



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

FRIDAY, THE 31st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

**WRIT PETITION NO: 16444, 16445, 16556,
16558, 16559, 16978 and 17156 of 2026**

WP.No.16444/2026

Between:

1.K L N TRADERS, REP BY VIJAY KUMAR KATTAMURI
PROPRIETOR- R/O. C/O K.SRINAVASARAO, 8-2-4, FIRST FLOOR,
P.W.MARKET. VIZIANAGRAM, VIZIANAGARAM DISTRICT,
ANDHRA PRADESH

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL
SECRETARY, SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR
DISTRICT. 522238
- 2.THE SAMAGRA SHIKSHA ABHIYAN, REP., BY ITS STATE PROJECT
DIRECTOR, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA,
ANDHRA PRADESH.520010
- 3.THE STATE PROJECT DIRECTOR, THE SAMAGRA SHIKSHA
ABHIYAN, KBC BOYS HIGH SCHOOL PREMISES, OPPLRYTHY
BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH.520010
- 4.M/S SRI VIGNESWARA ENTERPRISES, REPRESENTED BY ITS
PROPRIETOR, RAMAKRISHNA VARMA ALLURI, S/O. A.V.
RAMA RAJU, AGED ABOUT 46 YEARS, C/O. FLAT NO. LIG B-
88, KOVUR NAGAR, MVP COLONY, SECTOR-6,
VISAKHAPATNAM, ANDHRA PRADESH - 530013.
- 5.VICTORY BAZARS PRIVATE LIMITED, REP. BY ITS AUTHORIZED
SIGNATORY MUMMANI VASU PRAMOD, REGISTERED OFFICE
AT 8-452/2, CRC ROAD, RAVULAPALEM, EAST GODAVARI,
ANDHRA PRADESH 533238. RR 4 AND 5 ARE IMPEADED AS PER
COURTS ORDER DT. 23.07.2026 IN I.A.NOS.2 AND 3 OF 2026

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the affidavit filed therewith, the High Court may be
pleased topleased to issue an appropriate order or direction more particularly
one in the nature of Writ of Mandamus to declare the Tender published
through Tender published through Tender ID.No.935069 and Notice
No.KGBV Zone-IV-SS-21021/44/2026- IED for supply of Non-perishable

items/Milks/Eggs to 139 KGBV Schools in Zone-1 comprising of Nandyal, Kurnool, Chittoor, Tirupati and Kadapa District for a period of ten (10) months for an estimated cost of Rs.44.26 Crores/- (Rupees Fourty Four Crores Twenty Six Lakhs) and the Corrigendum, dated 17.06.2026 as restrictive, tailor made and discriminatory as arbitrary illegal, colourable exercise of power, apart from being violative of General Financial Rules, 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently set aside Tender in Tender ID.No.935069 and Notice No.KGBV Zone-IV-SS- 21021/44/2026-IED KGBV-SSA, dated 15.05.2026 for supply of Non- perishable items/Milks/Eggs to 139 KGBV Schools in Zone-1 comprising of Nandyal, Kurnool, Chittoor, Tirupati and Kadapa District and the Corrigendum, dated 17.06.2026 Consequentially, direct the respondents to issue a fresh tender by altering the restrictive, arbitrary and illegal conditions and as per G.O.Ms.No.53, Social Welfare Department, dated 31.08.2023 and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuance of Tender ID.No.935069 and Notice No.KGBV Zone-IV-SS-21021/44/2026-IED & KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 139 KGBV Schools in Zone-1 comprising of Nandyal, Kurnool, Chittoor, Tirupati and Kadapa District and the Corrigendum, dated 17.06.2026 pending disposal of the above Writ Petition and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to allow the present application and implead the proposed as Respondent No.4 in the present writ petition and pass

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to implead the proposed respondent as Respondent No.4 in W.P. No. 16444 of 2026 and its allied miscellaneous applications, as a necessary and proper party, in the interest of justice, equity and fair play, and pass

Counsel for the Petitioner:

1.B.ABHAY SIDDHANTH MOOTHA

Counsel for the Respondent(S):

1.P HEMACHANDRA

2.GP FOR EDUCATION

3.PILLA YASWANI

WP.No.16445/2026**Between:**

- 1.SRI VENKATESWARLU TRADERS, REP., BY ITS PROPRIETOR V.SRIVANI, HAVING OFFICE AT GOLLAVEEDHI, CHEEPURAPALLI VILLAGE AND MANDAL, VIZIANAGARAM DISTRICT-535128

...PETITIONER**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT. 522238
- 2.THE SAMAGRA SHIKSHA ABHIYAN, REP., BY ITS STATE PROJECT DIRECTOR, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH.520010
- 3.THE STATE PROJECT DIRECTOR, THE SAMAGRA SHIKSHA ABHIYAN, KBC BOYS HIGH SCHOOL PREMISES, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH. 520010
- 4.M/S SRI VIGNESWARA ENTERPRISES, REPRESENTED BY ITS PROPRIETOR, RAMAKRISHNA VARMA ALLURI, S/O. A.V. RAMA RAJU, AGED ABOUT 46 YEARS, C/O. FLAT NO. LIG B-88, KOVUR NAGAR, MVP COLONY, SECTOR-6, VISAKHAPATNAM, ANDHRA PRADESH - 530013.
- 5.VICTORY BAZARS PRIVATE LIMITED, REP. BY ITS AUTHORIZED SIGNATORY MUMMANI VASU PRAMOD, REGISTERED OFFICE AT 8-452/2, CRC ROAD, RAVULAPALEM, EAST GODAVARI, ANDHRA PRADESH 533238. RR 4 AND 5 ARE IMPEADED AS PER COURTS ORDER DT. 23.07.2026 IN I.A.NOS.2 AND 3 OF 2026

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus to declare the Tender published through Tender ID.No.934945 and Notice No.KGBV Zone-I-SS-21021/44/2026-IED AND KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 111 KGBV Schools in Zone-1 comprising of Srikakulam, Parvatipuram Many am and Vizianagaram District for a period of ten (10) months for an estimated cost of Rs.33.94 Crores/- (Rupees Thirty Three Crores Ninety Eakhs) and the Corrigendum, dated 17.06.2026 as restrictive, tailor made and discriminatory as arbitrary illegal, colourable exercise of power, apart from being violative of General Financial Rules, 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently set aside Tender in ID.No.934945 and Notice No.KGBV Zone-I- 21021/44/2026-IED AND KGBV-SSA, dated 15.05.2026 for supply of Non- perishable items/Milks/Eggs to 111 KGBV Schools in Zone-1 comprising of Srikakulam, Parvatipuram Many am and the Corrigendum, dated 17.06.2026 b. Consequentially, direct the

respondents to issue a fresh tender by altering the restrictive, arbitrary and illegal conditions and as per G.O.Ms.No.53, Social Welfare Department, dated 31.08.2023 and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuance of Tender in ID.No.934945 and Notice No.KGBV Zone-I-SS-21021/44/2026-IED & KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 111 KGBV Schools in Zone-1 comprising of Srikakulam, Parvatipuram Manyam and the Corrigendum, dated 17.06.2026 pending disposal of the above Writ Petition and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to allow the present application and implead the proposed Respondent No.4 in the present writ petition and pass

