

(2026) 01 OHC CK 1807

In the Orissa High Court

Case No : Writ Petition (C) No. 35183 Of 2025

Omm Maa Mangala SHG Represented By President
Smitarekha Behera

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 1807

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

Bench : Single Bench

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

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 Self Help Group(SHG) against the Opposite Parties praying for quashing(setting aside) the assignment of the Operation and Management of Badambadi Aahar Kendra to the Opposite Party No.6(Mahavir SHG, Cuttack) and to issue the Expression of Interest(EOI) in favour of the petitioner SHG for Operation and Management of the said Badambadi Aahar Kendra as per the advertisement dated 14.10.2025 on the basis of the marks secured by the petitioner SHG as well as its five years experience in the field of distribution of mid-day meal of Badambadi Aahar Kendra along with other curricular activities.

2. The factual backgrounds of this writ petition, which prompted the petitioner SHG for filing the same is that, the Assistant Commissioner-cum-SIO of Municipal Corporation, Cuttack(Opposite Party No.4) published an advertisement inviting the applications of the SHGs for the selection of one SHG among them for the Operation and Management of Badambadi Aahar Kendra for the financial year

2025-2026 stating in Expression of Interest No.1465(Annexure-2) that, the interested applicant 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 an advertisement and EOI dated 14.10.2025 (Annexure-2), the petitioner SHG submitted its application.

In that EOI vide Annexure-2, 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-3, 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-3, 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 petitioner along with other applicant SHGs and on the basis of the criterias indicated in EOI dated 14.10.2025 vide Annexure-2, the petitioner (Omm Maa Mangala SHG) secured 90 marks out of 100, but, the Opposite Party No.6 (Mahavir SHG, Cuttack) secured 73.9 marks out of 100. If the other documents of the petitioner (Omm Maa Mangala SHG) as per Annexure-2 would have been taken into consideration, the petitioner SHG should have secured 100 marks out of 100.

4. Even though, the Opposite Party No.6 (Mahavir SHG, Cuttack) had secured less marks, i.e., 73.9 marks than the petitioner SHG and the petitioner SHG had secure 90 marks and even though, the petitioner SHG had five years prior experience in the field of operation and management of mid-day meal of Badambadi Aahar Kendra, whereas, the Opposite Party No.6 SHG had no experience in the same, 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 Badambadi Aahar Kendra for the year 2025-2026 moving beyond the guidelines, parameters and criterias fixed for the selection violating the principles of natural justice as well as Article-14(1)(c) of the Constitution of India, 1950 debarring the petitioner SHG illegally from its selection as the operator of such Badambadi 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 Badambadi Aahar Kendra.

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 Badambadi Aahar Kendra knowing/accepting the conditions in the EOI vide Annexure-2 that, the eligible criteria for entering into the selection process is to secure minimum 60 marks. For which, securing of 60

marks was the qualifying marks for entering into the selection process. Accordingly, in the qualifying test, as per the criterias indicated in Annexure-2, the petitioner SHG had secured 90 marks and the Opposite Party No.6 SHG had secured 73.9 marks. As, the petitioner SHG as well as Opposite Party No.6 SHG along with some other SHGs had secured more than 60 marks in the qualifying test, for which, they were taken into the selection process for consideration.

Nowhere in the advertisement dated 14.10.2025 vide Annexure-2, it was reflected that, the selection will be made basing upon the marks secured in the qualifying test or which SHG will secure highest marks in the qualifying test, that SHG will be selected as the operator of the Aahar Kendra.

For which, securing of highest marks in the qualifying process/test was not the only criteria for selection. The Selection Committee Members selected to the Opposite Party No.6 SHG as per Annexure-4 for the operation and management of Badambadi Aahar Kendra assigning the reasons that,

"Opposite Party No.6 SHG is selected for hand-holding support, as their members are financially weak in comparison to other SHGs, therefore, the Opposite party No.6 SHG is selected for O & M of Badambadi Aahar Kendra."

