

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

C.A.(Writ) : 125/2025

1. S.K. Gamage
No. 30, Police Park Avenue,
Colombo 05.
2. P.C. Jayasekara
No. 4/240A, Pahala Biyanwila,
Kadawatha.
3. H.M.J. Rathnayake
No. 62/1, Kerawalapitiya,
Hendala,
Wattala.
4. T.C.A. Rajakaruna
No. 97/A, Kapuduwa,
Paragastota,
Horana.
5. D.L.A. Nayanajith
No. 154/1, Galwala Road,
Palathota Junction,
Kalutara South.
6. W.K.Samantha
“Samantha” Kothalawala,
Bandaragama.
7. J.C. Alawaththa
“Sri jana” , Pitiduwa Road,
Midgama,
Weligama.
8. A.C.D. Kumara

Alexandra, Moonamalagama,
Maho.

9. E.G.S.M. Jayasinghe
No. 76, Sadun Uyana,
Alwiswatha,
Kalutara South.
10. H.K.R. Kumara
No. 63/2, Gulugahahena,
Kapugama West,
Devinuwara.
11. A.S.S. Bindusiri
No. 1, Anderson Flat,
Colombo 05.
12. E.G.I.K. Epalathatuwa
No.30/5B, Nawathgama Road,
Homagama.
13. N.A. Kaluwitharana
No. 163/P, IDH Road,
Kotikawaththa,
Angoda.
14. K.H.S.P. Lal
No. 71/2, Major Priyantha
Colombage Mawatha,
Thunbovila,
Piliyandala.
15. H.T.M. Thushara
No. 71/03/G, Elapohala Road,
Gorakapitiya,
Piliyandala.
16. C.J. de Silva
No. 70, Sri Rahula Mawatha,
Katubedda,
Moratuwa.
17. M.N. Priyantha
No. 106/1/1, Samagi Mawatha,

Godagama,
Homagama.

18. S.K.S.K. Samarasinghe
Seri Niwasa, Kanangamuwa,
Undugoda.
19. G.K.N.M. Wijesinghe
Sri Vajirangana Mawatha,
Colombo 10.
20. R.D.C. Anuradha
No. 28/1, Kirimandala Mawatha,
Nawala.
21. A.G.S. Susantha
No. 370/1/A, Kotuwila,
Wellampitiya.
22. E.T.D. de Silva
No. 04, Morawatta,
Prajamandala Mawatha,
Nagoda,
Kandana.
23. A.A.I. Nilantha
No. 155/2, Arangala,
Naula.
24. W.A.B. Aroshan
No. 02, Police Quarters,
Gothatuwa New Town.
25. K.G.S.R. Udayanga
No. 26, "Jaya Mawatha"
Bellanwila.
26. S.O.A.T.M. Kumara
No. 246, Dharshana Uyana,
Meegahawatta,
Pelgoda.
27. S.M. Kahandawala

No. 77A, Uswedakeliyawa,
Pamunugama.

28. R.J.P.G.S. Rajakuruna
Isuru Tanawa, Galakona,
Dompe.

29. C.A.P. Weerathne
No. 224, Samagumewatte,
Depanama,
Pannipitiya.

PETITIONERS

-Vs-

1. Priyantha Weerasooriya
Inspector General of Police
(Acting),
Police Headquarters,
Colombo 01.

2. D.W.R.B. Seneviratne
Secretary,
Ministry of Public Security and
Parliamentary Affairs.

3. H.J.M.C.A. Jayasundara
Commissioner General of
Examinations
Department of Examinations
Pelawatta,
Battaramulla.

RESPONDENTS

Before : **Hon. Rohantha Abeysuriya PC, J.(P/CA)**

: **Hon. K. Priyantha Fernando, J.(CA)**

Counsel : Upul Jayasuriya, PC with Laknath Senevirathna
for the Petitioners.

Rajika Aluwihare, S.C. for the Respondents.

Written Submissions on : 14.10.2025 for the Respondents.
19.12.2025 for the Petitioners.

Argued on : 04.09.2025

Decided on : 10.03.2026

K. Priyantha Fernando, J.(CA)

1. The Petitioners have invoked the jurisdiction of this Court by the Petition dated 20.02.2025 seeking primarily Writs of Mandamus compelling the release of the results of the limited competitive examination and a writ of *Certiorari* quashing the decision contained in the document P6 which contained the names of those officers who had been shortlisted for the interview regarding the position of Assistant Superintendent of Police (ASP) in the Sri Lanka Police.