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the proposed respondent as Respondent No.4 in W.P. No. 16445 of 2026 and its allied miscellaneous applications, as a necessary and proper party, in the interest of justice, equity and fair play, and pass

Counsel for the Petitioner:

- 1.B.ABHAY SIDDHANTH MOOTHA

Counsel for the Respondent(S):

- 1.P HEMACHANDRA
- 2.GP FOR SCHOOL EDUCATION
- 3.PILLA YASWANI

WP.No.16556/2026

Between:

- 1.NAIDU ENTERPRISES, REP., BY ITS PROPRIETOR APPALA NAIDU VENTAKU HAVING OFFICE AT GONDUPALEM, K.KOTAPADU MANDAL, ANAKAPALLI DISTRICT, ANDHRA PRADESH

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238.
- 2.THE SAMAGRA SHIKSHA ABHIYAN, REP., BY ITS STATE PROJECT DIRECTOR, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH - 520010.
- 3.THE STATE PROJECT DIRECTOR, THE SAMAGRA SHIKSHA ABHIYAN, KBC BOYS HIGH SCHOOL PREMISES, OPP.RYTHU

BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH - 520010.
 4. VICTORY BAZARS PRIVATE LIMITED, REP. BY ITS AUTHORIZED
 SIGNATORY MUMMANI VASU PRAMOD, REGISTERED OFFICE
 AT 8-452/2, CRC ROAD, RAVULAPALEM, EAST GODAVARI,
 ANDHRA PRADESH 533238. RR 4 ARE IMPEADED AS PER
 COURTS ORDER DT. 23.07.2026 IN I.A.NOS.2 OF 2026

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus to declarethe Tender published through Tender published through Tender ID.No.935035 and Notice No.KGBV Zone-II-SS-21021/44/2026-IED AND KGBV- SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 106 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram, ASR, Kakinada, Eluru and NTR Districts for a period of ten (10) months for an estimated cost of Rs.25.69 Crores/- (Rupees Twenty Five Crores Sixty Nine Lakhs) and the Corrigendum, dated 16.06.2026 (published on 17.06.2026)as restrictive, tailor made and discriminatory as arbitrary illegal, colourable exercise of power, apart from being violative of General Financial Rules, 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of Indiaand consequently set aside Tender inTender ID.No.935035 and Notice No.KGBV Zone-II-SS- 21021/44/2026-IED AND KGBV-SSA, dated 15.05.2026 for supply of Non- perishable items/Milks/Eggs to 106 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram, ASR, Kakinada, Eluru and NTR Districts and the Corrigendum, dated 17.06.2026 a. Consequentially, direct the respondents to issue a fresh tender by altering the restrictive, arbitrary and illegal conditions and as per G.O.Ms.No.53, Social Welfare Department, dated 31.08.2023and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuance of Tender ID.No.935035 and Notice No.KGBV Zone-II-SS-21021/44/2026-IED & KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 106 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram, ASR, Kakinada, Eluru and NTR Districtsand the Corrigendum, dated 17.06.2026pending disposal of the above Writ Petition and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to implead the proposed respondent as Respondent No.4 in W.P. No. 16556 of 2026 and its allied miscellaneous applications, as a necessary and proper party, in the interest of justice, equity and fair play, and pass

Counsel for the Petitioner:

1.B.ABHAY SIDDHANTH MOOTHA

Counsel for the Respondent(S):

- 1.P HEMACHANDRA
- 2.GP FOR SCHOOL EDUCATION

WP.No.16558/2026

Between:

- 1.M/S.SRI VENKATESWARA TRADERS, REP BY ITS PROPRIETOR DAVALAKRISHNARAO HAVING OFFICE AT P.N.COLONY, SRIKAKULAM DISTRICT, ANDHRA PRADESH-532 005.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT 522238.
- 2.THE SAMAGRA SHIKSHA ABHIYAN, REP., BY ITS STATE PROJECT DIRECTOR, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH - 520010.
- 3.THE STATE PROJECT DIRECTOR, THE SAMAG'RA SHIKSHA ABHIYAN, KBC BOYS HIGH SCHOOL PREMISES, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH - 520010.
- 4.VICTORY BAZARS PRIVATE LIMITED, REP. BY ITS AUTHORIZED SIGNATORY MUMMANI VASU PRAMOD, REGISTERED OFFICE AT 8-452/2, CRC ROAD, RAVULAPALEM, EAST GODAVARI, ANDHRA PRADESH 533238. RR 4 ARE IMPEADED AS PER COURTS ORDER DT. 23.07.2026 IN I.A.NOS.2 OF 2026

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus to declare the Tender published through Tender ID.No.935072 and Notice No.KGBV Zone-V-SS-21021/44/2026-IED and KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 127 KGBV Schools in Zone-V comprising of Ananthapuram, Sri Sathya Sai and Annamayya District for a period of ten (10) months for an estimated cost of Rs.40.07 Crores/- (Rupees Forty Crores and Seven Lakhs) and the Corrigendum, dated 16.06.2026 (published on 17.06.2026) as restrictive, tailor made and discriminatory as arbitrary illegal, colourable exercise of power, apart from being violative of General Financial Rules, 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently set aside

a. Tender in Tender ID.No.935072 and Notice No.KGBV Zone-V-SS-21021/44/2026-IED and KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 127 KGBV Schools in Zone-V comprising of Ananthapuram, Sri Sathya Sal and Annamayya District and the Corrigendum, dated 16.06.2026 (published on 17.06.2026

b. Consequentially, direct the

respondents to issue a fresh tender by altering the restrictive, arbitrary and illegal conditions and as per G.O.Ms.No.53, Social Welfare Department, dated 31.08.2023 and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to stay all further proceedings in pursuance of Tender ID.No.935072 and Notice No. KGBV Zone-V-SS-21021/44/2026-IED & KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 127 KGBV Schools in Zone-V comprising of Ananthapuram, Sri Sathya Sal and Annamayya District and the Corrigendum, dated 16.06.2026 pending disposal of the above Writ Petition and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to implead the proposed respondent as Respondent No.4 in W.P. No.16558 of 2026 and its allied miscellaneous applications, as a necessary and proper party, in the interest of justice, equity and fair play, and pass

