

Central Consumer Protection Authority

Krishi Bhawan, New Delhi -110001

Case No: CCPA-2/12/2024-CCPA

In the matter of: IITian's Prashikshan Kendra Pvt. Ltd. (IITPK) regarding misleading advertisement.

CORAM:

Mrs. Nidhi Khare, Chief Commissioner

Mr. Anupam Mishra, Commissioner

APPEARANCES

For IITian's Prashikshan Kendra Pvt. Ltd. (IITPK):

1. Mr. Durgesh C. Mangeshkar, Director, IITian's Prashikshan Kendra Pvt. Ltd. (IITPK)

Date: 10.02.2025

ORDER

1. This is a *suo-moto* case taken up by the Central Consumer Protection Authority ('CCPA') against IITian's Prashikshan Kendra Pvt. Ltd. (hereinafter referred as 'opposite party') with regard to alleged misleading advertisements on its official website (www.iitpk.com) and in Times of India newspaper's Education forum column.

The following claims were made in the advertisement –

- i. "1384 IIT-Ranks in past 21 years by IITPK"
- ii. "IITPK students crack all 2023 exams"
- iii. "Highest success ratio year after year"
- iv. "Best success ratio for 21 years"
- v. "Success Ratio at 61%"
- vi. "Retention Ratio at 97.5%"
- vii. Terms such as "IIT Topper," "MHT CET Topper," "NEET Topper," "XII CBSE Topper," and "XII HSC Topper" used along with prominent & bold '1' and '2' symbols in front of candidates' names and pictures. (**Annexure-1**)

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 the preliminary inquiry report, it was found that the opposite party prominently displayed the names and pictures of successful candidates along with terms such as "IIT Topper," "MHT CET Topper," "NEET Topper," "XII CBSE Topper," and "XII HSC Topper." Additionally, they used bold '1' and '2' symbols in front of candidates' names to create the impression that these individuals secured All India Rank 1 and 2. It appears that the opposite party made these claims on its official website and in newspapers, potentially misrepresenting its services or misleading consumers regarding the nature, substance, quantity, or quality of the services offered. The opposite party used the names and pictures of successful students while concealing important information i.e. course opted by the successful candidates. Furthermore, the opposite party's use of the phrases "IITPK students crack all 2023 exams", "*Highest success ratio year after year*", "*Best success ratio for 21 years*", "*Success Ratio at 61%*" and "*Retention Ratio at 97.5%*". However, there is no evidence or data to support this claim, raising concerns about the accuracy of the advertisements. This consequently violates consumers' rights as outlined under Section 2(9) of the Act, specifically the right to be informed about the standard and genuineness of a service, as well as the right to consumer awareness.

3. Accordingly, CCPA issued a notice dated 19.03.2024 to the opposite party for violation of provisions of the Consumer Protection Act, 2019 highlighting the issue of misleading advertisement by deliberately concealing important information, falsely describes its service or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service and making tall but unsubstantiated claims. 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 1384 IIT-Ranks in past 21 years which they were claiming studied from their Institute.
- ii. Type of course attended by such student
- iii. Duration of the course attended by such student.

- iv. Date of joining of each such student
- v. Fees paid along with the copies of receipt.
- vi. Provide requisite evidence to substantiate the following claims:-
 - a. IITPK students crack all 2023 exams.
 - b. Highest success ratio year after year.
 - c. Best success ratio for 21 years.
 - d. Success Ratio at 61%.
 - e. Retention Ratio at 97.5%.

4. In response to the notice, a reply dated 03rd April 2024 was received wherein the opposite party made the following submissions: -

