liable because of sovereign immunity. Advise.

[2x10=20]

PART III

Answer any THREE questions. Each carries 15 marks.

1. Explain with the help of case laws substantive ultra vires as a ground of judicial control of delegated legislation.
2. Discuss the grounds for issuing a writ of certiorari with the help of case laws.
3. Explain the categories of Bias with the help of case laws.
4. Elucidate the Principle "No one should be made a Judge in his own cause" or the rule against bias.
5. Explain how the legal system combat maladministration and discuss the efficacy of the mechanisms developed for the same.

[3x15=45]