

(2007) 03 NCDRC CK 0036

In the National Consumer Disputes Redressal Commission

BHARATH NIKETHAN ENGINEERING COLLEGE

APPELLANT

Vs

DILU SASIDHARAN

RESPONDENT

Date of Decision : 13-03-2007

Acts Referred:

Citation : 2008 1 CPJ 370

Hon'ble Judges : K.Sampath , PonGunasekaran J.

Final Decision : Appeals partly allowed

Judgement

1. -THESE appeals are disposed of by the following common order. Facts are identical. Though the complainants are different, the opposite parties are the same and the issue to be decided is one and the same.

2. THE complainants were admitted in the engineering college of the opposite parties for the year 2003-2004. They were also permitted to write the first and the second semester examinations with the professional hall ticket issued by opposite party No. 1. They studied in the college for one year. According to the opposite parties, they admitted the complainant in N. R. I. quota on the undertaking given by the complainants that they would secure sponsors for them. According to the complainants, they were admitted in the N. R. I. quota by the opposite parties who undertook to secure sponsors for them and get their underaking. For neither of the students, there was proof. It was only oath against oath. However, the opposite parties had a greater responsibility and when according to them, the complainants did not satisfy the requirements for joining under the N. R. I. quota, they ought not to have been admitted. Apparently, there were surplus seats and the complainants were admitted under N. R. I. quota. If as contended by the opposite parties, the admission of the complainants was only professional then as rightly pointed out on behalf of the complainants and also as found by the District Forum the complainants ought not to have been permitted to appear for the semester examinations. They were allowed to study in the college for full one year. May be the complainants themselves and their parents were keen to join the college and to achieve the

said purpose, they would have given impracticable undertakings. They would have even produced false certificates. But so far as the opposite parties are concerned, they should have acted in a fair and just manner and should not have admitted the complainants in the college unless they qualified under the N. R. I. quota. When it was found out that the complainants were not eligible to join under the N. R. I. quota they had no alternative other than to leave the college. The University concerned refused to recognise the admissions. In the process, the complainants lost one academic year. The opposite parties had collected the fees from the complainants and the District Forum had rightly found that they were liable to refund the amount they had taken as fees. There was indeed deficiency in service in that the complainants had to leave the college soon after it was found that they were not eligible to continue under N. R. I. quota and their leaving was not voluntary but was due to compelling circumstances. The District Forum rightly directed the opposite parties to refund the fees paid by the respective complainants. No exception can be taken to the decision. However, with regard to compensation in a sum of Rs. 1 lakh awarded in respect of each complainant, we are satisfied that there was absolutely no justification on the part of the District Forum to have awarded such a large sum as compensation. The parents and the complainants were also at fault in that the complainants joined the college knowing fully well that they were not eligible to be considered under N. R. I. quota. We, therefore, hold that the order of the District Forum directing payment of Rs. 1 lakh as compensation cannot at all be sustained.

Consequently, the order of the District Forum is modified and the following order is passed: the opposite parties shall refund the amount collected from the respective complainants towards fees with interest @ 7% from the dates the respective amounts were paid till payment and Rs. 2,000 in each case towards cost. The orders of the District Forum are accordingly modified. The appeals shall stand allowed in part as indicated above. Appeals partly allowed.