

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

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

**C.A. CASE NO. WRT/0127/20**

1. Wickarama Arachchillage Janith Sampath,  
Akkara 9 Road, Ihala Weerasuwa,  
Kuliyapitiya.
2. Migara Jayasena,  
Hida Kumbura, Lokahettiya,  
Kuliyapitiya.
3. Gangani Wijebandara,  
Atampola, Mudiyansegama,  
Horombawa.
4. Yogeshwaran Thinesh,  
Ajily, Karainagar, Jaffna.
5. Velupillai Auvirajan,  
Adaipiddy, Karainagar, Jaffna.
6. Raveenthiran Jesinthan,  
259, Uthoyanar East, Kilinochchi.
7. Thillainathan Pavithran,  
345, Belvanagar, Kilinochchi.
8. Ponnambalam Jeyakumar,  
Sempadu, Karainagar.
9. Ishantkumar Chandrasekara,

Ganagamuwa, Nakkawaththe.

10. Katugampalage Thilini Dilrukshi,  
Hauluwa, Muruthenge.
11. Saddamangala Premarathne,  
Peyiya Ulukkulama, Vavuniya.
12. Wijewardanage Deeptha Nuwan Chamara  
Wijewardana,  
Mundimuruppuwa, Kandy Road,  
Vavuniya.
13. Chandrasekarage Sisira Deepthi  
Chandrasekara,  
Mahakachchakudiya, Vavuniya.
14. Sivasubramanium Sivadarshani,  
Payiritudal, Karainagar.
15. Sivasoruby Sivasubramanium,  
Pairikudal, Karainagar.
16. Thevapriya Pratheep,  
148/A, Kanakampaikaaikulam, Kilinochchi.
17. Jayathibbage Susantha Premalal  
Jayathissa,  
Thirappankdawala, Horowpathana.
18. Ediribandanage Nuwan Dinusha,  
Mekiliyagahawatta, Namakeliya, Karana.
19. Kankanamge Mahesh Madhuwantha,  
50B, Higuruwewa, Galenbindunuwewa.
20. Kanapathipillai Gawriruban,  
Chunnakkam East, Chunnakkam.

21. Arumugam Robinson,  
Kakkupadiyan, Chilapathurai, Mannar.
22. Soosainathan Calistan,  
Sooriyakaddaikadu, Nanttan, Mannar.
23. Irathinamani Utharatharshan,  
Thoppukudu, Karainagar.
24. Meignanapathy Sarathkumar,  
Thoppukandu, Karainagar, Jaffna.
25. Dasanayaka Mudalige Anoma Dassanayaka,  
67, Ihala Walawwa, Udupillai, Matale.
26. Idippuli Arachchige Anuruddika Priyangani  
Abeyasinghe,  
Mookalanyaya, Kirindawa.
27. Rajapaksha Dissanayakage Kaushalya  
Madushani Dissanayaka,  
Alaluwa, Kalahitimulla.
28. Galolu Mudiyanseelage Niroshani Lakmali,  
Karagahagedara, Karagahagedara.
29. Yokeswaran Mithuinesan,  
Sivan Kovil, Siththankuni.
30. Gnanasekaram Deluxshan,  
Mathakovilady, Thunnalai North,  
Karavetty, Jaffna.
31. Illandara Pedi Durayakage Dilshan  
Weerasinghe,  
Udagedara, Horombawa.

32. Loganathan Rakeelan,  
Kalaivanyaad, Vadaliyadoippu, Jaffna.
33. Muragalingam Vinodan,  
T.C. Lane, Manipay, Jaffna.
34. Vijayarathinam Manokaran,  
Varevaluna, Karainagar.
35. Thureeirasa Subatheepan,  
T.C. Lane, Manipay, Jaffna.
36. Kanesamoorthi Jasothana,  
Tholauram, Chilipuram, Jaffna.
37. Krishnapillai Asith Kumar,  
Sempadu, Karainagar, Jaffna.
38. Muthumunige Sulakkana Sulari de Soyza,  
Wijekoon Mawatha, Dambadeniya.
39. Gode Vithanage Thilina Vijendra,  
Vijendra, Palanetiya, Weligama.
40. Aluthgedara Mahesh Namal Udayanga,  
Neluwakanda, Alwaththu, Matale.
41. Lahiru Harshana Dammulla Gamage,  
46, Udumulla, Godella, Dandeniya,  
Rathmale South.
42. Ethugalpedi Durayalage Dinesh Gayan  
Wijeyrathna,  
Wadugedara, Wewagama.
43. Senanayake Mudiyanseelage Kamal Jeewantha  
Kumara Senanayake,  
Kirigahapitiya, Ilukhena.

44. Asraf Khan Ameenullah Khan,  
372, Hijra Mawatha, Kekunagolla.
45. Abdul Latheef Mohamed Isthikar,  
Aranyala, Kekunugolla.
46. Chiranthi Udayavilage Dhanushka Dansuriya,  
Wahumuwa, Kithalawa.
47. Khongala Gamage Yasodhika Priyanjali  
Rathnayake,  
Dehigama, Pahamune.
48. Mahachari Naidelage Praveena Upeksha  
Anurukshi,  
Ihala Annaruwa, Kithalawa.
49. Wijesinghe Arachchige Laxman Rohana  
Wijeyinghe,  
Madakumburu Mulla, Kuliypitiya.
50. Rajapaksha Pathiranage Lakmini Sanjeewani  
Priyanjith,  
Werellagelda, Horombawa.
51. Koralaheenge Chaminda Saman Kumara,  
47, Kaluwangahawatta, Uduwelmulla,  
Katuwana.
52. Asanka Jayanath Dias Senarathna,  
Mahagedarawaththa, Temple Rd, Galle.
53. Mahawaddelage Dilbi Lakshika Prabaduni,  
Kotikabe, Ruthalawa.
54. Munasinghe Arachchilage Nuwan Thushara,  
176/A, Ganangamuwa, Nakkawaththa.

55. Illandara Gedara Indrika Prasanie  
Nawarathna,  
Baminigalla, Anukkane.
56. Sinhalage Shalika Sanjeewani Edirisinghe,  
Egodagama, Thalahena, Katupotha.
57. Pelampitiya Wedaralalage Chamila  
Priyankara,  
Pelampitiya, Dedugala.
58. Kaluthanthri Osika Niroshan,  
27, Namal Sevana, Batapola.
59. Gamaralalage Imanthi Samanalee,  
Pahala Elathawala, Deegalla.
60. Aberathna Herath Mudiyanseleage Chandani  
Kumari Abeyrathna,  
Jayasinghe Mawatha, Dandagomuwa,  
Kuliyapitiya.
61. Herath Mudiyanseleage Viraj Thusitha  
Wijesinghe,  
Upuldeniya, Anuradhapura.
62. Wijesinghe Arachchige Mahinda Wijesinghe,  
Madukumburumulla, Kuliyapitiya.
63. Alahakoon Mudiyanseleage Chinthaka  
Namal Wijesuriya,  
Bogahapitiya, Karagahagedara.
64. Galhena Gedara Chamila Kumudu  
Priyanthi Dissanayaka,  
Kotadeniyawa, Bogahamulla.

