



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.18961 of 2015

and

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

Tamil Nadu Theological Seminary,
32-C, Bharathidasan Salai,
Arasaradi, Madurai-625 016.
Rep by its Principal and Secretary.

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep by its Principal Secretary,
Labour and Employment Department,
For St.George,
Chennai-600 009.

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 Deputy Director,
2nd West Street, K.K.Nagar,
Madurai-625 020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari calling 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 27.08.2015 to quash the same.

For Petitioner	: Mr.M.Elanchezhian
For R1	: Mr.S.Sathishkumar
	Addl.Govt.Pleader
For R2 and R3	: Mr.K.C.Ramalingam



ORDER

This writ petition has been filed calling 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 27.08.2015 to quash the same.

2. When the matter is taken up for hearing, the learned counsel for the petitioner 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 case is covered by the decision mentioned supra, this writ petition is 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.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To

1.State of Tamil Nadu,
Rep by its Principal Secretary,
Labour and Employment Department,
For St.George,
Chennai-600 009.

2.The Employees State Insurance Corporation,
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Rep by its Regional Director,
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Sub-Regional Office,
Rep by its Deputy Director,
2nd West Street, K.K.Nagar,
Madurai-625 020.

+ 1 CC TO M/S.K.C.RAMALINGAM, ADVOCATE IN SR NO. 61707/15
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 62174/15

NS

TE/NGM-SS/ 18/11/2015 : 3P/6C

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