

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI

REVISION PETITION NO. 2829 OF 2010

(Against the Order dated 05/05/2010 in Appeal No. 47/2009 of the State Commission Himachal Pradesh)

1. DAVINDER BRAR & ORS.

R/o. Village Rajban, Tehsil Paonta Sahib

Sirmour

Himachal Pradesh

2. THE DOON VALLEY INTERNATIONAL PUBLIC  
SCHOOL

Village - Rajban, Tehsil Paonta Sahib

Sirmour

Himachal Pradesh

3. SMT. SANGEETA BHARDWAJ, PRINCIPAL,  
DOON VALLEY INTERNATIONAL PUBLIC  
SCHOOL

R/o. Village Rajban, Tehsil Paonta Sahib

Sirmour

Himachal Pradesh

.....Petitioner(s)

Versus

1. RAVLEEN KAUR (MINOR)

R/o. Majra, C/o. Sopal Food Stuff, Main Road Majra,  
Tehsil Paonta Sahib,

Sirmour

Himachal Pradesh

.....Respondent(s)

**BEFORE:**

**HON'BLE MR. DR. S.M. KANTIKAR, PRESIDING MEMBER**

**HON'BLE MR. DINESH SINGH, MEMBER**

**For the Petitioner :** Mr. Nitish Ojha, Advocate

**For the Respondent :** Mr. Jagdishwar Singh,  
natural guardian of Respondent  
(In Person)

**Dated : 09 Oct 2019**

**ORDER**

**DR. S. M. KANTIKAR, PRESIDING MEMBER**

1. The complainant, Ms. Ravleen Kaur, was a former student of class IX of Doon Valley International Public School – opposite party no. 2. It was alleged that the complainant sought a Transfer Certificate from the opposite party no. 2 school on 12.08.2005, but it was not issued to her in time, which resulted in loss of her one academic year.
2. Being aggrieved, she filed a complaint before the District Forum and prayed for compensation for the alleged loss and injury due to the act of the opposite party school.
3. The District Forum vide its Order dated 16.10.2008 dismissed the complaint.
4. Being aggrieved by the said Order, the complainant filed first appeal before the State Commission.
5. The State Commission vide its Order dated 05.05.2010 allowed the appeal:
  5. Assuming the stand of respondent No. 3 in her affidavit to be correct, fact remains that atleast when complaint was filed, and appearance had been put in by the respondents on 8.6.2006, certificate could be handed over to the appellant in the Court itself with a view to give quietus to this litigation. In these circumstances, we are of the view that the affidavits of the parents of the appellant as well as her own statement without oath inspire more confidence and need to be given credence too, as against the affidavit of respondent No. 3. Why even after filing of the complaint, School Leaving Certificate was not issued, only answer given by the learned Counsel for the respondents was, that unless the School Leaving Certificate is not asked for in writing, his clients are not liable to issue the same. This plea is being noted to be rejected.
6. Faced with this situation, learned Counsel for the respondents submitted that this case has another facet. Per him, mother of the appellant was a teacher at the relevant point of time with respondent No.2, as such there was hardly any occasion for her client not to issue School Leaving Transfer Certificate in case it had been applied for. Prima facie, this submission appears to be quite attractive, but when examined in depth in the background of this case, its hollowness is exposed. We are of the view that the appellant would come to Court only after she had approached the authorities for School Leaving Transfer Certificate and it was not issued to her. There is not a murmur in the affidavit of respondent No. 3 in this behalf regarding the same having been asked on 12.8.2005 and its having not been issued till the date the affidavits were filed. We confronted the learned Counsel for the respondent with this ground reality, his only submission was that without application, there was no question of issuing any School Leaving

Transfer Certificate. Since we have accepted the version of the appellant and evidence placed on record by them, so this plea is rejected.

7. Cumulative effect of the aforesaid discussion is, that the appellant has been wronged by the respondents who were not only deficient in service by not issuing the School Leaving Transfer Certificate, but they also indulged into unfair trade practice by withholding the same in the light of the evidence duly discussed hereinabove. In these circumstances, we are of the view that she needs to be compensated by the respondents. She lost one year because of inaction on the part of the respondents, but we are not in a position to take back the clock, therefore, we feel that she needs to be awarded monetary compensation. Accordingly, we direct respondents, who are held jointly and severally liable to pay Rs.50,000/- to the appellant by or before 31.5.2010 by means of a bank draft, failing which this amount shall carry interest @9% per annum from the date of filing of the complaint i.e. 12.1.2006 till the date of payment/deposit, whichever is earlier. She is also held entitled to cost of litigation in the complaint as well as of this appeal, which is quantified in lumpsum sum of Rs.5,000/-. While allowing this appeal in these terms, order passed by District Forum, Sirmour at Nahan in Complaint No. 03/2006, dated 16.10.2008 is set aside and resultantly said complaint is allowed.

(paras 5, 6 and 7 of State Commission's Order)

6. Being aggrieved, the opposite parties have filed the instant revision petition before this Commission.

7. We have heard the learned counsel for the revision petitioners and the respondent-natural guardian of the complainant (Ms. Ravleen Kaur) Mr. Jagdishwar Singh in person.

8. We note that the parents of Ms. Ravleen Kaur approached the school authorities for issuing a school leaving Transfer Certificate, which was not issued to her in time. Therefore, she could not get admission in another school and her one academic year was lost. The contention of the petitioner school, that she was academically a "poor" student, has no concern or relationship with issuing a normal and factually correct school leaving Transfer Certificate on request. It is nobody's case that she had to be (erroneously) shown as a "good" student in the Transfer Certificate.

9. We may observe that the school authorities cannot act in an arbitrary or casual manner in issuing a normal and factually correct school leaving Transfer Certificate. Such Certificate concerns the career of a student, and should be issued on request with the due responsibility, and at the earliest.

10. We further note that the father of Ms. Ravleen Kaur was a businessman and her mother was a teacher in the same school. Even when the consumer complaint was filed, the petitioner school could have acted with the due requisite responsibility and most immediately issued the Transfer Certificate requested for, when the parents of the girl student were not comfortable or willing to continue with her education in the said school. The petitioner school, however, unnecessarily and unwarrantedly acted in an intransigent manner, and the complainant, Ms. Ravleen Kaur, resultantly, lost her precious one academic year.

11. On the basis of the foregoing discussion, we concur with the Order of the State Commission, which we find to be well-appraised and well-reasoned.

We find no ground to interfere with it in our revisional jurisdiction under Section 21(b) of The Consumer Protection Act, 1986.

12. The revision petition is dismissed. The impugned Order of the State Commission is upheld and sustained.

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**DR. S.M. KANTIKAR**  
**PRESIDING MEMBER**

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**DINESH SINGH**  
**MEMBER**