65. Mohotti Arachchilage Mihiranga Udaya  
Kumara,  
54, Arabudha Oya, Parakrama Samudraya,  
Polonnaruwa.
66. Panik Mudiyanseelage Mahesh Chandana  
Wijerathna,  
136, 80 P, 3/6, Lankapura, Polonnaruwa.
67. Mapa Mudiyanseelage Gihan Sandaruwan  
Thilakarathana,  
Wewagama Waththa, Wewagama.
68. Liyana Pathiranalage Sujeewa Piyumali  
Pathirathna,  
Pahala Haggamuwa, Kuliyapitiya.
69. Jayasinghe Koralalage Hasini Kaushalya  
Jayasinghe,  
Welpalla, Pahala Diyodara.
70. Wijesundara Mudiyanseelage Warnima Rashmi  
Wijesundara,  
Budawaththa, Deekiriwewa.
71. Ekanayake Mudiyanseelage Sachini Piyumika  
Ekanayake,  
Ihala Kadigamuwa, Kadigamuwa.
72. Pirabakaran Satheesana,  
433, Nathanthiddam, 10<sup>th</sup> Mile Post,  
Tharmpuram.
73. Sunthararajah Pravinth,  
Araly Centre, Vaddukuddai, Jaffna.
74. Sabapathi Thilakarathnam,

Dutch Road, Moolai, Chulipuram.

75. Balasingham Sujeewan,  
31/10, Chunkiliyan Road, Nallur,  
Jaffna.
76. Raveendran Paventhan,  
Peruvalavu Lane, Vaddu West,  
Vaddukkodi.
77. Manikkan Ketheeswaram,  
Pillaiyar, Kavilady, Moolai.
78. Ravichandran Nithusan,  
Cheddiyak Kurichchi, Panadoththarippu,  
Jaffna.
79. Thanapalan Yasikaran,  
Poomagal, Veethy Ariyalai, Jaffna.
80. Thambirasa Paraparan,  
St. Anthoney's Lane, Nathakal.
81. Kailayanathan Manoharan,  
Kalainagar, Vaddu North, Sithankerny.
82. Rasalingam Kirushanthan,  
Pallasuddi, Pannakam.
83. Selvakantharajab Sellanananatha,  
Kaly Kovillady, Senakanai.
84. Balabaskaran Lalharan,  
Mallakam Centre, Mallakam.
85. Suganthiny Kopalakirusnan,  
Kallanththalvu, Karainagar.
86. Nirojini Kodalakirushman,



- Kalvanthalvu, Karainagar.
87. Perampalam Kalaichelivi,  
Kakkanththalvu, Karainagar.
88. Niluja Sudharshan,  
Kalvanthanlvu, Karainagar.
89. Poovilingam Lasinthan,  
Araly South, Vaddukkodai.
90. Ranaweera Gamachchige Dinusha Shyamali,  
430/1, Kankanamgama, Angunakolapelessa.
91. Hewa Dissanayaka Muthukuddi Kankanamge  
Thilanka Priyadarshani,  
Muthubima, Koholankala, Hambantota.
92. Kalu Thotage Tharanga Madhushani,  
1262/2, Allagalawa Iwura,  
Thissamaharamaya.
93. Hewa Edirimannage Rasangi Menikdila,  
81/N/1, Kankanamgoda, Olu Ara,  
Walasmulla.
94. Leekamagalage Nanjitha Daswin Aberathna,  
Habara Wewa, Dummalasooriya.
95. Tharumlingam Kannapiran,  
120, Palaly Road, Thieunelvely, Jaffna.
96. Murukuppillai Nimalathas,  
Valliparapathiyer Lane, Point Pedro.
97. Samarasekara Mudiyansele Nalin Sampath  
Samarasekara,  
Nugathenne West, Wewala, Hunnasgiriya.

98. Malagammana Wedamaduwe Gedara  
Chandana Kumara Wijesinghe,  
Pirivena Idiripita, Hurulunikawewa,  
Galenbindunuwewa, Anuradhapura.
99. Wijesooriya Arachchilage Ajitha Prasanna  
Wijesooriya,  
Akkara 20, Pagalla, Kithalawa, Kuliypitiya.
100. Santhikumar Mohinthan,  
Kantharadai, Channakan, Jaffna.
101. Herath Mudiyanseelage Asela Ruwan Kumara,  
Yaya 06, Angumuwa, Rajanganaya.
102. Gabella Kapuge Nalaka Pathum Samarasinghe,  
Kehelwala, Anhettigama, Deraniyagala.
103. Kariyawasam Bowathantri Gayan Pradeep  
Kariyawasam,  
Samagi Mawatha, Waduwelivitiya North,  
Kohaduwa.
104. Thennakoon Mudiyanseelage Sureka  
Wijesooriya,  
48, Udahapuwida, Alwaththa.
105. Edirisinghe Arachchilage Susantha Chaminda  
Edirisinghe,  
Kandayaya, Athungahakotuwa.
106. Kanesapillai Arudkumaran,  
Kawalam Karainagar, Jaffna.
107. Aththanayaka Mudiyanseelage Dinesh Priyantha  
Kumarasiri,

1B/4A, Namal Oya, Ampara.

108. Dissanayaka Mudiyanseelage Nilantha  
Pushpakumara,  
8/135/2, Abepura, Paraganakele.

109. Ewaduge Nalin Priyamal Ruchirange,  
Hiththarapola, Maharachchimulla.

110. Thuduweewaththa Dilun Lakmal,  
55, Hulannuge West, Hulannuge.

111. Thuwan Asmir Musammil,  
A/702/2, Buddangala Road, Ampara.

112. Herath Mudiyanseelage Chamini Karunathilaka,  
Malliya, Horombawa.

113. Amila Ruwan Lakmal Jayasekara,  
Beetan Waththa, Deekiriwewa.

114. Maha Acharige Shalika Lasun Hemachandra,  
Ihala Annaruwa, Kithalawa.

115. Neelaiginar Thuvarahan,  
Idaikurichchi East, Varany.

116. Jayakody Arachchige Deepthi Lakshika  
Jayakody,  
Kottawawewa Waththa, Ihala Piduma,  
Kuliyapitiya.

117. Kandhan Divani,  
Layanole Jayathilaka Mawatha,  
Kanddadulla, Kuliyapitiya.

118. Madarsa Imsar,  
Alikimbulagala, Horowpothana.

119. Ekanayake Mudiyanseelage Suranjana  
Sandaruwan,  
12/3, Pyaligama, Maho.
120. Sumanathissage Nandana Kumara,  
Pulikandikulama, Bakmigama, Trincomalee.
121. Rathnayake Mudiyanseelage Indika Thusitha  
Rathnayake,  
Sisila Watta, Ratehunuk Wewa, Maho.
122. Dissanayaka Mudiyanseelage Sandaruwan Chamara  
Dissanayaka,  
Aluth Wewa Road, Daladagama, Maho.
123. Dewasinghe Patabendi Muhandiramlage Gangani  
Tharanga Dewasinghe,  
Galpola, Deegalla North, Kuliyaipitiya.
124. Wijesinghe Pathirannehelage Sanka Wijesinghe,  
Kubawala, Ilukhena, Kuliyaipitiya.
125. Senadeera Pathirannehelage Danushka Sandaruwan  
Senadeera,  
76, Palmeda, Meerigama.
126. Pinnagoda Kandage Chaminda Pinnagoda,  
C66, Sipoth Janapadaya, Yatiyanthota.
127. Senevirathna Mudiyanseelage Kaswathe Gedara  
Prasanna Manjula Godakumbura,  
446/8, Ala, Ulpathgama.
128. Kandapperuma Arachchilage Thushara,  
16, Katugahawaththa, Kottagama.
129. Hamangoda Gedara Dinesh Rohana Premarathna,

Hidahinnagama, Madukumburumelle, Kuliyaipitiya.

