

**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: 0017/2026**

Rajaji Raviraj
No. 1/2/11 Sea View Residencies,
Lunawa, Moratuwa

Petitioner

Vs

1. Hon. (Dr.) Harini Amarasuriya,
Hon. Minister of Education,
Higher Education and
Vocational Education,
Isurupaya, Battaramulla.
2. K.M.G.S.N. Kaluwewa,
Secretary,
Ministry of Education,
Higher Education and
Vocational Education,
Isurupaya, Battaramulla.
3. Mrs M.M. Idhmalgoda
Provincial Director
Department of Education-Western
Province,
No. 89, Ranmagapaya, Kaduwela Road,
Battaramulla
4. G.L. Vernan Perera
Secretary
Ministry of Education, Cultural and arts,
Sports and Youth Affairs and
Information Technology – Western Province
2nd Floor, New Provincial Office Complex

204, Denzil Kobbekaduwa Mawatha,
Battaramulla

5. A. U. Wickrmaarachchi

Zonal Director

Zonal Education Office – Kalutara

Kalutara

6. Thilak Senarath

Secretary

Provincial Public Service Commission-
Western Province

No. 628, 10th Floor, Jana Jaya City
Building, Nawala Road, Rajagiriya

7. Hon. Attorney General

Attorney General's Department,

Hulftsdorp,

Colombo 12.

Respondents

Before : R. Gurusinghe, J.

&

Dr. S. Premachandra J.

Counsel : Ershan Ariaratnam
for the Petitioner

Avanthi Weerakoon, SC,
for the Respondents

Supported on : 06-03-2026

Decided on : 22-05-2026

ORDER

R. Gurusinghe, J.

The petitioner instituted the present application, seeking, *inter alia* the following reliefs (the prayer of the petition).

- (a) Issue Notice of this application on the Respondents in the first instance;
- (b) Grant and issue a mandate in the nature of a Writ of Certiorari quashing the decision marked as 'X18' hereto;
- (c) Grant and issue a mandate in the nature of Writ of Certiorari quashing the decision marked "X19" hereto;
- (d) Grant and issue a mandate in the nature of a Writ of Certiorari quashing the decision marked as "X20" hereto;
- (e) Grant and issue a mandate in the nature of a Writ of Certiorari quashing any decision of the appointment of the Petitioner as a Grade III Principal;
- (f) Grant and issue a mandate in the nature of a Writ of Mandamus compelling the 2nd and/or any one of the Respondents to reinstate the Petitioner to the post of Assistant Principal with all remunerations;
- (g) Grant and issue a mandate in the nature of a Writ of Mandamus compelling the 4th and /or any of the Respondents to pay the salary of the Petitioner from the date of appointment [16.02.2024] to the date of notification [15.12.2025];
- (h) Grant and issue an interim relief suspending the decision in documents "X18", "X19", and" X20" until the final determination of this application by Your Lordships Court;
- (i) Call for and examine the record and make order in terms of Article 140 directing one or more of the respondents and/or their servants to produce to Your Lordships –
 - (i)the personal file of the Petitioner;

- (ii) The cabinet decision dated 1st March 2021, 29th May 2023 and any decision relevant to this matter.
- (iii) Records of registry Book from 16.02.2024 to 15.12.2025, maintained at the school, when the Petitioner was working as Assistant Principle.
- (j) Grant the Petitioner costs of this application; and,
- (k) Grant the Petitioner such other and further reliefs as to Your Lordships Court shall seem meet in the circumstances.

The petitioner was appointed a Class III Grade I teacher with effect from 01-09-2006 (X). While serving as a teacher at WP/MT/Ramakrishna Tamil Vidyalaya, the petitioner submitted a letter of resignation dated 22.06.2020 from the post of teacher. A copy of the said resignation letter is produced, marked X6. The letter X6 was addressed to the Zonal Educational Director of Mathugama. X6 states that the petitioner would resign from his position with effect from 22.07.2020.

It appears that after 22.07.2020, the petitioner did not report for duty as a teacher. Thereafter, by a letter dated 20.10.2023 (X10), the petitioner was informed that he had been appointed as a Grade III principal with effect from 15.12.2023. By the said letter X10, the petitioner was also directed to attend a training programme on 16.11.2023. The petitioner attended the said programme commencing from 24.11.2023 (X11a). Thereafter, by letter dated 13.02.2024, the petitioner was informed that he had been appointed as the Assistant Principal of WP/KL/AL-Fahriya Muslim Central College, Thotawatta, Panadura. The petitioner states that he assumed duties at WP/KL/AL-Fahriya Muslim Central College, Thotawatta, Panadura. However, no salary was paid to him thereafter.

Meanwhile, by letter dated 14.09.2023, marked X19, the Western Province Public Service Commission informed the petitioner that the petitioner's resignation letter dated 22.05.2020 had been accepted. The said letter X19 states that, consequent to such resignation, the petitioner would be disqualified from claiming any pension, gratuity, or any other benefits arising from his prior service in the event he subsequently obtained salaried employment under the Government. It was further informed that the petitioner would not thereafter be entitled to be reappointed to the same post.

On behalf of the petitioner, it was contended that the letter of resignation was not addressed to the proper appointing authority and, therefore, the purported resignation was not valid. In support of this contention, the petitioner relied on the decision in Abeywickrema Vs. Pathirana and Others 1986 [1] SLR 120. Further, it was submitted that the resignation ought to have been accepted within a reasonable time. The petitioner, by letter dated 11-03-2024, marked X12, addressed to the Secretary of the Provincial Ministry of Education of the Western Province, sought to treat the period during which he remained absent from service as no-pay leave. He further sought to release him from the teacher's service and requested payment of the salary applicable to the post of Principal.

By letter dated 25.03.2024, the petitioner preferred an appeal to the Secretary of the Western Province Public Service Commission, seeking, *inter alia*, the rescission of the decision accepting his resignation, the treatment of the period during which he remained absent as leave without pay, and his continuation in the principal service.

Thereafter, the petitioner made an appeal to the Human Rights Commission by a decision dated 30-08-2025, the said Commission determined that the petitioner's fundamental rights had not been violated or infringed.

The facts in the case of Abeywickrema Vs. Pathirana and Others 1986 [1] SLR 120 are materially distinguishable from those in the present application. In that case, the respondent resigned from his position to contest an election. The validity of that resignation was challenged by the unsuccessful candidate immediately after the election.

In the instant application, the petitioner ceased reporting for duty in June or July 2020 and remained absent from service for a period of nearly three years. Accordingly, his intention to leave the public service was clear and left no doubt. Therefore, his conduct cannot be treated as if he had remained a teacher. If the petitioner's resignation was not valid and he was not on leave, administrative action would have been initiated against him for vacating the post. The petitioner has not been paid any salary subsequent to his resignation.

The appointment of the petitioner as a Grade III principal was communicated by letter X10, on the assumption that the petitioner was still serving as a teacher. However, by the time the said letter was issued, the petitioner had already ceased to be employed as a teacher for approximately three years. The petitioner's resignation was accepted by the appointing authority, namely the Provincial Public Service Commission, by letter dated 14-09-

2023. Letter X10- communicating the appointment was issued on 20-10-2023.

In the aforesaid circumstances, this Court is unable to accept the contention that the respondents have acted illegally or improperly. The court finds that there are no sufficient grounds to issue formal notice on the respondents. Accordingly, the application is dismissed.

Judge of the Court of Appeal

Dr. S. Premachandra J.
I agree.

Judge of the Court of Appeal.