Counsel for the Petitioner:

1.B.ABHAY SIDDHANTH MOOTHA

Counsel for the Respondent(S):

1.P HEMACHANDRA

2.GP FOR SCHOOL EDUCATION

WP.No.16559/2026

Between:

1.M/S.GIRIPUTRA TRADERS, REP BY PROPRIETOR P. GOPAL RAJU
D.NO 1-1-98/1, BUTTAIGUDEM ROAD, NEAR S.R. PETROL BUNK,
JANGAREDDIGUDEM, JANGAREDDIGUDEM DISTRICT. WEST
GODAVARI, ANDHRA PRADESH

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL
SECRETARY, SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR
DISTRICT. 522238
2.THE SAMAGRA SHIKSHA ABHIYAN, REP., BY ITS STATE PROJECT
DIRECTOR, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA,
ANDHRA PRADESH.520010
3.THE STATE PROJECT DIRECTOR, THE SAMAGRA SHIKSHA
ABHIYAN, KBC BOYS HIGH SCHOOL PREMISES, OPP.RYTHY
BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH.520010
4.M/S SRI VIGNESWARA ENTERPRISES, REPRESENTED BY ITS
PROPRIETOR, RAMAKRISHNA VARMA ALLURI, S/O. A.V.
RAMA RAJU, AGED ABOUT 46 YEARS, C/O. FLAT NO. LIG B-
88, KOVUR NAGAR, MVP COLONY, SECTOR-6,

VISAKHAPATNAM, ANDHRA PRADESH - 530013.

5.VICTORY BAZARS PRIVATE LIMITED, REP. BY ITS AUTHORIZED SIGNATORY MUMMANI VASU PRAMOD, REGISTERED OFFICE AT 8-452/2, CRC ROAD, RAVULAPALEM, EAST GODAVARI, ANDHRA PRADESH 533238. RR 4 AND 5 ARE IMPEADED AS PER COURTS ORDER DT. 23.07.2026 IN I.A.NOS.2 AND 3 OF 2026

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to may be pleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus to declare the Tender published through Tender published through Tender ID.No.935066 and Notice No.KGBV Zone-III-SS-21021/44/2026 -IED and KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 106 KGBV Schools in Zone-III comprising of Palnadu, Bapatla, Prakasam, Markapuram and SPSR Nellore District for a period of ten (10) months for an estimated cost of Rs.33.99 Crores/- (Rupees Thirty Three Crores Ninety Nine Lakhs) and the Corrigendum, dated 16.06.2026 (published on 17.06.2026) as restrictive, tailor made and discriminatory as arbitrary illegal, colourable exercise of power, apart from being violative of General Financial Rules, 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently set aside a. Tender in Tender ID.No.935066 and Notice No.KGBV Zone-III-SS- 21021/44/2026- IED and KGBV-SSA, dated 15.05.2026 for supply of Non- perishable items/Milks/Eggs to 106 KGBV Schools in Zone-IV comprising of Nandyal, Kumool, Chittoor, Tirupati and Kadapa District and the Corrigendum, dated 17.06.2026 b. Consequentially, direct the respondents to issue a fresh tender by altering the restrictive, arbitrary and illegal conditions and as per G.O.Ms.No.53, Social Welfare Department, dated 31.08.2023 and pass such

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to stay all further proceedings in pursuance of Tender ID.No.935069 and Notice No.KGBV Zone-in-SS-21021/44/2026-IED and KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 106 KGBV Schools in Zone-IV comprising of Nandyal, Kumool, Chittoor, Tirupati and Kadapa District and the Corrigendum, dated 17.06.2026 pending disposal of the above Writ Petition and pass such

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to allow the present application and implead the proposed as Respondent No.4 in the present writ petition and pass

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

May be pleased to implead the proposed respondent as Respondent No.4 in W.P. No.16559 of 2026 and its allied miscellaneous applications, as a necessary and proper party, in the interest of justice, equity and fair play, and pass

Counsel for the Petitioner:

1.B.ABHAY SIDDHANTH MOOTHA

Counsel for the Respondent(S):

1.P HEMACHANDRA

2.GP FOR SCHOOL EDUCATION

3.PILLA YASWANI

WP.No.16978/2026

Between:

1.M/S.S.S.R.STORES (SUPER BAZAAR),, REP., BY ITS MANAGING PARTNER S.SRINIVASA RAO, HAVING HEAD OFFICE AT D.NO. 10-4-14, GOLKONDAREVU ROAD, SRIKAKULAM MARKET SUB POST OFFICE, CHINNA BHARATHAM COLONY, SRIKAKULAM CITY AND DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT. 522238
- 2.THE SAMAGRA SHIKSHA ABHIYAN, REP., BY ITS STATE PROJECT DIRECTOR, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH.520010
- 3.THE STATE PROJECT DIRECTOR, THE SAMAGRA SHIKSHA ABHIYAN, KBC BOYS HIGH SCHOOL PREMISES, OPP.RYTHY BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH.520010

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue appropriate order or direction more particularly one in The address for service on an in the nature of Writ of Mandamus to declare the Tender published through Tender ID.No.935035 and Notice No.KGBV Zone-II-SS-21021/44/2026-IED and KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 79 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram, ASR, Kakinada, Eluru and NTR Districts for a period of ten (10) months for an estimated cost of Rs.25.69 Crores/- (Rupees Twenty Five Crores Sixty Nine Lakhs) and the Corrigendum, dated 16.06.2026 (published on 17.06.2026) as restrictive, tailor made and discriminatory more particularly Clause 3.2.(g) and Clause 3.2(h) of the said Tender as arbitrary, illegal, apart from being violative of General Financial Rules, 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14,19 and 21 of the Constitution of India and consequently a. set aside the Tender published through Tender ID.no.

