

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

**CA (Writ) Application No.
359/2020**

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

Dr. Chandana Kasturi Arachchi
No.575/4, Kumarapeli Mawatha,
Daranagama,
Delgoda

PETITIONER

Vs.

1. University of Colombo
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

2. Professor Chandrika N Wijeyaratne
Vice Chancellor,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

3. Professor R C K Hettiarachchi
Rector/Sri Palee Campus,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

4. Professor D A Premakumara de Silva
Dean/Faculty of Arts,
University of Colombo,

No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

5. Dr. L M Kapila Bandara
Dean/Faculty of Education,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

6. Professor Nayani Melegoda
Dean/Faculty of Graduate Studies,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

7. Professor W I Nanayakkara
Dean/Faculty of Law,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

8. Professor M P P Dharmadasa
Dean/Faculty of Management,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

9. Professor Vidya Jothi Vajira H W
Dissanayake
Dean/Faculty of Medicine,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

10. Professor Upul Sonnadara
Dean/Faculty of Science,
University of Colombo,

No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

11. Professor J K DS Jayanetti
Dean/Faculty of Technology,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

12. Dr. S SP Warnakulasuriya
Dean/Faculty of Nursing,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

13. Professor K P Hewagamage
Senate Representative,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

14. Professor Pavithra Kailasapathy
Senate Representative,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

15. Rev. Father Ivan Perera
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

16. Professor Sam Karunaratne
Appointed Member,
University of Colombo,

No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

17. Professor J B Disanayke
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

18. Dr. Ravi Liyanage
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

19. Mr. Thilak Karunaratne
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

20. Mr. Mahinda Madihahewa
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

21. Ms. Padmini Ranaweera
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

22. Ms. Manohari Ramanathan
Appointed Member,
University of Colombo,

No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

23. Mr. Ariyaratna Hewage
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

24. Mrs. Indrani Weerathunga
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

25. Mr. P Sumith Cumaranatunga
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

26. Mr. J MUB Jayasekara
Appointed Member,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

27. Mr. KAS Edward
Registrar,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

28. Ms. Rangika Kodaramage
Senior Assistant Registrar- Legal &
Documentation, Information Officer,
University of Colombo,

No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

29. Mr. Dadley Karunaratne
Inquiring Officer,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

30. Mr. M DAL Ranasinghe
Senior Lecturer,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03. (Former Dean, Faculty of
Arts, University of Colombo)

31. Dr. S Segarajasinghman
Senior Lecturer, Faculty of Law
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

32. Ms. H M Laitha Kumari
Senior Lecturer, Head, Department of
Social Science Education, Faculty of
Education,
University of Colombo,
No.94, Kumarathunga Munidasa
Mawatha,
Colombo 03.

RESPONDENTS

Before: M. T. MOHAMMED LAFFAR, J.

Counsel: Kuvera de Zoysa, P.C. with Samuditha Kumarasinghe,
instructed by Sanjay Fonseka for the Petitioner.

Uditha Egalahewa, P.C. with N.K. Ashokbharan, instructed by
H. Chandrakumar de Silva for the 1st, 2nd, 27th and 28th
Respondents.

Argued on : 15.07.2024, 31.07.2024

Written Submissions on : 21.11.2024 (by Petitioners)
19.11.2024 (by 1st, 2nd, 27th and 28th
Respondents)

Decided on : 27.03.2025

MOHAMMED LAFFAR, J.

The Petitioner in this matter, being an experienced Senior Academic of the University of Colombo with more than twenty (20) years of experience in the field of Education Management, was subjected to disciplinary action for multiple allegations, including making improper advances towards a female student, sexually harassing her, and using vulgar language towards a female Senior Lecturer within his department. These charges were the subject of a disciplinary inquiry led by an independent inquiry officer, which concluded with the Petitioner being found guilty on several counts, including the charge of sexual harassment (marked "P16").

