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**(2004) 06 NCDRC CK 0093**

**In the National Consumer Disputes Redressal Commission**

SECRETARY, BOARD OF SECONDARY EDUCATION

APPELLANT

Vs

Santosh Kumar Sahoo

RESPONDENT

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**Date of Decision :** 21-06-2004

**Acts Referred:**

**Citation :** 2004 2 CPC 288 : 2004 3 CPJ 270 : 2005 2 CPR 42

**Hon'ble Judges :** Arati Mohanty , Pramodnath Das J.

**Final Decision :** Appeal dismissed

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**Judgement**

1. THIS appeal is by the opposite party No. 1 against the order of the District Forum, Phulbani.

2. THE case of the complainant, in brief, is that he was an ex-regular student of G. Udaygiri Hubback High School in 1983. He appeared in the H.S.C. Supplementary Examination in 1983 in Bijay High School, Raikia Centre and came out successful. He obtained his mark-sheet and provisional pass certificate issued by the Board of Secondary Education, Orissa. His date of birth was recorded in the provisional certificate and admit card as 10th May, 1964. But in the original H.S.C. pass certificate issued by the Board of Secondary Education, Orissa, in 1985, his date of birth has been recorded as 10th May, 1961. THE complainant brought this fact to the notice of the Headmaster of Hubback High School, G. Udaygiri, who assured him to intimate the Board authorities. The complainant went to the Board office and handed over the certificate along with the letter of the Headmaster. But the Board authorities remained silent till July, 1988. On the request of the complainant, the Headmaster concerned wrote a reminder to the Secretary, Board of Secondary Education, Orissa, on 19.8.1988 vide letter No. 3/86. The complainant also approached the Board office several times, but in vain. The complainant being an unemployed youth attended several interviews but due to want of original Board certificate his case was rejected. During these years he went to Cuttack several times and spent about Rs. 25,000/-. He has completed 30 years of age.

The appellant in his written version stated that the concerned Headmaster is

responsible for the correction of the date of birth in the certificate. Board had decided to ask the Headmaster to furnish the Admission Register and cancelled T.C. for verification.

3. ON perusal of the records we find that the complainant has suffered a lot due to negligence and carelessness on the part of the opposite parties. Factually the quantum of damages is boundless. Respondent No. 1 complainant has passed the supplementary H.S.C. Examination in 1983. Twenty years have passed in the meantime. The H.S.C. Certificate is a qualifying certificate for higher studies as well as for employment purposes. The complainant has approached post to pillar and also spent a considerable amount of money in commuting to Cuttack from G. Udaygiri, Phulbani district. In certain cases the Hon''ble National Commission has decided that a student is a consumer and in other cases regarding education the case is not maintainable under the Consumer Protection Act, 1986. But, in our view, this case is totally different from others relating to imparting education. The complainant is an unemployed youth. For non-availability of the certificate, the Board of Secondary Education is liable for deficiency in service and the Headmaster is also to be held liable to some extent. We have heard at length the arguments of both parties and gone through the documents available on record.

4. WE, therefore, direct that the appellant-Board of Secondary Education, Orissa, Cuttack-shall issue the certificate in favour of the complainant for passing High School Certificate Examination with correct date of birth and shall pay Rs. 20,000/- (Rupees twenty thousand) as compensation and Rs. 1,000/- (one thousand) towards litigation cost to the complainant-respondent No. 1. WE also further direct the respondent No. 2, Headmaster of the concerned High School, to pay Rs. 5,000/- (Rupees five thousand) to the complainant as compensation. This order should be complied by the appellant and respondent No. 2 within three months from the date of issue of the order. With the above modification in the impugned order, the appeal is dismissed. Appeal dismissed.