

(2026) 01 OHC CK 1808

In the Orissa High Court

Case No : Writ Petition (C) No. 34430 Of 2025

Mahavir SHG Represented By Secretary Mamata Behera And
Another

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 28-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 14(1)(c), 226, 227

Citation : (2026) 01 OHC CK 1808

Hon'ble Judges : A.C. Behera, J

Bench : Single Bench

Advocate : D.K. Ray, G. Mohanty, M. Mohanty, D. Nayak, S. Mohanty

Final Decision : Dismissed

Judgement

A.C. Behera, J

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner, i.e., Mahavir Self Help Group(SHG) along with its President against the Opposite Parties praying for quashing(setting aside) the assignment of the Operation and Management of the SCB Medical Aahar Kendra to the Opposite Party No.6(Maa Santoshi SHG, Cuttack) and to issue the Expression of Interest(EOI) in favour of the petitioner SHG, i.e., Mahavir SHG for the Operation and Management of the SCB Medical Aahar Kendra as per the advertisement dated 14.10.2025 on the basis of its five years experience in the field of distribution of mid-day meals of SCB Medical Aahar Kendra.

2. The factual backgrounds of this writ petition, which prompted the petitioner SHG for filing the same is that, the Assistant Commissioner-cum-SIO, Cuttack Municipal Corporation, CMC(Opposite Party No.4) published an advertisement inviting the applications from the SHGs for the selection of one SHG among them for the Operation and Management of SCB Medical Aahar Kendra for the financial year 2025-2026 stating in that Expression of Interest No.1465(Annexure-3) that,

the interested SHGs should submit their applications either through online or through off line on or before 24.10.2025 by 5.00 P.M.

3. In pursuance to such advertisement and EOI dated 14.10.2025 (Annexure-3), the petitioner SHG submitted its application.

In that EOI vide Annexure-3, it was reflected that, bids of the applicants(SHG) shall be opened on 28.10.2025 in Mini Conference Hall at Biju Bhawan, Cuttack, but, due to some inconvenience, as per Letter No.1569 dated 28.10.2025 vide Annexure-5, the opening of the bids, which was scheduled to 28.10.2025 was postponed and the date of opening of the bids was fixed to 01.11.2025. Accordingly, on the aforesaid scheduled date and time as per Annexure-5, the bids of the applicants(SHG) were opened on 01.11.2025 at 11.00 A.M. in Mini Conference Hall at Biju Bhawan, Cuttack in presence of the members of the petitioner SHG and the other applicant SHGs and on the basis of the criterias indicated in EOI dated 14.10.2025 vide Annexure-3, the petitioner (Mahavir SHG, Cuttack) secured 80 marks out of 100, but, the Opposite Party No.6 (Maa Santoshi SHG, Cuttack) secured 90 marks out of 100. If the other documents of the petitioner (Mahavir SHG, Cuttack) as per Annexure-2 would have been taken into consideration, the petitioner SHG should have secured 100 marks out of 100. That apart, the petitioner SHG had five years experience in the field of operation and management of SCB Medical Aahar Kendra without any complain, but whereas, the Opposite Party No.6 SHG has no experience in that field.

4. Even though, the petitioner SHG had five years prior experience in the field of operation and management of mid-day meal of SCB Medical Aahar Kendra, even though, the Opposite Party No.6 SHG had no experience in that field, still then, the Selection Committee Members selected to the Opposite Party No.6 SHG on dated 28.11.2025 for the operation and management of SCB Medical Aahar Kendra for the year 2025-2026 moving beyond the guidelines, parameters and criterias fixed for the selection in the Annexure-2 violating the principles of natural justice as well as the Article-14(1)(c) of the Constitution of India, 1950 debarring the petitioner SHG illegally from its selection as the operator of such Aahar Kendra for the year 2025-2026. For which, without getting any way, the petitioner SHG approached this Court by filing this writ petition against the Opposite parties under Articles 226 and 227 of the Constitution of India, 1950 praying for setting aside the assignment to the Opposite Party No.6 for the operation and management of SCB Medical Aahar Kendra.

