

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

In the matter of an Application under Article 140 of the Constitution for a mandate in the nature of Writs of *Certiorari*, *Mandamus* and Prohibition.

Prof. Camena Erica Guneratne,
17/27, Vijayaba Mawatha,
Nawala Road, Nugegoda.

PETITIONER

Court of Appeal Case No:
CA/WRIT/610/2021

Vs.

1. The Open University of Sri Lanka,
Nawala, Nugegoda.
2. Prof. S.A. Ariadurai,
Former Vice-Chancellor,
Open University of Sri Lanka.
3. Dr. A.P. Madurapperauma,
Deputy Vice Chancellor
4. Dr. S.N. Morais,
Former Dean of the Faculty of
Humanities and Social Sciences
5. Prof. J.C.N. Rajendra,
Former Dean of the Faculty of
Natural Sciences
6. Prof. G.R. Ranawaka,
Former Dean of the Faculty of Health
Sciences
7. Prof. S. Kugamoorthy,
Former Dean of the Faculty of
Education

8. Prof. D.A.R. Dollage,
Former Dean of the Faculty of
Engineering and Technology
9. Prof. V. Sivalogathan,
Former Dean of the Faculty of
Management Studies
10. Prof. K.S. Weerasekera,
Former Senate Nominee
11. Prof. S.R. Weerakoon,
Former Senate Nominee
12. Prof. Chandrika N. Wijeratne,
Former CVCD Nominee
13. M.M. Krishanthi,
Former Representative of the
Ministry of Higher Education
14. D.P.U. Welaratne,
Representative of the Ministry of
Parliamentary Reforms and Mass
Media
15. Prof. Ranjith Jayasekera,
Former UGC Nominee
16. Dr. Anura Ekanayake,
Former UGC Nominee
17. Dr. Chanaka Talpahewa,
Former UGC Nominee
18. Dr. N.C. Kumarasinghe,
UGC Nominee
19. P. Ranepura,
Former UGC Nominee
20. Thusantha Wijemanna,
UGC Nominee

21. Tissa Nandasena,
UGC Nominee

22. Ruban Wickramarachchi,
UGC Nominee

23. Gayani De Alwis,
UGC Nominee

24. Ashane Jayasekera,
Former UGC Nominee

24A. Dr. N.C. Kumarasinghe,
UGC Nominee

25. Ranjith G. Rubasinghe,
UGC Nominee

26. G. Tissakuttiarachchi,
Former UGC Nominee

27. W.L. Vindya Jayasena,
Registrar/Secretary

28. Prof. P.M.C. Thilakaratne,
Vice Chancellor

The 3rd – 28th Respondents of the
Council of the Open University of
Sri Lanka, Nawala,
Nugegoda.

29. Prof. Susirith Mendis,

30. H.M.N. Warakulla,

The 29th and 30th Respondents of the
Council of Review Committee, C/O
Open University of Sri Lanka,
Nawala,
Nugegoda.

31. Mr. Nadeesh de Silva,
Head of the Department of Legal
Studies
Open University of Sri Lanka,
Nawala,
Nugegoda.

RESPONDENTS

Before: Mayadunne Corea, J
Mahen Gopallawa, J

Counsel: Chandaka Jayasundera, P.C. with S. A. Beling instructed by Niluka
Dissanayake for the Petitioner.
Sachitha Fernando, SC For the Respondents.

Argued on: 25.06.2025, 05.08.2025 and 18.09.2025

Written Submissions: For the Petitioner on 21.10.2025

Decided on: 30.01.2026

Mayadunne Corea J

The Petitioner has sought, inter alia, the following reliefs:

- “c) *Grant and issue a mandate in the nature of a Writ of Certiorari quashing the decisions to remove the Petitioner reflected in the minute dated 08.03.2021 marked P32*
- d) *Grant and issue a mandate in the nature of a Writ of Certiorari quashing the 2nd Respondent’s Report to the Council dated 18.03.2021 marked P33*
- e) *Grant and issue a mandate in the nature of a Writ of Certiorari quashing the decisions to remove the Petitioner reflected in the minute dated 26.03.2021 marked P35*
- f) *Grant and issue a mandate in the nature of a Writ of Certiorari quashing the decisions to remove the Petitioner reflected in the letter dated 26.03.2021 marked P36”*

