



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.18559 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

The Correspondent,
Dhanapaul Higher Secondary School,
Bibikulam,
Madurai -625 002.
Rep.by its Correspondent.

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by The Principal Secretary,
Department of Labour and Employment,
Secretariat,
Chennai 600 009.

2.The Employees' State Insurance Corporation,
Sub Regional Office,
II West Street,
K.K.Nagar, Madurai.

Rep.by its Deputy Director

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notification issued by the 1st respondent in G.O.Ms.No.237 Labour and Employment (K1), dated 26.11.2010 and consequential coverage memo in Form C-11, dated 31.10.2014 as well as 45-A order No.57-00-074154-000-1303/ INS.II/SRO/MDU/196/15, dated 21.08.2015 passed by the 2nd respondent and quash the same as illegal.

For Petitioner	: Mr.M.E.Ilango
For Respondents	: Mr.S.Sadeshkumar, AGP for R1 Mr.K.C.Ramalingam for R2

O R D E R

The grievance of the petitioner is that the 1st respondent issued the impugned notification dated 26.11.2010 extending the provisions of the Employee's State Insurance Act, 1948 to employees of the petitioner's educational institution.

3.The learned standing counsel submitted that the issue is covered by a judgment, passed by the Honourable Division Bench in WA (MD). Nos.1233 of 2011 etc batch, dated 09.06.2015. He would further submit that the respondents would consider the request of the petitioners, in the light of the judgment passed by the Honourable Division Bench.

4.The judgment passed by the Honourable Division Bench in WA (MD). Nos.1233 of 2011 etc batch, dated 09.06.2015 is extracted as follows:

<https://hcservices.ecourts.gov.in/hcservices/>
The 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 Hon'ble Supreme Court ie., 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 Hon'ble Supreme Court and the parties would naturally remain bound by the legal position enunciated by the Hon'ble Supreme Court on such decision being rendered. No costs. Consequently, connected miscellaneous petitions are closed."

5.In the light of the aforesaid judgment, the Writ petition is disposed of directing the respondents to consider the request of the petitioner on the basis of the above judgment. No costs. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary,
Department of Labour and Employment,
Secretariat,
Chennai 600 009.

2.The Deputy Director,
The Employees' State Insurance Corporation,
Sub Regional Office,
II West Street,
K.K.Nagar, Madurai.

+one cc to Mr.M.E.Ilango, Advocate in SR.No.60722
+one cc to Mr.K.C.Ramalingam, Advocate in SR.No.60201
+one cc to The Special Government Pleader in SR.NO.60942

W.P. (MD) No.18559 of 2015
12.10.2015

CSL/SKS-RR/04.11.2015
2P/6C