

Education Sector

S. NO.	LINK	FACT OF THE CASES	CITATION	FORUM	CASE NO.	DATE OF JUDGEMENT	JUDGEMENT WITH THEME
1.	https://indiankanoon.org/doc/66103939/	Brief facts of the case are that the complainant filed consumer complaint no. 810 on 17.10.2003 on the ground that they purchased a Nursery School site No. 3 at Sector 21 D, Faridabad through open auction on 15.10.98 at a cost of ` 17,32,500/- and the allotment letters dated 26.07.98 and 30.07.99 were issued to them. 10% of the cost of the site was deposited at the time of auction and 15% was deposited within 30 days from the date of allotment. The balance payment was also made as per schedule in instalments, but the petitioner/OP failed to discharge its responsibility to hand over physical un-encumbered possession of the site immediately after deposit of 25% of the total cost. After writing many letters to the OP for possession, the formal possession was offered vide letter dated 30.07.99 and handed over vide letter dated 09.08.99. The building plan of the site was sanctioned on 24.05.2000, but when the complainant was about to start the construction work, they found high tension electricity line passing through their plot. It has been alleged that it was the duty of the OP to remove the high tension wire and other encroachments, before handing over the possession of the plot. The OP had, therefore, indulged in deficiency in service.	Adhunik Educational Cultural & Welfare Society (Complainant/Petitioner) Versus Haryana Urban Development Authority (Respondent)	DISTRICT FORUM FARIDABAD	<i>Complaint case no. 810 dated 17.10.2003</i>	20.07.2004	Allowed the complaint and ordered to remove the high tension wire forthwith. It also stated that if it was not possible to shift the said wire from that place, an alternative site of the same size and similar price should be given to the complainant. In addition, due to deficiency in service, an amount of Rs.4,75,345/- received from the complainant in the shape of interest on installments was ordered to be refunded. It was also directed that interest @10% p.a. should be paid on the deposited amount. and also ordered to pay a sum of ` 2 lakh as compensation for mental harassment and ` 2,000/- as cost of litigation.
			Haryana Urban Development Authority (Appellant/Petitioner) Versus Adhunik Educational Cultural & Welfare Society (Respondent)	SCDRC FORUM HARYANA	<i>First appeal no. 2819/2004</i>	04.05.2005	Held that HUDA had made a revised zoning plan for the area and in view of that, the directions issued by the District Forum had become infructuous. However, the complainant was entitled to get interest @10% p.a. on the deposited amount after 2 years from the date of allotment till the date of revision of Zoning Plan, i.e., 04.08.2003. The compensation of ` 2 lakh awarded to the complainant was also reduced to ` 50,000/-.

			Haryana Urban Development Authority (Petitioner) Versus Adhunik Educational & Welfare Society (Respondent)	NCDRC	Revision petition no.1272 OF 2006	19.03.2014	NCRDC dismissed the revision petition and upheld the order of the State Commission which does not suffer from any illegality, irregularity or jurisdictional error 1 with no order as to costs and also there is no merit in the revision petition.
2.	https://indiankanoon.org/doc/95512840/	This revision petition has been filed by University of Delhi (through its Registrar) against the order dated 8.3.2007 passed by the State Commission by which the State Commission allowed the appeal of the complainant, respondent No.1 herein and set aside the order dated 6.11.2006 passed by the District Forum, North Tis Hazari, Delhi dismissing the complaint of the complainant. Respondent No.1/ complainant, Mohd. A.M. Abel Karim, was registered for Ph. D. Degree Course at the Mathematics Department, University of Delhi since 6.7.1999 for the period of the course which was three years. It is the grievance of the complainant that in spite of submitting his thesis papers to his research professor i.e. OP No.2/Respondent No.2, she never informed the complainant to collect his Ph. D. Degree. According to him, there was unexplained delay on the part of the opposite parties in the issue of the Ph. D. Degree to the complainant. The OPs including the petitioner-University also cancelled his registration for Ph. D. Course on 13.10.2003 without any just or sufficient cause or even informing him about the fate of his Ph. D. Course. In view of this, the complaint is not maintainable before the Consumer Forum and as such is liable for dismissal on the ground of non-maintainability. In this context, attention has been drawn to	Mohd. A.m. Abel karim & Ors. (complainant) Vs. University of Delhi (opposite party)	District forum		06.11.2006	Alleging this as deficiency in service on the part of the OPs, the complainant lodged a complaint before the District Forum for compensation/damages to the tune of Rs.10 lakh. Because of certain defects in the complaint filed by the complainant, the District Forum dismissed the complaint in terms of the following order: - <i>"We have heard the parties at length and have also carefully scrutinized the relevant material/documents placed on record. The present complaint filed by the complainant is not even signed by the complainant and the special attorney given by the complainant was not notarized. The said authority is neither legal nor authentic as per requirements of law. The attorney of the complainant has filed the affidavit by way of evidence on behalf of the complainant which is neither maintainable nor sustainable in law. The attorney is not competent to depose on the facts which are in the personal knowledge of the complainant. Without going into the merits of the complaint, we hereby dismiss the present complaint of</i>

the celebrated ruling given by their Lordships of the Apex Court in the case of **Bihar School Examination Board vs. Suresh Prasad Sinha** (2009) 8 SCC 483, in which allowing the appeal, the Apex Court held as under: - "The process of holding examinations, evaluating answer scripts, declaring results and issuing certificates are different stages of a single statutory non-commercial function. It is not possible to divide this function as partly statutory and partly administrative. When the Examination Board conducts an examination in discharge of its statutory function, it does not offer its "services" to any candidate. Nor does a student who participates in the examination conducted by the Board, hires or avails of any service from the Board for a consideration. On the other hand, a candidate who participates in the examination conducted by the Board, is a person who has undergone a course of study and who requests the Board to test him as to whether he has imbibed sufficient knowledge to be fit to be declared as having successfully completed the said course of education; and if so, determine his position or rank or competence vis-à-vis other examinees. The process is not therefore availment of a service by a student, but participation in a general examination conducted by the Board to ascertain whether he is eligible and fit to be considered as having successfully completed the secondary education course. **The examination fee paid by the student is not the consideration for availment of any service, but the charge paid for the privilege of participation in the examination.** The Act does not intend to cover discharge of a statutory

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the complainant. Parties are left to bear their own costs."

State Commission passed the impugned order in appeal filed by the complainant without issuing notice to the petitioner and in that view also the impugned order could not be sustained and is liable to be set aside.

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National commission have considered the submissions of the parties and perused the record. Keeping in view the ratio laid by the Apex Court in **Suresh Prasad Sinha** (supra), which, nc finds, is fully applicable to the present case. nc holds that the complainant cannot be regarded as a consumer qua the dispute in question regarding evaluation of his thesis and award of Ph.D. degree and hence the complaint is not maintainable under the

*function of examining whether a candidate is fit to be declared as having successfully completed a course by passing the examination. The fact that in the course of conduct of the examination, or evaluation of answer-scripts, or furnishing of mark-sheets or certificates, there may be some negligence, omission or deficiency, does not convert the Board into a service-provider for a consideration, nor convert the examinee into a consumer who can make a complaint under the Act. **The Board is not a `service provider' and a student who takes an examination is not a consumer' and consequently, complaint under the Act will not be maintainable against the Board.***

Consumer Protection Act, 1986. The impugned order, therefore, is set aside and the revision petition disposed of accordingly with no order as to costs.