

IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Writ Application Number:
CA/WRIT/909/2025

In the matter of an application for mandates in the nature of Writs of *Mandamus* and *Certiorari* under and in terms of Article 140 of the Constitution of the Democratic Socialist Republic of Sri Lanka.

1. Madurawalage Don Viloshine Renuka,
No. 163/V/1, IDH Road, Kotikawatta,
Mulleriyawa New Town.
2. Walimuni Dewage Sheela Jayasingha,
No. 107, Beligollawatte,
Kirindiwela.
3. Koss Mullage Neel Raveendra
Chandrawansha,
Kandekade,
Muruthenge.
4. Jecoline Senevirathnalage Indika Sampath
Senavirathna,
No. 63/2/1/D, Temple Road, Kottawa.
5. Sridara Chandimal Avanthika Dias
Amarawardana,
No. 554/9/8, Gajaba Mawatha,
Malwatta, Nittabuwa.
6. Buddika Arunashantha Amarasinghe,
No. 147/D, 6th Lane, Salgas Mawatha,
Mattegoda.
7. Chinthaka Niroshan Ganearachchi,
“Chandra Niwasa”, Eduragala, Ingiriya.
8. Yaddehige Nilupul Nayanagith De Silva,
No. 15, Ambathalagama,
Mihinthale.

9. Ajantha Nanayakkara,
No.2/4 A, Wijesiriwardane Road,
Mount Lavinia.

Petitioners

Vs.

1. National Savings Bank
2. Dr. Harsha Cabral, P.C.
Chairman
3. Shashi Kandambi,
General Manger/CEO
4. M.N.A. Fernando,
Deputy General Manager (Human
Resource Development)

All are of,
National Savings Bank,
Head Office,
Saving House,
225, Galle Road, Colombo 03.

5. Hon. Attorney General,
Attorney General's Department,
Colombo 03.
6. H.S. Abenayake
7. A.U. Abeysekera
8. M.R.R.C. Abeysinghe
9. U.P.S. Abeysiriwardana
10. M.A.H.S. Ahamed
11. J.C. Aloka
12. Y.K.U. Amandika

13. T.D.B. Amaradandu
14. S.C. Andrahennadi
15. K.M.H. Anuruddhika
16. W.B.M. Anuruddhika
17. R.S. Asanka
18. G.S.B. Atapattu
19. P.P. Athokorale
20. A.A.A.D. Athukorala
21. D.A.H. Athulathmudali
22. R.M.T.B. Bamunawala
23. M.H.B.M.M. Bandara
24. P.G.K. Bandara
25. P.S.R.A. Bandara
26. M.R.R. Banu
27. B.M.M.S.K. Basnayake
28. K.K.G.J. Buddhimala
29. M.D. Chandimali
30. D.R.U. Chandrakanthi
31. P.K. Colambage
32. S.D.S. Dayanthini
33. E.A.D.K.H. De Alwis

34. D.L.G. N. De Silva
35. J.H.T.M. De Silva
36. K.N.T. De Silva
37. K.R. De Silva
38. K.M.R.G. De Silva
39. P.I.P. De Silva
40. R.D.P. De Silva
41. O.A.K. De Silva
42. A.G.G. Devapriya
43. R.M.C.P. Devinda
44. D.M.D.B. Dhanapala
45. D.M.S.D.B. Dhanapala
46. K.D.D.R. Dharmadasa
47. K.G.C. Dharmapriya
48. W.M.K.T. Dharmarathne
49. R.G.L.D. Dharmasena
50. G. K. M. C. Dharmasiri
51. R.S. Dillimuni
52. D.M.H.N. Dissanayaka
53. D. M.S.P.Dissanayake
(P:radeep)

54. P.L. Dissanayake
55. U.H. Dusanthi
56. L.K. Edirisinghe
57. M.T.M. Faiz
58. M.T.P. Fernando
59. T.S.N.M. Fernando
60. W.S.P. Fernando
61. R.L. Fonseka
62. D.A. Gamaethige
63. I.R. Gamage
64. R. Gamage
65. U. Gamhewa
66. I.D.A.K. Gammanpila
67. D.P.A. Gayan
68. J.M.W. Gunasekara
69. D.M.N.P. Gunathilaka
70. R.P.M. Gunathilake
71. M.P.D.K. Hemachandra
72. H.M.A.S.K. Herath
73. H.M.H.C.B. Herath
74. K.G.S.S. Herath

