
(1999) 06 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

PUNJAB SCHOOL EDUCATION BOARD, THROUGH ITS
CHAIRMAN/SECRETARY

APPELLANT

Vs

SAROJ KUMARI

RESPONDENT

Date of Decision : 02-06-1999

Acts Referred:

Citation : 2000 1 CLT 394 : 2000 1 CPC 470 : 2000 2 CPJ 97

Hon'ble Judges : A.L.Bahri , Davinder Kaur Bhamrahs J.

Final Decision : Appeal partly allowed

Judgement

1. THIS appeal is by Punjab School Education Board challenging order of District Forum, Mansa dated May 28, 1998 whereby complaint filed by Saroj Kumari was allowed with costs of Rs. 500/- with the direction to the Board to pay compensation of Rs. 3,500/- to the complainant. Since there is no much dispute regarding facts, they can be summarized.

2. SAROJ Kumari passed her matriculation examination conducted by Punjab School Education Board. A regular certificate was also subsequently issued by the Board. Since the complainant lost the certificate, she applied for duplicate certificate alongwith fee of Rs. 50/- paid through bank draft on March 2, 1996. Thereafter reminders were issued but to no effect that on September 26, 1997 District Forum was approached with the complaint. Before filing the reply by the Board as stated full particulars were obtained from the complainant and duplicate certificate was issued. This fact was mentioned in the reply filed by the Board. It was stated therein that earlier there was some confusion regarding adjustment of fee when the result was declared. That matter again was noticed at the time of issuing duplicate certificate hence delay occurred. Affidavits were filed on behalf of both the parties alongwith documents, on the basis of which impugned order was passed.

Obviously, it is a case of deficiency in rendering service. Assuming for the sake of argument that there was some genuine dispute regarding adjustment of fee at the time of declaration of the result, the said matter stood settled on issuance of

original certificate. Subsequently when application for duplicate certificate accompanied by requisite fee was filed the same matter was wrongly again taken into consideration by the officials of the Board. It was only after filing of the complaint that necessary duplicate certificate was issued. In our view when once certificate was issued by the Board the previous matters, if any, were not to be taken into consideration while considering the question of issuing duplicate certificate. Hence it is a case of deficiency in rendering service. Finding of the District Forum in this respect is affirmed.

3. FURTHER question for consideration is regarding quantum of compensation. Although in such like matters speculative damages are not to be taken into consideration, a reasonable amount of compensation is required to be paid. On behalf of the complainant, it was asserted that for want of the certificate she could not apply for registration before the Employment Exchange or she could not apply for any post during the period of 21 months, which were taken for issuing duplicate certificate. We are conscious of the fact that when original certificate was issued, the complainant could approach the Employment Exchange for registration of her name and could also apply for the post. These are again speculative matters on the basis of which compensation cannot be allowed. Even if, the complainant had applied for registration before the Employment Exchange or for the job in any office, it was not guaranteed that she would have got one. It is in such circumstances that compensation for the inconvenience or harassment caused has to be allowed on estimation. The amount of Rs. 3,500/- compensation granted appears to be excessive and we are of the opinion that in the circumstances of the present case a sum of Rs. 2,000/- will be just compensation. While partly allowing the appeal, we modify the order of the District Forum accordingly with the direction to the Education Board to pay Rs. 2,000/- compensation and Rs. 500/- costs as awarded by the District Forum within one month from receipt of copy of the order. Appeal partly allowed.