

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 and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

C.A. (Writ) Application

No: 0276/2018

1. U.P. Jayasingha,
Sub Inspector,
Police Station,
Narahenpita.

2. M.A.A. Muhees,
Sub Inspector,
Police Station,
Batticaloa.

3. N.M.L. Edirimanna,
Sub Inspector,
Police Station,
Aranayake.

4. M.A.J.S. Kumara,
Sub Inspector,
Police Station,
Kachchaveli.

5. Y.M.J.B. Yapa,
Sub Inspector,
Environmental Protection Division,
Police Field Force Headquarters,
Sri Sambuddha Jayanthi Mawatha,
Colombo 05.
6. R.M.N. Rathnayaka,
Sub Inspector,
Police Station,
Giribawa.
7. M.M.N.S. Wickramathilake,
Sub Inspector,
Police Station,
Polonnaruwa.
8. M.T. Mahesh,
Sub Inspector,
Police Sports Division,
Sri Sambuddha Jayanthi Mawatha,
Colombo 05.
9. K.M.C.P.C. Koralegedara,
Sub Inspector,
Police Station,
Vavuniya.
10. W.J.B. Fernando,
Sub Inspector,
Community Police Division,
No. 331, Olcott Mawatha,
Colombo 11.

11. H.K.C.R Hewawasam,
Sub Inspector,
State Intelligence Service,
No. 10, Cambridge Place,
Colombo 07.
12. B.V.P.G. Athurupana,
Sub Inspector,
Police Field Force Headquarters,
Sri Sambuddha Jayanthi Mawatha,
Colombo 05.
13. K.G.S. Marasinghe,
Sub Inspector,
Ministerial Security Division,
No. 144, Colvin R de Silva Mawatha,
Colombo 02.
14. S.M.U.P. Samarakoon,
Sub Inspector,
Police Field Force Headquarters,
Colombo 05.
15. Saliya Gamage,
Sub Inspector,
Police Station,
Mount Lavinia.
16. D.M. Sunil,
Sub Inspector,
Police Station,
Mahakalugalla.

17. H.G. Ajith,
Sub Inspector,
Police Station,
Kurunegala.
18. H.W. Wijeweera,
Sub Inspector,
Prime Minister's Security Division,
Jawatta Road,
Colombo.
19. Vajira Malwadamage,
Sub Inspector,
Police Station, Badulla.
20. Sumith Chandralal Jeewaratne,
Sub Inspector,
Police Station,
Badulla.
21. W.G.D. Kumarasinghe,
Sub Inspector,
Police Station, Wilgamuwa.
22. G.V. Sankar,
Sub Inspector,
Police Station,
Cinnamon Gardens.
23. J.S.M. Jawshi,
Sub Inspector,
Police Station,
Kantale.

24. A.M.S.C. Jayasekara,
Sub Inspector,
Police Station,
Kantale.
25. V.R. Ratnayake,
Sub Inspector,
Police Station,
Borella.
26. H.A.A. Bandaranayake,
Sub Inspector,
Police Field Force Headquarters,
Colombo 05.

PETITIONERS

Vs.

1. Pujitha Jayasundera,
Inspector General of Police,
Police Headquarters,
Colombo 01.
- 1A. Deshabandu Thennakoon,
Inspector General of Police (Actg.),
Police Headquarters,
Colombo 01.
- 1B. Priyantha Weerasooriya,
Inspector General of Police (Actg.),
Police Headquarters,
Colombo 01.

2. C.D. Wickramaratne,
Senior Deputy Inspector General of Police,
Administration,
Police Headquarters, Colombo 01.
3. Ravi Wijegunawardena,
Senior Deputy Inspector General of Police,
Support Services,
Police Headquarters, Colombo 01.
4. D.R.L. Ranaweera,
Deputy Inspector General of Police,
Police Headquarters, Colombo 01.
5. Pandula Weerasinghe,
Superintendent of Police,
Director Personal,
Police Headquarters,
Colombo 01.
6. Member,
Board of Interview Panel for Selection of
Inspectors of Police under RTM No. 769 C/O
Inspector General of Police,
Police Headquarters,
Colombo 01.
7. Member,
Board of Interview Panel for Selection of
Inspectors of Police under RTM No. 769 C/O
Inspector General of Police,
Police Headquarters,
Colombo 01.

