

Central Consumer Protection Authority

Krishi Bhawan, New Delhi --110001

Case No: CCPA-2/42/2024-CCPA

In the matter of: Misleading advertisement and unfair trade practice by StudyIQ IAS
(StudyIQ Education Pvt Ltd.)

CORAM:

Mrs. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For StudyIQ IAS:

1. Ms. Divya Singh, Legal Counsel

Date: 23.12.2024

ORDER

1. This is a *suo-moto* case taken up by the Central Consumer Protection Authority ('CCPA') against StudyIQ IAS [StudyIQ Education Pvt Ltd.] (hereinafter referred to as 'opposite party') with regard to alleged misleading advertisements on its official platforms including YouTube, Facebook, Instagram, Twitter (now known as Platform X) and LinkedIn and in newspapers. The following claims were made in the advertisements –

- i. "120+ selections in UPSC CSE 2023"
- ii. "Success Pakka Offer"

2. Taking *suo-moto* cognizance of the advertisements, the Central Authority in exercise of power conferred under Section 19 of the Consumer Protection Act, 2019 (hereinafter referred to as 'the Act') conducted a preliminary inquiry to examine genuineness of the claims in the impugned advertisement made by the opposite party. As per preliminary inquiry report, it was found that the opposite party prominently

displayed successful candidates' names & pictures and simultaneously advertised various types of courses provided by them on its official platforms including YouTube, Facebook, Instagram and LinkedIn namely "UPSC IAS GS Foundation, UPSC IAS (Mains) Optional, Mains Residential Programme and State PSC Pre+Mains Foundation." However, the information with respect to the specific course opted by the said successful candidates in UPSC Civil Service exam 2023 was not disclosed in the abovementioned advertisement. Further, opposite party also appeared to be giving guarantee by using term i.e. '*Success Pakka Offer*' along with their paid courses which is likely to influence consumers as to nature and quality of its service. It is pertinent to mention that neither any description to substantiate the above-noted claims was mentioned in the advertisement nor any information or document was available to substantiate the claims advertised by opposite party.

3. Accordingly, CCPA issued a notice dated 27.06.2024 to the opposite party for violation of provisions of the Act highlighting the issue of misleading advertisement by concealing important information i.e. specific courses opted by the successful candidates, appears to be giving a guarantee using term "Success Pakka Offer". Therefore, the claim appeared to be unsubstantiated and likely to mislead the consumers as to the quality of its service. An opportunity to furnish response within 15 days of the issuance of notice was given to the opposite party to substantiate their claims and submit the following documents:-

- i. Details of 120+ successful candidates from the Institute who cleared the UPSC Civil Services Exam 2023.
- ii. Enrolment/consent form of such student.
- iii. Type of course attended by such student.
- iv. Duration of the course attended by such student.
- v. Date of joining of each such student.
- vi. Fees paid along with the copies of receipt.
- vii. Requisite data/evidence to substantiate the claim of "Success Pakka Offer".

4. In response to the notice, a reply dated 12.07.2024 was received from the opposite party wherein the following submissions were made:-

- i. Advertisement using the term "*Success Pakka*" aimed to convey the comprehensive support and quality of knowledge. It was not intended to mislead consumers into believing that we guarantee a 100% selection rate in the Union Public Service Commission (UPSC) or any other examinations. Success is a subjective term encompassing various aspects of personal and professional growth.
- ii. The Institute's goal is to equip students with the best possible knowledge and skills, empowering them to achieve their goals. Success, in this context, is about enriching understanding and capabilities, not guaranteeing specific outcomes like selection in exams.
- iii. Advertisements did not state or imply a guarantee of 100% selection in any exams & never claimed in any advertisement of "*Selection Pakka*." The primary aim of our educational and training services is to enhance the knowledge and skills of students, thereby improving their prospects, though outcomes depend on multiple uncontrollable factors. The students featured in our 2024 advertisements were enrolled in our programs during 2023 and appeared for the 2023 exams. These advertisements accurately represent the achievements of the 2023 exam takers.
- iv. A list of 134 successful candidates who cleared the UPSC Civil Service Exam 2023, along with the courses attended by them, was submitted.

5. The response dated 12.07.2024 was thereafter examined and it was found that the opposite party failed to submit Application/Enrollment/Registration forms and fee receipts of successful candidates of UPSC CSE 2023 claimed by them in the impugned advertisement. Further, it was observed that most of the successful candidates took Interview Guidance Programme (IGP) from the opposite party which would have helped them in the last stage of the Civil Services Examination taken after successfully qualifying into Prelims & Mains examination on their own. But the opposite party deliberately concealed such important information with regard to the specific course opted by these successful candidates in the impugned advertisement. It was also observed that opposite party failed to submit any information or document

to substantiate the claim "*Success Pakka*". Accordingly, the CCPA was satisfied that there exists a prima facie case of misleading advertisement and unfair trade practice under the Consumer Protection Act, 2019. Therefore, vide letter dated 18.07.2024, CCPA requested Director General (Investigation) to conduct a detailed investigation into the matter.

6. The Director General (Investigation) in its investigation report dated 18.09.2024 submitted the following:

- i. Opposite party requested for physical meeting and during the meeting held on 04.09.2024, regarding the 120+ claim in the advertisement, the representative of opposite party mentioned that in the said advertisement the statement "*StudyIQ congratulates 120+ selection*" was just to congratulate successful candidates and that they have not claimed these candidates. The Institute has claimed only 15 in Top 100.
- ii. Opposite party provided 6 mock interview video links, 3 testimonial video links, 5 e-mail screenshot and 5 WhatsApp screenshot and out of these 5 WhatsApp screenshots, 2 were just congratulatory messages from StudyIQ after the result was declared. For rest of the claimed candidates, no supporting documents were provided.
- iii. Opposite party submitted list of total 134 candidates selected in UPSC CSE 2023 and the break-up of courses opted by them was as follows: -
 - a. 35 candidates were enrolled in Interview Guidance Programme IGP (Three Aspect) course,
 - b. 34 were enrolled in IGP (DAF Analysis) course,
 - c. 57 were enrolled in IGP [WhatsApp (W.A.) Group]
 - d. 3 were enrolled in Ethics & Essay Crash course,
 - e. 2 were enrolled in Mains Residential Programme (MRP) course
 - f. 2 were enrolled in MOCK
 - g. 1 was enrolled in Foundation, Online MRP, DAF Analysis
- iv. The opposite party failed to provide any enrollment or consent forms, fee receipts, or details of candidates who participated in the Mains Residential Programme (MRP) course, which is a residential program. Additionally, they did

not provide information about the services or content offered, or the fee structure of the following courses: IGP (covering three aspects), IGP (DAF Analysis), Mock, MRP, and Peer-to-Peer Learning through daily formal group discussions conducted online and mentored and moderated by the StudyIQ team.

- v. Section- 2(28) (iv) of Consumer Protection Act talks about misleading advertisement in relation to deliberately concealing important information. In the present case, type/name or duration of specific course opted by selected candidates is important information for the consumer so that they can make an informed choice. The opposite party has deliberately concealed important information like type/name of specific courses opted by selected candidates and duration of the course attended by such student.
- vi. Several coaching institutes prominently used the same successful candidates' names, pictures and videos in their advertisements while deliberately concealed important information from consumers as a class with respect to course opted by such successful candidates
- vii. It is important to highlight that the opposite party has not provided any documentary evidence to support their "*Success Pakka Offer*" claim. Their explanation that "*Success Pakka*" refers to comprehensive support and quality education is unconvincing and misleading, as it implies a false guarantee of selection to prospective candidates.
- viii. The opposite party has failed to substantiate its claim as it has not provided sufficient documentary evidence such as enrolment/consent forms, fee receipts and mock interview videos (only 4 videos were provided out of 126 claimed IGP candidates).
- ix. It should be noted that UPSC CSE contains 3 phase i.e., Prelims, Mains and Interview. Prelims is a screening process and for final result, Mains and Interview (personality test) marks are considered. Also, after qualifying two rigorous stages Pre and Mains stage, candidates get a chance to appear for interview.
- x. In the present case, 126 students cleared the Pre and Mains stage without any assistance of Study IQ IAS. They have taken only Interview Guidance Programme (Three Aspect, DAF Analysis and W.A Group) from opposite party.

And this information is important for consumers. The opposite party in the impugned advertisement has deliberately concealed this important information from consumers.

- xi. The opposite party used the term "*Success Pakka Offer*" in its advertisement wherein they are selling their paid courses suggesting that any aspirant who enrolled would be guaranteed success in their respective exams which is misleading aspirants or consumers regarding the nature and quality of its services. This deceptive practice consequently lures aspirants/consumers into taking admission at opposite party. The opposite party failed to substantiate the abovementioned claim. The opposite party for the purpose of promoting the sale, use of its service, adopted unfair and deceptive practice thereby creating a misleading impression about the efficiency of the institute's services.
- xii. Additionally, any exceptions to the guarantees provided by the institute must be disclosed in the advertisement itself, there should be no hidden terms and conditions. Here also, the opposite party appears to be in violation of Section 2 (28) (ii) & (iv) as well as Section 2 (47) sub-clause (i) (b) & (h) (A) of the Consumer Protection Act, 2019.

7. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 28.10.2024 to furnish its comments.

8. Thereafter, an opportunity of hearing was provided to the opposite party on 12.11.2024. Appearing on behalf of opposite party, Ms. Divya Singh, Legal Counsel submitted the following:-

- i. Opposite party never thought that the "*Success Pakka Offer*" would be interpreted in such a way that success would only be considered when the entrance exam is cleared. Our goal is to equip students with the best possible knowledge and skills, empowering them to achieve their goals. Success, in this context, is about enriching understanding and capabilities, not guaranteeing specific outcomes like selection in exams.
- ii. The exact number of the students enrolled for UPSC CSE 2023 is not readily available.

9. During the abovementioned hearing on 12.11.2024, CCPA granted an opportunity to the opposite party to furnish the following details:

- i. Business model of the opposite party.
- ii. Number of students enrolled in different courses.
- iii. Average Fee of the students.

10. The CCPA received an e-mail from the opposite party on 21.11.2024, wherein following submissions were made:-

- a. Number of students enrolled in our UPSC courses - Approx 3,000 across different courses
- b. Fee of the Students- Ranging from 1,000 to 30,000
- c. Opposite part's business model focuses on Tier-2 to Tier-4 cities, where access to quality educational resources is often limited and online education is the only possible way to provide affordable education.
- d. Opposite party charges around 1/5th or less of the average cost of UPSC coaching. Additionally, it also provides free content through Youtube and App as it believes in democratisation of education.

11. It may be mentioned that Section- 2(28) of the Act defines "misleading advertisement" in relation to any product or service means an advertisement, which—

- i. falsely describes such product or service; or
- ii. gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or
- iii. conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or
- iv. deliberately conceals important information;

12. From the bare reading of the above provisions of the Act, it is clear that any advertisement should:-

- i. Contain truthful & honest representation of facts,

- ii. Have assertions, guarantees only when backed by underlying credible and authentic material, study etc.
 - iii. Not indulge in unfair trade practice as defined in Section 2(47) of the Act. It should be free from false representation that the goods/services are of particular standard, quality [(section 2(47) (a)] and should not make false or misleading representation concerning the need for or usefulness of any goods or services [(section 2(47) (f)] of the Act with respect to unfair trade practice.
 - iv. Disclose important information in such a manner that they are clear, prominent and extremely hard to miss for viewers/consumers so as to not conceal important information.
13. In respect of the advertisements wherein opposite party claimed “120+ selections in UPSC CSE 2023”, the CCPA observed the following:-

S.No	Opposite party claim	Course opted by successful candidates
1.	“120+ selections in UPSC CSE 2023”	<p>1. Opposite party submitted a list of total 134 candidates.</p> <p>Out of these 134:-</p> <ul style="list-style-type: none"> i. 126 students opted for Interview Guidance Programme (IGP). ii. 3 were enrolled in Ethics & Essay Crash course iii. 2 were enrolled in MRP course iv. 2 were enrolled in MOCK v. 1 was enrolled in Foundation, Online MRP, DAF Analysis

14. It is worth noting that successful candidates of Civil Services Examination have to clear all the 3 stages of Exams. Viz., Prelims, Main Exams and Personality Test (PT). While Prelims is a screening test, it is a critical stage which the student has to clear for sitting in Mains Exam & later in Personality test. The marks obtained in both Mains Exams and Personality Test are counted for getting finally selected. The total marks for Main Exams and PT are 1750 and 275 respectively.

15. According to various news reports, approximately 13 lakhs aspirants applied for UPSC Civil Service Examination 2023, out of aspirants who qualified, only 14,600 students appeared for Mains examination and 2,916 sailed to the final round of the Personality Test and finally 1,016 were declared successful. Therefore, after clearing Mains examination, out of these approx. 3000 candidates selected for Personality Test, 1 out of every 3 such selected candidates have a strong probability to make it to the final selection in CSE.