- i. It appreciated the CCPA's efforts to bring transparency, clarity and raise ethical standards in advertising in the coaching sector which is much needed in these times.
- ii. Claim of '1' in bold letters being mentioned next to photos of students. This letter 1 simply indicates that they are Ranked No.1 in our coaching institute and nowhere have we claimed that they have stood first in India or their AIR is 1. Institute will specify the same explicitly henceforth on our website if CCPA feel this may lead to some other interpretations otherwise.
- iii. Submitted list of students to substantiate the claim i.e. "1384 IIT-Ranks in past 21 years by IITPK".
- iv. With respect to "Highest success ratio for 21 years", Institute stated that "since we are in the coaching sector and, we are able to fairly estimate the success ratios of all coaching institutes as the number of students they have declared as successful in their advertisement divided by the number of students enrolled. On this count, we have found that our Institute has a superior success ratio by several percentage points more than our competitors who admit more than 200 students in a program year.
- v. With respect to claim of 61% Success Ratio. The definition of Success in JEE MAINS can be three-fold. Firstly, it may signify the percentage of students who have scored well enough to qualify for the next stage exam called JEE ADVANCED. Secondly, it may signify the percentage of students who have scored well enough to secure a National college via JOSAA counselling based on previous year's cut-offs. Thirdly, it may signify the percentage of students

who have scored well enough to secure admission in A-grade Engineering colleges in Maharashtra as 15% All India JEE MAINS quota is prevalent in all Engineering colleges of Maharashtra. The claim of 61% corresponds here to the second interpretation of students having scored well enough to secure admission in a National college via JOSAA counselling.

- vi. With respect to claim of 97%, Retention Ratio published on our website. We have had 97.5% of our student who were enrolled at the start of our 2-years program in 2022 have continued attending lectures or Tests or Doubts or Mentoring sessions till Jan 2024 and hence this is claimed. It conveys the fact that barely 2.5% students have dropped out of our coaching institute in the 2022-24 JEE coaching program.

5. The reply of the opposite party was examined and it was found that they prominently used bold symbols "1" and "2" along with terms such as "IIT Topper," "MHT CET Topper," "NEET Topper," "XII CBSE Topper," and "XII HSC Topper" to refer to top performers within their own institute. Additionally, there was no third-party or neutral survey to support the claims of "Highest success ratio year after year," "Best success ratio for 21 years," and "Success Ratio at 61%." The opposite party in its reply stated that these claims were based on their own understanding. Furthermore, the opposite party submitted a list of students to support its claim of "1384 IIT Ranks in the past 21 years." However, this list included students from institutes other than IIT. The plain meaning of the term "IIT Ranks" refers to students who were selected for Indian Institute of Technology (IIT), not those admitted to other institutes. The CCPA found a prima facie case of misleading advertisement under the Consumer Protection Act, 2019. Consequently, via a letter dated 30.05.2024, the CCPA requested the Director General (Investigation) to conduct a detailed investigation into the matter.

6. The Director General (Investigation) in its investigation report dated 14.11.2024 submitted the following:

- i. Regarding the claim *"1384 IIT-Ranks in past 21 years by IITPK"*, an excel sheet containing the name and rank of the student was provided which does not conclusively establish the association of these candidates with the Institute.
- ii. The institute failed to provide the attendance records & admission forms of the claimed students by stating that these records are not maintained for future

records instead disposed of after conclusion of the session which appear as a deliberate attempt to conceal information.

- iii. Soft Copies (Tally ledgers) of Fee receipts of the claimed candidates from 2018-2023 and subsequently on being asked to provide reliable proof, an excel sheet containing beneficiary and remitter's details along with UTR no was provided which is not conclusive evidence to ascertain the authenticity of the transaction.
- iv. The claim of 61% success ratio as claimed by the institute was based on the selection in national colleges through JOSAA counselling rather than IIT however the institute nowhere mentioned this fact in the published advertisement.
- v. Regarding the claim of best success ratio, the institute failed to provide any document at all to support the claim, it was also not able to provide any substantive document either to claim 97.5% retention ratio.
- vi. The labels used regarding Rank 1 and 2 without mentioning these ranks are based on the internal ranking among coaching students appears to be a case of concealment of information in order to lure potential students.
- vii. During the course of the investigation, the institute has done certain modifications on its website
 - a. It has started displaying AIR having removed labels of Rank 1 and Rank 2
 - b. On some pages rather than using a particular no or certain superlatives such as best or highest used earlier against its claimed success & retention ratio, the institute has modified it to unmatched success & retention ratio although on some pages, it is still using the term highest success ratio.
 - c. It has modified its claim from IITPK students crack all 2023 exams to IITPK students crack 2024 exams.
- viii. It should be noted that the non-compliance to provide authentic documents such as admission forms, fee receipts, attendance records and providing irrelevant documents in editable formats (e.g. Excel, Tally ledger) which lack reliability and could be modified, thus do not serve as conclusive evidence to prove that the claimed candidates belong to IIT Parikshan Kendra.
- ix. Further the ambiguity of the terms used by the Institute in the published advertisement which potentially conceals critical information which could lead

