

2022

HIGH COURT FOR THE STATE OF TELANGANA

**Written Examination for recruitment to the post of District Judge (Entry Level)
by Direct Recruitment and by transfer through Limited Competitive Examination**

Paper-I
(Constitutional and Civil Laws)

Date: 3rd September, 2022

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

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 13 questions. Answer any 10 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.

Answer any 10 questions

1. (a) Discuss the scope of judicial review under Article 226 of the Constitution of India.

(5 marks)

- (b) Briefly discuss the Fundamental Rights and distinguish the same from Directive Principles of State policy.

(5 marks)

2. Answer any two of the following:

(a) Define “evidence” and explain various types of evidence.

(b) Explain *Resjudicata* and Constructive *Resjudicata*.

(c) Explain the principles of estoppel.

(5 marks x 2)

3. Explain the various types of Alternative Dispute Resolution methods prescribed under Section 89 of the Civil Procedure Code with special reference to the leading case on this subject.

(10 marks)

4. (a) Define and explain the essentials of the Rule of Law as applied in India.

(5 marks)

(b) Explain *audi alteram partem*.

(5 marks)

5. (a) Rights of a protected tenant are heritable. Explain the statement with reference to relevant provisions of the Telangana State Tenancy and Agricultural Lands Act, 1950.

(5 marks)

(b) A protected tenant was issued Section 38-E ownership certificate, thereafter he lost possession over the land. What are the remedies available to him for recovery of possession? Explain whether the bar of jurisdiction under Section 99 of the Telangana State Tenancy and Agricultural Lands Act, 1950 applies to the facts of the case.

(5 marks)

6. (a) What is an easement? Under what circumstances do the easementary rights extinguish?

(5 marks)

(b) Explain 'Tort'. Give illustrations of torts affecting person and immovable property and its remedy before a Civil Court or a Criminal Court.

(5 marks)

7. What is "adverse possession"? What are the essential conditions necessary for claiming adverse possession? What is the time prescribed for claiming adverse possession as against a private property vis-à-vis Government property.

(10 marks)

8. (a) Can a plaint be rejected? Under what provision of law and on what grounds can the plaint be rejected?

(5 marks)

(b) Can a written statement be amended? If yes, under which provision? What is the period fixed for filing the written statement? Can the Court extend the period for filing the written statement?

(5 marks)

9. Explain “Void marriage”, “voidable marriage”, “judicial separation”, “divorce” and “restitution of conjugal rights” under the provisions of Hindu Law.

(10 marks)

10. What are the documents which are compulsorily registerable under the Registration Act? What are the consequences of non-registration? Can a document which is compulsorily registerable but not registered be admitted in evidence? If yes, for what purpose?

(10 marks)

11. Explain what is an *ex parte* decree? What are the legal remedies available under law to an aggrieved party against an *ex parte* decree? Enumerate the provision of law by citing case law.

(10 marks)

12. What is an injunction? What are the necessary requirements for granting interim injunction? What is the difference between temporary injunction, permanent injunction and mandatory injunction?

(10 marks)

13. a) What is the difference between Section 5 and Section 14 of the Limitation Act?

(5 marks)

b) Is any application required to be filed for taking benefit under Section 14 of the Limitation Act? Write a brief summary.

(5 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: 4th September, 2022

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

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 13 questions. Answer any 10 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.
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5. No candidate will be permitted to leave the examination room/hall before 11:00 am.

Answer any 10 questions

1. Explain: (Answer any two of the following):
 - a) Corpus delicti
 - b) Circumstantial evidence.
 - c) Suspicion and proof.

(5 marks x 2)
2. What is the difference between: (Answer any two of the following):
 - a) ‘Outraging modesty’ and ‘attempt to rape’.
 - b) ‘Causing grievous hurt’ and ‘attempt to murder’.
 - c) ‘Misappropriate’ and ‘theft’.

(5 marks x 2)

3. Section 37 of the Narcotic Drugs and Psychotropic Substances Act requires the Court granting bail to reasonably believe that the person is not guilty of offence alleged.

a) What are the categories under which the satisfaction has to be recorded?

b) How does the satisfaction of the Court differ while adjudicating a bail under Section 37 of the Narcotic Drugs and Psychotropic Substances Act and while hearing a discharge application under Section 227 or 239 of the Criminal Procedure Code?

(10 marks)

4. Discuss:

a) Confessions and types of confessions.

b) Dying declaration and its evidentiary value.

(5 marks x 2)

5. a) Explain the Doctrine of Mens Rea.

b) Explain the Doctrine of Rarest of Rare case.

