

A.P.P.

**STATE CONSUMER DISPUTES REDRESSAL COMMISSION,  
UTTAR PRADESH, LUCKNOW**

**APPEAL NO. 494 OF 1998**

(Against the judgment/order dated 16-12-1997 in Complaint  
Case No.104/1996 of the District Consumer Forum, Faizabad)

Sri Brij Kishore

Vs.

.....Appellant

Regional Secretary, Madhyamik Shiksha Parishad  
Varanasi and another

.....Respondents

**BEFORE:**

**HON'BLE MR. JUSTICE BHANWAR SINGH, PRESIDENT  
HON'BLE MR. CHANDRA BHAL SRIVASTAVA, MEMBER  
HON'BLE MR. YASHPAL SHARMA, MEMBER**

For the Appellant : None appears.

For the Respondent : None appears.

Dated : 24-03-2011

**JUDGMENT**

**MR. JUSTICE BHANWAR SINGH, PRESIDENT (ORAL)**

The case called out. None responds for the parties even though the cause-list of date has been shown on Internet through the Commission's website.

Since it is an old appeal of the year 1998, we deem it appropriate to decide it on merit.

By means of the impugned judgment the District Consumer Forum, Faizabad had dismissed the complaint of the appellant as it had not been duly forwarded by a competent authority. We have very carefully perused the judgment in question and we find no good ground to have a different view than what has been arrived at by the District Consumer Forum. The appellant/complainant could have submitted his examination-form in accordance with the rules and regulations as prescribed by the Madhyamik Shiksha Parishad but he did not do so and instead sent his examination form without getting it forwarded by some college. The complainant himself was to blame for the wrong procedure he had adopted. He had not established any cogent ground for the Board

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to extend any kind of relaxation. Otherwise also it was a non consumer dispute as the subject relating to the examination conducted by the Madhyamik Shiksha Parishad is a sovereign act and does not fall within the category of consumerism. So from that point of view also the appellant's contention attributing deficiency in service to the Madhyamik Shiksha Parishad is devoid of substance.

Accordingly the appeal having no merit is hereby dismissed.

  
(JUSTICE BHANWAR SINGH)  
PRESIDENT

  
(CHANDRA BHAL SRIVASTAVA)  
MEMBER

  
(YASHPAL SHARMA)  
MEMBER

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