Mock #1 Civil Writ Petition - Property Dispute

Category: Legal | Difficulty: Medium | Words: 414 | Target: 30 WPM @ 92% accuracy

The petitioner has approached this Hon'ble Court by way of the present writ petition filed under Articles 226 and 227 of the Constitution of India, seeking the issuance of a writ in the nature of mandamus or any other appropriate writ, order, or direction to the respondent authorities. The petitioner seeks directions against the arbitrary and illegal demolition of his residential premises situated in the revenue estate of Village Ramgarh, District Panchkula. The petitioner vehemently contends that the property in question was purchased by him through a registered sale deed dated 15th October 2005, and since then, he has been in peaceful and uninterrupted possession of the said property. It is further submitted that the petitioner has been paying all the requisite property taxes, water bills, and electricity charges to the concerned municipal authorities on a regular basis. The grievance of the petitioner arose when the respondent municipal corporation issued a show-cause notice dated 12th January 2023, alleging that the construction raised by the petitioner is in violation of the approved building plans and encroaches upon the adjoining public street. The petitioner duly replied to the said notice on 25th January 2023, annexing all the relevant documents, including the approved site plan and the demarcation report prepared by the revenue officials, which clearly established that there is no encroachment whatsoever. However, without considering the detailed reply and the documentary evidence placed on record, the competent authority passed a non-speaking and cryptic order dated 10th February 2023, directing the demolition of the alleged unauthorized construction within a period of seven days. Learned counsel for the petitioner has argued that the impugned order has been passed in a mechanical manner, in blatant violation of the principles of natural justice, as no opportunity of personal hearing was granted to the petitioner. On the contrary, the learned counsel appearing on behalf of the respondent corporation has justified the demolition order, stating that it was passed strictly in accordance with the provisions of the Municipal Corporation Act. The respondents have alleged that the petitioner has deliberately concealed material facts from this Court. After hearing the rival submissions and perusing the voluminous record, this Court is of the considered opinion that the matter requires a deeper probe. Consequently, notice of motion is issued to the respondents, returnable within six weeks. In the interregnum, the operation of the impugned demolition order shall remain stayed, and both parties are directed to maintain the status quo regarding the nature and possession of the property.

Mock #2 Criminal Appeal - Suspension of Sentence

Category: Court | Difficulty: Hard | Words: 413 | Target: 30 WPM @ 92% accuracy

This is an application preferred by the applicant-appellant under Section 389 of the Code of Criminal Procedure, 1973, praying for the suspension of sentence and grant of bail during the pendency of the present criminal appeal. The applicant has been convicted by the Court of the learned Additional Sessions Judge, Ludhiana, vide judgment of conviction and order of sentence dated 24th August 2022, in a case arising out of FIR No. 112 dated 5th March 2018, registered at Police Station Division Number 5, under Sections 420, 467, 468, 471, and 120-B of the Indian Penal Code, 1860. The trial court has sentenced the applicant to undergo rigorous imprisonment for a period of seven years and to pay a fine of rupees fifty thousand, with a default stipulation of further rigorous imprisonment for six months. Learned senior counsel representing the applicant vehemently argues that the impugned judgment of conviction is based on surmises and conjectures, and the trial court has miserably failed to appreciate the glaring discrepancies and material contradictions in the testimonies of the prosecution witnesses. It is forcefully contended that the primary documentary evidence, heavily relied upon by the prosecution to establish the charge of forgery, was never sent to the Forensic Science Laboratory for expert examination, thereby rendering the prosecution's case highly doubtful. Furthermore, the applicant was on bail during the entire course of the trial and has never misused the concession of bail granted to him. The learned senior counsel points out that the applicant has already undergone an actual custody period of more than three years and four months, out of the total awarded sentence of seven years. Given the heavy pendency of cases before this Court, there is no likelihood of the present appeal being heard and finally decided in the near future. Per contra, the learned State counsel has strongly opposed the application, submitting that the applicant is the main conspirator who masterminded the entire financial fraud, causing a colossal loss to the public exchequer. The State asserts that the documentary evidence on record unequivocally establishes the guilt of the applicant beyond any shadow of a doubt. Having given thoughtful consideration to the rival contentions, and keeping in view the substantial period of custody already undergone by the applicant, coupled with the fact that the final adjudication of the appeal will take considerable time, this Court deems it appropriate to suspend the substantive sentence of the applicant.

Mock #3 Service Matter - Promotion and Seniority

Category: Administrative | Difficulty: Medium | Words: 407 | Target: 30 WPM @ 92% accuracy

The petitioners in the present batch of writ petitions are aggrieved by the final seniority list circulated by the respondent department vide notification dated 18th November 2021, and the subsequent promotion orders issued on the basis of the said disputed list. The petitioners, who are working as Sub-Divisional Engineers in the Department of Irrigation, contend that their fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India have been infringed by the arbitrary actions of the respondent authorities. The brief factual matrix of the case reveals that the petitioners were appointed through direct recruitment in the year 2010, strictly in accordance with the statutory rules governing the service. At the time of their appointment, a tentative seniority list was issued wherein the petitioners were correctly placed above the private respondents, who were promoted to the same cadre from the feeder posts at a much later stage. However, the official respondents, acting under extraneous pressure and without issuing any show-cause notice to the affected direct recruits, completely altered the seniority positions in the final list. The petitioners forcefully submit that the retrospective assignment of seniority to the promotees violates the well-settled principle of law that seniority cannot be granted from a date when an employee was not even born in the cadre. Learned counsel for the petitioners has heavily relied upon the landmark judgment of the Hon'ble Supreme Court in the case of State of Uttar Pradesh versus Ashok Kumar Srivastava, wherein it was categorically held that the quota-rota rule must be strictly adhered to while determining inter-se seniority. On the other hand, the respondents have filed a comprehensive written statement, taking a preliminary objection regarding the maintainability of the writ petitions on the ground of unexplained delay and laches. The State argues that the seniority list has been finalized after meticulously considering all the objections and strictly in consonance with Rule 12 of the relevant Service Rules. The private respondents also contend that their regular promotion was delayed due to administrative lethargy, for which they cannot be penalized by denying them their rightful seniority. The Court, upon a careful perusal of the record and the applicable statutory provisions, finds merit in the submissions made by the petitioners. The law is well crystallized that administrative authorities cannot act whimsically to unsettle settled seniority positions. The respondents are directed to recast the seniority list within three months.

