

In the Court of Appeal of the Democratic Socialist
Republic of Sri Lanka

CA PHC 225/09

HCA Kandy 22/09

R M Asoka Ratnayaka

Petitioner/Appellant

Vs

Director, Health Services of
the Central Province

and another

Before: A.W.A.Salam, J (P/CA) & Sunil Rajapaksha, J

Counsel : Lal Wijenayaka for the appellant and Nayomi
Kahawita SC for the respondent..

Argued : 10.03.2014

Written Submissions tendered on : 06.06 2014

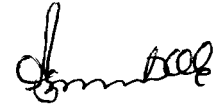
Decided : 16.07.2014

A W A Salam, J (P/CA)

This is an appeal from the judgment of the learned High Court judge dismissing an application for writ of *certiorari* on the ground that the High Court has no forum jurisdiction to entertain the same. Under the thirteenth amendment to the Constitution the subject matter of the transfers of the health services does not fall within the provincial Council list. The learned High Court judge having considered this aspect of the matter, came to the conclusion that it was not within the scope of the writ jurisdiction of the High Court.

In any event the letter X 8 which the appellant sought to have quashed has got invalidated by reason of the issuance of the subsequent letter X 12.

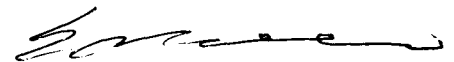
In the circumstances, the grounds urged in the appeal merit no consideration. Accordingly, the appeal this appeal stands dismissed. There shall be no costs.



President/Court of Appeal

Sunil Rajapaksha, J

I agree



Judge of the Court of Appeal