

**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.*

Kohombanghe Buddhika Sampath
Kumara,
No. 932/212, Hillside Waththa,
Galle.

On behalf of
Kohombange Nadew Thehas
(Minor)

CA (Writ) App. No. 320/2024

PETITIONER

Vs.

1. P.S. Pushapakumara,
Principal,
Richmond College,
Galle.
2. President of the Appeal Board,
Richmond College,
Galle.
3. Mr. Prabath Nalaka,
Director of National Schools,
Ministry of Education,

“Isurupaya”, Battaramulla.

4. Ms. J.M. Thilaka Jayasundara,
Secretary to the Minister of Education,
Ministry of Education,
“Isurupaya”, Battaramulla.
5. Dr. Susil Premajayantha,
Minister of Education,
Ministry of Education,
"Isurupaya", Battaramulla.
- 5A. Ms. Harini Nireka Amarasuriya,
Minister of Education,
Ministry of Education,
“Isurupaya”, Battaramulla.
6. Hon. Attorney General,
Attorney General’s Department,
Hulfsdorp,
Colombo 12.

RESPONDENTS

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

Counsel:

Lakshan Dias with Maneesha Kumarasinghe and Shanali Kumarasinghe for the Petitioner.

Zuhri Zain, D.S.G. for the Respondents.

Argued on: 10.02.2026

Delivered on: 02.04.2026

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

Judgement

Introduction

The Petitioner is the father of a child for whom he sought admission to Richmond College, Galle. He has submitted the application on behalf of the child to be admitted to the school under the Chief Occupant (CO) category and alternatively under the Religious category too. The Petitioner and child, being a non-Catholic Christians, sought admission to Richmond College, which was also run by the Wesleyan Missionary prior to the vesting of the said school in the Government. However, the school authorities have refused to admit the child on the basis that the Petitioner has failed to establish his permanent residence at the address given. His appeal was also rejected on the same basis. Thus, the Petitioner seeks to challenge the same by this Application.

After issuing formal notice, the Respondents have filed their Objections; according to which, the main Objections taken on behalf of the Respondents is that the Petitioner has failed to establish his residence at the address given since he does not have a deed or any other valid document to prove his title to the property concerned.

This was argued before me on 10.02.2026, and the following arguments were advanced by the counsel; hence, this judgement.

Arguments

The thrust of the main argument advanced by Mr. Lakshan Dias, the Counsel for and on behalf of the Petitioner is that in both connected matters, the Petitioner is entitled to admit his child to the school on CO category as well as the religious category. The Petitioner being a non-Catholic

Christian, has established that he is entitled to admit his child to Richmond College as it was run prior to the vesting, by the Wesleyan Missionary. Secondly, the Petitioner has been allocated a parcel of land by the Land Reforms Commission of an estate which belongs to it; the transfer deeds are pending in respect of the same land. Therefore, the Petitioner can claim and rely upon the documents issued by the Land Reforms Commission and other relevant authorities of the Government, including the Electoral Registry.

On the other hand, Ms. Zain argued that the Petitioner is not qualified to have his son admitted to the school on the basis that he does not have a proper deed or any other document to claim the connection with the residence he is claiming to reside in.

Factual matrix

The Petitioner is the father of a child for whom the Petitioner seeks admission to the Richmond College of Galle. The Petitioner claims that he is a permanent resident in the close vicinity of the said school, identified as the 'feeder area'.

Richmond College, admittedly being founded in 1814, started its operations as a school in 1876. Before it was vested in the Government as a school under the Assisted Schools and Training Colleges (Special Provisions) Act, No. 5 of 1960, it remained a school run by the Wesleyan Missionary, a Christian Missionary of Protestant denomination, not of Catholic. After vesting the school with the Government, it remains as an assisted school, and therefore, it remains as a school governed by the relevant laws and circulars issued thereunder; when it comes to admissions, it is also governed by the relevant laws and circulars issued by the Ministry of Education.