Mock #4 Consumer Protection - Medical Negligence

Category: Legal | Difficulty: Medium | Words: 403 | Target: 30 WPM @ 92% accuracy

The present complaint has been instituted under the provisions of the Consumer Protection Act, 2019, alleging severe medical negligence and deficiency in service on the part of the opposite party hospital and its treating doctors. The complainant states that his wife, who was thirty-two years of age and in generally good health, was admitted to the opposite party hospital on 14th September 2022 for a routine laparoscopic gallbladder surgery. At the time of admission, the hospital management assured the complainant that the surgical procedure was entirely safe, minimally invasive, and that the patient would be discharged within forty-eight hours. However, the complainant alleges that during the course of the surgical procedure, the operating surgeon acted with gross negligence and recklessly severed a major blood vessel, leading to massive internal haemorrhage. The complainant contends that the hospital lacked the necessary emergency resuscitation equipment and intensive care facilities required to handle such critical intra-operative complications. Consequently, the patient's condition rapidly deteriorated, and she was hurriedly shifted to another multi-specialty hospital in a highly critical state. Despite the best efforts of the doctors at the second hospital, the patient tragically succumbed to her injuries after three days. The complainant has placed on record the complete medical records, operation theatre notes, and an expert opinion obtained from a retired government surgeon, which allegedly pinpoints the specific procedural deviations committed by the opposite party doctors. The opposite parties have vehemently denied the allegations of medical negligence, submitting that the surgery was performed with the utmost care and in strict adherence to standard medical protocols. They assert that the internal bleeding was an acknowledged, albeit rare, complication of the laparoscopic procedure, and the patient had signed a comprehensive informed consent form acknowledging this specific risk. The opposite parties further argue that they took all possible immediate corrective measures before referring the patient to a higher medical centre. After evaluating the voluminous evidence and the affidavits filed by the respective parties, this Commission observes that the doctrine of res ipsa loquitur is applicable to the facts of the present case. The burden shifts heavily upon the treating doctors to explain the sudden complication. The Commission finds that the hospital failed to provide the mandated postoperative critical care, constituting a clear deficiency in service. The opposite parties are jointly held liable to pay compensation.

Mock #5 General Knowledge - Information Technology Act

Category: General | Difficulty: Easy | Words: 392 | Target: 30 WPM @ 92% accuracy

The Information Technology Act, 2000, was enacted by the Parliament of India to provide legal recognition to electronic commerce and to facilitate the electronic filing of documents with government agencies. This landmark legislation was primarily based on the Model Law on Electronic Commerce adopted by the United Nations Commission on International Trade Law, which aimed to bring uniformity in the law applicable to computer-based networks across different global jurisdictions. Prior to the enactment of this statute, all legal and business transactions in India were heavily reliant on physical, paper-based documentation, which often led to significant delays and immense administrative burdens. The advent of the Information Technology Act marked a monumental shift in the Indian legal landscape, fundamentally altering the manner in which commercial transactions and official communications are conducted. One of the most critical features of the Act is the legal recognition it grants to digital signatures and electronic records, equating them with their physical counterparts for all legal and evidentiary purposes. This transition has drastically improved the speed and transparency of various government initiatives and has been a cornerstone for the Digital India campaign. Furthermore, the Act established a robust regulatory framework for certifying authorities, who are responsible for issuing electronic signature certificates to users. In addition to facilitating electronic commerce, the Act contains stringent penal provisions to combat the rising menace of cybercrimes. It specifically addresses modern technological offences such as unauthorized access to computer systems, data theft, introduction of computer viruses, identity theft, and the publication of obscene material in electronic form. Over the years, the Act has undergone significant amendments, most notably in 2008, to address emerging challenges like cyber terrorism, data privacy, and the liabilities of intermediary platforms such as social media networks and internet service providers. The law mandates that these intermediaries exercise due diligence and establish effective grievance redressal mechanisms to protect user interests. Despite its comprehensive nature, legal experts continuously emphasize the need for regular updates to the Act, considering the exceptionally rapid pace of technological advancements such as artificial intelligence, cloud computing, and blockchain technology. The judiciary has also played a proactive role in interpreting the provisions of the Act to ensure a delicate balance between national security requirements and the fundamental right to privacy of citizens.

Mock #6 Civil Revision - Partition Suit

Category: Legal | Difficulty: Medium | Words: 399 | Target: 30 WPM @ 92% accuracy

The present civil revision petition has been preferred by the defendants under Article 227 of the Constitution of India, challenging the interlocutory order dated 14th May 2022 passed by the learned Civil Judge, Senior Division, Panipat. By virtue of the impugned order, the trial court allowed the application filed by the plaintiffs under Order VI Rule 17 of the Code of Civil Procedure, 1908, permitting them to amend their plaint at a highly belated stage. The underlying litigation is a complex suit for partition, separate possession, and permanent injunction concerning several valuable ancestral agricultural and residential properties situated in the revenue estate of Panipat. The petitioners submit that the trial had already commenced, and the plaintiffs had concluded their affirmative evidence after examining five key witnesses. At this critical juncture, the plaintiffs moved the amendment application with the mala fide intention of entirely changing the fundamental nature and core character of the suit. The petitioners argue that the proposed amendment seeks to introduce new properties into the partition schedule, which were previously relinquished by the plaintiffs through a registered family settlement deed executed back in the year 1998. It is vehemently contended that allowing such an amendment severely prejudices the rights of the defendants and defeats the law of limitation. Learned counsel for the respondents, on the other hand, firmly defends the impugned order, asserting that the amendment is absolutely essential for the complete and final adjudication of the real controversy between the litigating family members. The respondents maintain that the omission of the said properties was a bona fide typographical error on the part of their previous counsel and that no fresh cause of action is being introduced. After carefully perusing the pleadings and the impugned order, this Court observes that the proviso to Order VI Rule 17 strictly prohibits any amendment after the commencement of the trial, unless the court is fully satisfied that despite due diligence, the party could not have raised the matter earlier. In the present scenario, the trial court has failed to record any categorical finding regarding the due diligence aspect before allowing the application. The impugned order suffers from a manifest jurisdictional error and material irregularity. Consequently, the revision petition is allowed, the impugned order is set aside, and the trial court is directed to proceed with the matter from the stage prior to the amendment application.

Mock #7 Administrative Law - Tender Disqualification

Category: Administrative | Difficulty: Hard | Words: 403 | Target: 30 WPM @ 92% accuracy

The petitioner, a registered partnership firm engaged in the business of civil construction, has approached this Court by way of the present writ petition to assail the order dated 22nd July 2023 issued by the respondent Municipal Corporation. Vide the impugned communication, the technical bid of the petitioner for the construction of a modern sports complex was summarily rejected, and the petitioner firm was disqualified from participating in the financial bidding process. The petitioner contends that it possesses an impeccable track record spanning over two decades and has successfully executed numerous large-scale infrastructure projects for various government departments across the state. In response to the Notice Inviting Tender issued by the respondents, the petitioner submitted a comprehensive bid strictly complying with all the mandatory technical specifications and financial parameters outlined in the tender document. However, the tender evaluation committee unlawfully disqualified the petitioner on the frivolous ground that the requisite experience certificate submitted along with the bid was not countersigned by an officer of the rank of Superintending Engineer. Learned senior counsel representing the petitioner vehemently argues that this condition was never a part of the original tender document and was arbitrarily introduced at the time of technical evaluation solely to oust the petitioner and favour the private respondents. It is further submitted that the rejection order is entirely non-speaking, mechanical, and violative of the principles of natural justice, as no opportunity to clarify the alleged discrepancy was afforded to the petitioner. Per contra, the standing counsel for the respondent Corporation defends the administrative action, stating that the evaluation committee possesses the inherent expertise and absolute prerogative to strictly interpret the tender conditions. The respondents assert that the petitioner failed to satisfy the essential eligibility criteria regarding past project experience, and therefore, the disqualification is legally valid and justified. Having heard the extensive arguments and examined the original tender files produced by the State, this Court is of the considered opinion that the actions of the tender evaluation committee are highly suspect. The basic principles of transparency and fairness require that the rules of the game cannot be altered after the bidding process has commenced. The arbitrary introduction of new conditions for technical qualification amounts to a gross abuse of administrative power. Consequently, the impugned rejection order is quashed, and the respondents are directed to evaluate the petitioner's financial bid alongside the other eligible contractors.