130. Sanduni Wathsala,  
Ihala Pallewela, Kithalawa.
131. Mohammodu Iqbal Yesmin Niloofo,  
Kahata Kahamada, Siyambalagaskatuwa.
132. Rankathge Harshani Shanika Ranaweera,  
Hewane Gedara, Horombawa.
133. Kuda Ibulana Ralalage Dunindu Dananjaya  
Ibulana.  
Nakkawaththa, Nakkawaththa.
134. Mahipala Mudalige Kawindi Apsara Mahipala,  
Bankuwatta Road, Dihera, Ilukhena.
135. Thiththala Pitige Chethana Geethanjali,  
Dikirikewa, Dikirikewa.
136. Edirisinghe Mudiyansele Nuwan Madusanka  
Edirisinghe,  
Kirindawa, Kuliyaipitiya.
137. Kumarasinghe Saman Kumara Pepare,  
161/A/Z, Agodaduwa, Kosgoda.
138. Kanagasabapathy Jeyanamanam,  
Alkativelli, Andankulam, Mannar.
139. Sritharan Pakeerathan,  
Kannakkar Valavu, Chunnakam.
140. Erambalan Niwethan,  
Mahatma Road, Alawetti Central.

141. Jayasinghe Mudiyanseelage Indika Jayasinghe,  
89, Eramudu Wewa, Ambanpola.
142. Kodikarage Inoka Kumari Fonseka,  
Akkara 15, Annaruwa, Wewagama.
143. Pathiraja Mudiyanseelage Sanju Pradeepa,  
Pahala Ealawitigama, Wariyapola.
144. Edirisinghe Mudiyanseelage Sandamali Edirisinghe,  
Udihitimulla, Wewagama.
145. Bentharalage Sujani Sashikala,  
Akkara 40, Beminigalla, Anukkane.
146. Pelegdage Indika Kumari Damayanthi,  
Ihala Elathalawa, Deegalla.
147. Rathnayaka Arachchilage Pabodya Chathumini  
Bandara,  
Ihala Elathalawa, Deegalla.
148. Galagedarage Sanjaya Madumewan Rajapaksa,  
Ketawalagedara, Wewagama.
149. Kaluarachchi Gamage Rukma Dilani Kaluarachchi,  
Dethawawaththa, Dikiriwewa.
150. Ranthirange Aminda Laknath Udayanga,  
Naulla, Welikanda, Hewadiwela,  
Rambukkana.
151. Harathal Pedi Durayalage Sulochana Hansamali  
Senevirathna,  
Rukmale, Wewagama.
152. Ekanayaka Mudiyanseelage Manoja Eranji  
Ekanayaka,

Udagorakem, Anukkane.

153. Jayasinghe Ekanayaka Mudiyansele Anudha  
Ramya Kumari,  
Thorane Gedara, Kirimatiyawa.

154. Hapu Arachchilage Maduwanthi Sanjeevani  
Hapuarachchi,  
Dethawa, Pahalagama, Dambadeniya.

155. Hettisinghe Mudiyansele Chamila  
Priyadarshani,  
Thoranegedara, Kirimatiyawa.

156. Wilpita Ehala Wajini Ruwanthi Ranaweera,  
Illukhena, Illukhena.

157. Dissanayaka Mudiyansele Deepika Lakmali  
Dissanayaka,  
Polpaththala, Muruthenge.

158. Marasinghe Dissanayakage Diluka Subashini  
Gunasekara,  
Gonawa, Weerambagedara.

159. Amarakoon Mudiyansele Sandya Dilrukshi  
Amarakoon,  
Thoranegedra, Kirimatiyawa.

160. Panahakarage Dumith Sanjeeva Saman Kumara  
Chithrananda,  
Akarella, Opanayaka.

161. Herath Mudiyansele Karunashanthige  
Chandra Kumari,  
73, Mudungoda, Hurigaswewa.

162. Karuna Pedige Anuma Pushpa Kumari,  
Gedarawela, Horombawa.
163. Jayanpathi Sepalage Nadeeka Neranji Jayasinghe,  
15, Kanawa Para, Horombawa.
164. Hennayaka Mudiyanseelage Priyanthi Aberathna,  
Sapumalpuraya, Umangawa, Katupotha.
165. Jayakodi Arachchilage Madushi Peshala Jayakody.  
Wahumuwa, Anukkane.
166. Rupasinghe Chandrika Udayasili,  
Wewagama Waththa, Wewagama.
167. Senarath Mudiyanseelage Pathma Violet Kumari,  
Galgammulla, Wewagama.
168. Epitawaththe Gedara Nayana Samanthi,  
Kongahagedara, Molapura, Thummodara,  
Kuliyapitiya.
169. Muthugalage Wajira Sarojini Kusumsiri,  
Dunupotha, Bandara Koswaththa.
170. Ranpati Dewalage Renuka Malkanthi,  
Mahawaththa Road, Thummodara, Kuliyapitiya.
171. Jayakody Arachchilage Priyanka Sanjeewani,  
Temple Road, Dandagamuwa, Kuliyapitiya.
172. Hiripitiyalage Priyangani Jayaweera,  
152, Galgammulla, Wewagama.
173. Karuna Pedi Durayalage Nishani Anuruddika  
Rathnayake,  
Poththewela, Wewagama.



174. Iriyagama Watte Gedara Chamara Sandaruwan  
Iriyagama,  
118/1, Pellapitiya Janapadaya, Kurunduwatta,  
Kadawidiya.
175. Herath Mudiyanseelage Ranil Wijesiri,  
Iddamalpitiya, Pahala Diyadora, Kuliypitiya.
176. Herath Pathiranalage Madubashini Sakunthala  
Ranasinghe,  
Wewagama Waththa, Wewagama.
177. Wickrama Arachchilage Wajira Buddhika Thilaka  
Rathna,  
Sithara Karunarathne Mawatha, Madawala,  
Keppetiwala.
178. Pathiranage Dhanushka Nuwan Pathirana,  
11 Kanuwa, Katharagama Road, Buththala.
179. Mapa Mudiyanseelage Pradeepa Madumali,  
Koduruwapola, Nakkawatta.
180. Athawuda Arachchilage Harshana Madusanka,  
“Sisila Sewana”, Nakkawatta.
181. Rajapaksha Welhenage Ajith Kithsiri, Damunupola,  
Yatigaloluwa.
182. Widiye Gedara Koshika Madushan Bandara Widiye  
Gedara,  
Aluth Nuwara, Mawanella.
183. Rathnayaka Mudiyanseelage Chamila Lakmal  
Rathnayaka,  
Wiharamulla, Monaragala.
184. Hewawitharana Mahesh Chathuranga,

- 56, Katugahagalge, Buththala.
185. Amarakoon Mudiyanseelage Kirthi Sirimewan Bandara,  
48/2, Neththipola Gedara, Siyambadagaskotuwa.
186. Kasthurirathna Thennakoon Appuhamilage Sumith  
Indra Kumara Aberathna,  
09, Weeragama, Kuliyaipitiya.
187. Bamunu Achchi Pathirannehelage Gayan Ruwan  
Kumara,  
Yakarawaththa, Kithalawa.
188. Dawul Karayalage Susantha Chandrasiri,  
Kotikabe, Kithalawa.
189. Ekpitige Nirutha Kasun Jayakody,  
Ihala Piduma, Kuliyaipitiya.
190. Prathapa Mudiyanseelage Nimal Jayantha,  
Meedeniya, Randeniya, Wellawaya.
191. Dewarathnayaka Mudiyanseelage Sarath Kumara  
Bandara,  
Walpaluwa, Mandapola.
192. Dissanayaka Mudiyanseelage Kasun Maduranga  
Dissanayaka,  
Nelliya, Minuwangate.
193. Nishshanka Arachchilage Chandana Kumara  
Nishshanka,  
Gojaragama, Galgamuwa.
194. Herath Mudiyanseelage Nuwan Dananjaya Kumara,  
Karagahagedara, Karagahagedara.
195. Dissanayaka Mudiyanseelage Renuka Dissanayaka,  
28, Palukadawala, Galgamuwa.

