

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

In the matter of an application for mandates in
the matter of *Writ of Mandamus and Certiorari*
under and in terms of Article 140 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.

**C.A. (Writ) Application
No: 1093/2025**

S. Ravindra Guneratne
No. 97/13, Thilake Gardens
Stanley Thilakeratne Mawatha,
Nugegoda

Petitioner

Vs.

1. General Sir John Kotelawala Defence
University
Ratmalana
2. Rear Admiral H G U Dhammika Kumara
Vice Chancellor,
3. Brig. Pradeep Rathnayake,
Deputy Vice Chancellor –
Defence and Admin,
4. V D Kithsiri,
Registrar
5. Dr L.S. Liyanage,
Dean,
Faculty of Management, Social Sciences and
Humanities
6. Cmde. K M D Seneviratne (Retd),
Senior Lecturer

7. Gayanika Silva
Senior Assistant Registrar,
Faculty of Management, Social Sciences
and Humanities,

8. Secretary
Ministry of Defence,

9. Additional Secretary (Defence)
Ministry of Defence
Member

10. Commander of the Army,
Member

11. Commander of the Navy,
Member

12. Commander of the Air Force,
Member

13. Chairman,
University Grants Commission
Member

14. Director General,
Department of Public Finance,
Ministry of Finance,

8th to 14th Respondents are the Chairman and
The Members of the Board of Management,
KDU

01st to 14th Respondents are all of:

General Sir John Kotelawala Defence
University,
Kandawala Road,
Ratmalana

15. Maj. General H M G E Herath,
Rector,
Southern Campus – KDU
16. D B Karunaratne,
Senior Assistant Registrar,
Faculty of Built Environment and Spatial
Sciences
17. A H Lakmal,
Dean,
Faculty of Built Environment and Spatial
Sciences
18. R G N Lakmali
Head of the Department of Architecture,

15th to 18th Respondents are all of:

Southern Campus
General Sir John Kotelawala Defence
University,
Edison Hill, Nugegalayaya,
Sevanagala.

19. Sri Lanka Institute of Architects,
No. 120/7,
Vidya Mawatha,
Colombo 07.
20. W A P S Kumara,
Southern Campus
General Sir John Kotelawala Defence
University,
Edison Hill, Nugegalayaya,
Sevanagala

21. W K K Kokila
Student Counsellor,
General Sir John Kotelawala Defence
University,
Edison Hill, Nugegalayaya
Sevanagala

22. Prof. K A S Dhammika,
Deputy Vice Chancellor – Academic,
General Sir John Kotelawala Defence
University
Kandawala Road
Ratmalana

23. Honourable Attorney General
Attorney General's Department
Colombo 12.

Respondents.

Before : R. Gurusinghe, J.
&
Dr. S. Premachandra, J.

Counsel : Saliya Pieris, P.C., with Rukshan Mendis
for the Petitioner

Indumini Randeny, S.C.
**for all the Respondents except
the 19th and 20th Respondents**

Supported on : 14-01-2026

Decided on : 27-02-2026

ORDER

R. Gurusinghe, J.

The petitioner is serving as a Senior Lecturer/Grade 1 at the Faculty of Built Environment and Spatial Sciences of General Sir John Kotelawala Defence University. The petitioner was informed by the 17th respondent, the Dean of The Faculty of Built Environment and Spatial Sciences (The Dean), by the letter dated 02-04-2025, about an investigation of a complaint made by an Officer Cadet, and to facilitate the same by giving access to the necessary documents in the possession of the petitioner (P3). By that letter, the petitioner was informed to submit all requested documents to Dr A.R. Rupasinghe to facilitate the investigation.

By letter dated 29-01-2025, (P4) the 2nd respondent, the Vice Chancellor of the University, appointed three Military Officers to investigate the complaint made by the Dean. By letter marked P5 dated 02-04-2025, Dr. Rupasinghe requested the Dean to provide all marked sheets during the process of the Comprehensive Design Project (CDP), including the comments given by the critique panel, final marked sheets and all related correspondence. By letter dated 03-07-2025, the disciplinary board recommended nullifying the marks of the eligibility assessment test conducted on 21-11-2024 and permitting the submission of final drawings/documents by students previously deemed ineligible for the final critique.

By email marked P12, the 5th respondent informed the petitioner that the petitioner was requested to appear before the Board of Investigation on 22-07-2025, via an online platform and to present any evidence or information that may support the petitioner's explanation. The petitioner states that he did not participate in that investigation by the Board, as the e-mail was ambiguous and he sought clarification regarding the misconduct stated therein. Thereafter, the 3rd respondent, by e-mail, P14, explained the allegations against the petitioner. P14 of the letter states as follows:

“This Board of Investigation has been appointed by the Deputy Vice Chancellor (Defence and Administration) to inquire into complaints received regarding alleged harassment of students – both officer cadets and day-scholars – at the Southern Campus. These complaints involve the conduct of two lecturers, including yourself.

According to the information received, some students have raised concerns about your behaviour, specifically citing instances of discrimination, favouritism and actions that they perceive as amounting to psychological

harassment. In addition to the student complaints, a few other parties have also brought related matters to our attention.

During the inquiry process, we will ask you about specific incidents reported by the complainants and other relevant individuals. You will be given the opportunity to present your account in response to these allegations. Following your statement, you will also be allowed sufficient time to submit any evidence or documentation that you believe supports your explanation.