5. The Opposite Party Nos.3 and 4 filed their counter denying the allegations alleged by the petitioner SHG taking their stands specifically that, as per the advertisement dated 14.10.2025, the petitioner SHG and the Opposite Party No.6 along with other SHGs had made their applications to be selected for the operation and management of SCB Medical Aahar Kendra knowing/accepting the conditions in the EOI vide Annexure-3 that, for entering into the selection process, the qualifying mark is 60 marks out of 100. Accordingly, in the qualifying test, as per the criterias indicated in Annexure-2, the petitioner SHG

had secured 80 marks and the Opposite Party No.6 SHG had secured 90 marks. As the petitioner SHG as well as Opposite Party No.6 SHG along with some others had secured more than 60 marks in the qualifying test, they were taken into the selection process for consideration.

The Selection Committee Members selected Opposite Party No.6 SHG as per Annexure-I/3 for the operation and management of SCB Medical Aahar Kendra.

It was specifically reflected/indicated in the EOI(Annexure-3) that, the findings of the Selection Committee will be final and binding and the same cannot be challenged in any forum thereafter. According to the Opposite Party Nos.3 to 4, when, the intended bidders including the petitioner SHG had submitted undertakings in this regard and knowing the criterias indicated/ reflected in the EOI vide Annexure-3 and all the applicants including the petitioner SHG had participated in the selection process knowing the contents of Annexure-3 and when, after being unsuccessful in the said selection, the petitioner SHG has challenged to the process of selection by filing this writ petition, then, the petitioner SHG is estopped under law to challenge the selection process. Therefore, the writ petition filed by the petitioner SHG is liable to be dismissed.

6. I have already heard from the learned counsel for the petitioners, learned Standing Counsel for the State and the learned senior counsel for the Opposite Party Nos.3 and 4.

7. On the basis of above selection, the responsibility / assignment of the operation and management of SCB Medical Aahar Kendra has already been given by the Opposite Party No.4 to the Opposite Party No.6 SHG since 28.11.2025. Accordingly, since 28.11.2025, the Opposite Party No.6 SHG has been operating and managing the SCB Medical Aahar Kendra without any complain.

8. When, it was specifically indicated in the EOI vide Annexure-3 that, the findings of the Selection Committee Members will be final and binding upon all the participant SHGs like the petitioner SHG and the same cannot be challenged in any forum thereafter and when, after knowing/accepting the said criterias in detail indicated in Annexure-3, the petitioner SHG had participated in the selection process and when, after being unsuccessful, the petitioner SHG has challenged the process of selection by filing this writ petition, then at this juncture, the petitioner SHG is estopped under law to challenge the process of selection.

On this aspect, the propositions of law has already been clarified in the ratio of the following decisions:-

(i) In a case between D. Saroja Kumari vrs. R. Helen Thilakom : reported in 2017(3) Apex Court Judgments-458(S.C.) participating in selection process and after being unsuccessful, the said unsuccessful candidate is estopped from challenging the process of selection.

(ii) In a case between Dhanjay Malik and others vrs. State of Uttranchal and others : reported in 2008(2) Apex Court Judgments-196(S.C.) once a candidate appears at the interview, he cannot subsequently contend that, the process of interview was unfair.

9. When, the selected SHG, i.e., Opposite Party No.6 has been operating and managing SCB Medical Aahar Kendra since 28.11.2025 successfully without any complain and when, the operation and management work of the Opposite Party No.6 SHG to the SCB Medical Aahar Kendra is only for one year, then at this juncture, any interference with the process of selection through this writ petition filed by the petitioner SHG shall ultimately affect the smooth distribution of the Aahar inside the SCB Medical College and Hospital, Cuttack to the patients as well as their attendants.

For which, the question of interfering with the process of selection and to disengage the Opposite Party No.6 SHG from the operation and management of SCB Medical Aahar Kendra does not arise.

10. Therefore, there is no merit in this writ petition filed by the petitioners. The same must fail.

11. In result, this writ petition filed by the petitioners is dismissed on contest.

12. As such, this writ petition filed by the petitioners is disposed of finally.