
(1999) 04 NCDRC CK 0033

In the National Consumer Disputes Redressal Commission

SUDHAKSHAR KUMAR

APPELLANT

Vs

REGISTRAR, PUNJAB STATE BOARD TECHNICAL EDUCATION

RESPONDENT

Date of Decision : 07-04-1999

Acts Referred:

Citation : 1999 2 CLT 598 : 1999 3 CPJ 193

Hon'ble Judges : J.B.Garg , P.K.Vasudeva , Devinderjit Dhatt J.

Final Decision : Order set aside

Judgement

1. THE complainant was seeking admission at Sant Longowal Institute of Engineering and Technology, Longowal and he collected detailed marks certificates (DMCs) for 2nd year and 3rd year in respect of his Roll Nos. 3255 and 06103121 respectively. THE certificate issued for 3rd year contained the name of his father mis-spelt as "Gitakshar Kumar" instead of "Geeta Akshar Kumar". This resulted in the expenditure for getting it corrected and for visiting the premises of the respondent several times. His complaint for refund and damages has been dismissed by the District Forum-II, Chandigarh on 21.9.1998. Aggrieved against it, the present appeal has been attempted.

2. BRIEFLY the facts are that the name of complainant's son were mis-spelt as Gitakshar Kumar and it resulted in multiple type of harassment. He applied for correction and deposited Rs. 300/- for this purpose on 27.11.1995. He further deposited a sum of Rs. 150/- for similar correction in DMC for final year July, 1994. These corrections were required because objection was raised by Sant Longowal Institute of Engineering and Technology, Longowal (Punjab); However, temporary admission was allowed subject to correction. Besides this the complainant also deposited a draft in the sum of Rs. 150/- for release of Three-Year Diploma Certificate. The relief claimed by the complainant briefly is as under : (i) Respondent be directed to issue DMC for IIInd year and Three-Year Diploma Certificate; (ii) Rs. 600/- be refunded alongwith interest @ 18% p.a. charged for issuance of correct named certificate; (iii) Rs. 5,000/- as compensation be awarded on account of physical, mental and monetary loss.

In reply the main plea of the respondent had been that the DMCs were issued in November, 1993 but the complainant kept silent and did not approach the answering respondent for about two years. There was also a plea of limitation. It was averred that the candidate should have filled the form without any mistake and if the mistake had occurred it was on account of the student and the mistake could not be attributed to the answering respondent.

The respondent had not brought on record the original form submitted by the student to substantiate their plea that there was mistake on the part of the student himself. However, the DMC of the first year contained the correct father's name of the student. During the course of arguments it has also transpired that in the DMC for the first year even the total marks were mentioned as 817 instead of 879. All this shows that there was deficiency on the part of the respondent. On behalf of the respondent our attention has been invited to Joint Secretary, Gujarat Secondary Education Board v. Bharat Narottam Thakkar, I (1994) CPJ 187 (NC) = 1995 (2) CPC 433, wherein it was observed that rechecking of the papers was not covered under Section 2(1)(o) of the Consumer Protection Act. The case now in hand is distinguishable because the respondent was supplied the correct name of the father but it was mis-spelt while issuing the certificate. This shows that the deficiency is writ large and the candidate was required to approach the Board again and again because there was an objection by another institution. The conclusion is that the impugned order is hereby set aside and it is held that the respondent shall refund the sum of Rs. 600 / - and pay compensation of Rs. 2,000/- for physical and mental harassment. Besides this the appellant is also entitled to costs Rs. 400/-. The aforesaid sum shall be payable within two months of the pronouncement of the judgment failing which the respondent shall also be liable to pay interest @ 12% p.a. from the date of this judgment. Order set aside.