Mock #8 Criminal Bail - NDPS Act

Category: Court | Difficulty: Hard | Words: 409 | Target: 30 WPM @ 92% accuracy

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, seeking the concession of regular bail for the applicant in FIR No. 89 dated 14th October 2021, registered at Police Station Sadar, Karnal, under Sections 21, 22, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The prosecution story, in brief, is that a police patrol party intercepted a vehicle driven by the applicant on a state highway based on secret information. Upon conducting a systematic search of the vehicle in the presence of a Gazetted Officer, the police allegedly recovered two hundred and fifty bottles of a restricted codeine-based cough syrup and five hundred tablets of a psychotropic substance concealed beneath the rear passenger seat. Learned counsel for the applicant vehemently contends that the applicant has been falsely implicated in the present case due to an ulterior motive and prior enmity with the local police officials. It is forcefully argued that the mandatory provisions of Section 50 of the NDPS Act, which deal with the conditions under which the search of a person shall be conducted, were completely bypassed during the alleged recovery operation. Furthermore, the counsel submits that there is a blatant non-compliance with Section 42 of the Act, as the secret information was never reduced into writing and sent to the immediate official superior within the stipulated time frame. The applicant has been languishing in judicial custody for more than two years, and the trial is proceeding at a remarkably slow pace, with only three out of the eighteen cited prosecution witnesses having been examined so far. Opposing the bail application, the learned State counsel submits that the recovered contraband comfortably falls within the category of commercial quantity, and therefore, the stringent twin conditions prescribed under Section 37 of the NDPS Act are fully attracted in the present case. The State asserts that the applicant is an active member of an organized interstate drug trafficking syndicate and has a notorious criminal history with two similar cases pending against him. After carefully weighing the rival submissions and scrutinizing the police report, this Court observes that the recovery of a commercial quantity of contraband poses a serious hurdle. However, the prolonged incarceration of the applicant and the dismal pace of the trial bring into focus the fundamental right to a speedy trial guaranteed under Article 21 of the Constitution. Therefore, the applicant is granted regular bail subject to strict conditions.

Mock #9 Family Law - Child Custody

Category: Legal | Difficulty: Medium | Words: 398 | Target: 30 WPM @ 92% accuracy

The present civil appeal arises out of a bitter and protracted matrimonial dispute, challenging the judgment and decree dated 5th September 2022 passed by the Principal Judge, Family Court, Gurugram. By way of the impugned judgment, the Family Court allowed the petition filed by the respondent husband under the Guardian and Wards Act, 1890, and granted him the exclusive permanent custody of the minor child, a boy aged about eight years. The appellant wife vehemently contends that the Family Court has committed a grave error in law and fact by completely ignoring the fundamental legal principle that in custody matters, the paramount consideration is always the welfare and best interests of the minor child, and not the legal rights of the warring parents. It is submitted that the appellant is a highly educated working professional with a stable income and has been solely taking care of the emotional, educational, and physical needs of the child since the couple separated three years ago. The appellant argues that uprooting the child from his familiar environment and transferring custody to the father, who is frequently traveling for business, will cause immense psychological trauma to the minor. On the other hand, the respondent husband asserts that the appellant has an unpredictable temper and has been systematically brainwashing the child against him, resulting in severe parental alienation. He further argues that his affluent financial status and vast joint family setup will provide a much more secure and nurturing environment for the growing boy. The Family Court had heavily relied upon the interaction with the minor child in the judicial chambers, where the child had purportedly expressed a slight preference to live with the father. Having heard the learned counsel for the parties at length and after perusing the voluminous evidence on record, this Court is of the considered view that custody cannot be decided merely on the basis of financial superiority. A young child of eight years requires the constant love, affection, and emotional stability that a mother is uniquely positioned to provide. The interaction with a child of such tender age cannot be the sole determining factor. Consequently, the impugned judgment of the Family Court is set aside. The permanent custody of the minor child is restored to the appellant mother, while granting liberal visitation rights to the respondent father during weekends and school vacations.

Mock #10 Negotiable Instruments - Cheque Bounce

Category: Legal | Difficulty: Medium | Words: 406 | Target: 30 WPM @ 92% accuracy

The present criminal revision petition has been preferred by the accused-petitioner to challenge the judgment dated 12th February 2023 passed by the learned Additional Sessions Judge, Faridabad. Vide the impugned judgment, the appellate court dismissed the appeal filed by the petitioner and upheld the judgment of conviction and order of sentence passed by the trial court in a complaint case instituted under Section 138 of the Negotiable Instruments Act, 1881. The trial court had convicted the petitioner and sentenced him to undergo simple imprisonment for a period of one year, along with a direction to pay compensation to the tune of rupees ten lakh to the complainant. The brief facts leading to this litigation are that the petitioner allegedly borrowed a sum of rupees eight lakh from the complainant for business purposes and, in order to discharge his legal liability, issued a post-dated cheque. However, when the complainant presented the said cheque to the bank, it was dishonoured and returned with the standard memo stating that the funds in the account were insufficient. The petitioner contends that the complainant has miserably failed to prove the existence of any legally enforceable debt or liability. The core defense raised by the petitioner is that a blank signed cheque was given to the complainant merely as security for a completely different transaction, which was subsequently misused by filling in a fabricated amount. Learned counsel for the petitioner vehemently argues that the trial court erred in ignoring the fact that the complainant failed to reflect the alleged cash loan in his income tax returns, rendering the transaction highly suspicious. Conversely, the counsel for the respondent complainant submits that once the signature on the cheque is explicitly admitted by the accused, a statutory presumption automatically arises under Sections 118 and 139 of the Negotiable Instruments Act in favour of the holder of the cheque. The respondent asserts that the petitioner failed to lead any cogent and reliable evidence to rebut this strong statutory presumption. After giving a thoughtful consideration to the arguments advanced, this Court finds that the courts below have correctly appreciated the evidence on record. The statutory presumption heavily favours the complainant, and a mere bald denial by the accused is not sufficient to discharge the burden of proof. Since there is no patent illegality or jurisdictional error in the impugned judgments, the present revision petition is entirely devoid of merit and is accordingly dismissed.

