

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

*In the matter of an Application for  
Orders in the nature of Writs of  
Certiorari, Prohibition and Mandamus  
under Article 140 of the Constitution of  
the Democratic Socialist Republic of Sri  
Lanka.*

1. W.M.P.V.K Wijenayake,  
No. 173-A, Galle Road,  
Thalpitiya North, Wadduwa.
2. B. Shamindra Mendis,  
No. 122, Sri Dewananda Road,  
Willorawatta, Moratuwa.

**CA (Writ) App. No. 649/2024**

**PETITIONERS**

**Vs.**

1. Sri Lanka Institute of Architects (SLIA),  
No. 120/7, Vidya Mawatha,  
Colombo 07.
2. Architects Registration Board (ARB),  
No. 120/7, Vidya Mawatha,  
Colombo 07.
3. Registrar,  
Architects Registration Board,  
No. 120/7, Vidya Mawatha,  
Colombo 07.
4. Chairman,

University Grants Commission (UGC),  
No. 20, Ward Place, Colombo 07.

5. Chairman,  
Tertiary and Vocational Education  
Commission (TVEC),  
"Nipunatha Piyasa",  
No. 354/2, Elvitigala Mawatha,  
Colombo 05.
6. Hon. Attorney General,  
Attorney General's Department,  
Colombo 12.

**RESPONDENTS**

**Before:** Dr. D. F. H. Gunawardhana, J.

**Counsel:**

Dr. Ravindranath Dabare with Savanthi Ponnampereuma instructed by Uvindi Dissanayake for the Petitioners.

Samhan Munzair with Sanduni Uthpala Senarathne and Dilanji Athapaththu instructed by Shaminda Wickramasinghe for the 1<sup>st</sup> Respondent.

Dilumi De Alwis with Iranthi Walgama instructed by Amila Kumara for the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents.

Sachitha Fernando, SC for the State.

**Supported on:** 05.02.2026

**Order delivered on:** 17.02.2026

**Dr. D. F. H. Gunawardhana, J.**

## **Order**

### **Introduction**

The architectural practice has been categorised into three categories as recognised in the Sri Lanka Institute of Architects Law, No. 1 of 1976 (as amended) (hereinafter referred to as “the SLIA Law”). They are Chartered Architects, Architects, and Architectural Licentiates. This Application relates to the qualifying examination held to enrol architectural licentiates.

The Petitioners have come before this Court by this Application seeking to obtain certain *Writs of Certiorari* to quash certain decisions and *Writs of Mandamus*, compelling the Respondents to take certain actions.

This Application was supported before this Court on 05.02.2026, and there were several Objections raised for and on behalf the Respondents by several counsel; hence, this order.

### **The Petitioners’ complaint**

On a perusal of the Petition, I understood that the Petitioners have taken so much trouble and pain to describe the history of the profession of architects in Sri Lanka, how it evolved from the 1940s, how the Institute was established, and thereafter, how the Law, No. 1 of 1976, came into exist under the auspicious of the then Minister of Housing and Development, late Mr. Pieter Keuneman, to regulate the Architectural Practice. The Petitioners in the course of their Petition, have made various allegations against the Respondents, particularly for not being consistent in preparation of syllabi and publishing advertisements calling for various qualifying exams, and has also made allegations that certain lateral avenues have been shut out by changing the qualifications to be

registered as architects or to be qualified as architect aspirants even after the amendment which recognised the said three types of architectural practices.

Though the Petitioners make all types of allegations in respect of the exams of the architects and their qualifying exams, no relief is sought on their behalf as the Petitioners have no locus standi on their behalf. Therefore, it is very clear that the Petitioners are guilty of prolixity as a lot of unwanted and redundant material is mentioned in the Petition.

