

## Bihar Public Service Commission

32<sup>nd</sup> Bihar Judicial Services (Preliminary) Competitive Examination (Advt. No. 23/2023)

**(Examination Date : 04.06.2023)**

### **PROVISIONAL ANSWER KEY : Law**

आयोग द्वारा उपलब्ध कराये गये उत्तर पूर्णतः औपबंधिक (Provisional) हैं। उपर्युक्त निर्धारित तिथि तक आपत्तिकर्ताओं से प्राप्त आपत्ति की गहन समीक्षा विषय विशेषज्ञों की समिति द्वारा की जायेगी और गहन समीक्षोपरान्त सभी प्रश्नों का अन्तिम आदर्श उत्तर तैयार किया जायेगा। विषय विशेषज्ञों की समिति द्वारा तैयार किये गये उक्त अन्तिम आदर्श उत्तर का आयोग द्वारा अनुमोदनोपरान्त उसके आधार पर ओ.एम.आर. उत्तर पत्रक (OMR Answer Sheet) का मूल्यांकन किया जायेगा।

Series-A		Series-B		Series-C		Series-D		Remarks
Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	
1	D	41	D	131	D	71	D	Section- 17 of Evidence Act, 1872
2	D	42	D	132	D	72	D	Section- 118 of Evidence Act, 1872
3	A	43	B	133	C	73	D	Section- 31 of Evidence Act, 1872
4	D	44	D	134	D	74	D	Section- 133 of Evidence Act, 1872
5	D	45	D	135	D	75	D	Section- 26 of Cr. P.C., 1973
6	D	46	D	136	D	76	D	Section- 50 A of Cr. P.C., 1973
7	D	47	D	137	D	77	D	Section- 91 of C. P.C., 1973
8	A	48	B	138	C	78	D	Section- 199 (2) of Cr. P.C., 1973
9	B	49	A	139	B	79	A	Section- 5 of the Provincial Small Causes Courts Act. 1887.
10	A	50	B	140	C	80	A	Order 6, Rule 1 of C.P.C., 1908
11	C	51	D	141	A	81	B	Section- 6 of Evidence Act, 1872
12	B	52	C	142	A	82	B	Section- 142 of Evidence Act, 1872
13	D	53	A	143	B	83	C	Section- 100 of C. P.C., 1908
14	C	54	A	144	B	84	C	Order 7, Rule 11 of C.P.C., 1908
15	D	55	A	145	B	85	C	Order IX, Rule 7 and Order IX, Rule 13 of C.P.C., 1908
16	D	56	D	146	D	86	D	Section- 437, Sub Section (1) Sub clause (2) Proviso of Cr. P.C., 1973
17	C	57	D	147	A	87	B	Section 20 of Cr. P.C., 1973
18	C	58	D	148	A	88	B	
19	C	59	D	149	A	89	B	Section- 6 The Provincial Small Causes Courts Act, 1887.
20	A	60	B	150	A	90	B	Section- 19 The Provincial Small Causes Courts Acts, 1887.
21	C	61	D	1	A	91	B	Rupa Ashok Hurra V/S Ashok Hurra AIR 2002 S.C. 177.
22	C	62	A	2	B	92	C	Article 15 (6) constitution of India (Answer vide 103 Amendment Act).
23	A	63	B	3	C	93	D	44th Amendment (Article 352(1) Constitution of India)
24	C	64	D	4	A	94	B	
25	B	65	C	5	A	95	B	Article 102 (1) (e) Constitution of India.
26	A	66	B	6	C	96	D	Chapter III, Legislative Power of the President. (Act, 123 of Constitution of India)
27	B	67	C	7	D	97	A	I.R. Coelho read with Waman Rao.
28	C	68	C	8	C	98	C	K.S. Puttaswamy Case. AIR 2017 SC 4161
29	C	69	D	9	A	99	B	Article 75 (1) (a), Constitution of India.
30	D	70	A	10	B	100	C	Right to Speedy Trial - Hussainara Khatoon Right to Healthy Environment - Rural Litigation Entitlement Kendre (RLEK 1988). Right to Marriage - Lata Singh V/S State of U.P