Presently, the Petitioner claims that the relevant circular of admission issued by the Ministry of Education is marked and annexed to the Petition as **P4(a)**. According to which, the Petitioner is

eligible to apply as a resident who resides within the 'feeder area' of the school and is further eligible to apply under the religious category as well, for which a quota is allocated as prior to the vesting of the school remained as a school run by a missionary of a particular religion. Therefore, the Petitioner claims that he, his wife, and his son for whom the admission is sought to the school are Christians and remain as non-Catholic Christians. The Petitioner also claims that he resides in a house situated in the 'Hillsidewaththa' estate, which belongs to the Land Reforms Commission since it is also vested with the Land Reforms Commission under the Land Reforms law; a parcel of land is now identified and allocated to be given to him, where he and his family resides. In proof thereof, he has annexed several documents to the Petition, including the electoral registry, the Grama Sevaka certificate, and a letter issued by the Land Reforms Commission which states that the said parcel of land had been allocated to him (the father of the child) and he resides in the same house. In addition to that, the Divisional Secretary of the area has also issued a letter to that effect. The Petitioner further asserts that the only other Christian school that is situated within feeder area of his house and Richmond College is the Christ Church College, which is only a Roman-Catholic school; therefore, his eligibility is with regard to the admission to Richmond College, being a Christian of different denomination other than Roman-Catholicism is established.

As such, the Petitioner claims that he is eligible to obtain at least forty-five (45) marks, even after the deduction of five marks due to the situation of the Christ Church College in between the Richmond College and his residential house. Though he sought his admission, the school authorities have denied and rejected it due to the lack of proof of his permanent residence as he claimed. His appeal was also rejected. Therefore, he has sought the intervention of this Court to obtain the admission for his child, similar to the Petitioner in the connected Writ Application No. 319/2024.

However, the Respondents have filed their Objections; according to which, the Petitioner has not established his residence according to the required rules of the Circular No. 29/2023 as annexed to the Petition marked as **P4(a)**; therefore, the Petitioner is not eligible to obtain admission for his son to grade one of Richmond College, and moved for the dismissal of this Application.

In this case, the Petitioner has been denied admitting his child to Richmond College mainly on the basis that the residence is not proved or that they are not entitled to claim permanent residency at the place where he claims to be residing.

The Petitioner has marked his marking sheet indicating the aggregate of marks that he should have obtained at the interview. The said marking sheet is marked and annexed to the Petition as **P8**. According to the Petitioner, the total marks that he should have obtained is ninety-one out of one hundred. However, his application for the admission of his son has been rejected as per the said document marked as **P8**; even his appeal to the Board of Appeal has also been rejected, and according to the remarks given in the said document marked as **P8**, the Petitioner has failed to establish his residence at the address given.

On a perusal of the documents annexed to the Petition marked as **P6(a)** to **P6(i)**, the Petitioner claims that he has established his residence at the address given. Now I will consider the said documents individually.

The document marked as **P6(a)** is the Grama Sevaka Certificate issued to the Petitioner for the purpose of admitting his son to the said school, and according to which, the Petitioner has been living at the address given in the caption which is the same as the address given in the school admission application marked as **P5**; namely, No. 932/212, Hillside waththa, Galle.

The same address has been used to obtain his Savings Account Passbook, which is marked as **P6(b)** annexed to the Petition. In addition to that, by the document marked as **P6(c)**, the Petitioner has established that he is a resident at the address given in the caption as a registered voter of the address registered from 2005 to the date of submitting the application.

The document marked as **P6(d)**, is the Petitioner's marriage certificate while the document marked as **P6(e)** is a document issued by the Director of the Land Reforms Commission, by which it is certified that the relevant land occupied and possessed by the Petitioner is allocated to him and pending the final transfers.

