

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

In the matter of an application under Article 140
of the Constitution for a mandate in the nature
of a Writ of Prohibition and Mandamus.

1. Thenudaya Nithil Demash Kodithuwakku
2. Ranjan Pushpakumara Kodithuwakku

Both of 4/1A 3/1 Wekunagoda Road, Galle.

CA Writ Application No. 276/2021

PETITIONERS

-Vs-

1. Mr. Sampath Weeragoda, former Principal
Richmond College & Chairman of the
Interview Board-
Presently at the Ministry of Education.
3rd Floor, Isurupaya, Battaramulla.
2. Lanka Senanayake,
Secretary, of the Interview Board, Richmond
College, Galle.
3. Prasadi Anupama Kulathunga
4. Samith Gallage, Attorney-at-Law
5. Dunstan Lokumalage

3rd to the 5th Respondents are Members of the Interview Board, Richmond College, Galle.

6. Mr. Thilak Wathuthuhewa, Principal, Richmond College, Galle.
7. Mr. Francis Wellage, Principal Rahula College, Matara, Chairman of the Appeal & Objection Investigation Board
8. Priyal De Silva, Deputy Principal & Secretary, Appeal & Objection Investigation Board
9. D.N. Ruwanpathirana
10. Nilantha Halpandiya, Attorney-at-Law,
11. Ravi Kalansooriya.

9th to 11th Respondents are members of the Appeal & Objection Investigation Board Richmond College, Galle.

12. Professor Kapila C.K. Perera
Secretary, Ministry of Education
3rd Floor, Isurupaya, Battaramulla.
13. Mr. Kithsiri Liyanagamage
Director National Schools,
Ministry of Education
3rd Floor, Isurupaya, Battaramulla.

RESPONDENTS

Before : Sobhitha Rajakaruna, J.
Dhammika Ganepola, J.

Counsel : Thushani Machado for the Petitioners.
Navodi de Zoysa, S.C. for 1st, 3rd, 6th- 8th, 12th and 13th
Respondents.

Decided on : 10. 12. 2021.

Dhammika Ganepola, J.

The instant application is in respect of the refusal of 1st Petitioner's admission to Grade 1 of Richmond College, Galle. The 1st Petitioner is the son of the 2nd Petitioner and the 2nd Petitioner is presently serving as an Inspector of Police attached to the Police Headquarters Galle. The 2nd Petitioner has been transferred on exigencies of service to Galle from his previous station Tissamaharama with effect from 10.02.2020. The 2nd Petitioner has submitted an application on or about 25.06.2020 on behalf of the 1st Petitioner in view of obtaining admission to Grade 1 of Richmond College, Galle for the year 2021. The Circular bearing No. 29/2019 dated 24 .05.2019 (P1) issued by the Secretary of the Ministry of Education and the said Circular has been amended by the Circular bearing No.29/2019 dated 11.07.2019(P2) The Circular bearing No.16/2020 dated 26 05.2020 (P3) is the applicable Circular setting out the criteria for admission of students to Grade 1 from the year 2020 and onwards. The 2nd Petitioner has submitted his application for admission of the 1st Petitioner under the category of "Children of officers in Government/Corporations receiving transfers on exigencies of service or on annual transfers" as referred to in the said Circular. The Petitioners presented themselves before the Interview Board on the 22. 10. 2020 and the 2nd Petitioner had been informed that he had secured 95 marks as follows.

- I. Distance from previous place of work to the new place arrived 35Marks
on transfer is more than 150 km- received full marks

ii. Proximity to the school from the place of residence ask the distance is only 305m and there were no other schools within the said range- received full marks	30Marks
iii. For the period of service as adornment - received full marks	10Marks
iv. Time served in the previous workplace Since it was less than two years -received 5 marks from 10 marks	5 Marks
v. Time lapsed after receiving the transfer to the closing date of applications- received full marks	5Marks
vi. Unutilised leave- for unutilised leave during the calendar year for 5 years prior (02 marks for 20 days) received full marks	10Marks
Total	<u>95Marks</u>