Mock #11 Criminal Anticipatory Bail - Section 438

Category: Court | Difficulty: Hard | Words: 421 | Target: 30 WPM @ 92% accuracy

This is a petition filed under Section 438 of the Code of Criminal Procedure, 1973, seeking the concession of anticipatory bail for the petitioner in the event of his arrest in FIR No. 176 dated 3rd June 2023, registered at Police Station City, Hisar, under Sections 406, 420, and 506 of the Indian Penal Code, 1860. The allegation against the petitioner, in brief, is that he induced the complainant to invest a sum of rupees twelve lakh in a proposed real estate venture by making false promises of allotting a commercial plot, but neither delivered possession nor refunded the amount despite repeated demands. Learned counsel for the petitioner vehemently contends that the dispute is purely civil in nature and has been given a criminal colour merely to exert pressure for recovery of money. It is forcefully argued that the alleged transaction was governed by a written agreement containing an arbitration clause, and that the petitioner had already returned a sum of rupees four lakh through banking channels, the proof of which has been placed on record. Furthermore, the counsel submits that the petitioner is a permanent resident of Hisar, has deep roots in society, and has joined the investigation whenever he was called by the police. There is, therefore, no apprehension of his fleeing from justice or tampering with the prosecution evidence. Per contra, the learned State counsel has opposed the petition, submitting that the petitioner has cheated several innocent investors in a similar manner and that two other FIRs are already registered against him. The State asserts that custodial interrogation is essential to trace the diverted funds and to recover the forged allotment letters allegedly prepared by the petitioner. It is further submitted that the offence involves a well-planned conspiracy and that the grant of pre-arrest bail would seriously hamper the investigation. After hearing learned counsel for the parties and perusing the case file, this Court finds that the essential ingredients of the offence of cheating are prima facie disputed, as the entire controversy arises from a commercial transaction. The petitioner has already joined the investigation and no recovery is required to be effected from him at this stage. The liberty of an individual is a precious fundamental right and cannot be curtailed merely on the basis of apprehension. Consequently, the petition is allowed and the petitioner is directed to be released on bail in the event of arrest, subject to furnishing personal bond and surety to the satisfaction of the arresting officer, and to cooperate fully with the investigation.

Mock #12 Land Acquisition - Enhancement of Compensation

Category: Legal | Difficulty: Medium | Words: 387 | Target: 30 WPM @ 92% accuracy

The present appeal has been preferred by the landowners under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, challenging the award dated 9th March 2022 passed by the learned Additional District Judge, Rohtak, whereby the reference petitions filed by the appellants seeking enhancement of compensation were dismissed. The land of the appellants, measuring about twelve acres and situated on the outskirts of Rohtak city, was acquired by the State Government for the construction of a bypass road and an industrial corridor. The Land Acquisition Collector had assessed the market value of the land at rupees forty lakh per acre, primarily on the basis of the average of the sale deeds registered during the preceding three years in the neighbouring villages. Learned counsel for the appellants contends that the Collector as well as the Reference Court completely ignored the potential value of the acquired land, which was located adjacent to a developed residential colony and had a clear commercial potential. It is submitted that the appellants had placed on record several sale exemplars of comparable plots, showing that the prevailing rate in the vicinity was not less than rupees seventy lakh per acre. The appellants further argue that they have been deprived of their only source of livelihood and are entitled to statutory solatium and interest from the date of taking possession. On the other hand, the learned counsel for the State submits that the sale exemplars relied upon by the appellants relate to small residential plots, which cannot be made the basis for determining the value of a large tract of agricultural land. It is further argued that the compensation has been determined strictly in accordance with the statutory provisions and that the appellants have failed to prove any error in the impugned award. Having carefully examined the evidence, this Court is of the opinion that the market value of a large parcel of land cannot be ascertained by ignoring its location, surroundings, and future prospects. However, a reasonable deduction towards development charges is required to be made while relying upon small plot exemplars. Accordingly, the appeal is partly allowed, the compensation is enhanced to rupees fifty-five lakh per acre, and the appellants shall be entitled to all statutory benefits including solatium and interest as per law.

Mock #13 Service Matter - Disciplinary Inquiry and Dismissal

Category: Administrative | Difficulty: Hard | Words: 362 | Target: 30 WPM @ 92% accuracy

The petitioner, a Junior Assistant working in the Department of Revenue, has approached this Court by way of the present writ petition to challenge the order dated 4th April 2023, whereby he was dismissed from service by the disciplinary authority, and the subsequent order of the appellate authority rejecting his departmental appeal. The charge against the petitioner was that he had received a sum of rupees five thousand from a villager for the purpose of issuing a copy of a land record and had thereby committed grave misconduct. The petitioner contends that the entire departmental inquiry was conducted in a perfunctory manner and in complete violation of the principles of natural justice. It is submitted that the charge sheet was vague and did not disclose the date, time, or place of the alleged demand, and that the copies of the statements of the witnesses were never supplied to him despite his repeated requests. Learned counsel for the petitioner vehemently argues that the inquiry officer relied solely upon a preliminary report, the author of which was never produced for cross-examination, and that the findings of guilt are based on no evidence whatsoever. It is further contended that the punishment of dismissal is wholly disproportionate to the alleged misconduct, particularly when the petitioner has an unblemished service record of nineteen years. Per contra, the learned State counsel submits that the scope of judicial review in disciplinary matters is extremely limited and that this Court cannot sit as an appellate authority over the findings recorded in a departmental inquiry. The respondents assert that the petitioner was afforded a reasonable opportunity of hearing at every stage and that the gravity of the misconduct justified the penalty imposed. After considering the rival submissions and examining the inquiry record, this Court finds that the inquiry officer has recorded findings of guilt without there being any legally admissible evidence on record. The denial of an opportunity to cross-examine the material witness has vitiated the entire proceedings. Consequently, the impugned orders of dismissal and rejection of appeal are quashed, and the respondents are directed to reinstate the petitioner, with liberty to hold a fresh inquiry strictly in accordance with law.

Mock #14 General Knowledge - Right to Information Act

Category: General | Difficulty: Easy | Words: 359 | Target: 30 WPM @ 92% accuracy

The Right to Information Act, 2005, is one of the most significant legislations enacted by the Parliament of India to promote transparency and accountability in the working of public authorities. The Act came into force on the twelfth day of October in the year 2005 and provides a practical framework for every citizen to obtain information held by government departments, public sector undertakings, and other bodies substantially financed by public funds. Before the enactment of this law, the citizens had very limited means to seek information about the decisions taken by the government, and the culture of secrecy inherited from the colonial period continued to dominate the administration for several decades. The Act has changed this position completely by declaring that the right to information is a legal right available to all citizens. Under the provisions of the Act, every public authority is required to appoint a Public Information Officer, who is responsible for receiving applications and providing the requested information within thirty days. In matters relating to the life and liberty of a person, the information must be furnished within forty-eight hours. An applicant is not required to give any reason for seeking the information, and the prescribed application fee is kept very nominal so that even the poorest citizen can use the law. If the applicant is not satisfied with the response, he may file a first appeal before a senior officer of the same department, and thereafter a second appeal before the Information Commission at the Central or State level. The Act also empowers the Commission to impose penalties upon officers who refuse to supply information without any reasonable cause. At the same time, the law recognises certain exemptions to protect national security, sovereignty, and the privacy of individuals, and information which may endanger the physical safety of any person cannot be disclosed. Over the years, the Act has been widely used by ordinary citizens to expose corruption, to monitor public works, and to ensure that welfare schemes reach the intended beneficiaries. It is rightly regarded as a powerful tool for strengthening democracy at the grassroots level and for making the government answerable to the people.