196. Liyanage Chandima Ishara Liyanage,  
Dalupothagama, Katupotha.
197. Handun Pathiraja Mudiyanseelage Shashikala  
Lakmali,  
Madakumburumulla, Madakumburumulla.
198. Dilani Kusumlatha Wanninayaka,  
Ihandagahawewa, Elayapaththuwa.
199. Rajakaruna Mudiyanseelage Rohan Aruna Shantha,  
Mahasen Mawatha, Pallewela, Udubaddawa.
200. Bedde Widanalage Isuru Udayanga Kumara,  
323, Iswetiya, Pabadeniya, Alawwa.
201. Kulasekara Mudiyanseelage Prasanna Sandaruwan  
Rajarithna,  
Wepitiya, Nakkawatta.
202. Wickramasinghe Arachchilage Hiruni Sasanka,  
Koduruwapola, Nakkawatta.
203. Jayakody Mudiyanseelage Shanika Sankalpi,  
Akkara 7, Pahala Kalugamuwa, Kuliyaipitiya.
204. Kaluhath Karunathilaka Vidanelage Saduni Deshani  
Darmapriya,  
Pahala Galpola, Illukhena.
205. Wanasinghe Arachchige Sanjaya Darmapriya  
Wanasinghe,  
39/B, School Road, Delwagura.
206. Wijesundara Mudiyanseelage Asiri Sampath Wijesundara,  
Netolgama, Ella Road, Wellawaya.

207. Narayana Mudiyansele Lakshan Rangana Narayana,  
Nellella, Karagahagedara.
208. Adikari Mudiyansele Nilupuli Chethana Adikari,  
Udabage, Horombawa.
209. Gamaralalage Danston Kaushalya Teranse Aberathna,  
C/O, M.N. Megasuriya, Kelegammana, Weligepola.
210. Imiya Mudiyansele Lakshi Devika Senanayake,  
Pahala Ambawa, Kuliypitiya.
211. Herath Mudiyansele Dan Edward Spenser,  
Wewella, Bogamulla, Narammala.
212. Mukala Manannalage Achintha Omal Dewanatha,  
Kemmana, Hiramadagama, Kahawaththa.
213. Koralage Don Dulshan Sashimal,  
26/3, Udyana Waththa, Mahara, Nugegoda,  
Kadawatha.
214. Ranpati Dewage Tharanga Niroshani Kumari,  
Konoththawa, Illukhena.
215. Adasuriya Mudiyansele Anoma Kanthi,  
Dethawa Waththa, Dikiriwewa.
216. Karunapedi Durayalage Sepali Anuralatha  
Gunarathna,  
Bogahamulla, Nakkawatta.
217. Aththanayaka Mudiyansele Darshana Suranga  
Aththanayaka.  
Batagolla, Wiharamulla, Monaragala.
218. Pathiraja Mudiyansele Tharindu Dananjana  
Pathiraja,

Temple Road, Dandagamuwa, Kuliyaipitiya.

219. Dasanayaka Mudiyanseelage Pradeep Asanka  
Dasanayaka,  
Dalupothagama, Katupotha.
220. Urala Gamage Ayadya Chandra Keerthi Gamage,  
424/1, Kilinpola, Pahamune.
221. Weerabahu Mudiyanseelage Swarna Thilaka,  
Wanewatta, Ihala Dalupothagama, Katupotha.
222. Hewa Kirindage Pramod Sajith Rathnayake,  
“Darshana”, Bambarenda North, Rathmale,  
Matara.
223. Mapa Mudiyanseelage Ruwan Chathuranga  
Samaranayake,  
Koduruwapola, Nakkawatta.
224. Jayasinghe Arachchilage Vimukthi Gayan,  
Hewana, Welipennagahamulla.
225. Weerakkody Biyanwilage Gihan Maduka Kavinda,  
Bolathuketiya, Hapugasthenna, Godakawela.
226. Aadam Pulle Mohamed Aslam,  
373, Thorane Gedara, Kirimetiya.
227. Ranasinghe Hetti Arachchilage Dasun Madusanka  
Weerasinghe,  
Pilahena, Anukkane.
228. Udawela Wickramasinghe Anuja Kanthi  
Wickramasinghe,  
Galgommulla, Wewagama.
229. Wijesinghe Pathirannahalage Indrani Manike,

Kekunawela, Athunagahakotuwa.

230. Swarnage Shehan Chamith Jayathilaka,  
Seruwangoda, Wewagama.

231. Pallegama Mudiyanseelage Kasun Chathuranga  
Senarathna,  
Nelella, Karagahagedara.

232. Jayasuriya Arachchilage Thilina Priyasaman  
Jayasuriya,  
Ihala Tharana, Tharana, Udawela.

233. Hetti Arachchige Amith Thushara,  
Horathepola, Welipennagahamulla.

234. Basnayake Mudiyanseelage Ravindra Basnayake,  
125, Wedehapurapura, Medirigiriya.

235. Aththanayaka Mudalige Siri Kumara  
Aththanayaka,  
557/7, Pahala Elathalawa, Deegalla.

236. Dammika Sampath Bandarigoda,  
313/8, Wahapoluhena, Waduwelipitiya,  
Kahaduwa, Galle.

237. Udawarage Sagara Madhushanka Kumara,  
Mahimpitiya, Thalahitimulla.

238. Pathiraja Mudiyanseelage Rangana Bandaranayaka  
Pathiraja,  
Nawasinghewaththa, Welipennagahamulla.

239. Dissanayaka Mudiyanseelage Mahesh Pushpa  
Kumara,  
Wahumuwa, Kirindawa.

240. Gunarathne Mudiyanseelage Nishantha Kapila  
Gunarathne,  
42, Nuwaragala, Polonnaruwa.
241. Samarakoon Mudiyanseelage Edwin  
Wickramarathne Samarakoon,  
11/119, Kebelpotha, Madakadawala.
242. Ampetigala Arachchilage Thanuja Udayangani  
Ampetigala,  
10, Weeragama, Kuliyaipitiya.
243. Subasinghe Arachchilage Iresha Siriwardena,  
Weeragama, Kuliyaipitiya.
244. Mohamed Raseed Mohamed Ramsan,  
Metiwalagedara, Horombawa.
245. Kavindu Sandeep Koloba Arachchi,  
Sandeepani Niwasa, Dharmasena Dissanayake  
Mawatha, Kahatagasdigiliya.
246. Witharanage Nuwan Chathuranga Wickramasinghe,  
Light Road, Kahatagasdigiliya.
247. Galapita Gedarage Thilanka Dasun Nayanapriya,  
Pasala Idiripita Para, 18 Kanuwa, Padaviya.
248. Munasinghe Samitha Lakmali Piyathilaka,  
Kuliyaipitiya Road, Horombawa.
249. Wansuriya Mudiyanseelage Deshan Vimukthi  
Bandara,  
Nelella, Karagahagedara.
250. Jayasinghe Arachchilage Surekha Jayasinghe,  
Dehelgamuwa, Yatigaloluwa.