8. E.J.P.D. Anjula,
9. L.W.T.C. Liyanage,
10. J.A.P. Kumarasinghe,
11. S.S. Ranaweera,
12. K.S.T. Perera,
13. G.D. Kumarasinghe,
14. K.S.K. Premawardhana,
15. B.A.A.K. Wijewardhena,
16. R.A.M. Ranjith,
17. A.A.A. Indrajith,
18. H.P.N.K. Hewapathirana,
19. U.K.D.S. Duminda,
20. R. Weerasinghe,
21. P.G.S. Wimalaratne,
22. M.K.H. Pushpakumara,
23. J.P. Jayananda,
24. K.T.T.S. Gunasinghe,
25. K.V. Amararatne,
26. P. Piyasena,
27. T.M.P.P.K. Tennekoon,
28. N.B. Wijetunga,
29. Y.M.S. Maddumabandara,
30. D.M.R. Dissanayake,
31. H.K.D.S. Jayasooriya,
32. A.M.S.R. Bandara,
33. K.W. Wellangiriya,
34. K.G. Karunathilake,
35. P.G. Gunasekara Banda,
36. D.M.D.S. Dissanayake,
37. R.M.R. Wimalaweera,
38. M.H.G. Jayasena,
39. D.W.G. Cyril,
40. K.E.S.P.K. Abeywickrama,

41. A.W.G. Gunawardena,
42. L.P.M.R. Jayawardena,
43. K.G.M.H. Chandrasiri,
44. J.M.M. Senaratne,
45. K. Gamini,
46. S.B.L. Seneviratne,
47. E.A.W. Kumara,
48. P.A. Wijesena,
49. W.V. Dharmaratne,
50. P.S. Aruna Shantha,
51. O.C. Subhasinghe,
52. R.S. Gamini,
53. T.G.A. Gunasekara,
54. D.M. Udayasiri Bandara,
55. M.R.N. Karunaratne,
56. I.L.R.U.B. Illangakoon,
57. T.R.R. Jayalath Bandara,
58. R.G.L. Jayaweera,
59. A.W.G.N. Gunawardena,
60. W.A.K.S. Saranapala,
61. D.D.R. Bandara,
62. I.S. Perera,
63. K.K.J. Anura Shantha,
64. S.A.D.D.S.P. Dissanayake,
65. W.K.G. Chamikara,
66. U.G.S.B. Ranaweera,
67. M.K.S. Udaya Kumara,
68. A.S.S. Nanayakkara,
69. M.K. Anil,
70. K.A.S.L.Kodithuwakku,
71. N.P.A. Kularatne,
72. W.K.R. Walallaawita,
73. G.A.S. Dayananda,

74. K.P.C.L. Kariyawasam,
75. S.A.Karunathilaka,
76. P.G. Anura,
77. V.N.J. Perera,
78. H.M.Gnarnaratne,
79. W.K.G. Piyatissa,
80. A.W.C. Ranasinghe,
81. D.M.U.B. Dissanayake,
82. K.A. Gunaratne,
83. H.K.P. Matharaarachchi,
84. D. S. Maawadawilage,
85. C. Wickramaratne,
86. A.D.S. Attanayake,
87. H.B.T.K. Piyadarshana,
88. P. Wasantha,
89. B.K. Ubhayanandana,
90. D.P.P. Raamanayake,
91. K.W. Premasiri,
92. W.M. Piyadasa,
93. B.A.M. Piyasiri,
94. R.M.R. Anawiratne,
95. P.A.I. Upulshantha,
96. K.R. Pushpakumara,
97. D.M.C.K. Dahanake,
98. D.S.A. Gamage,
99. W.V.R.N. Gunawardena,
100. H.G.P.R. Chaaminda,
101. A.A.J. Peiris,
102. R.P.M. Liyanage,
103. H.P.G. Amarasena,
104. H.B.M.U. Nandakumara,
105. I.M.S. Wijaya Bandara,
106. D.W.A.S. Pushpakumara,

107. W.M. Seneviratne Banda,
108. K.D. Rupasinghe,
109. A.P. Keerthiratne,
110. W.A.D.S. Bandula,
111. W. Samarajeewa,
112. W.W. Jayaratne,
113. W.M. Hemaratne Banda,
114. K.G. Amarasiri,
115. R.S.K.A.P. Dilantha,
116. S.A.A. Devapriya,
117. H.V.S. Gamini,
118. E.R.S.K. Thilakaratne,
119. L.J.H.M.W.D. Herath,
120. P.B.G.K. Premawansha,
121. K.M.U. Ratnakumara,
122. L.R. Gunathilake Banda,
123. G.G.U.P. Chandrasiri,
124. R.M.N.P. Ranaweera,
125. E.G.M.C. Dhanawardhana,
126. T.M. Jayathilake,
127. R.M. Wijeratne,
128. J.B.A. Rupasena,
129. P.N. Kadiragamar,
130. M.P. Samarajeewa,
131. D.M.T.K.C. Abeysinghe,
132. M.H. Ilangasinghe,
133. W.K.S.L. Wijeweera,
134. K.N.C. Jayasundara,
135. B.G. Indrasiri,
136. G.G. Guruge,
137. K.G.T. Ranjith,
138. K.S. Wijesinghe,
139. M.P. Jayasinghe,

