



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 01.07.2021

PRONOUNCED ON : 12 .07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

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CRP(MD)No.1116 of 2014

MP(MD).No.1 of 2014

(Through Video Conferencing)

The Principal and Correspondent
Monfort Matriculation School, Manjampatti,
Trichy

Petitioner

Vs

1.V.Tamilarasan

2.The District Educational Officer, Trichy

3.The Regional Deputy Director, Office of the Regional
Deputy Director of Government Examinations
Mannarpuram, Trichy-20

Respondents

Prayer:- This Civil Revision Petition has been filed, to set aside the order dated, 23.04.2014, made in Consumer Complaint No.87 of 2012, by the District Consumer Disputes Redressal Forum, Trichy.

For Petitioner : Mr.V.John Kennedy
For Respondent : Mr.P.Ganapathi Subramanian-R1
Mr.A.Baskaran, GA-RR2 and 3

ORDER

- 1.This Civil Revision Petition has been filed, to set aside the order dated, 23.04.2014, made in Consumer Complaint No.87 of 2012, by the District Consumer Disputes Redressal Forum, Trichy.
- 2.The facts of the case, in a nutshell, are that the 1st Respondent is the complainant and the Petitioner and the Respondents 2 and 3 are opposite parties. Since the complainant failed in one subject i.e. Mathematics, in the examination held during the month of March, 2011, he submitted an application for reappearing in the said subject, but however, the opposite parties have not taken proper steps to hand over the hall tickets to him in time and hence, the above said consumer complaint was filed for compensation and costs against the opposite parties under Section 12 of the Consumer Protection Act. Since the said complaint was allowed, this Civil Revision Petition has been filed.
- 3.The learned counsel for the Petitioner has submitted that there was no negligence or deficiency of service on the part of the Petitioner and that when the complainant is not a consumer and



when there is no cause of action to invoke the jurisdiction of the Forum for the complainant, the Forum below erred in acting without jurisdiction and hence, the impugned order passed by it, is illegal and liable to be set aside.

4. The learned counsel for the 1st Respondent has submitted that because of the negligence on the part of the opposite parties, he was not issued with the Hall Ticket in time and hence, he was not able to write the examination, thereby he was put to great hardship and hence, the impugned order, awarding compensation is in order.
5. The learned counsel for the Respondents 2 and 3 has submitted that when there was no negligence or deficiency in service on their part, they are not liable to pay any compensation to the complainant and that as per Section 24 of the Consumer Protection Act, the Petitioner can ventilate their remedy before the Appellate Forum and not before this Court.
6. This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
7. Aggrieved over non-issuance of Hall Tickets to reappear in the examination in time, the consumer complaint was filed by the 1st Respondent under Section 12 of the Consumer Protection Act, seeking compensation and costs and the said complaint was allowed by the impugned order passed by the District Consumer Disputes Redressal Forum.
8. Section 24 of the Consumer Protection Act reads as follows:-
"**24. Finality of orders:-** Every order of a District Forum, the State Commission or the National Commission shall, if no appeal has been preferred against such order under the provisions of this Act, be final.
9. As per Section 24 of the Consumer Protection Act, as against the impugned order passed by the District Forum, the Petitioner ought to have availed the alternate remedy of filing an appeal before the Appellate Forum, but, they failed to do so. Hence, this Criminal Revision Petition, without exhausting such an alternative remedy, filed as against the order of the District Forum, is not maintainable and liable to be dismissed and accordingly, it is dismissed. No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

Srcm



To

The District Consumer Disputes Redressal Forum, Trichy

+1 CC to M/s.V.JOHN KENNEDY, Advocate (SR-22140[F] dated 12/07/2021)

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+1 CC to M/s.SPL GP (SR-22330[F] dated 13/07/2021)

CRP (MD) No.1116 of 2014
12.07.2021

LS (CO)

KB (19.07.2021) 3P 4C