



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34502 of 2025

(In the matter of an application under Articles 226 and 227 of the Constitution of India)

***Maa Tarini SHG represented
by its Secretary Mamina
Pani and another***

Petitioners

-versus-

***State of Odisha, represented
by its Secretary-cum-
Commissioner, Housing and
Urban Development
Department, Bhubaneswar
and others***

Opposite Parties

Appeared in this case:-

For Petitioners : Mr. D.K. Ray, Advocate

For Opposite Parties : Mr. G. Mohanty,
Learned Standing Counsel
(For O.P. Nos.1 and 2)

Mr. M. Mohanty, Sr. Advocate
assisted by Mr. D. Nayak,
Advocate
(For Opposite Party Nos.3 and
4)

Ms. S. Mohanty, Advocate
(For Opposite Party No.6)

CORAM:

JUSTICE A.C. BEHERA

JUDGMENT

Date of hearing : 23.02.2026 / date of judgment : 26.02.2026

A.C. Behera, J. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner Women Self Help Group(WSHG) being a Mission Shakti



Group(MSG) along with another against the Opposite Parties praying for quashing(setting aside) the assignment of Operation and Management of Aahar Kendra at Jagatpur to the Opposite Party No.6 WSHG and to issue the Expression of Interest(EOI) in favour of the petitioner WSHG for the Operation and Management of the said Aahar Kendra at Jagatpur.

2. The factual backgrounds of this writ petition, which prompted the petitioner WSHG for filing of the same is that, the Assistant Commissioner-cum-SIO, Cuttack Municipal Corporation(Opposite Party No.4) published an advertisement-cum-EoI on dated 14.10.2025(Annexure-4) inviting applications of the WSHGs for the selection of one SHG among them to operate and manage Aahar Kendra at Jagatpur for the financial year 2025-2026 stating in the Expression of Interest No.1465(Annexure-4) that, the interested applicant WSHG 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-4), the petitioner WSHG submitted its application.

In that EOI vide Annexure-4, it was reflected that, bids/applications of the applicants(WSHGs) 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-6, the opening of the bids/applications on dated 28.10.2025 was postponed and the date of opening of the bids/applications was fixed to 01.11.2025.

Accordingly, on the aforesaid scheduled date and time as per Annexure-6, the bids/applications 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 WSHG along with other applicant WSHGs and on the basis of the criterias indicated in EOI dated 14.10.2025 vide Annexure-4, the petitioner WSHG secured 95 marks out of 100 marks, but, the Opposite Party No.6 WSHG secured 90 marks out of 100.



4. Even though, the Opposite Party No.6 WSHG had secured less marks, i.e., 90 marks than the petitioner WSHG and the petitioner WSHG had secured 95 marks and even though, the petitioner WSHG had the previous four years experience in running the Aahar Kendra at Jagatpur, still then, the Selection Committee Members illegally selected to the Opposite Party No.6 WSHG on dated 28.11.2025 for the operation and management of Aahar Kendra at Jagatpur 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 WSHG illegally from its selection as the operator of Aahar Kendra at Jagatpur for the year 2025-2026.

For which, without getting any way, the petitioner WSHG 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 the cancellation of the assignment to the Opposite Party No.6 WSHG in respect of the operation and management of the Aahar



Kendra at Jagatpur and to issue the Expression of Interest(EOI) in favour of the petitioner WSHG for the operation and management of that Aahar Kendra.

5. The Opposite Party Nos.3, 4 and 5 filed their counter denying the allegations alleged by the petitioner WSHG taking their stands that, as per the advertisement dated 14.10.2025, the petitioner WSHG and the Opposite Party No.6 WSHG along with other WSHGs had made their applications for their selection to operate and manage the Aahar Kendra at Jagatpur knowing/accepting the conditions in the EOI vide Annexure-4 that, for entering into the selection process, the qualifying mark is 60 out of 100. Accordingly, in the qualifying test, as per the criterias indicated in Annexure-4, the petitioner WSHG had secured 95 marks and the Opposite Party No.6 WSHG had secured 90 marks. As the petitioner WSHG as well as Opposite Party No.6 WSHG along with some others had secured more than 60 marks in the qualifying test, for which, they were taken into the zone of selection process for consideration.

