



W.P.(MD) No.11183 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.11183 of 2025

and

W.M.P.(MD) No.8335 of 2025

1.TAN Academy Matriculation School
rep.by its Correspondent
M.Haja Moideen
No.30, Gandhi Nagar North
Kumbakonam
Thanjavur District

2.M.Haja Moideen

... Petitioners

-vs-

1.The Regional Director
Regional Office (Tamil Nadu)
Employees State Insurance Corporation
Panchdeep Bhawan
No.143, Sterling Road
Chennai-600 034

2.The Deputy Director
Sub-Regional Office (Salem)
Employees' State Insurance Corporation
39/57, Theerthamalai Vaniga Valagam
Three Roads, Salem-636 009

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the second respondent in respect of impugned order vide No.63000930570001302/INS-I/SRO/SLM/C-18 (Adhoc), dated 27.03.2025 and quash the same as illegal and arbitrary.

For Petitioners : Mr.R.Suresh Kumar

For Respondents : Mr.C.Karthick

ORDER

This writ petition has been filed by the petitioners questioning the show cause notice issued by the second respondent, *vide* proceedings No. 63000930570001302/INS-I/SRO/SLM/C-18 (Adhoc), dated 27.03.2025, requiring them to show cause against the provisional determination and proposed recovery. The petitioners were granted fifteen days time to submit their explanation.

2. This Court does not see any special circumstances warranting entertaining a writ petition under Article 226 of the Constitution of India against a show cause notice. The only apprehension expressed by the learned counsel for the petitioners is that the respondents may not consider the explanation, which would be submitted by the petitioners and orders will be



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passed under Section 45A of the Employees' State Insurance Act, 1948, making the petitioners liable for making contributions. This Court does not see any basis for such apprehension and this Court, in the absence of any special circumstances, is not inclined to entertain this writ petition.

3. Accordingly, this writ petition is dismissed. However, the petitioners are at liberty to submit explanation to the respondents in response to the impugned show cause notice. In case if any such explanation is submitted by the petitioners, the respondents shall consider the same keeping in mind the decision of the Full Bench of this Court in the case of ***All India Private Educational Institutions Association, rep.by its State General Secretary K.Palaniyappan vs. State of Tamil Nadu, rep.by the Principal Secretary to Government, Labour and Employment Department and another***, reported in ***(2020) 5 CTC 93 (FB)***, and pass a reasoned order, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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