

HIGH COURT FOR THE STATE OF TELANGANA

Written Examination for recruitment to the post of District Judge (Entry Level) under Accelerated Recruitment Quota

Paper-I (Constitutional and Civil Laws)

Date: 21st August, 2021

Time: 3 Hours, from 10:00 am to 1:00 pm

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 10 questions. Answer all the questions. Each question carries total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub question or part are indicated.
2. Questions must be answered only in English. If the answers are not legible, such answers will not be evaluated.
3. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name, or hall ticket number, or any mark, anywhere in the main answer booklet/additional answer sheets.
4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
5. No candidate will be permitted to leave the examination room/hall before 11:00 am.

1. "No person shall be deprived of his property save by authority of law": Explain under what provision of law the said right is conferred on a party, with case law? What are the exceptions to the said rule?

(10 marks)

2. Give any five types of documents, whose registration is compulsory under the Registration Act, 1908? If a party wants to cancel a registered document what are the legally available options for getting the registered document cancelled and on what grounds?

(10 Marks)

3. (a) Briefly explain what is 'precedent' and what constitutes a 'binding precedent'? Differentiate between *Per incuriam*, *ratio decidendi* and *obiter dicta*.

(5 marks)

(b) In case of sale of mortgage property for realization of loan by foreclosure of mortgage, can a mortgagee participate in the auction sale? If so, what are the legal formalities required.

(5 marks)

4. (a) What factors does a party need to prove in order to establish that he acquired title by adverse possession under Indian Law?

(5 marks)

(b) What are the principles governing grant of an anti-suit injunction in relation to proceedings in a foreign court under Section 38 and Section 41 (a) and (b) of the Specific Relief Act, 1963?

(5 marks)

5. (a) What is meant by expert evidence under the Indian Evidence Act? What is the weightage that can be given to the evidence given by an expert witness?

(5 marks)

(b) In what circumstances can the State not take recourse to provisions of the Land Encroachment Act, 1905 to evict an encroacher?

(5 marks)

6. (a) Explain the doctrine of *Res Judicata* and *Sub Judice*.

(5 marks)

(b) Briefly explain about an Appeal and Review under the Civil Procedure Code. What is the difference between the two?

(5 marks)

7. (a) What is the difference between Section 5 and Section 14 of the Limitation Act? Explain with examples.

(5 marks)

(b) Under what circumstances is a surety discharged from his obligations towards a creditor?

(5 marks)

8. (a) What are the criteria to be applied for award of maintenance/permanent alimony to a wife under various statutes dealing with the said aspect?

(5 marks)

(b) Briefly discuss the principles governing proof of Wills under Indian Law?

(5 marks)

9. (a) What are the various modes of valid transfer of property? Discuss briefly about each one of them.

(5 marks)

(b) What is 'Rule against perpetuity' in the matter of transfer of property?

(5 marks)

10. 'A' has one son 'X' and one daughter 'Y'. 'A' died in the year 1995. 'Y' files a suit for partition of estate/properties of 'A' as per amendment to Section 6 of the Hindu Succession Act (Act 39 of 2005) in the year 2005. 'X' resists the suit claim stating that he being the only son succeeded to the entire estate of 'A' prior to 20.12.2004, by survivorship and the suit is not maintainable.

(a) What are the legal issues arising out of such suit claim and written statement. Frame the issues.

(b) Pass a judgment on such issues.

(10 marks)

HIGH COURT FOR THE STATE OF TELANGANA

**Written Examination for recruitment to the post of District Judge (Entry Level)
Under Accelerated Recruitment quota**

**Paper – II
(Criminal Laws)**

Date: 22nd August, 2021

Time: 3 Hours, from 10:00 am to 1:00 pm

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 10 questions. Answer all questions. Each question carries a total of 10 marks. If a question has sub-questions or parts, the marks carried by each sub question or part are indicated.
2. Questions must be answered in English only. If the answers are not legible, such answers will not be evaluated.
3. Write your hall ticket number only in the space provided in the first page on the main answer booklet. Do not either write your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.
4. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
5. No candidate will be permitted to leave the examination room/hall before 3:00 pm.

1. Discuss the law relating to 'grave and sudden provocation' as laid down in the Indian Penal Code and state the extent to which it can be treated as a mitigating factor in respect of the accused for the offence of murder. Refer the case laws to illustrate your answer.

(10 marks)

2. (a) What precaution is the Investigating Officer required to take while making entry into a building, for conducting a search, seizure and arrest as per the requirement of Section 42 of the Narcotic Drugs and Psychotropic Substances Act, 1985?

(5 marks)

(b) What conditions of law should an Investigating Officer abide by while making search of a person, as per the requirement of Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985?

(5 marks)

3. (a) Discuss fully the evidentiary value of a retracted confession. Illustrate your answer.