However, the said marks sheet had been retained by the members of the Interview Board. Meantime, the 1st Respondent who was the Principal of the Richmond College and the Chairman of the Interview Board was transferred to the Ministry of Education and 6th Respondent had assumed duties as the Principal of the Richmond College. Subsequently, the interim list of school admissions was displayed on the school notice board on 17.01.2021. However, the 1st Petitioner's name had not appeared in the said list. Upon an application made to the 6th Respondent under the Right to Information Act, the 2nd Petitioner had been able to obtain the said marks sheet (P11) on 25.01.2021. After obtaining the said marks sheet, the 2nd Petitioner has observed that all the marks given to him by the Interview Board at the interview had been cut off and that an annotation had been made on the said marks sheet to the effect that "in terms of Clause 7.6.2 read with Clause 7.4.2. residency has to be established by the production of documents and that the Lease Agreement is not valid beyond one year". (The exact words used in the said annotation: - 7.6.2 ට අනුව 7.4.2 සඳහා ලේඛන මඟින් පදිංචිය තහවුරු කළ යුතු වුවත් බදු ඔප්පුව ඉදිරියට වසරක් නැත.)

The 2nd Petitioner states that the said decision had been taken by the 6th Respondent alone who was not a member of the Interview Board at the time of the interview. Being aggrieved by the said decision, the 2nd Petitioner has lodged an appeal to the Appeal and/or Objection Investigation Board and appeared before the said board on 21.02.2021. Subsequently, the final list of the school admissions had been displayed on the school notice board on 03.03.2021 and it had appeared that the 1st Petitioner had not received admission to the Richmond

College, Galle. Accordingly, 2nd Petitioner had realised that his appeal to the Appeal and/or Objection Investigation Board had not been allowed. The Appeal and/or Objection Investigation Board has rejected the appeal of the 1st Petitioner on the basis that the Lease Agreement submitted by the 2nd Petitioner at the time of the interview had expired on 28.02.2021. Hence, the Appeal and/or Objection Investigation Board had decided that the decision of the Interview Board is acceptable. (The exact words need in the said order:- බදු ඔප්පුව 2021.02.28 දිනෙන් අවසන් වේ. සම්මුඛ පරීක්ෂණ මණ්ඩලයේ තීරණය නිවැරදියි.)

Accordingly, the 2nd Petitioner states that, the said decision of the 6th to 11th Respondents is arbitrary, unreasonable, irrational, contrary to the decision of the Interview Board and is in violation of the rules of natural justice, abuse of process. The Petitioners further claim that the 6th-11th Respondents have misapplied and misinterpreted of the relevant Circular as well.

The aforesaid being the facts involved in the instant application, now I turn to consider merits of the application. While perusing the said Circular P1, it is observed that in terms of its Clause 3, there are six types of categories under which children could be admitted to schools, namely;

- i. *Children of residents in close proximity to the school.*
- ii. *Children of parents who are past pupils of the school.*
- iii. *Brothers/Sisters of students already studying in the school.*
- iv. *Children of persons in the staff of institutions directly involved in school education.*
- v. *Children of officers in Government/ Corporation/ State Bank services on transfer on exigencies.*
- vi. *Children of persons returned to Sri Lanka after living abroad.*

It is observed that, officers who receive transfers on the basis of exigencies on service to an institution situated within the area where the particular school is situated within 5 years before the closing date of applications and reside within the feeder area of the school after assuming their duties are eligible to submit applications for school admission under the category of “children of officers in Government/ Corporation/State Bank services on transfer on exigencies” referred to above.

Clause 7.6.2. read with said Clause 7.6. of the Circular P1 stipulates the requirement of proximity to the school from the place of residence of the

applicants as a vital requirement. Accordingly, if there are no any other government schools with a primary section to which the child could be admitted anywhere closer than to the school applied for from the place of Current residency of the applicant, the applicant will be entitled for a maximum of 30 marks. If there are any other government schools with a primary section to which the child could be admitted anywhere closer than the school applied from the residency of the applicant, 3 marks each for each such school shall be deducted from the total of 30 marks. However, the said residence requirement has to be established by the applicant by tendering documents as referred to in Clause 7.4.2. of the Circular P1. The relevant portion of the Clause 7.6.2 of the Circular P1 is reproduced as follows,

“7.6.2.ස්ථාන මාරු වීම් ලැබ පැමිණ පදිංචි වූ ස්ථානයේ සිට පාසලට ඇති ආසන්නතාව

(7.4.2. හි සඳහන් ලේඛන මගින් පදිංචිය සනාථ කර ගත යුතු ය.)