16. In the instant case, opposite party has been found to be taking full credit of successful candidate's efforts and success for all the stages of the examination by deliberately concealing important information about the specific course taken by the successful candidates. UPSC CSE 2023 Preliminary and Mains examination results were declared on 12.06.2023 and 18.12.2023 respectively. However, as mentioned in earlier paras, opposite party's reply and Report by DG (Investigation) reveals that majority of the successful candidates took Interview Guidance Programme (IGP) which comes into play only after clearing both Preliminary and Mains examination. Although opposite party had prominently used the pictures of successful candidates in the advertisement claiming "120+ selections in UPSC CSE 2023", it deliberately failed to inform specific courses opted by each one of them, while it simultaneously advertised various types of courses like "UPSC IAS GS Foundation, UPSC IAS (Mains) Optional, Mains Residential Programme and State PSC Pre + Mains Foundation" in daily newspapers and its official platforms including YouTube, Facebook, Instagram, Twitter (now known as Platform X) and LinkedIn. Thus, by deliberately concealing the specific name of the course opted by the successful candidates, the opposite party has created a misleading impression on prospective consumers into making an uninformed choice about the quality of its service regarding the advertised courses, in which IGP has not been advertised at all.

17. It is pertinent to mention that the opposite party failed to substantiate its claim as it has not provided sufficient documentary evidences such as Application/Enrollment/Consent forms and fee receipts and mock interview videos which can prove which specific courses were taken by the successful candidates.

Opposite party has only provided 6 mock interview video links, 3 testimonial video links, 5 e-mail screenshot and 5 WhatsApp screenshot and out of these 5 WhatsApp screenshots 2 were just congratulatory messages from the opposite party after the result was declared. Hence, the opposite party failed to discharge its onus of proving that the claims are not misleading.

18. It may be noted that there is no disagreement with regards to the various types of courses, nearly 60+ courses, offered by the opposite party's institute. The institute may provide a wide variety of courses, both free and paid, across different categories and durations, tailored to meet the needs of a wide range of aspirants. However, by not providing accurate information about the specific course taken by the successful candidates, it is clear that the advertisement deliberately concealed important information from the potential students/consumers to deceive them into making an uninformed choice. In this case, the category of courses at the opposite party's institute to which the successful students were affiliated or attended were not disclosed to the aspirants or consumers to whom the advertisement seeks to reach. The concealment of details has affected the ability of aspirants or consumers to make an informed choice about courses, the effect of which is violation of Consumer rights u/s 2(9) of the Act. If the opposite party, in its advertisement made the claim of "120+ selections in UPSC CSE 2023", it was the right of the consumer to be informed about the specific course that these successful candidates had taken to make it into the final selection. For the potential consumers, this information would have contributed in their making an informed choice about the course to be opted to prepare for CSE. By deliberately concealing information about the specific course opted by each of the successful candidates, the opposite party made it look like all the courses offered by it had the same success rate for the consumers, which was not right. These facts are important for the aspirants/consumers to decide on the courses that may be suitable for them and should not have been concealed in the advertisement.

19. The above actions of opposite party are in contravention of the provisions of the Act particularly the 'rights of consumer' as defined in section 2(9) (ii) of the Act i.e., *'Right to be informed about the quality, quantity, potency, purity, standard and price of goods, products or services as the case may be, so as to protect the consumer against*

unfair trade practices'. The opposite party published advertisement with claims "120+ selections in UPSC CSE 2023" while deliberately concealed important information i.e. specific course opted by those successful candidates.

20. It is pertinent to mention that the CCPA has observed that several coaching institutes use the same successful candidate's names and photographs in their advertisements while deliberately concealing important information about specific course opted by them to create a deception that the successful candidates were regular classroom students at coaching institute or were students of several courses offered in the advertisement. Therefore, information regarding the specific course opted by successful candidates is vital for the knowledge of consumers in order to enable them to make an informed choice while deciding the course and coaching institute/platform to enroll in.

21. It is important to mention that the opposite party used the term "Success Pakka Offer" in its advertisement along with their paid courses which is likely to influence consumers as to nature and quality of its service. Section 2(47) of the Act defines "unfair trade practice" as a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice including falsely representing that the services are of a particular standard, quality or grade.

22. According to Black's Law Dictionary, success is defined as "the achievement of an action within a set period of time or parameters; reaching a goal or completing a project. Colloquially, the term is also used to describe a person who has achieved a personal, career, or financial goal." It is a commonly accepted rule that a word is understood in its natural meaning. Contrary to the opposite party's arguments, success would be ordinarily be understood as having successfully cleared Civil Services examination. However, the opposite party failed to provide any documentary evidence to substantiate the claim of "*Success Pakka Offer*" by providing the number of students enrolled in the various courses and whether all of those got success at CSE (100%). Opposite party's explanation that "Success Pakka" refers to

comprehensive support and quality education is unconvincing, untenable and misleading, as it implies a false guarantee of selection to aspirants/consumers.

