

**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 a Writs of Certiorari and
Mandamus under Article 140 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.

Mohamed Sheriff Johan Mumthaj Sameem
No.71, Zaviya Road
Kattankudy. (01 - 30100)

**C.A. (Writ)
No.97/2017**

Petitioner

Vs.

1. University Grants Commission
2. Prof. Mohan de Silva
The Chairman
3. Prof. P.S.M. Gunarathna
4. Prof. Malik Ranasinghe
5. Dr. Wickerema Weerasooriya
6. Prof. Hemantha Senanayake
7. Dr. Ruvaiz Haniffa
8. Prof. R. Kumara Vadivel
9. Dr. Priyantha Premekumara
All of
University Grants Commission
No.20, Ward Place,
Colombo 7.

10. Prof. S.J.B.A. Jayasekera
11. A.L.J. Sadique
10 and 11 are of
University of Moratuwa,
Moratuwa.

12. Eastern University, Sri Lanka
Vantharumoolai
Chenkalady, Batticaloa.
13. Mr. Palitha Fernando, PC
14. Mr. Neville Aberathne, PC
15. Dr. (Mrs) Neela Gunesekara
12th to 15th are of
No.20, Ward Place,
Colombo 7.

16. Mr. Kamal Gunawardana
Sabaragamuwa University of Sri Lanka
Belihuloya.

17. Ms. M.M.N.T.K. Yalgama
University of Kelaniya,
Kelaniya.

18. Mr. M. Ganeshalingam
University of Jaffna
Thirunelvaly, Jaffna.

19. Mr. Nalinda Darmarathna
20. Mr. Anuruddha Welivita
19th and 20th are of
University of Sri Jayawardenapura
Nugegoda.

21. T. Baskaran
Eastern University, Sri Lanka
Vantharumoolai, Chenkalady,
Batticaloa.

Respondents

C.A. (Writ) Application No.97/2017

BEFORE : P. PADMAN SURASENA J (P/CA) AND
A.L. SHIRAN GOONERATNE J

COUNSEL : K.G. Jinasena with D.K.V. Jayanath
for the Petitioner

ARGUED AND
DECIDED ON : 01.02.2018

P. PADMAN SURASENA J (P/CA)

Learned Counsel for the petitioner was heard in support of his application. The grievance placed before this Court by the learned Counsel for the petitioner is the fact that the petitioner was not made aware as to how the marks had been given at the interview held for the selection of candidates for the relevant promotion. This Court observes that in the petition itself [paragraph 23(V)] the petitioner has admitted that the 38.6 marks has been awarded to her. This means that the petitioner has been made aware of her marks.

This Court also observes that the University Service Appeal Board also has considered the appeal lodged by the petitioner and in the penultimate paragraph of the lengthy decision setting out reasons, the said Appeal Board has explained the marking scheme that has been adopted at the interview. The said decision is

contained in a document that the petitioner has filed in this Court. This means that the petitioner is aware of the overall marking scheme as well.

It appears from the perusal of the decision of the Appeal Board that the said Appeal Board has reasoned out the basis as to how the petitioner had got lesser marks than those who had been selected. In these circumstances, we see no basis for this Court to issue notices on the respondents. Therefore, we refuse to issue notices. The application is dismissed without costs.

PRESIDENT OF THE COURT OF APPEAL

A.L. SHIRAN GOONERATNE J

I agree.

JUDGE OF THE COURT OF APPEAL

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