Mock #15 Motor Accident Claim - Fatal Injury

Category: Legal | Difficulty: Medium | Words: 364 | Target: 30 WPM @ 92% accuracy

The present appeal has been filed by the claimants under Section 173 of the Motor Vehicles Act, 1988, seeking enhancement of the compensation awarded by the learned Motor Accidents Claims Tribunal, Karnal, vide award dated 20th January 2023, in respect of the death of one Ramesh Kumar, who was aged about thirty-five years at the time of the accident. According to the claimants, the deceased was riding a motorcycle on the national highway on 7th August 2020 when a speeding truck, driven in a rash and negligent manner, hit him from behind, causing fatal injuries. The deceased was immediately taken to a nearby hospital, but succumbed to his injuries before any effective treatment could be administered. The claimants, who are the widow, two minor children, and the aged mother of the deceased, contend that the deceased was working as a private mechanic and earning about rupees twenty-five thousand per month. The Tribunal, however, assessed his monthly income at only rupees twelve thousand on the ground that no documentary proof of income had been produced. Learned counsel for the appellants argues that in the absence of documentary evidence, the Tribunal was bound to determine the notional income on the basis of prevailing minimum wages for skilled workers, and that it has also failed to award any amount towards future prospects. It is further submitted that the amounts granted under the conventional heads, such as loss of consortium, loss of estate, and funeral expenses, are far below the sums recommended by the Supreme Court. On the other hand, the learned counsel for the insurance company submits that the award is just and reasonable and that the claimants have failed to establish the income of the deceased by any cogent evidence. After hearing the parties, this Court is of the view that the Tribunal has adopted a hyper-technical approach in assessing the income of the deceased. Considering the nature of his work, his monthly income is assessed at rupees eighteen thousand, and an addition of forty percent is allowed towards future prospects. The compensation is accordingly enhanced, and the insurance company is directed to deposit the enhanced amount along with interest within a period of two months.

Mock #16 Labour Dispute - Illegal Retrenchment

Category: Legal | Difficulty: Medium | Words: 348 | Target: 30 WPM @ 92% accuracy

The present writ petition has been filed by the management of a private manufacturing company to assail the award dated 15th May 2023 passed by the learned Labour Court, Faridabad, whereby the termination of the respondent workman was held to be illegal, and the management was directed to reinstate him with continuity of service and fifty percent of the back wages. The respondent workman had joined the establishment of the petitioner as a machine operator in the year 2012 and, according to him, had completed more than two hundred and forty days of continuous service in every calendar year. His services were abruptly terminated on 1st April 2019 without any notice, without payment of retrenchment compensation, and without following the mandatory procedure prescribed under the Industrial Disputes Act, 1947. Learned counsel for the petitioner management contends that the respondent was never a regular workman and was engaged by an independent contractor, and that there existed no direct relationship of employer and employee between the parties. It is further argued that the respondent had voluntarily abandoned his job and that the Labour Court has wrongly drawn an adverse inference against the management for its failure to produce the attendance registers. On the other hand, the learned counsel for the workman submits that the wage slips, the identity card, and the provident fund records, all issued by the petitioner company itself, clearly establish the relationship of employer and employee. It is vehemently argued that the plea of abandonment is an afterthought, as the workman had raised an industrial dispute within a few days of his termination. After perusing the record of the Labour Court, this Court finds that the findings recorded by the Tribunal are based on proper appreciation of the evidence and do not suffer from any perversity. The management has miserably failed to prove that the contractor was a genuine independent entity. Retrenchment without compliance with the mandatory provisions is void and inoperative in law. Therefore, the writ petition is dismissed, and the petitioner is directed to implement the award within a period of eight weeks from today.

Mock #17 Public Interest Litigation - Illegal Mining

Category: Court | Difficulty: Hard | Words: 348 | Target: 30 WPM @ 92% accuracy

The present public interest litigation has been instituted by a registered social organisation, working for the protection of the environment, seeking directions to the State authorities to stop the rampant illegal mining of minor minerals in the riverbed of the Yamuna in District Yamunanagar. The petitioner organisation contends that a large number of private contractors, in collusion with certain local officials, have been carrying out uncontrolled excavation of sand and gravel beyond the permitted depth and areas, in blatant violation of the environmental clearance conditions and the provisions of the Mines and Minerals Development and Regulation Act, 1957. It is submitted that the use of heavy machinery in the riverbed has resulted in erosion of the embankments, lowering of the groundwater table, and serious damage to the aquatic life. The petitioner has placed on record a number of photographs and satellite images, along with a report of an independent expert, showing that the mining activity is continuing even during the monsoon season, when it is strictly prohibited. Learned counsel for the petitioner vehemently argues that the authorities have completely failed to discharge their statutory duty of protecting the environment, which forms an integral part of the right to life guaranteed under Article 21 of the Constitution. On the other hand, the learned Advocate General appearing for the State submits that the mining operations are being carried out under valid licences and that the department has taken strict action against the violators by registering several criminal cases and imposing heavy penalties. It is further submitted that a complete ban on mining would adversely affect the construction industry and the livelihood of thousands of labourers. After hearing the rival submissions, this Court is of the opinion that development and environmental protection must go hand in hand and that the principle of sustainable development cannot be ignored. The State cannot remain a silent spectator to the destruction of natural resources. Consequently, a high-level committee is constituted to inspect the mining sites within four weeks, and all mining operations in the affected stretch shall remain suspended till the submission of the report.

Mock #18 General Knowledge - Fundamental Rights

Category: General | Difficulty: Easy | Words: 349 | Target: 30 WPM @ 92% accuracy

The Constitution of India, which came into force on the twenty-sixth day of January in the year 1950, guarantees certain basic rights to every citizen and, in some cases, to every person living within the territory of the country. These rights are known as the Fundamental Rights and are contained in Part Three of the Constitution, extending from Article 12 to Article 35. Originally, the Constitution provided for seven fundamental rights, but the right to property was removed from this list by the forty-fourth amendment in the year 1978 and is now only a legal right under Article 300A. The remaining six rights are the right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights, and the right to constitutional remedies. The right to equality ensures that the State shall not deny to any person equality before the law and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. The right to freedom includes the freedom of speech and expression, the freedom to assemble peacefully, the freedom to form associations, and the freedom to practise any profession or carry on any trade. Article 21, which protects the life and personal liberty of a person, has been given a very wide interpretation by the Supreme Court over the years and now includes the right to education, the right to privacy, and the right to live with dignity. The right against exploitation prohibits human trafficking, forced labour, and the employment of children in hazardous factories. Dr. B. R. Ambedkar described the right to constitutional remedies as the very heart and soul of the Constitution, because it empowers every citizen to approach the Supreme Court or the High Courts directly for the enforcement of fundamental rights through writs such as habeas corpus, mandamus, prohibition, certiorari, and quo warranto. These rights are not absolute and may be subjected to reasonable restrictions in the interest of public order, morality, and the security of the State, but any such restriction must always satisfy the test of reasonableness before the courts.