දැනට පදිංචි ස්ථානයේ සිට ඉල්ලුම් කරනු ලබන පාසලට වඩා ආසන්න වූ, ළමයාට ඇතුළත් වීමට හැකි ප්‍රාථමික අංශ සහිත වෙනත් රජයේ පාසල් නොමැත්තේ නම්, උපරිම ලකුණු ලබා දිය යුතු ය. ඉල්ලුම් කරන පාසලට වඩා පදිංචි ස්ථානයට ආසන්නවූ, ළමයාට ඇතුළත් වීමට හැකි ප්‍රාථමික අංශ සහිත වෙනත් රජයේ පාසල් පිහිටා ඇත්නම් උපරිම ලකුණු ප්‍රමාණයෙන් ආසන්න එක් එක් පාසලක් වෙනුවෙන් ලකුණු 03 බැගින් අඩු කළ යුතු ය.

In terms of the said Clause7.4.2. followings are the primary documents that should be submitted by an applicant in support of proving one’s residency,

- *Deeds of Transfer*
- *Bim Saviya Certificate*
- *Deeds of Gift*
- *Documents depicting donations*
- *Government grants*
- *Deeds of Lease issued by the Commissioner General of Buddhist Affairs in terms of the Buddhist Temporalities Ordinance or certificates issued by a Viharadipathi and certified by the Commissioner General of Buddhist affairs*
- *Deeds of Declaration supported by corresponding polio entries depicting their resignation*
- *Houses purchased based on the payment of instalments supported by the agreement entered into with the owner and receipts in proof of payment offset instalments*

- *existence of continuous lease agreements -at least valid to a period of one year from the closing date of the application or where the resident is a tenant coming within the purview of the rent act or is resident in government official quarters along with proof thereof*
- *Certificates issued by municipal commissioner/divisional secretary to the effect that depth you can't has been deciding more than 10 years in a state land*
- *Any other documents to establish residency*

The alleged a Violation or Misinterpretation of Circular

The 2nd Petitioner in order to establish his residence has submitted the Lease Agreement P4 before the Interview Board. In view of the requirements set out in Clause 7.4.2. of the Circular P1, such Lease Agreement can be accepted as valid evidence, provided such Lease Agreement is valid for a period of one year from the closing date for applications to admission to Grade 1.

The closing date for admission to Grade 1 of Richmond College, Galle was 30.06.2020. The Lease Agreement P4 submitted by the 2nd Petitioner at the interview was valid for the period from 01.03.2020 to 28.02.2021. Hence, it is observed that the said Lease Agreement P4 had not been valid for a period of one year from the closing date of application for admission of Grade 1. Therefore, it appears that the Lease Agreement P4 does not constitute an admissible document in support of the residency of the Petitioner under Clause 7.6.2 read with Clause 7.4.2. of Circular P1.

The Procedure Adopted by the 6th Respondent in view of the Circular.

The interview was held on 22.10.2020 and the marks sheet(P11) had been signed by the 1st Respondent who was the Principal at that time & the Chairman of the Interview Board and by the other members of the board. It is observed that in view of the said marksheet (P11), the 1st Petitioner has been awarded 95 marks by the Interview Board. The Respondents in their Statement of Objections have conceded the fact that the 1st Petitioner was awarded the said 95 marks at the interview. As all members of the Board have placed their signatures on the said marks sheet (P11) on the very same day, it could be considered as a collective decision of the said Interview Board. The 2nd Petitioner claims that the 6th Respondent was not a member of the Interview Board at the time of the

interview and therefore the 6th Respondent had no authority to cut off all the marks given by the Interview Board when he received the marks sheet P11 on 25.01.2021.

The following facts are not in dispute, viz; (i) that the 1st Respondent's intervening transfer to the Ministry of Education and the assumption of duties by the 6th Respondent as the new Principal of Richmond College (ii) the said annotation has been made by the 6th Respondent to the effect that the Lease Agreement P4 is not valid for a period extending one year from the closing date for applications. Since the 6th Respondent was not the Principal of the Richmond College at the time of the interview was held, it is obvious that the said annotation would have been made after the date of the interview.