Having said that, I will straight away come to the Petitioners' allegations and main complaint. The Petitioners' main complaint is that the Respondents have shut out one avenue by not fixing or prescribing the period of experience for an architectural licentiate to submit their applications under the experience category (the fifth category) enunciated in Section 8E read with the Second Schedule of the Law, which reads thus;

*“8E. No person shall be registered as: -*

*(c) an Architectural Licentiate unless-...*

*(v) he has engaged in the practice of architecture in Sri Lanka or any other country for a period of not less than the prescribed period and has passed the professional practice examination conducted by the council for the purpose of registration as an Architectural Licentiate.”*

In addition to that, the other allegation of the Petitioners is with regard to the notice sent to different candidates in two different years, where the Respondents have given two different names to describe the qualifying exam for the architectural licentiate. Therefore, there is no certainty in describing the exam to be held for the candidates of the architectural licentiate as used by the Respondents.

Thirdly, the Petitioners' complaint is with regard to the shutting out of the lateral entry path for the aspirants to become chartered architects. This includes the architectural licentiates.

Thus, the Petitioners are seeking *inter alia* the following relief;

*“b) To issue an order in the nature of a Writ of Mandamus compelling the 1<sup>st</sup> Respondent to prescribe the correct name of the Architectural Licentiate Examination, to prescribe the pre-qualifications and requisite experience required, and to ensure that notices are published containing accurate information for the general public to apply for registration for the Architectural Licentiate Examination, thereby ensuring adherence to the correct admission procedures in accordance with the Sri Lanka Institute of Architects Law, as amended;*

*c) To issue an order in the nature of a Writ of Mandamus compelling the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents to prescribe the proper architectural qualification for registration under the category of Architectural Licentiate, in strict compliance with the Sri Lanka Institute of Architects Law, as amended;*

*d) To issue an order in the nature of a Writ of Mandamus compelling the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents to publish the requisite materials mandated under "Part IV of Schedule B" of the Sri Lanka Institute of Architects Act, as amended, ensuring transparency and compliance with statutory obligations;*

*e) To issue an order in the nature of a Writ of Certiorari quashing the certificates already issued to Architectural Licentiates under the incorrect qualification title and all associated documents issued by the 1<sup>st</sup> Respondent (Sri Lanka Institute of Architects and the Board of Architectural Education);*

*f) Issue an order in the nature of a Writ of Mandamus compelling the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to employ the accurate terminology of the examination, namely "Professional Practice Examination," as mandated by the Sri Lanka Institute of Architects Law, as amended, in all certificates and documents issued to Architectural Licentiates by the said Respondents;*

*g) Issue an order in the nature of a Writ of Certiorari to quash the revisions made to the "Second Schedule" of the Sri Lanka Institute of Architects Law No 1 of 1976 as amended through Extraordinary Gazette Nos. 954/10 dated 20.12.1996, 1416/10 dated 25.10.2005, and 2041/18 dated 17.10.2017, which amended the which amended the title of the 'second schedule' from "Qualifying Examinations" to "Qualification";*

*h) Issue an order in the nature of a Writ of Mandamus directing the 1<sup>st</sup> Respondent to amend the designation of the title in the "Second Schedule" of the Sri Lanka Institute of Architects Law No. 1 of 1976 (as amended) to "Qualifying Examinations," and to include "Professional Practice Examinations" within the Second Schedule, as specified in the principal enactment for the category of practice;*

*i) Issue an Order in the nature of a Writ of Mandamus compelling the 1<sup>st</sup> Respondent to conduct the Qualifying Examinations, namely SLIA Part I, Part II, and the SLIA Professional Practice Examinations, subsequent to the publication of the requisite materials as mandated under "Part IV of Schedule B" of the Sri Lanka Institute of Architects Act, as amended, which examinations shall be announced annually and made available for interested parties and the general public to apply, as stipulated in the Second Schedule of the Sri Lanka Institute of Architects Act, as amended;*

*j) Issue an order in the nature of a Writ of Mandamus directing the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to expedite the inclusion of the Architectural Licentiate qualification into the National Qualifications Framework (NQF), in concert with the 4<sup>th</sup> and 5<sup>th</sup> Respondents;*

*k) Issue an order in the nature of a Writ of Certiorari quashing the lateral entry process introduced in the year 2022;”*

Now I will consider the Petitioners’ three complaints separately.

