

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

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

**CA (Writ) Application No:  
285/2020**

Thotagama Liyana Arachchige Viranji  
Aparna,  
No.343, Ihala Karannagoda,  
Warakagoda,  
Neboda.

**PETITIONER**

**-VS-**

1. University Grants Commission
2. Prof. Sampath Amarathunge,  
Chairmen
3. Prof. Janitha Livanage
- 3A. Snr. Prof. Chandana P. Udawatte
4. Prof. A.K.W Jayawardane
5. Prof. Vasanthi Arasaratnam
6. Prof. Kollupitiye Mahinda Sangarakitha  
Thero
- 6A. Ven. Prof. Kotapitiye Rahula Thero
7. Prof. Premakumara de Silva
8. Mr. Palitha Kumarasinghe PC
9. Dr. Privantha Premakumara
10. Mr. L.P.H. Waduge
- 10A. Mr. R.H.W.A. Kumarasiri

11. Prof. Mohan de Silva  
Former Chairman.
12. Prof. P.S.M Gunaraine
13. Prof. Hemantha Senanayake  
All are of  
University Grants Commission,  
No 20, Ward Place,  
Colombo 07.
14. Prof. E M P Ekanayake  
Vice Chancellor,  
Wayamba University of Sri Lanka,  
Kuliyapitiya.
15. Mr. K.G. Brito Registrar,  
Sri Jayawardenapura University,  
Nugegoda.
16. Ms. Y. A.A. Abeysinghe
17. Ms. Tinesha S, Nanayakkara
18. Ms. G. N. P. Mallika
19. Mr. E. G. Ajith Dammika
20. Ms. C. D. Amarathunga
21. Mr. Wijayarathe, T.D.A.M.
22. Ms. M.P G Silva
23. Ms. Kahawela, K.H.W.K.G.
24. Ms. Lakmali, K.G.I.
25. Ms. Jayaweere, R.K.H.A.
26. Ms. Sarojinidevi, T.
27. Mr. JanakaRanjana.S.M.
28. Ms. Bandara.R.M.D.M.

29. Ms. Wijethungaarachchi, I.U.
30. Mr. Sivarash,S.
31. Ms. Fouzena,M.T.
32. Mr. Arulkumaran,M.\
33. Ms. Abeysinghe,H.K.I.P.
34. Ms. Ranasinghe,E.H.M.
35. Ms. Meddage,M.D.N.K.
36. Mr. Hisnathas,A.
37. Ms. Chathurika,P.D.S.
38. Mr. Sawanawadu,D.S.R.C.
39. Ms. Wijerathne,G.W.N.R.
40. Mr. Basnagala, E.

All of

C/O, the Secretary, University Grants  
Commission No 20. Ward Place,  
Colombo 07.

41. University Services Appeals Board
42. Palitha Fernando, PC
- 42A. Mr. Maithri Evan Wickramasinghe PC
43. Neville Aberathne, PC
- 43A. Snr. Prof. W.G.D. Dharmaratne
44. Dr. (Mrs) Neela Gunasekara
- 44A. Mr. Sugath Caldera

41<sup>st</sup> to 44<sup>th</sup> of  
No 20. Ward Place,  
Colombo 7.

## **RESPONDENTS**

**Before: M. T. Mohammed Laffar, J.**

**S. U. B. Karalliyadde, J.**

**Counsel:** K. G. Jinasena instructed by D. K. V. Jayanath for the Petitioner.

Ms. N. Kahawita, SSC for the Respondents

**Argued:** By way of Written Submissions.

**Written submissions tendered on:**

02.10.2023 by the Petitioner.

**Decided on:** 08.05.2024.

**S.U.B. Karalliyadde, J.**

The Petitioner is employed as a Management Assistant (Grade I) at the University of Visual and Performing Arts of Sri Lanka. She preferred an application on 02.11.2017 marked as P4 for a post of Assistant Secretary/Assistant Registrar consequent to an internal notice dated 13.10.2017 marked as P3, calling for applications from the qualified internal applicants to fill the vacancies of Assistant Secretary/Assistant Registrar of the 1<sup>st</sup> Respondent, the University Grant Commission (the UGC). The Petitioner was called for a written examination and scored 161 marks. By the letter dated 13.06.2018 marked as P6, the Secretary of the UGC (the 9<sup>th</sup> Respondent) informed the Petitioner that she has been successful in the written examination and requested her to submit the duly filled information sheet marked as P7 sent along with P6. She submitted the duly filled information sheet. Thereafter, by the letter dated 06.07.2018 issued by the 9<sup>th</sup> Respondent marked as P9, the Petitioner was called for an Interview. With that letter, the marking scheme which the Interview panel will use at