to a misinformed choice by future aspirants and their parents, by creating a false impression of the institute's success rate. Even after doing partial rectification on its website, the new term used by the institute such as "unmatched" against its success & retention ratio is misleading as it has not been substantiated with evidence.

- x. The advertisements by Institute must have displayed complete information so that the potential aspirants can make well informed choice as its consumer right under Section-2(9) of the Consumer Protection Act, 2019. As this was not done by the IIT PRASHIKSHAN KENDRA PVT LTD in its advertisement, hence it appears to be in potential violation of Section- 2(9) and Section 2 (28) (ii), (iii) & (iv) of the Consumer Protection Act, 2019.

7. The Investigation Report submitted by DG (Investigation) was shared with the opposite party vide letter dated 19.12.2024 to furnish its comments.

8. Thereafter, an opportunity of hearing was provided to the opposite party on 06.01.2025. Appearing on behalf of opposite party, Mr. Durgesh C. Mangeshkar, Director, IITian's Prashikshan Kendra Pvt. Ltd. (IITPK) submitted the following:-

- i. Most of the students enrolled in our institute is through word of mouth.
- ii. Student attend free webinar before enrolling in our institute wherein we provide complete information about our programs after which they have to take an admission test. Finally, students have to go through admission counselling.
- iii. Opposite party appreciate the CCPA's efforts in the coaching sector and want to ensure our alignment with its rules and regulations. We would be grateful if the CCPA could guide us on what is permitted and what is not, particularly regarding advertisements.
- iv. All the students the institute has claimed are authentic and have studied at the institute.
- v. After receiving CCPA's Notice, Institute has removed the terms such as "IIT Topper," "MHT CET Topper," "NEET Topper," "XII CBSE Topper," and "XII HSC Topper" used along with prominent '1' and '2' symbols in front of candidates' names.

- vi. There is no 3rd party survey to verify the claim of the Institute “Highest success ratio”. We claimed the abovementioned because it is true to our best knowledge. We accept that officially we cannot prove it.
9. With reference to the hearing conducted on 06.01.2025, CCPA directed the opposite party to submit any new written submission within a week, if any.
10. The CCPA received an email from the opposite party on 14.01.2025, in which opposite party submitted the following:-
- i. Free Webinar – Students and parents must attend to understand entrance exams, institute credentials, coaching details, and fees.
 - ii. Admission Test-Only students who pass this test are eligible for admission.
 - iii. Optional Counselling – Parents can consult an Admission Counsellor for queries and interact with current students for feedback. Direct admissions are not allowed. Students must attend the webinar, take the test, and complete formalities to join the 2-year JEE/NEET coaching program.
 - iv. On Oct 4, 2024, Institute submitted Fees cum GST Receipts (PDF format) of IIT Rankers (2018-23) to CCPA via email. On Oct 23, 2024, UTR numbers (Excel format) for the same students were also submitted. However, in the Investigation Report dated 14.11.2024, shared via email on Dec 19, 2024, Investigation wing commented that these documents were irrelevant and in an editable format, deeming them insufficient for the investigation. Institute has filed Income Tax Returns, GST Returns, and TDS Returns based on the same Tally backup from which the submitted documents were generated. If required, we are willing to share the Tally backup, bank statements, and tax returns for the corresponding years with CCPA to verify the authenticity of our IIT Rankers' enrollment.
 - v. There is currently no Coaching Classes Regulation Act in Maharashtra, and no Central or State Government guidelines dictate the format or tenure for maintaining coaching institute records.
 - vi. Additionally, no third-party rating agency exists—government-appointed or private—to validate any comparative or superlative claims made by coaching institutes. Hence, such claims cannot be proven or disproven through third-party verification.

