
(1994) 04 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

BOARD OF SCHOOL EDUCATION HARYANA, BHIWANI

APPELLANT

Vs

DARSHAN KUMARI

RESPONDENT

Date of Decision : 25-04-1994

Acts Referred:

Citation : 1994 2 CPJ 431

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

Final Decision : Appeal allowed

Judgement

1. THE Board of School Education, Haryana appeals against the order of the District Forum, Karnal granting relief in a complaint with regard to the holding of the original and the compartmental examination by the Board.

2. WE are firmly of the view that the appeal is concluded in favour of the appellant in view of the recent decision of the National Commission in Revision Petition No. 111 of 1993 "Joint Secretary, Gujarat Secondary Education v. Bharat Norttum Thakkar", I (1994) CPJ 187 (NC) (decided on 29th of Septemeber, 1993). It is, therefore, unnecessary to delve into the facts in any detail. It suffices to mention that the respondent-student's main grievance in the complaint was that she had to appear for the compartmental examination conducted be the appellant for the 10+2 examination in March, 1993. According to her she deposited the examination fee, but despite that the appellant did not send her the roll number. In defending the complaint, the appellants took up the firm stand that the roll number had been duly sent to the complainant by ordinary post as per the instructions of the Board. The respondent however, reiterated her stand about the non-receipt of the roll number. The District Fourm in a short order directed that the respondent be allowed to sit in the next compartmental examination and that the roll number should be sent to her by registered post.

Ms. Nirmal Jit Kaur, the learned Counsel for the appellant armed with the binding precedent of the National Commission in "Joint Secretary, Gujarat Secondary Education v. Bharat Narottam Thakkar" (supra) has forth-rightly contended that

the very complaint was not maintainable and the respondent would not come within the ambit of a consumer nor there could possibly be any deficiency in the educational services in this specific context. It was the forceful submission that inevitably the appeal must succeed and the respondent's complaint be dismissed.

3. THERE is patent merit in the aforesaid stand. The National Commission in no uncertain terms has held in the above case as follows: "We agree with the contention advanced by the Counsel appearing for the Board of Secondary Education, Gujarat that in conducting the Secondary School Board examinations, evaluating answer papers, announcing the results thereof and thereafter conducting a re-checking of the marks of any candidate on application made by the concerned candidate, the Board is not performing any service for hire and there is no arrangement of hiring of any service involved in such a situation as is contemplated by Section 2(1)(o) of the Consumer Protection Act. The Complainant in this case was not, therefore, a consumer and no relief should have been granted in his favour as against the Board of Secondary Education on the ground set forward by the candidate that there was delay in conducting the re-checking of the marks. The revision petition is accordingly allowed and the impugned orders are set-aside and the complaint petition is dismissed. The parties will bear their respective costs."

The aforesaid ratio which is binding on this Commission concludes the matter in the appellant's favour. This appeal is consequently allowed and we are constrained to set aside the order of the District Forum and dismiss the complaint of the respondent-consumer. However, the parties will bear their own costs. Appeal allowed.