

(2003) 04 NCDRC CK 0090

In the National Consumer Disputes Redressal Commission

DIRECTOR, TECHNICAL EDUCATION, UTTAR PRADESH	Appella	APPELLANT
Vs		
HARJEET SINGH SACHDEVA		RESPONDENT

Date of Decision : 08-04-2003

Acts Referred:

Citation : 2004 2 CPJ 572

Hon'ble Judges : Palok Basu , Rachna J.

Final Decision : Appeal allowed

Judgement

1. SRI Harjeet Singh Sachdeva has been heard in support of his application moved for vacating the stay order. He has filed detailed objections to the appeal which has been filed by Director, Technical Education, U.P., Rawatpur, Kanpur against judgment and order dated 30.12.1998 passed by District Consumer Forum, Kanpur Nagar whereby it was directed that Forum hereby directs that the respondent/opposite party shall, within three months of receiving this order, transfer the complainants daughter from the Polytechnic, Dehradun to Polytechnic, Lucknow under intimation to the Forum (translation by Commission).

2. A perusal of the complaint indicates that the complainant, i.e., Sri Harjeet Singh Sachdeva prayed for transfer of his daughter from Dehradun to Lucknow on certain grounds. Having failed to get any transfer order issued from the governmental quarter, he was advised to move the District Forum which allowed the complaint and passed the aforesaid operative portion. The grounds taken in the appeal are several but only one may be mentioned for the disposal of this appeal finally. Mr. Deepak Seth appearing for the appellant has canvassed in the appeal through the grounds that such a matter was not cognizable by the District Forum inasmuch as transferring one student in the Polytechnic to another Polytechnic in another District was not permissible within the provisions contained in COPRA.

Mr. Harjeet Singh Sachdeva contended that there was nothing wrong in the order passed by the District Forum. However, he could not support his arguments by making reference to any legal provisions. Consumer stands defined in COPRA

and services have also been defined. The instant type of prayer is not cognizable by the District Forum. Permitting such matters to be taken up before the District Forum is likely to disturb the very administrative setup.

3. IN view of what has been stated above, the appeal succeeds and is allowed. The order of the District Forum dated 30.12.1998 is set aside. The parties will bear the costs. Let copy as per rules be made available to the parties. Appeal allowed.