935035 and Notice No. KGBV Zone-II-SS-21021/44/2026-IED and KGBV-SSA dated 15-05-2026 for supply of Non-perishable items/Milks/Eggs to 79 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram ASR Kakinada, Eluru and NTR Districts and the Corrigendum, dated 16-06-2026 (published on 17-06-2026) b. Consequentially, direct the respondents to issue a fresh tender by altering the restrictive, arbitrary and illegal conditions and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuance of order ID.No.935035 and Notice No.KGBV Zone-II-SS-21021/44/2026-IED & KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 79 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram, ASR, Kakinada, Eluru and NTR Districts and the Corrigendum, dated 17.06.2026 pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. PHANI VISWANATH CHALLA

Counsel for the Respondent(S):

1. GP FOR SCHOOL EDUCATION

WP.No.17156/2026

Between:

1. MOHAMMED ZUBER, S/O.ABDULLA, AGED ABOUT 51 YEARS, OCC PROPRIETOR OF MADEENA TRADERS RIO.D.NO.1-203-74A, APHB COLONY, OPPOSITE MIG-56, ADONI, KURNOOL.
2. PUVVADA VENKATA NAGAR CHAKRAPANI, P.SREERAMULU, AGED ABOUT 51 YEARS, OCC PROPRIETOR OF MARUTHI GENERAL MERCHANTS R/O.D.NO.10-380, UPSTAIR, KASTURI BAI STREET, NEAR SRAVANI HOSPITAL, MARKAPUR CITY AND DISTRICT.
3. N.S .RAJENDRA PRASAD, S/O. S .R. S ATYANARAYANAMURTHY, AGED ABOUT 68 YEARS, OCC PROPRIETOR OF RAJENDRA DISTRIBUTORS, R/O.D.NO.16-1P-35, TIPPUKHAN STREET, HINDUPUR, SRI SATHYA SAI DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH REP, BY ITS SECRETARY, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT. 522238
2. THE SAMAGRA SHIKSHA ABHIYAN, REP., BY ITS STATE PROJECT DIRECTOR, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH. 520010
3. THE STATE PROJECT DIRECTOR, THE SAMAGRA SHIKSHA ABHIYAN, KBC BOYS HIGH SCHOOL PREMISES, OPP.RYTHU BAZAR, PATAMATA, VIJAYAWADA, ANDHRA PRADESH.520010

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus to declare the Memo No.564813/PROG-II/A2/2018, dated 23.03.2026 issued by the respondent No.1 according to the permission to the respondent No.3 to issue tenders for centralized procurement of K.G.B.Vidyalaya requirements at State/Zonal/District levels and Memo No.564813/Prog.II/A2/2018, dated 20.04.2026 constituting a committee for centralized procurement and the consequential tenders in Tender ID.No.934945 and Notice No.KGBV Zone-1-SS-21021/44/2026-IED and KGBV-SSA, Tender ID .No .935035 and Notice No.KGBV Zone-II-SS-21021/44/2026-IED and KGBV-SSA, Tender ID.No.935066 and Notice No.KGBV Zone-III-SS- 21021/44/2026-IED and KGBV-SSA, Tender published through Tender ID.No.935069 and Notice No.KGBV Zone-IV-SS-21021/44/2026-IED AND KGBV-SSA and Tender ID.No.935072 and Notice No.KGBV Zone-V-SS- 21021/44/2026-IED and KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to various K.G.B.Vidyalayas in the State of Andhra Pradesh issued by the respondent No.3 contrary to G.O.Ms.No.53 Social Welfare Department, dated 31.08.2023 was issued by the respondent No.1 as arbitrary illegal, colourable exercise of power, apart from being violative of the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently set aside the same and direct the respondents to follow the policy issued under G.O.Ms.No.53, Social Welfare Department, dated 31.08.2023 was issued by the respondent No.1 and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Memo No.564813/PROG- II/A2/2018, dated 23.03.2026 issued by the respondent No.1 and Memo No.564813/Prog.II/A2/2018, dated 20.04.2026, pending disposal of the above Writ Petition and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in Tender ID.No.934945 and Notice No.KGBV Zone- 1-SS-21021/44/2026-IED & KGBV-SSA, Tender ID.No.935035 and Notice No.KGBV Zone-II-SS-21021/44/2026-IED & KGBV-SSA, Tender ID.No.935066 and Notice No.KGBV Zone-III-SS-21021/44/2026-IED & KGBV-SSA, Tender published through Tender ID.No.935069 and Notice No.KGBV Zone-IV-SS-21021/44/2026-IED & KGBV-SSA and Tender ID.No.935072 and Notice No.KGBV Zone-V-SS-21021/44/2026-IED & KGBV-SSA, dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to various K.G.B.Vidyalayas in the State of Andhra Pradesh, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner(S):

1.PHANI VISWANATH CHALLA

Counsel for the Respondent(S):

1.GP FOR SCHOOL EDUCATION

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N

**WRIT PETITION Nos.16444, 16445, 16556, 16558,
16559, 16978 and 17156 of 2026**

COMMON ORDER:

1. The batch of writ petitions is filed primarily seeking the relief of declaring the tenders issued for the supply of various items to meet the dietary requirements of KGB Vidyalayas. The prayers sought in the batch of writ petitions are set out below to better understand the scope of each writ petition.
2. The WP.No.16444 of 2026 is filed to declare the Tender published through Tender ID No 935069 and Notice No KGBV ZoneIVSS21021/44/2026 IED for supply of Non-perishable items/Milks/Eggs to 139 KGBV Schools in Zone1 comprising of Nandyal Kurnool Chittoor Tirupati and Kadapa District for a period of ten 10 months for an estimated cost of Rs.44.26 Crores(Rupees Fourty Four Crores Twenty Six Lakhs) and the Corrigendum dated 17.06.2026 as restrictive tailor made and discriminatory and consequently to set aside Tender in Tender ID No 935069 and Notice No KGBV ZoneIVSS 21021/44/2026IED KGBVSSA dated 15 05 2026 for supply of Non perishable items/Milks/Eggs to 139 KGBV Schools in Zone1 comprising of NandyalKumool Chittoor Tirupati and Kadapa District and the Corrigendum dated 17.06.2026 and also consequentially direct the respondents to issue a fresh tender by altering the restrictive arbitrary

and illegal conditions and as per G.O.Ms.No.53 Social Welfare Department dated 31.08.2023 ;

3. The WP.No.16445 of 2026 is filed to declare the Tender published through Tender ID.No.934945 and Notice No.KGBV ZoneISS21021/44/2026IED AND KGBVSSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 111 KGBV Schools in Zone1 comprising of Srikakulam,Parvatipuram Manyam and Vizianagaram District for a period of ten 10 months for an estimated cost of Rs.33.94 Crores (Rupees Thirty Three Crores Ninety Lakhs) and the Corrigendum dated 17.06.2026 as restrictive tailor made and discriminatory as arbitrary illegal colourable exercise of power apart from being violative of General Financial Rules 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14 19 and 21 of the Constitution of India and consequently to set aside Tender in ID No 934945 and Notice No KGBV ZoneI 21021/44/2026IED and KGBVSSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 111 KGBV Schools in Zone1 comprising of Srikakulam,Parvatipuram, Manyam and the Corrigendum dated 17.06.2026 and consequentially direct the respondents to issue a fresh tender by altering the restrictive arbitrary and illegal conditions and as per G.O.Ms.No.53 Social Welfare Department dated 31.08.2023;
4. The WP.No.16556 of 2026 is filed to declare the Tender published through Tender published through Tender ID.No.935035 and Notice