### **Non-prescription of the period of experience**

One such complaint is that the Respondents have not set out in the notice which had been advertised calling for the aspirant to register for the licentiate exams under all five categories; their complaint is particularly with regards to the fifth category where those who have experience in the field of architecture can also aspire to become and sit for the licentiate exams. The Petitioner’s complaint that the BAE (Respondents) have not prescribed that in the said notice calling for applications. However, on a perusal of **P8** itself, it is clearly mentioned as to how many years of experience that an aspirant candidate should be aspired to apply for the licentiate examination under the fifth category.

In Paragraph 54 of the Amended Petition so alleged, the document marked as **P8**, which is a document relied upon by the Petitioners, stultifies their own argument; thus, it is a baseless allegation, and the relief sought by the Petitioners in prayers (c) and (d) in the Petition cannot be obtained due to the lack of proper reasoning. For the purpose of record, I will reproduce the document marked **P8** annexed to the Petition;

*“...Those who wish to be eligible for registration with the Architects Registration Board (ARB), under the category of Architectural Licentiates, as stipulated in the Sri Lanka*

*Institute of Architects (Amendment) Act No.14 of 1996 are hereby invited to register with the Sri Lanka Institute of Architects (SLIA) as prospective candidates to sit the Qualifying Examination for Architectural Licentiates (QEAL) – 2022/2023.*

*A pass in the Qualifying Examination and the confirmation letter issued by the Board of Architectural Education (BAE) of the Sri Lanka Institute of Architects (SLIA) to that effect is a pre-requisite to apply for Registration as Architectural Licentiates with the ARB. The examination and the course leading to it will be conducted in English*

*Following categories of persons are eligible to apply for registration with the SLIA/BAE to sit the above Examination:*

<i>No.</i>	<i>Qualification</i>	<i>Prescribed work experience</i>
<i>1.</i>	<i>Graduate Membership of SLIA</i>	<i>4 years under a Chartered Architect or an Architect after obtaining Graduate Membership.</i>
<i>2.</i>	<i>SLIA Part I</i>	<i>5 years under a Chartered Architect or an Architect after obtaining SLIA Part I qualification</i>
<i>3.</i>	<i>B.Sc. Built Environment</i>	<i>5 years under a Chartered Architect or an Architect after obtaining B.Sc. Built Environment qualification.</i>
<i>4.</i>	<i>Possessing other overseas qualifications in Architecture equivalent to 1, 2 or 3 of above as acceptable to the SLIA</i>	<i>5 years out of which 1 year in Sri Lanka under a Chartered Architect or an Architect after obtaining the overseas qualification.</i>
<i>5.</i>	<b><i>Involved in the field of designing of buildings for a prescribed period:</i></b>	<b><i>(a) 15 years of which 5 years in a position of responsibility and 10 years being involved in the field of designing of buildings as the main source of income/livelihood</i></b> <b><i>OR</i></b> <b><i>(b) 10 years under a Chartered Architect or an Architect of which 5 years in a position of responsibility.</i></b>

*It should be noted that the word “Architect” and its derivatives are protected by the said legislation and a person unless registered with the ARB should not use such terms.*

*For clarifications if any, the Manager – Board of Architectural Education (BAE) can be contacted over Telephone No. 011-2678255. The Application Form can be downloaded from the website [www.slia.lk](http://www.slia.lk) (path: Publications > Downloads > Applications from BAE). Completed/signed hard-copy of the Application together with the payment receipt from the SLIA for the Application Fee of Rs. 3,500/- shall be submitted to the Manager, BAE on or before 31st January 2023 during SLIA office hours.*

*Registration for the “Qualifying Examination for Architectural Licentiate” will be subject to a selection interview...” (Emphasis is mine)*

