

(2000) 05 NCDRC CK 0021

In the National Consumer Disputes Redressal Commission

Controller Of Examination

APPELLANT

Vs

District Consumer Disputes Redressal Forum

RESPONDENT

Date of Decision : 25-05-2000

Acts Referred:

Citation : 2002 2 CPJ 176

Hon'ble Judges : D.M.Patnaik , Arati Mohanty , Pramodnath Das J.

Final Decision : Revision allowed

Judgement

1. HEARD Mr. Sarangi the learned Counsel for the petitioners - Sri Jagannath Sanskrit University, Kasi. None present for the opposite parties. This is a revision case against the C.D. Case No. 117 of 1999 of the District Forum, Mayurbhanj, Baripada.

2. THE complainant has appeared in Acharya Examination, 1998 in the subject Advait Vedanta as a private candidate conducted by the said University. He approached the District Forum with an allegation that for non-publication of his result of the said examination, he sustained a loss to the tune of Rs. 2,60,000/-. He alleged deficiency in service with the University authorities for withholding his result. We have heard Mr. Sarangi at length. We have perused the complaint petition filed by the complainant before the District Forum and we have also referred to the decisions reported in 1996 (1) CPR 114, Chairman, Board of Examinations v. Mohideen Abdul Khan; Vol. 86 (1998) 27 (OSC), Controller of Examination v. Bidyutlata Padi; and I (1999) CPJ 200=1999 (1) CPR 138, Vice-Chancellor, Sambalpur University v. Bandita Pujari & Ors., respectively.

We agree with the contention of Mr. Sarangi that so far as the facts and circumstances of the present case are concerned since the complainant was student and an examinee under the University and there was no question of hiring for consideration the service of University for appearing at such examination, his case could not be covered under the provision of the Consumer Protection Act and he is not a consumer as per the decisions referred to above.

3. SO far the merit of the case is concerned, the University had specifically mentioned in para-8 of the counter that the result was published on 12.10.1999 in which the complainant was found to have passed in 3rd division. The District Forum totally lost this fact and once a result was published it should have held that the cause of action at that point of time did not survive. The complainant filed the case on 4.11.1999 by which date the result had already been published. This is the illegality committed by the Forum below. The revision is allowed. But no costs. Dr. Arati Mohanty, Member-I agree. Mr. Pramodnath Das, Member-I agree. Revision allowed.