(5 marks)

(b) How far have the recent amendments in the Negotiable Instruments Act have strengthened the object of the Negotiable Instruments Act, 1889 in respect of dishonour of cheques?

(5 marks)

4. (a) What is the mechanism provided for prevention and detection in respect of offences under Wild Life (Protection) Act, 1972?

(5 marks)

(b) Discuss the various orders that can be passed by the Magistrate in accordance with the provisions of the Protection of Women from Domestic Violence Act, 2005?

(5 marks)

5. (a) An advocate has produced false and fabricated documents by creating an accident in the Motor Vehicle Accident Claims Tribunal to claim compensation from the insurance company. During inquiry, the Tribunal comes to a conclusion that it is a created accident, documents are false and fabricated and gives a finding to the said effect. What are the steps to be taken by the Tribunal under law to take action against the said advocate? Discuss elaborately with precedents.

(5 marks)

(b) Can an accused be directed by the investigating officer to produce incriminating documents as against the law of testimonial compulsion guaranteed under the Constitution? Elucidate with relevant case law.

(5 marks)

6. Whether registration of multiple crimes on the very same set of allegations is permissible in law on the ground that the accused remained silent during the course of investigation? Give reasons with relevant case law with reference to the right of an accused enshrined under the constitution of India to remain silent.

(10 marks)

7. Explain the importance of DNA technology for providing guidance to the Investigating Officer in respect of identification of criminals with specific reference to Section 53-A and 164-A of the Cr.P.C.

(10 marks)

8. What are the various parameters of rarest of rare cases for awarding death penalty? Support your answer with precedents.

(10 marks)

9. (a) Whether the Sessions Judge can summon a person as an additional accused prior to recording of prosecution evidence. If yes, give reasons with relevant case law. If no, give reasons.

(5 marks)

(b) Can conviction be recorded solely based on the circumstantial evidence? If so, what are the principles? Elucidate with precedents.

(5 marks)

10. (a) Explain the difference between 'child in need of care and protection' and 'child who is in conflict with law'. How the children in need of care and protection can be rehabilitated in a family and what are the prescribed procedures for it?

(5 marks)

(b) What are the offences against children under the Juvenile Justice (Care and Protection of Children) Act, 2015?

(5 marks)

HIGH COURT FOR THE STATE OF TELANGANA

Written Examination for recruitment to the post of District Judge (Entry Level) Under Direct Recruitment

Paper – III (English Translation, Essay Writing and Grammar)

Date: 21st August, 2021

Time: 3 Hours, from 2:00 am to 5:00 pm

Maximum Marks: 100

Instructions to the candidates

1. **English translation** is for 30 marks consisting of two questions of 15 marks each. **Essay writing** is for 40 marks consisting of two questions of 20 marks each. **English Grammar** is for 30 marks consisting of 5 questions.
2. Translation has to be made from English language to either Hindi or Telugu language only.
3. Essay writing must be written in English only.
4. If the answers are not legible, such answers will not be evaluated.
5. Write your hall ticket number only in the space provided in the first page of the main answer booklet. Do not write either your name or hall ticket number or any mark, anywhere in the main answer booklet/additional answer sheets.
6. Any attempt by the candidate to disclose his/her identity in any manner in the answer sheets will disqualify him/her.
7. No candidate will be permitted to leave the examination room/hall before 11:00 am.

I. English Translation – 30 marks – Two questions (15) marks each.

1. One of the main objectives behind issuing notice in the present Writ Petition, and the various orders that have been passed time to time by this Court, was to ensure that criminal prosecutions against elected representatives (MPs and MLAs) are concluded expeditiously. The Court was of the opinion that such special consideration was required not only because of the rising wave of criminalization that was occurring in the politics in the country, but also due to the power that elected representatives (sitting or former) wield, to influence or hamper effective prosecution. Additionally, as legislators are the repositories of the faith and trust of their electorate,

there is a necessity to be aware of the antecedents of the person that is/was elected. Ensuring the purity of democratically elected institutions is thus the hallmark of the present proceedings.

The learned Chief Justices are also requested to give their comments on the other suggestions of the learned amicus, as extracted by us in our order dated 10.09.2020 and this order. They are also requested to send us additional suggestions, if any, for the purpose of expedient disposal of pending criminal cases against legislators. The action plan, with the comments and suggestions of the learned Chief Justices of the High Courts, are to be sent to the Secretary General of this Court, preferably within a week. A copy may also be sent to the learned amicus curiae by way of email.

We further request the learned Chief Justices of all the High Courts to list forthwith all pending criminal cases involving sitting/former legislators (MPs and MLAs), particularly those wherein a stay has been granted, before an appropriate bench comprising of the learned Chief Justice and/or their designates. Upon being listed, the Court must first decide whether the stay granted, if any, should continue, keeping in view the principles regarding the grant of stay enshrined in the judgment of this Court in *Asian Resurfacing of Road Agency Private Limited v. CBI*. In the event that a stay is considered necessary, the Court should hear the matter on a day-to-day basis and dispose of the same expeditiously, preferably within a period of two month, without any unnecessary adjournment. It goes without saying that the Covid19 condition should not be an impediment to the compliance of this direction, as these matters could be conveniently heard through video conferencing.