### **Nomenclature of the Architectural Licentiate**

The Petitioners’ second allegation is that the nomenclature of the qualifying exam to become a licentiate is not certain. To establish their position, the Petitioners rely upon two documents marked as **P10** and **P10(a)**. According to **P10**, its title is “Qualifying examinations for Architectural Licentiate 2009”, and the title of **P10(a)** is, “SLIA Professional Practice examination for Architectural Licentiate – 2012”. Therefore, the nomenclature for two different years, used by the BAE is not consistent, and thus, there is no certainty in the notice sent to the different candidates in two different years. Hence, on that basis, the Petitioners have sought the relief as prayed for in prayers (b), (e), (f) in the Petition.

However, as pointed out by Ms. De Alwis, whatever the notice sent to the candidates on two different occasions in two separate years, informing that they have been admitted as qualified candidates for the relevant ‘Architectural Licentiate’ examination, when the examination is passed by any of those candidates, the qualification given is an Architectural Licentiate, which is the general qualification given in the Law and certificate, which is clearly borne out by the document

marked as **P2(a)** by the Petitioners. Therefore, the Petitioners nor any other candidate are not mislead based on whatever nomenclature is used just for the notice, because it is the licentiate exam that they intent to sit and expected to take up. Once the exam is passed, the SLIA admits them as Architectural Licentiates under one common name; thus, this is a superfluous and baseless argument of the Petitioners, where the superfluous relief cannot be granted.

The Petitioner must always remember, as written by William Shakespeare, approximately 431 years ago;

*“What’s in a name? That which we call a rose*

*By any other word would smell as sweet..”<sup>1</sup>*

Hence, in the present context, the real “rose” is the Architectural Licentiate; with that certificate, the Petitioners or any other successful candidate can practice as Architectural Licentiate, and subject to those qualifications, such a person can only practice within his sphere and nothing more.

### **Shutting out of the lateral entry path**

Another allegation made by the Petitioners against the Respondents is that they have not made any provisions or set out any methodology to absorb the Architectural Licentiates to be qualified or be eligible to obtain the other higher qualifications; namely, to become architects and chartered architects. Thus, now I will consider the qualifications required to become a Chartered Architect and an Architect.

The qualifications to become a chartered architect is also set out in the Schedule of the SLIA Law. Accordingly, a person has to first obtain at least a degree from a recognised university where

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<sup>1</sup> William Shakespeare (1597) *Romeo and Juliet*, Act 2, Scene ii.

architecture is the main course, and thereafter, if such a person has a Master's degree as well, he is eligible to be trained for a two-year period to sit for the Part-III of the corporate exam.

Now I will give some examples as to how corporate qualifications can be obtained under the SLIA Architectural Education Program.

There are four local institutions that have been recognised by the SLIA for the eligibility of the program. Only Part-I of the examination is exempted if a graduate has obtained a Bachelor of Architecture from the University of Moratuwa and has obtained 90 credits in the first three years of the program. However, a fully qualified graduate is entitled to be exempted from the SLIA Part-I and Part-II examinations. Those who have obtained Part-I and II qualifications are entitled to work experience after two years and then sit for the Part-III examinations.

The School of City of Architecture, Colombo, where they offer diploma courses; if somebody has obtained a diploma course in Architectural Studies, such a person is exempted from only Part-I examinations. However, higher diploma in Architecture is also exempted from Part-II examinations.

The School of Architecture of Sri Lanka Institute of Information Technology (SLIIT), Malabe, which offers two courses; those who have passed the Advanced Diploma in Architecture after the year 2022, are eligible to apply for exemptions from Part-I, while the graduates who qualified before the year 2022 are eligible to sit for the Part-I examinations. However, those having a Graduate Diploma in Architecture are eligible to sit for the Part-II examinations if they were exempted from the Part-I examinations.