the Structured Interview marked as P10 was attached. According to the said marking scheme, a minimum of 40% should be obtained to get through the Interview. After the interview was held, by the letter dated 26.10.2018 marked as P12, the Petitioner was informed that she had been unsuccessful at the Interview. Since the 16<sup>th</sup> to 40<sup>th</sup> Respondents had obtained the required marks in both the written exam and in the structured interview a decision was taken to appoint them to the posts of Assistant Secretaries/Assistant Registrars. According to the mark sheet marked as P18, the Petitioner had obtained 36.25% marks at the interview. The Petitioner preferred an appeal (marked as P20) against the decision of the 1<sup>st</sup> Respondent to the University Services Appeal Board (the USAB), praying reliefs, *inter alia* to set aside the 1<sup>st</sup> Respondent's decision to appoint 16<sup>th</sup> to 40<sup>th</sup> Respondents and to appoint the Petitioner as an Assistant Secretary/Assistant Registrar. By the letter dated 27.05.2020 issued by the Secretary of the USAB marked as P24, the Petitioner was informed that her appeal was dismissed by the Order of the USAB dated 19.05.2020. Being aggrieved by the said Order of the USAB, the Petitioner preferred the instant Application to this Court seeking substantive reliefs, *inter alia*,

- b) Issue a mandate in the nature of Writ of Certiorari to quash the decision made by the 1<sup>st</sup> Respondent UGC to appoint the 16<sup>th</sup> to 40<sup>th</sup> Respondents as Assistant Registrars/Secretaries of the 1<sup>st</sup> Respondent UGC
- v) Issue a mandate in the nature of the Writ of Certiorari to quash the Order made in P24 by the 42<sup>nd</sup> to 44<sup>th</sup> Respondents of the 41<sup>st</sup> Respondent University Services Appeals Board.
- c) Issue a mandate in the nature of Writ of Mandamus compelling the 1<sup>st</sup> Respondent UGC to conduct fresh interviews in terms of the procedure laid down in P3 and P14.

e) A mandate in the nature of Writ of Prohibition preventing the 1<sup>st</sup> Respondent UGC from calling applications to fill the existing vacancies for the post of Assistant Registrars/Secretaries until the final determination of this Application.

The Petitioner has pleaded in the Petition to this Application that as per the Establishment Circular Letter No. 5/2018 marked as P19 issued by the Chairman of the 1<sup>st</sup> Respondent (the 2<sup>nd</sup> Respondent), all the Higher Educational Institutions/Institutes should use marking sheets based on the Marking Schemes approved by the Governing Authorities in allocating marks when appointing to all the posts in the university system. However, the position of Petitioner is that the marking scheme used by the Selection Committee in selecting the candidates relevant to this Application has not been approved by the Governing Authority and even though the marking scheme marked as P10 mentions five specific areas the Selection Committee should consider when allocating marks at the interview, the manner which the marks should be given under those specific areas is not elaborated in the marking scheme. The Petitioner argues that as per the Commission decision taken at its 974<sup>th</sup> meeting held on 27.10.2017, marks should be allocated equally i.e. 20 marks each under the specific areas mentioned in P10. The Petitioner further, alleges that no proper Selection Committee has been appointed by the 1<sup>st</sup> Respondent in terms of the procedure laid down in the UGC Circular No. 166 dated 06.04.1982 (marked as R10). Under the above-stated circumstances, the Petitioner argues that the decision of the 1<sup>st</sup> Respondent to appoint 16<sup>th</sup> to 40<sup>th</sup> Respondents to the posts of Assistant Secretary/Assistant Registrar is unreasonable, illegal, arbitrary, capricious and contrary to the provisions of Circular No. 166 dated 06.04.1982.