Series-A		Series-B		Series-C		Series-D		Remarks
Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	
								(2006). Right to Go Abroad - Satwant Singh Sawhney V/S D. Ramaratna (2021).
31	D	71	D	11	D	101	D	
32	B	72	C	12	D	102	A	Options 2 and 4 do not portray the doctrine of promissory estoppel.
33	C	73	D	13	A	103	B	Janlokpall Bill, 1968.
34	A	74	B	14	C	104	D	
35	A	75	B	15	C	105	D	Queen Vs. Burah (1878).
36	C	76	D	16	A	106	B	(A), (B) and (D) are grounds of Procedural ultra vires. See- Pages 154 & 169. C. K. Takwani's Book on Administrative Law (6th Edn.)
37	D	77	D	17	D	107	D	See- Pages 350. C.K. Takwani's Book on Administrative Law. Case- Monnot Ispat & Energy Ltd. V/S Union of India (2012).
38	A	78	B	18	C	108	A	Case - Waryam Singh V/S Amarnath (1954, SC). See- Pages 481. C.K. Takwani's Book on Administrative Law (6th Edn.).
39	C	79	C	19	C	109	C	See- Pages 315. C.K. Takwani's Book on Administrative Law (6th Edn.).
40	D	80	D	20	D	110	D	
41	C	81	D	21	A	111	B	Article 25 (1) of the Constitution of India.
42	D	82	A	22	B	112	C	Case- X V/S Principal Secretary and Family Welfare Department, Govt. Of NCT of Delhi (2022)
43	C	83	D	23	A	113	B	Article 124 (2A) Constitution of India.
44	C	84	D	24	A	114	B	See- Pages 30. C.K. Takwani's Book on Admini. Law (6th Edn.).
45	C	85	D	25	A	115	B	Zee Telefilms Ltd. V. Union of India (2005) R/W Article 12 of the Constitution of India.
46	C	86	D	26	A	116	B	Article 43 B inserted by 97th Constitutional Amendment, 2011
47	B	87	C	27	D	117	A	
48	A	88	B	28	C	118	D	Daryao V/S State of U.P.
49	D	89	A	29	B	119	C	The Constitution of India 1950.
50	B	90	C	30	D	120	A	Proviso to Article 83(2) of the Constitution of India.
51	D	91	A	31	B	121	C	Article 393 of Constitution of India 1950.
52	C	92	D	32	A	122	B	
53	D	93	A	33	B	123	C	See- Pages 31. C.K. Takwani's Book on Admin. Law (6th Edn.).
54	B	94	C	34	B	124	A	Yashomati Ghosh, Administrative Law, 2016 P. 37
55	A	95	B	35	C	125	D	See- Pages 93. C.K. Takwani's Book on Admin. Law (6th Edn.).
56	B	96	C	36	D	126	A	
57	A	97	B	37	C	127	D	See- Pages 201. C.K. Takwani's Book on Admin. Law (6th Edn.).
58	A	98	B	38	C	128	D	
59	D	99	A	39	B	129	C	
60	D	100	A	40	B	130	C	See- Pages 384. C.K. Takwani's Book on Admin. Law (6th Edn.).
61	C	101	D	41	A	131	B	Aquil Ahmed, 1997 Edn. P. 162
62	A	102	B	42	C	132	A	