(5 marks x 2)

6. When does culpable homicide is not murder? Explain the exceptions under Section 300 of the Indian Penal Code.

(10 marks)

7. Discuss:

a) Procedure for trial before a Sessions Court.

b) Revision powers of the High Court or Sessions Court under Section 397 of the Criminal Procedure Code.

(5 marks x 2)

8. a) Distinguish between "Tort" and "Crime".

b) What is vicarious liability and explain whether it is applicable in Criminal Law.

(5 marks x 2)

9. Answer any two of the following:

a) Is there any correlation between Section 498-A and Section 304-B of the Indian Penal Code? Give a brief summary.

b) Explain the difference between 304 Part-I and Part-II of the Indian Penal Code.

c) What is the difference between Section 107 and Section 145 of the Criminal Procedure Code?

(5 marks x 2)

10. What is the difference between criminal conspiracy under Section 120B of the Indian Penal Code and common intention under Section 34 of the Indian Penal Code? Can a person be prosecuted for a solitary offence of criminal conspiracy?

(10 marks)

11. What is the evidentiary value of a statement under Section 164 of the Criminal Procedure Code as compared to a statement under Section 161 of the Criminal Procedure Code? Explain.

(10 marks)

12. 'A' woman belonging to the Scheduled Caste community marries 'B' man belonging to non-scheduled caste community. Marital disputes arose between 'A' and 'B' after three years of marriage. 'A' withdrew from the company of 'B' and alleging that she was forcibly removed from the house and abused in the name of caste in the presence of all the family members in the house, lodged a complaint against 'B' for the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 27 of 2018? Is the complaint filed by 'A' maintainable and what are the ingredients necessary to be satisfied for 'A' to prosecute 'B' for the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 27 of 2018?

(10 marks)

13. a) What is hostility of a witness? What is the admissibility or reliability of evidence of a hostile witness?

(5 marks)

b) What are the pre-requisites of investigation and trial of a person under the Prevention of Corruption Act, 2018?

(5 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: 4th September, 2022

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

Maximum Marks: 100

Instructions to the candidates

1. Question paper consists of 13 questions. Answer any 10 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.
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3. Section 37 of the Narcotic Drugs and Psychotropic Substances Act requires the Court granting bail to reasonably believe that the person is not guilty of offence alleged.

a) What are the categories under which the satisfaction has to be recorded?

b) How does the satisfaction of the Court differ while adjudicating a bail under Section 37 of the Narcotic Drugs and Psychotropic Substances Act and while hearing a discharge application under Section 227 or 239 of the Criminal Procedure Code?

(10 marks)

4. Discuss:

a) Confessions and types of confessions.

b) Dying declaration and its evidentiary value.

(5 marks x 2)

5. a) Explain the Doctrine of Mens Rea.

b) Explain the Doctrine of Rarest of Rare case.

(5 marks x 2)

6. When does culpable homicide is not murder? Explain the exceptions under Section 300 of the Indian Penal Code.

(10 marks)

7. Discuss:

a) Procedure for trial before a Sessions Court.

b) Revision powers of the High Court or Sessions Court under Section 397 of the Criminal Procedure Code.

(5 marks x 2)

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a) Is there any correlation between Section 498-A and Section 304-B of the Indian Penal Code? Give a brief summary.

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(10 marks)

13. a) What is hostility of a witness? What is the admissibility or reliability of evidence of a hostile witness?

(5 marks)

b) What are the pre-requisites of investigation and trial of a person under the Prevention of Corruption Act, 2018?

(5 marks)

HIGH COURT FOR THE STATE OF TELANGANA

**Written Examination for recruitment to the post of District Judge (Entry Level)
by Direct Recruitment and by transfer through Limited Competitive Examination**

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

Date: 3rd September, 2022

Time: 3 Hours, from 2:00 pm 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 3:00 pm.

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

(I) When a repeal of an enactment is followed by a fresh legislation such legislation does not effect the substantive rights of the parties on the date of suit or adjudication of suit unless such a legislation is retrospective and a Court of appeal cannot take into consideration a new law brought into existence after the judgment appealed from has been rendered because the rights of the parties in an appeal are determined under the law in force on the date of suit. However, the position in law would be different in the matters which relate to procedural law but so far as substantive rights of parties are concerned they remain unaffected by the amendment in the enactment.