No.KGBV Zone-IISS21021/44/2026IED and KGBV SSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 106 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram ASR Kakinada, Eluru and NTR Districts for a period of ten 10 months for an estimated cost of Rs.25.69 Crores (Rupees Twenty Five Crores Sixty Nine Lakhs) and the Corrigendum dated 16.06.2026 published on 17.06.2026 as restrictive tailor made and discriminatory as arbitrary illegal colourable exercise of power apart from being violative of General Financial Rules 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently set aside Tender in Tender ID.No.935035 and Notice No.KGBV Zone-IISS 21021/44/2026IED and KGBVSSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 106 KGBV Schools in Zone-II comprising of Visakhapatnam Anakapalli, Polavaram, ASR Kakinada, Eluru and NTR Districts and the Corrigendum dated 17.06.2026 a also consequentially direct the respondents to issue a fresh tender by altering the restrictive arbitrary and illegal conditions and as per G.O.Ms.No.53 Social Welfare Department dated 31.08.2023;

5. The WP.No.16558 of 2026 is filed to declare the Tender published through Tender ID No 935072 and Notice No.KGBV ZoneVSS21021/44/2026IED and KGBVSSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 127 KGBV Schools in Zone-V comprising of Ananthapuram, Sri Sathya Sai and Annamayya

District for a period of ten 10 months for an estimated cost of Rs.40.07 Crores (Rupees Forty Crores and Seven Lakhs) and the Corrigendum dated 16.06.2026 published on 17.06.2026 as restrictive tailor made and discriminatory as arbitrary illegal colourable exercise of power apart from being violative of General Financial Rules 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently set aside a Tender in Tender ID No.935072 and Notice No KGBV Zone-VSS 21021/44/2026 IED and KGBVSSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 127 KGBV Schools in Zone-V comprising of Ananthapuram, Sri Sathya Sai and Annamayya District and the Corrigendum dated 16.06.2026 published on 17.06.2026 and Consequentially direct the respondents to issue a fresh tender by altering the restrictive arbitrary and illegal conditions and as per G.O.Ms.No.53, Social Welfare Department dated 31.08.2023

6. The WP.No.16559 of 2026 is filed declare the Tender published through Tender published through Tender ID.No.935066 and Notice No.KGBV Zone-IIISS21021/44/2026 IED and KGBVSSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 106 KGBV Schools in Zone-III comprising of Palnadu,Bapatla, Prakasam,Markapuram and SPSR Nellore District for a period of ten 10 months for an estimated cost of Rs.33.99 Crores (Rupees Thirty Three Crores Ninety Nine Lakhs) and the Corrigendum dated 16.06.2026 published on

17.06.2026 as restrictive tailor made and discriminatory as arbitrary illegal colourable exercise of power apart from being violative of General Financial Rules, 2017 and the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently set aside a Tender in Tender ID.No.935066 and Notice No.KGBV Zone-IIISS 21021/44/2026IED and KGBVSSA dated 15.05.2026 for supply of Non perishable items/Milks/Eggs to 106 KGBV Schools in Zone-IV comprising of Nandyal, Kurnool, Chittoor, Tirupati and Kadapa District and the Corrigendum dated 17.06.2026 and also consequentially direct the respondents to issue a fresh tender by altering the restrictive arbitrary and illegal conditions and as per G.O.Ms.No 53, Social Welfare Department dated 31.08.2023

7. The WP.No.16978 of 2026 is filed to declare the Tender published through Tender ID.No.935035 and Notice No.KGBV Zone-IIISS21021/44/2026IED and KGBVSSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 79 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram, ASR, Kakinada, Eluru and NTR Districts for a period of ten 10 months for an estimated cost of Rs.25.69 Crores (Rupees Twenty Five Crores Sixty Nine Lakhs) and the Corrigendum dated 16.06.2026 published on 17.06.2026 as restrictive tailor made and discriminatory more particularly Clause 32 (g) and Clause 32(h) of the said Tender as arbitrary illegal apart from being violative of General Financial Rules, 2017 and the Fundamental Rights

guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently to set aside the Tender published through Tender ID.No.935035 and Notice No.KGBV Zone-IISS21021/44/2026IED and KGBVSSA dated 15.05.2026 for supply of Non-perishable items/Milks/Eggs to 79 KGBV Schools in Zone-II comprising of Visakhapatnam, Anakapalli, Polavaram, ASR, Kakinada, Eluru and NTR Districts and the Corrigendum dated 16.06.2026 published on 17.06.2026 and consequentially to direct the respondents to issue a fresh tender by altering the restrictive arbitrary and illegal conditions

8. The WP.No.17156 of 2026 is filed to declare the Memo No.5648 13/PROGII/A2/20 18 dated 23.03.2026 issued by the respondent No.1 according permission to the respondent No.3 to issue tenders for centralized procurement of KGB Vidyalaya requirements at State/Zonal/District levels and Memo No.564813/Prog-II/A2/2018 dated 20.04.2026 constituting a committee for centralized procurement and the consequential tenders in Tender ID No.934945 and Notice No.KGBV Zone-1SS21021/44/2026IED and KGBVSSA Tender ID No.935035 and Notice No.KGBV Zone-IISS21021/44/2026IED and KGBVSSA Tender ID No.935066 and Notice No.KGBV Zone-IISS 21021/44/2026IED and KGBVSSA Tender published through Tender ID No.935069 and Notice No.KGBV Zone-IVSS21021/44/2026IED and KGBVSSA and Tender ID No.935072 and Notice No.KGBV Zone-VSS

21021/44/2026IED and KGBVSSA dated 15.05.2026 for supply of Non perishable items/Milks/Eggs to various KGB Vidyalaya in the State of Andhra Pradesh issued by the respondent No.3 contrary to G.O.Ms.No.53, Social Welfare Department dated 31.08.2023 was issued by the respondent No.1 as arbitrary illegal,colourable exercise of power apart from being violative of the Fundamental Rights guaranteed to the petitioner under Articles 14,19 and 21 of the Constitution of India and consequently to set aside the same and direct the respondents to follow the policy issued under G.O.Ms.No.53, Social Welfare Department dated 31.08.2023 was issued by the respondent No.1

9. All the writ petitions are filed seeking cancellation of the tender forming the subject of the writ petitions and a direction to re-issue the tenders. With the consent of the learned counsel appearing for the parties, the writ petitions are taken up for hearing for passing a common order.
10. Sri. P. Veera Reddy, learned Senior Counsel appearing for Sri. Phani Viswanath Challa, Advocate for the petitioner in WP.Nos.17156, 16978 of 2026. The primary contention of the learned senior counsel is that the petitioners are aggrieved by the Memo dated 23.03.2026 issued by the respondent No.1 according permission to the respondent No.3 to issue tenders for centralised procurement for KGB Vidyalaya requirements at State/ Zonal/District Levels and the Memo dated 20.04.2026 constituting a committee for centralised procurement.

