

(1993) 02 NCDRC CK 0029

In the National Consumer Disputes Redressal Commission

ADDITIONAL CONTROLLER OF EXAMINATIONS

APPELLANT

Vs

KAJA VIJAYALAKSHMI

RESPONDENT

Date of Decision : 24-02-1993

Acts Referred:

Citation : 1993 2 CPJ 732

Hon'ble Judges : A.Venkatarami Reddy , Pothuri Venkateswara Rao , J.Ananda Lakshmi J.

Final Decision : Appeal allowed

Judgement

1. THE three opposite parties in C.D.No. 166 of 1991 are the appellants in the Consumer Dispute Appeal. THE Complaint was filed stating that the complainant is a private candidate for M.Com., degree examinations, subject to the supervision and control of opposite parties 2 and 3. Even at the time of appearing for first year examination, the complainant gave one elective subject as optional subject for the second year of M.Com. THE University returned the application stating that the subject selected by her was subsequently deleted by the university from the elective subjects and therefore, she was asked to select one of the four subjects which were originally in the University. THE complainant, therefore, filed an application to direct the opposite parties to allow the complainant to appear of M.Com., previous examination against the original application, which was sent to the University within the prescribed date and also (2) to direct the opposite parties to permit the complainant to exercise revised option of the elective subject setting aside the memorandum dt. 25.7.1991 and to order compensation of Rs. 10,000/- (Rupees ten thousands only) from the opposite parties as they highhandedly and negligently behaved and deprived the complainant from appearing the M.Com., (Previous) examinations and costs. THE District Forum held that it cannot give any direction to the opposite parties to allow the complainant to appear for the M.Com., previous examination against the original application, when the syllabus was changed by the University. So far as the relief to select one of the four elective subjects is concerned, it is held, that the direction of the University cannot be set aside. But as the application of

the complainant was returned, it is held that the opposite parties are negligent and that, therefore, the complainant is entitled to reasonable compensation of Rs. 500/- besides costs of Rs. 100/-.

2. AFTER filing of the appeal by the opposite parties, the complainant wrote a letter to this commission on 22.12.1992 requesting the State Commission to withdraw the case filed by her, as the complainant in Consumer Dispute. In the said letter, she stated that she is not claiming the sum of Rs. 500/- which was awarded towards compensation and also a sum of Rs. 100/- awarded as costs, as she was subsequently permitted by the University to select the subject and she was also permitted to appear for the examination and the memorandum of marks were given to her. AFTER receipt of the letter from the respondent, notice was sent for hearing which was served on 6.2.93. In these circumstances, since the University has already permitted her to elect the subject and also she appeared for the examination and as the complainant is not claiming any relief by way of compensation and costs, we set aside the order of the District Forum regarding the payment of compensation of Rs. 500/- (Rupees five hundred only). The appeal is allowed. No costs. Appeal allowed.