Therefore, where a repeal of provisions of an enactment is followed by fresh legislation by an amending Act such legislation is prospective in operation and does not effect substantive or vested rights of the parties unless made retrospective either expressly or by necessary intendment. Further there is a presumption against the retrospective operation of a statute and further a statute is not to be construed to have a greater retrospective operation than its language renders necessary, but an amending Act which affects the procedure is presumed to be retrospective, unless amending Act provides otherwise.

A reading of substituted provision would show that the words used therein are plain and simple and there is no ambiguity in them. The words used in the section do not give rise to more than one meaning. It is also not possible to find that the amending Act either expressly or by necessary implication is retrospective. If it is held that the amending Act is retrospective in operation, it would be re-legislating the enactment by adding words which are not to be found in the amending Act either expressly or by necessary intendment and it would amount doing violence with the spirit of the amending Act. For these reasons, the application of rule of benevolent construction is wholly inapplicable while construing substituted provision. There is no such rule of construction that a beneficial legislation is always retrospective in operation, even though such legislation either expressly or by necessary intendment is not made retrospective.”

(II) “The prosecution for perjury should be sanctioned by courts only in those cases where the perjury appears to be deliberate and conscious and the conviction is reasonably probable or likely. No doubt giving of false evidence and filing false affidavits is an evil which must be effectively curbed with a strong hand but to start prosecution for perjury too readily and too frequently without due care and caution and on inconclusive and doubtful material defeats its very purpose. Prosecution should be ordered when it is considered expedient in the interests of justice to punish the delinquent and not merely because there is some inaccuracy in the statement which may be innocent or immaterial. There must be *prima facie* case of deliberate falsehood on a matter of substance and the court should be satisfied that there is reasonable foundation for the charge. In the present case we do not think the material brought to our notice was sufficiently adequate to justify the conclusion that it is expedient in the interests of justice to file a complaint.

The approach of the High Court seems somewhat mechanical and superficial: it does not reflect the requisite judicial deliberation: it seems to have ignored the fact that the

appellant was a Sarpanch and authorised to act as such and his explanation was not implausible. The High Court further appears to have failed to give requisite weight to the order of the District Magistrate which was confirmed by the Sessions Judge, in which it was considered inexpedient to initiate prosecution on the charge of alleged false affidavit that the appellant had not acted as Sarpanch during the period of the stay order.

The subject-matter of the charge before the District Magistrate was substantially the same as in the present case. Lastly, there is also the question of long lapse of time of more than ten years since the filing of the affidavit which is the subject-matter of the charge. This factor is also not wholly irrelevant for considering the question of expediency of initiating prosecution for the alleged perjury. In view of the nature of the alleged perjury in this case this long delay also militates against expediency of prosecution. And then by reason of the pendency of these proceedings since 1962 and earlier similar proceedings before the District Magistrate also the appellant must have suffered both mentally and financially. In view of all these circumstances we are constrained to allow the appeal and set aside the order directing complaint to be filed.”

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

- (1) Live-in relationship: Social Realities and Legal Framework in India.
- (2) Concepts of seat of arbitration and venue of arbitration in India.
- (3) Public interest litigation: a boon or a bane.
- (4) Law relating to death penalty in India: how the jurisprudence has evolved.

III. (a) Match the words in column A with their opposite meanings given in column B: (5) marks

Column A	Column B
a. calm	1. rude
b. gentle	2. clear
c. hazy	3. commotion
d. naive	4. regular
e. inconsistent	5. guilty

(b) Fill in the blanks using “a”, “an”, “the”, or “no article”: **(5) marks**

- a. Can you get to _____ airport in _____ hour?
- b. _____ instrumentalist mentioned in your story must be _____ wizard.
- c. Is this _____ person you were speaking to when you had _____ fall?
- d. It is said that _____ orange _____ day builds your immunity.
- e. I like _____ coffee in _____ evenings.

(c) Match the words in column A with the meanings given in column B: **(5) marks**

Column A	Column B
1. recognition	a) fringe
2. explanation	b) accolade
3. core	c) distorted
4. joy	d) pleasure
5. blurry	e) reasoning

(d) Fill in the blanks using suitable prepositions: **(10) marks**

- a. We live _____ a flat that is _____ the fourth floor.
- b. I went _____ the mall _____ that street.
- c. My friend told me _____ the person who sits _____ the park every evening.
- d. My father found _____ the table the ring which was dropped _____ my mother.
- e. _____ all vegetables, I love potatoes, _____ I consume them often. .

(e) Write a brief letter to the Officer of the Provident Fund Section requesting him/her to allow you to draw part payment of your Provident Fund for conducting a ceremony at home.

(5) marks