

# SUPREME COURT OF INDIA

Ranchi University

Vs.

Sneh Kumar

C.A.No.3163 of 2011

(G.S.Singhvi,CJI., Asok Kumar Ganguly,JI.,)

08.04.2011

## JUDGMENT

**Asok Kumar Ganguly,J.,**

SLP(Civil)No.3374 of 2008

1. Leave granted.

2. This is an appeal for setting aside order dated 3.8.2007 of the National Consumer Disputes Redressal Commission (for short, "the National Commission") whereby the revision preferred by the appellant against the order passed by the State Consumer Disputes Redressal Commission (for short, "the State Commission") for payment of Rs.50,000/- to the respondent by way of compensation on account of delay in the issue of provisional certificate of M.Sc. was dismissed.

3. The respondent passed M.Sc. (Mathematics) from the appellant-University in 1991. He filed complaint under Section 12 of the Consumer Protection Act, 1986 (for short, "the Act") alleging deficiency in service by asserting that even though he had deposited the requisite fee, the appellant-University did not issue M.Sc. certificate. The appellant did not appear to contest the complaint. By an ex parte order dated 26.11.2002, District Consumer Forum, Lohardaga (for short, "the District Forum") ordained the appellant to issue certificate to the respondent and also pay compensation of Rs.50,000/-. The State Commission dismissed the appeal filed by the appellant and directed it to comply with the order of the District Forum within three weeks.

4. The National Commission agreed with the appellant that various statutory functions performed by it does not come within the purview of the term 'service' as defined under the Act but held that its failure to supply provisional certificate justified the award of compensation to the respondent.

5. We have heard learned counsel for the appellant. It is not in dispute that the respondent is employed as a teacher in Mathematics in Agarwal Mahila Mahavidyalaya. Such an appointment could not have been possible without producing evidence of his having secured post-graduate degree. Therefore, the appellant's plea that the respondent had demanded duplicate provisional certificate appears to be plausible and the consumer foras committed serious error by ordering payment of compensation to the respondent by assuming that the appellant had not issued the provisional certificate in the first instance.

6. In the result, the appeal is allowed. The impugned order as also those passed by the District Forum and the State Commission are set aside.