If someone has obtained a Bachelor of Architecture degree from the Department of Architecture of the General Sir John Kotelawala Defence University with competency level of 1, 2, and 3, and

has twenty-eight weeks of practical training, is eligible to sit for the Part-I examinations. Graduates who passed the SLIA Part-I examinations are then eligible to sit for the Part-II examinations.

Therefore, even at the university level, from different institutions, different exemptions and eligibility criteria is considered. However, the aspirants who have chosen the path to become an architectural licentiate, unless they have followed and passed a scientific degree program or diploma program from any recognised institution, are only eligible to sit for the exams by way with the experience that has been prescribed. Otherwise, even experience can be obtained without even Ordinary Level or Advanced Level qualifications. Such experience is only material as prescribed to register for the licentiate exam and sit for the same, and not beyond that.

However, to maintain the standards and accommodate eligible aspirants, even foreign graduates are eligible to be admitted as architects, after having gone through the proper process published in the SLIA Law, which the Petitioners themselves have also accepted. Therefore, if the Petitioners' Application is permitted and allowing the writs sought, it will further create bigger anomalies within the system; maintaining the standards and the required qualifications are necessary, and therefore, I do not see any rationale of the argument of the Petitioners.

### **The Respondents Objections in general**

Now there are certain Objections raised as to the maintainability of this Application and the prayers sought due to various defects. One such Objection raised by Ms. De Alwis for and on behalf of the Respondents is that as the Application is formulated, the necessary parties are not there, particularly some of the Respondents who have been cited in their official name, and not the personal name of the holder of such office, since there are no juristic or natural persons in that name. In the course of my order, I will deal with this matter as well.

In addition to that, the laches and acquiescence were also some of the Objections that have been raised by some of the Respondents.

Now I will directly come to the matter relating to the prayers sought by the Petitioners.

Accordingly, prayer (b) is to issue an order in the name of a *Writ of Mandamus*, compelling the Respondents to prescribe the correct name of the Architectural Licentiate examinations. This is in relation to the two documents marked as **P10** and **P10(a)** annexed to the Petition, where in two different years, the licentiate exams have been designated or described under two different names. However, now it goes as ‘Architectural Licentiate’, and the certificate given is also under the same recognised nomenclature; therefore, it is properly identified. The documents marked **P10** and **P10(a)** are two documents that have been issued long ago; now the Petitioners cannot be heard to complain against them as there is a long delay and laches on the part of the Petitioners, and they have accepted without any objections, and therefore, there is acquiescence on their part as well. Therefore, prayer (b) cannot be maintained.

When it comes to prayer (c), the Petitioners are seeking a *Writ of Mandamus*, compelling the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents to properly prescribe the qualifications of the examination. This is in relation to the document marked as **P12(b)**, issued in 1996. Again, there are laches on the part of the Petitioners, and there is acquiescence as well. Therefore, now it is too late of the day to raise this objection.

In addition to that, the Respondents have objected that there is no natural or juristic person, although cited as the 3<sup>rd</sup> Respondent. Therefore, though a *Writ of Mandamus* is sought, such prayer cannot be sought, and such an action cannot be maintained against the 3<sup>rd</sup> Respondent<sup>2</sup>.

When it comes to prayer (d) in the Petition, a *Writ of Mandamus* is sought to compel the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents to publish requisite material as mandated under Part IV of Schedule B, which has already been done. Therefore, this prayer cannot be maintained either.

Prayer (e) in the Petition relates to the issuance of a *Writ of Certiorari*, quashing the certificate already issued to the Architectural Licentiate under the incorrect qualification title. However, now it is too late of the day to seek such a relief as already a lot of water has passed under the bridge; now the Petitioners cannot attempt to correct what has been done long ago.

In addition, since the certificates have already been issued to those who have passed the licentiate exams, and without those already qualified as parties, the Petitioner cannot have this relief.<sup>3</sup>

Prayer (f) is with regard to the issuance of a *Writ of Mandamus*, compelling the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents to change the nomenclature of the examinations. The Petitioners now cannot correct what has happened in the past, as the Petitioners already have acquiesced and there is a long delay on the part of the Petitioners as well.