The document marked as **P6(f)(i)** to **P6(f)(v)** are letters issued by the Land Reforms Commission to establish that the Petitioner has paid a certain amount of money for the purpose of purchasing the said land.

The Petitioner as further established that he has obtained electricity supply by producing the documents marked and annexed to the Petition as **P6(g)(i)** to **P6(g)(ii)**.

Furthermore, the Petitioner has annexed two documents where the Divisional Secretary has certified stating that the Petitioner is residing at the address given in the caption; the said documents are marked and annexed to the Petition as **P6(h)(i)** and **P6(h)(ii)**. The document marked as **P6(i)** is the Petitioner's driving license, further affirming that he resides in the given address.

With those documents, now the question arises whether it is proper for the Respondents to deny the Petitioner the admission of his child on the basis that he has not established his residence at the address given.

It is my view that though the Petitioner does not own the premises where he resides, he appears to be a person who has been selected and allocated a land by the Land Reforms Commission which

the said parcel of land is to be transferred in the future; the Petitioner and the Land Reforms Commission are also waiting to effect the transfer in the name of the Petitioner.

In addition to that, the said land where the Petitioner has established his residence, is a land that appears to be vested with the Land Reforms Commission under the Land Reforms Commission Law. And the Petitioner appears to be an employee in the estate that has been vested with the Land Reforms Commission. Additionally, the said land appears to be allocated to the Petitioner on the basis that the Petitioner is an employee on the said estate; therefore, the Petitioner appears to be from the under-privileged community, mainly of Indian origin.

Except for the failure to establish his residence or that he owns the said residence permanently, all other criteria required under the relevant rules marked as **P4** annexed to the Petition, which the Respondents have also admitted, have been satisfied by the Petitioner. However, the Petitioner has been living in the said residence from 2005 as a registered voter, and prior to that he has been living there, as a person who can become a voter only after he reaches the age of maturity. Additionally, the land has been allocated by the Land Reforms Commission in favour of the Petitioner pending the final transfer deeds. Therefore, the Petitioner has truly established that he permanently resides at the address given which clearly falls within Clause 7.2.11 of **P4(a)**.

What is important to be decided under the CO category is whether a person is permanently residing at the address given. To establish this, deeds and other documents are important. Therefore, when an interpretation is given, the purpose of the entire circular has to be considered rather than selectively. Thus, in considering the Petitioner's Application, all documents referred to above should be considered as part and parcel of the application which support the Petitioner's child's admission.

As such, it is my view that the denial of such right on the basis of failure to establish permanent residence is irrational, illegal, and against the evidence placed for the principal and the Members of the Board of Appeal. Thus, it is my view, the Petitioner, being a member of the under-privileged community, should be accorded an opportunity to admit his son to the respected school which is supposed to be one of the first Christian schools to be established in the whole of South Asia.

The free education system of this country was introduced by the late Mr. C.W.W. Kannangara. Coincidentally, the late Mr. Kannangara had been a student of the very same school, Richmond College of Galle. He initially happened to be in a Wesleyan school of Balapitiya, where Rev. J.H. Darrel, the rector father (the principal) of Richmond College had participated as a chief guest to distribute awards; it was the young Kannangara who bagged the most awards for his academic achievements. Thus, the young Kannangara was given a scholarship to come to Richmond College, free of charge of school fees; and who ended up as a lawyer later in life and then joined politics and served the nation by introducing the free education system.

Ironically, most of these officers who are beneficiaries of this free education, have denied these boys in both of these Writ Applications bearing Nos. 319/2024 and 320/2024, coming from apparently under-privileged backgrounds, such an opportunity to join Richmond College as students to embark upon an academic career to possibly achieve great heights and save the nation.

Conclusion

For the reasons adumbrated above, it is my view that a *Writ of Certiorari* and *Writ of Mandamus* lie as prayed for in prayers (b) and (c) of the Petition, without cost.

JUDGE OF THE COURT OF APPEAL