

**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 Mandamus, Certiorari, and Prohibition in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

CA(WRIT) APPLICATION NO.

CA/WRIT/204/2026

1. **R. V. B. Miriiyagalla,**
222/8, Temple Road,
Temple Lane,
Maharagama.
2. **I. M. A. Kumara Somathilake,**
No.87, Ihala Elathalawa,
Deegalla.
3. **R. K. S. Sampath Wijesinghe,**
No.121/1/A, 6 Lane,
Kelawala,
Mt. Lavinia.
4. **V. Karunaadasan,**
Iyanna Weethi,
West Chunnakkam,
Chunnakkam.
5. **W. A. Geethani Priyangika
Wijethunga,**
5, Lake
Sri Sudarma Mawatha,
Shrawasti Pura,
Anuradhapura.
6. **W.M.G. Kavinda Jayathilake,**
No.400,
Ihala Kadigamuwa,
Kurunegala.
7. **T. Sathish Kumar,**
Angalapay,
Inuvill East,

Chunnakkam.

8. **T. Thussiyanthan,**
Salambai,
Puloly West,
Point Pedro.

PETITIONERS

Vs.

1. **National Water Supply and Drainage Board,**
Galle Road,
Ratmalana.
2. **A. M.P.C.T. Bandara,**
Chairman
3. **T. Barathithasan,**
General Manager
4. **G.G. Tushara Chaminda,**
Board Member
5. **Chandanee Withana,**
Board Member
6. **K. S. M. de Silva,**
Board Member.
7. **K. A. S. Maheshika,**
Board Member
8. **B. A. T. Rodrigo,**
Board Member
9. **R. M. Senarath Upali,**

Board Member

10.D. M. R. Dissanayake,
Board Member

All of above

**National Water Supply and Drainage
Board,**
Galle Road,
Ratmalana.

11.W.S.K. Liyanagama,
Director General,
Department of Management Services,
Room No.343,
3rd Floor,
Ministry of Finance,
The Secretariat,
Colombo 01.

12. Eng. L. Kumudu Lal Bogahawatta,
Secretary,
Ministry of Housing, Construction and
Water Supply,
2nd Floor,
Sethsiripaya,
Stage I,
Battaramulla.

13. S. Alokabandara,
Secretary,
Ministry of Public Administration,
Independence Square,
Colombo 07,
Sri Lanka.

14. M. C. L. Rodrigo,
Director General of the Sri Lanka
Institute of Advanced Technological
Educational (SLIATE),
No.53A, Waidya Road,
Dehiwela.

15. **Dr. Priyantha Premakumara,**
Secretary,
The University Grants Commission,
No. 20, Ward Place,
Colombo 07.

16. **Nalaka Kaluwewe,**
Secretary of Ministry of Education,
Higher Education and Vocational
Education,
18, Ward Place,
Colombo 07.

RESPONDENTS

Before: **R. Gurusinghe J.**

&

Dr. Sumudu Premachandra J.

Counsel: Reshari Serasinghe with Shiara Sellamuttu, instructed
by Pramod Polpitiya for the Petitioners.

Nayomi Kahawita, SSC with A. R. Dahanangala
(Assistant General Manager Legal) instructed by
Nimalka Wickramasinghe, SSA for the Respondents.

Written Submissions: By the 1st to 8th Petitioners filed on 26/06/2026.
Synopsis of Oral Submissions by the Respondents filed
on 07/07/2026.

Heard On : 26/05/2026 and 09/06/2026.

Order On : 10/07/2026.

Dr. Sumudu Premachandra J.

1] The Petitioners are citizens of Sri Lanka holding a Higher National Diploma in Accountancy (HNDA) who are employed at the National Water Supply and Drainage Board (NWSDB) (established under Act No. 2 of 1974), as supported by their appointment letters marked from P1A to P1H.

2] The core grievance centers around the issuance of a new circular, bearing No. DMS/1597/SOR, which unlawfully removes the HNDA qualification from being recognized for recruitment and promotion within the relevant accounting cadres, thereby violating the Petitioners' legitimate expectations. This circular is annexed as document P2.

