

**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 a Writ of
Mandamus in terms of Article 140
of the Constitution.

K. D.L. Rani

'wasana' No.130, Main Street,
Neboda,
Kalutara South.

PETITIONER

Case No: CA (Writ) No. 684/2011

Vs.

1. Director General

National Institution of Education
Maharagama.

Director General

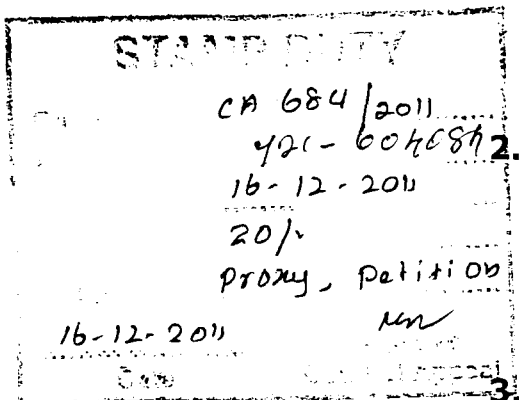
Distance Learning Unit,
National Institution of Education
Maharagama

**Commissioner General of
Examination**

Examinations Assessment Branch
Department of Examinations
Pellawatte,
Battaramulla.

4. Zonal Director of Education

Zonal Education Office
Kalutara.



5. **Secretary**
Ministry of Education
Isurupaya,
Battaramulla.

RESPONDENTS

C.A. Writ Application No. 684/2011

BEFORE : **S. Sriskandarajah J, (P/CA)**
Deepali Wijesundera J.

COUNSEL : Kamran Aziz for the petitioner
ARGUED &
DECIDED ON : 19th January 2012.

S. Sriskandarajah J. (P/CA)

Heard Counsel in support of this application. The Petitioner in this application is seeking a writ of mandamus directing the Respondents and or anyone or more of them to duly recognize the internal marks obtained by the Petitioner in respect of subject numbers 102 and 202 as evident in documents marked as X4 and or X5. The Petitioner also has sought a writ of mandamus directing the Respondents to issue the Petitioner with the certificate of successful completion of teacher programme.

In this regard the Petitioner has made a complaint to the Human Rights Commission and the Human Right Commission has made the recommendation on the 27.06.2006 and thereafter the Petitioner has filed an application in this court is marked as X10 seeking a writ of mandamus directing the 1st and 2nd Respondents to call for the Petitioner's marks from either from Kalutara Teacher Training Centre or the Amarasekara Primary School Payagala and submit to the same to the 3rd Respondent. In the said application the Respondents have submitted the marks obtained by the Petitioner from Kalutara Training Centre. In view of these facts the court made an order that there is no necessity to proceed with this application and the Petitioner's application was dismissed without costs and this order was made on 13th of March 2008.

The Petitioner in the present application is also seeking a writ of mandamus to duly recognized the internal marks.

This issue has been gone into by the Human Rights Commission and thereafter it was canvassed before the Court of Appeal as far back as 2008 and further the Petitioner to seek a writ of mandamus to disclose the internal marks or to recognize the internal marks the Petitioner should have a statutory right and the Respondents should have a corresponding statutory duty to give or to recognize the said marks. The marks have been already disclosed in the aforesaid Court of Appeal application. This court after a lapse of four years cannot go in to the same matter and direct the relevant parties to recognize the internal marks.

The issue is in relation to a dispute arising from factual matters, the Petitioner cannot seek remedy by way of writ, as contested facts have to be clarified by way of leading evidence and documents. Therefore this court is not inclined to issue notice in this application.

PRESIDENT OF THE COURT OF APPEAL

Deepali Wijesundera J.

I agree.

JUDGE OF THE COURT OF APPEAL.

Mm/-