FACTUAL MATRIX:

2. The Petitioners are officers of the Sri Lanka Police and currently hold the positions of Chief Inspector and Inspectors of Police. Of all the officers, some of the officers even possess UGC recognised degrees while all the officers satisfy the

requirements necessary to be promoted to the post of Assistant Superintendent of Police (ASP).

3. The Petitioners submitted that a notice dated 27.09.2021 was issued by the Inspector General of Police calling for applications for 46 vacancies open for the recruitment of the post of ASP. The notice stipulated that the process would involve two stages, namely a limited competitive exam followed by an interview and that the candidates shortlisted would be limited to 5 times the number of the vacancies available (46 x 5 = 230 candidates).
4. Having sat the examination on 18.11.2023 and 19.11.2023, the Petitioners were not informed of the results or marks until more than a year had lapsed. The Petitioners later by a notice dated 01.02.2025 became aware that 262 candidates had been shortlisted for interviews for the position of ASP without the publication of the results of the exam.
5. The Respondents however clarified that upon completion of the interview process by the National Police Commission (NPC), the marks secured in both the interview and exam rounds are aggregated and it is then that a final list is published by the Department of Examinations.
6. It was revealed that following the filing of this application, the interviews of the shortlisted candidates having been conducted, appointments to the role of ASP were made as at the date of argument and as such the Department of Examinations has now

published the marks of the limited competitive examination as at the date of argument on 4th September 2025.

POSITION OF THE PETITIONERS:

7. The Petitioners presented four main arguments before this Court. It was first argued that the Petitioners had a legitimate expectation. Having understood that the results of the exam would be released. The Petitioners argued that the doctrine of legitimate expectation applies where a public authority by “representation, established practice or express procedure” has created an expectation that a specific procedure would be followed.
8. Secondly, the Petitioners argued that the non-disclosure of the results of the limited competitive exam was a violation of the already established practice. Moreover, it was argued that the right to be informed of one’s performance in a public and competitive exam such as this is a component of *audi alteram partem*. In furtherance of the argument made the Petitioners relied on the cases of Karunaratne v Public Service Commission (1999) 1 SLR 157 and the persuasive authority delivered by the Indian Courts in the case of Prakash Ratan Sinha v State of Bihar (2009) 14 SCC 690.
9. The Petitioner further contended that administrative discretion should be used in a manner that is transparent and for proper purposes. Thus, it was argued that the shortlisting of candidates without disclosing their marks exceeded the discretion awarded to the authority.

10. The Petitioners finally challenged the notice published by the 1st Respondent on 01.02.2025 which detailed the names of those shortlisted for the interviews for the post of ASP (document marked P6). The notice marked P6 reflected that 262 police officers had been shortlisted for the interview process instead of 230 (5x the cadre) and thus the Petitioners contended since 32 have been named in excess, P6 constitutes an irregularity. As such, it was further argued that P6 is tainted bias and tainted with illegality.

POSITION OF THE RESPONDENTS:

11. The attention of this Court was drawn to Rule 79 of the Gazette bearing No. 2310/29 dated 2022.12.14 which states as follows:

"79. Where an interview has to be held to allocate marks after a written examination and/or a professional test, marks obtained by the applicants at the written examination and/or the professional test shall not be made available to the Board of Interview. The results of a written examination and/or the professional test shall not be published for whatever reason until the Appointing Authority takes a final decision regarding the appointments. Its confidentiality shall be preserved to the utmost."

12. Furthermore, the Respondents contended that the same was already accepted by this Court upon delivery of the Order dated 25th March 2025 wherein it was held that the Respondents are legally precluded from releasing the marks obtained by the candidates of the written examination until the interview process, and thus selection process has been fully completed.

13. The Respondents further argued that in prohibiting the disclosure of the marks obtained at the written exam stage, Rule 79 ensures that the interview panel conducts its evaluation the independently protecting strict requirement of confidentiality until a final decision is made by the Appointing Authority of the interview and the integrity of the wider selection process.

14. Additionally, I find it pertinent here to take into account the surrounding Rules contained in the Gazette bearing No. 2310/29 and dated 2022.12.14 which was morefully considered in the Order dated 25.03.2025 delivered by this Court in relation to the instant matter. The relevant portion of the text reads as follows:

“Thus, the law does not permit the marks obtained at the written examination to be published as well as to be made available to the Board of interview.

