

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

**C.A. WRIT Application No. 130/2013**

1. K.K.S. Premathilake  
25, Kudagama Rd, Avissawella.
2. W.D. Somapala  
15C, Temple Junction, Waragoda,  
Neboda.
3. E.G.J.K. Pematratne  
175, Aluthgama, Bogamuwa, Yakkala.
4. K.P.Somadaa  
267/2, Welikemulla , Badulla
5. T.B.Sangadasa  
3/14, gangabada Road, Badulla.
6. W.D. Fonseka  
534/7, Preethika Mw, Pitipana North,  
Homagama.
7. M .A.Somaweera  
Barigoda, Kithalawa.
8. B.M.S. Balasuriya  
Aluthwatha, Thalgamuwa, Dewanagala.
9. B.J. Silva  
137/12, Devasipura, Thalawakele.
10. B.M.S.K. Punchibandara  
Naulla, Demodara.
11. H.P. Samarasena  
Udagama, Moranthota.
12. J.M. Jagath Kumara  
Gallehamulla, Welipalanghamulla.

**Petitioners.**

**Vs.**

1. Vidyajyothi Dr. Dayasiri Frenando ,  
Chairman, Public Service Commission.
2. Palitha M. Kumarasinghe PC
3. Mrs. Sirimavo A. Wijeratne
4. S.C.Mannapperuma
5. Ananda seneviratna
6. N.H.Pathirana
7. S.Thillanandaraja
8. M.D.W. Ariyawansa
9. A.Mohamed Nahiya  
All are  
Members, Public Service Commission  
No.177, Nawala Road, Narahenpita,  
Colombo 05.
10. K.Thilakaratne, Secretary  
Ministry of Youth Affairs and Skill Development,  
Nipunatha Piyasa, 354/2, Elwitagala Mw, Colombo 5.
11. Department of Technical Education and Training,  
P.O. Box 557, Olcott Mw,Colombo 10.
12. W.A.Jayawickrema, Additional Secretary  
Director General (covering up),  
Department of Technical Education and  
Training, P.O.Box 557, Olcott Mw,  
Colombo 10.
13. P. K.Sarathchandra, Administrative Officer,  
Department of Technical Education and Training,  
Colombo 10.
14. Hon. Attorney General  
Attorney General's Department,  
Colombo 12.

**Respondents**

C.A./130/2013

Before: : S. Sriskandarajah, J. (P/CA).

Counsel : P. Radhakrishnan for the Petitioner.

Argued &  
Decided on : 30.05.2013

S. Sriskandarajah, J. (P/CA).

The Petitioners in this application has sought a writ of mandamus directing the 1<sup>st</sup> to the 12<sup>th</sup> respondents to appoint the Petitioners to Class I General Grade of the SLTES with effect from the effective date of the appointments to the Class I of the SLTES. It is the submission of the Petitioner that the Public Service of Commission who is the appointing authority has given direction by document marked by P6 to appoint the Petitioners to Class I Grade I.

The Administrative Officer of the relevant department has communicated to the Petitioner informing him that as he does not have the required qualification, as such the appoint cannot be implemented. The Petitioners have failed to bring this matter to the Public Service Commission and to get an order to the effect that the requirement of

English qualification is not necessary for these appointments. The power of appointment is vested with the Public Service Commission it is the Public Service Commission that has to finally rule whether the English qualification is required or not for the said appointment. As the Petitioner has not sought clarification on that issue, this Court cannot entertain this application for the reason that the application is premature and as the Public Service Commission order are immuned under Articles 61(A) of the constitution this Court cannot consider the order of the Public Service Commission. For these reasons this Court refuses notice.

PRESIDENT OF THE COURT OF APPEAL.

Mm/-.