The Petitioner has contested the termination of his employment by the University, instituting this action under Article 140 of the Constitution, seeking the prerogative writs of *Certiorari*, *Prohibition* and *Mandamus*. His main grievances relate to the termination of his employment on disciplinary grounds, including the inquiry process, the interdict imposed on him, and the removal from his position as Head of Department. He also challenges various decisions made during the disciplinary proceedings, including the findings of the inquiry report and the subsequent recommendations of the inquiry officer (marked "P13").

In response to the complaints against the Petitioner, the University of Colombo established a Preliminary Inquiry Committee in April 2016 to assess the allegations. This inquiry resulted in a report affirming the presence of

prima facie evidence against the Petitioner, suggesting that his conduct had tarnished the reputation of the University. Consequently, the Committee recommended the Petitioner's immediate removal from the position of Head of Department and further action, leading to the issuance of a charge sheet in July 2016 (marked "P7A" and "R13").

The disciplinary inquiry began on 21st November 2016 and spanned over multiple sessions until August 2019. During these proceedings, the Petitioner was represented by legal counsel, and extensive cross-examinations took place. The inquiry concluded with the Petitioner being found guilty of several charges, including sexual harassment and the use of offensive language towards colleagues (marked "P16"). Following the completion of the inquiry, the University Council, in its 568th meeting, reviewed the findings and decided to terminate the Petitioner's employment, which was formally communicated to him in June 2020 (marked "P13").

The Petitioner, dissatisfied with the outcome, filed the present writ application in September 2020, seeking judicial intervention to overturn the decisions related to his dismissal and other disciplinary actions. He contends that the proceedings violated procedural fairness and that the University acted in bad faith throughout the process (marked "P10" and "P13").

The Respondents have raised several preliminary objections, including the argument that the Petitioner has failed to exhaust alternative remedies available under the Universities Act, specifically the appeal process before the University Services Appeals Board. The Respondents assert that the issues raised by the Petitioner pertain to employment matters, which are not typically justiciable under the writ jurisdiction. Additionally, the Petitioner's conduct, including the suppression of material facts, has been called into question, with the Respondents arguing that such actions disqualify him from seeking the extraordinary remedy of a writ (marked "R7").

An order of this Court dated 08.11.2022, overruled the initial preliminary objections raised by the Respondents. However, the said order granted the Respondents permission to raise additional preliminary objections. Furthermore, although the Petitioner initially sought interim relief, the President's Counsel for the Petitioner chose not to pursue such relief, in order to facilitate the expeditious resolution of the matter.

The Petitioner's Contention

The Petitioner has advanced his argument asserting that the actions and decisions taken by the Respondents were arbitrary, unreasonable, and in

violation of the principles of natural justice, warranting intervention by the Court through writ jurisdiction.

The Petitioner argues that the disciplinary proceedings against him were marred by procedural impropriety, including a lack of clarity in the charge sheets and the involvement of individuals who were both complainants and members of the disciplinary inquiry committee. He claims that these factors demonstrate a serious conflict of interest and bias, invalidating the entire process. Specifically, the Petitioner points to the fact that complainants, witnesses, and inquiry committee members were also involved in decision-making processes, making the findings unreliable and the decision to terminate him unjust. This is highlighted by the reference to the disciplinary inquiry findings and the parties involved, such as those listed in documents "P3", "P6", "P13", and "P15".

The Petitioner rejects the argument that he should have exhausted the alternative remedy available through the University Services Appeals Board. He contends that the appeal mechanism would not address the unreasonableness and disproportionality of the actions taken against him. Specifically, he asserts that an appeal to the Board is limited to reviewing the accuracy of the disciplinary decision, which would not allow the Court to address the procedural errors, bias, and conflict of interest that tainted the process. The Petitioner further argues that the available administrative remedies are not appropriate in this case, given the severity and nature of the actions impugned.