140. D. Abeywickrama,
141. S.S. Abeysekara,
142. M.G.R.L. Dissanayake,
143. O.A. Silva,
144. K.B.S. Dissanayake,
145. A.M.T.B Senadheera,
146. R.M.U.B. Ratnayake,
147. K.P.A. Premalal,
148. K.A.D.P. Siriwardhana,
149. S.B. Alahakoon,
150. R.M.R.J. Rajapakshe,
151. M.M.R.C. Munasinghe,
152. L.P.W. Siriwardena,
153. R.M. Gunawardena,
154. D.M. Ranbanda,
155. H.A.S. Susantha,
156. S. T. Podinilame,
157. D.M.B. Nandiratne,
158. L.P. Abeywickrama,
159. T. G. Gunaratne,
160. A.E.G. Alahakoon,
161. D.N. Perera,
162. D.M.M. Dissanayake,
163. P.M.G.S.I. Bandara,
164. G.M. Karunaratne Banda,
165. H.D. Mudiyanse,
166. S.M.P. Karunaratne,
167. H.P. Siriwardena,
168. W.A.S.T.K. Jayasekara,
169. K.W.J. Sisira,
170. W.G. Wijayaweera,
171. S.M.G.B. Samarakoon,
172. J.M. Rajaratne,

173. K.H. Ananda,
174. M.G. Gunathilaka,
175. A.A.S. Athauda,
176. K.R. Nandasiri,
177. O.S.P. de Silva,
178. O. Jayaweera,
179. A. Wijesekara,
180. D.M. Abeyratne Banda,
181. U. Kularatne,
182. S.B.W.M.J.R. Samaradiwakara,
183. N.P. Chandrasekara,
184. K.P.T. de Silva,
185. P.D.K.C. Wijeratne,
186. K.A.W. Ranaweera,
187. P.M. Karunaratne,
188. K.P.L. Gunasekara,
189. P.O.T.B. Dombawela,
190. R.M.N. Ratnayake,
191. R.T.S. Jayawardena,
192. A. Abeykoon,
193. W.G. Sirisena,
194. U.S.B. Dharmaratne,
195. T.M. Buddhadasa,
196. U.W.S. Thilaksiri,
197. A.P.P. Ranasinghe,
198. A.M.N.P. Adhikaram,
199. N.S. Ranasinghe,
200. A.B. Punyasena,
201. M.M. Steven,
202. B.G. Tikiribanda,
203. K.M.J.W. Kappagoda,
204. M.A.N. Mudannayake,
205. K.R. Fernando,

206. J. Sunil Shantha,
207. W.K.J. Perera,
208. U.K.M.K.N Rajapakshe,
209. V. Weerawansa,
210. R.M.A. Ranasinghe,
211. N.P.G. Buddhika,
212. G.G. Seneviratne,
213. A. Ranaweera,
214. D.W.G.M. de Silva,
215. H. Karunaratne,
216. W.M.A. Bandara,
217. M.R. Dayananda,
218. M.D.C.N. Gunathilake,
219. H.M.R.B. Herath,
220. H.M.A.G.D. Bandara,
221. K.K.K.J. Kulawardena,
222. R.K.S. Ratnayake,
223. P. Horawalawithana,
224. W.H.D.P.K. de Silva,
225. B.V.C.P. Benaragama,
226. T.S.N. Fernando,
227. H.M.L.P. Halyale,
228. K.O.H.M. Premaratne,
229. T.M. Singhasena,
230. T.V.L. Dias,
231. K. Thilakaratne,
232. G.M.D.N. Silva,
233. N.S.S.A. Nandasena,
234. D.R. Piyasiri,
235. N.P. Kulathilake,
236. N.A.D.R. Premasiri,
237. D.S. Kalansooriya,
238. H.M.C. Jayaratne,

239. R.L.B. Amaraweera,
240. E.S.W.M.P.A.P. Karunaratne,
241. S.W.A. Abeysena,
242. H.A. Jayasiri,
243. H.G.M. de Silva,
244. G.G.K. Karunaratne,
245. B.H.C.R. Sanjeeva,
246. S.P.J. Wickramathanthri,
247. H.M. Mahinda,
248. C. Samarajeewa,
249. A.M.K. Wijayabandara,
250. G. Keerthi,
251. M.K. Dharmasena,
252. T.M. Sunil Shantha,
253. R.M.S. Bandara,
254. P.K.D. Karunathilake,
255. S.A. Senaviratne Banda,
256. P. Jayawardena,
257. G.P.W.S. de Silva,
258. D.A.S.J. Dissanayake,
259. W.M.G. Senaratne,
260. I.W.G. Nimalsiri,
261. W.S. Bandula,
262. K.M. Herath Banda,
263. R.A.J. Kumara,
264. W.T.S. Udaya Kumara,
265. H.K.G. Nevil,
266. J.L.D. Wijethilake,
267. N.V. Udayashantha,
268. J.M.A.S. Camillus,
269. V.K.L. Chandrakumara,
270. W.M. Hemasiri,
271. A.V.S.C. Abeygunasekara,