23. Opposite party in its reply dated 12.07.2024 submitted that advertisements did not state or imply a guarantee of 100% selection in any exams & never claimed in any advertisement of "*Selection Pakka*." However, CCPA found out that the opposite party used the term "**Selection Pakka Offer**" in the front-page advertisement of *The Hindu* newspaper dated 14.06.2024, along with their paid course, 'UPSC IAS GS Foundation P2I batches' & 'UPSC IAS (Mains) Optional Classes & Test Series' with price starting from ₹ 27,999 & ₹ 40,499 (Screenshot attached).

24. Opposite party used the terms "*Selection Pakka Offer*" and "*Success Pakka Offer*" in its advertisement wherein they are selling their paid courses suggesting that any aspirant who enrolled would be guaranteed '**selection**' & '**success**' in their respective exams which is misleading aspirants consumers regarding the nature and quality of its services without providing substantial evidence to support the said claim. During the hearing held on 12.11.2024, CCPA asked the opposite party to provide basis on which it advertised the above-mentioned claim. The opposite party failed to provide any evidence. It is clearly a hollow promise without basis, made to deceive the potential students into joining the Institute. This deceptive practice consequently lures aspirants/consumers into taking admission at the opposite party's institute. Opposite party utilized deceptive practices to create a perception of exceptional quality and success. Therefore, the claims "*Success Pakka Offer*" & "*Selection Pakka Offer*" constitute misleading advertisement and unfair trade practice under the Act.

25. The CCPA after carefully considering the written submissions, the submissions made by the opposite party during the hearing and the investigation report submitted by Director General (Investigation) finds that the advertisements are false & misleading as they deliberately conceal important information with respect to the specific course opted by the said successful candidates from the opposite party's Institute and for the purpose of promoting the sale, use of its service, adopted unfair and deceptive practice thereby creating a misleading impression about the efficiency of the institute's services. As a consequence of the actions of the opposite party as

highlighted in the earlier paras, the advertisement has violated the consumer's right to be informed [(Section 2 (9) (ii)] so as to protect himself against unfair trade practice.

26. The CCPA is empowered under Section- 21 of the Consumer Protection Act, 2019 to issue directions to the advertiser of false or misleading advertisement to discontinue or modify the advertisement and if necessary, it may, by order, impose a penalty which may extend to ten lakh rupees and for every subsequent contravention may extend to fifty lakh rupees. Further, Section 21 (7) of the above Act prescribes that following may be regarded while determining the penalty against false or misleading advertisement:-

- a) the population and the area impacted or affected by such offence;
- b) the frequency and duration of such offence;
- c) the vulnerability of the class of persons likely to be adversely affected by such offence.

27. The opposite party provides both online and offline coaching and operates centres namely in Karol bagh and Prayagraj. It has 1.85 crore subscribers on its YouTube Channel and 15 lakhs followers on its Instagram Channel, 1.45 lakhs followers on Twitter (Now known as Platform X) , approx. 4 lakhs subscribers on Telegram and 6.4 lakhs followers on Facebook and 60 thousands followers on LinkedIn.

28. Therefore, CCPA after examining the evidence, investigation report and submissions during hearing, is satisfied that opposite party has engaged in violation of the provisions under the Act. Attention of CCPA has also been drawn to the conduct of the opposite party. The exact number of the students enrolled for UPSC CSE 2023 has not been provided to CCPA. Despite repeated reminders, the application/enrollment/consent forms and fee receipts have not been submitted. As of 26.11.2024, the opposite party is still using misleading advertisement/claims on its official platforms using successful candidates' names and pictures of UPSC CSE 2023 while concealing important information with respect to specific course opted by the successful candidates to mislead the consumers as a class. In light of these circumstances, CCPA finds it necessary to impose a penalty in the interest of young

and impressionable aspirants/consumers to address such false or misleading advertisement and unfair trade practice.

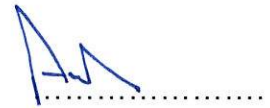
29. In view of the above, under Section- 20, 21 read with Section 10 of the Consumer Protection Act 2019, CCPA hereby issues the following direction to the opposite party: -

- a) Discontinue the misleading advertisement with immediate effect.
- b) Pay a penalty of ₹ 7,00,000 for publishing misleading advertisement and unfair trade practice.
- c) Submit a compliance report of the directions (i) and (ii) above within 15 days of receipt of the Order.



Nidhi Khare

Chief Commissioner



Anupam Mishra

Commissioner

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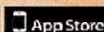
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