11. The petitioners are in the business of wholesale supply of provisions, milk, vegetables, fruits and eggs to various schools and hostels in various Districts of the State.
12. The respondent No.1 has issued GOMs.No.53, dated 31.08.2023, wherein the procurement of provisions, dietary items and student amenities for boarders of hostels and other residential schools including Social Welfare, Tribal Welfare and KGB Vidyalas. The said G.O mandates procurement of non-perishable items for AP State Civil Supply Corporation, Girizan Cooperative Corporation vide a Central Tendering Process. It is also submitted that the eggs ought to be procured from an approved agency under the Mid-Day Meals Scheme and milk has to be procured through Amul, Vijaya and local dairy. Onions have to be procured from the District Purchase Committee.
13. The learned senior counsel submits that while GOMs.No.53 is subsisting, the respondents could not have issued a Memo introducing a centralised tendering system to accommodate the bidders of the choice of respondent Nos.2 and 3. It is also alleged that Respondent No.2 has decided to allot the tender in favour of certain entities. The milk and eggs were added in the tender to increase the value of the tender, which would eliminate persons who participated in the supply of eggs alone from becoming eligible.
14. It is also submitted that a corrigendum dated 25.06.2026 was issued revising the quantities without revising the estimated contract value. The

learned senior counsel places reliance on **State of Andhra Pradesh and Ors. Vs. K. Abhimanyudu**¹, this Court was considering the issue relating to a service matter where the promotion the petitioner was denied by referring to a Circular Memo and the Government Order relating to imposition of major and minor penalties. This Court has held that Government Orders cannot be diluted by circular memos and held that circular memos have no statutory force and effect.

15. **Kaluvoy Fishermen Cooperative Society and Ors. Vs. The State of Andhra Pradesh**², this Court held that a memo cannot supersede or depart from the provisions of any earlier Government Orders.

16. **K. Sampath Vs. State of Tamil Nadu, rep.by the Secretary to Government, Rural Development Department and Others**³, the High Court of Madras held that Government Order issued by the Government would prevail over subsequent Government Letter.

17. Sri. O. Manohar Reddy, learned senior counsel appearing for the petitioners in WP.No.16445 of 2026, submits that the tenders were called at the District Level by District Level Purchase Committees headed by the Joint Collector (Purchasers) of the concerned District. Contrary to the regular procurement procedure, respondents Nos. 2 and 3 issued a tender for the procurement and supply of non-perishable items/milk/eggs to 111 KGBV Schools for a period of ten months.

¹ MANU/AP/0521/2009

² MANU/AP/0213/2021

³ 2006 SCC Online Mad 1765

18. It is submitted that a pre-bid meeting was held on 19.05.2026, and about 37 items were included in the tender to be supplied. The petitioner is challenging the tender conditions in Clauses 2.3, 3.1.7, and 3.1.15. It is submitted that Clause 3.2(a) of the tender document pertains to legal registration of the firm. The bidder must be a Wholesale supplier or supermarket, and Firms registered in the State of Andhra Pradesh are eligible to participate. It is submitted that the proprietary concerned is targeted by the respondents, and to eliminate the proprietors, the said conditions are imposed in the tender document.
19. The learned senior counsel further submits that Clause 3.2(d) of the tender document would mandate that the bidder have an annual turnover of 100% of the estimated contract value in any one of the last three financial years (2023-2026). It is further submitted that Clause 3.2(g) of the tender document provides for experience criteria and, as per the original condition for super markets, the chain should have a minimum of 10 Supermarkets and should have supplied regularly Fast Moving Consumer Goods (FMCG) to at least 50 delivery points to any State/Central/Quasi Government / Private Institutions in the last three years. The wholesale supplier would have to supply FMCG to at least 100 delivery points to any State/Central Quasi-Government or Private Institutions.
20. The learned senior counsel further submits that, under the original tender condition Clause 3.2(h), the bidder should have supplied at least

50% of the total items and achieved 50% of the estimated contract value from the single work. It is submitted that the petitioner participated in the pre-bid meeting and requested that the perishable items be separated from the rest of the items, that a Joint Vendor System/Consortium be permitted for perishable goods, and that certain other clarifications be sought. It is also submitted that the estimated contract value was exaggerated without specifying the product-wise cost. The last date for submission of tenders was extended till 26.06.2026, and on 17.06.2026, a corrigendum was issued amending various provisions of the tender document. It is submitted that the Corrigendum revising the terms was intended to eliminate the petitioners and facilitate the choices of bidders for respondent Nos. 2 and 3.

21. The learned senior counsel also submits that the General Finance Rules, 2017 (GFR,2017), Rule 144(i)(b) forbid the tenders from mentioning a particular trademark, trade name or brand. It is submitted that the subject tender refers to various brands, which makes the tender document violative of the GFR, 2017.
22. The learned senior counsel submits that the respondent No.2 has revised the conditions only for ensuring the choice of respondent No.2 in awarding the tender to their preferred bidders. The learned senior counsel places reliance on **Meerut Development Authority Vs.**

Association of Management Studies and Another⁴, the Hon'ble Supreme Court held that the scope of judicial review is available when it is established that the terms of the invitation to the tender were so tailor-made to suit the convenience of any particular person with a view to eliminate all others from participating in the bidding process.

23. It is submitted that the facts of this case squarely fall within the ambit of the law laid down by the Hon'ble Supreme Court, and the respondents have tailor-made the conditions of contract to eliminate the petitioners and award the tender to their preferred choices.
24. The learned counsel appearing for the petitioners in other writ petitions have adopted the arguments of the learned senior counsel, and Sri. B. Abhay Siddanth Mootha, supplements the arguments by stating that the petitioners are targeted and, though clarifications were sought from the respondents, they have maintained stoic silence. It is submitted that the respondent Nos. 2 and 3 had a predetermined mind in preparing the tender document and the subsequent corrigendum, with the sole motive of eliminating the petitioners and awarding the tenders to the preferred bidders of the respondent Nos. 2 and 3, for reasons better known to them.
25. Sri. Gurram Rama Chandra Rao, the learned Government Pleader for the respondent Nos. 2 and 3, filed the counter and submits that the District Purchase Committee carried out the procurement of perishable

