

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.18709 Of 2022
(Through hybrid mode)**

Manoj Kumar Nayak

....

Petitioner

Mr. Manoj Kumar Nayak(In Person)

-versus-

***The Principal I.C. D.A.V. Public
School, Ganjam and another***

....

Opposite Parties

Mr. Sukumar Ghosh, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
04.08.2022**

**Order
No.**

1.

1. Petitioner appears in person. He submits, he has challenged order dated 12th July, 2022, whereby his complaint was rejected by the District Consumer Disputes Redressal Commission saying that denial of claim for recovery of school fees did not make him a complainant, to raise a consumer dispute. He relies on order dated 9th September, 2015 of the Supreme Court in **Civil Appeal nos. 7003-7004 of 2015 (P. Sreenivasulu and another v. P.J. Alexander and another)**. A paragraph from said order is reproduced below.

“Under the circumstances, an educational institution would come within the purview of the Consumer Protection Act, 1986 and the decision rendered by the Madras High Court would no longer be good law. Under the circumstances, we hold that the

complainant filed before the State Commission was maintainable.”

2. Mr. Ghosh, learned advocate, Additional Government Advocate appears on behalf of State. On query from Court he submits, the complaint be restored to the Commission.

3. Petitioner’s complaint is restored to the Commission on setting aside impugned order dated 12th July, 2022. The Commission is requested to expeditiously dispose of the complaint.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