251. Manchanayaka Mudiyanseelage Dhanusha Geethanjali  
Manchanayaka,  
Kosgasa Agara, Hiruwalpola.
252. Angappulige Pradeepa Nilmini Wickramanayaka,  
Koduruwapola, Nakkawatta.
253. Herath Mudiyanseelage Nirosha Herath,  
Boowaththa Road, Kurudugahahena,  
Kuliyapitiya.
254. Wanija Kulasekara Mugalige Dilthara  
Sandeepani,  
E/Ethalwa, Mahalanda, Deegala.
255. Manobolage Thisara Madhushan,  
Kottawewa, Ihala Piduma, Kuliyapitiya.
256. Herath Mudiyanseelage Pradeep Kumara,  
F69, Cheena Mithrathwa Gammanaya,  
Pollepamunuwa, Dewanagala.
257. Ambagola Mudiyanseelage Chathurika  
Samanmalee,  
Bogoda, Deegala.
258. Rajapaksha Arachchilage Susantha Bandara,  
Mudukotuwa, Rukgahathenna, Kotiyakumbura.
259. Nanayakkara Agarage Renuka,  
Thummodara, Kuliyapitiya.
260. Idirisinghe Gedara Udaya Lakmal Idirisinghe,  
Nelligolla Janapadaya, Deltota.
261. Jayawardena Mudiyanseelage Veena Madavi  
Jayawardena,



B/1/4, Rajarata Vishwa Vidyala Niwasa,  
Mihintale.

262. Rathnayake Mudiyanseelage Kiribanda  
Rathnayake,  
1232, Yaya 07, Wijeyapura, Diyasenpura.

263. Horombawa Ganladdalage Shammi Anjana  
Dayananda,  
15 Kanuwa Road, Horombawa.

264. Weerasinghalage Radhika Deshani Weerasinghe,  
Ihala Ambawa, Kuliyaipitiya.

265. Arachchige Ivon Iroshika Fernando,  
245/2, Gayyala,  
Kuliyaipitiya.

266. Horathal Pediclorayalage Shiwantha Nuwan  
Wijesinghe  
Hamannapahuwa,  
Nagollagala.

267. Arewwalage Dona Champika Ruwan Kumara,  
Yaya, Ihala Gomugamuwa.

268. Danansuriya Arachchilage Sisira Kumara E69/1,  
Holombuwa,  
Thuntota.

269. Gamlath Appuhamilage Jagath Gamlath  
Delgahamula Watta, Kithaladeniya,  
Dammadeniya.

270. Jayalath Pedidurayalage Krishani Harshani  
Jayalath  
Henegedara, Kithalawa.

271. Abeykonge Sujeewa Abeykoon,  
650, Aluthwewa, Nakkawatta.
272. Marakkala Manage Hasanthi Dushani De Silva,  
Poththewela, Wewagama.
273. Wickramasinghe Appuhamilage Sarani  
Madumekala Wickramasinghe,  
Yaya, Ihala Gomugomuwa.
274. Horathal Pedidurayalage Dhanushka Nuwan  
Kumara,  
Wewagama Waththa, Wewagama.
275. Kothalawalage Nayan Dammika Kothalawala,  
56, Hettimulla, Kotadeniyawa.
276. Weerawardena Pathirannahalage Chandani  
Kumari Weerawardena,  
Koulwewa, Horombawa.
277. Rathnayake Mudiyansele Muditha Chandani  
Rathnayaka,  
81/B, Getalawa, Galenbindunuwewa.
278. Munasinghe Abeysekarage Chathuranga  
Niroshan,  
Yaya, Ihala Gomugomuwa.
279. Warnakulasuriya Ranwalage Sureni Ayesha  
Fernando,  
Kalabatuwawa Watta, Moolapara, Ambawa,  
Kuliyapitiya.
280. Henarath Mohottige Sachini Pavithra Kumari,  
Bogoda, Deegalla.
281. Manamperi Gamlathge Chandralal Somarathne,

67, Gama Ela, Atharagallewa.

282. Hapuarachchi Udugampola Ralalage Chinthaka  
Sanjeewa Siriwardhana,  
Ihala Piduma, Jayakodiwatta, Kuliypitiya.
283. Donald Janaka Weerakoon,  
Wahamuwa, Kirindawa.
284. Aluth Durage Thilini Shanika,  
192/3, Alaluwa, Thalahitimulla, Kuliypitiya.
285. Arampath Mudiyanseelage Chandima Kumari,  
40, Dethawagama, Muruthenge.
286. Paththini Hakuru Chinthaka Ruwan Kumara,  
Kotawela, Kurandeniya.
287. Weerasangilige Niroshani Sanjeewani Kumari,  
Galpola North, Deegalla.
288. Kaluhath Karunathilaka Wedawidanelage Isuru  
Sandakelum Karunahilaka,  
Ihala Galpola, Illukhena.
289. Karunanayake Amarasirige Randika Dulaj  
Wickramasinghe,  
Legiriyana, Bogamulla.
290. Dewatha pedige Madhawa Supun Kumarasinghe,  
Pallegedara, Bogamulla.
291. Perumbada Pedige Nalin Madushan wasantha  
Kumara,  
Adigedara, Bogamulla.
292. Kariyawasam Bovithanthri Damith Aruna  
Shantha,

Egodaha Koratuwa, Horangalla, Thalagaswala,  
Galle.

293. Mapamudiyanselage Shashika Lakmali, 25,  
Dewana Adiyara, Subarathipura, Kuliypitiya.

294. Liyanarathna Gamage Kithsara Lakmal,  
Wahamuwa, Anukkane, Kuliypitiya.

295. Herath Mudiyanseleage Chaminda Kumara  
Herath,  
Kirigahapitiya, Illukhena.

296. Kimbulebbe Herath Mudiyanseleage Dinesh  
Nishantha Herath,  
2/46, Uwathissa Road, Mapakadawewa,  
Mahiyanganaya.

297. Godayalage Chamila Prasad Chandrapala,  
1195, Shanthipura, Unagelawehera.

298. Wathwana Vithanawasam Shamila Kushani  
Vithanawasam,  
Kahadenigama, Udubaddawa.

299. Rajapaksha Mudiyanseleage Sasanki Malshani,  
Udayasiri, Gamagedara, Bibilegama.

300. Kumara Pandithage Chaminda Kumara,  
292, Kandy Road, Molagoda, Kegalle.

301. Sebasthiyan Kankanamalage Chaminda Kumar  
Rathnapala,  
Akurakmulla, Bogamulla.

302. Imiya Mudiyanseleage Dileepa Lakmal,  
Illukhena, Illukhena.

303. Warnakulasooriya Elen Fernando,

Sentri Watta, Ihala Gomugomuwa.