Nowhere in the advertisement dated 14.10.2025 vide Annexure-4, it was reflected that, the selection will be



made, only on the basis of the marks secured in the qualifying test or which WSHG will secure highest marks in qualifying test, that WSHG will be selected as the operator of the Aahar Kendra. For which, securing of highest marks in the qualifying test was not the only criteria for selection. The Selection Committee Members selected Opposite Party No.6 SHG as per Annexure-I/3 for the operation and management of Aahar Kendra assigning he reasons that,

“as inferred from table above, among same word SHGs and new SHGs, the Opposite Party No.6 SHG has secured the highest marks, hence the Opposite Party No.6 is selected for operation and management(O&M) of Jagatpur Aahar Kendra.”

It was specifically reflected/indicated in the EOI(Annexure-4) that, the Cuttack Municipal Corporation in its sole discretion and for any reason whatsoever decides to terminate the contract for the operation and management of Aahar Kendras under its Municipal areas.

The intended applicants including the petitioner WSHG had submitted undertakings in this regard and



knowing the criterias indicated/reflected in the EOI vide Annexure-4, all the applicants WSHGs including the petitioner WSHG had participated in the selection process and after being unsuccessful in the said selection, the petitioner WSHG has challenged to the process of selection by filing this writ petition. For which, the petitioner WSHG is estopped under law to challenge such process of selection. Therefore, the writ petition filed by the petitioner WSHG is liable to be dismissed.

6. I have already heard from the learned counsel for the petitioner WSHG, learned counsel for the Opposite Party No.6, learned Standing Counsel for the State and the learned senior counsel for the Opposite Party Nos.3 and 4.

7. Learned counsel for the Opposite Party Nos.3 and 4 relied upon the following decision:-

(i) In a case between M.P. Public Service Commission, vrs. Navnit Kumar Potdar and another : reported in 1994 Supreme(SC)-923.

8. It is the undisputed case of the parties that, the Selection Committee Members have selected to the Opposite Party No.6 WSHG for the operation and management of



Aahar Kendra at Jagatpur assigning the specific reasons in Annexure-I/3 that,

“Among same word SHGs and new SHGs, the Opposite Party No.6 has secured the highest marks, hence the Opposite Party No.6 WSHG is selected for O&M of Jagatpur Aahar Kendra.”

9. When, as per the EOI(Annexure-4), securing of 60 marks was the qualifying mark for entering into the selection process and when, the prime object for selecting a WSHG to operate and manage an Aahar Kendra like Jagatpur Aahar Kendra is for the up-liftment of the down-trodden lady members of the said WSHG in order to make them financially independent, socially strengthen and when, the members of the selection committee have selected to Opposite Party No.6 WSHG for the operation and management of Aahar Kendra at Jagatpur as per Annexure-I/3 assigning the specific reasons that, among the new SHGs of same ward, the Opposite Party No.6 SHG has secured the highest marks and when, as per the resolution dated 06.09.2025 vide Annexure-H/3 of the Cuttack Municipal Corporation(CMC), it was resolved unanimously



that, instead of old SHGs, the new SHGs will be selected for the operation and management of the Aahar Kendra and when, after knowing/accepting the criterias indicated in the Annexure-4, the petitioner WSHG had participated in the selection process and when, after selection of the Opposite Party No.6 WSHG for the operation and management of Jagatpur Aahar Kendra, a memorandum of understanding vide Ext.J/3 has already been executed on dated 01.12.2025 in favour of the Opposite Party No.6 to manage and operate the Aahar Kendra at Jagatpur and when, after being unsuccessful in the selection process, the petitioner WSHG has challenged the process of selection, then at this juncture, the petitioner WSHG 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 vs. 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.

10. When, as per the discussions and observations made above, it has already been held that, the petitioner WSGH is estopped under law, to challenge the process of selection, then at this juncture, the question of interfering with the said process of selection and to disengage the Opposite Party No.6 SHG from the operation and management of Aahar Kendra at Jagatpur does not arise.

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

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

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

(A.C. Behera)
Judge

Orissa High Court, Cuttack
The 26th of January, 2026/ Jagabandhu, P.A.