The facts of the case briefly are as follows. The Petitioner is an employee of the 1st Respondent having joined service in 1988, holds LLB, LLM, PhD degrees and is an Attorney-at-Law (P1(a) – (d)). It is alleged that she has been appointed as the Head of the Division of Legal Studies at the Faculty of Humanities and Social Sciences in the Open University in the year 1995 and she had been re-appointed to the same post in 1998 while holding a substantive post of a senior lecturer (P1(e)). In 2009, she had been promoted to the post of Professor in Legal Studies and became the Dean of the Faculty of Humanities and Social Sciences in 2013, holding the position until 2016 (P1(g)). In the year 2017 she had assumed duties as the Senior Professor in the Department of Legal Studies. In 2019 she had been appointed as the Head of the Department of Legal Studies of the Faculty of Humanities and Social Sciences by the Council of the 1st Respondent. The Petitioner had assumed the duties as Head of the Department of Legal Studies with the 1st Respondent for the period of 2 years from 2019 (P1(i)). It is alleged that upon being appointed to this post, the Petitioner had been a very strict administrator. It is her contention that to maintain the discipline and to run the unit she had to be stern and strict as an administrator. However, this had resulted in dissatisfaction among the academic staff and in several instances, there had been clashes between a section of the academic staff including the then Dean of the Law Faculty and the 2nd Respondent and the Petitioner. This has resulted in the LLB program being affected and the 1st Respondent taking action to hold an inquiry leading to the subsequent removal of the Petitioner as the Head of the Department of Legal Studies at the Open University. Hence, this Writ application.

The Petitioner's contention

The Petitioner contends that the 1st Respondent in a *mala fide* manner had taken steps in an arbitrary, capricious, irrational and *ultra vires* manner to remove the Petitioner from the post of head of legal department.

It is further contended that the Petitioner before being removed had not been informed of the allegations against her and Respondents had failed to give her an opportunity to respond to any such allegations. Hence, it is contended that the decision to remove her in such a manner is bad in law.

The Respondents' contention

The Respondents contended that subsequent to assuming the duties as Head of the Department of Legal Studies, the Petitioner had failed to obtain the support of the academic staff, non-academic staff and even the students, resulting in a disruption to the effective administration and progress of the Legal Faculty at Open University. It was their contention that the Petitioner's acts had caused this division at the Faculty of Law and subsequent to an inquiry the Council of the 1st Respondent had acted in pursuance of the Universities Act, No. 16 of 1978 and removed her from the post of Head of the Department of Legal Studies for the betterment of the Faculty of Law. The Respondents further submitted that all actions were taken within the framework of the law and also objected to the application of the Petitioner on the basis that the Petitioner had failed to come with clean hands and that the Petitioner lacks *locus standi* to maintain this Application and sought the dismissal of this application on the basis that the petition is vexatious, futile, convoluted and misleading.

Analysis

I will now consider the Petitioner's contention and the Respondents objections.

At the hearing, the learned President Counsel appearing for the Petitioner submitted that he will be confining his arguments only on the grounds of not being afforded a fair hearing and not following the due process of law in removing the Petitioner.

It is common ground and parties are not at variance on the Petitioner's qualifications and that she had been appointed as Head of the Department of Legal Studies in addition to her substantive post. Before I advert to the substantive argument it is pertinent to note that the Petitioner's contention is that all her disputes with the 1st Respondent arose on two grounds, namely relating to the confirmation and promotion of two lecturers, i.e.,

