



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.08.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
Writ Petition(MD)Nos.14274 and 14283 of 2015
and

Miscellaneous Petition(MD)Nos.1, 1, 2 and 2 of 2015

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M.K.G.Nursery and Primary School
R.S. Road, Ayyalur,
Vedasandur Taluk, Dindigul District,
rep. by its Correspondent.

.. Petitioner in
W.P(MD)No.14274 of 2015

Presentation Convent Matriculation School,
Kodaikanal,
Dindigul District - 624 101.
rep. by its Correspondent.

.. Petitioner in
W.P(MD)No.14283 of 2015

Vs.

1. State of Tamil Nadu,
rep. by its Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 09.
2. The Employees State Insurance Corporation,
Regional Office (Tamil Nadu)
rep. by its Regional Director,
143, Sterling Road, Chennai 600 034.
3. The Employees State Insurance Corporation,
Sub-Regional Office,
rep. by its Assistant Director,
2nd West Street, K.K.Nagar
Madurai - 625 020.

..Respondents in both petitions

Prayer in Writ Petition(MD)No.14274 of 2015:

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records of the first respondent herein in G.O.Ms.No.237, Labour and Employment (K1) Department, dated 26.11.2010 and consequential notice issued by the third respondent in No.57000721080001301/6112015311/345/15 dated 11.06.2015 and to pass such further or other orders as this Hon'ble Court may deems fit and proper in the service and interest of the case and thus render justice.

Prayer in Writ Petition(MD)No.14283 of 2015:

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records of the first respondent herein in G.O.Ms.No.237, Labour and Employment (K1) Department, dated 26.11.2010 and consequential notice issued by the third respondent dated 08.12.2014 and to pass such further or other orders as this Hon'ble Court may deems fit and proper in the circumstances of the case and thus render justice.

For Petitioner
in both Wps : Mr.M.Elanchezian

For Respondents : Mr.S.Sadeshkumar
in both Wps Additional Government Pleader
(for R1)

Mr.K.C.Ramalingam
(for R2 and R3)

COMMON ORDER

These writ petitions have been filed calling for the records pertaining to the impugned G.O.(MS).No. 237 Labour and Employment (K1) dated 26.11.2010 passed by 1st respondent and the consequential notice issued by the third respondent in No.57000721080001301/ 6112015311/345/15 dated 11.06.2015 and 08.12.2014 respectively and quash the same in respect of the petitioners school.

2. When these matters are taken up for hearing, the learned counsel for the petitioners would submit that a Division Bench of the Principal Bench of this Court in W.A.No.1233 of 2011 & batch, dated 09.06.2015, has passed the following judgment:

"Learned counsel for the parties state that as recorded in the order dated 05.05.2005 reported in 2005 (5) SCC 1 (State of U.P Vs Jai Bir Singh), the question of law has been referred to the Larger Bench of the Honourable Supreme Court, i.e, whether the Employees' State Insurance Act, 1948, would apply to educational institutions. Interim orders have been operating in the present matter.

2.In view of the aforesaid position, the writ appeals and the writ petitions are disposed of by agreement that the interim orders would continue till the disposal of the matter by the Honourable Supreme Court and the parties would naturally remain bound by the legal position enunciated by the Honourable Supreme Court on such decision being rendered. No costs."

3. Since the issue involved in the present cases are covered



by the decision mentioned supra, these writ petitions are disposed of in terms of the above judgment. Once the issue is decided, the principle laid down therein is automatically applied to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 09.
2. The Regional Director,
Employees State Insurance Corporation,
Regional Office (Tamil Nadu),
143, Sterling Road, Chennai 600 034.
3. The Assistant Director,
Employees State Insurance Corporation,
Sub-Regional Office,
2nd West Street, K.K.Nagar
Madurai - 625 020.

+ 1 CC TO MR.K.HEMA KARTHIKEYAN, ADVOCATE SR NO.45635
+ 1 CC TO MR.K.C.RAMALINGAM, ADVOCATE SR NO. 45760
+ 1 CC TO SPECIAL GOVERNMENT PLEADER SR NO. 45952

SKN

TE/AN-MP/SAR-I 27/08/2015 3P/7C

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