- vii. Our claim of having the best and highest success ratio for 21 years was based on the fact that no other coaching institute in our region had publicly declared their success ratio in advertisements, brochures, or websites since 2002. Since coaching institutes usually highlight their strengths, we assumed that being the only one to declare our success ratio justified our claim.
- viii. In our Webinars, we transparently explained our success ratio in terms of National College eligibility (via JOSAA), JEE Advanced qualifications, and IIT admissions, ensuring no concealment of information from students and parents before enrollment.
- ix. Upon receiving the Investigation Report, we noted that CCPA objected to the word "Unmatched" in "Unmatched Success Ratio." Thereafter, we promptly replaced it with "Excellent Success Ratio."
- x. We appeal to CCPA to conduct awareness seminars for coaching institutes to educate them about the new advertising rules set by the Ministry of Consumer Affairs. Many institutes may inadvertently violate these norms due to a lack of awareness rather than malicious intent.
- xi. Institute was not fully aware of these new regulations but affirms that all our claims are credible. However, some claims, spanning over two decades, are neither provable nor disprovable due to the lack of third-party validation methods.
- xii. Institute assure compliance with the new advertising norms in the future and request guidance to better understand these laws.

11. Thereafter, another opportunity of hearing was provided to the opposite party on 24.01.2025. Appearing on behalf of opposite party, Mr. Durgesh C. Mangeshkar, Director, IITian's Prashikshan Kendra Pvt. Ltd. (IITPK) submitted the following:-

- i. Opposite party provides coaching starting from the 7th class onward and operates 11 centers in Pune, Maharashtra. They conduct classes in both offline and online modes. Every year, approximately 600-700 students enroll in a two-year course starting in the 10th grade.
- ii. Opposite party has provided records from 2018 to 2024 to the CCPA, as records prior to 2018 are not available.
- iii. Opposite party started alumni platform wherein we are onboarding students so that students can get in touch with alumni and verify the same.

- iv. The bold letters 1 & 2 indicates that they are Ranked No.1 & 2 in our coaching institute.
 - v. With respect to claim of "61% Success Ratio". The said success ratio was calculated as per the percentage of students who have scored well enough to secure a National college via JOSAA (Joint Seat Allocation Authority) counselling based.
 - vi. Opposite party considered the cut off of various National colleges that takes admission through JOSAA counselling, where each college has a different cutoff. The opposite party took the minimum cutoff of all these colleges and 70% of our students has cleared that minimum cutoff.
 - vii. With respect to the claims i.e. "Highest success ratio year after year" and "Best success ratio for 21 years," the opposite party stated that no other institute in their region makes such claims. They further stated that since no one has objected to or challenged their success ratio claim, they have continued using it. The claim has not been validated by any third party.
 - viii. Opposite party running 11 centers in Pune, Maharashtra. Opposite party is running both offline and online mode. Every year approx. 600-700 students in one batch for 2 years course.
12. With reference to the hearing conducted on 24.01.2025, CCPA directed the opposite party to submit any new written submission, if any.
13. The CCPA received an email from the opposite party on 28.01.2025, in which opposite party submitted the following:-
- i. JEE MAINS Success Ratio: According to us, it indicates the ratio of students who scored good enough Percentile in JEE MAINS exam to be eligible for securing a national-level college like NITs, IIITs, GFTIs (Government Funded Technical Institutes) via JOSAA counselling (a centralized counselling conducted every year to facilitate admission to the various national colleges) to the total number of students enrolled in our institute in the JEE batches for that particular year.
 - ii. JEE ADVANCED Success Ratio : According to us, it indicates the ratio of students who secured an All India Rank in any category as declared by the IITs to the total number of students enrolled in our institute in the JEE ADVANCED

batches for that particular year. We would also like to reiterate that the meaning and import of Success Ratio and Retention Ratio is clearly explained to parents and students in our free Webinar and one-to-one counselling before they take admission in our institute. So, every parent knows what we are claiming before taking admission. We conduct offline and hybrid mode classroom programs in Pune only.

