



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2016

C O R A M

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.13633 of 2016

and

W.M.P. (MD) Nos.10166 and 10167 of 2016

M/s.Shree Raaja Rajan CBSE School,
Amaravathi Pudur,
Karaikudi-630 001,
Sivagangai District,
rep.by its Principal

.. Petitioner

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

..Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records pertaining to the impugned G.O.(MS).No. 237 Labour and Employment (K1) dated 26.11.2010 and quash the same.

For Petitioner : Mr.M.Elanchezian

For R.1 : Mr.T.R.Janarthanam
Additional Government Pleader

For R.2&3 : Mr.K.C.Ramalinngam

ORDER

This writ petition has been filed calling for the records pertaining to the impugned G.O.(MS).No. 237 Labour and Employment (K1) dated 26.11.2010 and quash the same.

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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 (AE)

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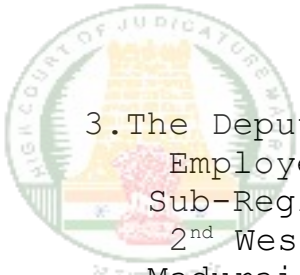
Sub Assistant Registrar

ssm

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

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+1CC to Mr.K.C.Ramalingam, Advocate Sr.No.40907
+1CC to Mr.K.Hemakarthiskeyan, Advocate Sr.No.40820

GJM/KBM/12.8.16-3p-6c

W.P. (MD) Nos.13633 of 2016
and
W.M.P. (MD) Nos.10166 and 10167 of 2016
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