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

In the matter of an application for Mandates in the nature of Writs of Certiorari and Mandamus under Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka

Court of Appeal Writ Application No:

CA/WRT/0277/2026

1. J.N.C.V. Vimalarathna (20TEE557)
   Lokurugam, Bandara Koswatta.

2. S. M. D. R. A. Ranawaka (20TEE590)
   No 464/1-4, Arewwala Road, Maharagama.

PETITIONERS

vs

1. Professor M. Sunil Shantha,
   Vice Chancellor,
   Sabaragamuwa University of Sri Lanka

And 14 Others.

RESPONDENTS

Before: Hon. Justice N. R. Abeysuriya PC (P/CA)

Hon. Justice K. P. Fernando

Counsel: K. G. Jinasena with Dulari Kahawaththa and Imalika Disanayaka instructed by D.W.Vikum Jayanath for the 1st and 2nd Petitioner

Supported On: 29.04.2025

Decided On: 30.04.2026

N. R. Abeysuriya, PC, J. (P/CA),

Heard learned Counsel for the Petitioners in support of the application for interim relief.

At the very outset, this Court cannot but observe that the Petitioners have approached this Court after an inordinate and unexplained delay of exactly one year from the date of the impugned decision suspending the said students. No material has been placed before Court to satisfactorily explain such delay. The assertion that the Petitioners were unaware of the relevant examination schedule is, in the view of this Court, wholly unconvincing and unsupported by any evidence whatsoever.

This Court is constrained to note that the present application has been instituted at the eleventh hour, on the eve of examinations said to be scheduled on Monday, thereby seeking to place undue pressure upon Court to grant interim relief. Such conduct is impermissible. It amounts to an attempt to invoke the writ jurisdiction of this Court in circumstances brought about solely by the Petitioners' own inaction. The writ jurisdiction, being discretionary in

nature, cannot be exercised in favour of litigants who have demonstrably slept on their rights and thereafter seek urgent indulgence.

In the circumstances, this Court is of the firm view that the Petitioners are guilty of inordinate delay and laches, which by itself is sufficient to disentitle them to any relief, interim or otherwise. The belated challenge to the decision of the Vice Chancellor cannot be countenanced.

This Court must also emphasise that matters pertaining to discipline within a university fall primarily within the domain of the Vice Chancellor and the relevant academic and administrative authorities. They are best placed, by reason of their proximity to the facts and institutional responsibility, to take decisions concerning the maintenance of discipline and order within the university. This Court, in the exercise of its writ jurisdiction, does not sit as an appellate authority over such decisions. Judicial intervention is warranted only in instances where there is a clear failure, inability, or illegality in the exercise of such powers. No such exceptional circumstance has been demonstrated in the present case.

Be that as it may, this Court deems it necessary to place on record, in the clearest possible terms, that acts of ragging within university premises are matters of the gravest concern. The legislative intent underlying the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act, No. 20 of 1998 is unequivocal. Enacted unanimously by Parliament, it embodies a strong national resolve to eradicate a deeply pernicious practice that has, over the years, resulted in immeasurable harm to students.

This Court cannot ignore the disturbing reality that incidents of ragging have, in certain instances, allegedly driven vulnerable students to the brink of despair, even leading to tragic consequences such as the loss of life by suicide. Such allegations, whether ultimately established or not, underscore the

extreme gravity of the issue and the pressing need for strict enforcement of the law. Any attempt to trivialise or dilute disciplinary action taken in this regard must be firmly discouraged.

Universities must remain sanctuaries of learning, dignity, and safety. The law cannot and will not be rendered ineffectual by inaction or misplaced sympathy.

For all the foregoing reasons, this Court refuses to grant interim relief and dismisses the application *in limine*.
No Costs.

PRESIDENT OF THE COURT OF APPEAL

K. P. Fernando, J.
I agree.

JUDGE OF THE COURT OF APPEAL