14. 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;

15. From a 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.

16. In its advertisement, the opposite party claimed, *"1384 IIT Ranks in the past 21 years by IITPK."* The CCPA provided ample opportunities during the investigation process, hearings, and written submissions to the opposite party to substantiate this

claim. In response, the opposite party submitted a list that included only the names of the courses opted for by the students and the All-India Rank (AIR) secured by them. However, the list did not mention the institutes where these students were admitted or enrolled. Upon further examination of the opposite party's responses, website, and other sources, the CCPA found that all 1384 students were not selected into IITs. Instead, the list comprised a combination of students admitted to IITs, IIITs, NITs, BITS, Manipal University, VIT Vellore, PICT Pune, MIT Pune, VIT Pune, and other institutions. A parent or a student of class 7th to 12th class (age group of 14-17 years)—who are the targeted consumer/audience for such advertisements—would naturally assume that "1384 IIT Ranks" means that these students secured admission into IITs. Since this is not the case, the claim is misleading and creates a false impression about the opposite party's services, constitute a misleading advertisement under the Consumer Protection Act, 2019. The omission of material facts deceives students and parents, leading them to enroll in the coaching institute under false expectations. It may be noted that consumers have the right to accurate and truthful information about the services they are paying for.

17. Opposite party in its advertisement used terms such as "IIT Topper," "MHT CET Topper," "NEET Topper," "XII CBSE Topper," and "XII HSC Topper" along with prominent '1' and '2' symbols in front of candidate's names & picture to create the impression that these individuals secured All India Rank 1 and 2. However, upon examining the response from the opposing party, the CCPA found that **these students are only opposite party institute's topper** and this crucial fact was not disclosed anywhere in the advertisement. This deliberate concealment of material information misleads students and parents into believing that the institute has produced national-level toppers, which can unfairly influence their decision to enroll in the institute under false expectations. This misrepresentation directly impacts consumer decision-making and failing to disclose that the rankings were only within the institute, the opposite party withheld critical information, preventing consumers from making an informed choice.

18. Opposite party in its advertisement claim "*IITPK students crack all 2023 exams*". The CCPA provided ample opportunities during the investigation process, hearings, and written submissions to the opposite party to substantiate the claim.

However, opposite party failed to substantiate the abovementioned claim which falsely implies that students from the opposite party have successfully cleared every single competitive exam conducted in 2023. This statement exaggerates the institute's success rate, omits crucial details, and deceive consumers, particularly students and parents, who rely on such claims when choosing a coaching institute. The phrase "crack all 2023 exams" suggests that 100% of IITPK students have cleared every competitive exam they attempted. The advertisement does not clarify:

- i. Which specific exams are included.
- ii. The actual number of students who qualified.
- iii. The total number of students who appeared for these exams.

By failing to disclose the critical information, the claim misrepresents the institute's success and misleads consumers into believing that IITPK guarantees success in all exams, which is not true.

19. Opposite party in its advertisement claims "Highest success ratio year after year", "Best success ratio for 21 years", "Success Ratio at 61%". However, in the advertisement, opposite party fail to disclose crucial details about how the figures were calculated. The opposite party in its responses clarified that the JEE MAINS success ratio refers only to students who scored a percentile high enough to qualify for admission to national-level institutions like NITs, IIITs, and GFTIs (Government Funded Technical Institutes) through JOSAA counseling. Similarly, the JEE ADVANCED success ratio includes students who obtained any category rank. However, the placement of the advertisement, featuring the institute's name i.e. IITian's Prashikshan Kendra Pvt. Ltd. along with the names and pictures of successful candidates with the claims "Highest success ratio year after year", "Best success ratio for 21 years", "Success Ratio at 61%" creates the impression that 61% of the students from the institute secure admission into IITs (Indian Institutes of Technology). This presentation is misleading and likely to deceive consumers. By using broad, unqualified claims such as "Highest success ratio" and "Best success ratio" without any comparative data or verification, the advertisement wrongly inflates the institute's credibility. The Institute submissions during hearings that since no one has challenged or objected the abovementioned claims about success ratio is unconvincing. Additionally, while the opposite party asserts that the meaning of "Success Ratio" is explained in webinars and one-on-one counseling, this does not rectify the misleading

nature of the advertisement itself, as the important information should have mentioned prominently and upfront in the advertisement.