⁴ (2009) 6 SCC 171

and non-perishable goods in KGBV after calling bids at the District Level. It is submitted that though G.O.Ms.No.53 was issued with details of various items to be procured through State/Divisional/District Purchase Committees through A.P.Civil Supplies. It is submitted that G.O.Ms.No.53 would relate to only 21 non-perishable items, whereas more than 35 non-perishable items apart from milk and eggs are required for meeting the diet menu. As such, the meeting was conveyed to the Secretaries of Education, Social Welfare, B.C.Welfare, Tribal Welfare, and Women Development and Child Welfare Department, along with the Finance Chief Secretary and other Ministers, attended the Meeting on 22.07.2024. A decision was taken to continue the existing procurement arrangement until a final decision was made on price discovery. Accordingly, procurement was done. It is also submitted that the Civil Supplies Department cannot supply all the items required for meeting the diet requirements of the boarders and other students of the mid-day meal scheme etc., It is submitted that the tenders were issued by the District Purchase Committee for the year 2025 and that this arrangement was continued as a temporary measure to ensure uninterrupted supply of essential food provisions, to avoid disruption in serving meals to the students, at the same time without compromising on the quality of food. It is submitted that in the existing district-level procurement through District Purchase Committees constituted by Samagra Siksha, School Education Department, more

than 200 vendors are engaged across the state, resulting in a fragmented procurement system with no uniform practices. Certain deficiencies were noted in the quality of the supplies, resulting in deviations from the prescribed menu, dilatory norms, and significant variation in procurement rates for identical commodities across districts. These are leading to various undesired consequences.

26. It is submitted that the policy decision of the State to call for tenders at the regional level instead of the District Level, vide Government Memo dated 23.03.2026, permits centralised procurement of KGBV requirements at the Zonal Level with uniform technical specifications and standardised quality control. This would ensure timely supply and also yield estimated annual savings to the Government exchequer.
27. It is also submitted that a centralised tracking system, through digital tracking systems, mandating barcodes for the quantity supplied and better control over the supplies received and their further distribution to the schools. It is submitted that the petitioners cannot question the clubbing of various food items under a single tender as it is the prerogative of the state. It is also submitted that the estimated contract value and quantity of each commodity are specified, and the bidders are required to quote unit-wise, item-wise unit rates in the financial bid. The cost per child determines the estimated contract value, and the bidding document is transparent and compliant with Rule 173.

28. The learned Government Pleader further submits that the prequalification criteria were devised to ensure quality, and past performance was required to demonstrate the basic capacity and capability for meeting the supply of quality products. It is submitted that the high-level committee comprising senior officers have applied their mind and kept in view the requirements of the poorest of the poor children studying in KGBVs and, as such, to ensure proper participation.
29. The learned Government Pleader also submits that Rule 143 of GFR Rules, 2017 would not cover the subject items of the writ petition. It is submitted that the petitioners have not participated in the tenders and as such cannot challenge the tender conditions.
30. The learned Government Pleader places reliance on **National Highways Authority of India Vs. Gwalior-Jhansi Expressway Limited**⁵, the Hon'ble Supreme Court held that a party having failed to participate in the tender process cannot challenge non-fulfillment or breach of any of the terms of the tender conditions.
31. **Shimit Utsch India (P). Limited Vs. West Bengal Infrastructure Development Corpn.Ltd.**,⁶ the Hon'ble Supreme Court held that Government policy can change with change in circumstances and only on the ground of change, such policy will not be vitiated. It also held that the Government has discretion to adopt a different policy or alter or change its policy calculated to serve public interest and make it more

⁵(2018) 8 SCC 243

⁶(2010) 6 SCC 303

effective. Choice in the balancing of the pros and cons relevant to the change in policy lies with the authority. However, such authority, change in policy must be in conformity with reasonableness and free from arbitrariness, irrationality, bias and malice.

32. N.G. Projects Ltd. Vs. Vinod Kumar Jain⁷, the Hon'ble Supreme Court held that with regard to interpretation of contract, whether a term of contract is essential or not is to be viewed from the perspective of the employer and by the employer and the Courts should refrain from imposing their decision of the employer as to whether or not to accept the bid of a tenderer. The Hon'ble Supreme Court also held that the Courts do not have expertise to examine the terms and conditions of the present day economic activity of the state and as such the Court should be more reluctant in interfering with contracts involving technical issues where necessary expertise is required to adjudicate upon such issues. The Hon'ble Supreme Court also held that the approach of the Court should not be to find fault with magnifying glass in its hands, rather the Court should examine as to whether the decision making process is after complying with the procedure contemplated by the tender conditions. If the Court finds there is total arbitrariness or the tender has been granted in a malafide manner, still the Court should refrain from interfering in grant of tender, but instead relegate the parties to seek

⁷(2002) 6 SCC 127

damages for the wrongful exclusion rather than to injunct the execution of the contract.

33. **Jagadish Mandal Vs. State of Orissa and Ors⁸**, the Hon'ble Supreme Court held that judicial review of administrative action and that the Court should not interfere in matters relating to award of tenders when such award is bonafide and is in public interest. It does not matter even if a procedural aberration or error in assessment or prejudice to a tenderer is made out. The power of judicial review will not be permitted to be invoked to protect private interest at the cost of public interest or to decide contractual disputes. The tenderer or contractor with a grievance always seek in a civil Court.

34. **Michigan Rubber (India) Limited Vs. State of Karnataka and others⁹**, the Hon'ble Supreme Court held that in the matter of formulating tender conditions and awarding of contract greater latitude is required to be conceded to the state authorities unless the action of tendering authority is found to be malicious and a misuse of statutory powers.

35. **Silppi Construction Contracts Vs. Union of India and Another¹⁰**, the Hon'ble Supreme Court held that the Courts can interfere only to prevent arbitrariness, irrationality, bias, malafides or perversity.

⁸(2007) 14 SCC 517

⁹(2012) 8 SCC 216

¹⁰(2020) 16 SCC 489

36. The learned Government Pleader submits that the grounds raised by the petitioner seeking the reliefs do not warrant interference by this Court and that the writ petitions deserves to be dismissed.
37. Sri. K. S. Murthy, learned senior counsel appearing for the impleaded respondents, submits that the petitioners have specifically averred in the pleadings that the tenders are likely to be awarded to various entities. The names of those entities are also mentioned in the pleadings. The petitioners have failed to implead them as party respondents, and on the ground of non-joinder of the necessary parties alone the writ petition deserves to be dismissed. The learned senior counsel also relied on judgments supporting the ratio that Courts interfere in tender matters only if established bias, evident arbitrariness, and malice are shown.
38. Sri. P. Ravi Teja, learned counsel appearing for the other impleaded respondents, also places reliance on judgments on similar lines relating to interference by Courts in tender matters only if bias is established. It is also submitted that allegations are levelled against the successful bidders without any basis; however, the successful bidders were deliberately not made parties to the writ petitions.
39. Sri. O. Manohar Reddy, learned senior counsel appearing for the petitioners in reply, submits that the initially notified 37 items were reduced to 19 solely to suit the impleaded respondents. It is submitted that the petitioners could not participate after the Zonal Level tenders

were called for and as such the judgment relied upon by the learned Government Pleader may not be applicable. It is also submitted that the original tender conditions were tinkered with by issuing the corrigendum and that the same is not permissible. It is also submitted that the issue of non-joinder of necessary parties raised by the learned senior counsel appearing for the impleaded respondents is concerned; the impleaded respondents were not awarded the tenders by the date of filing of the writ petitions; as such, they were not necessary parties at that point of time.