A key point raised by the Respondents is the alleged suppression of a CD containing evidence of a conversation between the Petitioner and a student. The Petitioner counters this allegation by asserting that although the CD was not annexed to the petition, the transcripts of the disciplinary inquiry were provided in full (marked as "P9(b)"). He argues that the Respondents have misrepresented the facts and that he has not suppressed any material evidence.

The Petitioner submits that the charge sheets issued against him were vague and ambiguous, failing to specify critical details such as the date, time, and place of the alleged offenses. The Petitioner highlights that both the initial charge sheet ("P7A") and its amended version ("P8") violated the provisions of Clause 8.2.1(c) of the University Grants Commission's Establishment Code, which mandates clarity and specificity in the charges. He contends that these ambiguities rendered the charges legally invalid.

The Petitioner emphasizes that the decisions made against him were based on a disciplinary process that violated fundamental principles of natural justice. He cites the involvement of complainants and witnesses in the decision-making process, as well as the arbitrary and disproportionate punishment meted out to him. The Petitioner asserts that such procedural violations justify the Court's intervention and quashing of the decisions made by the Respondents, as they were reached in a manner that lacked fairness and impartiality.

The Petitioner challenges the termination of his employment as an excessive and unwarranted punishment. He argues that the sanction imposed was based on findings that were irrational and unreasonable, asserting that such a harsh decision is manifestly disproportionate to the alleged misconduct. The Petitioner also notes that the disciplinary proceedings were unduly prolonged, lasting over four years, during which he was subjected to ongoing harassment and a reduction in his salary.

The Petitioner's submissions are rooted in the contention that the actions taken against him were both procedurally flawed and substantively unjust, and that judicial review is necessary to ensure that his fundamental rights are protected.

The Respondent's Contention

The Respondents have presented several key arguments opposing the Petitioner's claims and asserting that the writ application should be dismissed. They argue that the Petitioner's case is fundamentally flawed both procedurally and substantively.

The Respondents argue that the Petitioner has an available alternative remedy in the form of an appeal to the University Services Appeals Board. The Respondents contend that since the alternative remedy exists, the Petitioner should not be entitled to invoke the writ jurisdiction under Article 140 of the Constitution. The Respondents cite case law to support their position, emphasizing that judicial review is a remedy of last resort, and the Petitioner should have exhausted administrative procedures before seeking judicial review.

The Respondents assert that the issues raised by the Petitioner are private law matters stemming from an employer-employee relationship and not justifiable under public law through writ jurisdiction. They contend that employment-related disputes do not fall within the scope of the writ jurisdiction granted to the Court under Article 140 of the Constitution.

The Respondents claim that the Petitioner has suppressed and misrepresented material facts in his application. They argue that the Petitioner failed to disclose critical evidence, such as a CD recording that was part of the disciplinary inquiry. The Respondents allege that this constitutes a lack of good faith on the part of the Petitioner and further undermines his request for judicial intervention.

The Respondents defend the integrity of the disciplinary proceedings and deny any allegations of bias or conflict of interest. They argue that the Petitioner was given a fair hearing, and the disciplinary inquiry was conducted in accordance with the relevant laws and regulations. The Respondents also contend that there is no evidence of improper influence or bias, despite the Petitioner's claims that the complainants were also involved in the decision-making process.

The Respondents assert that the termination of the Petitioner's employment was justified based on the findings of the disciplinary inquiry, which concluded that the Petitioner was guilty of making improper advances toward a female student and using vulgar language toward a female colleague. They argue that this conduct constitutes a serious breach of professional ethics and the responsibilities expected of an academic. The Respondents emphasize that the Petitioner's actions undermined the university's commitment to maintaining a safe and respectful environment.

The Respondents also argue that reinstating the Petitioner to his position would be futile and counterproductive. They highlight the serious nature of the misconduct, specifically sexual harassment, and the potential harm to the university's reputation and its community. The Respondents contend that allowing the Petitioner to return would send a wrong message and undermine the institution's commitment to maintaining a respectful learning environment.

