


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2024</b>			
<b>Course: Administrative Law</b> <b>Program: B.A./B.B.A/B.Com LL.B. (Hons.)</b> <b>Course Code: CLCC 3003</b>		<b>Semester: VI</b> <b>Time : 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions:</b> <ol style="list-style-type: none"> <li>1. Pay attention to the word limits mentioned for each section.</li> <li>2. Read every question carefully before attempting. Answers are expected to be crisp and relevant to the point.</li> </ol>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
<b>Answer each question in not more than 50 words</b>			
S. No.		<b>Marks</b>	<b>CO</b>
Q 1	Define the concept of Rule of Law.	2	CO1
Q 2	Explain the grounds for judicial review.	2	CO1
Q 3	What is meant by constitutional remedy and how it is different from the statutory right?	2	CO1
Q 4	Differentiate between the scope of Article 32 and 226.	2	CO1
Q 5	Discuss the scope of the “Curative Petition” as discussed in Rupa Ashok Hurra V Ashok Hurra & Anr.	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
<b>Answer each question in not more than 150 words</b>			
Q 6	Lord Greene M.R. has explained the word ‘unreasonableness’ to describe actions based on illegality, irrelevancy and the like. Elaborate on the statement considering Wednesbury’s principle in administrative law.	5	CO 2
Q 7	Explain the test of ‘real likelihood of bias’ in reference to principles of natural justice.	5	CO 2
Q 8	Elucidate the difference between quasi-legislative, quasi-judicial, judicial and legislative actions with examples.	5	CO 2
Q 9	The delegation of powers has to be checked on the basis of test of abdication and the standard test. Comment on the statement.	5	CO 2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
<b>Answer each question in not more than 300 words</b>			

Q 10	<p>A Central University expels a student for alleged plagiarism without providing an elaborate explanation. The student wishes to challenge this decision through a writ petition.</p> <p>In this context, illustrate the principles that guide the issuance of a writ of certiorari by the High Courts or Supreme Court in the context of judicial review of administrative actions.</p>	10	CO 3
Q 11	<p>Employment litigation matters involving enforcement of statutory rights (those conferred by various employment legislations) may be brought before Industrial Tribunals established under the Industrial Disputes Act, 1947.</p> <p>Analyse how tribunals, as specialised quasi-judicial bodies, contribute to the efficient resolution of disputes, ensuring fairness, expertise, and expediency in the adjudicatory process. Consider the principles to be applied in the adjudicatory process while safeguarding individual rights and maintaining administrative accountability.</p>	10	CO 3
<p><b>SECTION-D</b> (2Qx25M=50 Marks)</p> <p><b>Answer in not more than 500 words per question</b></p>			
Q12	<p>A doctor in the Indian Medical Service, faced an administrative decision by the State regarding her date of birth, resulting in her premature retirement. Despite presenting documentary evidence supporting her declared date of birth, discrepancies arose because anonymous allegations were taken into consideration by the enquiry officer. The Doctor contested the decision, arguing that the order of retirement violated principles of natural justice. She also stated that none of the orders or reports on the basis of which her retirement was ordered was ever made available to her for her perusal.</p> <p>Question: In light of the facts above, <b><u>examine the significance</u></b> of providing the affected party with a fair opportunity to present their case and the duty of administrative authorities to act judicially in reaching decisions that entail civil consequences.</p> <p>Note:</p> <ol style="list-style-type: none"> <li>1. You must answer as if you are providing advice as an advocate to the doctor. Therefore, it will also have to include a solution to the problem.</li> <li>2. Your answer must shed light on the implications of the lack of disclosure of investigative reports and failure to provide an opportunity for the affected party to respond adequately to allegations before an administrative decision is made.</li> </ol>	25	CO 4
Q13	<p>Consider a scenario wherein a government official, empowered with discretionary authority, unilaterally awards a contract to a road construction company affiliated with a personal acquaintance, disregarding established criteria and procedures. This company was</p>	25	CO 4

	<p>primarily involved in the business of building high rise apartments and malls.</p> <p>Apply the principles governing administrative discretion to this situation. Also evaluate the judicial precedents that have evolved regarding the misuse of discretionary power, equity, and public interest. Additionally, propose legal and procedural measures that could be adopted to address and prevent such instances of executive overreach, ensuring adherence to the rule of law and accountability within the Indian administrative framework.</p>		
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