40. Sri. P. Veera Reddy, learned senior counsel appearing for the writ petitioners, in reply, submits that the submissions of the learned Government Pleader that G.O.Ms. No.53 was impossible to implement then, the G.O. ought to be scrapped, and that the State has no authority to ignore the G.O. In contrast, GOMs.No.53 is subsisting and in force.
41. Heard the learned senior counsels appearing on behalf of the writ petitioners and the learned Government Pleader for the respondents Nos.2 and 3 and also the learned senior counsel appearing for the impleaded respondents. Perused the material on record.
42. The issue to be resolved by this Court is whether the subject tenders issued by the respondent Nos. 2 and 3 can be interfered with by this Court on the grounds raised by the petitioners.
43. On enquiry with the learned Government Pleader as to how many tenderers participated in the bids, the learned Government Pleader

informed that as many as 35 tenderers participated in the bids. The Hon'ble Supreme Court in **Prakash Asphaltings and Toll Highways (India) Limited Vs. Mandeepa Enterprises and others**¹¹, held at paragraphs 42 and 47 as follows ;

....42. "Reverting back to the case of Afcons Infrastructure Limited (supra), we find that this Court had also examined the issue regarding impleadment of other bidders when a challenge is made to an award of contract. This Court was of the view that it would be appropriate for the constitutional courts to insist on all eligible bidders being made parties to the proceedings filed by an unsuccessful or ineligible bidder. It has been held as under:

Before we conclude, it is necessary to point out that the High Court was of the opinion that the eligible bidders were not entitled to be either impleaded in the petition filed in the High Court by the ineligible bidder GYT-TPL JV or were not entitled to be heard. With respect, this is not the appropriate view to take in matters such as the present. There are several reasons for this, one of them being that there could be occasions (as in the present appeals) where an eligible bidder could bring to the notice of the owner or employer of the project that the ineligible bidder was ineligible for additional reasons or reasons that were not within the contemplation of the owner or employer of the project.

It was brought to our notice by Afcons Infrastructure in these appeals that GYT-TPL JV did not have any experience in the construction of a viaduct by the segmental construction method and that the translations of documents in Mandarin language filed in the High Court were not true English translations. Submissions made by the learned counsel for Afcons Infrastructure in this regard are important and would have had a bearing on the decision in the writ petition filed in the High Court but since Afcons Infrastructure was not a party in the High Court, it could not agitate these issues in the writ petition but did so in the review petition which was not entertained. It is to avoid such a situation that it would be more appropriate for the constitutional courts to insist on all

¹¹ (2026) 4 SCC 310

eligible bidders being made parties to the proceedings filed by an unsuccessful or ineligible bidder.

.....47. Judicial review is not excluded to assail administrative decisions even in matters of tenders and contract, the long line of consistent judicial pronouncements tells us that the constitutional courts should exercise utmost restraint in interfering with a tender process unless the threshold of judicial review are met, as explained in Jagdish Mandal (supra) and in Afcons Infrastructure Limited.

44. The Hon'ble Supreme Court in the matter of **Steag Energy Services (India) Pvt. Ltd. Vs. GSPC Pipavav Power Company Ltd. (GPPC) and others**¹², held that the emphasis in the various decisions referred in the judgment is on two principles, the first being the principle of restrained in judicial review of contractual matters and the second being the freedom of contract permitting allowance of free play in the joints.
45. The present tenders pertain to supplies for schoolchildren to meet their dietary requirements. The said supplies would have to be continuous and of high quality, and meet health and hygiene standards. The action of the respondent authority in proposing to call for Zonal Tenders cannot be found fault with at the threshold.
46. The number of bidders who would participate in the tender process is informed to be about 35. This would indicate greater participation by level-playing field players. The submission of the learned Government Pleader regarding the indicative brands in the tender document for some of the supplies was only to ensure that quality products are procured. The Government definitely has the right to demand quality

¹² 2026 SCC OnLine SC 478

supplies when competitive payment is made. The Courts cannot interfere in such issues that might leave room for the supply of inferior-quality items, which adversely affect nutritional values.

47. The grounds raised for interference in the subject tender do not establish malice, arbitrariness or tailor-made conditions for identifying and awarding the contract to one particular entity.

48. As the petitioners could not meet the eligibility criteria, they cannot challenge the tender conditions, seek cancellation of the tender, or demand recall of the tender.

49. There is force in the contention of the State that when G.O.Ms.No.53 prescribed procurement to certain agencies and when those agencies do not meet the requirements of all the supplies which do not meet the dietary requirement, the respondents can devise methods to ensure that the supplies are procured by other means. Such an exercise is done only in the larger interest of the students, and thus mala fides cannot be attributed. The issuance of the memo permitting the calling of tenders at the Zonal level also cannot be faulted, as the GO also prescribes the calling of State/Divisional/District-wise tenders. Thus, the contention raised that the respondent State has overshoot the GO does not withstand legal scrutiny.

50. The petitioners always have the remedy of seeking damages by invoking the jurisdiction of the appropriate Court, subject to their

quantifying the damages for being excluded from participation in the tender.

51. The corrigendum was issued after the pre-bid meeting, and before the last date for bid submission; as such, it cannot be brought within the purview of the state tinkering with tender conditions after issuance of the tender. The last date for submission of tenders was extended to 30.06.2026, and the corrigendum was issued well in advance of that date. The bidders had ample opportunity to participate in the bids. The exclusion of petitioners from the disqualification of bidders does not provide grounds for challenging the tenders.

52. The State has ample leeway in prescribing the tender conditions to meet the requirements. The tender conditions cannot be challenged without establishing arbitrariness, malice and bias. When 35 tenderers participate, the question of bias, arbitrariness, or malice cannot be sustained. This Court does not find any grounds to interfere in the subject tender process in exercise of the power of judicial review, and accordingly, the writ petitions are dismissed.

53. Accordingly, the writ petitions are dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE HARINATH.N

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THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.16444, 16445, 16556, 16558,
16559, 16978 and 17156 of 2026
Dated 31.07.2026

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