The Respondents assert that the Petitioner has failed to act in good faith and lacks the necessary bona fides to invoke the writ jurisdiction of the Court. They argue that his conduct throughout the proceedings, including the suppression of facts and misrepresentation, demonstrates a lack of sincerity in seeking judicial relief.

Based on these arguments, the Respondents request that the Court dismiss the Petitioner's writ application in limine, without considering the merits, due to procedural flaws and the lack of any viable legal claim. The Respondents

further request that the Court uphold their preliminary objections, given the availability of an alternative remedy and the private nature of the dispute.

Observations of the Court

Alternative Remedy (University Services Appeals Board)

The Respondents assert that the Petitioner has an alternative remedy available under the Universities Act No. 16 of 1978, specifically through an appeal to the University Services Appeals Board. The Respondents emphasize that judicial review is an extraordinary remedy and should not be invoked when an adequate statutory remedy exists. They cite previous cases that reinforce the importance of exhausting all available administrative remedies before resorting to judicial review (marked "R16" and "R17"). They further argue that this alternative remedy is both effective and comprehensive, as it provides a dedicated platform for addressing disputes related to employment within the university system.

The Petitioner counters this argument by asserting that the appeal process would be limited to reviewing the decision's accuracy rather than addressing the procedural unfairness and bias in the disciplinary process. He claims that the appeal mechanism would not provide him with a remedy for the alleged breaches of natural justice, such as bias and conflict of interest, and thus is not adequate in this case (marked "P10" and "P11").

The Respondents' argument regarding the availability of an alternative remedy is robust. The University Services Appeals Board is a statutory body specifically created to resolve disputes related to university employment. The Petitioner's assertion that the appeal process does not address the procedural issues, such as bias and conflict of interest, does not undermine the adequacy of the remedy itself. In the case at hand, the Petitioner has failed to demonstrate that the alternative remedy provided by the Appeals Board would be ineffective in addressing his grievances. The Petitioner has also not adequately explained why he did not pursue this remedy, which remains the most appropriate and effective route for resolving disputes of this nature.

Procedural Fairness and Bias

The Petitioner asserts that the disciplinary process was riddled with procedural irregularities, including the involvement of individuals who were both complainants and members of the disciplinary inquiry committee, which led to an inherent conflict of interest. He argues that these issues deprived him of a fair hearing and rendered the entire process invalid. Additionally, the Petitioner points to the vague charge sheets, which failed to specify critical

details, further demonstrating the unfairness of the proceedings (marked "P7A" and "P8").

The Respondents maintain that the disciplinary proceedings were conducted in accordance with due process, and that the Petitioner was afforded ample opportunity to respond to the allegations. They reject claims of bias, emphasizing that the individuals involved in the inquiry were not improperly influenced and that the inquiry was independent. They further argue that the Petitioner's failure to object to the process at any stage is evidence of his acquiescence to the proceedings (marked "R13").

The involvement of faculty members who were both complainants and members of the disciplinary inquiry committee creates conflict of interest. Such involvement undermines the impartiality and fairness of the inquiry. Judicial fairness requires that decisions are made by unbiased individuals who are not personally invested in the outcome.

While the Petitioner's concerns regarding bias and procedural irregularities are not without merit, the Respondents have successfully defended the process as fair and within the bounds of the law.

The Petitioner has failed to provide concrete evidence of bias or procedural violations that would warrant the quashing of the disciplinary decision. Moreover, the Petitioner participated in the inquiry without raising objections at any point, which undermines his claims of procedural unfairness. His failure to object during the proceedings suggests that he acquiesced to the process, further weakening his argument that the proceedings were fundamentally flawed.

Sufficiency of the Charge Sheets and Allegations

The Petitioner contends that the charge sheets were vague, generalized, and failed to specify crucial information such as dates, times, and specific actions related to the allegations. He argues that this lack of specificity violated Clause 8.2.1(c) of the Establishment Code and rendered the charges legally deficient (marked "P7A" and "P8").

