
(2003) 08 NCDRC CK 0052

In the National Consumer Disputes Redressal Commission

ANITA CHHABRA

APPELLANT

Vs

Registrar, Punjab University

RESPONDENT

Date of Decision : 26-08-2003

Acts Referred:

Citation : 2003 4 CPJ 246

Hon'ble Judges : K.K.Srivastava , Devinderjit Dhatt , MajGenS.P.Kapoor J.

Final Decision : Appeal dismissed

Judgement

1. THE present appeal has been directed against the order dated 4.3.2003 passed by District Consumer Disputes Redressal Forum-I, U.T., Chandigarh (for short hereinafter, to be referred as District Forum-I) in Complaint Case No. 356 of 2003, Ms. Anita Chhabra v. THE Registrar, Punjab University.

2. THE appellant/complainant has averred that the authorities/officials of respondent/O.P.-Punjab University with mala fide intentions incorporated 3rd Division instead of 2nd Division in the duplicate Degree Certificate for which she had applied on 5.8.2002, though, the said application was on the prescribed form and requisite fee of Rs. 155/- was duly paid by the applicant. THE appellant/complainant has alleged it to be a deficiency in service and has prayed for a compensation of Rs. 5 lacs for misery and humiliation for this act of utter inefficiency by the O.P.-Punjab University. In addition a direction for departmental action against the concerned officials of Punjab University has also been prayed for. In the reply filed by the respondent/O.P. the preliminary objection taken is that the complaint liable to be dismissed on the ground of concealment of material facts. The O.P. has termed the averments in the complaint as wild allegations without any evidence as no affidavit has been filed by the complainant. In the reply on merits, it is submitted that in the prescribed application form for issuance of duplicate certificate complete details were not filed in by the complainant. The column pertaining to the marks obtained, division, result of re-evaluation, if any, were left blank (copy of the form brought on record vide Annexure A-1). It is submitted by the respondent/O.P. that on

5.4.2002 Application Nos. 5219 and 5220 were submitted for issuance of duplicate certificate in M.A. Public Administration and History, respectively, the degree in question for which duplicate certificate was sought pertained to the year 1986 and on the basis of Gazette Notification of said examination the degree certificate was prepared. The O.P. has submitted that in the case of duplicate degree the applicant is required to fill the details in case if there is any change in his/her result due to re-evaluation. In the instant case since the complainant had left the relevant column blank leading to the presumption that she never applied for any re-evaluation and hence there is no change of result/division in her case. The respondent/O.P. has denied the allegations of mala fide intentions and has stated that Application Form Nos. 5219 and 5220 were submitted by the father of the complainant with a request that the said certificates were required urgently as the complainant intended to go abroad. The O.P. has submitted that urgency of the matter was evident from the fact that the duplicate degrees were received by hand through one of the employees of opposite party though in the normal practice the degree certificate is sent by post. The time period mentioned for the issuance of a duplicate certificate by the University is 20 days, however, in the instant case same were received by the complainant within 2 days. The O.Ps. have submitted that father of the complainant pleaded that the candidate does not have the information pertaining to columns left blank as it was an old case of 1986, hence on the basis of information available from the Gazette the result was prepared. Further, pertaining to Form No. 5219 (Annexure A-2) for M.A. (Pub. Admn.) the candidate had specifically stated in column that she had secured 2nd Division though it pertains to 1984 i.e. two years prior to this case which shows that complainant remembered regarding her degree of 1984 but did not have requisite information for the subsequent examination which she passed in 1986. The respondent/O.P. has averred that the mistake in mentioning 3rd Division instead of 2nd Division occurred due to material concealment of facts by the complainant and present complaint is an attempt to take advantage of this. The O.P. has further submitted that if the relevant information pertaining to Column-E is supplied to them, the corrected certificate will be issued promptly. The allegations of deficiency have been denied.

In the replication to the reply, the appellant/complainant has submitted, inter alia, that the opposite party is totally misleading and instead of initiating action against the officials of University the blame is being put on the complainant. Further, the complainant has submitted that the application form does not cost even Re. 1/- but University charges Rs. 25/- and for duplicate certificate excessive fee of Rs. 155/- is being charged. Further there is no provision for getting acknowledgement for the application form and the same is alarming and without any administrative basis. The complainant had to take the assistance of her father as in case of loss of certificate one has to undergo a lot of hardship. The complainant has submitted that it is a job of University officials to update their Gazette and incorporate the result from re-evaluation. It has further been

submitted by her that if her form had any lacuna, the dealing official could have returned the form without taking any action on the same. She has further submitted that the O.P. Authorities are unnecessarily linking up this case with another Application Form No. 5219 for duplicate certificate while there is no complaint regarding that case as the degree was issued. In the instant case if her degree was received by hand there is nothing wrong. The complainant has been prayed that University be directed to take strong action against the officials involved in this case. Compensation of Rs. 5 lacs prayed for by the complainant be granted to inculcate the spirit of devotion to work.