Series-A		Series-B		Series-C		Series-D		Remarks
Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	
63	A	103	B	43	C	133	D	Aquil Ahmed, 1997 Edn. P. 193
64	D	104	A	44	B	134	C	
65	A	105	B	45	C	135	D	Aquil Ahmed, 1997 Edn. P. 193
66	C	106	D	46	A	136	B	
67	D	107	D	47	D	137	D	
68	A	108	B	48	C	138	D	
69	B	109	C	49	D	139	A	
70	D	110	D	50	D	140	D	Section- 9, Hindu Adoption and Maintenance Act., 1956
71	B	111	A	51	B	141	A	
72	B	112	B	52	B	142	B	
73	D	113	D	53	D	143	D	
74	C	114	C	54	C	144	C	Explanation of Section- 30 of Hindu Succession Act., 1956
75	A	115	B	55	C	145	A	
76	A	116	D	56	C	146	D	
77	B	117	C	57	D	147	A	All other options belong to branch of Sunni School.
78	D	118	A	58	B	148	C	Aquil Ahmed, 1997 Edn. P. 214
79	B	119	C	59	D	149	A	
80	C	120	D	60	A	150	B	(A) & (B) relate to dower. (D) Relates to ban on wearing hizab in Schools and colleges in Karnataka.
81	C	121	D	61	A	1	B	
82	C	122	D	62	A	2	B	
83	D	123	D	63	D	3	D	
84	B	124	C	64	D	4	A	
85	C	125	D	65	A	5	B	Illustration of Section- 29, Indian Contract Act., 1872 .
86	A	126	B	66	C	6	D	
87	A	127	B	67	C	7	D	
88	C	128	D	68	A	8	B	The maxim 'damnum fatale' means inevitable accident.
89	D	129	D	69	D	9	D	Law of Torts, Ratanlal & Dhirajlal, 26th Edn. (2002) Reprint 2014, PP. 618-619
90	A	130	B	70	C	10	D	
91	A	131	B	71	C	11	D	
92	D	132	D	72	D	12	D	Section- 30 of Contract Act., 1872.
93	C	133	D	73	A	13	B	
94	A	134	B	74	C	14	D	
95	B	135	C	75	D	15	A	Section- 140 of Motor Vehicle Act., 1988
96	A	136	B	76	C	16	D	
97	D	137	D	77	D	17	D	
98	D	138	D	78	D	18	D	
99	A	139	B	79	C	19	A	Based on Ashby V/S white case.
100	B	140	A	80	B	20	A	
101	D	141	D	81	D	21	D	
102	A	142	B	82	C	22	A	
103	B	143	C	83	B	23	B	
104	C	144	D	84	A	24	B	
105	B	145	C	85	D	25	A	
106	A	146	B	86	C	26	A	Based on Haynes V/S Harwood (1935) 1KB 146.
107	A	147	B	87	C	27	D	Section- 2 (h) of Indian Contract Act, 1872.
108	B	148	C	88	D	28	A	Section- 2 (c) of Indian Contract Act, 1872.

Series-A		Series-B		Series-C		Series-D		Remarks
Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	
109	A	149	B	89	C	29	D	Section- 29 of Indian Contract Act, 1872.
110	D	150	D	90	D	30	D	Section- 6 of Indian Contract Act, 1872.
111	D	1	D	91	D	31	D	Section- 3 of Transfer of Property Act, 1882.
112	B	2	C	92	A	32	B	Section- 20 of Transfer of Property Act, 1882.
113	B	3	C	93	D	33	A	Section- 122 of Transfer of Property Act, 1882.
114	D	4	A	94	B	34	C	Section- 18 of Transfer of Property Act, 1882.
115	C	5	A	95	B	35	C	Section- 100 of Transfer of Property Act, 1882.
116	D	6	D	96	D	36	D	Section- 123 of Transfer of Property Act, 1882.
117	B	7	C	97	A	37	B	Section- 21 of Transfer of Property Act, 1882.
118	D	8	A	98	B	38	C	Equity looks to intent and not form.
119	C	9	A	99	B	39	C	
120	B	10	C	100	A	40	B	Section- 11 (1) of Specific Relief Act., 1963
121	B	11	C	101	D	41	A	The Latin maxim for this principle is "Vigilantibus non dormientibus aequitas subvenit" which means that Equity assists the vigilant and not those who sleep on their rights. Unreasonable delay in bringing forth a claim is known as laches.
122	D	12	A	102	B	42	C	If exercise of equity jurisdiction would violate the express provisions contained in law, the same cannot be done. Equity jurisdiction can be exercised only when no law operates in the field. A court of law cannot exercise its discretionary jurisdiction de hors the statutory law. Its discretion must be exercised in terms of the existing statute [Shiv Kumar Sharma Vs Santosh Kumari-18/9/2007]
123	B	13	C	103	D	43	A	Section 15. Care required from trustee, (f) A, a trustee for B of a policy of insurance, has funds in hand for payment of the premiums. A neglects to pay the premiums and the policy is consequently forfeited. A is bound to make good the loss to B.
124	D	14	A	104	B	44	C	In Section 41(j) of the Specific Relief Act, 1963, it is specifically provided that no injunction can be granted when the plaintiff has no personal interest in the matter and the same was upheld by High Court of Delhi through the learned bench led by JUSTICE C.HARI SHANKAR in the case of SANJAY CHUGH & ANR. vs. RAM KISHAN & ORS. [CM Appl. 50920/2019] on 30.03.2022.
125	Deleted	15	Deleted	105	Deleted	45	Deleted	The question is ambiguous.
126	C	16	D	106	A	46	B	
127	C	17	D	107	A	47	B	Section 91 in The Transfer of Property Act., 1882
128	D	18	A	108	B	48	C	Section 88 of the Indian Trust Act, 1882, gives a statutory recognition to this principle. Allahabad High Court in Gopinath v. Satish Chandra, (5) held that the partners of the firm hold fiduciary relationship towards their deceased partner's representatives as regards his interest in the partnership property.

