

(2000) 01 NCDRC CK 0006

In the National Consumer Disputes Redressal Commission

BHARATI VIDYAPEETH, INSTITUTE OF RESEARCH AND
MANAGEMENT

APPELLANT

Vs

SANJAY KUMAR

RESPONDENT

Date of Decision : 18-01-2000

Acts Referred:

Citation : 2000 1 CPJ 344

Hon'ble Judges : Lokeshwar Prasad , Desh Bandhu , Rumnita Mittal J.

Final Decision : Appeal dismissed

Judgement

1. THE present appeal, filed by the appellant, under Section 15 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act") is directed against order dated 18.11.1999, passed by District Forum No. III in Complaint Case No. 369/99 - entitled Sh. Sanjay Kumar v. Bharti Vidyapeeth, Institute of Research and Management & Ors.

2. THE facts, relevant for the disposal of the present appeal, briefly stated are that Sh. Sanjay Kumar respondent No. 1 (for short respondent) had filed a complaint under Section 12 of the Act, before the District Forum, averring that the appellant runs a study course of two years duration, leading to the Degree in Management (MPM), after successful completion of the said course. It was stated that the respondent succeeded in getting admission in the said course. It was further stated in the complaint by the respondent that the respondent successfully completed the said course in July, 1997, and was declared by the appellant to have passed the examination with 67% marks. THE grievance of the respondent in the complaint in short was that despite his having successfully completed the above said course, degree certificate was not being issued to him and the original testimonials submitted by the respondent in the office of the appellant were also not returned to him. In the complaint, filed by the respondent, it was prayed that the appellant be directed to deliver him the degree of MPM and all the original testimonials submitted by him to the appellant. THE respondent also claimed a sum of Rs. 3,00,000/- on account of

financial loss suffered by him, besides a sum of Rs. 50,000/- for mental agony and Rs. 16,000/- as costs of litigation. The claim of the respondent in the District Forum was contested by the appellant and also by the University of Pune (respondent No. 2). The stand taken by the appellant and the University of Pune (respondent No. 2) before the District Forum was that the marksheet of respondent Sh. Sanjay Kumar was not issued and his result was not published because said Sh. Sanjay Kumar, the respondent in the present appeal, had not submitted the original copy of the marksheet of Graduation and the experience certificate.

The learned District Forum, vide impugned order, has allowed the complaint filed by the respondent and has directed the University of Pune (respondent No. 2) to declare the result of Sh. Sanjay Kumar immediately. The learned District Forum has also awarded a compensation of Rs. 5,000/- and costs of litigation to the extent of Rs. 1,000/- to be borne by the appellant and the University of Pune (respondent No. 2) in equal proportion.

3. FEELING aggrieved, the appellant has preferred the present appeal under Section 15 of the Act. We have heard the learned Counsel for the appellant at length on the question of admission of the present appeal and have also carefully gone through the documents/material on record. On a perusal of the order, being impugned in the present proceedings, it is apparent that the learned District Forum has placed reliance on a decision of the Hon''ble Supreme Court in case *Sanatan Gauda v. Berhampur University & Ors.*, reported as AIR 1990 SC 1075. In our opinion, no fault can be found with the above findings of the learned District Forum and the same call for no interference by this Commission in exercise of its appellate powers.

4. IN view of the position explained above, the present appeal, filed by the appellant, is devoid of substance. The same merits dismissal. Accordingly, the same is dismissed in limine with no order as to costs. Appeal dismissed.