272. U.N. Liyanagamage,
273. K.M. Ratnabanda,
274. W.W. Nandanathilake,
275. H.H. Chandradasa,
276. P.H.C. Silva,
277. K.R.R. Premakumara,
278. R.M. Wickramaratne,
279. L.H.M. Senaviratne,
280. K.W.P. Bandusiri,
281. T.D. Dayaratne,
282. H.M. Wijewardena,
283. A.M.K.B. Abeykoon,
284. W. Wimalasena,
285. W.H.M. Wijekoon,
286. A.H.G. Peter,
287. P.R.M. Wasantha Kumara,
288. M.G.N.J. Maladeniya,
289. H.A.N.S. Senaviratne,
290. S.W.A.P.R. Samarawickrama,
291. O.H.D. Gamini,
292. I.B.S.A. Bandara,
293. L.K. Jayasiri,
294. K.K. Abeyratne,
295. P.H.D. Upali,
296. R.H.P.S.A. Karunanayake,
297. J.V.J. Mahinda,
298. H.K. Gunaweera,
299. M. Sunil Shantha,
300. H.M.S.K. Herath,
301. T.M. Muthubanda,
302. H.K.G.A. Senaratne,
303. U.V.D.P. Perera,
304. D.M. Premadasa,

305. H.A.D.A. Indika,
306. W.P.R.S. Fonseka,
307. W.G.A.J. Bandara,
308. W.P.K. Dayananda,
309. U.H. Chandrasena,
310. E.D. Dayananda,
311. M.W.S. Nandasiri,
312. E.W.V. Basanayake,
313. M.E.M. Sarathchandra,
314. S.M.T.L. Samarakoon,
315. W.K.B.B.L. Fernando,
316. M.W.S. Ananda,
317. P.N. Senaviratne,
318. M.M.P.I.P.W.B. Manathunga,
319. H.M.L.D. Wijeratne,
320. J.L.P. Priyadarshana,
321. P.P.I. Abeysinghe,
322. N.M.S. de Silva,
323. R.S. Weerakoon,
324. K.U.D.S. Mervin,
325. T.R.P.S. Tennekoon,
326. P.T. Lalith,
327. L. Udaya Kumara,
328. G.M. Ratnayake,
329. N.J.H. Kumarage,
330. K.J. Soysa,
331. M.K.P.I. Maldeniya,
332. B.R.S. Karunaratne,
333. E.M.W. Wijebandara,
334. I.D.A.W. Attanayake,
335. D.M.S. Bandara,
336. D.M. Senarath Bandara,
337. E.P.N. Thilakaratne,

338. S.R.M.K.K. Jayawardena,
339. R.M.H.P.B. Rajanayake,
340. U. Karunathilake,
341. K.M.U. Perera,
342. A.A.M. Wijesinghe,
343. K.M.G.P.K.S. Konara,
344. P.P. Gunaratne,
345. M.A.P.R.K. Munasinghe,
346. T.S. Rajakulasuriya,
347. T.M. Gunasiri,
348. W. Samaranayake,
349. K.C. Kapilakumara,
350. W.M. Abeynayake,
351. D.R.S. Senaviratne,
352. E.M. Nandasena,
353. R.M.H. Aruna Shantha,
354. R.B. Kularatne,
355. R.P.S. Jayawickrama,
356. Y.S. Yalawathura,
357. K.G. Wijeratne,
358. D.M.A. Wijesinghe,
359. D.B. Wickramapala,
360. W.D.S. Ariyaratne,
361. I.M.A. Bogahaarawa,
362. W. Jayantha,
363. R.M. Nandasena,
364. K.U.G. Dinawansha,
365. R.L.D. Premasundara,
366. M.R.U. Jayaweera,
367. R.M. Gunaratne Bandara,
368. H. Wickramaratne,
369. G.D.G.K. Nanayakkara,
370. A.M.P.P. Abeysinghe,

371. R.W.H.M.G. Ranaviraj,
372. R.A.D. Jayasekara,
373. D. Seneviratne,
374. P.D. Sunilshantha,
375. M.A. Lakshman,
376. B.D. Kolambage,
377. K.P.P.K. Chandrasekara,
378. W. Podimahaththaya,
379. K.M. Keerthiratne,
380. S. Kumarasinghe,
381. K.A. Ranjith Lal,
382. N.A. Gunawardena,
383. I.A.G.R. Samarakoon,
384. B.C.L. Senaviratne,
385. M.A.K. Mapalagama,
386. P.B. Wijesinghe,
387. R.R. Somaratne,
388. M.H.L. Anandasiri,
389. D.M. Ratnasekara,
390. A.R.W.M. Rajapakshe,
391. P.K. Gunapala,
392. H.M.V. Anuranga,
393. W.T.A. Priyashantha,
394. H.P.S. Nanayakkara,
395. P.H.K.S. Nirmala,
396. N.B.A.S.K. Nishshanka,
397. Y.M.Y.S. Kumara,
398. W.T.A. Priyadarshana,
399. P. Siripala,
400. S.W. Mohotti,
401. C. Senaratne,
402. W.M.V. Karunaratne,
403. S.A.D. Chandrapala,

