

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10308 of 2017

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Rina Devi W/o Late Ramakant Chaudhary resident of village and Post Bhatta
P.S. Kashichak, Distt. Nawada – 805130 ... Petitioner

Versus

1. The State Of Bihar
2. The Collector, Nawada.
3. The Sub Divisional Officer, Kashichak, Nawada.
4. The Addl. Collector, Disaster Management Nawada.
5. The Officer-in-Charge Sub-Divisional Treasury Section Nawada Sadar Nawada.
6. The Circle Officer, Kashichak, Nawada.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Arun Kumar Tiwari, Advocate
For the Respondents : Mr.Sajid Salim Khan -SC25

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 11-04-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

The petitioner is claiming payment of *ex-gratia* on account of husband of the petitioner met a local disaster, i.e., road accident and he is covered by the scheme of the State Government contained in Annexure 1.

Learned counsel for the State would submit that the benefits of the aforesaid scheme of the State Government is available to a person who is a victim of natural/local disaster. He submits that the husband of the petitioner died in a road accident while travelling in a three wheeler Tempoo and such road accident does not come within the ambit of natural disaster



mentioned in the scheme of the State Government.

Learned counsel for the petitioner next contends that under similar circumstance, such benefit has been granted to others.

Law in this regard is well settled that one bad precedent cannot be made the basis to perpetuate illegality. Reference is made to the judgment in the case of **State of U. P. and others Vs. Rajkumar Sharma and others**, reported in **(2006) 3 SCC 330**. Submission of discrimination advanced by the petitioner is totally misconceived. There is no question of discrimination as the law does not provide *ex-gratia* for a victim of road accident. The petitioner cannot claim that she should be granted *ex-gratia* if others have been granted the same illegally.

This Court does not find any merit in the writ petition and the same is dismissed.

(Anil Kumar Upadhyay, J)

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