

(1991) 12 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

MANISHA SAMAL

APPELLANT

Vs

Sambalpur University

RESPONDENT

Date of Decision : 10-12-1991

Acts Referred:

Citation : 1992 0 CPC 150 : 1992 1 CPJ 231 : 1992 1 CPR 215

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

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the Order of 23rd January, 1990 passed by the State Commission of Orissa. The relevant facts are that identical Roll Numbers were assigned to the appellant and two other students in Part-I and Part-II of the three years degree course in Science Honours in Government College, Rourkela, by the Sambalpur University for the examinations held in the years 1988 and 1989. The appellant petitioner had also failed in Electronic Applied Course in 1988 examination and she took examination on this subject as back paper in the year 1989. Her final result was withheld by the University due to the non-clearance of the back paper, but she apprehended that the marks awarded to her had been exchanged with those two other students who were given the same roll numbers erroneously. In consequence, she complained that her educational career had suffered avoidably and immensely. The State Commission, came to the conclusion that the appellant had hired the services of the University on payment of fees for appearing at the examination, that the respondent University had been guilty of serious negligence and callousness in allotting the same roll numbers to three different students in the same subject, that such a legitimate complaint of the examinees could not be disposed of by the University as mere "oversight" especially when this has far reaching impact on the future of the students. The State Commission, however, did not grant any specific relief to the appellant complainant as she had not specifically mentioned the type of career she intended to pursue had the result been published in time and without any error in the mark sheet, where she would have taken admission. In fact, the Commission observed that it was hard to assess the value of the compensation in

this case and therefore, found that she was not entitled for any compensation even though the University had rendered deficiency in service.

2. IN the reply of the Opposite Party (respondent here) to the complaint before the State Commission, the Opposite Party had submitted that there was no error in awarding the marks to the appellant complainant and her apprehensions on this score were totally baseless "since the other candidates who had been erroneously assigned identical roll numbers as the petitioner had not appeared in the examination of Part-I and Part-II in the examination in which the petitioner had appeared". At the today's hearing before this Commission, the respondent submitted a letter of 16th November, 1991 from the Principal, Government College, Rourkela addressed to the University that the two other students with the same roll numbers did not appear in the examination held in 1988 and in the year 1989. IN view of this, her apprehension that the marks she secured in her examination papers had been awarded to other two students who had been assigned the Identical Roll Number in the examination and vice-versa is not true. Hence the appeal fails. It is not necessary for us to go into the other points raised by the appellant. No costs. Appeal dismissed.