404. S.M. Stanley,
405. H.B. Sunil,
406. N.D.S.R. de Silva,
407. W.A.S. Meththananda,
408. M.A. Chandrasti,
409. H.A. Fernando,
410. W. Wimalasena,
411. I.G. Karunadasa,
412. R.R.P.W.B. Bandara,
413. M.G. Jayaratne,
414. D.M. Gunaratne,
415. K.G. Senaka,
416. H.P. Sunil,
417. K.M.D. Bandara,
418. W.A.S. Wickramarachchi,
419. K.P. Senaratne,
420. W.M.G. Premaratne,
421. K. Ariyaratne,
422. H.M.Thilakaratne,
423. H.M. Kumarasinghe,
424. K.R.L. Fernando,
425. A.G.A. Mahesh,
426. M.S.S. Dayawansa,
427. B.W. Premaratne,
428. P.L. Wijethunga,
429. E.A. Nawarathne,
430. D.W.M.R.I. Dharamathilaka,
431. M.S.P. Fernando,
432. A.A. Pematne,
433. B.M. Bandara,
434. P. Wijeratne,
435. W.A.T. Wickramarachchi,
436. D.M.L. Senanayake,

437. M.W.K. Abeykoon,
438. K. Chandrawansha,
439. S.A.M. Gunawardena,
440. M.K.R. Upali,
441. M.U.S. Ariyaratne,
442. D.M.R. Senaviratne,
443. P.A.J. Appuhamy,
444. M.V.K. Manikge,
445. G.G. Gunasena,
446. T.D. Weeraratne,
447. P.M. Wijeratne,
448. S.B.W.M.B.J. Samaradiwakara,
449. M.R. Tissa,
450. B.G. Premasiri,
451. K.A. Nelson,
452. S.A.A.W.B. Samaraweera,
453. M.R.M. Risvi,
454. A.L. Dharmathilaka,
455. P.M. Abeykoon Banda,
456. W.M. Athula Bandara,
457. D.M. Wanigasekara Bandara,
458. J.M.U.B. Senadheera,
459. K.P.G. Sunil,
460. P.K. Dumduratne,
461. W. Jayatissa,
462. U.D.A. Mahinda,
463. S.A.D.N. Dissanayake,
464. D.P. Edirisinghe,
465. G.N. Karunathilake,
466. K.K. Wimalasiri,
467. K. Wijesdasa,
468. G. Jayatissa,
469. M.M.A. Dissanayake,

470. M.G. Siripala,
471. A. Paranawithana,
472. K.P.W. Bandula,
473. P. Piyasena,
474. M.W.K. Ginadasa,
475. W.A. Wasantha Kumara,
476. P.G. Jayasundara,
477. S.M. Tikiribanda,
478. M.M.G.K. Gamini,
479. P.K. Wijethilake,
480. W.M. Punyawardhana,
481. R.M. Siripala,
482. M.N. Gamini,
483. S.H. Sunil,
484. K.A.D.D. Kahadawaarachchi,
485. H.M.G.B. Herath,
486. D.M.M. Bandara,
487. D.M.K.G. Keerthi Bandara,
488. H.F.H.S. Fonseka,
489. H.D.S. Gunathilake,
490. R.G. Upasena,
491. A.D. Premasiri,
492. L.R. Thilakaratne Banda,
493. U.G. Somasiri,
494. S.M.G. Samarakoon,
495. A.M. Wimalatissa,
496. D.L.S. Jayasinghe,
497. D.M. Meegahapola,
498. K.B. Premadasa,
499. H.M.S.A. Bandara,
500. D.M. Wickramasinghe Banda,
501. D.M.N.D. Siriwardena,
502. S.A.S.N. Samaraweera,

503. B.A.A. Jayasinghe,
504. P.G. Ranasinghe,
505. G.D.J. Wasantha,
506. G.K. Gnanasiri,
507. K.T.T. Perera,
508. H.M.A.S. Herath,
509. K.L. Dayananda,
510. M.M. Wijithakumara,
511. D.G. Premarathne,
512. R.M. Rathnayake,
513. G.M. Ranasinghe,
514. W.A.M.S. Wanniarachchi,
515. T.J.B. Herath,
516. H.P. Ariyasena,
517. O.W.G. Weerasekara,
518. K.A.G.S.R. Udayanga,
519. P.A.S. Premaratne,
520. W.M.N. Wijesuriya,
521. R.G.P. Kamaladeva,
522. H.G. Wijayatissa,
523. D.J.P. Danthanarayana,
524. H.M.J.M. Perera,
525. R.D.P.S. Rajapakshe,
526. D.M. Karunaratne,
527. S.A.S. Chandrasena,
528. H.H.R. Wickramasinghe,
529. E.M.C.P. Ratnayake,
530. D.G. Premasiri,
531. K.A.W. Bandara,
532. W.A.S. Suraweera,
533. D.P.M.S.I. Somathilake,
534. P.G.S. Abeyrathne,
535. S.M.A. Indrakumara,

536. A.M. Jayawardena,
537. P.P.J. Ramanayake,
538. H.M.E. Pushpakumara,
539. L.K.M.R.M.A. Bandara Alawala,
540. D.H.P. Premachandra,
541. K.P.M.P. Dalpathadu,
542. R.M. Wijerathne,
543. W.S. Silva,
544. P.W.A.D. Athula,
545. H.G. Ariyaratne,
ALL C/O Senior Deputy Inspector,
General of Police - Administration,
Police Headquarters,
Colombo 01.