75. P.D. Herath
76. W.A.G.D. Herath
77. S.S. Hewage
78. K.S. Ipalawatta
79. J.D.A. Iram
80. M.H.M. Jawath
81. J.A.S.H. Jayakody
82. J.M.D.W.N. Jayamaha
83. N.A.D.B. Jayanath
84. A.R.W.K. Jayarathna
85. N.D. Jayasekara
86. A.L. Jayasinghe
87. G.J.M.J.A. Jayasinghe
88. J.M.J.P. Jayasinghe
89. J.M.T.S. Jayasinghe
90. M.K. Jayasinghe
91. D.P.D.M. Jayathilaka
92. N.A. Jayawardena
93. N.S.M.M.H. Jayawardhana
94. S.A.H.S. Jayawickrama
95. K.A.C. Jeewandarie

96. K. Jeyaagaran
97. P.M.T.N. Jinadasa
98. U. Kajendran
99. A. Kalaivani
100. B.P.U. Kalpage
101. W.H.T.P Kalpani
102. N.M. Kalupahana
103. K.A.B.A.K. Karunaarachchi
104. E.G.I.R. Karunatilake
105. T.A.R. Kevitiyagala
106. T.R. Kodisinghearachchi
107. C.G. Kodithuwakku
108. M.D.S.S. Kulathunga
109. E.R.T.P. Kumara
110. K.K.G.I.U. Kumara
111. M.D.P.A. Kumara
112. W.P. Pushpa Kumara
113. E.P.C. Lakmal
114. T.B.I.D. Lakmal
115. P.L.I. Lakshika
116. L.H.M.D.U. Lansakara

117. C.S. Liyanage
118. P.I.J. Liyanagel
119. P.V.A. Madhubashini
120. B. K.Madushanka
121. M.L.R. Maduwanthi
122. L.G.H.D. Mahesh
123. M.A.D.D. Manchanayaka
124. W.A.D.B. Manohari
125. K.R.I.C. Menike
126. R.W.A.M.J.T. Molagoda
127. H.M.M.B. Monnekulama
128. B. X. Motcharajah
129. M.A.N. Munasinghe
130. M.M. Munasinghe
131. R.P. Munasinghe
132. B.M. Nanayakkara
133. K.M.T. Nandasena
134. K.M. Neelamani
135. B.A.T. Nisansala
136. M.K.W. Nisansala
137. D.N.A.D.S.M. Nissanka

138. P.R.D.K. Pallegama
139. S.M. Pallewela
140. P.H.K. Panapittya
141. K.M.Panduka
142. P. Partheepan
143. E.P.S.L. Pathirana
144. S. Pathmanath
145. T.A.S.J. Peiris
146. B.D.A.S. Perera
147. H. E. R. S. Perera
148. K. B.P. Perera
149. K. L. L. S. Perera
150. T. I. U. Peris
151. M. A. Pethangoda
152. G.D. C. Prasad
153. K. G. D. Prasadi
154. E.I Priyadarshani
155. H. P.S. Priyadarshani
156. K. K. I.S. Puny Asiri
157. R. Rajeevan
158. M. D. W. D. Ranasinghe

159. D. N. Ranathunga
160. R. A. A. D. Ranathunga
161. R. A. H. N. Ranaweera
162. R. A. T.S. Ranaweera
163. U. H. N. M. Rangana
164. R. P. A. S. Rathnaweera
165. R. M. C.J. Rathnayaka
166. B. M. P. G. D.S. Rathnayake
167. R. M. A. P. Rathnayake
168. G. G. D. D. Sagarika
169. M. L. W. Salgado
170. L. K. Samararuwan
171. G. G. D. Sandamali
172. L. M. Sanjeewa
173. S. P. Seethagama
174. R. Selvachandran
175. S. M. Sepala
176. M. A. A. Sewwandi
177. B. M. Shanika
178. P.K. D. A. C. Silva
179. M. A. A. D. Siriwardena

