

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE THIRTEENTH DAY OF MARCH,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 6508 OF 2025

Between:

M/s Sri Sambasiva Dairy Products (India) Private Limited, Having its registered office at 11-14-394-12/1, Plot No.24, Siris Kamineni Road, Road No.4, LB Nagar, Hyderabad, Telangana - 500074, Represented by its Authorized Signatory, Mr. Kanchi Parameswara Reddy.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Amaravathi.
2. The Director, Mid Day Meal and School Sanitation, Andhra Pradesh (MDMSS, AP) Plot No. 129, Road No.5, Nagarjuna Nagar, Near Parinaya Kalyana Mandapam, Vijayawada, NTR District
3. M/s Puri Jagganath Enterprises, Having its Unit/office at 25-3-264, 4th Cross Road, Gowtham Nagar, SPSR Nellore, Andhra Pradesh-524004.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of the Writ of Mandamus declaring the action of the Respondent No.2 herein in declaring the Respondent No.3 herein as "L1" in respect of the E - procurement Tender Notification after opening the financial bids for Package 6 and NIT No: 36/2024, dated 27.12.2024 for Procurement and Supply of Peanut - Jaggery Chikki to School Children under the Dokka Seethamma Madhyana Badi Bhojanam (MDM Scheme) for the FY 2025-26 contrary to the



Eligibility Criteria stipulated in the Section II of the said tender document as being arbitrary, illegal, unjust, and violative of the fundamental rights of the Petitioners guaranteed under Articles 14 and 19(1)g of the Constitution of India and consequently disqualify the Respondent No.3 from the E - procurement Tender Notification process notified vide Package 6 and NIT No: 36/2024, dated 27.12.2024 by directing the Respondent No.2 herein to consider the Petitioner herein as "L1" in respect of the said tender in accordance with the law.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.2 herein not to award any work contract in respect of the Procurement and Supply of Peanut - Jaggery Chikki to School Children under the Dokka Seethamma Madhyana Badi Bhojanam (MDM Scheme) for the FY 2025-26 pursuant under Package 6 & NIT No: 36/2024, dated 27.12.2024 in favor of the Respondent No.3, Pending disposal of WP 6508 of 2025, on the file of the High Court.

IA NO: 2 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.2 herein to continue the petitioner to supply the peanut jaggery chikki to the schools in Ananthapur, Kurnool and Nandayal Districts covered under Package 6 vide NIT No: 36/2024, Date: 27.12.2024 pursuant to the contract dated 01.02.2024 and the proceedings Rc No. 1475469/MDM & SS/2022-6 dated 31.01.2024 without reference to the period of supply situated in the said contract and proceedings in, pending disposal of WP 6508 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s CKR

Associates, Advocate for the Petitioner and of GP FOR SCHOOL EDUCATION for Respondent Nos. 1 and 2, the Court made the following

ORDER:

"The petitioner has made a representation to the authorities on 10.03.2025 to supply Peanut-Jaggery Chikki to the Schools under Midday-Meals Scheme and the petitioner has participated in the tender.

The case of the petitioner is that he is eligible for package-6. The 3rd respondent was declared as L1 in respect of package-6 which is neither mathematically, logically nor legally possible and therefore, he made a representation to the 2nd respondent on 10.03.2025.

During the course of hearing, learned counsel for the petitioner as well as learned Assistant Government Pleader for School Education have conceded to dispose of the representation made by the petitioner.

In view of the same, there shall be a direction to the 2nd respondent to consider and pass a reasoned order on the representation made by the petitioner dated 10.03.2025 within a period of one (01) week insofar as package-6 is concerned.

Till such time, the 2nd respondent shall not finalize the tender insofar as package-6 is concerned.

List the matter on 20.03.2025."

SD/-B.CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, School Education Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi.
2. The Director, Mid Day Meal and School Sanitation, Andhra Pradesh (MDMSS, AP) Plot No. 129, Road No.5, Nagarjuna Nagar, Near Parinaya Kalyana Mandapam, Vijayawada, NTR District. (Addressee

Nos. 1 and 2 by **SPECIAL MESSENGER** - along with a copy of petition and affidavit)

3. M/s Puri Jagganath Enterprises, Having its Unit/office at 25-3-264, 4th Cross Road, Gowtham Nagar, SPSR Nellore, Andhra Pradesh-524004. (by RPAD)
4. One CC to M/S. CKR ASSOCIATES Advocate [OPUC]
5. Two CCs to GP FOR SCHOOL EDUCATION, High Court of Andhra Pradesh. [OUT]
6. One spare copy.

PSD

HIGH COURT

JS,J

DATED:13/03/2025

NOTE: LIST THE MATTER ON 20.03.2025

ORDER

WP.No.6508 of 2025

DIRECTION