3] Historically, the HNDA qualification was consistently accepted as a valid alternative to a university degree for these roles, a practice evidenced by various past vacancy notices marked from P7A to P7H. Furthermore, the Petitioners argue that this sudden exclusion directly violates Public Administration Circular No. 46/90 (annexed as P4), which explicitly recognizes the HNDA qualification as an alternative to a degree within the Sri Lanka Accountants Service. Prior to the finalization of the new scheme, multiple discussions and formal representations were made by trade unions and officials to address these concerns, as documented by letters and circulars marked as P3, P5, P6, and PB.

4] Despite these ongoing discussions and clear objections, the Board proceeded to publish vacancy notices on 25/11/2025 and 23/02/2026, for the positions of Accountant and Internal Auditor, completely excluding the HNDA qualification. These discriminatory vacancy notices are annexed as P9A and P9B. The Petitioners maintain that this arbitrary exclusion creates an unfair, unreasonable barrier to their career advancement, effectively stagnating their prospects in direct violation of Public Administration Circular No. 10/2014 (annexed as P10), which guarantees fairness, consistency, and protection against arbitrary administrative changes affecting promotions.

5] To express their grievances collectively, a substantial number of affected persons formally signed letters of concern, annexed as P11A to P11H. In light of these cumulative facts, the Petitioners state that the 1st to 10th Respondents intentionally disregarded the Principles of Natural Justice and fairness. Because the Respondents failed in their statutory duty to comply with binding Public Administration Circulars No. 46/90 and No. 10/2014, the Petitioners are seeking reliefs through Writs of Certiorari, Mandamus, and Prohibition.

6] The Petitioners, therefore, pray that this Court be pleased to;

A) Grant and issue a Writ of Certiorari quashing and setting aside the circular bearing No. DMS/1597/SOR and all consequential decisions,

acts, and omissions insofar as they remove or refuse to recognize the qualifications of Higher National Diploma in Accountancy as an alternative to a Degree for purposes of recruitment and promotion within the National Water Supply and Drainage Board for the posts of Accountant, Internal Auditor, Senior Training Officer and Senior Commercial Officer;

- B) Grant and issue a Writ of Mandamus directing the Respondents to recognize and give effect to the qualifications of Higher National Diploma in Accountancy as qualifications alternative to a Degree, in accordance with Public Administration Circular No. 46/90 dated 30/10/1990 and the long-standing practice of the National Water Supply and Drainage Board;
- C) Grant and issue an Interim Order staying the operation and implementation of the impugned circular bearing No. DMS/1597/SOR and the vacancy notices dated 25/11/2025 and 23/02/2026 until the final determination of this application;
- D) Grant costs;
- E) Grant such further and other reliefs as Your Lordships' Court shall seem meet.

7] The matter was supported for Formal Notices and Interim Orders. The learned SCC vehemently objected to the notices, stating that the new Government policy would be hindered by this action and further that Petitioners can apply for the Junior Manager Category; thus, the Petitioners are not without a remedy, they can gradually climb the ladder. This court views that once a qualification is previously admitted (HNDA) as a requirement, it cannot be diluted, and it creates a derogation within the profession. From climbing from junior manager to senior level which costs their legitimate promotion drastically.

8] It is true that under X1, HNDA qualification is recognized as an alternative qualification, but it was recognized previously by the 1st Respondent for the impugned positions.

9] The question to be considered is whether the impugned Scheme of Recruitment (SOR) dated 05/06/2025 issued by the Department of Management Services under the Ministry of Finance is Ultra Vires or not. By Public Administration Circular No. 46/90 recognized the Higher National Diploma in Accountancy (HNDA) as an alternative qualification to a Bachelor of Commerce (B.Com) degree. Though nullified by P.A. Circular No. 10/2014, a cabinet proposal subsequently re-enforced the qualification retrospectively in 2015. The Petitioners say that the 2025 SOR arbitrarily removes the HNDA qualification for middle management accounting and auditing cadres such as Accountants

and Internal Auditors at the National Water Supply and Drainage Board (NWSDB) thereby stripping permanent employees of their established, approved career progression paths.

10] The learned SCC relies on X10, the UGC recognition of HNDA. The Memo, dated 10/04/2012, 847.8.4, shows that the said qualification is to be recognized as an “Ordinary pass of a General Degree”.