Mock #19 Rent Control - Eviction on Ground of Bona Fide Need

Category: Legal | Difficulty: Medium | Words: 370 | Target: 30 WPM @ 92% accuracy

The present revision petition has been filed by the tenant under the provisions of the East Punjab Urban Rent Restriction Act, 1949, challenging the order of eviction dated 11th October 2022 passed by the learned Rent Controller, Ambala, which was subsequently affirmed by the learned Appellate Authority vide order dated 6th April 2023. The respondent landlord had filed the eviction petition seeking possession of a shop situated in the main market of Ambala Cantonment, which had been let out to the petitioner in the year 1998 at a monthly rent of rupees eight hundred. The landlord pleaded that he required the demised premises for his own bona fide need, as his son, who is a qualified engineer, wanted to start an independent business of electrical equipment, and that the landlord had no other suitable commercial accommodation in the urban area. Learned counsel for the petitioner tenant vehemently contends that the need of the landlord is neither genuine nor bona fide, and that the eviction petition has been filed merely with a view to enhance the rent. It is argued that the landlord already owns two other shops in the same market, one of which was let out to a third person after the institution of the present proceedings. The petitioner further submits that he has been running his business from the said shop for more than twenty-five years and that his eviction would result in the loss of his sole source of livelihood. On the other hand, learned counsel for the respondent landlord submits that both the courts below have recorded concurrent findings of fact, which cannot be interfered with in the limited revisional jurisdiction of this Court. It is stated that the other two shops are too small and unsuitable for the business proposed by the son of the landlord. After examining the record, this Court finds that the landlord is the best judge of his own requirements, and the tenant cannot dictate to him how he should use his property. The concurrent findings are based on evidence and do not suffer from any illegality. Accordingly, the revision petition is dismissed, and the petitioner is granted three months to vacate the premises, subject to payment of arrears of rent.

Mock #20 Election Petition - Corrupt Practice

Category: Administrative | Difficulty: Hard | Words: 348 | Target: 30 WPM @ 92% accuracy

The present election petition has been filed by the defeated candidate under Section 81 of the Representation of the People Act, 1951, challenging the election of the returned candidate from the Assembly Constituency of Narwana, in the general elections held in the month of October 2019, on the ground that the respondent had indulged in corrupt practices and that the result of the election has been materially affected thereby. The petitioner alleges that the respondent, during the course of his election campaign, had distributed liquor and cash to the voters, and had made a public appeal on the basis of caste and religion, in violation of Section 123 of the Act. It is further alleged that the respondent had suppressed material information regarding pending criminal cases in his nomination form and that his nomination was, therefore, improperly accepted by the Returning Officer. Learned senior counsel for the petitioner vehemently argues that the alleged speeches were recorded by the election officials on video, and the same have been placed on record along with a certificate under the Indian Evidence Act. It is forcefully contended that the margin of victory was only four hundred and twelve votes, and, therefore, the influence of the corrupt practices upon the outcome cannot be ruled out. On the other hand, the learned counsel for the returned candidate submits that the allegations are vague, unsupported by any material particulars, and have been levelled only to settle political scores. It is argued that an election petition alleging corrupt practice partakes of the nature of a criminal charge, and the same must be proved beyond reasonable doubt, which the petitioner has failed to do. The respondent further asserts that the alleged cases against him were disclosed in the affidavit filed along with the nomination. After a detailed examination of the pleadings and the oral and documentary evidence, this Court finds that the allegations regarding distribution of liquor and cash rest solely upon the interested testimony of the petitioner's workers. The video recordings do not establish any appeal on the basis of religion. The petition is accordingly dismissed.

Mock #21 Domestic Violence Act - Maintenance and Residence

Category: Legal | Difficulty: Medium | Words: 350 | Target: 30 WPM @ 92% accuracy

The present revision petition has been preferred by the husband under Section 397 of the Code of Criminal Procedure, 1973, against the judgment dated 3rd December 2022 passed by the learned Additional Sessions Judge, Sonipat, whereby the order of the Magistrate granting monthly maintenance of rupees fifteen thousand and a residence order in favour of the respondent wife under the Protection of Women from Domestic Violence Act, 2005, was upheld. The respondent wife had alleged that soon after the marriage, she was subjected to continuous physical and mental harassment by the petitioner and his family members for not bringing sufficient dowry, and that she was ultimately thrown out of the matrimonial home along with her minor daughter in the winter of the year 2021. Learned counsel for the petitioner contends that the respondent left the matrimonial home of her own accord and without any sufficient reason, and that the allegations of cruelty are false, exaggerated, and unsupported by any independent evidence. It is further argued that the petitioner is a small shopkeeper with an uncertain income and that the amount of maintenance awarded by the courts below is beyond his financial capacity. It is also submitted that the respondent is a graduate and is capable of earning her own livelihood. On the other hand, the learned counsel for the respondent wife submits that the medical record, the police complaints, and the messages exchanged between the parties clearly prove the acts of domestic violence. It is argued that the petitioner has concealed his true income and owns a residential house and agricultural land in the village. It is further submitted that the mere fact that the wife is qualified does not disentitle her to maintenance, especially when she has to take care of a young child. After hearing both the sides, this Court is of the view that the courts below have rightly appreciated the evidence and have taken a balanced view of the matter. The maintenance awarded is reasonable in the light of the status of the parties and the rising cost of living. The revision petition is accordingly dismissed.

Mock #22 Arbitration - Challenge to Award under Section 34

Category: Court | Difficulty: Hard | Words: 356 | Target: 30 WPM @ 92% accuracy

The present petition has been filed by the petitioner company under Section 34 of the Arbitration and Conciliation Act, 1996, seeking to set aside the arbitral award dated 30th September 2022, passed by the sole arbitrator, whereby the petitioner was directed to pay a sum of rupees two crore and eighty lakh to the respondent contractor, along with interest at the rate of twelve percent per annum, on account of the alleged wrongful termination of a construction contract. The petitioner contends that the impugned award is in conflict with the public policy of India and is vitiated by patent illegality appearing on the face of the award. Learned senior counsel for the petitioner argues that the arbitrator has completely ignored the express terms of the contract, which clearly stipulated that the respondent was liable to complete the work within eighteen months, and that the delay of more than a year was entirely attributable to the respondent. It is further submitted that the arbitrator has awarded compensation for idle machinery and labour without any evidence, and has thereby travelled beyond the scope of the agreement. The petitioner also alleges that the arbitrator did not permit it to lead rebuttal evidence, thereby causing a serious violation of the principles of natural justice. On the other hand, the learned counsel for the respondent submits that the scope of interference by the courts with an arbitral award is extremely narrow, and the court cannot reappreciate the evidence as if it were sitting in appeal. It is argued that the arbitrator, being the final judge of the quality and quantity of evidence, has rightly held that the delay was caused by the petitioner's failure to hand over the site and to release the running payments on time. Having heard the extensive arguments, this Court observes that the view taken by the arbitrator is a plausible view, even if another view was possible. The alleged denial of opportunity is belied by the record, which shows that the petitioner had itself declined to lead further evidence. There is no ground made out for interference under Section 34, and the petition is accordingly dismissed.

