

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: **Administrative Law**  
Semester- V (Batch: 2020-25)

**End Semester Examination: November 2022**

Date: 07<sup>th</sup> Nov, 2022

Duration: 3 hours

Max. Marks: 50

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- Do not write anything on the question paper.
- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 600 words.

**(Answer Any Five)**

- |     |   | <b>Marks</b>     |
|-----|---|------------------|
| Q.1 | <p>a) “We must have a clear conception of the doctrine (of absolute necessity). It is well established that the law permits certain things to be done as a matter of necessity which it would otherwise not countenance on the touchstone of judicial propriety... It is often invoked in cases of bias where there is no other authority to judge or decide the issue”- Explain this decision of Hon’ble Mr. Justice A.M. Ahmadi.</p> <p>b) The Prevention of Food Adulteration Act,1954 empowered the Central Government under Section 23(1) to make rules for restricting the packing and labelling of any article of food with the end in view to prevent the public from being deceived or misled as to the quantity and quality of the article. Central Government by exercising the power under Section 23 made, The Prevention of Food Adulteration Rules. Rule 32 stated that there shall be specified on every label name and business address of the manufacturer, batch number or code either in Hindi or English. Proceedings were initiated against Kingsley Products for violating the Rule as on the Noodles packs of their products it only contained the details as the name Kingsley Products, Mumbai-6. By exercising the power under, The Prevention of Food Adulteration Rules, Mumbai Municipal Corporation imposed a fine of Rupees Ten Lakhs on Kingsley Products for violation of Rule 32. Kingsley Products challenged the said Rule before the High Court of Bombay. Decide the Petition by identifying appropriate issues and case laws.</p> | <p>(5x2= 10)</p> |
| Q.2 | <p>Gandhinagar College of Education (GCE), an affiliated college with University of Gandhinagar, and a recognised college by the National Council for Teacher Education (NCTE), impart teacher training course (B.Ed.). On their request the NCTE permitted additional intake of students for such courses without seeking accreditation and Letter Grade B from National Assessment and Accreditation Council (NAAC). Subsequently, the NCTE framed “National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2021” introducing Regulation 8(4) and 8(5). As per Regulation 8(4) an institution is required to be accredited with the NAAC with a Letter Grade B, whereas as per Regulation 8(5) those institutions which had been granted additional intake in B.Ed. Courses after promulgation of the Regulations, 2005 are required to get</p>   | <p>(10)</p>      |

themselves accredited with the NAAC with a Letter Grade B before 1st April, 2022. GCE challenged the Regulations before the High Court of Gujarat. Decide the dispute.

Relevant Provisions:

Section 32: Power to make Regulations NCTE Act, 1993

(1) The Council may, by notification in the Official Gazette, make Regulations not inconsistent with the provisions of this Act and the rules made thereunder, generally to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such Regulations may provide for all or any of the following matters, namely:

(a) conditions required for the proper functioning of the institution and conditions for granting recognition under Clause (a) of Sub-section(3) of Section 14;

(b) conditions required for the proper conduct of a new course or training and conditions for granting permission under Clause (a) of Sub-section (3) of Section 15;

Section 14 empowers the NCTE to maintain teacher education, its performance appraisal system and to lay down norms and mechanism for enforcing accountability on recognised institutions.

Under Section 15 the NCTE can determine as to which institution be allowed to offer new course or training in teacher education; for which the NCTE is empowered under Section 32 to prescribe 'condition' for grant of such permission and recognition.

- Q.3 The Commissioner of Police, Gandhinagar issued a notification dated 15.11.2021 and prohibited the movement of Mini Door Cabs (seven seater auto rickshaws) through the provisions of the Gandhinagar City Police Rules, 2021. The said Rules were issued in exercise of the powers conferred upon him under section 21(1) (a) of the Gujarat City Police Act. Based on the said Rules the Commissioner of Police, Gandhinagr informed the public that the movement of seven seater auto rickshaws are prohibited in Gandhinagar for all the 24 hours, this restriction is imposed on the movement of the 7 seater auto rickshaws for the maintenance of safe and free flow of traffic, prevention of danger, obstruction and inconvenience to the public. Gandhinagar Auto rickshaw Drivers Association challenged this notification before the High Court of Gujarat. Decide the dispute. (10)

Relevant Provisions of the Gujarat City Police Act

Section 21(1): Power to make rules for regulation of traffic and for preservation of order: The Commissioner of City Police, Gandhinagar may, from time to time, make rules not inconsistent with this Act in respect of the following. Such rules shall, in cases of clauses (a) be subject to the control of the Government and with regard to the remaining clauses; sanction of the government shall be obtained prior to the enforcement of rules.

Section 21(1)(a): regulating traffic of all kinds, in public streets or public places, and regulating the use of streets and public places by persons walking, driving, cycling or accompanying or leading cattle with a view to prevent danger, inconvenience or obstruction to the public.

- Q.4 "For a democratic government, rule of Law is a basic requirement. The rule of law runs like a golden thread through every provision of the Constitution and indisputably (10)

constitutes one of its basic features, which requires that every organ of the State must act within the confines of powers conferred upon it by the Constitution and the law. The rule of law pervades over the entire field of administration"- Analyse this Statement by elaborating case laws.

- Q.5 Ms. Pallavi Vijay got admitted to the 5 year LL.B course in June, 2022 at Indian Institute of Law (IIL), Indore, a University established by the Central Government. Ms. Pallavi Vijay was admitted in the said course against the seats which were reserved by the Central Government as per the Reservation policy of the Government. During admission she produced a certificate issued by Taluk officer, an officer authorised to issue Caste Certificate as per notification issued by Central Government, in that it was mentioned that she belongs to Jadav Community. Whereas her School Leaving Certificate stated that she belongs to Yadav Community. Subsequently on August, 25, 2022, the Registrar of IIL by issuing a notice informed Ms. Pallavi Vijay that her admission to the University is not valid and liable to be cancelled and informed her that if she wishes to continue she is required to produce a proper certificate within 24 hours. The notice contained an allegation that there is an overwriting in the Community Certificate produced by her and in an inquiry it was found that the certificate produced by her is fake. On 26th August, 2022 an order was issued by the Registrar and thereby removed her from the LLB Course. Ms. Pallavi Vijay challenged this before the High Court of Madhya Pradesh. Decide the disputes involved in the case. (10)
- Q.6 Mr. Guna Raj joined the Police Service of State of Maharashtra on March, 14, 2015 as a Police Constable and posted in Traffic and Signal Department. While in service he had not obeyed the orders of Mr. Vishwa Pratp, Superintendent of Police, a higher officer of his department and a suspension of one month was imposed on him for violating the norms of respecting the higher officers. While undergoing the punishment, he sent representations before the Director General of Police, complaining ill-treatment of Mr. Vishwa Pratap. On the said complaint suspension was extended for another one month against Mr. Guna Raj as per the order issued by Mr. Vishwa Pratp. While serving the punishment, Mr. Guna Raj stated to have committed another offence of disobeying a lawful command given by his superior officer. To try this offence an enquiry was conducted on the very next day and Mr. Vishwa Pratp was also part of the enquiry committee. Some witnesses were examined which included Mr. Vishwa Pratap also. The committee by claiming that Mr. Guna Raj had pleaded guilty found Mr. Guna Raj guilty and awarded a disciplinary punishment of dismissal from service with the added disqualification that he is unfit for any future employment. Against this order Mr. Guna Raj filed a petition before the Supreme Court. Decide the Petition. (10)

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