20. 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'*.

21. 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 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.

22. 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.

23. As submitted by the opposite party, it has 11 centres in Pune, Maharashtra. It may be mentioned that every year approximately 11-12 Lakhs students apply for the IIT JEE exam. Therefore, the vulnerability of the class of persons likely to be adversely

affected by such misleading advertisement is huge. Therefore, CCPA after examining the evidence, investigation report and submissions during hearing, is satisfied that opposite party has engaged in false or misleading advertisement and violated consumer rights as envisaged under Consumer Protection Act, 2019. In light of these circumstances, CCPA finds it necessary to impose a penalty in the interest of impressionable students of class 7th to 12th class (age group of 14-17 years) to address such false or misleading advertisement.

24. In view of the above, under Section- 20, 21 read with Section 10 of the Consumer Protection Act 2019, CCPA hereby issues the following directions: -

- a) Discontinue the misleading advertisements with immediate effect.
- b) Pay a penalty of ₹ 3,00,000 for publishing misleading advertisements.
- 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

← ↻ 🔒 https://www.iitpk.com

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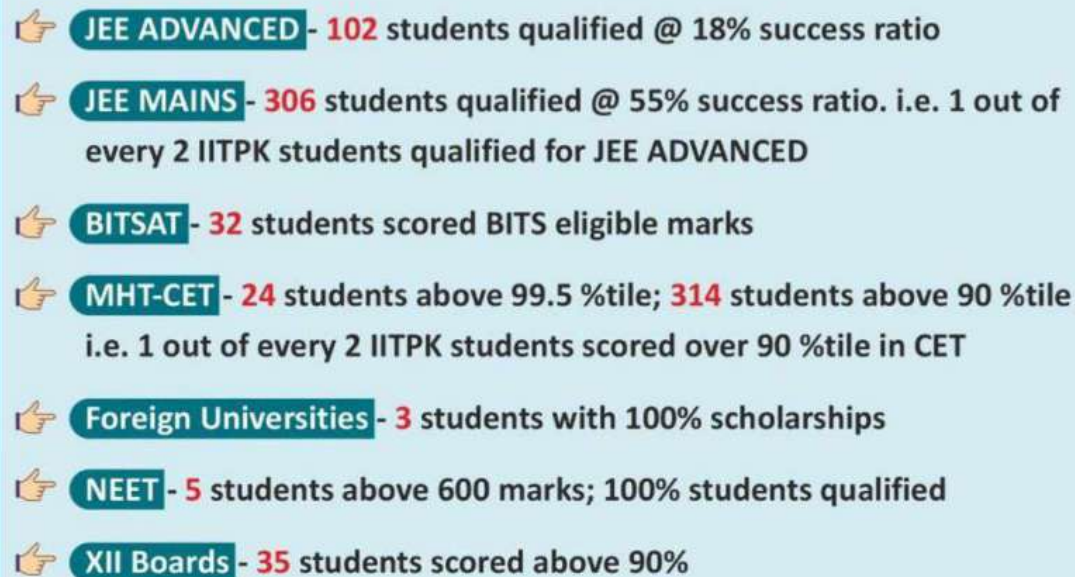
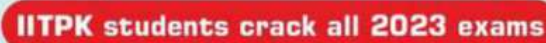
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BEST IIT-JEE COACHING IN PUNE

1384 IIT-Ranks in past 21 years by IITPK	AIR 1 from IITPK in JEE MAINS 2015	70% JEE MAINS Success Ratio	22% JEE ADVANCED Success Ratio	600+ scorers in NEET for 7 consecutive years
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(For Std. 11,12)

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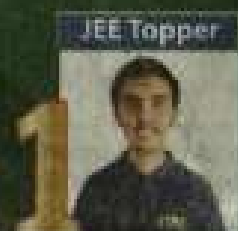
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