1. Mrs D M N M Jayaratne and
2. Mr. Nadeesh de Silva (31st Respondent)

This resulted in a severe deterioration of her working relationship with the 4th Respondent. For a better understanding of the issue, let me consider the Petitioner's said argument. The Petitioner's contention is that while she was the Head of Department of Legal Studies, her confidential recommendations had been called for the confirmation and promotion of the said Mrs. Jayaratne. It appears that the 1st Respondent had called for her views to be sent before a specific date. However, it is observed that the Petitioner had failed to send a reply on the said date. After several reminders and passing of several months, the Petitioner had objected to the said promotion and confirmation on the basis that the said staff member did not possess a valid Master's of Law qualification that was recognized by the 1st Respondent. It was her contention that on previous occasions too the 1st Respondent had not recognized the Master's program of the particular university that had awarded the said Masters of Laws qualification to said Mrs. Jayaratne. In response the Respondent submitted that they had in fact made queries from the University Grants Commission and the Chairman of the University Grants Commission had replied stating that the said qualification is recognized and acceptable. Hence, despite the Petitioner's objections the said Mrs. Jayaratne had been given the promotion. Further, the Respondent submitted that the Petitioner in any event was not cooperative and failed to maintain a cordial relationship, mutual respect with the other staff and students, which ultimately led to the 4th Respondent lodging a complaint against the Petitioner. To substantiate this argument the Respondents among others have marked and tendered documents marked as R2(a), (b), (c) (d) (e), (f)(i-iii). This Court has considered the said documents and observes that complaints have been made by the Dean of the Faculty, Senior Lecturers, the academic staff, the Open University Teachers Association and even by students. Hence, it is obvious that there had been a serious breakdown of the progress of the Law Faculty. In view of the said dispute being reported to the 2nd Respondent, a mediation committee had been appointed to mediate the dispute between the Petitioner and the opposing fraction. The said report of the mediation committee had been marked by the Petitioner as P30(a) and by the Respondents as R50. As per the said report, the mediation committee had come to the conclusion that the dispute between the varying fractions is beyond mediation. The mediation committee had been submitted with complaints by 13 members out of 16 members of the academic staff. However, the said mediation committee had recommended to give the Petitioner a hearing to obtain her point of view pertaining to the allegations and to commence a

due transparent process. It appears that the opposing fraction, including the students, academic and non-academic staff, had sought to change the Head of the Legal Department, for the university to progress with its education process in the legal faculty. In this background, the Respondent contended that they took measures to remove the Petitioner from the post of the Head of the Legal Department.

Removal of a Head of a Department

It was argued by the Respondents that the post of Head of Department is purely an administrative position which is given for administrative purposes. In this context it is pertinent to consider section 51 of the Universities Act, No. 16 of 1978, the said section reads as follows:

“51. The Head of a Department of Study.

(1) *The Head of a Department of Study shall be a Professor, Associate Professor, Senior Lecturer or Lecturer appointed by the Council upon the recommendation of the Vice-Chancellor:*

Provided that, where the Head of a Department of Study has not been appointed by the Council, the Vice-Chancellor may appoint a Professor, Associate Professor, Senior Lecturer or Lecturer to act in the post of Head of Department for a period not exceeding one month reckoned from the date of his appointment.

(2) *The Head of a Department shall, subject to the provisions of any appropriate Instrument, hold office for a period of three years reckoned from the date of his appointment and shall, unless removed from office, be eligible for reappointment.*

(3) *Where owing to leave of absence, illness, or other cause, the Head of a Department is temporarily unable to perform the duties of his office for a period not exceeding three months, the Vice-Chancellor shall appoint another Professor, Associate Professor, Senior Lecturer or Lecturer of that Department to act in the post of Head of Department for such period. Where however a Head of a Department retires or resigns, or is for other reason unable to perform the duties of his office for a period exceeding three months, the post of Head of Department shall be deemed to be vacant, and a new Head of Department shall be appointed in accordance with subsection (1).”*

Hence, the Head of Department is a post created by statute, and the holder of the post has to be recommended by the Vice Chancellor and appointed by the Council. It is observed that though the said section contemplates the appointment of a Head of Department, the said section, other than in a situation contemplated under subsection (3), is silent in respect of the power to remove the Head of Department.

Since section 51 contemplates the appointment of the Head of Department I am inclined to agree with the Petitioner's contention that it is a statutory post. However, in the absence of any process contemplated in the removal of a Head of Department, the question arises as to whether the Head of Department can be removed in the best interests of the university, other than in an instance contemplated under subsection (3).

As per the material submitted to this Court, it appears to this Court that there had been serious issues that resulted in a non-harmonious and confrontational path between the Head of Department – the Petitioner, the academic staff, non-academic staff and students. This Court is mindful that in such an atmosphere the progress of a faculty would suffer.

The learned Counsel for the Petitioner submitted that in such an event the university Council should follow the disciplinary procedure laid down in Chapter XXII of the University Establishments Code and stressed that the removal of a Head of Department could be done only subsequent to a disciplinary inquiry.

In support of this contention the Petitioner relied on the case of ***Prof (Mrs) Rambukwella v. University of Peradeniya* CA Writ 379/2021 decided on 22.09.2022**. This Court has considered the said decision and finds that the circumstances of the said case are different to the instant case. It is also pertinent to note in the said case, the Court's attention had not been drawn to the Circular No. 956.