RESPONDENTS

Before : Dhammika Ganepola, J.
Adithya Patabendige, J.

Counsel : Sanjeewa Jayawardene, PC, with Rajeev Amarasuriya and Subani
Hewapathirana for the Petitioners.
Medhaka Fernando S.C. for the 1st to 7th Respondents.

Argued on : 20.02.2026

Written Submission

Tendered on : 06.04.2026 by the Petitioner
20.04.2026 by the 1st to 7th Respondents

Decided on : 29.04.2026

Adithya Patabendige, J.

Introduction

The Petitioners, who are presently serving as Sub Inspectors of Police in the Sri Lanka Police, have invoked the writ jurisdiction of this Court under Article 140 of the Constitution, challenging a scheme of promotions to the rank of Inspector of Police effected by the 1st Respondent through R.T.M Message No. 142 dated 17th May 2018 marked **P12**.

The 1st Respondent is the Inspector General of the Sri Lanka Police, and the 2nd Respondent is the Senior Deputy Inspector General of Police - Administration. The Petitioners state that the interview board was composed of the 3rd to 7th Respondents.

The principal grievance of the Petitioners is that, in the process of awarding marks under the applicable marking scheme marked **P11**, the 1st to 7th Respondents have failed to take into account the period of service rendered by the Petitioners in the Sri Lanka Reserve Police, thereby unjustly depriving them of marks under the category of “*Years of Service*.” It is their case that this exclusion has resulted in less meritorious officers being promoted over and above them.

The Petitioners further contend that the impugned actions are arbitrary and unreasonable, and as such, violative their legitimate expectations and the principles of fairness in administrative decision-making.

Reliefs Sought

The petitioners seek, *inter alia*;

- 1) A mandate in the nature of a *writ of certiorari* to quash the purported promotions granted to the 8th to 545th Respondents, as reflected in the R.T.M. message No. 142 issued by the 1st Respondent, marked **P12**,
- 2) A mandate in the nature of a *writ of certiorari* to quash the decision of the 3rd to 7th Respondents and/or the 1st and 2nd Respondents to deny marks to the Petitioners under the category of “service period” in respect of their service rendered in the rank of Sub-Inspector in the Reserve Police Service under the round of promotions in terms of R.T.M. No. 769,

- 3) A mandate in the nature of a *writ of mandamus* directing the relevant Respondents to award marks to the Petitioners for their period of service in the Reserve Police Service, including the full complement of marks calculated at four marks per year, or, in the alternative, to award such marks subject to any applicable conditions and promote in terms of the Law, to the rank of Inspector of Police,
- 4) A mandate in the nature of a *writ of mandamus* directing the Respondents to conduct fresh interviews and make selections in accordance with the applicable law and marking scheme, and to promote the Petitioners to the rank of Inspector of Police with effect from 31st May 2016, together with all consequential benefits.

Factual Background

The material facts, as borne out by the pleadings and documents, may be briefly set out as follows.

The Petitioners had initially joined the Sri Lanka Police as Reserve Sub Inspectors, some of them as far back as 1990. It is not in dispute that during this period they were engaged in active service and performed duties and functions comparable to those carried out by officers in the regular service.

By a Cabinet decision made in 2006, the Reserve Police Service was abolished, and its members, including the Petitioners, were absorbed into the Regular Police Service. This position is admitted by the Respondents.

Following such absorption, Police Communication bearing No. RTM 1002 marked **P3**, and the Circular dated 08th March 2006 marked **P4** were issued in relation to the absorption of reserve officers into the regular cadre. Thereafter, by Circular dated 06th July 2007 marked **P9**, directions were issued with regard to the determination of the period of service of officers so absorbed, which, *inter alia*, provided that the period of service should be reckoned from the date of appointment to the Reserve Police.

Applications were called for promotion to the rank of Inspector of Police in respect of vacancies prevailing as at 31st May 2016, in terms of RTM No. 769 dated 20th September 2016 marked **P10** and **P11**. The said scheme provided for the allocation of marks in several categories, including “period of service.”

The Petitioners, being eligible officers, applied for the said promotions and were called for interviews. It is not in dispute that the selection was based on a system of marks and that the candidates who secured marks above the cut-off were selected and promoted.

However, according to the Petitioners, in computing marks under the category of “period of service,” the Respondents had taken into account only the period of service in the Regular Police Service from 2006 onwards, thereby excluding the period of service rendered by them in the Reserve Police Service prior to their absorption.

