

UTTARAKHAND HIGHER JUDICIAL SERVICE
LIMITED COMPETITIVE EXAMINATION, 2013

PAPER NO. 2 (LANGUAGE)

Maximum Marks-50

Time- 1:00 hour

Note: All questions are compulsory.

Q 1. Write a short essay in English on anyone of the following topics: 15 Marks.

- (i). Justice delayed is justice denied.
- (ii). Should capital punishment be abolished?
- (iii). The office of a Judge and the respect for his judgments is protected and gains prestige based on the way of a Judge conducts himself in his private and public life.

Q 2. Write a précis in English of the following passage: 15 Marks.

"It is amazing how few people are aware of the value of solitude and contemplation. The art of living in bed means more than physical rest for you. After you have gone through a strenuous day and compete relaxation, after all the people you have met and interviewed, all the friends, who have tried to crack silly jokes, and all your brothers and sisters who have tried to rectify your behaviour and sponsor you into heaven, have thoroughly got on your nerves. It is all that I admit. But it is something more. If properly cultivated, it should mean a mental house-cleaning. Actually many businessmen who pride themselves on rushing about in the morning and afternoon and keeping three desk telephones busy all the time on their desk, never realized that they could make twice the amount of money if they could give themselves one hour's solitude awake in bed at one o'clock in the morning, or even at seven. What does it matter even if one stays in bed till eight o'clock, a thousand times better that he should provide himself with a good tin of cigarettes on his bedside table and take plenty of time to go up from bed and solve all his problems of the day before he brushes his teeth. There, comfortable stretched or curled up in his pyjamas, free from the irksome

woollen underwear or the irritating belt or suspenders and suffocating collar and heavy leather boots, when his toes are emancipated and have recovered the freedom which they inevitably lose in the day time, the real business head can think, for only when one's toes are free in his slippers, and only when one's head is free, is real thinking possible. Thus in that comfortable position, he can ponder over his achievement and mistakes of yesterday and single out the important from the trivial in the day's programme ahead of him. Better that he arrive at ten o'clock in his office, master of himself, than that he should come punctually at nine or even a quarter before to watch over his subordinates like a slave-driver and "then hustle about nothing" as the Chinese say.

Q 3. Translate the following passage into Hindi:

10 Marks.

"The presumptions under the Evidence Act are only the inferences which a logical and reasonable mind normally draws. Facts and circumstances which certain inferences follow are indicated in various provisions of the Evidence Act running from Sections 79 to 90-A. As already seen the sections of the Evidence Act lay down different circumstances in which a presumption is to be raised. Whenever the law permits the raising of a presumption of the Court can by reason of Section 4 of the Evidence Act raise the presumption for purposes of proof of a fact. If the presumption is available in one section it can raise it under that section. If it is not available in one section and is available in another section then the Court can raise presumption under that section. It all depends upon the circumstances available in the case as applicable to a particular document. Hence, even if the case falls under Section 90-A and sub-section (2) thereof is applicable and no presumption can be drawn under Section 90-A (1) it will not exclude the Court from drawing the presumption. The presumption if available under Section 90, can, therefore, be raised by the Court even after coming to the conclusion

that a presumption under Section 90-A is not available.”

Q 4. Translate the following passage into English:

10 Marks.

“दिनांक 29-7-70 को हिन्दू इण्टर कालेज जमानियों, गाजीपुर के प्रबन्ध समिति ने याची को सहायक अध्यापक के पद पर नियुक्त किया और दिनांक 1-8-72 को वादी ने हिन्दू इण्टर कालेज जमानियों (जिसे सुविधा के लिए आगे विद्यालय कहा जायेगा) में विज्ञान सहायक अध्यापक के पद की हैसियत से अपना पदभार ग्रहण किया। दिनांक 9-9-70 को विद्यालय की प्रबन्ध समिति ने याची की नियुक्ति की स्वीकृति जिला विद्यालय निरीक्षक से चाही। जिला विद्यालय निरीक्षक ने अपने पत्र दिनांक 11-4-71 के द्वारा याची की नियुक्ति को इस आधार पर अस्वीकृत कर दिया कि जिस पद पर याची नियुक्त किया गया है उक्त पद विद्यालय में कभी सृजित नहीं किया गया है। याची ने यह भी अभिकथित किया कि जिला विद्यालय निरीक्षक ने इस पद के सृजन के सम्बन्ध में बाद में दिनांक 21-4-73 और 23-4-73 को कुछ सूचना विद्यालय के प्रधानाचार्य से प्राप्त करनी चाही लेकिन विद्यालय के प्रधानाचार्य ने उक्त के सम्बन्ध में आवश्यक जानकारी उपलब्ध नहीं करायी। जिला विद्यालय निरीक्षक द्वारा याची के पद को स्वीकृत न किये जाने के परिणाम स्वरूप विद्यालय के सम्बन्ध समिति ने याची की सेवा समाप्त कर दी। उक्त सेवा समाप्ति के आदेश को याची ने व्यवहार वाद संख्या 158/71 के द्वारा अतिरिक्त मुंसिफ गाजीपुर के न्यायालय में अक्षेपित किया और प्रतिवादी के विरुद्ध स्थायी निषेधाज्ञा के लिए वाद संस्थित किया और यह अनुतोष प्रार्थित किया कि प्रतिवादीगण को वादी के विद्यालय में विज्ञान के सहायक अध्यापक के रूप में कार्य करने में हस्तक्षेप करने से रोका जाये।”