2. After discussing in detail certain judgments of this Court, the learned Single Judge held that the agreement and the arbitration clause cannot be enforced against persons who are non-signatories, even though such non-signatories may participate in the arbitration, as no acquiescence or estoppel can apply to issues relatable to jurisdiction. However, turning down a "public policy plea" by DMC, the learned Single Judge held that the Award would be enforceable against DMC as it was a party to the agreement.

A side skirmish took place as to whether an appeal could be filed from the learned Single Judge's judgment, and arguments were raised based on the application of Section 3 of the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent) Act, 1986, to arrive at the conclusion that an appeal against the learned Single Judge's order would be maintainable

The Division Bench of the High Court, after stating the facts and after observing that the foreign award in this case had not been challenged in the USA, then held that the award could only be challenged under Section 48 if the Delaware law has not been followed on the alter ego principle. Being satisfied that the Arbitrator had properly applied the Delaware law on the facts of this case, the Court held that none of the grounds contained in Section 48 would apply so as to resist enforcement of the foreign award in this case.

A reading of Section 44 of the Arbitration and Conciliation Act, 1996 would show that there are six ingredients to an award being a foreign award under the said Section. First, it must be an arbitral award on differences between persons arising out of legal relationships. Second, these differences may be in contract or outside of contract, for example, in tort. Third, the legal relationship so spoken of ought to be considered "commercial" under the law in India. Fourth, the award must be made on or after the 11th day of October, 1960. Fifth, the award must be a New York Convention award – in short it must be in pursuance of an agreement in writing to which the New York Convention applies and be in one of such territories. And Sixth, it must be made in one of such territories which the Central Government by notification declares to be territories to which the New York Convention applies

II. English Essay writing not less than 1000 words – 40 marks. Two questions (20) marks each.

1. Dispensation of Justice during Covid-19 Pandemic.
2. Right to privacy.

III. (a) Read the following text and fill in the blanks with the appropriate words from the list given below the text.

(10 marks)

Ambiguity is an inevitable and _____ (1) part of our lives and thinking. The state of ambiguity is natural for most of us most of the time. But this becomes _____ (2) for the computer because it can function only when these ambiguities are _____ (3) and it is given very _____ (4) instructions as to what is to be done. But should issues always be defined clearly? And even if it can be done, don't they often _____ (5) their critical edge? Considering the _____ (6) perspective, issues have to be unambiguously _____ (7) to make the computer work but it also means that we are forced to _____ (8) to the computer when we use it. From the view of the man-machine _____ (9), the victims of inequality here are the human beings. This problem cannot be _____ (10) unless the computer is developed enough to be able to handle ambiguity. (Practical, interface, indispensable, critical, precise, conform, defined, solved, resolved, lose)

(b) Read each sentence to find out whether there is any error * in any underlined part. If there is no error, tick * on No error.

(5 marks)

(i) She insisted on my agreeing to meet her in the evening to discuss about the new topic. No error.

a b c d e

(ii) Who could deny that he had a remarkably kindly disposition that won him friends wherever he went? No error

a b c d e

(iii) One of the conditions laid down are related to the extra expenditure he keeps talking about. No error.

c d e

(iv) At college I had many choices but I did not hesitate to offer Mathematics and Music. No error.

a b c d e

(v) Giving the examination at such a short notice will at best get me a third. No error.

a b c d e

(c) Write the letter of the correct answer in each of the blanks in the following sentences:

(10 marks)

(i) After dinner when we had cleared _____ and washed up, we went for a walk.

A. up B. in C. out D. into

(ii) I insisted _____ a contract that gave me some kind of security.

A. on B. in C. at D. by

(iii) They pleaded _____ us to pull them out of water.

A. to B. at C. with D. over

(iv) He alone stood out _____ the hunting of whales.

A. at B. against C. on D. off

(v) They were painted so that they would appear to merge _____ the landscape.

A. in B. into C. over D. on

(vi) He was determined to root _____ corruption in his department.

A. away B. out C. over D. into

(vii) Finally at the time of conflict, the daughters sided _____ their mother.

A. on B. within C. with D. at

(viii) Marx plunged deeply _____ political work.

A. in B. at C. over D. into

(ix) The government is planning to pump _____ funds to improve technology.

A. in B. out C. over D. off

(x) The show was a perfect sell _____.

A. out B. across C. in D. away

V. Write a brief letter to the High Court requesting to provide suitable infrastructure and latest software for better dispensation of justice.

(5 marks)