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III	TELECOMMUNICATION SECTOR Arbitral remedy under the Indian Telegraph Act, 1885, will not prevent the jurisdiction of the consumer forum.
IV	BANKING SECTOR When a person avails a service for a commercial purpose, to

come within the meaning of ‘consumer’, he will have to establish that the services were availed exclusively for the purposes of earning his livelihood by means of self-employment.

V REAL ESTATE

CPA, 2019 and the RERA Act neither exclude nor contradict each other and they must be read harmoniously to sub serve their common purpose.

Altering the Layout of the project without Prior Notice to the consumer amounts to ‘Trade Practice.’

The revision petition under section 51 sub section (2) of the Act, 2019 is maintainable before the NCDRC.

The delay of five years is a crucial factor and the bargain cannot now be imposed upon the Respondents.

VI AUTOMOBILE SECTOR

For Selling Vehicles with Defective Air Bags OPs will be held liable for Damages

Supreme Court condoned 67 days delay in filing revision before NCDRC saying that Question of Limitation Pertains to Substantial Justice.

VII MEDICAL SECTOR

Health care service provided by doctors are covered under Consumer Protection Act 2019.

Findings of the MCI regarding the professional conduct of a doctor are relevant for deciding Medical Negligence cases.

VIII INSURANCE SECTOR

Insurance company should not ask for the documents, which the insured is not in a position to produce due to circumstances beyond his control.

Insurer repudiating insurance claim by concealing material fact is liable for penalty.

Insurance Company cannot repudiate claim merely for delay in intimating it about the occurrence of the theft if the FIR was lodged immediately.

IX. E-COMMERCE

The seller and the service provider are liable for any defect, deficiency of services and unfair trade practice on the service provided or good/product sold by them.

E-Commerce platform should not violate mandatory standards with regard to sale of pressure cooker.

X EDUCATION SECTOR

Instant ex-parte order may be passed by Consumer Commission in case of non-representation of opposite party and non satisfaction with respect to learning app and failure to refund the amount as

- promised amounts to deficiency in service.**
- XI. SERVICE SECTOR
Acts of allurement and unfair trade practice via misleading emails and advertisements is covered by the Act.
Service charge on hotel and restaurant bill is “totally voluntary” and not mandatory.
Charging anything other than the said amount would amount to unfair trade practice under the Act.
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 - Formulae for fixing the percentage of reservation for the SC and ST candidates and for determining the percentage of seats to be reserved for OBC candidates under the second proviso of Section 3 of the Central Educational Institutions (Reservation in Admission) Act, 2006, ought to be gathered from the same source and any other interpretation would lead to uncertainty.**
 - Transformative Equality: From ‘formal equality’ to ‘substantive equality’**
 - There cannot be a legitimate expectation as to the continuity of the same scheme and state of things in the matter of admission on the part of students. The principle of just expectation cannot be invoked when public interest demands a change of policy**
 - Even though the interchangeability/de-reservation of the vacant unfilled posts of SC category may be statutorily permissible and possible, but if the State Government had demonstrated to be not desirable, the fresh selection process and the fresh advertisement**

for filling up all the vacant SC/ST posts is not liable to be interfered
A writ of mandamus cannot be issued for providing incentives or reservation to the Government medical doctors
Transgender persons entitled to reservation under third gender category
The principle of “reasonable accommodation” for facilitating the development of the disabled
State is under an obligation to immediately implement the 10% EWS reservation

III UNIVERSITY ADMINISTRATION

Relinquishment of promotion is not perpetual: Seniority, a thumb rule, which has to be considered every time
Appointment of a Vice-Chancellor under a State Legislation cannot be contrary to UGC Regulations
Declaratory/Clarificatory Amendment usually meant to operate from antecedent date or cover antecedent events
No nexus between the classification of the services rendered in Government colleges and the self-financing private colleges when the career advancement scheme

IV RECRUITMENT/APPOINTMENTS/TERMINATION AND CONDITIONS OF SERVICE

Contractual employment given after following processes like regular employment cannot be terminated without following the due principles of natural justice
The test to be applied is an illegality that vitiates the selection process and the nearness of relation should be so great as to give rise to reasonable apprehension of bias in selection
Right to establish an educational institution is a fundamental right. Pharmacy Council of India can only impose moratorium by way of a law and not by executive instruction

V RIGHTS OF STUDENT

Admission schedule to Post-graduate Medical Courses must be followed strictly
A candidate qualified from foreign medical institutions can be subjected to the Screening Test postulated by the Indian Medical Council Act, 1956
Hardship No Ground to Question Validity of a Medical PG Eligibility Criteria
No provision anywhere of permitting private medical colleges to take a bond
Completion of entire duration of the course, including the clinical training is mandatory under Graduate Medical

Education Regulations, 1997

No unreasonability or arbitrariness can be attributed to the Licentiate or CRMI Regulations

VI AFFILIATION AND RECOGNITION

Mere perception of unreasonability or arbitrariness is not enough, but something more must be forthcoming on the ground of challenge as not meeting the essential and basic parameters of reasonableness

Permission granted for medical admissions for subsequent year cannot be deemed to be permission for earlier year

The courts cannot question the inspection report issued by an expert team of assessors or sit an appeal of the same

Merely because in the same session, a teacher leaves previous employment to join a new institution, cannot be debarred from being counted in the regular faculty of the new institution

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