It was specifically reflected/indicated in the EOI(Annexure-2) that, the findings of the Selection Committee will be final and binding and the same cannot be challenged in any forum thereafter.

The intended bidders including the petitioner SHG had submitted undertakings in this regard and knowing the criterias indicated/reflected in the EOI vide Annexure-2, all the applicants including the petitioner SHG participated in the selection process and after being unsuccessful in the said selection, the petitioner SHG has challenged to the process of selection by filing this writ petition. For which, the petitioner SHG is estopped under law to challenge such process of selection, when the petitioner SHG had participated in the selection process knowing/accepting the above criterias of selection. Therefore, the writ petition filed by the petitioner SHG is liable to be dismissed.

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

6. In Para No.5 of the writ petition of the petitioner SHG, it has been specifically stated by the petitioner SHG that, the object of creation of Self Help Groups(SHG) inside the State through lady members is to enable and uplift the down trodden ladies for making them financially independent and socially strengthen.

7. In the Annexure-4, specific reasons have been assigned by the Members of the Selection Committee for the selection of the Opposite Party No.6 SHG as the operator of Badambadi Aahar Kendra for one year for providing hand-holding support to the lady members of the said Opposite Party No.6 SHG, as in their

opinion, the members of the Opposite Party No.6 SHG are financially weak in comparison to the members of the other participant SHGs. For which, they(Members of the Selection Committee) selected to the Opposite Party No.6 SHG for the operation and management of Badambadi Aahar Kendra for one year.

8. On the basis of such selection, the responsibility/assignment of the operation and management of Badambadi Aahar Kendra has already been given by the Opposite Party Nos.3 and 4 to the Opposite Party No.6 SHG since 01.12.2025. Accordingly, since 01.12.2025, the Opposite Party No.6 SHG has been operating and managing Badambadi Aahar Kendra.

9. When, as per the EOI(Annexure-2), securing 60 marks by the SHGs was the eligible criteria for entering into the selection process and when, the prime object for assignment of the operation and management of Aahar Kendra to the SHGs was for the up-liftment of the down- trodden lady members of the SHGs in order to make them financially independent and socially strengthen and when, the members of the selection committee have selected Opposite Party No.6 SHG for the operation and management of Badambadi Aahar Kendra for one year assigning the reasons specifically that,

"the lady members of Opposite Party No.6 SHG are financially weak in comparison to other participant SHGs, therefore, in order to make the lady members of Opposite Party No.6 SHG, financially independent and socially strengthen in order to achieve the noble object of the scheme, they(members of the selection committee) selected to the Opposite Party No.6 SHG for the operation and management of Badambadi Aahar Kendra for the year 2025-2026."

10. When, it was specifically indicated in the EOI vide Annexure-2 that, the findings of the Selection Committee will be final and binding and the same cannot be challenged in any forum thereafter and when, after knowing/accepting all the criterias indicated in detail in EOI(Annexure-2), the petitioner SHG had participated in the selection process and when, after being unsuccessful in the said selection, the petitioner SHG has challenged the process of selection, then at this juncture, the petitioner SHG is estopped under law to challenge the process of selection through this writ petition.

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.

11. When, the selected SHG, i.e., Opposite Party No.6 has been operating and managing Badambadi Aahar Kendra since 01.12.2025 successfully without any complain and when, the operation and management work of the Opposite Party No.6 SHG to such 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 defeat/frustrate the noble object of creation of SHGs inside the State through lady members indicated in the Para No.5 of the writ petition of the petitioner.

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 Badambadi Aahar Kendra does not arise.

12. Therefore, there is no merit in this writ petition filed by the petitioner SHG. The same must fail.

13. In result, this writ petition filed by the petitioner SHG is dismissed on contest.

14. As such, this writ petition filed by the petitioner SHG is disposed of finally.