

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

**CA (Writ) Application No. 60/2012**

The University of Peradeniya  
Peradeniya

**PETITIONER**

**Vs.**

Iustice G.W.Edirisuriya  
Chairman  
University Services Board,  
20, Ward Place,  
Colombo 7.

Mr. E.M.G.Edirisinghe  
University Services Board,  
20 Ward Place,  
Colombo 7.

Mr. Anton Alfred  
University Services Appeals Board,  
Ward Place,  
Colombo 7.

Gamini Wijekoon  
"Green View Garden"  
Polgolla.

The University Grants Commission  
20 Ward Place,  
Colombo 7.

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

**RESPONDENTS**

**CA WRIT 60/12**

BEFORE : K.T. Chitrasiri, J. &

L.T.B. Dehideniya, J

COUNSEL :Kushan D' Alwis, PC with Kanchana Ratwatte for  
the Petitioner.

J.C. Boange for the 1<sup>st</sup> and the 3<sup>rd</sup> Respondents.

Dr. S.F.A. Cooray for the 4<sup>th</sup> Respondent.

Arjuna Obeysekara, DSG for the 5<sup>th</sup> and the 6<sup>th</sup>  
Respondents.

ARGUED &

DECIDED ON : 14.05.2015

K.T. Chitrasiri, J.

Learned President's Counsel for the Petitioner concluded his  
submissions.

At this stage, Court observes that the impugned order dated  
22.11.2011 marked as P32 filed with the amended petition, had  
been signed only by the two members of the University Services  
Appeals Board. One member has not placed his signature in that

order. At the same time, we note that the proceedings found in the first page of the aforesaid order indicate that the inquiry had been conducted before Justice G.W. Edirisuriya as the Chairman, Mr. E.M.G. Edirisinghe as the Vice Chairman and Mr. Anton Alfred as a member of the Appeals Board. Apparently, Mr. Anton Alfred being a member of the Board before whom the inquiry was held has not placed his signature on that document which is the impugned order of the University Services Appeals Board.

Section 81 of the Universities Act No 16 of 1978 stipulates that the Appeals Board shall consist of a Chairman, a Vice Chairman and another member ...; and

Section 83 (2) states that the quorum for a meeting of the Appeals Board shall be two members.

However, as referred to above the proceedings before the Board have been conducted before a 3 member panel, namely the Chairman, Vice Chairman and the other member of the Appeals Board. Therefore, the provision as to the quorum referred to in law does not apply in this instance.

However, the order clearly shows that one of the members, namely Mr. Anton Alfred has not signed the impugned order. Therefore, it is clear that the order that is being impugned in this application is *ex facie* bad in law.

At this stage, it is to be noted that the aforesaid error found on the face of the record has come into place, not due to any fault on the part of the 4<sup>th</sup> respondent or petitioner or the 5<sup>th</sup> respondent. Therefore, we ~~decide~~ to direct the University Services Appeals Board to conduct a fresh inquiry in this connection. *g*

For the reasons set out above, the order dated 22.11.2011 is quashed. Subject to the above direction made by this Court, this application is allowed. No costs.

*Application allowed.*

JUDGE OF THE COURT OF APPEAL.

L.T.B. Dehideniya, J

I agree.

JUDGE OF THE COURT OF APPEAL.

NR/-