Mock #23 Education - Admission and Reservation

Category: Administrative | Difficulty: Medium | Words: 337 | Target: 30 WPM @ 92% accuracy

The petitioner, a candidate belonging to the Scheduled Caste category, has approached this Court by way of the present writ petition seeking a direction to the respondent university to grant her admission to the postgraduate course in Law for the academic session 2023-24, against a seat reserved for her category. The petitioner had appeared in the entrance test conducted by the respondent university and secured the forty-second rank in the merit list of reserved category candidates, which was well within the number of seats available. However, at the time of counselling, her candidature was rejected by the university on the ground that the caste certificate produced by her was issued by an authority which was not competent under the prospectus, and that the certificate did not bear the date of issuance. Learned counsel for the petitioner vehemently argues that the certificate was issued by the Sub-Divisional Magistrate, who is the competent authority under the notification issued by the State Government, and that the omission of the date was only a clerical mistake, which could have been easily cured by giving her an opportunity to submit a fresh certificate. It is further submitted that the petitioner had, in fact, obtained a fresh certificate within two days and had presented the same to the university, but the authorities refused to accept it, resulting in the loss of a valuable academic year. On the other hand, the learned counsel for the university contends that the prospectus was very clear regarding the documents required at the time of counselling and that the university cannot be compelled to relax the terms in favour of a single candidate. It is argued that the seat has already been allotted to the next candidate in the merit list. After hearing both the parties, this Court is of the opinion that technical defects should not be allowed to defeat the substantive rights of a meritorious candidate. The petitioner is directed to be admitted, and the university shall create a supernumerary seat for the purpose, if required.

Mock #24 General Knowledge - Cyber Safety and Digital India

Category: General | Difficulty: Easy | Words: 326 | Target: 30 WPM @ 92% accuracy

The Digital India programme was launched by the Government of India in the year 2015 with the vision of transforming the country into a digitally empowered society and a knowledge-based economy. The programme aims to provide high-speed internet connectivity to every village, to deliver government services electronically, and to promote digital literacy among all sections of society. Over the past several years, the use of digital payment systems such as the Unified Payments Interface has grown at a remarkable pace, and even small vendors selling vegetables on the roadside now accept payments through their mobile phones. Government services such as the issue of certificates, payment of taxes, and application for passports can now be availed from the comfort of home, saving a great deal of time and money for the citizens. However, along with these benefits, the growing use of technology has also given rise to new kinds of crimes, which are commonly known as cybercrimes. Online financial fraud, phishing emails, fake websites, and the theft of personal data have become a serious concern for individuals as well as for organisations. A person should never share his bank password, one-time password, or card details with anyone, even if the caller claims to be an officer of the bank. It is always advisable to use strong passwords, to keep the software of the device updated, and to avoid clicking on unknown links received through messages. In case a person becomes a victim of online fraud, he should immediately report the matter on the national cybercrime helpline and also inform his bank so that the transaction may be blocked at the earliest. The government has also set up a national portal where complaints regarding cybercrime can be registered online without visiting a police station. Awareness is, therefore, the first and the most effective line of defence against cybercrime. Every citizen must learn to use technology responsibly so that the benefits of digital progress are enjoyed safely by all.

Mock #25 Civil Suit - Specific Performance of Agreement to Sell

Category: Legal | Difficulty: Medium | Words: 359 | Target: 30 WPM @ 92% accuracy

The present regular second appeal has been filed by the defendant under Section 100 of the Code of Civil Procedure, 1908, against the judgment and decree dated 27th July 2022 passed by the learned Additional District Judge, Jind, whereby the judgment of the trial court decreeing the suit for specific performance of an agreement to sell was affirmed. The respondent plaintiff had filed the suit on the allegation that the appellant had entered into an agreement to sell dated 12th April 2016 to sell an agricultural land measuring eight kanals for a total sale consideration of rupees thirty-two lakh, out of which a sum of rupees six lakh was paid as earnest money on the date of the agreement. The sale deed was to be executed on or before 30th November 2016, but the appellant failed to do so despite the plaintiff having been ready and willing to perform his part of the contract. Learned counsel for the appellant contends that the agreement was never executed by him voluntarily and that his signatures were obtained on blank papers on the pretext of securing a small loan. It is further argued that the plaintiff has failed to prove his continuous readiness and willingness to perform the contract, as he never approached the Sub-Registrar on the date fixed for registration, and that the price of the land has increased manifold in the meanwhile. On the other hand, the learned counsel for the respondent submits that the execution of the agreement stands proved by the testimony of the two attesting witnesses and by the scribe. It is argued that the plaintiff had sent a legal notice to the appellant and had also remained present in the office of the Sub-Registrar with the balance amount, which fact is proved by the certificate issued by the registering authority. After going through the record, this Court finds that the concurrent findings of the courts below are based on sound appreciation of evidence and that no substantial question of law arises in the present case. The mere increase in the price of the land cannot be a ground to deny specific performance. The appeal is dismissed.

Mock #26 Habeas Corpus - Preventive Detention

Category: Court | Difficulty: Hard | Words: 353 | Target: 30 WPM @ 92% accuracy

The present petition has been filed by the mother of the detenu, seeking the issuance of a writ in the nature of habeas corpus for quashing the order of detention dated 14th February 2023, passed by the District Magistrate, Nuh, under the provisions of the National Security Act, 1980, and the consequent order of confirmation of the detention issued by the State Government. The detenu was detained on the allegation that his activities on social media were prejudicial to the maintenance of public order, and that he had been circulating provocative messages which were likely to disturb communal harmony in the district. Learned counsel for the petitioner vehemently argues that the grounds of detention were never supplied to the detenu in a language understood by him, and that he was thereby deprived of his constitutional right to make an effective representation against the order of detention. It is further contended that the detaining authority relied upon a solitary incident of the year 2021, in respect of which the detenu had already been granted bail, and that there is no live link between the said incident and the impugned order of detention passed almost two years later. It is also submitted that the representation of the detenu was decided by the State Government after a delay of nineteen days, without any plausible explanation. On the other hand, the learned counsel for the State submits that the detaining authority was fully satisfied on the basis of the material placed before him that the detenu was likely to act in a manner prejudicial to public order, and that the court cannot examine the sufficiency of the subjective satisfaction of the authority. After hearing both the sides, this Court is of the considered opinion that the personal liberty guaranteed under Article 21 of the Constitution is a sacred right, and the power of preventive detention, being an exceptional power, must be exercised with the utmost caution. The unexplained delay in deciding the representation is fatal. The order of detention is set aside, and the detenu shall be released forthwith, unless he is required in any other case.

