



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 49 OF 2026

AV – 28 Foods Producer Company Limited

VERSUS

The State of Maharashtra and others

Mr. Mayur Subhedar h/f Mr. A. S. Deshpande, Advocate for petitioner
Mr. S. B. Narwade, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 06th January, 2026

ORDER (PER : Hiten S. Venegavkar, J.):–

1. Perused the pleadings, the documents placed on record, and having heard the learned counsel for the parties at length, we proceed to dispose of the present petition.

2. The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking to assail the action of the respondent authorities in relation to allocation and shifting of procurement centers under the PM-AASHA Scheme. The substance of the grievance, as projected, is that despite the petitioner having allegedly fulfilled all eligibility conditions and having operated a procurement center at Village Kingaon for several years, the respondents have arbitrarily excluded the petitioner and have favored respondent No. 5 by permitting it to operate, and thereafter shift, a procurement center to Village Kingaon, allegedly in violation of the applicable guidelines and

the restriction relating to distance between two procurement centers.

3. At the outset, it is required to be noted that the relief clause in the present petition is conspicuously deficient in material particulars. The petitioner has not specifically challenged the original allotment of a procurement center in favour of respondent No. 5 as reflected in the select list dated 04.11.2025. The said allotment order or decision, which constitutes the foundational administrative act conferring rights upon respondent No. 5, has neither been placed under direct challenge nor sought to be quashed by a substantive prayer. In the absence of a specific challenge to the allotment itself, the collateral attack sought to be mounted in the present proceedings cannot be sustained in law. It is well settled that unless the primary administrative action is assailed, consequential or incidental reliefs cannot be granted in writ jurisdiction.

4. Equally significant is the fact that the petitioner has also not specifically challenged the decision permitting or recognizing the transfer or shifting of the procurement center of respondent No. 5 from Village Andhori to Village Kingaon. The pleadings merely allege illegality and arbitrariness in such transfer; however, no specific order of transfer has been brought on record, nor has any prayer been framed seeking quashing or setting aside of such transfer. In the absence of a clear challenge to a discernible administrative decision, this Court cannot be

called upon to exercise judicial review on the basis of conjecture or assumptions. Judicial review under Article 226 is directed against identifiable decisions or actions of the State, and not against perceived administrative outcomes in the abstract.

5. Further, the petitioner has admittedly not challenged its own non-allotment of a procurement center in the first round of selection pursuant to the advertisement dated 22.10.2025. The petitioner was aware, as early as 04.11.2025, that its name did not figure in the list of eligible or selected procurement centers. Despite such knowledge, no relief was sought to assail the rejection or non-consideration of the petitioner's proposal in that round. The present petition, therefore, suffers from suppression of a material cause of action and is vitiated by acquiescence. Having accepted the outcome of the first selection process without challenge, the petitioner cannot be permitted to indirectly reopen the same by questioning the allotment made in favour of another entity.

6. There is yet another aspect which disentitles the petitioner to relief. The pleadings disclose that the petitioner participated in the subsequent process pursuant to the fresh advertisement dated 13.11.2025 and was declared eligible therein. The petitioner's grievance, therefore, pertains more to an apprehended overlap or conflict arising out of the presence of respondent No. 5 at Village Kingaon, rather than

to any final denial of rights crystallized in favour of the petitioner. At this stage, the petitioner's claim remains in the realm of expectation and does not amount to enforcement of an accrued or vested legal right. Writ jurisdiction cannot be invoked to adjudicate hypothetical or premature grievances, particularly in matters involving policy implementation and administrative discretion.

7. The scope of judicial review in contractual and policy matters, especially those involving schemes such as PM-AASHA, is limited. Unless arbitrariness, mala fides, or patent illegality is demonstrated by assailing the precise decision-making process, this Court would be slow to interfere. The petitioner has failed to implead all necessary facts and to frame appropriate reliefs so as to enable effective adjudication. The petition, as framed, is thus procedurally and substantively defective.

8. We also find substance in the submission that disputed questions of fact arise, particularly with regard to the alleged transfer, the jurisdictional limits of respondent No. 5, and the interpretation and applicability of the guidelines dated 18.09.2025 vis-à-vis the earlier guidelines. Such issues would require factual determination and administrative examination, which is not amenable to resolution in writ jurisdiction in the absence of a direct and properly constituted challenge.

9. For all the aforesaid reasons, we are of the considered view

that the present petition is not maintainable in its present form and does not warrant interference under Article 226 of the Constitution of India. Accordingly, the petition is dismissed.

10. However, having regard to the fact that the petitioner has already made representations and complaints before the competent authorities with respect to the alleged irregularities and grievances arising out of the allocation and operation of procurement centers, we clarify that such representations shall remain open. The concerned respondent authorities are directed to consider and decide the petitioner's pending representations and complaints, if any, strictly in accordance with law and the applicable rules and guidelines, by passing a reasoned decision, as expeditiously as possible and in any case within a period of four months from the date of receipt of a copy of this judgment.

11. The dismissal of this petition shall not be construed as an expression of opinion on the merits of the petitioner's contentions, which are left open to be considered by the appropriate authorities in accordance with law. No order as to costs.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi