

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA**

In the matter of an application for mandates
in the nature of Writs of Certiorari and
Mandamus made under Article 140 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.

W.D. Senaviratne,
No.174, Biyagama Road,
Kelaniya.

PETITIONER

CA (Writ) Application No.888/2009

Vs.

- 1, University of Sri Jayawardenepura,
Gangodawila, Nugegoda.
2. Dr. N.I.A. Karunaratne,
The Vice Chancellor.
3. Prof. P. Athukorala,
Dean – Faculty of Arts.
4. Prof. Jayantha Jayawardena,
Dean – Faculty of Medical Science.
5. Prof. A.M. Abesekara,
Dean – Faculty of Applied Science.
6. Dr. Sampath P.P. Amaratunga,
Dean – Faculty of Management &
Commerce.
7. Prof. S. Piyasiri,
Dean – Faculty of Graduate Studies.
8. Prof. (Mrs) Geetha Fernando
9. Dr. L.A.W. Sirisena

10. Mr. Leel Gunasekera
11. Mr. T. Darmarajah
12. Mr. Sarath Amarasekera
13. Ven. Akuratiya Nanda Thero
14. Father Rev. Ivon Perera
15. Mr. Prof. M.M. Karunanayake
16. Mr. Mahinda Rallapanawa
17. Dr. D.U. Rathnayake
18. Prof. Sunil Ariyaratne
19. Prof. Dammika Dissanayake
20. Dr. (Rev) Kulegedara Narada
21. Mr. Jayalath Muttettuwegedara
The Registrar

1st to 21st are of
University of Sri Jayawardenepura
Gangodawila, Nugegoda.
22. University Grants Commission,
No.20, Ward Place, Colombo 7.
23. Mr. H.M.S. Herath
Journalism Unit, University of
Colombo, No.94, Kumaratunga
Munidasa Mawatha, Colombo 3.
24. Mrs. P.M.P.G.T. Abeyratne
25. Miss L.A.D. Lakmali
24th to 25th are of
C/o the Registrar,
University of Sri Jayawardenapura,
Gangodawila, Nugegoda.

RESPONDENTS

C.A.Writ Application No.888/09

Before : Sarath De Abrew J.

Counsel : K.G. Jinasena with C.J.M. Rupasinghe
for the Petitioner.
Anusha Samaranayake SSC for the Respondents.

Decided on : 09.02.2012.

Sarath De Abrew J.

We have heard submissions on behalf of the Petitioner and also on behalf of the 1st to 20th Respondents.

Counsel for the Petitioner now concedes that he has abandoned the reliefs claimed in paragraphs (b), (c), (d) and (e) of the prayer to the Petition. In view of the facts revealed in this case and other supervening circumstances the learned counsel for the Petitioner now seeks to pursue only the relief claimed in paragraph (g) of the prayer to the Petition.

During the course of the argument, it is now revealed according to the document 2R2 the University Council has taken a decision not to appoint any person as a Senior Lecturer, Grade II for which post the Petitioner has applied.

person as a Senior Lecturer, Grade II for which post the Petitioner has applied. Further, we are also made aware that the Petitioner having failed to obtain selection at a first interview, has subsequently presented himself unsuccessfully for a second interview for the same post. In view of the above and also in view of the decision contained in document 2R2 this court is of the view, due to the above reasons and other supervening circumstances, the issue of a mandate in the nature of writ of Mandamus is now futile in all the circumstances of this case. Therefore granting relief claimed in paragraph (g) of the prayer to the Petition will also be a futile exercise.

For the aforesaid reasons we dismiss the Petitioner's application.

JUDGE OF THE COURT OF APPEAL.

Rohini Marasinghe J.
I agree.

JUDGE OF THE COURT OF APPEAL.