The learned State Counsel in response contended that the issue between the Head of Department and the staff was not an issue addressed in the University Establishment Code as it was not strictly a disciplinary matter as contemplated in the said Code.

Leaving the said contention as it may, the Respondents in reply contended that the UGC, after considering the lacuna in the law in removing a Head of Department, had taken remedial steps to answer such an instance and has issued a Circular to rectify such an occurrence. It is the Respondents contention that the said Circular No. 956 is the mechanism introduced by the UGC for such an eventuality. It was further contended

that the said Circular gives the power to the Council to remove the Head of the Department on the grounds stated thereon. The relevant portion of the Circular is reproduced for convenience, which reads as follows:

‘If any Head of Department of Study fails or refuses out his/her functions to the satisfaction of the Council/Campus Board/Board of Study, that authority is empowered to remove him/her from the post.’

Hence, it resolves the first issue as to whether the Petitioner can be removed by the Council in the affirmative. At the hearing the learned President’s Counsel for the Petitioner too did not dispute this power of the Council. However, it was his contention that before the Council resorts to such an action there should be an inquiry and a fair hearing should be given to the Petitioner. I am inclined to agree with the said contention of the learned President’s Counsel. If such a procedure is not adopted, it could result in a dangerous position of abuse since the Head of Department may be removed under the guise of the said Circular if her actions, although perfectly legal and justifiable, are not palatable to the members of the Council. It would create a situation where no Head of Department would be able to work with independence. Therefore, it is my considered view that there should be an inquiry and a hearing offered to all parties before a decision based on this Circular is taken.

In the case of ***Thillaiampalavanar Vimalan v. University Grants Commission and 21 others*** CA Writ 778/2025 decided on 19.12.2025, which was regarding the removal of a member of the Council of the University of Jaffna, it was held that:

“Though the appointing authority has been empowered to appoint a suitable person or persons as the case maybe, such an authority cannot take decisions to remove such appointments without any reason. In fact, before removal, there should be an inquiry and such a person should call evidence for his defence, or represent anything for his defence, he should be heard; thereby, following the rules of natural justice.”

Hence our Courts have recognized the rights of a person to have a fair hearing.

Was there an inquiry?

The learned State Counsel contended that there was an inquiry subsequent to the failed mediation process. It was her contention that there was an inquiry and the said inquiry report is marked and tendered as R13. This Court observes that R13 contains the report

of the preliminary investigation. As observed in the above paragraph, the holding of an inquiry alone would not be sufficient as the inquiry should offer all parties a fair hearing. This takes me to the main ground of contention for the Petitioner, i.e., whether there was a fair hearing offered to the Petitioner.

Fair hearing

Both parties were not at variance that there had been a preliminary inquiry and the inquiring officers had submitted their report marked and tendered as R13. The Respondents strenuously contended that at the preliminary investigation, all parties were given the opportunity to be present and their statements were recorded. This Court observes that the inquiring committee had obtained the statements of the Petitioner and the parties who made the allegations, and then had arrived at its conclusion. However, on considering the said report I observe that the Petitioner and the 13 members of the academic staff had made their statements. It appears that the allegations against the Petitioner are not limited to her objections to the confirmation and promotion of academic staff but extend further. The committee's observations states as follows:

“... incidents and issues where arbitrary decisions were taken, or authoritarian attitude were expressed by HoD that were made in statements by the staff members who gave evidence including the following.

- i. Removing senior staff members of the Department from moderating examination papers for which they had been previously appointed and approved by the Faculty Board.*
- ii. Attempting to permanently delete LLM official email addresses.*
- iii. Maliciously stating that “Group of 13” had withdrawn from their services.*
- iv. Submitting a memorandum to the UGC Standing Committee on Legal Studies without the knowledge of the Faculty or Dean. Thereafter, refusing to divulge the decision of the said Standing Committee stating that “It is confidential”.*
- v. Without the knowledge of the faculty staff, submitting a short course on ‘irregular migration’ to the Faculty Board.*
- vi. Rejected multiple requests made by teachers to retain the services of Project Assistants and discontinued their services.*
- vii. Many staff members said in evidence that they were “afraid” to speak at the Departmental meetings due to fear of reprisals.*
- viii. Makes statements demeaning the postgraduate degrees (LLM) obtained by departmental staff members from some universities in India and Kotelawala Defence University.”*