304. Jayabahu Mudiyanseelage Udula Sandamal,  
Koshena, Illukhena.

305. Halpage Ramesh Maduranga,  
Rukgassagara, Nakkawatta.

306. Wakkunuwala Arachige Chandima Niroshani  
Gunasena,  
Wakkunuwala, Horombawa.

307. Senanayake Mudiyanseelage Viraj Chandana  
Senanayake,  
Wahumuwa, Kirindawa.

308. Wickramasinghe Arachchilage Amila Prasad  
Wickramasinghe,  
Weralugama, Walakumburumulla.

309. Rankoth Pedige Prashan Kalinga,  
Waduwwewa, Yatigaloluwa.

310. Herath Mudiyanseelage Indrani Herath Kumari,  
Kabalewa, Deegalla.

311. Meragal Pedi Durayalage Viraj Madhusanka,  
Waththegama, Vevagama.

312. Jayalath Priyankarage Manjula,  
32, Kal Pallawela, Thaleliya.

313. Borala Liyanage Bathika,  
Bataketiya Waththa, Borala, Weligama.

314. Peththamaru Durayalage Sarangi Siresika  
Jayaweera,  
Ehala Kalugama, Wellarawa, Bingiriya.

315. Dewanarayana Kadhanpita Gamlathge Sanjith  
Thissa Kumara,  
116-B, Hapuwalana, Maradagahamula.
316. Menik Thanthrige Seetha Kusumalatha,  
Atempola, Hormbawa.
317. Muthunayake Pedige Mahesh Buddhika  
Somarathna,  
Pallegedara, Bogamulla.
318. Herath Mudiyansele Ayesha Chandani Herath,  
74, Kurakkan Henegedara, Katupotha.
319. Wijekoon Mudiyansele Thushari,  
103, Nawa Mawatha, Dangolla, Horombawa.
320. Illangarathna Niroshan Prabath Weerasekara,  
15 Kanuwa Road, Horombawa.
321. Aluth Durage Navodya Kaumadi,  
115/1, Pansala Asala, Diyakalamulla,  
Kuliyapitiya.
322. Hewa Buhage Viraj Thilendra,  
Pitakoratuwa, Deyyandara.
323. Herath Mudiyansele Amali Kanchana Herath,  
Ihala Elathalawa, Deegolla.
324. Dissanayaka Mudiyansele Jeewantha Pradeep  
Dissanayaka,  
Polgollewa, Kithalawa.
325. Hettiarachchige Lahiru Rangana Weerasinghe,  
Balagalla Watta, Barigoda, Kithalawa.
326. Hewa Withanage Anoma Nilmini Samarathunga,

- 72, Dangolla, Horombawa.
327. Pancharatham Kurutharsan,  
Sinthupuram, Vaddu West, Vadukkodei, Jaffna.
328. Sanmugarasa Pakeetharan,  
25, Thoppukkadu, Karainagar.
329. A. Marcus Fernando,  
Navanthurai, Jaffna.
330. Amirthalingam Kabirdj,  
Thunaivi Sangarathai Pillaiyai Kovil, Jaffna.
331. Thawarasa Piraveen,  
Santhei, Panchaththarippu, Jaffna.
332. Vallipuram Harichandran,  
Tholpuram Centre, Chulipuram, Jaffna.
333. Mankaleswaran Kartheepan,  
Ward No. 08, Nainativu, Jaffna.
334. Ariyaratnam Baheerathan,  
Punnalaikkadduvan-North,  
Punnalaikkadduvan, Jaffna.
335. Parameswaran Piratheepan,  
Elakady, Karainagar, Jaffna.
336. Malith Prabath Wijesekara,  
521, Milla Waththa, Batapola.
337. Hewawasam Aththanayakalage Amila Udaya  
Kumara Aththanayaka,  
169/2, Watinapaha.
338. Horathal Pedige Thakshila Priyadarshani  
Kithsiri,

Thawalandan, Wewagama.

339. Ambakotiya Waththe Gedara Amith Sandun,  
69/BOP 3/7, Thapotha, Dedarulla.
340. Ranthilaka Durayalage Sandun Hasintha  
Sandaruwan,  
Egodawaththa, Mehiella, Kurunegala.
341. Peruma Durayalage Ruwan Shrilal Amarasena,  
Rathmalla, Katupotha.
342. Dehiwaththage Dammika Priyadarshani  
Fernando,  
Hiripokuna, Hettipola.
343. Rajapaksha Samarasinghage Sanduni  
Chamalka Rajapaksha,  
Wimal Sewana, Kewitiya, Halmillawewa.
344. Rajapaksha Mudiyansele Anil Krishantha,  
Kandubodagama, Maeliya.
345. Herath Mudiyansele Dinesh Sanjeewa  
Herath,  
Kiriyanakalliya Road, Andigama.
346. Samarawickrama Arachchilage Charith Pubudu  
Lakmal Samarawickrama,  
Jayarajapura, Mahakumbukkadawala.
347. Kankanamalage Rasika Niranjaya Perera,  
BOP 313, 35, Negombo Road, Kurunegala.
348. Pinnala Waththage Dona Ranjith Ariyawansa,  
Ranjithpaya, Alakoladeniya, Negombo  
Road, Kurunegala.



349. Karunarathna Bandaralage Chathuranga  
Darshana Bandara,  
483/1, Darshana Niwasa, Udahawaththa,  
Mathawa, Kohilagegedara.
350. Kimbiye Liyana Gamage Mahesh Kumara,  
142/1, Yaya 4, Rajanganaya.
351. Narasinghe Ralalage Dhanishka Thissa Kumara,  
Alupothagama, Wellagala.
352. Rathnayaka Mudiyansele Mahesh Nalaka  
Karunarathna,  
Rathmulukanda Road, Magulagama,  
Magulagama.
353. Dissanayaka Mudiyansele Mahesh Lakmal  
Dissanayaka,  
Pungankulama, Mahananneriya,  
Galgamuwa.
354. Senanayake Mudiyansele Ayesha Maduwanthi  
Senanayake,  
101/4, Bakmigaha Road, Pore, Athurugiriya.
355. Keppetipola Senesh Lahiru Wickramasinghe,  
BOP 398, 6013, Abhayapura, Lankapura,  
Polonnaruwa.
356. Thirimadura Sanika Jeewani Mendis,  
Colombo Road, Welithara, Balapitiya.
357. Dasanayaka Gunarathna Basnayaka  
Mudiyansele Samith Dushantha Dasanayaka,  
Ihala Gomugomuwa, Ihala Gomugomuwa.
358. Herath Mudiyansele Amith Gunawardena,

Jayakody Watta, Ihala Gomugomuwa.

359. Kalu Arachchige Shashirangi Thanuja  
Gunarathna,  
651, Koduruwela, Narangoda.
360. Muthunayake Podidurayalage Madhuwanthi  
Harshani Wijesiri,  
Galgammulla, Wewagama.
361. Jayasinghe Mudiyanseelage Chamil Prabath  
Thilakarathna,  
85, Diyawara Gammanaya, Lassanagama,  
Golgamuwa.
362. Yapa Mudiyanseelage Saumya Kumara  
Yapabandara,  
85, Kudakathnoruwa, Meegalewa.
363. Arachchi Dewage Sanuja Kumudini  
Weerasinghe,  
Pahala Anguruwagala, Moragane.
364. Sinnakkage Lakmal Suranga,  
127, Gammana 11, Kudagama,  
Thabuththegama.
365. Mudiyanseelage Iresha Uthpala Weerakoon,  
Waththegedara, Ihala Nawagamuwa,  
Dewalagama.
366. Jayasinghe Mudiyanseelage Kasun Sajith  
Jayasinghe,  
Dorabawila, Thuththiripitiya.
367. Abesinghe Mudiyanseelage Nadeeka Jeewanthi  
Abesinghe,  
Holambaleewa, Kobeygane.

