

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

In the matter of an application for mandate  
In the nature of Writ of Certiorari under  
Article 140 of the Constitution of the  
Democratic Socialist Republic of Sri Lanka.

02. Hewa Pedige Raasinghe,  
No.30/16, Kegalla Road,  
Daluggala,  
Rambukkana.

And 25 others.

**Petitioners**

C.A. Writ Application No.505/2011

**Vs.**

04. Hon. Attorney-General,  
Attorney-General's Department,  
Colombo 12.

And 03 others.

**Respondents**

**BEFORE** : S. SRISKANDARAJAH, J (P/CA)

**COUNSEL** : Jagath Abeynayake,

for the Petitioner,

Arjuna Obeysekera,

for the Respondents

**Argued on** : 28.05.2012

**Written Submission on** : 10.09.2012 and 25.09.2012

**Decided on** : 21.01.2013

examination held for both limited and open candidates. The Petitioners further contended that nowhere in the entire exercise of conducting the examination the number of vacancies lie in the force of Agricultural Service was revealed by the Respondent, and that holding a single competitive examination for the purpose of recruitment of Agricultural Officers was in violation of the Minute of the Sri Lanka Agricultural Service, and also in terms of notification published in Gazette No.1627 marked P5.

The Respondents submitted that although the Service Minute refers to the holding of 2 examinations under the open competitive and limited categories, the Service Minute does not require separate question papers to be set for each category. The syllabus for the common question paper, whether it is for open or limited category, is the same. Thus one common question paper was set for the open and limited category. Two separate examinations were in fact held on 23/04/2011 and 24/04/2011 under the open and limited categories and the marks as well as the selection of candidates were carried out separately under the open and limited categories.

In the above circumstances the Petitioners cannot claim that they were prejudiced by having the same question papers for the 2 examinations. In fact, the Respondents have held two separate examinations and they were considered separately and selections were carried out separately under open and limited categories, depending on the results of the examinations and the interviews that were conducted subsequently. In these circumstances the Petitioners cannot claim that the said examination is contrary to the Service Minute and/or unreasonable in the given circumstances. In these circumstances the Petitioner is

not entitled for a Writ of Certiorari to quash the said decision and, therefore, this Court dismisses this Application without cost.

President of the Court of Appeal

**S.Sriskandarajah, J,**

The Petitioners in this Application have sought a Writ of Certiorari quashing the competitive examination held on 23<sup>rd</sup> and 24<sup>th</sup> April 2010, for the recruitment of Agricultural Officers to the Sri Lanka Agricultural Service following the gazette notification contained in document marked P5. The Petitioners submitted that Agricultural Instructors do not fall into the Sri Lanka Agricultural Service. The Agricultural Instructors to enroll into the Sri Lanka Agricultural Service, they should first be recruited to the post of Agricultural Officer, which is a position in Class II Grade II of the Sri Lanka Agricultural Service. The recruitment to the said Sri Lanka Agricultural Service is governed by the regulations set out in the Minute published in Gazette Extra-ordinary No.1235/21 of 8<sup>th</sup> May 2002. The Petitioners contended that in terms of the said Minute, 2 separate competitive examinations were scheduled to be held by the Commissioner of Examinations for the recruitment of Agricultural Officers placed in Class II Grade II level of the said Sri Lanka Agricultural Service. The Petitioners further submitted that the purpose of holding a separate limited examination for the candidates already employed in the field is to recognize the service they have rendered already and difficulties they may face in preparing to sit the examination which may well be set with some weight on the academic aspect. The Petitioners contended that they applied for the said examination with a view to sit the limited competitive examination since the Petitioners were eligible for the same in view of having 5 years of experience in the capacity of Agricultural Instructors. A competitive examination was held on 24<sup>th</sup> and 25<sup>th</sup> April 2010, and the Petitioners found that instead of 2 competitive examinations, there was only one common competitive