3. IN evidence complainant brought her affidavit while on the other hand affidavit of Prof. Paramjit Singh, Registrar, Punjab University, Chandigarh along with Annexures A-1 and A-2 were placed on record. The District Forum dismissed the complaint on the ground that duplicate certificate was issued within 2 days inspite of the complainant having left the relevant column blank pertaining to re-evaluation result through which her division was modified. The complainant was given the option of approaching the O.P. Authorities for getting the certificate corrected and O.P. Authorities were directed to issue the corrected certificate on presentation of duplicate certificate.

4. AGGRIEVED against the order of the District Forum, the complainant has filed the appeal pleading, inter alia, that the number of complaint case has been mentioned wrongly. Instead of 821 of 2002 the number mentioned is 356 of 2003. The appellant has further submitted that the date mentioned on the order is 4.3.2002 while his case was decided on 4.3.2003. The appellant has contended that the order has been certified by President and one Member only while on the date of final hearing the President and two other Members were present and the impugned order is liable to be dismissed on this ground itself. In the next ground of appeal, it is stated that details left blank in the application form were not known to the appellant/complainant and were filled in by the University Authorities for preparing the duplicate certificate. The appellant has alleged that inspite of the fact that four to five officials checked the particulars filled up in the form and subsequently it was signed by the Controller of Examination but instead of 2nd Division, 3rd Division has been mentioned in the duplicate certificate. The appellant has contended that the University Gazette is updated which includes the result of re-evaluation and non-filling the details by the candidate was not an attempt to misguide the University Authorities as alleged. Further appellant has alleged that it is a uphill task to approach University officials for correction/rectification in the case of any mistake in the certificate. The appellant has also alleged that the District Forum has not taken into consideration the arguments advanced by him and the impugned order has resulted in miscarriage of justice. The learned Counsel for the respondent/O.P.-Punjab University Prof. P.S. Jaswal during the arguments contended that the complainant has not filed her affidavit and the affidavit of father of the complainant is not valid in the eyes of law and the District Forum should not have entertained the complaint on that ground itself. Regarding the contention of the appellant that on the day of hearing all

three Members of the Bench were present but the order was signed by only two Members, Mr. Jaswal vehemently argued that only President and a lady Member was present on the day of hearing. Adverting to the grounds of appeal the Counsel reiterated that withholding vital information was a material irregularity on the part of the appellant/complainant due to which incorrect division was mentioned and the complainant cannot be allowed to take advantage of her own mistake. Further, the learned Counsel for O.P. submitted that appellant/complainant was issued degree certificate within 2 days i.e. on the same day the complaint was filed i.e. on 14.8.2002. Regarding the compensation of Rs. 5 lacs claimed by the appellant, there is no evidence as to what loss has been caused to her. From the perusal of the record of case and rival contentions of both the parties, we arrive at the conclusion that the contention of the appellant regarding injustice done to her due to change in the number of the complaint and her apprehension regarding her file having been consigned to record room, etc. is bereft of merit and the change in the number of the complaint occurred due to the fact that District Forum-I assigned it the number of 356 of 2003 as per its own record while this complaint had No. 821 of 2002 in the record of District Forum-II from where it was transferred to District Forum-I. However, there is no discrepancy in the facts anywhere. Further, we checked the attendance record of District Forum-I and noted that on the day of hearing i.e. on 4.3.2003 the President Mr. N.S. Ahlawat and Mrs. Jasbir Kaur, Member were present and third Member Dr. Girish Jaswal was on leave on the day the arguments were heard, hence the objection of appellant on the point that the order was signed by two Members though all three were present is rejected. The date mentioned as 4.3.2002 on the last page of the order is clearly a typographical error and correct date 4.3.2003 has been mentioned on the first page of order. Adverting to the merit of appeal, we hold that since the certificate was issued admittedly within two days and the requisite details were admittedly not filled in by the complainant and the appellant/complainant did not even disclose that her's was a case of re-evaluation. Due to non-disclosure of vital information, the alleged deficiency on the part of respondent/O.P. University Authority is not proved. Regarding the compensation of Rs. 5 lacs claimed by her, as per settled law the compensation can only be granted consequent to proven deficiency. The appellant/complainant has not placed any material much less cogent material regarding any sufferance actually undergone by her. Consequently, no compensation can justifiably be granted upon bald averments and mere allegations. The appellant/complainant has also levelled various allegations of deficiencies, inefficiency and disobedience of orders of senior officials by the junior officials of University and regarding forms being sold at exorbitant rates by the Punjab University. However, under the Consumer Protection Act general allegations of appellant regarding inefficiency, insubordination among the officials and overcharging for the various forms, etc. cannot be taken note of since this is not a Public Interest Litigation. Consequent to above reasoning, we concur with the findings of the District Forum that deficiency alleged against the respondent/O.P. has not been proved.

5. FROM the material on record, there is no infirmity in the order of District Forum-I and the same is upheld in toto. The appeal is dismissed. In the facts and circumstances of the case, the parties are left to bear their own costs of litigation. Copies of the order be sent to the parties free of charges. Appeal dismissed.