



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP (MD) No.21312 of 2016

and

WMP (MD) Nos.15246 and 15247 of 2016

Maharishi Vidya Mandir,  
Rep by its Correspondent R.T.Thanusraman  
S/o.Shri Ramasamy  
349, Harveypatti,  
Madurai-5.

... Petitioner

vs.

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

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,  
2<sup>nd</sup> West Street,  
K.K.Nagar, Madurai-625 020.

4)The Recovery Officer,  
Office of the Recovery Office,  
Employees State Insurance Corporation  
2<sup>nd</sup> 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 and consequential order passed by the 4<sup>th</sup> respondent herein in Ref.No.57000739680001301/CP/197526/1347/16 dated 17.10.2016 and quash the same as illegal and arbitrary.

|                |                               |
|----------------|-------------------------------|
| For Petitioner | : M/s.K.Malathi               |
| For R1         | : Mr.R.Karthikeyan            |
|                | Additional Government Pleader |
| For R2 to R4   | : 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 and consequential order passed by the 4<sup>th</sup> respondent herein in Ref.No.57000739680001301/CP/197526/1347/16 dated 17.10.2016 and quash the same as illegal and arbitrary.

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(RECORD)

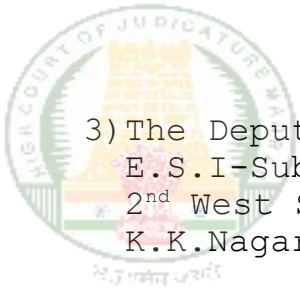
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Sub Assistant Registrar

To

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

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



3) The Deputy Director,  
E.S.I-Sub Regional Office (Madurai)  
2<sup>nd</sup> West Street,  
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4) The Recovery Officer,  
Office of the Recovery Office,  
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2<sup>nd</sup> West Street,  
K.K.Nagar, Madurai-625 020.

+1cc to M/s.K.MALATHI Advocate in SR. No.77424

NBI

JS/MR.KKR/SAR.1/15.09.2017/3P-6C

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