Two issues have arisen for consideration at this stage. Firstly, whether the 6th Respondent who was neither the Chairman nor a member of the Interview Board at the time of the interview, is entitled to amend the marks given by the Interview Board and make an annotation as referred to above. Secondly, whether there is any provision in the relevant Circular which enables the 6th Respondent to review or amend a collective decision of the Interview Board of which he was originally not a party. In other words, whether there is any violation of the Circular by the Respondents. Now I shall consider the first issue at hand. Although the 6th Respondent was not a member of the Interview Board at the time of the interview. It is noted that in terms of the Clauses 6.2.1 and 6.2.4. of the Circular P1 the principal ex-officio becomes the Chairman of the Interview Board. Clause 6.2.4. of p1 referred above is as follows,

6.2.4. අදාළ පාසලේ විදුහල්පති සම්මුඛ පරීක්ෂණ මණ්ඩලයේ සභාපති වන අතර, වසරකට වැඩි සේවා කාලයක් ඇති නියෝජ්‍ය/සහකාර විදුහල්පතිවරයෙකු හෝ ජ්‍යෙෂ්ඨ ගුරුවරයෙකු ප්‍රථම සම්මුඛ පරීක්ෂණ මණ්ඩලයේ ලේකම් වශයෙන් කටයුතු කළ යුතුය. එසේ ම සම්මුඛ පරීක්ෂණ මණ්ඩලයේ ලේකම්, අභියාචනා හා විරෝධතා පරීක්ෂණ මණ්ඩලයේ අවධානයට අනුව සහයෝගය ලබා දිය යුතු ය.

In view of the above provisions, once the 6th Respondent becomes the Principal of the Richmond College since then, he shall be the Chairman of the Interview Board. In view of Clause 6.2.6 of the Circular P1, the Interview Board is vested with the power of deciding any matter concerning the admission of students to Grade 1 of a school. As the 6th Respondent ex officio becomes the Chairman of the Interview Board, he would be entitled to make an annotation as shown in P11.

The second issue arises as to whether there is any procedure set out under the Circular to review or amend the collective decision (awarding of marks) of the Interview Board subsequent to the interview. The Petitioners' contention is that the Respondents have failed to cite any clause in the Circular to establish that there is a procedure set out under the said Circular to review or amend a collective decision of Interview Board aftermath. However, Clause 9.2. of the Circular P1 and the form of the marks sheet provided in the 2nd schedule of the said Circular provide necessary provisions to that effect.

Clause 9.2 of the Circular P1 is reproduced as follows,

“----- මෙහි දී 8.4 උප වගන්තියෙහි සඳහන් පරිදි සකස් කර ගත් ලකුණු ලබා දීමේ පත්‍රකාවෙහි මවිසියන්/නිත්‍යනුකූල භාරකරු අභිමුඛයේ දී ලකුණු ලබා දී එම පත්‍රකාවෙහි ම එම ලකුණට එකඟ වන බවටත්, වැරදි තොරතුරු, කුට ලේඛන ලබා දී ඇති බව තහවුරු වුවහොත් ලකුණු සංශෝධනය වීමට/අහෝසි වීමට ඉඩ ඇති බව තමන් දැන සිටින බවටත් ඔවුන්ගේ අත්සන් ලබා ගත යුතු ය.”

Relevant portion of the format of the marks sheet as provided in the 2nd Schedule of the Circular P1 is as follows,

“පරීක්ෂණ මණ්ඩල මඟින් ලබා දුන් ඉහත ලකුණුවලට එකඟ වන බවත්, වැරදි/කුට ලේඛන ලබා දී ඇති බව තහවුරු වුවහොත් ලකුණු සංශෝධනය වීමට/අහෝසි වීමට ඉඩ ඇති බවත් මම දනිමි.

	(ප්‍රථම සම්මුඛ පරීක්ෂණය)	(අභියාචනා හා විරෝධතා පරීක්ෂණය)
අයදුම්කරුගේ අත්සන :
පරීක්ෂණ මණ්ඩලයේ සභාපතිගේ අත්සන :
දිනය :

Furthermore, the statement made by the Petitioner as the applicant in the Marks Sheet P11 also support the position that the Interview Board is empowered to revisit the marks so given at the interview. The relevant portion of Petitioner's Statement in P11 is reproduced as follows;

“අයදුම්කරුගේ ප්‍රකාශය :-
ඉහතින් ලබාදුන් ලකුණු වලට එකඟ වන බවත්, වැරදි හෝ කුට ලේඛන ලබා දී ඇති බව තහවුරු වුවහොත් ලකුණු සංශෝධනය වීමට හෝ අහෝසි වීමට ඉඩ ඇති බවත් මා දනිමි.

