

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1959 of 2024

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Md. Hamid Zafar, Son of Md. Khurshid Alam, Resident of Barharwa
Lakhansen, P.S- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Dept. of Urban Development, Govt. of Bihar.
2. The District Magistrate, East Champaran at Motihari
3. The Chairman, Dhaka Nagar Parishad, at Dhaka District East Champaran
4. The Chief Executive Officer, Dhaka Nagar Parishad at Dhaka District East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar, Advocate
		Mr. Asif Kalim, Advocate
For the State	:	Mr. Anirban Kundu, SC-24
For the Resp. No.4	:	Mr. Prashant Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-08-2024

The petitioner, a contractor registered as ‘Category-03’ under the Local Contractor Category Contractor Registration Rules, 2011 seeks for the benefit as per Annexure-P/2, which is available to unscheduled/unemployed engineers. As per Annexure-P/2, the unscheduled/unemployed engineers would be able to take up work in one zone, under any works department which will be determined as their area of work as per Clause (2). Clause (3) also specifies that the Superintending Engineer



of the Road Construction Department will identify and allot works worth up to Rs. 25 lakh (twenty five lakh) for unemployed engineers under the non-plan head within the determined zone and under the plan and non-plan head, another 15% works will be awarded by the work zones of the other departments.

2. The petitioner contends that, as per Annexure-P/5, the petitioner had applied in which Annexure-P/2 is specifically referred to as Memo No.6/Rule-03-03/2001/1399(S) dated 31.01.2008. The petitioner quite realises the fact that Annexure-P/5 works cannot now be claimed by him, since that has already been allotted. The petitioner only claims that in future at least, when the Government has passed the resolution and has clearly classified the planned/unplanned work, which can be granted to the unscheduled/unemployed engineers, the same shall be scrupulously followed.

3. The learned Government Advocate, however, relied on Annexure-R4-B, which was an amendment to Annexure-2. By the amendment, the Government has introduced one another category as 'Category-04'. All works, the value of which is up to or below Rs. 25 lakh (twenty five lakhs), has been clearly set apart for Category-04 registered unemployed engineers. Such



Category-04 contractors will also be registered for any one district within the State of Bihar and their area of work will be the area of that district. The petitioner has not registered himself as a Category-04 contractor, and he is registered as Category-03.

4. In the above circumstance, we do not find any reason to issue any directions as of now. However, we make it clear that the petitioner would be entitled to register himself as a Category-04 contractor, if he desires, subject to the Rules and the Memos issued thereunder.

5. The writ petition is dismissed with the above reservation.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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