

(1993) 08 NCDRC CK 0056

In the National Consumer Disputes Redressal Commission

BOARD OF SCHOOL EDUCATION HARYANA

APPELLANT

Vs

VIKAS KUMAR GARG

RESPONDENT

Date of Decision : 12-08-1993

Acts Referred:

Citation : 1993 3 CPJ 1440

Hon'ble Judges : S.S.Sandhawalia , Basanti Devi J.

Final Decision : Appeals dismissed

Judgement

1. FIRST Appeal Nos.252 and 253 of 1993 are crossappeals directed against the same order of the District Forum, Jind dated the 20th of May, 1993. The parties are agreed that these raised identical questions of fact and this order will govern both of them.

2. VIKAS Kumar Garg in his complaint had alleged that as a student of Government College, Narwana he had passed the examination conducted by the Board of School Education (hereinafter called the Board) in March, 1990. But in the certificate issued by the Board, his parentage was patently wrongly recorded. It was the case that his father's name was Shri Satpal Garg whereas in the said certificate it was mentioned as Sat Pal Singh, thus causing sizeable prejudice to him. Inevitably, he put in an application for the correction of the said certificate and also deposited Rs. 40/- being the requisite fee, therefor. However, the Board slept over the matter, compelling the complainant to make representation to the Hon'ble Chief Minister of Haryana who referred the same to the Board. Even this did not spur the Board to quick action and the complainant had to knock at the door of the District Forum on the 30th of November, 1992. It was only subsequent to the issue of the notice in the said complaint that a corrected copy of the certificate was tendered before the District Forum. The Board in its reply vacillatingly admitted that the parentage of the complainant was wrongly recorded due to the typographical error. However, the curious plea was that the complainant had failed to show how any loss or prejudice has been caused to him thereby. It was the case that since a revised and corrected certificate had

been issued, no further redress was necessary.

The District Forum expressly afforded an opportunity to the parties to lead oral testimony, but they apparently rested themselves content on the pleadings and documents placed on the record. On a consideration thereof, the District Forum found that the Board had remained totally lethargic in rectifying the mistake in the parentage of the complainant in the certificate and consequently awarded a modest sum of Rs.2000/- only as compensation. Both the Board and the complainant have come up by way of appeals.

3. MR. K.K. Gupta, the learned Counsel for the appellant-Board had attempted to contend that there was equal default and laches on the part of the complainant and consequently, he was not entitled to even the marginal compensation granted. It was pointed out that though the certificate was issued around May-June 1990, it was only on the 14th of October, 1991 that the complainant had applied for rectification, though the certificate expressly mentioned that any correction therein may be secured within three months without the payment of any fee and subsequently thereto on the payment of Rs. 40/- there for. It was suggested that the admitted deposit of the fee by the complainant could not be connected with his application and there was a consequent delay in making the necessary rectification in the certificate. On the other hand Shri S.P. Garg, the authorised representative of the complainant in his appeal has labelled the grant of compensation as very meagre against the tall claim of Rs. one lac raised by him and it was highlighted that as a consequence of the Board's error, a number of subsequent educational certificates bear the wrong parentage of the complainant which would need correction with considerable trouble and delay.

4. WE are inclined to hold that the somewhat balanced view taken by the District Forum does not merit disturbance on the plea of either of the parties. It has to be noticed that even though delayed the complainant did apply for rectification alongwith the deposit of the requisite fee by the 28th of October, 1991. However, it was not till more than a year and quarter that the certificate was rectified and that also only after the notice of the complaint was issued against the Board by the District Forum. Despite Mr. Gupta's persistence, we are unable to find any merit in his challenge to the factual finding of the District Forum that in the context of the academic career of a student they had been lathargic in rectifying the mistake. Equally we do not find any adequate factual foundation for enhancing the compensation granted by the Board and disturb the discretion exercised by it in this context. It is common ground that despite the error in the certificate, the complainant was able to get admission in the institutions affiliated to the Kurukshetra University or to the said body itself and he has been not seriously hampered in persuing his academic career. What is however, more relevant in this context is the fact that even an opportunity was given, the complainant did not choose to lead any evidence with regard to any special damages suffered by him due to the Board's default. The complainant's present apprehension that he may be put to the greater trouble for getting the

subsequent certificates rectified is only in the realm of conjecture and it is to be earnestly hoped that the Kurukshetra University authorities would sympathetically take the requisite action for making the consequent rectification in the name and parentage of the complainant. With these observations, we find ourselves equally unable to enhance the compensation in the absence of any firm testimony on the point of alleged loss suffered. For the foregoing reasons, both these appeals must fail and are dismissed. We would, leave the parties to bear their own costs. Appeals dismissed. _____