180. S. M. C. P. Siriwardena
181. P. P. D. S. S. Somarathna
182. H. N. O. M. Somasiri
183. M. W. A. Sooriy Arathna
184. S. C. Sumali
185. S. Surenthiran
186. M. A. Tharmalingam
187. T. M. R. K. Thennkoon
188. V. G. Thotagamuwa
189. H. Vathulan
190. A.K.K. Vihirangi
191. B. P. Vitharana
192. G. P.D. W. Wanigasekara
193. W. K. D. S. P. Waragoda
194. K. V. D. A. Warahena
195. I. M. Wedisinghe
196. Y. S. Weerathne
197. J. C. Weerasekera
198. I. R.K.Weerasinghe
199. W. M. B. K. Weerasinghe
200. T. T. Weerawardhana

201. P.S. Weliwatta
202. S. R. Werahera
203. S. J. K. B. Wickramarathne
204. J. M. B. P. Wickramasinghe
205. W. M. D. R. Wijekoon
206. M. H. P.S. Wijepala
207. D. M. I C. Wijerathna
208. D. G. N. H. Wiyerathne
209. U. D. Wiyesekara
210. A. V. L. S. Wijesinghe
211. V. M. Wijesinghe
212. L. M. D. N. Wijewardane
213. Y. A. L. O. Yapa
214. G. D. B. Anandapreman
215. G. D. L. Aponsu
216. P. A. K. M. Jayawaedane
217. G. K. A. S. Kodithuwakku
218. I. L. Kolabage
219. J.K.A.A. Nuwan
220. P. Rajapuv Aneeswaran
221. W.L. Ranasinghe

222. A.N. Gamaarachchi
223. B.H.A. Priyangirathne
224. K.K.N.D.S. Abeysinghe
225. S.K.G. De Silva

All are of National Savings Bank, Head
Office, Saving House,
225, Galle Road,
Colombo 03.

Respondents

Before: **Damith Thotawatte, J.**
K.M.S. Dissanayake, J.

Counsels: Nuwan Bopage with Ravihara Pinnaduwa for the Petitioners.
J. Sourjah, S.C. with V. Dissanayake, J.A.S.A. for the 1st to 5th
Respondents.

Saliya Pieris, P.C. with Sarinda Jayawardene, Nisal Hennadige and
Dhimarsha Marso instructed by Bhagya Pieris for the 10th, 13th,
15th, 24th, 31st, 32nd, 35th, 61st, 63rd, 64th, 70th, 79th, 85th, 92nd,
104th, 105th, 115th, 118th, 122nd, 124th, 126th, 130th, 141st, 149th,
179th, 194th, 198th, 200th, 203rd, and 205th Respondents.

Hafeel Farisz with Ashwin Pragash and Shannon Tillekeratne
instructed by Shayamali Athukorale for the 11th, 21st, 58th, 75th,
84th, 137th, 150th, 157th, 169th, 214th, 217th, 219th, 220th, 221st,
222nd, 223rd, 224th and 225th Respondents.

Supported: 21.01.2026

Written submissions tendered on: 28.01.2026 by 1st to 5th Respondents.

06.02.2026 by 11th, 21st, 58th, 75th, 84th, 137th, 150th, 157th, 169th, 214th, 217th, 219th, 220th, 221st, 222nd, 223rd, 224th, and 225th Respondents.

12.02.2026 by 10th, 13th, 15th, 24th, 31st, 32nd, 35th, 61st, 63rd, 64th, 70th, 79th, 85th, 92nd, 104th, 105th, 115th, 118th, 122nd, 124th, 126th, 130th, 141st, 149th, 179th, 194th, 198th, 200th, 203rd, and 205th Respondents.

03.03.2026 by Petitioners

Order Delivered: 27.03.2026

Thotawatte, J.

Introduction

This is an application made under and in terms of Article 140 of the Constitution, wherein the Petitioners seek relief in the nature of Writs of *Certiorari* and *Mandamus*, challenging the legality of the procedure adopted by the Respondents in preparing the final promotion list to the post of Assistant Manager Grade III-II of the 1st Respondent Bank.

The Petitioners are officers in the service of the 1st Respondent, the National Savings Bank, who had become eligible for promotion to the Grade of Assistant Manager Grade III-II, and who contend that the final promotion list published by the Respondents was prepared in a manner inconsistent with the applicable promotion schemes and circulars governing such promotions.