I will first address my mind to the Petitioner's argument that an approved marking scheme was not used by the Selection Committee in terms of P19 at the structured

interview. The position of the learned SSC appearing for the Respondents is that all the candidates who were eligible to be called for the structured interview including the Petitioner were called for the structured interview by the letter marked as P9 and the marking scheme of the structured interview marked as Annex – 1 has also been sent along with the P9. The position of the learned SSC is that all the candidates who were called for the structured interview were assessed as per the marking scheme marked as R4 which was duly approved by the UGC in the year 2016 by its decision No. 948.11.2 and the appointments impugned in this Writ Application by the Petitioner were duly made in terms of the Scheme of Recruitment (SoR) in the order of merit. This Court can accept that at the interview the candidates were assessed as per an approved marking scheme marked as R4 and the Court cannot agree with the Petitioner's argument that no approved marking scheme was used at the interview.

Secondly, the Petitioner argues that the marking scheme marked as P10 received by her before the interview differs from the marking scheme produced by the Respondents marked as R4. The Court indeed could observe that while P10 only contains the headings of five specific areas, R4 is a detailed marking scheme which indicates how the marks should be given under those specific areas. However, it must be noted that in the instant Application, the Petitioner has failed to satisfy the Court that the failure to indicate marks separately which were to be allocated under every area mentioned in P10 has badly affected the performance of the Petitioner at the structured interview. Furthermore, there is nothing to suggest that the Petitioner would have performed any better had this information been disclosed and all candidates were equally disadvantaged in this respect. In the case of *Abeyasinghe and Three Others Vs. Central Engineering Consultancy Bureau and Six Others*<sup>1</sup> Fernando, J. dealt with a situation

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<sup>1</sup> (1996) 2 SLR 36.

where the marking scheme was not given to the candidates, taken up the view that, since the Petitioners have not shown that this affected their performance at the interview; and there is nothing to suggest that the Petitioners would have performed any better had this information been disclosed and all candidates were equally disadvantaged in this respect. Held that, failure to make available the marking scheme used at the Interview is not fatal.

The learned Counsel appearing for the Petitioner further argues that at the interview the Petitioner should have awarded more than 40 marks under the first three headings mentioned in the P10, namely, Educational and Professional Qualifications (over and above the minimum requirement), relevant experience and training (short term) and Special Report (including service record and three increments). Further, the position of the Petitioner is that no questions have been asked from her at the interview regarding the extracurricular activities to which the marks were allocated under heading 5 of the P10. Under the above-stated circumstances, the Petitioner argues that the marks allocated at the interview to her were unrealistic and cannot be accepted as reasonable. The learned SSC appearing for the Respondents has taken up the position that the Selection Committee has evaluated every candidate in terms of R4. Moreover, the Petitioner claims that as per the decision taken by the 1<sup>st</sup> Respondent at its 974<sup>th</sup> meeting held on 27.10.2017, marks should be allocated equally i.e. 20 marks under each category mentioned in P10. However, it should be noted that no document has been produced by the Petitioner for the satisfaction of the Court about such a decision. When considering the marking scheme marked as R4 and the mark sheet marked as P18, this Court can be satisfied that the Selection Committee has allocated the marks to which the Petitioner is entitled to her BSc. Business Administrative Degree (general) under the heading of “Educational and Professional Qualifications over and above the



minimum requirement”. As per the Respondents no marks have been given to any of the candidates under the category of “relevant experience and Training (short term)” as none of the candidates possessed previous experience. The Petitioner claims that she possesses relevant experience but the Selection Committee has not allocated marks for her. USAB has observed in its Order sent to the Petitioner along with the letter marked as P24 that the Petitioner is only a member of the clerical staff and therefore she is not entitled to marks for her experience. It is the Selection Committee that has the expertise to decide whether the experience of the Petitioner as a member of the clerical staff could be considered as “relevant experience” required for the post of Assistant Secretary/Assistant Registrar of the 1<sup>st</sup> Respondent and not the Court. This Court can also be satisfied that the Petitioner has been given marks that she is entitled to under “Training (short term)” and furthermore the Selection Committee has given 8.4 marks out of 10 under the category of Special Report (including service record and three increments). Therefore, this Court sees no merit in the Petitioner's argument that she should have allocated 40 marks for the first three categories in the marking scheme marked as P10. In *Abeyundara Mudiyansele Sarath Weera Bandara Vs. The University of Colombo and others*<sup>2</sup>, this Court held that,

*"The consistent judicial opinion, therefore, is that in matters which lie within the jurisdiction of the educational institutions and their authorities, the Court has to be slow and circumspect before interfering with any decision taken by them in connection therewith. Unless a decision is demonstrably illegal, arbitrary and unconscionable, their province and authority should not be encroached upon. This is mainly because of the want of judicially manageable standards and the*

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<sup>2</sup> CA (Writ) Application No. 844/2010; CA Minutes of 8<sup>th</sup> June 2018.