Further, going through the statements of the parties it is apparent that there are a number of allegations made against the Petitioner. There are allegations of unprofessional conduct, of harassments to staff, non-awarding of prizes to students, non-extension of the services of project assistants, arbitrary decision-making and not awarding a fair hearing, criticism of staff, etc. However, the learned President's Counsel for the Petitioner contended that the Petitioner had not been made aware of any of these allegations and no charge sheet was issued to her. It was also contended that until R13 was tendered the Petitioner was not aware of the allegations against her. It is his contention that the Petitioner had been invited to make a statement without knowing the allegations against her. It was also contended that when the Petitioner had tried to obtain a copy of the inquiry report that too had been denied to her by the Respondents.

It is observed even at the initial mediation, the committee appointed had informed that the allegations against the Petitioner should have been communicated to her and her response obtained. It establishes that even at that stage the Petitioner had not been informed about the allegations against her. Upon inquires by this court on this crucial question of whether the allegations made against the petitioner by the other members of the staff were informed to her The State Counsel informed that the said allegations were not given to her to protect the complainants. This is not acceptable as a person facing allegations and is called upon to answer the allegations should know what the allegations made against her and also about the complainants who complained against her. The learned Petitioner's Counsel strenuously contended that the preliminary investigation officers had never informed the Petitioner the nature of complains against the Petitioner that she has to answer.

Even though the initial preliminary investigation report states that the Petitioner had been informed of the allegations against her, as per the proceedings of the inquiry, the said proposition is doubtful. I come to this conclusion on the basis that there are several allegations against the Petitioner. If the Petitioner was aware of the allegations she would have replied at the inquiry. However, I do not find these allegations being replied to in the Petitioner's statements, and no questions are posed by the inquiring officers about these allegations. I find that the inquiring officers had posed questions to the 2nd Respondent and to the former Head of Department, one Mr. Gunaratne. However, as per R13 I do not find the investigating officers posing any questions to the Petitioner.

The learned State Counsel was not in a position to give an explanation as to the absence of questions pertaining to the allegations made against the Petitioner, which the Petitioner had not answered. I also observe that on the first statement the Petitioner herself has submitted the issues that had been raised by the committee. It appears that the allegations made against the Petitioner had not been discussed. The Petitioner's

statement on 24.02.2021 commences by stating that one of the committee members had made a statement that there will be a formal inquiry and that complaints against the Petitioner would be made available to her. This clearly demonstrates that when the Petitioner made the statement on 24.02.2021, she had not been aware of the complaints against her. Further, the accuracy of the said inquiring committee is also challenged by another witness who made a statement i.e., the former Head of Department. Especially in his statement dated 18.02.2021, the said witness had given a statement against the Petitioner but had challenged the entire proceedings before the committee stating that it is not legal and the inquiry is in violation of the principles of natural justice.

In view of the learned President's Counsel's contention that the Petitioner was requested to make a statement regarding certain issues at the Law Faculty without being informed of the allegations against her, this Court specifically questioned the State Counsel as to whether there was any material to demonstrate that the Petitioner had been made aware of the allegations prior to being asked to make such a statement. The response we received was in the negative. The State Counsel conceded that as per the material available, the allegations against the Petitioner had not been informed to her prior to obtaining a statement. Hence, the inquiring committee's recommendations are much to be desired and it is our considered view that in this instance the Petitioner had not been afforded a fair hearing. In the absence of a fair hearing, in my view, the preliminary investigation finding lacks any value.

In the case of ***Beligaswatta Akkarakuruppu v. Rev. Bengamuwe Sri Rathnapala and others*** SC Miscellaneous 02/2012 decided on 21.03.2025, the Court analyzed the concept of a fair hearing and it was held that:

“The justification generally made in contemporary academic discourse for a fair hearing is founded upon instrumental and non-instrumental argumentation. The instrumental argumentation underlines the connection between fair hearing and the substantive justice of the final conclusion. Substantive rules are aimed to attain a specific result. Providing a fair hearing before a decision assist in ensuring that this principle is correctly applied. The non-instrumental justification for a fair hearing is constructed on the allegiance to the rule of law, assuring impartiality and upholding human dignity.