At the heart of the dispute lies the question whether the Respondents, in preparing the final promotion list, acted in accordance with the promotion framework introduced under General Manager's Circular No. 922/2017, as subsequently amended, and whether the Respondents failed to properly apply the revised evaluation structure introduced by General Manager's Circular No. 1111/2024, thereby causing prejudice to the Petitioners.

The Original Promotion Scheme — Circular No. 922/2017

The promotion scheme governing the Petitioners' eligibility was initially introduced by General Manager's Circular No. 922/2017, which expressly provided that the revised schemes of promotion were to take effect from 20.11.2017, thereby establishing the governing framework applicable to promotions in both Banking and Non-Banking Streams.

Under that scheme, candidates seeking promotion to Grade III-II were required to:

- sit for a written examination,
- obtain qualifying marks,
- thereafter face an interview, and
- be evaluated based on a combination of performance factors including written examination marks and interview performance.

The Petitioners state that, acting in reliance on this scheme, they presented themselves for the written examination conducted on 29.02.2020 during a period marked by operational disruptions caused by the COVID-19 pandemic.

It is their position that the 2020 examination was conducted under demanding circumstances and was of a significantly higher level of difficulty when compared to later examinations conducted under subsequent recruitment cycles.

The Petitioners' Position Following the 2020 Examination

It is not disputed that the Petitioners successfully obtained the required minimum qualifying marks at the written examination conducted on 29.02.2020, thereby qualifying to proceed to the interview stage. However, due to the limited availability of vacancies at that time, not all candidates who had successfully completed both stages were selected for promotion. As a consequence, the Petitioners remained in the same grade despite having successfully completed the examination process.

The First Addendum to Circular No. 922/2017

A material development thereafter occurred when the Respondent Bank issued the 1st Addendum to Circular No. 922/2017, which was issued on 03.08.2021. This Addendum

introduced a significant procedural protection applicable to candidates such as the present Petitioners.

The operative provision of that Addendum states, in express terms:

“Applicants who have passed the written examination held for a promotion to a particular grade, and not successful at the interview are not required to sit for the same examination, until he/she is promoted to that particular grade. Such applicants will be called for the relevant interview directly subsequent to submitting an application.”

The effect of the aforesaid Addendum was that the Petitioners, who had successfully passed the written examination conducted on 29.02.2020, but had not secured promotion at that time owing to the limited number of vacancies available, became entitled to the benefit of exemption from re-sitting the written examination in subsequent promotion cycles. In consequence of the said amendment, the Petitioners acquired the entitlement to be called directly for interview upon the submission of fresh applications for promotion, without being required to undergo the written examination again. The practical effect of this provision was to preserve the eligibility status of candidates who had successfully completed the earlier written examination, thereby maintaining their qualification for consideration in future promotion processes until such time as promotion to the relevant grade was obtained.

However, it is to be noted that it did not modify the underlying method of evaluation under Circular No. 922/2017, whereby written examination marks continued to form part of the overall merit assessment together with interview performance and other prescribed criteria.

The Subsequent Promotion Cycle and the 2024 Examination

Thereafter, the Respondents proceeded to conduct a further written examination for fresh candidates, and the material placed before the Court establishes that such examination was held on 09.06.2024 by the Institute of Bankers of Sri Lanka under the continuing authority of the promotion framework originally introduced by General Manager’s Circular No. 922/2017 dated 20.11.2017, which remained operative at that time. Unlike the Petitioners, the candidates who participated in the said 2024 examination were required to newly qualify at the written examination stage in order to become eligible for interview. By contrast, the Petitioners did not sit for the written examination conducted on

09.06.2024, inasmuch as they were exempted from the requirement of re-sitting the written examination by virtue of the 1st Addendum to Circular No. 922/2017 dated 03.08.2021, and were instead entitled to be called directly for interview upon submitting fresh applications for promotion.

Alleged Disparity Between the 2020 and 2024 Examinations

A central grievance advanced by the Petitioners concerns the comparative nature of the written examinations conducted on 29.02.2020 and 09.06.2024. The Petitioners assert that the 2020 examination, held during the pandemic period, was comparatively more difficult, whereas the 2024 examination was less demanding, resulting in candidates in the latter cohort obtaining disproportionately higher marks. According to the Petitioners, this disparity created an imbalance between candidates relying on earlier examination performance and those entering through the later examination cycle, which became significant when written examination marks were taken into account in determining final merit and preparing the promotion list.

However, it must be observed that, even at the time the 1st Addendum to General Manager's Circular No. 922/2017 was issued, it ought to have been apparent that written examinations conducted at different times for different groups of candidates could not reasonably be expected to maintain identical levels of difficulty, and that variations in examination standards might result in one group obtaining a comparative advantage when written examination marks were aggregated in accordance with Circular No. 922/2017, which remained operative at that time. Notwithstanding this possibility, there is no material placed before the Court to indicate that the Petitioners raised any objection or brought such potential disparity to the attention of the relevant authorities prior to the conduct of the subsequent written examination for other candidates on 09.06.2024.

Introduction of Circular No. 1111/2024 with Structural Change to Final Evaluation

A further decisive development occurred when the Respondents issued General Manager's Circular No. 1111/2024 dated 18.12.2024 which introduced a revised promotion scheme applicable to the relevant grades and materially altered the evaluation framework governing the final stage of selection.

Of particular importance is the provision contained in Annex I, which reads as follows:

“Candidates who have scored 40 marks and above for each paper will be called for the interview and examination marks will not be considered for the final evaluation.”

The Petitioners contend that the said provision brought about a fundamental alteration in the method of preparing the final promotion list. According to them, under the revised framework, written examination marks were intended to operate only as a threshold requirement for determining eligibility to be called for interview, and were no longer to be treated as a component of the final merit ranking. The Petitioners therefore assert that, once candidates had secured the prescribed minimum of 40% marks, the written examination ceased to have any relevance to the ultimate evaluation process, and that the final promotion list ought accordingly to have been determined solely on the basis of interview performance rather than by combining written examination and interview marks.

However, the material before the Court indicates that notwithstanding the issuance of Circular No. 1111/2024, the Respondent Bank proceeded to prepare the final promotion list by combining the marks obtained at the written examination with the marks obtained at the interview stage. The names of the selected candidates were thereafter published by General Manager’s Circular Letter No. 2066/2025 dated on or about 22.08.2025 and the names of the Petitioners were not among them.

The Petitioners contend that their non-selection was occasioned by the method of computing final marks, whereby written examination marks were aggregated with interview marks, a process which, according to them, conferred an undue advantage upon candidates who had sat for a comparatively easier subsequent written examination and thereby obtained higher aggregate scores.

The Petitioners complain that such preparation of the final promotion list, by combining written examination marks with interview marks, was inconsistent with the express provision contained in Circular No. 1111/2024, and thereby resulted in an unjust and discriminatory outcome in respect of the Petitioners.

The Petitioner has filed this present Application seeking, *inter alia*, the following reliefs:

- b. A writ of *certiorari* to quash the decision marked as “P11”
- c. A writ of *mandamus* compelling the 1st to 4th Respondents to promote the Petitioners,

- d. A writ of *mandamus* compelling the 1st to 4th Respondents to apply the marking scheme prescribed in General Manager's Circular No. 1111/2024 by excluding written examination marks from the final evaluation
- e. In the alternative, a writ of *mandamus* compelling the 1st to 4th Respondents to introduce separate marking criteria, including separate marking schemes and/or cut-off marks, for candidates who qualified from the examinations held on 29.02.2020 and 09.06.2024.
- f. A writ of *mandamus* compelling the 1st to 4th Respondents to promote the Petitioners to Grade III Class II of the Bank service.
- g. A declaration that the Petitioners were prejudiced and discriminated against by the application of a uniform cut-off mark at the interview stage.
- h. A declaration that the Petitioners are entitled to be treated as a separate group, having regard to the differing standards and nature of the examinations held on 29.02.2020 and 09.06.2024.

At the outset, it becomes necessary to precisely identify the decision that is truly impugned in the present application. Although the Petitioners have sought, *inter alia*, a writ of *certiorari* to quash the document marked "P11", namely General Manager's Circular No. 2066/2025 dated 22.08.2025, the material before this Court demonstrates that the said document merely constitutes the formal publication of the list of candidates who were selected for promotion pursuant to the completion of the evaluation process. The Petition itself discloses that the said Circular was issued for the purpose of publishing the names of the selected candidates after the completion of the selection exercise, and therefore represents the culmination of a prior administrative process rather than the originating decision itself.