368. Herath Mudiyansele Amitha Chandani,  
Madigapandawa, Mandapola.
369. Herath Mudiyansele Asanka Bandara,  
Ariyasiri Niwasa, Herathgama,  
Moragollagama.
370. Neketh Naydalage Thakshila Dilani Samarasekara,  
Ketheewa, Hettipola.
371. Thala Bandarage Danushka Prabath Bandara,  
20/B, Niloba, Maha Oya.
372. Dissanayaka Mudiyansele Karunasena,  
35/2, Wadinagala, Ampara.
373. Pittadagama Gamlath Ralalage Shiranthika Malki  
Kumari,  
O342, AC Camp, Paraganakele.
374. Newalu Gamage Chinthaka Maduranga,  
Peranigama, Hingurana, Ampara.
375. Kawalapitige Gedara Udara Buddhika,  
813, Pansala Road, Peranigama, Hingurana.
376. Thisa Walangu Mudiyansele Saman Udaya  
Kumara,  
23A, Janapadaya, Pahalalanda, Ampara.
377. Pelama Thumpele Gedara Thushara Abeykoon,  
713,59, Ambaganawella, Paragahakele.
378. Athugal Pedige Tharanga Pathum Wishwajith,  
Thissapura, Dodayanthalawa.
379. Elangasinghe Mudiyansele Danushka Lahiru  
Sanjeewa,

- 170, Demata Ella, Dewalahida, Ampara.
380. Weerathunga Mudiyansele Niroshan Hasitha,  
24/111, Galkanda, Dewalahida.
381. Hinnelle Gedara Ruwanthika Lakmali,  
10/B/57, Damanalawa, Namal Oya,  
Ampara.
382. Jayasooriya Ralalage Kalana Madusanka,  
2/79/A, Paragahakele.
383. Edirisinghe Arachchilage Madaya Pradeep  
Senarathna,  
Karmika Janapadaya, Ampara.
384. Imihami Mudiyansele Winitha Kumari,  
Molligoda, Horombawa.
385. Dissanayaka Mudiyansele Wenura Maduranga  
Dissanayaka,  
Wasala, Daladagama, Maho.
386. Bola Gedara Ishara Pushpa Kumara,  
19, Yaya 8, Maha Ambagaswewa,  
Medirigiriya.
387. Rathnayake Mudiyansele Lahiru Sandaruwan  
Rathnayake,  
Pilessa, Pahalagama, Kurunegala.
388. Jayasooriya Mudiyansele Shyamila Sasangani  
Jayasooriya,  
Sunil Jaya Niwasa, Walgama, Yatagama,  
Rambukkana.
389. Waththe Wanasinghelage Buddhi Lakshantha  
Ranasinghe,

B27/6, Udugama, Yatagama, Rambukkana.

390. Kanugala Arachchilage Chathura Chiranjeeva

Kanugala,

Bamunumulla, Hettipola.

391. Dinusha Lakmali Walimunige,

Geeganage Waththa, Nathuwala Mawatha,

Walasmulla.

392. Weerasooriya Arachchige Chandana Priyankara,

65, Katuhena, Galagama North,

Nakulugamuwa.

393. Kandagollamada Welagedara Kumudu Irosha

Subasinghe,

Wasana, Wahupitiya, Elkaduwa, Matale.

394. Shanmugam Mireena,

Panankman, Naddan Kondel, Mankulam.

**PETITIONERS**

**Vs.**

1. Central Cultural Fund,

Sethsiripaya, Battaramulla.

2. Hon. Mahinda Rajapakse, MP,

Prime Minister and Minister of Finance,

Economic Affairs, Policy Development, Buddha

Sasana, Cultural, Water Supply and Urban

Development, Housing Facilities,

Ministry, 58, Sir Ernest De Silva Mawatha,

Colombo 07.

2A.Hon. (Prof.) Hiniiduma Sunil Senevi,

Minister of Buddha Sasana, Religious and

Cultural Affairs,  
Ministry of Buddha Sasana, Religious and  
Cultural Affairs,  
135, Srimath Anagarika Dharmapala Mawatha,  
Colombo 07.

3. Bandula Harischandra,  
Secretary,  
Minister of Buddha Sasana, Religious and  
Cultural Affairs,  
135, Srimath Anagarika Dharmapala Mawatha,  
Colombo 07.

3A.A.M.P.M.B. Atapattu,  
Secretary,  
Minister of Buddha Sasana, Religious and  
Cultural Affairs,  
135, Srimath Anagarika Dharmapala Mawatha,  
Colombo 07.

4. Gamini Adikari,  
Director General,  
Central Cultural Fund,  
Sethsiripaya, Battaramulla.

4A.(Prof.) T.M.J. Nilan Cooray,  
Director General,  
Central Cultural Fund,  
Sethsiripaya, Battaramulla.

5. Senarath Dissanayake,  
Director General,  
Department of Archaeology,  
Sir Marcus Fernando Mawatha,  
Colombo 07.

5A.(Prof.) D. Thusitha Mendis,  
Director General,  
Department of Archaeology,  
Sir Marcus Fernando Mawatha,  
Colombo 07.

**RESPONDENTS**

**BEFORE : K. M. G. H. KULATUNGA, J.**

**COUNSEL :** Saliya Pieris, P.C., with Thanuka Nandasiri, Dinithi Jayasinghe, and Dhimarsha Marso for the Petitioners, instructed by Danuka Lakmal.

Rajika Aluwihare, S.C., for the Respondents.

**SUPPORTED ON : 29.07.2025**

**WRITTEN SUBMISSIONS ON : 09.10.2025 and 20.11.2025**

**DECIDED ON : 10.12.2025**

**JUDGEMENT**

**K. M. G. H. KULATUNGA, J.**

1. 394 petitioners in this application, *inter alia*, are seeking writs of prohibition and *mandamus* as follows:
  - a. by prayer (c), grant and issue a mandate in the nature of a writ of prohibition prohibiting the respondents and/or any other person working under the respondents from recruiting and/or appointing any other person and/or persons other than the petitioners to the post of Archaeological Assistant and Watcher in the Department of Archaeology; and
  - b. by prayer (d), grant and issue a mandate in the nature of a writ of *mandamus* directing all and/or several and/or one of the respondents to reinstate the petitioners in service in the posts they held in the Central Cultural Fund or Archaeological

Department as per documents annexed to P-1 to P-394 and to make the said appointments of the petitioners permanent in terms of the Public Administration Circulars 25/2014 and 29/2014.

2. This matter was taken up for argument on 29.07.2025. Upon so concluding, post-argument written submissions were tendered on 09.10.2025 and 20.11.2025, respectively. Then, a motion dated 29.08.2025 was also filed on behalf of the 1<sup>st</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, and 7<sup>th</sup> respondents, along with which the marksheets of the interviews held in 2019 were tendered as X-1 and X-2.

### **Facts.**

3. These petitioners were initially recruited for the posts of Archaeological Assistants (labourers) on the approval of the Board of the Central Cultural Fund ("the CCF"). The said recruitment, according to the Letters of Appointment, was contractual in nature initially for a period of one year. The several petitioners were so appointed on three different occasions as follows:
  - i. 1<sup>st</sup> to 337<sup>th</sup> petitioners, with effect from 23.11.2017;
  - ii. 338<sup>th</sup> to 387<sup>th</sup> petitioners, with effect from 01.05.2018; and
  - iii. 338<sup>th</sup> to 394<sup>th</sup> petitioners, with effect from 14.02.2019.

It is the position of the petitioners that the periods of contract were subsequently extended. The said extensions lapsed as follows:

- i. 1<sup>st</sup> to 337<sup>th</sup> petitioners, until 01.02.2020;
- ii. 338<sup>th</sup> to 387<sup>th</sup> petitioners, until 01.05.2020; and
- iii. 338<sup>th</sup> to 394<sup>th</sup> petitioners, until 14.02.2020.