*necessary expertise to assess, scrutinise and judge the merits and/or demerits of such decisions. Dealing with the scope of interference in matters relating to orders passed by the authorities of educational institutions, the Courts should normally be very slow to pass orders in regard thereto and such matters should normally be left to the decision of the educational authorities."*

Citing the above-mentioned case, Arjuna Obeyesekere, J. in the case of *Dr. C.J.A. Jayawardena Vs. University of Colombo and 28 Others*<sup>3</sup>, held thus,

*"This Court is therefore of the view that while due recognition will be given to the view of the decision maker, whether the decision relates to academic matters or otherwise, this Court can, and will, in the exercise of the jurisdiction vested in it by Article 140 of the Constitution, examine whether the impugned decision of the 1<sup>st</sup> Respondent is tainted with illegality, irrationality or procedural impropriety. This Court would however exercise extreme caution if asked to consider, for example as in this case whether a decision of a selection board or panel to award less marks than what a petitioner claims is rightfully due, is irrational or unreasonable."*

Considering the above-mentioned authorities and the facts of the case at hand I hold that this Court has no expertise to scrutinize and interfere with the marks allocated to the Petitioner by the Selection Committee.

The Petitioner further argues that in terms of the SoR published in the UGC Circular No. 15/2017 dated 28.06.2017 marked as P14, 75% and 25% of the marks should be given to the written examination and the interview respectively and therefore that the Selection Committee had failed to follow the procedure laid down in P14. The

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<sup>3</sup> CA (Writ) Application No. 137/2018; CA Minutes of 22.06.2020.

recruitment procedure is laid down in the notice published by the 1<sup>st</sup> Respondent for the recruitment of Assistant Secretary/Assistant Registrar marked as P3/R1. In terms of P14 and P3 the candidates who score 40% or above for the written examination are supposed to be summoned for a structured interview. The applicants who score 40% marks or above at the structured interview are eligible to be considered to be appointed and the selection should be made according to the merit based on the aggregate marks of the written examination (75%) and the structured interview (25%). In terms of the letter marked as P9, a minimum of 40% marks should be obtained to be considered for appointment. Even though the Petitioner argues that she should have awarded more marks than the marks given her at the interview, as stated above this Court has no expertise to interfere with that matter. As the Petitioner has scored less than 40% at the structured interview, in terms of the SoR and the recruitment procedure she has failed to be eligible to be selected for a post of Assistant Secretary/Assistant Registrar. Therefore, I am of the view that there is no merit in the argument of the Petitioner that the Selection Committee has failed to follow the SoR and the procedure of recruitment and the decision of the Respondents not to appoint the Petitioner is illegal, irrational or unreasonable.

Now I will address the Petitioner's argument that no proper Selection Committee had been appointed by the 1<sup>st</sup> Respondent. According to the Petitioner, under the UGC Circular No. 166 dated 06.04.1982 (marked as R10) for the appointment to the 'administrative posts', the Selection Committee should comprise the Chairman of the Commission, one other member appointed by the Commission among its members, the Secretary of the Commission and two members not been members of the Commission appointed by the Commission. The learned Counsel appearing for the Petitioner submitted that only the 9<sup>th</sup>, 11<sup>th</sup> to 15<sup>th</sup> Respondents and four others were in the

Selection Committee when the Petitioner was interviewed and therefore the composition of the Selection Committee was not according to the provisions laid down in the said Circular No. 166 marked as R10. The learned SSC appearing for the Respondents argues that the Selection Committee was duly appointed in terms of the Commission Circular No. 160 dated 26.02.1982 marked as R9 which was amended by the Commission Circular No. 166 dated 06.04.1982 marked as R10 and in terms of the decision taken by the 1<sup>st</sup> Respondent at its 320<sup>th</sup> meeting held on 01.04.1991 marked as R8. Further, the learned SSC submitted that the Selection Committee had recommended 25 candidates out of 39 who scored 40% or above (P17) in the order of merit and the 1<sup>st</sup> Respondent had considered the said recommendation before granting the approval for the appointments.