It further clarifies that the results of the written examination shall not be published until the Appointing Authority takes a final decision regarding the appointments. The objective or the intention of the drafters is also stated, viz. to preserve the utmost confidentiality.

Section 80 provides for the procedure after the interviews are held which reproduced as follows:

"80. The Appointing Authority, having duly verified the accuracy of the list of names prepared by the Board of Interview in accordance with the order of merit obtained at the interview awarding marks and/or the list of names prepared in accordance with the order of merit obtained at the other test awarding marks, shall sent it to the authority by whom the examination was conducted."

Again, by Section 83, it is emphasized that the results of a written examination and/or any other test awarding marks shall not be published for whatever reason until the Appointing Authority gives his concurrence.

It further provides at which point list of appointees are published providing that once the selection process is over, the Appointing Authority or Administrative Authority shall publish the list of names of the appointees.

Clarifying as to on what basis the appointments are made. Section 87 provides as follows:

"87. Where the recruitment is made only on the results of a written examination and/or an interview awarding marks and/or any other test awarding marks, the appointments shall be made strictly in the order of merit of the aggregate marks obtained by the candidates at such written examination and/or interview awarding marks and/or other tests awarding marks."

In the instant case the interviews are still being held and therefore stage of publication of results has not reached yet and it can only be lawfully published after the appointments are made."

15. Furthermore, the Respondent in response to the argument of the Petitioners that P6 is an irregularity, contended in paragraph 19 of the Statement of Objections that the shortlisting of 262 applicants included the names, not only of the male police officers but also female officers and officers from the Special Task Force (STF).

ANALYSIS:

16. At page 12 of the Order delivered by this Court on 25.03.2025, it is stated as follows: *"It is revealed by P8a that candidates have been called for interviews. If the*

interview process is stayed 230 eligible candidates will be affected. On the other hand, if some persons from the questionable 26 candidates were appointed, that can be clarified at the argument stage and it can be averted. Thus, the balance of convenience favours the respondents.”. As such the Court has taken cognizance of the explanation put forth by the Respondent in this regard.

17. The Respondents argued that the Petitioner’s baseless allegation that the document P6 is an irregularity is false and baseless. This argument was made on the basis that although P6 included the female and special task officers, it did not render the document an irregularity but it was rather a consolidated list of shortlisted applicants.

18. The Respondents provided this Court with a detailed breakdown of the shortlisted applicants, which is reproduced below for ease of reference:

	Approved vacancies	No. of officers who should be shortlisted for interviews (Approved vacancies x 5)	No. of officers who are shortlisted for interviews	No. of officers called in excess due to obtaining the same mark
Male Officers	46	230	236	6
Female Officers	3	15	15	-
STF	2	10	11	1
Total	50	255	262	7

19. The Respondents further in response to the concerns raised by the Petitioners with reference to the alleged discrepancies in the document marked P6 for including retired officers among the list of the names of interviewees. However, it ought to be noted that the Respondent has explained the reason for the inclusion of such retired officers and had stated that at the time of applying for the post of ASP all three officers were in active service.

20. As such I hold in line with the argument furthered by the Respondent, that even in the event that it was held to be that the document marked P6 is an irregularity, the Petitioners would still not be entitled to any relief sought as the grievance of the Petitioners are limited to the scope of having the results of the limited exam released, which has already been done. With the completion of the appointment process, results have been released and the Petitioners suffer no grievance.

21. Furthermore, the Respondents' own conduct was in compliance with Rule 79 of the PSC Rules and in doing so no prejudice has been caused to the Petitioners. The entirety of the Petitioners' relief is barred by a positive rule of law (Rule 79 of the PSC Rules) and the Respondents are legally precluded from releasing the marks of the written examination until after the appointment process is completed.

22. It is revealed that the appointment process has now been completed, and the marks of the written examination have also been published by the Department of Examinations. There are no irregularities in the notice marked P6. In any event, the Petitioners are not entitled to the reliefs sought in this application, as they have suffered no prejudice from the Respondent's compliance with Rule 79 of the PSC Rules, which requires that

the marks of the written examination not be published until the completion of the appointment process.

23. Accordingly, the objections of the Respondent are upheld and this application is dismissed. No costs.

Judge of the Court of Appeal

Hon. Rohantha Abeysuriya PC, J.(P/CA)

I agree.

President of the Court of Appeal