සම්මුඛ පරීක්ෂණ මණ්ඩලය ඉදිරිපත් කරන ලද සිතියමට අනුව පාසලට ඇති ආසන්නතාවයට ලකුණු ලබාදුන් ආකාරයට එකඟ වෙමි.

තවද ස්ථානීය පරීක්ෂණය, ඡන්ද හිමි නාමලේඛන වල පරීක්ෂණ, හිමිකම් ඔප්පු පිළිබඳ පරීක්ෂණ ආදිය මගින්ද මෙහි ලකුණු සංශෝධනය වීමට හෝ අහෝසි වීමට ඉඩ ඇති බව දනිමි. එවැනි සංශෝධන වේ නම් මාගේ පිටපතේද එම සංශෝධන කිරීමට අවස්ථාව ලබා දෙමි. සම්මුඛ පරීක්ෂණයේදී මා විසින් ඉදිරිපත් කරන මුල් පිටපත් ලැයිස්තුව පසු පිටේ සඳහන් කර ඇත.”

In the above premise, I am of the opinion that there is no illegality or legal bar preventing the Chairman of the Interview Board or the Interview Board looking into the validity of the Lease Agreement P4 as mentioned in Clause 7.4.2. of the said Circular P1 even after the conclusion of the interview. Therefore, it is apparent that the marks granted at the interview may be subject to review. The Respondents in their Statement of Objections state that even though the marks were awarded at the interview, the Interview Board once again reviewed all the documents submitted by the each and every applicant. Accordingly, the Interview Board has come to a correct and a better finding that the Lease Agreement P4 is not valid for a period of one year from the date of closing the applications.

The fact that the interim list of admissions was published in the school notice board is also not in dispute. In terms of the Clause 9.3.7. of the Circular P1, said interim list should not be published without the signatures of all the members of the Interview Board. Said Clause 9.3.7. of the Circular P1 is reproduced as follows,

“දැන්වීම් පුවරුවේ සහ පාසලේ වෙබ් අඩවියේ පළ කරනු ලබන තාවකාලික ලැයිස්තුව හා පොරොත්තු ලේඛනය සහිත දෙකක්වත් අඛණ්ඩ ව ප්‍රදර්ශනය කළ යුතු ය. තාවකාලික ලැයිස්තුව අදාළ සම්මුඛ පරීක්ෂණ මණ්ඩලයේ අත්සන් (9.3.5 හි දෙන ලද උපදෙස්වලට අනුකූල ව) නොමැති ව ප්‍රසිද්ධ කිරීම නොකළ යුතු ය.”

It is observed that all the members of the Interview Board including the 6th Respondent have signed the interim list P9. As such, it is evident that the said decision depicted in the annotation contained in the P11 is also an authorized collective decision of the Interview Board. Therefore, I see no basis for the argument of the Petitioners that the Respondents have failed to follow the due procedure set out in the relevant Circular.

Principal of Fair Hearing

It is a recognized principle of law that no man should be deprived his rights or entitlements without affording him an opportunity of been heard. The 2nd Petitioner claims that he had not been given an opportunity to explain or counter the said issue prior to the decision of the Respondents to cut off the marks and

make the said annotation. The said annotation signifies the decision of the Interview Board. In terms of the clause 10.0 of the Circular P1, the right to appeal against the said decision is confirmed and the 2nd Petitioner has invoked such right by lodging an appeal against the said decision of the Interview Board to the Appeal/Objection Investigation Board. The 2nd Petitioner has appeared before the said Board and has submitted an extended Lease Agreement (P8) for a further period of one year from the 01.03.2021 together with the affidavit given by the lessor of the Lease Agreements P4 and P8 to the effect that he usually executes Lease Agreements on a yearly basis (P8A). The Petitioners claim that in spite of such circumstances, the Appeal and/or Objection Investigation Board affirming the decision of the Interview Board has failed to give due consideration to subsequent documents submitted by him. It is observed all said documents which were submitted before the Appeal and/or Objection Investigation Board were new documents which were not produced at the time of the interview. In terms of the Clause 9.2.6 of the Circular P1, it is the duty of the parents/legal guardians of the children to produce all necessary documents to the Interview Board. In terms of the Clause 11.8 of the Circular P1 the documents which are placed before the Interview Board at the time of the interview are the only ones that should be reinvestigated/reviewed by the Appeal and/or Objection Investigation Board. Hence, I am of the view that the Appeal and/or Objection Investigation Board is not empowered by law to consider any such new documents. Therefore, I see no force in the Petitioner's argument that he has not been afforded a fair hearing before arriving at a final decision by the Respondents.

