

SECRETARY, COUNCIL OF HIGHER SECONDARY EDUCATION Vs SACHIDANANDA DAS

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: Sept. 4, 1997

Citation: 1998 3 CPJ 176 : 1999 1 CPR 100

Hon'ble Judges: P.C.Misra , Mrinalini Padhi J.

Final Decision: Appeal allowed

Judgement

1. AFTER going through the impugned order we find that this is a case which is to be allowed for the reasons mentioned below. The complainant

who has partly succeeded before the District Forum in C.D. Case No. 402 of 1992 has absolutely no presentable case to be entertained by the

District Forum. We do not therefore intend to issue notice which would only prolong the disposal of this case and put the complainant to further

harassment and pecuniary loss. The complainant's own case is that he was a Demonstrator and had been in service for 26 years in Khallikote

College, Berhampur, Ganjam. He applied for registering him as a teacher. His application was duly forwarded by the Principal of Khallikote

College on 17.5.1991 alongwith a draft of Rs. 5/- for his registration as a teacher of the Council of Higher Secondary Education, as decided by its

Recognition Committee on 6.7.1990 that the complainant is not to be registered as a teacher. According to the complainant he was quite eligible

and was possessed of the requirements for such registration and therefore the Council of Higher Secondary, Education was deficient in refusing to

register him as a teacher.

2. THE opposite parties filed a show cause denying all the allegations and also stated that the proceeding is not maintainable under the Consumer

Protection Act as no consideration has been paid.

The District Forum in the impugned order directed the Recognition Committee of the Council and the opposite party to reconsider the decision

and register the complainant as a teacher of the Council within one month of the receipt of the order.

The complainant on his own showing is not a consumer as he has neither purchased goods for consideration nor availed of any service of the

present appellant for consideration. The Consumer Protection Act defines what consumer dispute is and also enumerates the reliefs that can be

granted by the Forum. The complaint petition even if accepted in full to be correct statement of facts, his grievance would be available to be

redressed in some other Forum but not under the Consumer Protection Act. The complaint petition itself was misconceived and was liable to be

dismissed in limine. The District Forum committed error in entertaining it and also the direction passed by it becomes without jurisdiction. We

therefore allow this appeal and set aside the impugned order even though we have not issued notice to the respondent which in our opinion is

unnecessary. Appeal allowed.