

(2008) 09 AHC CK 0128

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 52582 of 2007

Chhatrapati Sahuji Maharaj University, Kanpur Nagar

APPELLANT

Vs

Archana Pal and Others

RESPONDENT

Date of Decision : 09-09-2008

Acts Referred:

Citation : (2008) 09 AHC CK 0128

Hon'ble Judges : Ashok Bhushan, J and A.P.Sahi, J

Final Decision : Allowed

Judgement

1. This bunch of Writ Petition Nos. 47746 of 2004, 47747 of 2004, 47748 of 2004, 47749 of 2004, 47750 of 2004, 47751 of 2004, 47752 of 2004, 47812 of 2004, 47836 of 2004, 53693 of 2004, 53695 of 2004, 53698 of 2004, 53700 of 2004, 53702 of 2004, 53705 of 2004, 53707 of 2004, 2201 of 2004, 76411 of 2005, 23050 of 2007, 23958 of 2007, 31669 of 2007, 31672 of 2007, 31674 of 2007, 31676 of 2007, 32957 of 2007, 52583 of 2007, 52584 of 2007, 52585 of 2007, 52586 of 2007, 52587 of 2007, 52588 of 2007, 52589 of 2007, 52590 of 2007, 52591 of 2007, 7282 of 1997 and 33909 of 2008, has been filed on behalf of Chhatrapati Sahu Ji Maharaj University, Kanpur, Sampurnan and Sanskrit University, Varanasi, Dr. B.R. Ambedkar University, Agra, Bundelkhand University, Jhansi and Veer Bahadur Singh Purvanchal University, Jaunpur, respectively, challenging the proceedings initiated by the contesting respondents in all the cases before the Consumer Protection Forum. The petitions raise a challenge to the final orders passed by the Consumer Protection Forum in some of the cases whereas in the other cases, the prayer made by the respective University is to quash the pending entire proceedings initiated being without jurisdiction.

2. The Writ Petition No. 52582 of 2007, which we propose to recite as a leading case, has been filed against the proceedings initiated by the Respondent No. 1 before the District Consumer Forum, Unnao. The Respondent No. 1 alleges that she had taken admission in B.A. in 200405 and she was allowed to appear in the examinations. It is also alleged that the petitioner University is not issuing the

correct marksheet for the said course. Later on, upon enquiry it transpired that she was wrongly shown absent in her Home Science 1st paper for B.A. III Year Exams as a result whereof she has suffered on account of the incorrect action of the University. Learned counsel for the respondent No.1 Smt. Reena Srivastava urged that her claim deserves to be allowed and the University be commanded to compensate for the wrong done.

3. Learned counsel for the petitionerUniversity contends that whatever be the grievance of the Respondent No. 1, the same can be redressed by the University itself in case the respondent No. 1 files a representation before it. He, however, contends that proceedings before the District Consumer Forum cannot be allowed to continue and to support his submission, he has relied upon the Division Bench judgment of this Court in writ petition No. 29160 of 2007, Bundelkh and University, Jhansi v. Consumer Dispute Redressal Forum, decided on 1.9.2008. It has been held by this Court that the action complained of does not fall within the definition of "services" rendered so as to attract the jurisdiction of the Consumer Forum.

4. In the other writ petitions either the University has defaulted in the declaration of results or has been faced with some other complaint or even otherwise has allowed students to pursue courses which were not recognized. These facts have been taken notice of by us in the judgment dated 1.9.2008 and it has been held that the Consumer Forum has no jurisdiction to entertain any of such claims.

5. Accordingly, this bunch of writ petitions also stands disposed of on the same terms and conditions and the proceedings initiated before the District Consumer Forum or the orders passed by such Forum stands quashed. However, as noticed above, the contesting respondents in case are aggrieved by any wrongful act on the part of the University, then such respondents shall be at liberty to move an application before the respondentUniversity and if such representation is moved for the redressal of their grievances, then the University shall look into such representation, consider the grievances of the aggrieved persons and take appropriate decision in the matter as expeditiously as possible preferably within 2 months from the date a certified copy of this order is produced before the competent authority.

6. We notice that in most of these matters, the contesting respondents in spite of service of notice have not put in appearance. In the event any occasion arises, such respondent shall be at liberty to move this Court for any appropriate variation or modification, of this order.

7. Accordingly, all the writ petitions are allowed with the aforesaid directions. No orders as to costs.