Series-A		Series-B		Series-C		Series-D		Remarks
Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	Q.No.	Answer	
129	C	19	D	109	A	49	B	Section 58 read with Section 60 of the Transfer of Property Act., 1882
130	A	20	B	110	C	50	D	Section 27 of the Transfer of Property Act, 1882 is based on the doctrine of acceleration.
131	A	21	B	111	C	51	D	Section 2(14) in The Sale of Goods Act, 1930.
132	D	22	A	112	B	52	C	Section 36 of the Sales of Goods Act.
133	C	23	D	113	A	53	B	Section 4 read with Section 13 of Negotiable Instruments Act, 1881
134	C	24	D	114	A	54	B	Section 122 Of Transfer of Property Act, 1882
135	D	25	A	115	B	55	C	Conditions as specified for Issue of Bonus Shares as per Section 63 read with Rule 14 of Companies (Share Capital & Debentures) Rules, 2014
136	B	26	C	116	D	56	A	Section 19 of Sales and Goods Act, 1930. Implied authority of partner as agent of the firm. – (1) Subject to the provisions of section 22, the act of a partner which is done to carry on, in the usual way, business of the kind carried on by the firm, binds the firm. The authority of a partner to bind the firm conferred by this section is called his "implied authority".
137	C	27	D	117	A	57	B	Section 55 of the Indian Partnership Act,1932
138	B	28	C	118	D	58	A	As per Section 26 of Negotiable Instrument Act, 1881, a minor may draw, endorse, deliver and negotiate the instrument so as to bind all parties except himself. Therefore, M is not liable. X can, thus, proceed against A.
139	B	29	C	119	D	59	A	Section 46 A promissory notes, bill of exchange or cheque payable to bearer is negotiable by the delivery thereof. A promissory note, bill of exchange or cheque payable to order is negotiable by the holder by indorsement and delivery thereof. Under Negotiable Instruments Act, 1881
140	A	30	B	120	C	60	D	Section- 14 of Companies Act, 2013
141	B	31	C	121	D	61	A	Section 7 and Section 17(b) of Indian Partnership Act 1932
142	C	32	D	122	A	62	B	Section 12(3) of Sales of Goods Act. 1932
143	C	33	D	123	A	63	B	Section 6 of Indian Partnership Act.1932
144	B	34	C	124	D	64	A	Section 20 of Sales of Goods Act. 1932
145	A	35	B	125	C	65	A	Section 11 of NI Act. 1881
146	B	36	C	126	D	66	A	Section 25 of Partnership Act. 1932. Liability of a partner for acts of the firm. – Every partner is liable, jointly with all the other partners and also severally, for all acts of the firm done while he is a partner.
147	C	37	D	127	A	67	B	Section 275 of Companies Act, 2013
148	B	38	C	128	D	68	A	Section 51(2) in The Sale of Goods Act, 1930
149	B	39	C	129	D	69	A	Schedule -I Draft of MOA , Companies Act 2013
150	C	40	D	130	A	70	B	Section 188 of Companies Act 2013