

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR.JUSTICE N.NAGARESH

Thursday, the 15th day of October 2020/23rd Aswina, 1942

WP(C) No.21055/2020 (F)

PETITIONERS

1. AKSHAY KRISHNAN.

2. KRISHNENDHU I.

RESPONDENTS

1. EMPLOYEES STATE INSURANCE CORPORATION,
REPRESENTED BY ITS DIRECTOR GENERAL, HEADQUARTERS OFFICE,
PANCHADEEP BHAWAN, NEW DELHI-110 002.
2. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF LABOUR AND EMPLOYMENT, SOCIAL
SECURITY DIVISION, SHRAM SHAKTHI BHAVAN, RAFI MARG, NEW DELHI-110 001.
3. DIRECTOR GENERAL OF HEALTH SERVICES,
MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA,
NIRMAN BHAWAN, NEW DELHI-110 001.
4. NATIONAL MEDICAL COMMISSION,
(ERSTWHILE MCI) REPRESENTED BY ITS SECRETARY, POCKET 14, SECTOR-18,
DWARAKA, PHASE-1, NEW DELHI 110 077.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay all further proceedings pursuant to Exhibit P1 and P2 forthwith , pending disposal of the Writ Petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.C.UNNIKRISHNAN (KOLLAM), MAHESH CHANDRAN & JOHNSON GOMEZ, Advocates for the petitioner, SRI.T.V.AJAYAKUMAR, Advocate for R1, SRI.JAISHANKAR V.NAIR, Central Government Counsel for R3 and of SRI.TITUS MANI VETOM, Standing Counsel for the R4, the court passed the following:

p.t.o

N. NAGARESH, J.

WP(C) No. 21055 of 2020

Dated this the 15th day of October, 2020

ORDER

Based on Ext.P5 judgment of the Division Bench of the Hon'ble High Court of Madras, the learned counsel for the petitioner submits that 20% reservation for the Wards of the Insured Persons should continue. The learned Standing Counsel for ESI Corporation on the other hand submits that Ext.P5 should be treated as confining to the year 2019 admissions only and Ext.P3 judgment is in operation.

2. I have perused Ext.P5 judgment. The Division Bench of the Hon'ble High Court of Madras has decided the issue involved in the Writ Appeal based on the submission made by ESI Corporation through the Additional Solicitor General of India. Prima facie, what is stated in Ext.P5 cannot be treated as for the academic year 2019 alone.

3. The learned Standing Counsel further submitted that a clarification petition has been filed by the ESI Corporation in the said Writ Appeal and orders are awaited.

4. In the facts of the case, this Court is of the opinion that if an interim order is not passed, the reservation benefits due to the Wards of Insured Persons which were in existence hitherto, will be denied. In the circumstances, there will be an interim stay on all further proceedings pursuant to Exts.P1 and P2. It is made clear that the respondents may bring up this writ petition in case the Division Bench of the Hon'ble High Court of Madras gives any clarification/passes any order in this regard.

ncd

sdl-

N. NAGARESH, JUDGE

/True copy/

Assistant Registrar

MP(C) No.21055/2020 (F)

EXHIBIT P1 - A TRUE COPY OF THE NOTICE NO.L-11/12/3/UG-ADM./2020-21/MEC DATED 28.09.2020 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P2 - A TRUE COPY OF THE NO.L-11/12/3/UG-ADM./2020-21/MEC DATED 30.09.2020 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P3 - A TRUE COPY OF THE COMMON ORDER DATED 07.06.2019 OF THE HON'BLE MADRAS HIGH COURT

EXHIBIT P5 - A TRUE COPY OF THE JUDGMENT DATED 06.08.2019 IN WA NO.2274 & 2304 OF 2019 OF HON'BLE MADRAS HIGH COURT