
(1997) 08 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

SECRETARY, BOARD OF SECONDARY EDUCATION	APPELLANT
Vs	
PACHIGOLLA ANANTHALAXMI	RESPONDENT

Date of Decision : 22-08-1997

Acts Referred:

Citation : 1997 3 CPJ 464 : 1998 1 CPC 310 : 1998 1 CPR 122

Hon'ble Judges : A.Venkatarami Reddy , J.Ananda Lakshmi , K.Ranga Raos J.

Final Decision : Appeal allowed

Judgement

1. THE Machilipatnam Consumer Protection Council represented by its Chairman filed the complaint C.D. 676/92 on behalf of one Pachigolla Ananthalexmi D/o Satyanarayana Gupta Kalidindi village alleging that the said Ananthalexmi passed the S.S.C. examination from the High School of the opposite party No. 2 with high percentage of marks in the examination held in March, 1991, that in the marks list received by her, her father's name was mentioned as P. Narayana Gupta instead of P. Satyanarayana Gupta, that a representation was made to the 1st opposite party i.e. the Secretary, Board of Secondary Education, Hyderabad on 11.07.1993 through the 2nd opposite party High School for correction of the name of the father of the said girl, that meanwhile she joined Alluri Sitarama (sic.) Jr. College at Kalidindi in the first year Intermediate course subject to production of her S.S.C. marks list, that when she could not produce the original marks list even after three (3) months of her admission, she was expelled from the college, that she suffered mental agony on account of expulsion, that she could not prosecute her further studies and that ultimately she suffered loss. She sought for a direction to the opposite parties to correct the name of her father as P. Satyanarayana Gupta instead of P. Narayana Gupta in the marks list; to pay compensation of Rs. 45,000/- towards loss of two academic years and mental agony and to pay costs.

2. ON behalf of the 1st opposite party i.e. Secretary Board of Secondary Education, Hyderabad, the Joint Commissioner for Government Examinations, Hyderabad sent a letter Rc. No. 61/D13/1/92 dated 21.10.1992 which is to be

treated as counter on behalf of the 1st opposite party in this case, stating that the nominal rolls of the complainant as submitted by the 2nd opposite party for S.S.C. Public Examination March, 1991 mentions the name of the father of the complainant as P. Narayana Gupta and the same name i.e. P. Narayana Gupta was entered in the original S.S.C. marks list of the complainant; that after receiving the proposal from the 2nd opposite party for correction of the name of the father of the complainant in the S.S.C. marks list, he returned the proposals to the 2nd opposite party with a direction to approach the Director General of School Education through the concerned District Educational Officer as the 1st opposite party is not competent to make necessary corrections and that there is no deficiency of service on the part of opposite party 1. The 2nd Opposite Party i.e. the Head Master, Montessory Telugu Medium High School, Gudivada filed its version stating that one Sarala Devi was the Head Mistress at the time of this incident that the said Sarala Devi made correspondence with the concerned authorities for getting the name of the father of the complainant corrected in the marks list; that the complainant's marks list was received from the concerned authorities in December, 1992, that the complainant refused to take it directly that thereupon he filed the correct marks list of the complainant in the District Forum and that it was received by the complainant and therefore there is no deficiency of service on his part. He also stated in his counter that at the time when the said Sarala Devi was working as Head Mistress of the 2nd opposite party High School, the clerk P.S. Rao acted upon the instruction of the said Sarala Devi. In his affidavit filed at the time of enquiry, he also stated that the error in the name of the father of the complainant might have occurred due to oversight as there are hundreds of students.

At the time of enquiry, the complainant filed her affidavit and got Exs. A-1 to A-5 in support of her claim. The opposite party No. 2 filed his affidavit and also additional affidavit. After considering the material on record, the District Forum held that for getting the correct name of the father of the complainant entered in the S.S.C. marks list of the complainant, both the opposite parties took long time and that by reason of the inordinate delay on the part of opposite parties in getting the corrected marks list, the complainant lost two academic years and thereby she suffered mental agony. Accordingly the District Forum directed both the opposite parties to pay to the complainant a compensation of Rs. 5,000/- and also costs of Rs. 500/-.

3. AGGRIEVED by the said order, the 1st opposite party i.e. Secretary, Board of Secondary Education, Hyderabad, preferred this appeal. The learned Government Pleader appearing for the appellant contends that the Secretary, Board of Secondary Education (1st opposite party) is not the competent authority to correct the marks list of the complainant that the Director General of School Education is the concerned authority; that soon after the proposal dated 11.7.1991 sent by the 2nd opposite party was received by his office, the said proposal was returned to the 2nd opposite party with instructions to address the Director General of School Education, Hyderabad for necessary action in the

matter that this dispute does not come within the purview of the Consumer Protection Act and that there is no deficiency of service on the part of 1st opposite party. It may be seen that there is no dispute by the 2nd opposite party that the 1st opposite party returned the proposals sent by the 2nd opposite party in his letter dated 11.7.1991 for correction of the father's name of the complainant with instructions to approach the Director General of School Education as contended by the 1st opposite party. The 1st opposite party in his letter to the District Forum stated that the name of the father of the complainant was mentioned as P. Narayana Gupta in the nominal rolls sent by the 2nd opposite party and therefore the same name was mentioned in the S.S.C. marks list of the complainant. The 2nd opposite party also admits in its counter as well as in the affidavit that some error occurred at the time of sending the nominal rolls of the students for the SSC Public Examination of March, 1991, indicating that the name of the father of the complainant was wrongly mentioned as P. Narayana Gupta instead of P. Satyanarayana Gupta. The 1st opposite party also says that the Director General of School Education is the competent authority to make necessary corrections in the marks list. Hence, we hold that there is no deficiency of service on the part of 1st opposite party and that the District Forum is not right in blaming the 1st opposite party for the delay in the matter of correction of the name of the father of the complainant in the S.S.C. marks list.

4. IN the result, the appeal is allowed and the order of the District Forum insofar as it is against the 1st opposite party i.e. appellant herein is set aside. There shall be no order as to costs in this appeal. Appeal allowed.