11] I now consider the SRI LANKA QUALIFICATIONS FRAMEWORK¹ (SLQF) which was issued by UGC , approved by the UGC on 17/09/2015 at the 925th meeting. Notably, this was issued after the X10. The introduction of SLQF shows;

*“There has been a significant increase in the mobility of learners and academics in the recent past across countries and regions of the world requiring national higher education systems to support and accommodate such developments. In that light, the Sri Lanka Qualifications Framework (SLQF) is an important element of systems development in the higher education sector, which at the end offers a transparent and coherent framework for the learner to optimize his/her objective of learning throughout life, while at the same time improving many vital aspects of learning and assessing the learning process. The establishment of the SLQF will help improve many aspects and processes in the learning and the methods of delivery. It will also enhance the quality of education at home while at the same time provide a clear system to develop links with the higher education institutions abroad. **The SLQF is a nationally consistent framework for all higher education qualifications offered in Sri Lanka.** The SLQF applies to all higher education institutions (HEIs) both public and private, which provide post-secondary education. It recognizes the volume of learning of students and identifies the learning outcomes that are to be achieved by the qualification holders. The SLQF comprises twelve levels and the descriptors of each of these levels are comprehensively defined. Since the volume of learning is considered in the SLQF, the number of credits that should be earned by students for each qualification is also given. **With the objective of having a uniform system in naming a qualification, the designators and qualifiers of each qualification have been identified in the SLQF.** The abbreviations for each qualification were also identified to maintain uniformity. The purposes and scope, and attributes expected for the award of each qualification, as well as the minimum admission requirements along with*

¹ https://www.ugc.ac.lk/attachments/1156_SLQF_2016_en.pdf (SRI LANKA QUALIFICATIONS FRAMEWORK (SLQF)-ISBN 978-955-4510-01-2) University Grants Commission (UGC) 2015 (accessed on 07/07/2026)

possible progression opportunities are also stated in the SLQF.” [Emphasis is added]

12] It shows the level of the qualification and minimum volume of learning required by each level which were recognised by the UGC as below;

Minimum volume of learning required for each Level of SLQF

SLQF Level	Qualification Awarded	Minimum Volume of Learning for the Award
12	Doctor of Philosophy / MD with Board Certification/Doctor of Letters/Doctor of Science	Minimum 3 years of fulltime or equivalent time of original research after SLQL 6 or above
11	Master of Philosophy	Minimum 2 years of fulltime or equivalent time of original research after SLQL 6 or above
10	Masters with course work and a research component	60 credits after SLQL 5 or SLQL 6 including a research component of minimum 15 credits
9	Masters by course work*	30 credits after SLQL 5 or SLQL 6
8	Postgraduate Diploma*	25 credits after SLQL 5 or SLQL 6
7	Postgraduate Certificate*	20 credits after SLQL 5 or SLQL 6
6	Bachelors Honours	120 credits after SLQL 2 of which 90 credits after SLQL 3, of which 60 credits after SLQL 4, of which 30 credits after SLQL 5
5	Bachelors	90 credits after SLQL 2 of which 60 credits after SLQL 3, of which 30 credits after SLQL 4
4	Higher Diploma	60 credits after SLQL 2 of which 30 credits after SLQL 3
3	Diploma	30 credits after SLQL 2
2	Advanced Certificate (GCE A/L or equivalent)	
1	Certificate (GCE O/L or equivalent)	

Table 1

13] SRI LANKA QUALIFICATIONS FRAMEWORK shows that HNDA has awarded the level of NVQ 6.

SLQF Level	Qualification awarded	Comparable NVQ Levels
12	Doctor of Philosophy / MD with Board Certification/Doctor of Letters/Doctor of Science	
11	Master of Philosophy	
10	Masters with course work and a research component	
9	Masters by course work	
8	Postgraduate Diploma	
7	Postgraduate Certificate	
6	Bachelors Honours	
5	Bachelors	7
4	Higher Diploma	6
3	Diploma	5
2	Advanced Certificate (GCE A/L or equivalent)	4
1	Certificate (GCE O/L or equivalent)	3
		2

Table 2

2

14] Thus, the alternative qualification (X10) has been superseded by SRI LANKA QUALIFICATIONS FRAMEWORK and UGC cannot take double standards in this regard.

