

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, Oct.-Nov.-2024

Administrative Law

SEMESTER –V

TIME: Three Hours

Marks: 100

Instructions:

1. This is a close book examinations and students are not allowed to carry any study material/s.
2. Attempt any Five Questions and all questions carry equal marks.
3. No clarification will be sort during examination.

Q.1. “Where Constitutional law is anti-majoritarian, Administrative law is anti-authoritarian and enforces Rule of Law in the Administration.” Against the backdrop of the statement discuss the reasons for the growth of administrative law and explain that how Rule of Law can be reconciled with the growth of administrative law? (Marks 20)

Q.2. ‘Today delegation of law making to the administrative authorities is a compulsive necessity yet it cannot be unlimited under any written constitution.’ In the context of this statement discuss the express and implied limits of the Indian Constitution within which law-making powers can be validly delegated to the administrative authorities. Refer to case laws. (Marks 20)

Q.3. One of the principles of natural justice is *Audi Alterum Partem*. Discuss this principle with the help of decided cases. Also explain to what extent ‘representation through lawyers’ is part of this principle? Refer to the leading cases. (Marks 20)

Q.4. Write short note on the following:

- i. Doctrine of Separation of Powers.
- ii. Doctrine of Legitimate Expectation

(Marks 10+10=20)

Q.5. Define ‘Administrative Discretion’ and discuss the grounds on which court can exercise control over it. Refer to case laws. (Marks 20)

Q.6. ‘A’ an employee assaulted Dy. Manager ‘B’ on factory premises. On a complaint by ‘B’, Manager instituted an enquiry and appointed ‘C’ as hearing officer. ‘A’ was given paper

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hearing and his request for oral hearing was not accepted. 'C' submitted the report to the Manager. Copy of the report was not given to 'A'. Manager accepted the report and services of 'A' were terminated. 'A' wants to challenge the decision in a writ proceeding and seeks your advice. Advise him on the following points:

- i. Waiver of Bias
- ii. Oral hearing as part of Natural Justice.
- iii. Copy of the report not shown to the employee

(Marks 20)

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