

(2000) 07 NCDRC CK 0051

In the National Consumer Disputes Redressal Commission

SECRETARY, MADHYAMIK SHIKSHA PARISHAD, U.P.

APPELLANT

Vs

SATYA ROOPA

RESPONDENT

Date of Decision : 03-07-2000

Acts Referred:

Citation : 2000 2 CPC 708 : 2000 3 CPJ 337

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna J.

Final Decision : Appeal allowed

Judgement

1. THIS is an appeal against the judgment and order passed on 25.7.1996 by District Consumer Forum, Hardoi, in Complaint Case No. 591 of 1994.

2. FACTS of the case stated in brief are as follows : The complainant has stated that she appeared in 1994 in Class Xth examination from the Examination Centre of Adarsh Inter College, Thamarwa. The result of the complainant was withheld. It was known to the complainant that opposite party No. 1-Principal, Adarsh Inter College, Thamarwa, had withheld her result. A charge-sheet No. 179 dated 8.9.1992 was also framed against the complainant and reply to this charge-sheet was given by the complainant on 27.9.1994 but no action was taken. The complainant has stated that opposite party No. 3 informed her that during High School 1994 examination she has been caught using unfair means. It has been alleged by the complainant that due to non-disclosure of her High School 1994 result, she could not appear in further examinations due to which she had to face mental tension and financial loss. She has prayed for a compensation of Rs. 7,000/- to be awarded to her.

The opposite parties 1 and 2 filed their written statement. The learned District Forum after considering the case of the parties directed the opposite parties to declare the result of the complainant and it also awarded compensation of Rs. 2,000/- to the complainant to be paid by the opposite party Nos. 1 and 2.

3. AGGRIEVED against the judgment and order of the learned Forum, the appellant has come up in the appeal challenging the correctness of the order

passed by the learned Forum. We have heard the learned Counsels for the two parties.

4. LEARNED Counsel for the appellant has argued that the dispute is beyond the jurisdiction of the District Forum and the learned Forum cannot direct to disclose the result as the complaint is not maintainable under Consumer Protection Act. In the present case the appellant Madhyamik Shiksha Parishad for High School and Intermediate Examination, Uttar Pradesh, Allahabad, is a statutory body and no complaint can be made in the District Consumer Forum against a statutory body. The District Consumer Forum had no jurisdiction to entertain the complaint and the remedy lies elsewhere. Learned Counsel for the appellant has placed reliance on the case of Registrar (Evaluation), Bangalore University v. Pardia Ansari, III (1993) CPJ 1252. In this case, it was prayed that the University be directed to disclose the result of the complainant's son before the stipulated period or at the earliest. Depending upon the facts of the case, the State Commission, Bangalore (Karnataka State) held that the complainant was a consumer and appropriate relief was granted.

5. WE do not find ourselves in agreement with this judgment and order of the State Commission. It has been held by the National Commission and the Hon'ble Supreme Court that against a statutory body, complaint cannot be filed under the Consumer Protection Act. It has been observed in the case of Municipal Council, Dhuri v. Charanjit Rice Mills, II (1999) CPJ 483, by the Punjab State Commission, Chandigarh that a person who is paying tax is not a consumer under the Consumer Protection Act because the Authorities are merely working under the provisions of a statute and they are not rendering any service to a person on payment. This case applies in full force to the facts of the present case in which the High School/Intermediate Board is performing a statutory duty and is not rendering any service to a person on payment of any amount. The services which are rendered for any performance of a statutory duty, they cannot be challenged before a Consumer Court. Thus the appeal is liable to be allowed. Order The appeal is allowed and the judgment and order of the learned District Forum, Hardoi are set aside. The complaint is dismissed. There will be no order as to the cost.

6. LET copies be made available to the concerned parties as per norms. Appeal allowed.