

GOVERNMENT OF JAMMU & KASHMIR
DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
KUPWARA

Coram: -

- | | |
|----------------------------|-----------------|
| 1. Peerzada Qousar Hussain | President |
| 2. Ms Nyla Yaseen | Member |

Consumer Complainant No: 113/2024

**Nazir Ahmad Khan S/o Haji Ghulam Mohammad Khan R/o
Malik Mohallah Kralpora.**

.....(Complainant)

Versus

1. Chief Educational Officer Kupwara
2. Zonal Educational Officer Trehgam
3. Chairman School of Sky Touch Educational Institute Hirri
Trehgam.
4. Principal School of Sky Touch Educational Institute Hirri
Trehgam.

..... (Opposite Parties)

Date of Institution: 17-10-2024

Date of Decision: 04-09-2025

Appearing Counsel

Adv. Zahoor Ahmad Wani for the complainant.

Nemo for the OP's.

Judgement

The complaint in hand has been filed by the complainant before this Commission on **17-10-2024**, alleging therein unfair trade practice on the part of the OP's with prayer to grant the following relief: -

1. Initiation of strict action against the OP's for disrespect and disregard of the rules and regulations, with regard to fee structure and misuse of official position.
2. Direction to the OP's to pay an amount of **Rs.19,50,000/-** respectively as compensation for the loss and damage caused to the petitioner and his wards.

Brief facts: -

The complainant is a resident of District Kupwara. His two children were studying in the Sky Touch Educational Institute herein after referred to as

OP 4. The contention of the complainant is that he was regularly paying the school fee towards the said educational institute, including the transportation charges. However, during the period of Covid-19 pandemic, he could not pay the dues towards the said institute.

In the meantime, the wards of the complainant were upgraded up to the 8th standard and after qualifying the 8th standard, the complainant approached the OP 3 & 4 and requested for issuance of the school leaving certificates and other relevant documents in favor of his wards so as to enable him to admit them in any other educational institute. However, the requisite documents/certificates were not provided/issued due to the pending school fee, which caused harm to the academic session of the complainant's wards. Although, the complainant submitted a cheque for an amount of **Rs.30,000/-** to the OP's on account of the pending school fee, but still they remained reluctant and did not issue the certificates and the other requisite documents to the complainant, which adversely caused loss to the career and the studies of his wards and have suffered mental agony and physical comfort. The complainant's contention is further that he approached the CEO Kupwara and served a legal notice to the OP's but still they slept over the matter. Although the CEO Kupwara directed the OP 3 & 4 to redress the grievance of the complainant but nothing was done, which constrained the complainant to approach the District Consumer Commission Kupwara for redressal of his grievances.

Notices were served to the OP's, however they did not choose to cause the appearance or to contest the case, resultantly, they were set to Ex-Parte.

The complainant submitted evidence affidavits of three witnesses namely Haleema Begum W/o Nazir Ahmad Khan R/o Kralpora Kupwara, Zenu Nazir D/o Nazir Ahmad Khan R/o Kralpora Kupwara, Nazir Ahmad Khan S/o Haji Ghulam Mohammad Khan R/o Kralpora Kupwara. The witnesses on affidavits stated that the complainant's wards were reading in the school of the OP's situated at Hirri Trehgam and passed the 8th standard. However, he could not pay the school fee of his wards during the Covid-19 pandemic period. The complainant even submitted a cheque of **Rs.30,000/-** against the balanced school fee of his wards and requested the O.Ps to issue the requisite certificates in favor of his wards so as to enable him to get their admission anywhere else, however, the OP's did not pay any heed to the requests of the complainant, further they did not comply with the directions of the CEO Kupwara. The witnesses further stated that the non-issuance of the requisite certificates in favor of the complainant's wards caused heavy loss which affected their future. As the wards of the complainant could not continue their studies in absence of

the requisite documents, the inaction of the OP's even caused and affected their mental and physical health.

The complainant as witness in his own case, on affidavit stated that his wards passed 8th class from the OP's school. However, due to Covid-19 pandemic, he could not pay an amount of Rs.25,000/- on account of pending school fee. Pertinently the complainant submitted a cheque of Rs.30,000/- to the school authorities and requested to issue the requisite certificates in favor of his wards so as to enable him to get them admitted in any other institute however, they refused to issue any certificate. Although the CEO Kupwara directed them to issue the certificates, but nothing was done which caused heavy loss to the career of his wards.

Heard the complainant, perused the records placed on file and it emerges that the wards of the complainant were on roll of the Sky Touch School Hirri Trehgam Kupwara herein after referred to as OP 3 & 4 upto 8th standard.

The complainant could not deposit the school fee due to Covid-19 pandemic. Thereafter the complainant after approaching the Non-Applicant No. 3 & 4, submitted a cheque for Rs.30,000/- on account of balance school fee of his wards and intended to get his wards admitted in any other institute and accordingly requested the school authorities to issue the requisite certificates, however, the certificates were not issued in favor of the wards of the complainant. Resultantly, they could not continue their studies in any other institute.

The OP's action to withhold the documents/certificates is unreasonable and unfair, because the same action of the OP's has caused harm to the students affecting their future academic career prospects and they could not secure admission in any other institution.

We rely on the Judgement passed by the Hon'ble National Commission in a case titled "Usha Rani versus Principal Saint Joseph's Convent School (2018)", where under it was held that the school's failure to issue documents and certificates due to pending fee can be considered a deficiency in service. The OP is under duty bound to provide essential services including the issuance of documents and certificates to the students and to act reasonably and fairly in dealing with the students. The school authority should handle fee issues separately and not to link such matters with the issuance of the certificates/documents.

Therefore, we are of the considered opinion that the OP's failure to issue the requisite documents/certificates in favor of the complainants ward amounts to deficiency in service on the part of OP 3 & 4 and they are liable to compensate the complainant for the harm caused to his wards due to non-issuance of the certificates.

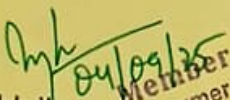
In view of the above facts, the complaint of the complainant is allowed and disposed-off with the following directions: -

1. The OP No 3 & 4 are directed to pay an amount of Rs.2,00,000/- to the complainant as compensation for indulging in deficiency in service and causing harm to both the wards of the complainant.
2. The OP No 3 & 4 are further directed to pay an amount of Rs.20,000/- as litigation charges.

The OP's shall comply with the order within a period of 4 weeks from the date of order.

Order announced

Date: 04-09-2025


Nyla Yaseen
Member
District Consumer Disputes
Redressal Commission
Kupwara


Peerzada Qunsa Hussain
President
District Consumer Disputes
Redressal Commission kupwara

Copy of this Order be provided to the party for compliance and file be consigned to records after due completion.