



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.04.2016

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.8829 of 2016

and

W.M.P. (MD) .Nos.7031 and 7032 of 2016

St. Anthony's Matriculation Higher Secondary School,
rep.by its Correspondent,
Andankovil,
Karur - 639 008.

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by its Principal Secretary,
Labour and Employment Department,
Fort St. George, Chennai-600 009.

2.The Employees' State Insurance Corporation
Regional Corporation (Tamil Nadu)
rep. by its Regional Director,
143, Sterling Road,
Chennai-600 034.

3.Employees' State Insurance Corporation
Sub-Regional Office (Salem),
rep. by its Assistant / Deputy Director,
39/57, Theerthamalai Vaniga Valagam,
Three Roads,
Salem - 636 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for 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, passed by 1st respondent and the consequential impugned show cause notice dated 10.03.2016 in No.63000721720001302/SRO-SALEM/2015 on the file of the third respondent and quash the same in respect of the petitioner school.

For Petitioner : Mr.V.John Kennedy

For Respondents : Mr.S.Sadeskumar, AGP for R1

**ORDER**

The writ petition has been filed praying to call 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 impugned show cause notice, dated 10.03.2016, in No.63000721720001302/SRO-SALEM/2015 on the file of the third respondent and quash the same in respect of the petitioner school.

2. When this 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.Heard the learned counsel for the respondents on the above submission made by the learned counsel for the petitioner.

4. 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. Once the issue is decided, the principle laid down therein shall automatically apply to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary, Labour and Employment Department,
Fort St. George, Chennai-600 009.

+1 cc to M/s.V.John Kennedy, Advocate in SR.No.25226

W.P(MD)No.8829 of 2016

29.04.2016