

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

C.A. Application No: 195/2016

1. Pelandagama Arachchige Laxman Wasantha Rukmal
No. 71/6, Ela Pahala Road,
Gorakapitiya, Piliyandala.

2. Rev. Athudawe Dharmarama
Sri Sudharmaramaya,
Watagedara,
Nandugala.

3. D.M. Chandrasiri
Lindamullawatta,
Berala, Panathara, Matara.

4. T.S. Maduwage
Porupitiya Junior School,
Waralla.

Petitioners

Vs.

1. W.M. Bandusena
Secretary.

2. Hon. Akila Viraj Kariyawasam,

Both of the Ministry of Education,
Isurupaya, Battaramulla.

3. Public Service Commission
No. 177, Nawala Road,
Narahenpita,
Colombo -05.

Respondents

CA (Writ) No: 195/2016

Before : **Vijith K. Malalgoda, PC,J (P/CA)**

Counsel : Prinath Fernando for the Petitioner.

Decided on : 05.08.2016

Vijith K. Malalgoda, PC, J (P/CA)

The four petitioners before this court are belonging to the teachers service but by "P1A" to "P1D" they have been given the appointments in the Sri Lanka Principle's Service Class II Grade II on covering up duties. The petitioners position before this court is that they have rendered a valuable service and have been awarded several awards for their best performance and now they are in this position for several years. However, the petitioners allege that the respondents have not taken any steps to make their services permanent in the principles service Class II Grade II. They further allege that there is a move to fill the vacancies in the said service without giving any opportunity to the petitioners and therefore the petitioners have come before this court seeking a mandate in the nature of writ of mandamus compelling the respondents to appoint the petitioners and all other similarly circumstanced to the due Grade in the principles' service. However when going through the letter of appointment, the petitioners have received ~~we~~^g observed that the said appointments have been made subject to certain conditions and one such

condition was that they would only entitle with this appointment to the salary scale of a class II grade II principle but could not be entitle to the appointment to the same service without fulfillment of service requirements in the said principle's service. Therefore it is clear that the petitioners have accepted these positions by agreed to those conditions and therefore the fact that the petitioners had a legitimate expectation of being appointed to a post in principle service cannot be accepted. The learned counsel for the petitioner further relied on several documents including a cabinet paper and a report by the secretary to the cabinet but we observed that there is no cabinet decision with regard to this. Under these circumstances, I see no merit in this application and therefore I refused notices in this matter.



President of the Court of Appeal

Na/-