
(1993) 09 NCDRC CK 0040

In the National Consumer Disputes Redressal Commission

JOINT SECRETARY, GUJARAT SECONDARY EDUCATION BOARD APPELLANT
Vs
BHARAT NAROTTAM THAKKAR RESPONDENT

Date of Decision : 29-09-1993

Acts Referred:

Citation : 1994 1 CPJ 187 : 1995 2 CPC 433

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan , B.S.Yadav J.

Final Decision : Petition dismissed

Judgement

1. 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 or 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 put 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.

2. IT is brought to our notice by the Counsel appearing for the revision petitioner that in pursuance of the order passed by the State Commission the Board of Secondary Education has deposited with the State Commission a sum of Rs. 5,000s- and also a sum of Rs. 650/- by way of costs, being the amounts payable to the respondent under the impugned order. If the said amounts are in deposit with the State Commission, they will be immediately paid over to the Board of Secondary Education, Gujarat. If the amounts have been disbursed by the State Commission to the complainant, the State Commission will call upon the complainant to bring back and re-deposit the same in its Registry and thereafter

pay it over to the Board of Secondary Education, Gujarat. Petition dismissed.