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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.09.2016
CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18246 of 2016
and

W.M.P (MD) Nos.13150 and 13151 of 2016

IIPE Lakshmi Raman Matric Higher Secondary School,
Represented by its Secretary,
Uthamapandiankulam,
Palayamcottai Taluk,
Tirunelveli District.

... Petitioner

vs.

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

2) 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,
ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli-627003.

... Respondents

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 1st respondent herein in G.O.(Ms).No.237, Labour and Employment (K1) Department, dated 26.11.2010 and quash the same.

For Petitioner	: Mr.M.Elanchezhian
For R1	: Mr.S.Kumar, Additional Government Pleader
For R2	: Mr.K.C.Ramalingam

ORDER

This Writ of Certiorari has been filed calling for the records of the 1st respondent herein in G.O.(Ms).No.237, Labour and Employment (K1) Department, dated 26.11.2010 and quash the same.



2.The learned counsel for the petitioner has relied upon a Division Bench judgment of the Principal Seat of this Court made in W.A.No.1233 of 2011 etc., batch, dated 09.06.2015, wherein it has been held as follows:-

WEB COPY "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, the writ petition is disposed of in terms of the above judgment. It is made clear that once the issue is decided, then the principle laid down therein, would automatically apply to the petitioner. No costs. Consequently, W.M.P(MD) Nos.13150 and 13151 of 2016 are closed.

Sd/
Assistant Registrar(A.E)

/TRUE COPY/

Sub Assistant Registrar

To

1)The Principal Secretary, State of Tamil Nadu,
Labour and Employment Department, Fort St.George, Chennai-600009.

2)The Regional Director,Employees' State Insurance Corporation,
Regional Office (Tamil Nadu)143, Sterling Road, Chennai-34.

3)The Deputy Director,The Employees State Insurance Corporation,
Sub-Regional Office,ESIC Complex, Salai Street,
Vannarpettai, Tirunelveli-627003.

+1cc to M/S.K.C.Ramalingam, Advocate in SR.No.55570.

+1cc to Special Government Pleader,in SR.No.55604.

W.P (MD) No.18246 of 2016
23.09.2016