Prayer (g) is to issue a *Writ of Certiorari*, quashing the revision made to the Second Schedule, which is again the nomenclature. The Gazettes have been published in 1996, 2005, and 2017

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<sup>2</sup> *Indrakumar v. LRC* (CA Writ 271/2017) CA Minutes 15.10.2019; *Haniffa v. The Chairman, Urban Council Nawalapitiya* (66 NLR 48); *Samarasinghe v. De Mel and Another* (1982) 1 SLR 123 at 128; *Dayaratne v. Rajitha Senaratne, Minister of Lands and Others* (2006) 1 SLR 7 at 17.

<sup>3</sup> *Rawaya Publishers and Other v. Wijedasa Rajapakshe, Chairman Sri Lanka Press Counsel & Others* (2001) 3 SLR 213; *Abayadeera and 162 Others v. Dr. Stanley Wijesundera, Vice Chancellor, University of Colombo and Another* (1983) 2 SLR 268.

respectively, and thus, again a lot of water has passed under the bridge which makes the Petitioners guilty of laches. There is acquiescence on the part of the Petitioners as well; therefore, this prayer also cannot be maintained.

When it comes to prayer (h), a *Writ of Mandamus* is sought, directing the 1<sup>st</sup> Respondent to amend the designation in the Second Schedule with regard to the examinations, since the qualification given is the ‘Architectural Licentiate’; this prayer cannot be maintained as well. Additionally, the Second Schedule of the Law cannot be corrected by the Respondents as it needs to go through the legislative procedure, which is not within the purview of the Respondents; thus, the Respondents cannot be directed to carry out such an action.

Prayer (i) seeks a *Writ of Mandamus*, compelling the 1<sup>st</sup> Respondent to conduct qualifying exams of Part I and II annually, which they are doing already; therefore, this too cannot be maintained.

With regard to prayer (j), the Respondents cannot implement it except through a proper legislative process; therefore, this too cannot be granted.

Prayer (k) is with regard to quashing of the lateral entry process introduced in 2022. The Petitioners themselves have accepted by the document marked as **P35**, that it has already commenced, and thus, when there is application, the Respondents will consider it on a case-by-case basis. Therefore, this prayer cannot be maintained.

Further, it should be mentioned that in formulating a prayer in a Petition, where the Petitioner seeks to obtain a *Writ of Certiorari* or a *Writ of Mandamus*, the prayer must be clearly, succinctly, and plainly formulated, without any ambiguity. While there may be several prayers, there should not be repetition of the same relief in ambiguous language. The formulation of the prayers by the Petitioners in this case is guilty of ambiguous and equivocal language.

## **Architecture as a Profession**

Prayer (l) is with regard to a *Writ of Mandamus*, compelling the Respondents to devise a reasonable and lawful pathway in accordance with the Law for the Architectural Licentiate to qualify as Chartered Architects. However, although there is a lateral pathway, every architectural licentiate cannot be absorbed into the mainstream chartered architects, unless they have the basic qualifications because some of the candidates that have already been qualified or will be qualified as architectural licentiates in the future may not have the basic qualifications or scientific training of chartered architects. An architecture's course is a very sensitive subject because a fully-fledged architect or chartered architect is a person who is not only skilled in measurements and designing a buildings, but is also trained in mind and soul during the course, scientifically in a proper institution to adopt himself to the sensitivity of the environments including urban, and country, and maintaining ecological equilibrium; therefore, such a person, who only has high quality of academic and professional qualification can be identified as a true professional like architects and chartered architects. Therefore, such absorption cannot be made available unless and until the standards are maintained in schools to absorb architects or chartered architects.

Therefore, none of the prayers of the Petitioners can be maintained. As such, I am compelled to dismiss this Application *in limine*, without costs.

**JUDGE OF THE COURT OF APPEAL**