The Petitioners state that this resulted in a significant reduction in the marks awarded to them under the said category. It is their position that the maximum marks awarded (40 marks) demonstrate that only the period between 2006 and 2016 had been considered.

As a consequence, the Petitioners contend that they failed to secure promotion, whereas other officers who had obtained higher marks under the impugned computation were selected and promoted, as reflected in RTM Message No. 142 marked **P12**.

Being aggrieved by the said conduct of the Respondents, the Petitioners have instituted the present application seeking the reliefs set out in the prayer to the Petition.

Position of the 1st to 7th Respondents

The 1st to 7th Respondents (hereinafter referred to as Respondents) have filed a Statement of Objections denying the material averments of the Petitioners, save and except those specifically admitted.

It is the position of the Respondents that all Petitioners had initially joined the Sri Lanka Police as Sub Inspectors in the Reserve Police Service, and that by a Cabinet decision taken in the year 2006, the Reserve Police Service was abolished, and its members were absorbed into the Regular Police Service.

The Respondents state that, following such absorption, the Petitioners became part of the regular cadre, and that the subsequent scheme of promotions was governed by directives issued by the National Police Commission, which is the appointing authority under the Constitution.

With regard to the impugned promotions, the Respondents state that applications were called for the post of Inspector of Police for vacancies prevailing as at 31st May 2016, in terms of

RTM No. 769 marked **P10** and **P11**, and that interviews were conducted in accordance with the prescribed marking scheme. It is their position that candidates were selected strictly on basic qualifications and order of marks, and that those who secured the highest marks were appointed.

The Respondents further state that, in awarding marks under the category of “period of service,” the computation was carried out in accordance with the applicable scheme marked **P8** and directives, and that there was no illegality or arbitrariness in the process adopted.

It is also the position of the Respondents that the determination of seniority and service in the regular cadre is governed by directives issued following the absorption of reserve officers, including the letter dated 02nd August 2007 marked **R3**, and that promotions are to be based on the date on which an officer is made permanent in the regular cadre.

The Respondents, however, acknowledge that in certain instances the period of service in the Reserve Police Service has been considered at the time of promotions.

The Respondents further contend that the entire application is misconceived in law, in that the Petitioners have no legal right to the reliefs sought, and that the Petitioners have failed to come before the Court with clean hands. It is also averred that the necessary parties have not been properly added, especially the National Police Commission.

It is to be noted that in their written submissions, the Respondents have also adverted to the constitutional framework under Article 155C of the Constitution and contended that this Court lacked jurisdiction to hear this application on the basis of the constitutional ouster embodied in the said Article. However, this Court observes that this contention was neither taken up in the Statement of Objections nor was it taken up or pursued in the oral arguments at the hearing of this application.

The Respondents, however, prayed that this application be dismissed with costs.

Analysis

Preliminary Observation on Jurisdiction Based on Article 155C (1) of the Constitution

The Respondents, in their pre-argument and post-argument written submissions, have raised a contention regarding the jurisdiction of this Court by reference to Article 61A of the Constitution, read with Article 155. However, as stated earlier, it is to be noted that this

contention does not appear in the Statement of Objections nor was it pursued in oral submissions at the hearing of this application.

In any event, the relevant constitutional provisions form part of the legal framework within which this Court is required to determine the present application.

It is also important to observe that the constitutional framework governing the Public Service Commission and the National Police Commission has undergone several changes through the Seventeenth to Twenty-First Amendments to the Constitution.

However, it is a well-established principle that, in general, the rights of parties and the applicable legal framework must be determined as at the date of the institution of proceedings.

Accordingly, it is abundantly clear that for the purpose of analysing the issues arising in the present application, only the 17th, 18th, and 19th Amendments were applicable at the relevant time when this application was filed.

Upon a careful consideration of the pleadings, documents, and submissions of the parties, this Court observes that the principal grievance of the Petitioners relates to the manner in which their period of service in the Reserve Police Service has been treated in the process leading to the impugned decision marked **P12**. The Petitioners rely on the directive marked **P8**, which provides that in promoting officers from rank to rank, due recognition should be accorded to the past service of Reserve Police Officers. It is also to be noted that in paragraph 22 of the Statement of Objections, the Respondents have stated that in certain instances, such prior service had been taken into account. In that context, the Petitioners' contention raises an arguable issue as to whether the said directive has been applied consistently and transparently.

However, the determination of the present application cannot be made in isolation from the constitutional framework governing the Police Service. Under Article 155G of the Constitution, the power of appointment, promotion, transfer, disciplinary control, and dismissal of police officers (other than the Inspector General of Police) is vested in the National Police Commission. The exercise of these powers is further insulated by Article 155C (1) of the Constitution, which provides that, subject only to the jurisdiction of the Supreme Court under Article 126, no court or tribunal shall have the power or jurisdiction to inquire into, pronounce upon, or in any manner call in question any order or decision made

by the Commission in the exercise of its powers. The language used in Article 155C (1) is of the widest scope and clearly excludes the jurisdiction of the courts, including the writ jurisdiction of this Court under Article 140.