Mock #27 Pension - Retiral Benefits and Delay

Category: Administrative | Difficulty: Medium | Words: 335 | Target: 30 WPM @ 92% accuracy

The petitioner, a retired Head Master of a Government High School, has approached this Court by way of the present writ petition seeking a direction to the respondent authorities to release his pension, gratuity, and other retiral benefits, which have been withheld since his retirement on superannuation on 31st March 2021. The petitioner submits that he had served the education department with utmost dedication for a period of thirty-six years and that he had submitted all the required papers to the department six months prior to the date of his retirement. However, the respondents, without assigning any reason, have not released the retiral benefits so far, on the pretext that a departmental inquiry, initiated against him two years earlier for an alleged shortage of stock in the school store, is still pending. Learned counsel for the petitioner vehemently argues that the pension and gratuity are not a bounty or a charity but a valuable right and a form of property protected under Article 300A of the Constitution, and that they cannot be withheld without the authority of law. It is submitted that the inquiry has been pending without any progress for more than two years and that the delay is entirely attributable to the department. The petitioner has also stated that the amount of the alleged shortage is only rupees eleven thousand, whereas the department has withheld benefits worth several lakhs. On the other hand, the learned State counsel submits that under the service rules, the department is fully competent to withhold the gratuity till the conclusion of the departmental proceedings, and that the inquiry will be completed shortly. After considering the rival submissions, this Court observes that the department cannot be permitted to take advantage of its own inaction to deprive an old retired employee of his lawful dues. The respondents are directed to release the provisional pension immediately, to complete the inquiry within three months, and to pay interest at the rate of nine percent per annum on the delayed payment of gratuity.

Mock #28 General Knowledge - Panchayati Raj System

Category: General | Difficulty: Easy | Words: 329 | Target: 30 WPM @ 92% accuracy

The Panchayati Raj System is the system of local self-government in the rural areas of India, and it is based on the idea that the villagers should be given the power to manage their own affairs. Mahatma Gandhi had always dreamt of an India in which every village would be a small republic, independent of its neighbours in its own vital wants, and yet interdependent for many others. The system was first introduced in the country in the year 1959, when the then Prime Minister inaugurated it at Nagaur in Rajasthan, following the recommendations of the committee headed by Balwant Rai Mehta. The seventy-third constitutional amendment, which came into force in the year 1993, gave a constitutional status to the Panchayati Raj institutions and made it compulsory for every State to establish a three-tier structure of local bodies. The three tiers consist of the Gram Panchayat at the village level, the Panchayat Samiti at the block level, and the Zila Parishad at the district level. The members of these bodies are elected directly by the people for a term of five years, and the elections are conducted by an independent State Election Commission. The Constitution also provides for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in proportion to their population, and not less than one-third of the total seats are reserved for women, which has brought lakhs of women into public life. The Gram Sabha, which consists of all the adult residents of a village, is regarded as the foundation of the whole system, and it meets regularly to discuss the budget, the development plans, and the selection of beneficiaries for welfare schemes. The Panchayats are responsible for the maintenance of village roads, drinking water supply, sanitation, primary education, and the implementation of rural employment programmes. Although these institutions still face problems such as lack of funds and interference of officials, they have played an important role in deepening democracy at the grassroots level.

Mock #29 Contempt of Court - Wilful Disobedience

Category: Court | Difficulty: Hard | Words: 375 | Target: 30 WPM @ 92% accuracy

The present contempt petition has been filed under Sections 11 and 12 of the Contempt of Courts Act, 1971, alleging wilful and deliberate disobedience of the order dated 8th November 2022 passed by this Court in a writ petition, whereby the respondent authorities were directed to consider the representation of the petitioner for regularisation of his services and to pass a reasoned order within a period of three months. The petitioner has stated that a certified copy of the said order, along with a detailed representation, was personally delivered to the respondents on 20th November 2022, but that the respondents neither passed any order within the stipulated period nor bothered to communicate any reason for the delay even after the expiry of eight months. Learned counsel for the petitioner vehemently argues that the conduct of the respondents amounts to a flagrant defiance of the directions of the Court and that such an attitude of the public officers, if not dealt with firmly, would erode the confidence of the common man in the judicial system. On the other hand, the respondents have filed an affidavit tendering an unconditional apology and stating that the delay was neither intentional nor deliberate, but occurred because the file had to be sent to several departments for obtaining the requisite approvals. It is further stated that a speaking order has since been passed on 10th July 2023, rejecting the claim of the petitioner on the ground that no sanctioned post was available. The learned counsel for the respondents submits that in view of the compliance made, though belated, no case of contempt is made out. After hearing learned counsel for the parties, this Court observes that the order of the Court was required to be obeyed in letter and spirit, and that a delay of nearly eight months, without seeking any extension of time from the Court, cannot be lightly ignored. However, the respondents have complied with the direction and have tendered an unqualified apology, which appears to be sincere. Whether the order passed is correct or not can be examined only in appropriate proceedings. The contempt petition is, therefore, disposed of with a warning to the respondents to remain careful in future, and costs of rupees ten thousand are imposed.

Mock #30 Insurance Claim - Repudiation of Health Policy

Category: Legal | Difficulty: Medium | Words: 344 | Target: 30 WPM @ 92% accuracy

The present complaint has been filed under the Consumer Protection Act, 2019, alleging deficiency in service and unfair trade practice on the part of the opposite party insurance company, for having wrongfully repudiated the claim of the complainant under a family floater health insurance policy. The complainant states that he had purchased the policy in the year 2019 for a sum insured of rupees five lakh and had been regularly paying the premium every year without any default. In the month of March 2023, the complainant was admitted to a private hospital in Chandigarh with severe chest pain and was diagnosed with a serious cardiac ailment, for which he underwent an angioplasty and remained hospitalised for six days. The complainant submitted a cashless claim of rupees three lakh and forty thousand, which was rejected by the insurance company on the ground that the complainant had suppressed the fact of pre-existing diabetes and hypertension at the time of taking the policy. The complainant contends that the agent of the company had personally filled the proposal form and that he had simply signed it without going through its contents. It is further submitted that there is no evidence to show that the ailment for which the treatment was taken had any connection with the alleged pre-existing conditions. On the other hand, the opposite party has vehemently denied any deficiency in service and asserts that the contract of insurance is a contract of utmost good faith, and that any concealment of a material fact entitles the insurer to repudiate the claim. The insurance company relies upon the hospital records, which show that the complainant had been taking medicines for diabetes for the past eight years. After examining the evidence, this Commission finds that the insurer has failed to establish that the alleged non-disclosure had any causal connection with the claim. The repudiation was, therefore, arbitrary and unjustified. The opposite party is directed to pay the claim amount with interest at nine percent per annum, along with rupees twenty-five thousand as compensation for mental agony and litigation expenses.