It is evident from the Commission Circular No. 160 marked as R9, that a decision has been taken by the 1<sup>st</sup> Respondent to review its powers vested with the 1<sup>st</sup> Respondent under Section 71(2)(ii) of the Universities Act, No. 16 of 1978 to make appointments to the staff of Higher Educational Institutions and a decision has taken to continue to attend with the matters pertaining to appointments mentioned therein along with the post of Assistant Registrar/ Assistant Secretary. All the previous Circulars issued on the procedure for appointments have been amended by P10 and in terms of paragraph 13 of R10, the appointments made under Section 71(2)(ii) of the Universities Act should thereafter be made by the 1<sup>st</sup> Respondent upon the recommendation of the Selection Committee. Accordingly, the Selection Committee should consist of, the Chairman, two members appointed by the Chairman, the Secretary of the Commission and one senior officer nominated by the Chairman. As per the decision taken by the 1<sup>st</sup> Respondent at its 320<sup>th</sup> meeting marked as R8, the Selection Committee to make appointments for the post of Assistant Registrar should consist of one Vice-Chancellor and a Registrar of a

University also. The Petitioner has admitted in the Petition that, the 9<sup>th</sup> Respondent who is the Secretary to the 1<sup>st</sup> Respondent and 11<sup>th</sup> to 15<sup>th</sup> Respondents, who are the Chairman, Vice Chairman and a member of the 1<sup>st</sup> Respondent, a Vice Chancellor and a Registrar respectively were members of the Selection Committee at the time the Petitioner faced for the interview. When considering the recommendation of the Selection Committee marked as P17 this Court can be satisfied that in the instant matter, the Selection Committee has been duly constituted in terms of the Circular marked as R10 and the 1<sup>st</sup> Respondent's decision marked as R8. Therefore, this Court cannot agree with the Petitioner's argument that the Selection Committee was not duly constituted.

At this outset, this Court is of the view that the decision of the 1<sup>st</sup> Respondent to appoint the 16<sup>th</sup> to 40<sup>th</sup> Respondents to the posts of Assistant Secretary/Assistant Registrar is not unreasonable, illegal, arbitrary or capricious. Under the said circumstances the Petitioner is not entitled to the relief prayed for in prayer (b) to the Petition for a Writ of Certiorari to quash the decision of the 1<sup>st</sup> Respondent to appoint the 16<sup>th</sup> to 40<sup>th</sup> Respondents to the Posts.

Moreover, the learned Counsel appearing for the Petitioner argues that the Petitioner has completed more than 12 years of service period to the date of the interview and she has better qualifications than the other applicants and therefore she has a legitimate expectation that she will be selected for the post of Assistant Registrar. The position of the Respondents with that regard is that the candidates were selected not only based on the results of the written examination but also on their performance at the interview. According to P9, a minimum of 40% marks should be obtained to be considered for appointment and in terms of P6 and P9, no candidate could claim that he/she is qualified to be appointed merely upon passing the written examination or for the reason that they have been called for the interview. Therefore, the Petitioner cannot have any legitimate

expectation to be appointed to a post of Assistant Secretary/Assistant Registrar as the Respondents have not made any promise to the Petitioner in terms of the law that she would be appointed. It is a well-established fact that to create a legitimate expectation, a public body or authority must have said or done things that create an expectation that such body or authority would act in accordance with past practices, policies, promises or representations. In *Union of India Vs. Hindustan Development Corporation*,<sup>4</sup> the Supreme Court of India discussing the doctrine of legitimate expectation held that,

*“However earnest and sincere a wish, a desire or a hope may be and however confidently one may look to them to be fulfilled, they by themselves cannot amount to an assertable expectation and a mere disappointment does not attract legal consequences. A pious hope even leading to a moral obligation cannot amount to a legitimate expectation. The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or an established procedure followed in regular and natural sequence... Every such legitimate expectation does not by itself fructify into a right and, therefore, it does not amount to a right in a conventional sense”.*

In the case of *Nimalsiri vs. Fernando*<sup>5</sup> Priyantha Jayawardena, PC. J. held that,

*“In order to seek redress under the doctrine of legitimate expectation a person should prove he had a legitimate expectation which was based on a promise or an established practice. Thus, the applicability of the doctrine is based on the facts and circumstances of each case.”*

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<sup>4</sup> (1994) AIR 988, 1993 (3) SCC 499.