Article 155C (1) of the Constitution states as follows:

Subject to the jurisdiction conferred on the Supreme Court under paragraph (1) of Article 126, no court or tribunal shall have the power or jurisdiction to inquire into, or pronounce upon or in any manner call in question any order or decision made by the Commission or a Committee, in pursuance of any power or duty, conferred or imposed on such Commission or Committee under this Chapter or under any other law.

When considering the above provision, the scope and interpretation of Article 61A of the Constitution are of considerable assistance.

Article 61A provides:

Subject to the provisions of paragraphs (1), (2), (3), (4) and (5) of Article 126, no court or tribunal shall have power or jurisdiction to inquire into, or pronounce upon or in any manner call in question any order or decision made by the Commission, a Committee, or any public officer, in pursuance of any power or duty conferred or imposed on such Commission, or delegated to a Committee or public officer, under this Chapter or under any other law.

A comparison of Article 61A and Article 155C(1) of the Constitution shows that both provisions use substantially identical language, precluding any court or tribunal from inquiring into, or calling into question, decisions made by the respective Commissions.

The nature and scope of Article 61A has been authoritatively considered by the Supreme Court in *Athauda Arachchige Patrine Dilrukshi Dias Wickremasinghe v Dr. Prathap Ramanujam and Others S.C. Appeal No. 88/2024, decided on 04.06.2025*, wherein *His Lordship Achala Wengappuli* upon a detailed examination of the language of the provision, including its marginal note and by comparison with other constitutional provisions conferring immunity, arrived at the conclusion that Article 61A operates as a constitutional ouster of the jurisdiction of courts. The Supreme Court emphasised that the provision is directed at limiting the power of courts and tribunals, **including the writ jurisdiction of the Court of Appeal**, to inquire into or call in question decisions of the Commission, and is therefore

concerned with the exclusion of jurisdiction rather than with the protection of individuals from legal proceedings.

In view of the similarity in language, structure, and constitutional purpose between Articles 61A and 155C (1), I am of the view that the same interpretation must necessarily apply to Article 155C. Accordingly, where a matter relates to appointment, promotion, or other service-related decisions within the Police Service falling within the powers of the National Police Commission, the jurisdiction of this Court under Article 140 is correspondingly excluded.

The scope of such constitutional limitations has also been considered by this Court in *Hemantha Chamindra Ovitigama v Inspector General of Police and Others, CA (Writ) 1009/2008, decided on 10th May 2019, where His Lordship Janak de Silva* held that the Court cannot do indirectly what it is precluded from doing directly, and that relief in respect of matters relating to promotion within the Police Service cannot be granted in the exercise of writ jurisdiction.

In the present case, although the Petitioners have framed their application to challenge the legality of the decision-making process, the substance of the relief sought, and the effect of any order this Court might make would necessarily involve an inquiry into how promotions are to be determined within the Police Service, including the recognition of prior service. Such an inquiry would inevitably encroach upon matters within the exclusive constitutional mandate of the National Police Commission.

In these circumstances, I am of the view that the jurisdiction of this Court is constitutionally excluded. The Petitioners are not without remedy, as the constitutional framework provides for recourse to the National Police Commission, thereafter to the Administrative Appeals Tribunal, and, where appropriate, to the Supreme Court under Article 126. The decisions of the Administrative Appeals Tribunal can be challenged by invoking the writ jurisdiction of the Court of Appeal.

Although the Respondents have not specifically pursued the objection based on Article 155C of the Constitution in their Statement of Objections or during oral submissions, the question of jurisdiction is a matter which this Court is obliged to consider *ex mero motu*. It is well settled that jurisdiction cannot be conferred by consent or waiver of parties, and where a

constitutional provision expressly limits the jurisdiction of this Court, such limitation must be given effect to, irrespective of whether it has been raised by the parties.

In view of the foregoing finding on jurisdiction, it is neither necessary nor appropriate for this Court to enter into a detailed determination of the other issues raised by the parties. However, the concerns raised by the Petitioners regarding the application of the directive marked **P8** and the treatment of their prior service may appropriately be pursued within the framework of the remedies available under the above law.

Conclusion and Order

For the reasons set out above, I hold that the subject matter of this application concerns promotion and service within the Sri Lanka Police, matters that fall within the constitutional mandate of the National Police Commission under Article 155G of the Constitution. In view of the express provisions of Article 155C (1) of the Constitution, which operate as a constitutional ouster of the jurisdiction of courts, including the writ jurisdiction of this Court under Article 140, I am of the view that this Court is precluded from entertaining the present application.

Accordingly, the application is dismissed.

In the circumstances of this case, I make no order as to costs.

JUDGE OF THE COURT OF APPEAL

Dhammika Ganepola, J

I agree.

JUDGE OF THE COURT OF APPEAL