

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

(SPECIAL ORIGINAL JURISDICTION)
FRIDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

: PRESENT:

THE HON'BLE SRI JUSTICE: A.V. SESA SAI

WP .NO:15298 of 2015

Between:

- 1 B.Kishore Kumar, S/o. Ramanjaneyulu,
- 2 T.Ganga Prathap, S/o. Gangulaiah,

..... Petitioners

AND

- 1 The State of Andhra Pradesh Rep. by its Principal Secretary Social Welfare Department, Secretariat Buildings, Hyderabad
- 2 The Andhra Pradesh Social Welfare Residential Educational Society. Rep., by its Secretary, Masab Tank, Hyderabad.
- 3 The Joint Collector, Y.S.R. District, Kadapa-Cum-District Purchasing Committee Chairman, Y.S.R.District.
- 4 Andhra Pradesh Social Welfare Residential School/Junior College Chinna Chowk, Kadapa, Y.S.R.District., Rep. by its Principal
- 5 Andhra Pradesh Social Welfare Residential School Adapur Village, Y.S.R.District., rep., by its Principal
- 6 Andhra Pradesh Social Welfare Residential School/Junior College, Kodur, Kodur Mandal, Y.S.R.District., Rep., by its Principal
- 7 Andhra Pradesh Social Welfare Residential Junior College Madakalavaripalli Village, Y.S.R.District., Rep. by its Principal
- 8 Andhra Pradesh Social Welfare Residential School/Junior College, B.Mattam, B.Mattam Mandal, Y.S.R.District, Rep.by its Principal
- 9 Andhra Pradesh Social Welfare Residential School/Junior College, Sagileru Village, Y.S.R.District., Rep.by its Principal
- 10 Andhra Pradesh Social Welfare Residential School/Junior College, Vellela Village, Y.S.R.District., Rep.by its Principal
- 11 Andhra Pradesh Social Welfare Residential School Jammalamadugu, Y.S.R.District., Rep.by its Principal
- 12 Andhra Pradesh Social Welfare Residential School/Junior College, Kamalapuram, Y.S.R.District., Rep.by its Principal
- 13 Andhra Pradesh Social Welfare Residential School/Junior College, Chinna Chowk, Kadapa, Y.S.R.District., Rep.by its Principal
- 14 Andhra Pradesh Social Welfare Residential School/Junior College, Kondapuram, Y.S.R.District., Rep.by its Principal
- 15 Andhra Pradesh Social Welfare Residential School/Junior College, Thondur Village, Y.S.R.District., Rep.by its Principal
- 16 Andhra Pradesh Social Welfare Residential School (COE), Pulivendula, Y.S.R.District., Rep.by its Principal
- 17 Andhra Pradesh Social Welfare Residential School/Junior College, (Boys) Pulivendula, Y.S.R.District., Rep.by its Principal
- 18 Andhra Pradesh Social Welfare Residential School/Junior College, Gandhi Village, Y.S.R.District., Rep.by its Principal
- 19 Andhra Pradesh Social Welfare Residential School, L.R.Palli, Y.S.R.District., Rep.by its Principal

- 20 Andhra Pradesh Social Welfare Residential School/Junior College,
Ramapuram, Y.S.R.District., Rep.by its Principal
- 21 Andhra Pradesh Social Welfare Residential School (KGBV),
Ramapuram, Y.S.R.District., Rep.by its Principal
- 22 Andhra Pradesh Social Welfare Residential School/Junior College,
Rayachoty, Y.S.R.District., rep., by its Principal
- 23 Andhra Pradesh Social Welfare Residential School/Junior College,
Devapatla, Y.S.R.District., Rep.by its Principal

.....Respondents

..2..

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.3 in issuing the tender notice in Rc.No.A/COM.Thonduru-Dietery Items/2015-2016, dated 23-05-2015 contrary to the mandatory guidelines framed through GOMs.No.2, dated 03-02-2014 and GOMs.No.28, dated 20-09-2013 and also not accepting the Bid purchased by petitioner as arbitrary, illegal, colorable exercise of power and violative of fundamental rights guaranteed to petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondent No.3 to adopt e-platform tender system as per the guidelines framed through GOMs.No.2, Finance (Works and Projects-F1) Department, dated 03-02-2014 and GOMs.No.258, Finance (FTR) Department, dated 20-09-2013 by setting aside the tender notification in Rc.NoA/COM.ThonduruDietery Items/2015-2016, dated 23-05-2015 issued by him;

WPMP NO. 19936 OF 2015

Petition under Section 151 of C.P.C., praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to stay all further proceedings in pursuance of the tender notification in Rc.No.A/COM.Thonduru-Dietery Items/2015-2016, dated 23-05-2015 issued by the respondent No.3, pending disposal of the above Writ Petition WP No. 15298 of 2015 on the file of the High Court;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and order of the High Court dated 03-06-2015 made herein and upon hearing the arguments of Smt. S. Parineeta Advocate for the Petitioners and Sri Uma Shankar Lokanadham, Standing Counsel for the Respondents 4 to 23, the Court made the following

ORDER:

Learned Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel for the respondents 4 to 23

requests time to file counter.

Post the matter after three (3) weeks.

In the Meanwhile, interim order dated 03.06.2015 shall continue

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. One CC to Smt. S. Panineeta, Advocate (OPUC)
2. One spare copy.

Tvr

HIGH COURT

AVSS J

DATE: 19-06-2015

NOTE: post after three weeks

ORDER

WP NO. 15298 OF 2015

STATUS QUO CONTINUE

**DRAFTED: TVR
DATED: 20-06-2015**

HIGH COURT

AVSS J

DATE: 19-06-2015

NOTE: post after three weeks

ORDER

WP NO. 15298 OF 2015

STATUS QUO CONTINUE