



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.13710 of 2015

and

MP(MD)Nos.1 and 2 of 2015

M/s.Sri Lakshmi Vidyalaya Matric School,
Rep. by its Correspondent Mr.V.Chandrasekaran,
S/o.Venkatraman,
4/578, Tirumalaikeni Nagar,
Collectorate Post,
Dindigul District.

... Petitioner

vs.

1)The Government of Tamilnadu,
Rep.by its Principal Secretary,
Labour and Employment Department,
Fort St.George,
Chennai-600 009.

2)E.S.I - Regional Corporation (Tamil Nadu),
Rep. by its Regional Director,
143, Sterling Road, Chennai-600 034.

3)E.S.I - Sub Regional Office(Madurai),
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 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 the 1st Respondent and the consequential proceedings of the 3rd Respondent dated 26.06.2015 in No. 57000731380001302/62620151048/477/2015 and quash the same in respect of the Petitioner school.

For Petitioner	: Mr.F.Deepak
For R1	: Mr.R.Karthikeyan Additional Government Pleader
For R2 &3	: Mr.R.Ravindran

ORDER

The prayer in the writ petition is 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 the 1st Respondent and the consequential proceedings of the 3rd Respondent dated 26.06.2015 in No. 57000731380001302/62620151048/477/2015 to quash the same in respect of the petitioner school.

2. When the matter was taken up for hearing, the learned counsel for the petitioner would submit that a Division Bench of the Principal Seat 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 by the Hon'ble Apex Court, the principle laid down therein is automatically applied to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

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

2) The Regional Director,
E.S.I - Regional Corporation (Tamil Nadu),
143, Sterling Road, Chennai-600 034.

3) The Deputy Director, E.S.I - Sub Regional Office (Madurai),
2nd West Street, K.K.Nagar, Madurai-625 020.

+One cc to Mr.F.Deepak, Advocate, SR.No.77896

+One cc to Mr.R.Ravindran, Advocate, SR.No.77551