

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

**CA Writ 154/2012**

Ayagama Lekamlage Indika Wijelal Jayawardana  
Pahalawatta,  
Ayagama.

Pradeep Chandimal Hapugodarachchi  
“Roshan Communication”  
Agalawatta Road,  
Polgampala.

**Appellants**

**Vs.**

Mr. D.L.P.R. Abeyrathna  
Post Master General  
3<sup>rd</sup> Floor,  
Postal Head Quarters,  
D.R. Wijewardana Mawatha,  
Colombo 10.

And 07 others

**Respondents**

**C.A Writ Application No: 154/2012.**

Before : S.Sriskandarajah, J (P,C/A).

Counsel : Asthika Devendra with Dunali Jayasuriya  
instructed by Manjula Balasooriya for the  
Petitioner.

Argued &

Decided on : 07.06.2012.

**S.Sriskandarajah, J. (P,C/A).**

Heard counsel in support of this application. The Learned Counsel submitted that the Petitioners sat for a limited competitive examination in the year 2010 and they have got an aggregate of 40 marks out of the six subjects. The 1<sup>st</sup> Petitioner has not got 40 marks for general intelligence. The 2<sup>nd</sup> Petitioner has got 40 marks for Geography. The contention of the Petitioner is that according to the scheme of recruitment that is applicable during that period, a candidate should have got 40 marks only for language and essay one subject and arithmetic and two other subjects; that is altogether two subjects they should get 40 marks but they should get an aggregate of 40 marks in all six subjects. The Petitioners also

submit that they have brought this matter to the notice of authorities but they were informed that the relevant scheme of recruitment is not the scheme of recruitment that the Petitioners are relying on but the authorities have informed the Petitioners that there is an other scheme of recruitment. The Petitioners submit that the scheme of recruitment on which authorities relied has not got the approval of the Public Service Commission and therefore it cannot be relied upon.

A limited competitive examination was held in 2010 and large number of candidates have sat for the examination. The result was announced and on the result several candidates were appointed to the relevant posts and they are functioning in the said posts. The department has now taken steps to advertise and to hold an open competitive examination for the said post. In these circumstances the Petitioners in this application has sought a writ of certiorari to quash the decision of the 1<sup>st</sup>, 2<sup>nd</sup> to the 6<sup>th</sup> Respondents to recruit employees to the post of postmasters group B grade 1 (b) by an examination to be held on 09.06.2012 by open competitive examination. The open competitive examination is totally different from a limited competitive examination and the number of vacancies that should be allocated to the limited competitive examination and open competitive examination has to be decided

by the authorities and this is a policy decision and therefore this court cannot interfere in holding an open competitive examination. Therefore this court refuses to issue the notice in this application.

**PRESIDENT OF COURT OF APPEAL**

Vkg/-