<sup>5</sup> SC FR 256/2010, SC Minutes of 17.09.2015.

In the instant Application, this Court observes that the appointments made to the post of Assistant Secretary/Assistant Registrar are not promotions but fresh appointments. As very correctly pointed out by the learned SSC appearing for the Respondents, as stipulated in the documents marked as P6 and P9, no candidate can claim that they are qualified to be appointed merely because they have passed the written examination or called for the interview. In the letter marked as P6 state that,

*“Further please note that this letter is issued only for the purpose of obtaining information to verify your qualifications as per the scheme of recruitment hence no candidate can claim this as being qualified to be appointed to the respective post.”*

In the letter marked as P9, it states thus,

*“The structured interview would be held for the purpose of screening the candidate's suitability for the above post as required by the scheme of recruitment. Hence no candidate can claim this as being qualified to be appointed to the respective post.”*

Therefore, it is evident from the said documents that no promise has been made by the Respondents that the Petitioner would be appointed to the said post merely because she has got through the written examination or has been called for the interview. Hence, this Court is of the view that the Petitioner does not have a legitimate expectation that she would be appointed as an Assistant Secretary/Assistant Registrar merely because she has completed 12 years of service and possesses better qualifications.

The Petitioner has drawn the attention of the Court to the fact that the Order of the USAB sent along with the letter marked as P24 states that the USAB is not empowered by Section 86 of the Universities Act to set aside an appointment made and to make an

order substituting it with fresh appointments and if illegality is observed all that the USAB could do is to express their findings. Further, in the said Order it has been stated that the evaluation process and the marks given to the Petitioner are beyond the expertise of the USAB. The learned Counsel appearing for the Petitioner argues that under Section 86 of the Universities Act, the USAB has the power to investigate with respect to all appointments and promotions. Therefore, the Petitioner argues that the position taken by the USAB to dismiss her application is illegal and irrational and that the said Order has been made in contravention of the provisions of the Universities Act and its subsequent amendments.

The position of the learned SSC appearing for the Respondents is that in terms of Section 86(a), USAB is empowered only to investigate appointments and promotions alleged to have been made in contravention of the SoR and to communicate its decision and findings to the Chairman of the 1<sup>st</sup> Respondent. Moreover, USAB is not empowered by the legislature to set aside the decisions of the 1<sup>st</sup> Respondent to make appointments or promotions. Therefore, the position of the learned SSC is that the USAB had correctly dismissed the application of the Petitioner as the recruitments have been made in terms of the law and the Petitioner is not entitled to the reliefs prayed for in the Petition to this Application. Section 86(a) of the Act is as follows;

*“to conduct investigations into appointments and promotions alleged to have been made to the staff of the Commission and to Higher Educational Institutions in contravention of the schemes of recruitment and the procedures for appointment in force at the time such appointments or promotions were made or alleged to have been made and into allegations that appointments or promotions have not been made to posts when vacancies have arisen in such posts.”* (emphasis added)



It is apparent from Section 86(a) of the Act, that the USAB is only empowered to investigate into the appointments or promotions that have been made in contravention of the SoR and the procedure for appointment. Therefore, it is clear that the USAB does not possess any power to decide matters regarding allocating marks or to set aside promotions or appointments made by the 1<sup>st</sup> Respondent. Therefore, this Court is of the view that USAB has correctly held that it is not empowered to do so as stated in its Order. Therefore, the Petitioner is not entitled to a Writ of Certiorari to quash the Order of the USAB.

Considering all the facts and circumstances stated above, this Court is of the view that the Petitioner is not entitled to the reliefs prayed for in the Petition to this Application. Therefore, the Application is dismissed. The Petitioner should pay Rs. 50,000/- to the 1<sup>st</sup> Respondent as the cost of this Application.

*Application dismissed.*

**JUDGE OF THE COURT OF APPEAL**

**M.T. MOHAMMED LAFFAR, J.**

**I agree.**

**JUDGE OF THE COURT OF APPEAL**