

(2007) 05 NCDRC CK 0079

In the National Consumer Disputes Redressal Commission

Neeraj Sharma

APPELLANT

Vs

Sri Guru Gobind Singh College

RESPONDENT

Date of Decision : 01-05-2007

Acts Referred:

Citation : 2007 4 CPJ 242

Hon'ble Judges : K.C.Gupta , MajGenS.P.Kapoor , Devinderjit Dhatt J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal has been directed by the complainants against order dated 28.2.2007 passed by Consumer Disputes Redressal Forum-II, U.T. Chandigarh (hereinafter to be referred as District Consumer Forum), vide which their complaint was accepted with costs of Rs. 2,500 and respondent Nos. 1 and 2 were directed to refund the tuition and examination fee of Rs. 12,385 along with Rs. 10,000 as compensation.

2. BRIEFLY stated the facts are that Sh.Neeraj Sharma appellant No. 1 took admission with respondent No. 1 Sri Guru Gobind Singh College in B.A. Part-I in July, 2005 by depositing Rs. 8,500 as admission fee. He was allotted roll No. 262 on 21.7.2005 with a condition that he was being admitted provisionally and would have to clear his compartment in English in the next examination to be held in August, 2005. Accordingly he appeared in the examination and cleared the compartment in English by securing 58 marks. Since then, he had been regularly attending the college and deposited tuition fee of Rs. 2,385 on 19.11.2005 vide receipt Annexure E. Thereafter in February, 2006, respondent No. 1 deposited examination fee of Rs. 1,500 along with university examination form on 10.2.2006 vide receipt Annexure F, so that they could forward the form to Punjab University. However, on 1.3.2006 he received letter dated 24.2.2006 from respondent Nos. 1 and 2 intimating him that he was not eligible for admission to B.A. Part-I as he had obtained less than 20% marks in English and copy of the letter is Annexure G. Alleging deficiency in service, complaint was filed and claimed Rs. 92,385 as compensation i.e. besides refund of Rs. 12,385

on account of tuition fee, he claimed Rs. 50,000 for loss of full one academic year, Rs. 20,000 for mental agony, Rs. 5,000 expenses on books and stationery and Rs. 5,000 on tuitions. He further prayed that he be allowed 18% interest.

Respondent No. 3 Punjab University contested the complaint and stated in its reply that complaint against it is not maintainable and appellant was not consumer qua it. It further stated that it was for the respondent Nos. 1 and 2 to apprise appellant No. 1 that he was not eligible for admission as he had obtained less than 20 marks in English. Hence, there was no deficiency on its part.

3. RESPONDENT Nos. 1 and 2 as well as Sikh Educational Society which is respondent No. 4 in their reply stated that their organisation was non profit organisation and there was no commercial activity of rendering of service for consideration and in their prospectus it was specifically mentioned that if a student secured less than 20% marks in subject of compartment in +2 examination held in 2005, was eligible to join the 1st year of the degree course during the session 2005-2006 if he passed the examination or obtained 20% and above marks in the supplementary examination held in August (bi-annual) 2005 on or before the last date given in the admission schedule approved by the Punjab University. There was clear cut deficiency on the part of respondent Nos.1 and 2 because appellant No. 1 (complainant) was having less than 20% marks i.e. only 17 marks in the English subject in 10+2 examination held in May, 2005 and thus was not having 20% marks and as such he was not eligible to get admission in 1st year degree course. Even this was mentioned in the prospectus but still they got admitted appellant No. 1 and even allowed him to study and later on in August, 2005 he passed supplementary examination by getting 58 marks. Certainly there was no deficiency on the part of Punjab University because it had refused to entertain the examination form because appellant No. 1 was not eligible to appear in B.A. examination as he did not fulfil the criteria laid down by the university. Moreover, result of compartment was declared much after 31.8.2005 the deadline fixed by the university i.e. last date given in the admission schedule and his result was declared on 27.9.2005 vide Annexure D. Thus, the complaint was rightly dismissed against Punjab University.

4. RESPONDENT Nos. 1 and 2 had been directed to refund tuition and examination fee of Rs. 12,385 to the appellant. Certainly the amount spent on books and stationery and tuition fee cannot be refunded because it was not paid to respondent Nos. 1 and 2. Appellants had already been allowed compensation of Rs. 10,000 besides Rs. 2,500 as costs of litigation. Appellant No. 1 cannot be allowed compensation for loss or damage because he had taken admission with his eyes open that according to prospectus, he was not entitled to admission as he had not got 20 marks in English in 10+2 examination. Thus, appellants are not entitled to enhancement of compensation. The compensation already awarded by the District Consumer Forum is adequate. Therefore, appeal is dismissed in limine. Copies of this order be communicated to the parties, free of charge. Appeal dismissed.