

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**Bench
Sr.No:-21
[3483]**WRIT APPEAL NO: 226 of 2025**

The State of Andhra Pradesh and others

...Appellants

Vs.

M/s. Vikranth Publishers and others

...Respondents

Advocate for Appellants : GP for School Education

Advocates for Respondents : Mr. M. R. Tagore
for Mr. Dheera Kanishka

GP for Industries & Commerce

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE RAVI CHEEMALAPATI****DATE : 21-03-2025****Per DHIRAJ SINGH THAKUR, CJ:**

The present Writ Appeal, filed under Clause 15 of the Letters Patent, has been preferred against an interim order, dated 12.03.2025, passed by the learned single Judge in W.P.No.6129 of 2025.

2. The petitioner, who is respondent No.1 herein, had filed the Writ Petition challenging the tender notification, dated 18.02.2025, issued by the respondents *inter alia* on the ground that the annual turnover of Rs.10 Crores prescribed in the tender notification for the last three financial years i.e., 2022-2023, 2023-2024 & 2024-2025 was onerous.

3. The case of the petitioner was that even when a representation, dated 20.02.2025, had been filed by the petitioner with the Director, Andhra Pradesh government Textbook Press, Department of School Education, the same had not been decided.

4. It is in that backdrop that the learned single Judge observed in the order impugned that since the respondents/appellants herein were under a mandatory public duty to furnish the response, one way or the other, before the last date of submitting the 'Expression of Interest' which was 05.03.2025, and having failed to perform such elementary public duty, it proceeded to direct the appellants herein to accept the 'Expression of Interest' which the petitioner could file within two days from the date of the order. The appellants were also directed to receive the application form without reference to the last date prescribed in the tender document.

5. Learned counsel for the appellants would submit that the petitioner was not at all fulfilling the turnover requirement and it is only on that account the petitioner had not responded to the tender notification, dated 18.02.2025, before the last date of submission i.e. on 05.03.2025.

6. Learned counsel for the respondents in the present appeal have reiterated the stand as was taken by them before the learned single Judge.

7. We have heard learned counsel for the parties.

8. We are of the view that only because the appellants had failed to respond to the representation, dated 20.02.2025, filed by the petitioner would not warrant the participation of the petitioner in the tendering process, especially when the petitioner had not succeeded in establishing before the learned single Judge as to how the terms and conditions of the tender notification were in any manner unsustainable in law. Moreover, even the learned single Judge had not clearly opined as to how in the light of the provisions of clause 9 of the tender notification, dated 18.02.2025, the petitioner could be permitted to participate in the tendering process.

9. In our opinion, the order impugned, dated 12.03.2025, is not sustainable and is, accordingly, set aside.

10. The Writ Appeal is, accordingly, allowed. No costs.

Consequently, connected miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

RAVI CHEEMALAPATI, J

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**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE RAVI CHEEMALAPATI**

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