Reasons Pertaining to the Residence

In view of Clause 7.6 of the Circular P1, officers who receive transfers on the basis of exigencies on service to an institution situated within the area where the school is situated 5 years before the closing date of applications and **residing only within the feeder area of the school after assuming duties are eligible to submit applications** under the category of children of officers in Government / Corporation / State Bank services on transfer on exigencies.

It appears that it is essential that an applicant under the said category, should prove both the matters as to his service period in the government service within the respective area and also his residence. Single requirement cannot be considered by isolating the other. Therefore, in the event the applicant fails to satisfy the requirements in respect of the place of residence as required in Clauses 7.6, 7.61, and 7.4.2 of the Circular P1, such applicant becomes unqualified

to apply for admission to the respective school. Since the reason being given by the annotation as *“in terms of Clause 7.6.2 read with Clause 7.4.2. residence has to be established by the production of documents and that the Deed of lease is not valid beyond one year”*(7.6.2 ට අනුව 7.4.2 සඳහා ලේඛන මඟින් පදිංචිය තහවුරු කළ යුතු වුවත් බදු ඔප්පුව ඉදිරියට වසරක් නැත.) to my mind said annotation itself indicates the reason for such decision. Therefore, I am of the view that the Interview Board is not required to give any further reason for its decision.

As observed by Chief Justice Sarath N. Silva in Haputhantirige and Others Vs. Attorney General (2007)1 SLR 101, a Circular containing the scheme of admission is to be deemed the “Law ” governing the admission of children to government schools as it is a binding process of regulation pertaining to the admission of children to government school. I see no deviation from the said Circular P1 on the part of the Respondents in the decision-making process. This court is mindful of the fact that this Court is only conferred with the jurisdiction to examine the decision-making process of the Respondents and not the decision arrived by them. According to the reasons cited above and the circumstances involved, I do not find any error in the decision-making process in dispute.

Legitimate Expectation

The learned Counsel for the Petitioners has made submissions on legitimate expectation of the Petitioners. The 2nd Petitioner states that he was informed by the Interview Board on 22.10.2020 that he had secured 95 marks and that his son was eligible to secure admission to Richmond College. Therefore, the Petitioner claims that subsequent refusal amounts to a breach of his legitimate expectation. It seems that the decision taken at the interview to award 95 marks was due to an oversight of the interview board having failed to consider the proper eligibility criteria. However, it appears that the Interview Board has taken proper steps to remedy its oversight which led to an erroneous decision. Such erroneous decision remedied shall not amount to a failure to follow the due process and such erroneous decision does not give rise to a Legitimate Expectation.

An expectation to be legitimate it must be founded upon a promise or practice that a person or authority is said to be bound to fulfil. **Professor Wade discusses at page 455 of the 11th Edition of Administrative Law “that the expectation must be within the powers of the decision maker before any question of protection arises. There are good reasons why this should be so, an official cannot be allowed in effect to rewrite Acts of Parliament by making promises of unlawful conduct or**

adopting an unlawful practice.” The Clauses 9.2 and 9.3 of the Circular P1 allow the Interview Board to further investigate into matters to get any clarification as to the qualifications of the applicants and to revise the marks given to an applicant at the interview until the interim list is published. The 2nd Petitioner is not entitled to rely on his expectation without following the promised procedure. Submission of a document which does not qualify as admissible under Clause 7.4.2 of the Circular P1 does not give rise to a legitimate expectation for the Petitioners. His expectations are protected simply by requiring that the promised procedure be followed. Therefore, I am of the view that merely because of the 2nd Respondent was informed by the Interview Board at the interview that he had secured 95 Marks, such act will not give the Petitioners the benefit of legitimate expectation.

In the above premise I refuse granting reliefs prayed for by the Petitioner. Accordingly, the Application is dismissed. I order no cost.

Judge of the Court of the Appeal

Sobhitha Rajakaruna, J.

I agree.

Judge of the Court of Appeal