The Respondents argue that the charge sheets were sufficiently detailed and in line with the University Grants Commission's Establishment Code. They assert that any ambiguities in the charge sheets were addressed through subsequent amendments, which were properly made in consultation with the independent inquiry officer (marked "P7A" and "P8").

The Petitioner's argument regarding the vagueness of the charge sheets is plausible in theory but does not appear to significantly undermine the fairness of the proceedings. The Respondents have shown that the charge sheets were amended to address any perceived deficiencies, and the Petitioner had ample opportunity to respond to the charges. The amendments to the charge sheet and the Petitioner's participation in the proceedings without objection further suggest that the Petitioner's arguments regarding the charge sheets lack substantive merit.

The Termination and the Alleged Disproportionate Punishment

The Petitioner challenges the termination as excessive and disproportionate, claiming that the punishment does not fit the alleged offenses. He further argues that the prolonged disciplinary process, which lasted over four years, was unduly harsh and amounted to ongoing harassment (marked "P13").

The Respondents defend the termination of the Petitioner's employment as justified based on the serious nature of the charges against him. They argue that sexual harassment and the use of vulgar language are grave offenses that warrant severe disciplinary action, and the termination was an appropriate sanction (marked "R16").

The Respondents' justification for the termination is legally sound, given the serious nature of the alleged misconduct. The Petitioner's claim of disproportionate punishment is not persuasive, as the University has a duty to maintain a respectful and safe academic environment, and the nature of the allegations (sexual harassment and misconduct) justifies strict action. Additionally, the length of the inquiry, while lengthy, does not in itself invalidate the termination, especially when the Petitioner did not object to the proceedings at any stage.

Conclusion

Upon a detailed examination of the legal arguments and the relevant documents, it becomes apparent that the Respondents' position is legally justified and should be upheld. The Petitioner's claims of procedural unfairness, bias, and disproportionate punishment are not substantiated by the evidence presented. Furthermore, the Petitioner has failed to exhaust the alternative remedy available under the Universities Act, specifically the University Services Appeals Board. This alternative forum was established precisely for disputes of this nature and would have provided the Petitioner with an adequate opportunity to resolve his grievance.

The Petitioner's application for judicial review is fundamentally flawed, as it is premised on claims regarding the procedural integrity of the disciplinary process and the availability of alternative remedies. The Respondents have demonstrated that the disciplinary process was not only conducted in accordance with the required procedures but also that any alleged deficiencies were addressed promptly. The Petitioner, despite having a clear statutory avenue for appeal, chose not to pursue this remedy. Instead, he sought judicial review without providing adequate justification for bypassing the University Services Appeals Board.

The legal arguments advanced by the Petitioner fail to demonstrate any substantial error in the Respondents' actions. Specifically, the Petitioner's arguments regarding procedural unfairness and bias, though serious in nature, are unsupported by sufficient evidence. While this court observes a possible conflict of interest in the disciplinary process, the Respondents' arguments, corroborated by relevant documentation, demonstrate that the inquiry was fair, transparent, and conducted by an independent inquiry officer. The Petitioner had the opportunity to engage with the process, raise objections, and participate fully in the hearings. Yet, at no stage did the Petitioner challenge the process or raise concerns about procedural unfairness until after the conclusion of the inquiry.

The Respondents have also clearly shown that the charge sheets, while initially vague, were amended in response to the Petitioner's concerns. These amendments, which occurred well within the timeline required by the relevant regulations, ensured that the Petitioner was adequately informed of the charges and could present a proper defense. This corrective action demonstrates the Respondents' commitment to ensuring procedural fairness, despite the Petitioner's failure to object at an earlier stage (marked "P7A" and "P8").

