
(2000) 02 NCDRC CK 0014

In the National Consumer Disputes Redressal Commission

PRINCIPAL, S.S.L. JAIN COLLEGE

APPELLANT

Vs

AJAY KUMAR DATRAY

RESPONDENT

Date of Decision : 08-02-2000

Acts Referred:

Citation : 2000 2 CPC 522 : 2000 2 CPJ 268 : 2000 3 CPR 207

Hon'ble Judges : S.K.Dubey , N.K.Vaidya , Neelima Dubey J.

Final Decision : Appeals dismissed

Judgement

1. ALL these five appeals are being disposed of by one composite order because the facts, circumstances and law points involved in all these five appeals are exactly similar.

2. THE facts, in brief in each of the cases are that the appellant had issued an advertisement in news papers inviting applications for admission in the courses of Master of Personal Management (M.P.M.) and Post Graduate Diploma in Personal Management and Labour Welfare (D.P.M.) and last date for submission of admission form was 17.7.1995 and the entrance examination was to be conducted on 29.7.1995. The complainants in these cases had applied for admission to M.P.M. course and had deposited required fees of Rs. 2,330/- for which receipts were issued on 18.8.1995 but undertakings had already been taken from them on 16.8.1995 that they were ready to take admission in D.P.M. 1st Semester if the necessary permission from the ICTE/DTE is delayed or not granted for starting M.P.M. course. The receipts dated 18.8.1995 issued for money received on 16.8.1995 mentioned DPM 1st Semester as the class to which admitted, and not M.P.M. 1st Semester. Identity cards issued to the candidates also mentioned DPM as the class of which they were the students and the cards were signed by Director, Diploma in Personal Management (DPM) and not by Director MPM.

The complainants alleged that though they had applied for admission to MPM programme but instead of being given admission to MPM Programme they were admitted to DPM 1st Semester by obtaining undertaking dated 16.8.1995 though

till 16.8.1995 complainants were not made aware of this fact that necessary permission for starting MPM course had not been received or was not likely to be received from ICTE/DTE. Complainants, therefore, requested that they be refunded fees of Rs. 2,330/- and the cost of information bulletin deposited by them and be paid compensation for loss of studies for one year.

3. THE District Forum allowed the complaint of the complainants and directed the appellant (opposite party) to refund to each of the complainants, fees of Rs. 2,230/- taken from the complainants after deducting admission fees of Rs. 100/- and alongwith that to refund Rs. 75/- being cost of the information bulletin and to pay Rs. 1,000/- as compensation for mental agony and Rs. 500/- as costs of the proceedings, thus total Rs. 3,805/- with interest at the rate of 12% p.a. from 6.1.1996. Heard the arguments of both the parties and perused the records of the case.

4. THE following facts are not disputed at all : (a) That the advertisement invited applications for admission to both the courses - MPM and DPM. (b) That fees were collected for MPM course. (c) That in the receipts issued to the complainants, DPM 1st Semester was mentioned as the class to which admitted without any prior intimation to the complainants that permission having not been granted for MPM course by ICTE/DTE they were being admitted to DPM 1st Semester.

It is also not denied that before taking undertaking on 16.8.1995 the complainants were not intimated that they were not being admitted to MPM course but instead of that they were being admitted to DPM 1st Semester course. The only argument of the appellant is that they had obtained undertaking from the complainants and it is as per undertaking given by them that they were admitted to DPM 1st Semester course. As has been stated earlier, undertaking had been taken by keeping the complainants in dark without any kind of intimation to them that the permission had not been received or was not likely to be received for starting MPM course. In case of *Sonal Matapurkar & Ors. v. S. Nigalingappa Institute of Dental Science & Anr., II* (1997) CPJ 5 (NC), the Hon'ble National Commission has held as under : "(i) Consumer Protection Act, 1986 - Section 2(1)(g) - "Deficiency in Service" - "Dental Institute" - Complainants alleged that a Dental Institute fraudulently induced them to seek admission and the institute collected huge money as college fee and donations, etc. - Assured that all the complainants shall be entitled and eligible to appear in the final examination of University - University did not permit the students to appear in the final examination as the admission made by the Institute was over and above the sanction granted by Dental Council of India - Whether it is a case of deficiency in service ? - (Yes)"

5. IN the instant cases also, the fees for admission was collected from the complainants by concealment of this fact by the opposite parties that the college was not authorised to grant admission in MPM course and the complainants were admitted to DPM courses. As such, as has been held by the Hon'ble National

Commission in the above quoted citation in the instant cases also there has been outright deficiency in service within the scope and ambit of the Act.

6. THEREFORE, we do not find any reason to interfere with the orders passed by the District Forum and dismiss these appeals with no order as to costs. Appeals dismissed.