15] The Petitioners' claim rests on the violation of their legitimate expectations, given their lengthy service records dating back to 1993 and 2021. They emphasize that under the new rules, there is effectively no path for a Management Assistant holding an HNDA to promote into the Middle Manager (MM) bracket, completely bypassing qualified senior staff and barring them from sitting for internal promotions. This systemic block is further illustrated by the NWSDB's recent internal vacancy notices, which explicitly introduced a 5-year service prerequisite in a lower Junior Manager bracket that could not have been met, creating an untenable condition for exclusion. Thus, we are of the view that there is a case to be looked into.

16] It is to be noted that when the Petitioners were appointed to the service , there was no such barrier. This principle was adopted by Sharvananda J. in the

² SRI LANKA QUALIFICATIONS FRAMEWORK, page 11

case of the **Attorney-General of Ceylon and W.M. Fernando, Honorary Secretary, Galle Gymkhana Club**, 79 (1) NLR 39. It was held that;

*“The doctrine that subordinate legislation is invalid if it is ultra vires is based on the principle that subordinate agency has no power to legislate other than such as may have expressly been conferred by the supreme Legislature. Subordinate legislation is fundamentally of a derivative nature and must be exercised within the periphery of the power conferred by the enabling Act. For example, subordinate **legislation having retrospective effect is ultra vires unless the enabling Act expressly or by necessary implication authorizes the making of retrospective subordinate legislation.**”* [Emphasis is added]

17] Thus, said impugned circular cannot have retrospective effect. The Learned SCC has in her written submission has drawn the pathway under HNDA qualification under new scheme of requirement, however, it diluted the previous status of HNDA qualifications. It is seen several institutions are considered HNDA qualification for the post of Accountants and Y1, shows that the qualification has been accepted for Senior Accountant with work experience. Thus, this application cannot be dismissed summarily and formal notices, therefore attract.

18] I now consider the issuance of interim reliefs. in Sri Lankan jurisprudence, **Duwearachchi and Another v. Vincent Perera and Others** [1984] 2 Sri LR 94 established the definitive guidelines for granting Interim Orders or Stay Orders. In that Seneviratne J., ruled that Courts must evaluate three essential criteria before issuing an interim relief measure, these three Principles are;

- **Nugatory Final Order:** Will the final judgement be rendered useless or ineffective if the interim relief is denied and the Petitioner eventually wins
- **Balance of Convenience:** Which party will suffer greater inconvenience or disadvantage by the Court's decision to grant or refuse the interim protection?
- **Irreparable Injury:** Will refusing the Interim Order cause irremediable or permanent mischief, damage, or injury to either party that cannot be compensated?

19] By P20(a), the Petitioners show that the HNDA matches standard bachelor programs. For instance, a detailed breakdown aligned with the Sri Lanka Qualifications Framework (SLQF) underlines that an HNDA program consists of 120 credits across four years, identical in typical credit weight and learning hours to a B.Com Special or BSc Accounting degree from the University of Sri Jayewardenepura. Further, the implementation of the new Scheme of

Recruitment (SOR) bearing No. DMS/1597/SOR dated 05/06/2025 by the National Water Supply and Drainage Board (NWSDB), which eliminates the Higher National Diploma in Accountancy (HNDA) qualification as a valid alternative to a degree for core accounting and auditing roles. As a panacea for this, the Respondent, by excluding HNDA qualifications and introducing an uncreated, confusing "Junior Manager" (JM) category, is arbitrary, irrational, and Ultra Vires, as it violates their legitimate expectations, harms public education investments, and contradicts historical state recruitment standards. If this is allowed, the HNDA profession will die out in time to come.

20] Given the above circumstances, we hold that this is a fit and proper case to issue Formal Notices and Interim Stay as prayed by prayer "c".

Formal Notices issued.

Interim relief granted.

JUDGE OF THE COURT OF APPEAL

R. GURUSINGHE J.

I agree

JUDGE OF THE COURT OF APPEAL