Additionally, the Respondents' position regarding the sufficiency of the alternative remedy, the University Services Appeals Board, holds significant weight. The Petitioner's argument that the appeal mechanism would not address the procedural issues he raised is unconvincing. The University Services Appeals Board is a statutory body empowered to consider the fairness of decisions, including those related to disciplinary inquiries. Its role encompasses reviewing procedural fairness and ensuring that any disciplinary action taken is in line with established procedures and principles of natural justice. The Petitioner, however, opted to bypass this well-established mechanism without providing a compelling reason for doing so. As established in administrative law, where an alternative remedy exists, a party must exhaust that remedy before seeking judicial intervention. By

failing to do so, the Petitioner has not met the necessary legal requirements for invoking writ jurisdiction. The Respondents' insistence on the adequacy of this alternative remedy is consistent with well-settled principles of administrative law, as demonstrated by relevant case law and statutory provisions (marked "R16" and "R17").

The Petitioner's claim of disproportionate punishment, based on the severity of his alleged conduct, also lacks merit. The Respondents have shown that the disciplinary action taken against the Petitioner was not only within their legal rights but was also proportionate to the gravity of the charges. The Petitioner was found guilty of serious offenses, including sexual harassment and inappropriate behavior towards a colleague, conduct that is not only damaging to the reputation of the University but also a direct violation of the professional standards expected from academic staff. The Respondents, in taking the decision to terminate the Petitioner's employment, acted in the best interest of the institution, upholding its commitment to maintaining a respectful and safe academic environment. The Respondents have also demonstrated that the disciplinary process, though prolonged, was neither unjust nor unnecessarily delayed, and that the timeline was a reflection of the complexity of the case and the Petitioner's involvement in prolonged cross-examinations (marked "P16" and "R16").

Moreover, the Petitioner's claim of an overly lengthy process does not, in itself, amount to procedural unfairness. The delay in the inquiry was not caused by the Respondents' inaction or by any fault on their part but was instead a result of the Petitioner's active participation in extensive cross-examinations and procedural steps. This prolonged inquiry, while unfortunate, does not invalidate the fairness of the process, particularly when the Petitioner did not raise any objections to its conduct during the proceedings.

In considering the overall fairness of the process, it is evident that the Respondents adhered to the principles of natural justice throughout the disciplinary inquiry. The Petitioner was informed of the charges, given an opportunity to respond, and had access to legal representation. His participation in the inquiry without raising any objections during the proceedings, coupled with his failure to utilize the alternative remedy available, suggests a lack of merit in his claims.

The Respondents have also effectively addressed the issue of bias, demonstrating through the evidence that the disciplinary inquiry was not tainted by any improper influence. The Respondents have shown that the inquiry was conducted by an independent inquiry officer, and the process was transparent, with ample opportunity for the Petitioner to present his defense.

Furthermore, the Respondents have highlighted that the Petitioner's failure to object during the proceedings weakens his current claims of bias and procedural unfairness (marked "P7A", "P8" and "R13").

In the aforesaid circumstances, it is clear that the Petitioner's application for judicial review lacks the necessary legal and factual foundation. The Petitioner has not demonstrated sufficiently, any breach of procedural fairness or natural justice that would warrant the intervention of this Court. The Respondents' actions in dismissing the Petitioner were not only justified but necessary to maintain the integrity and reputation of the University. The Petitioner's failure to pursue the available statutory remedy further weakens his position, as he has not provided a compelling justification for bypassing the University Services Appeals Board, which remains the most appropriate and effective forum for resolving employment-related disputes.

Therefore, based on the legal and factual analysis presented, this court observes that the Petitioner's writ application should be dismissed. The Respondents' decision to terminate the Petitioner's employment stands. The Respondents have acted within their statutory authority, in accordance with the relevant laws and regulations, and the Petitioner's claims fail to establish grounds for judicial review. The application for judicial review is thus without merit, and the Petitioner's request for relief is denied.

Application dismissed without costs.

PRESIDENT OF THE COURT OF APPEAL (ACTG)