We trust this clarification addresses your concerns and assures you that the process will be conducted fairly, with due regard to your right to respond.”

By letter marked P15 dated 23-07-2025, the Vice Chancellor of the University communicated to the petitioner of “Official warning for non-compliance with University Examination policies/delay in submission of – May/June 2024 examination marks.”

The petitioner in this application seeks to quash the decisions in P16, P17, and P23. The Vice Chancellor of the University sent P16 to the Dean of FBESS. P16 is as follows:

“Reference: The Board President's letter no. KDU/FMSH/01/06 dated 23rd July 2025.

1. The President of the Investigation Board appointed to investigate the Complaint on Harassment, has formally requested that Archt. S.R. Gunaratne (Senior Lecturer Gr. 1) and Archt. W.A.P.S. Kumara (Senior Lecturer Gr. 1) to be temporarily suspended from participating in all kinds of student assessments.
2. This request has been made in order to ensure impartiality and transparency in the ongoing investigation process.
3. Accordingly, it is informed to take necessary actions to temporarily relieve Archt. S.R Gunaratne (Senior Lecturer Gr. 1) and Archt. W.A.P.S. Kumara (Senior Lecturer Gr. 1) from all duties related to student assessments until the final decision of the investigation being finalized.”

Accordingly, by letter dated 22-08-2025, marked P17, the 5th respondent temporarily suspended the petitioner from all student assessments.

P17 is as follows:

“Ref: VC’s Letter No. KDU/L/11 dated 20th August 20205 (Copy attached)

1. You are hereby temporarily relieved from all duties related to student assessments with effect from 22.08.2025 until further notice, as per the direction of the Vice Chancellor referred to above.
 - a. Accordingly, you are also relieved from the position of Year Master/Coordinator of Year IV of the BArch Degree Programme, since you are not permitted to engage in design critiques/assessments. Therefore, you are instructed to hand over all results and related documents pertaining to design critiques/assessments already completed, to the Head of the Department of Architecture by today.
2. Furthermore, it has been observed that you have not submitted the results of the following modules for the May-June 2025 Examinations, despite the deadline of 19.08.2025.
 - Theory of Architecture I (AR03261) – 27 Scripts
 - Communicating in filmic medium – Architectural Videography (AR03351) – 25 Assignments
3. You are hereby instructed to hand over all answer scripts and/assignments of the above-mentioned modules to the Examinations Division immediately.”

There is a complaint against the petitioner for harassment of the students. By internal memo marked P25 dated 28-02-2025, the Dean of the Faculty of Built Environment Spatial Science informed the Vice Chancellor of the complaint. While the Investigation Board was investigating the complaint against the petitioner, the President of the Investigation Board formally requested that the petitioner be temporarily suspended from participating in all kinds of student assessments. Accordingly, by letter P16 the petitioner was suspended from student assessments.

The respondents noted that the above suspension was intended to facilitate the investigation and that there was no malice or unfairness. At least five students have been assessed as ‘ineligible’ at the internal eligibility assessment conducted on 21-11-2024, from taking part in the final critique of the Comprehensive Design Project – 2024.

The respondent further stated that the eligibility examination is an internal assessment conducted prior to the final examination to provide students with feedback and award marks and comments on their drawings. The respondents pointed out that it is a violation of the Rules of Conduct of Undergraduate Degree programmes of KDU to prevent the student from taking part in the final examination purely based on eligibility criteria. Accordingly, an inquiry has commenced into the same, and the petitioner and the other lecturers were requested to furnish copies of their assessment. The respondent also submitted that the University received a complaint through the student Counsellor in or around December 2024, some students, including final students, have complained of significant mental distress caused by the petitioner and one other lecturer. Pursuant to this complaint, the department conducted preliminary inquiries and discovered that there are grounds to initiate a formal inquiry into the complaint.

The petitioner's position is that the students' eligibility to sit for the examination depends on assessment. However, according to the rules for the conduct of degree programmes at KDU, eligibility to sit the end-of-semester examinations depends on the percentage of attendance. Those rules are produced marked R6.

3.1 Eligibility to Sit an End Semester Examination

3.1.1 The eligibility requirement to sit an End Semester Examination in a Course Unit, relevant to the field of study in a particular semester, as a first-time candidate, shall be an attendance record of not less than 80%. However, an attendance record of not less than 60% may be considered on valid medical grounds and/or due to any other valid reason approved by the Faculty Board for the purpose of calculating the required attendance.

The petitioner has not been interdicted. The Respondents pointed out that the petitioner's salaries are paid as usual, and no prejudice was caused to the petitioner. Temporary suspension from participating in student assessments is not a punishment.

In the Case of De Saram vs. Panditharatne and Others [1984] 2 Sri LR 106, the Court held; "*the duty of maintaining discipline in the University is conferred on the Vice Chancellor by Universities Act. Where a person is responsible for the maintenance for discipline in a particular institution, suspension pending inquiry would be an inherent or implied, right flowing from such responsibility.*"

The petitioner has not established bad faith/mala fide on the part of the respondents. The petitioner has failed to establish that the respondents have acted unlawfully or unreasonably. The respondents have followed the proper procedure. The petitioner's application has failed to justify the issuance of formal notice to the respondents, and as such, the court refuses to issue notice. The application of the petitioner is dismissed.

Judge of the Court of Appeal

Dr. S. Premachandra J.

I agree.

Judge of the Court of Appeal.