In that context, the real grievance advanced by the Petitioners is not directed at the act of publication embodied in P11, but at the method adopted by the Respondents in preparing the final merit list, namely the decision to aggregate the marks obtained at the written examination with those obtained at the interview stage, purportedly in terms of Circular No. 922/2017, notwithstanding the subsequent issuance of Circular No. 1111/2024 which, according to the Petitioners, altered the basis upon which final selection was to be determined. The impugned decision, therefore, is properly to be understood as the antecedent administrative determination to prepare the final promotion list in accordance with the earlier selection methodology, the publication of which is reflected in P11.

Accordingly, even if the document marked P11 were to be quashed in isolation, such relief would not, in substance, affect the underlying decision that gave rise to the preparation of the promotion list, as the operative determination—namely the adoption and application of the selection criteria itself—would remain intact. In these circumstances, the prayer to quash P11, viewed in isolation from the underlying administrative determination, would have no practical or legal impact upon the impugned selection process, since the foundational decision complained of would continue to subsist unaffected.

At this stage, it becomes necessary to determine whether the subject matter of the present dispute is amenable to the supervisory jurisdiction of this Court under Article 140 of the Constitution. It is well settled that the writ jurisdiction is invoked to enforce the performance of duties imposed by law and affecting legal rights of a public nature, and not to regulate disputes arising solely from the terms of employment between an employer and its employees.

Scope of Writ of Mandamus

It is trite law that to issue a writ of mandamus there must be a statutory or public duty.

The available material discloses that the procedure governing promotions to the post of Assistant Manager Grade III–II was initially introduced by General Manager’s Circular No. 922/2017 dated 20.11.2017, subsequently modified by an Addendum dated 03.08.2021, and thereafter revised by Circular No. 1111/2024 dated 18.12.2024. These instruments prescribe the criteria and methodology to be adopted in the internal process of promotion within the Respondent Bank. However, the material presently before the Court does not demonstrate that these circulars were issued pursuant to any identifiable statutory provision, delegated legislative authority, or rule-making power recognised by law.

It is a settled principle that instruments of this nature do not acquire statutory character merely by their issuance unless their authority is traceable to statute. In the absence of such statutory foundation, they function as internal directions governing the conduct of the employer–employee relationship. Accordingly, any rights or expectations derived from such instruments fall within the sphere of internal regulation of service conditions, and do not amount to duties imposed by statute or duties of a public nature amenable to enforcement in writ jurisdiction.

Viewed in above context, the grievance advanced by the Petitioners is directed at the method adopted by the Respondents in preparing the final promotion list, in particular the aggregation of written examination marks with interview marks notwithstanding the issuance of Circular No. 1111/2024 (for which reasons had been given). The substance of the complaint therefore concerns the manner in which the Respondents applied their prescribed procedure in evaluating candidates for promotion. No material has been placed before the Court to establish that the Respondents were under a legally enforceable duty to apply the procedure relied upon by the Petitioners.

A writ of *mandamus* compelling promotion, or prescribing the manner in which candidates are to be evaluated, necessarily assumes the existence of a legal duty imposed by statute or by rules having statutory force. In the absence of such duty, and where the alleged obligation arises only from internal service arrangements governing promotion, the matter assumes the character of an employment-related grievance rather than the breach of a legal obligation enforceable in public law.

Accordingly, upon consideration of the material presently available, the promotion scheme and the circulars relied upon appear to operate within the framework of internal regulation of service conditions, and not within a statutory regime giving rise to enforceable public duties. In those circumstances, the dispute disclosed in this application does not, at this stage, appear to fall within the scope of matters ordinarily amenable to the supervisory jurisdiction of this Court under Article 140 of the Constitution.

For the aforesaid reasons, this Court is of the view that this instant application, does not disclose a matter amenable to the writ jurisdiction of this Court. Accordingly, formal notices on the Respondents are refused, and the application is dismissed *in limine*, subject to costs.

Judge of the Court of Appeal

K.M.S. Dissanayake, J.

I agree

Judge of the Court of Appeal