*While the rationale for a fair hearing is somewhat readily discernible, the content of a fair hearing is not so given the disparate types of cases that may arise in administrative law. A broad spectrum of procedural requirements is available in the basket of a fair hearing **including due notice of the charges, right to respond, oral or written hearing, discovery of documents, legal representation, right to cross-examination and reasons for the final decision**” (emphasis added).*

This alone is sufficient to vitiate the legality of the decisions that had been taken in the Council meeting dated 08-03-2021.

Was due process followed?

Let me now consider the minutes of the Council meeting held on 08.03.2021 marked as P32. As per the marking P32(a), the entire process of the said Council meeting is based on the report of the preliminary investigation officers. The preliminary investigation officers had come to the conclusion that there should be a change in the leadership, if the department is to function smoothly and fruitfully for the benefit of the staff and the students and had finally recommended the replacement of the Head of the Department. As per the proceedings marked as P32(b) it is apparent based on the said findings of the committee, the council had come to the conclusion to remove the Head of the Department. The said minute reads as follows:

*“the council is of the view... to **remove** him/her from the post”.*

The second paragraph clearly states that the Council had decided to use clauses given in the UGC Circular No. 956 to affect the change of leadership in the Department of Legal Studies. The last paragraph of the said minute states as follows:

“After a discussion, the council decided that the Vice Chancellor should submit a comprehensive report to the next meeting of the council, on all the evidence available for such an action to be executed”.

The meeting had been concluded and the report to be presented on the 26.03.2021. The said report was marked as P33. In the report there is a specific paragraph on page 5 which states as follows

“Please note that documentary evidences are available for all the above incidences/issues”.

Upon reading the two marked documents, I am inclined to agree with the learned Counsel for the Petitioner that, at the commencement of the meeting dated 08.03.2021, the Council had already decided to remove the Head of Department, even before the Vice-Chancellor’s report was forwarded. As reflected in P33 and the above-stated phrase, it is evident that when the Council made this decision, it was not in possession of documentary evidence. Had such documentary evidence been available at the time, the Vice-Chancellor’s report would not have stated that documentary evidence is

available for the incidents mentioned therein. Hence, in my view the Council, after taking the decision to remove the Head of Department, had called for a report from the Vice-Chancellor to justify a decision that had already been made. In my view, this clearly demonstrates that due process had been violated.

Conclusion

As per the material submitted to this Court, it is evident that there had been an impasse between the Petitioner and the academic staff which was hindering the progress of the Law Faculty. This was not disputed by the learned President's Counsel appearing for the Petitioner. It is also established that the Head of Department can be removed pursuant to UGC Circular No. 956. However, before taking that step, there should be an inquiry and a fair hearing should be given to all parties. In this instance, the Petitioner should have been informed of the allegations against her and her response obtained. After following the due process, the Respondents could have taken a decision for the best interest of the university in accordance with the law. Sadly, in this instance it had not happened. To make matters worse, the faculty involved is the Legal Faculty of the Open University. Hence, in my view, the decision reflected in P32 is bad in law. Hence, I proceed to issue a Writ of *Certiorari* to quash the decision taken in P32(B) for the removal of the Petitioner.

A specific allegation was not made against any erroneous findings in P33 which is only a report and lacks any recommendation or decision. Hence, the Petitioner's prayer (d) has to fail.

The decision taken as reflected in P35 is based on the minutes of the Council meeting dated 08.03.2021, whereby the Council had already taken a decision to remove the Head of Department from her post based on a preliminary investigation, which this Court has held, that the Petitioner was not afforded a fair hearing. Hence, I proceed to issue a Writ of *Certiorari* to quash the decision marked as P35. Since I have now answered prayer (c) and (e) in the affirmative, the communication of the said decision in P36 will not be valid and in view of the two prayers above being answered in the affirmative, prayer (f) will not arise.

However, this judgement will not be a bar for the 1st Respondent to conduct an inquiry according to law if they so wish and take necessary steps according to law. It is also pertinent to note before I part with this judgement, that as per document P1(i), the appointment of the Petitioner as the Head of the Department of Legal Studies was made

in 2019 and the appointment was for a period of 3 years. Hence, the said 3 years have already lapsed. Accordingly, this judgement will not be a bar for the current holder of the position of Head of the Department or for the smooth functioning of the academic activities of the Legal Faculty of the 1st Respondent.

Although the Petitioner has partly succeeded in her application, considering all the facts and circumstances of the case, no costs are awarded.

Judge of the Court of Appeal

Mahen Gopallawa, J

I agree

Judge of the Court of Appeal