

GUJARAT NATIONAL LAW UNIVERSITY GANDHINAGAR

Course: Service Law
Semester-VIII (Batch: 2012-17)

Mid Semester Test: Feb-Mar. 2016



Date: 05th March 2016

Duration: 2 hours

Max. Marks: 30

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Draw the diagrams only with pencil.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Attempt any three questions.

Marks

- Q.1 Kamna Kumar was associated with the student wing of a political party during his student days, which had an active participation in the protest done against government during emergency. He was charged and convicted for an offence under Defence of India Rules (DIR). He has applied for a post of public servant for which he is otherwise eligible, however the selection committee has rejected his candidature on the basis of his past conviction under DIR for raising political slogans against the government. He has challenged the decision of selection committee on the basis of violation of fundamental rights guaranteed under Article 16 and 19 of the Constitution of India. Decide his case. (08)
- Q.2 Define the term 'State' as provided under Article 12 of the Constitution of India. Explain the criteria for considering an organization as State for the purpose of fundamental rights with the help of decided cases. (08)
- Q.3 Mr. Sundarsan has been appointed as a lower divisional Clerk in a government organization on contractual basis with terms and condition that the authority have the right of termination subject to one month prior notice or one month salary in lieu of default in serving of prior notice. Mr. Sundarsan accepted the job and the condition there by placing his signature thereon the appointment letter. After serving for almost 4 year he has been terminated from his job and given one month salary as mentioned in the appointment letter. He wish to challenge this decision of the authority on ground of discrimination and principle of natural justice. Advise him with the help of decided cases and relevant constitutional provisions. (08)
- Q.4 Write short notes on any two of the following: (2x3 =06)
- (a) Right to equality
 - (b) Equal pay for equal work
 - (c) Disparity in the quantum of pension
