



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.431 of 2017

and

WMP(MD)Nos.342 and 343 of 2017

M/s.Maharishi Vidya Mandir/
Maharishi Bala Mandir
rep. through its Correspondent
Seelpadi,
Dindigul.

... Petitioner

vs.

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

2)Employees State Insurance Corporation,
Sub-Regional Office, Madurai
Represented by its Director,
2nd West Street, K.K.Nagar,
Madurai-625020.

3)Employees State Insurance Corporation,
Sub-Regional Office, Madurai
Represented by its Deputy Director,
2nd West Street, K.K.Nagar,
Madurai-625020.

... 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 1st respondent and the consequential impugned C-18 ad-hoc notice of the 3rd respondent in No: 57000715150001303/8272015223/794/15 dated 27.08.2015 and No. 57000715150001303/112320161108/ins.3/110/2016 dated 23.11.2016 and quash the same in respect of the petitioner college.

For Petitioner : Mr.V.O.S.Kalaiselvam

For R1 : Mr.R.Karthikeyan

<https://hcservices.ecourts.gov.in/hcservices/>

Additional Government Pleader

For R2 & R3 : Mr.K.C.Ramalingam

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 1st respondent and the consequential impugned C-18 ad-hoc notice of the 3rd respondent in No.57000715150001303/8272015223/794/15 dated 27.08.2015 and No.57000715150001303/112320161108/ins.3/110/2016 dated 23.11.2016 to quash the same in respect of the petitioner college.

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(Co)

/True copy/

Sub Assistant Registrar

To

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



2) The Director
Employees State Insurance Corporation,
Sub-Regional Office, Madurai
2nd West Street, K.K.Nagar,
Madurai-625020.

WEB COPY

3) The Deputy Director,
Employees State Insurance Corporation,
Sub-Regional Office, Madurai
2nd West Street, K.K.Nagar,
Madurai-625020.

+1 cc to Mr.K.C.Ramalingam , Advocate in SR.No. 77377
+1 cc to The Special Government Pleader in SR.No.77823

nbi
AE/JC/SAR2/21.09.2017/3P/6C

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