

**(2001) 05 NCDRC CK 0053**

**In the National Consumer Disputes Redressal Commission**

M.D.S.UNIVERSITY

APPELLANT

Vs

SUBHASH SAHANI

RESPONDENT

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**Date of Decision :** 21-05-2001

**Acts Referred:**

**Citation :** 2001 3 CPJ 341 : 2002 1 CPC 483 : 2002 1 CPR 226

**Hon'ble Judges :** M.A.A.Khan , Ratan Prakash , Sushma Tanwar J.

**Final Decision :** Appeal disposed of

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## **Judgement**

1. RESPONDENT Subhash Sahani had passed LL.B (Academic) examination from the Rajasthan University in the year 1974. He could not take LL.B Degree (Professional) to enter into the profession. He thought of taking the professional degree in law in the year 1988 and got himself admitted as a regular student for the same in Govt. College at Sriganganagar. He could pass the proficiency test in English only and failed in other papers. Thereafter he appeared as an Ex-student with roll No. 9552 in the year 1989 but the appellant University did not permit him to so appear vide their letter dated 8.8.1990. The respondent, therefore, became a regular student of LL.B Professional Course in Khalsa College, Sriganganagar. He appeared at the said examination conducted by the appellant University but his result was withheld on the ground that he had not mentioned his enrolment number of the University in his application. Subsequently his result was declared and he was declared passed at the said examination. The respondent filed a complaint before the District Forum, Sriganganagar for compensation for the mental agony and physical distress caused to him by the act of the appellant. The District Forum found favour with him and awarded a compensation of Rs. 5,000/- plus cost of Rs. 5,000/- to him. Aggrieved by the order of the Forum dated 7.1.1994 the appellant has filed this appeal. Heard the learned Counsel for the parties and perused the record of the Forum.

2. IT is not disputed by the appellant that in the year 1988 respondent had appeared at the LL.B (Professional) examination and passed the proficiency test in English only. On record we find that in his application form he had mentioned

his enrolment number as 69/2037. This enrolment number was not disputed by the appellant University in the year 1988 but when he mentioned the same enrolment number in the admission form for LL.B. Examination 1991 the same was not accepted by the University, though he was permitted provisionally to appear at the said examination. IT was submitted that the enrolment number mentioned in the admission card pertains to Rajasthan University and not to university of Ajmer. That may be right but the appellant university does not appear to have required the respondent to furnish the enrolment number of the appellant University within time. Some deficiency in service is certainly proved on the part of the appellant University. However with regard to the compensation granted we are of the opinion that it is on excessive side. The appellant University had subsequently declared his result after having obtained the enrolment number from his college at Sriganganagar. The delay might be caused due to routine official work. Taking all these facts into consideration we reduce the compensation amount from Rs. 5,000/- to Rs. 1,000/- and cost from Rs. 5,000/- to Rs. 1,000/- only. The impugned order shall stand modified accordingly. Cost on parties. Appeal disposed of. 11