

(1993) 04 NCDRC CK 0139

In the National Consumer Disputes Redressal Commission

PRINCIPAL, SBRTM LAW COLLEGE

APPELLANT

Vs

S.MD.HABEEBULLAH

RESPONDENT

Date of Decision : 02-04-1993

Acts Referred:

Citation : 1993 2 CPR 474 : 1994 1 CPJ 141

Hon'ble Judges : A.Venkatarami Reddy , Pothuri Venkateswara Rao , J.Ananda Lakshmi J.

Final Decision : Appeal partly allowed

Judgement

1. THIS appeal is against the order of the Cuddapah District Forum which awarded Rs. 10,000/- towards compensation to be paid by the authorities of Law College to a student for not allowing him to sit for the examination. The complainant in the original dispute was a fourth year student of the S.B.R.T.M. Law College, Cuddapah. He was to appear for the IV B.L. examination scheduled to be held on 12th November, 1991. He paid the examination fee and the university had sent the Hall Ticket to the college. The student approached the college authorities for the hall ticket on 9th November, 1991. It was not given for the reason that some library books were due from him. On 11th November he returned all the library books "which were noted against his name" in the records. The case of the student was that even after he returned all the books the authorities refused to give the hall ticket and consequently he could not appear for the examination. He claimed a compensation of Rs. 60,000/- and a sum of Rs. 230/- towards examination fee, telegram charges and costs as he had lost one academic year and suffered mental agony. The college authorities appeared before the Forum and contended that the student did not approach them at all for the hall ticket. The District Forum examined the material evidence placed before it by the complainant and after hearing both parties, came to the conclusion that the student did approach the authorities for the Hall ticket and it was unjustly denied to him. In its order dated 25.1.92, the District Forum observed that the respondents in the CD. had "no other say in the matter except saying that the complainant did not approach them for issuance of the Hall

ticket." It directed the college authorities to pay to the complainant a sum of Rs. 10,000/- as compensation and Rs. 200/- towards costs.

2. AGGRIEVED by the said order the Principal and the Chief Superintendent of the S.B.R.T.M. Law College filed this appeal making Habibullah and the Registrar of the S.V. University as first and second respondents. They also filed CDAIA 142/92 seeking suspension of the order of the District Forum in CD. 459/91. This Commission in its order dt. 29-2-92 in CD AIA142 /92 granted interim suspension of the order of the Forum on the condition that the petitioners deposit Rs. 3,000/- before the Cuddapah District Forum and directed that such deposit shall not be paid to Habibullah, the complainant, so that the amount shall continue to lie in deposit until further orders. Subsequently, the complainant in the original CD too filed a CDAIA, numbered 312/92 seeking vacation of the above interim suspension order. This IA also sought dismissal of the CD A 68/92. This Commission after perusing the petition and the memorandum of grounds filed therewith and after hearing arguments of Mr. K.N. Jawala, advocate for the petitioners in CDAIA No. 142/ 92 of first and second Respondents in CDAIA No.312 of 1992 and Mr. C. Srinivas, Advocate for the first respondent in CDAIA No. 142/92 permitted the first respondent in the appeal to withdraw the deposit amount of Rs. 3,000/- from the District Forum.

The grounds of Appeal or the averments made by the appellants failed to disprove the contention of the complainant that he approached the college authorities and was denied the hall ticket. No fresh evidence was produced before the Commission that could give credence to their statement that the student did not approach them for the hall ticket. The documents produced by the appellants to establish that the complainant was a habitual litigant and that there were some other students who were not in dues but chose not to take hall tickets are irrelevant and inconsequential. We see no reason to disagree with the view of the Forum that the student was unjustly denied the hall ticket. The telegrams produced by the student before the Forum remained a formidable evidence in his support.

3. THE fact that the university has sent the hall ticket to the college was not questioned by either of the parties and therefore no purpose is served by making it a party in the dispute. THE University has nothing to do with the case. The questions to be decided in this appeal are whether the District Forum was right in awarding compensation and if so whether the quantum of Rs. 10,000/- was justified.

4. THE conclusion of the Forum, on the strength of the evidence before it was that the student was unjustly not allowed to sit for the examination and thus there was deficiency in the service by the college authorities. THE Forum, therefore, rightly decided toward compensation to the student. As regards the quantum of the compensation, the apprehension of the appellants that the order for payment of compensation is likely to open flood gates for such claims and the college would be put to "great hardship and irreparable loss" needs to be

carefully considered. While what the appellants anticipated is an overestimation of possible consequences we do see the possibility of at least some students being tempted to approach the Forums with claims for compensation. In any case, apprehensions of this nature should not come in the way of genuinely aggrieved students being compensated for the loss suffered by them. Keeping in view the generally known financial conditions of the law colleges we are of the view that compensation in such matters should be moderate or even nominal depending upon the circumstances of each case. At the same time the compensation should also act as a deterrent on the managements which for frivolous and petty reasons deprive the students, by disallowing them to sit for the examination, of one whole academic year which is undoubtedly invaluable in pursuit of their studies. The complainant who claimed a compensation of Rs. 60,000/- in the CD did not explain how he estimated the loss. The Forum felt that an amount of Rs. 10,000/- was just compensation. In view of the circumstances of the case we reduce this quantum of compensation to Rs 3,000/- , the amount deposited with the Forum by the appellants and subsequently withdrawn by the student on orders by this Commission. We confirm the costs awarded by the Forum. The Appeal is thus partly allowed. No order as to the costs in this" appeal. Appeal partly allowed. _____