Accordingly, the 1<sup>st</sup> to the 337<sup>th</sup> petitioners have been serving on such contractual basis for approx. 2 years and 3 months, the 338<sup>th</sup> to the 387<sup>th</sup> petitioners for 2 years, and the 338<sup>th</sup> to the 394<sup>th</sup> petitioners for 1 year. The petitioners claim that according to clause 12 of the initial



Letters of Appointment, there was an intimation to the effect that the petitioners will be absorbed into the Department of Archaeology subject to relevant approvals. The said clause reads as follows:

“පුරාවිද්‍යා දෙපාර්තමේන්තුව මගින් කළමනාකරණ සේවා දෙපාර්තමේන්තුවට ඉදිරිපත් කර ඇති මෙම තනතුරු අනුමත වීමෙන් අනතුරුව යථා කාලයේ දී ඔබ පුරාවිද්‍යා දෙපාර්තමේන්තුවට අනුයුක්ත කිරීමට නියමිතය.”

4. According to the respondents, these recruitments on contractual basis were necessitated in order to safeguard the archaeological sites across the island, and in view of the urgency, they were so recruited on contractual basis. Recruitments on this basis had been made as there had not been cadre approval to accommodate the required number of employees at that point. To meet this exigency and due to the urgency, the 1<sup>st</sup> respondent, the CCF, has agreed to recruit the petitioners on such contract basis and assign them to the Department of Archaeology (*vide* R-1 and R-2). It is thus admitted and conceded by the respondents that the petitioners were employed on such contractual basis. However the respondents claim that it was strictly on such basis for a specific time period. The respondents also concede that such contracts initially granted were in fact extended in respect of two categories of petitioners referred to in paragraph 03 above.
  
5. The position of the respondents is that, at all material times, the petitioners were employees of the CCF. Thereafter, with the approval of the Director General of the Department of Management Services, cadre positions for 865 Archaeological Assistants and 1,000 watchers were approved within the Department of Archaeology (*vide* 4R-4). Then, by public notice dated 03.04.2019, applications were called for to fill these vacancies. The petitioners submit that, by letter P-2, dated 21.11.2018, an intimation was made that the said vacancies and positions would be filled by the Department of Archaeology, following the due interview procedure. It is thus common ground that applications were called for by P-3(1) on 03.04.2019, which was on an open competitive basis. The

petitioners admit having applied in response to the said notice for the said positions so published.

6. All the 6400 applicants have accordingly been interviewed in 2020. The petitioners allege that for five years, the said marks were not made available, including to the petitioners, and that there was no communication. It is their position that the purported marks were tendered to this Court by way of a motion dated 03.09.2025. The said list, containing the details of the applicants who obtained the cut-off mark for the respective two posts, was so made available as X-1 and X-2, by motion dated 29.08.2025. The petitioners allege that the said priority lists do not contain and/or comprise the entire mark sheet in detail and thus claim to be prejudicial to the petitioners. These lists contain only those who obtained the cut-off mark.
7. That being so, the primary argument of the petitioners is that the petitioners have a legitimate expectation arising from clause 12 of their initial Letters of Appointment, and the failure to make available the mark sheets since 2020 has caused further prejudice, and this has resulted in the continuity and prolonging of the legitimate expectation of the petitioners.
8. As opposed to this, the position of the respondents, basically, is that the petitioners' initial letters were issued by the CCF, which was purely of a contractual nature with the CCF and does not create a legitimate expectation in the petitioners to be absorbed into the permanent cadre of the Department of Archaeology.
9. The respondents also rely on the Management Services Circular No. 2 of 2020 (5R-2), which, by para 2 (viii), stipulates that the recruitment to the Primary Grade should be carried out exclusively by the newly established Multi-Purpose Development Task Force. Then, para 2 (ix) has reiterated the suspension of recruitment of the said grade by Management Services Circular No. 1 of 2020 (5R-1).

10. Then, in the course of the arguments on 29.07.2025, the learned State Counsel did submit that the Department of Archaeology has recruited 263 Watchers and 816 Archaeological Assistants, both under Grade PL(1) from the Multi-Purpose Development Task Force during the period 01.09.2023 to 28.05.2024. It was also submitted that as at 30.06.2025, a total of 1,114 vacancies in the PL(1) Grade, comprising of 293 Archaeological Assistants and 821 Watchers were available at the Department of Archaeology. It is the position of the petitioners that the said recruitments have been made in total disregard of and undermining the legitimate expectation of the petitioners. It is also averred in the written submissions of the petitioners that a considerable number of such vacancies have already been filled through external recruitment, without affording the petitioners priority or a fair opportunity for consideration. Accordingly, the learned President's Counsel for the petitioners submits that, still for all, there is a sufficient number of vacancies to accommodate all the petitioners, even at this juncture.
11. It is common ground that the petitioners have applied for the respective posts and faced an interview in or around 2020. The priority list based on the cut-off mark of 45 had been made available, marked X-1. However, due to an intervening Circular 01/2020, all recruitments had been suspended. In this backdrop, though interviews were so held and a priority list compiled, no recruitments were in fact made based on the same.
12. Accordingly, the position of the respondents is:
- a. that the petitioners are not entitled to any relief arising from the abandoned recruitment process, as its abandonment has not been challenged and no relief has been sought in that regard;
  - b. that the petitioners cannot have a legitimate expectation to be appointed to the posts merely by participating in the recruitment process;

- c. that paragraph 12 of the letters of appointment does not/cannot give rise to a legitimate expectation of permanent employment within the Department of Archaeology;
- d. that the petitioners do have a legal right enforceable in public law to be reinstated to service in terms of the letters of appointment marked P1 – P394; and
- e. that the Public Administration Circulars marked P-4(i) and P-4(ii) are not applicable to the petitioners' circumstances.

13. In view of Circular No. 01/2020 (5R-1), the interview process and recruitments were all stalled and suspended. There onwards, recruitments for the Primary Grades (PL(1), PL(2) and PL(3)) in all government public institutions were suspended. Then, by virtue of Circular No. 02/2020 (5R-2), such recruitments to the Primary Grade was carried out exclusively through the newly established Multi-Purpose Development Task Force. In these circumstances, the petitioners who were successful in the 2020 interviews were not issued with the interview results or marks. The entire process was suspended. In the interim, the periods of contract of the petitioners were all determined with the lapse of time.

### **Consideration of the application.**

14. As submitted by the learned State Counsel, it appears that, long thereafter, direct recruitments have been made from the Multi-Purpose Development Task Force and certain of the vacancies have now been filled. The issue for determination is whether the petitioners have a legitimate expectation to be appointed or recruited to the said vacancies on a permanent basis. At this juncture, it is necessary to refer to the relief sought by prayer (d). The learned State Counsel argues that the relief sought is for reinstatement, and it cannot be granted. The argument is that a reinstatement sought is based on the abandoned process of recruitment, and the petitioners have not challenged the said abandonment. However, on a careful and close perusal of prayer (d) it is

apparent that the petitioners have sought to be reinstated in service in the posts they held under P-1 to P-394 (as per the original letters of appointment and contract). However, the said relief also seeks writs of *mandamus* directing the respondents to make the said appointments of the said petitioners permanent in terms of the Public Administration Circulars marked P-4(i) and P-4(ii). These two Circulars provide for the appointment and/or making permanent those who hold certain posts on a contractual basis. The relevant portion, from P-4(ii), are as follows:

“තාවකාලික, අනියම් (දෛනික), ආදේශක, කොන්ත්‍රාත් හෝ සහන පදනම මත බඳවාගෙන ඇති සේවකයින් සඳහා ස්ථිර පත්වීම් ප්‍රදානය කිරීම

01. 2016.04.04 දිනැති රාජ්‍ය පරිපාලන චක්‍රලේඛ 25/2014(ii) මගින් අවලංගු කරන ලද ඉහත කරුණ හා සම්බන්ධව නිකුත් කර ඇති 2014.11.12 දිනැති රාජ්‍ය පරිපාලන චක්‍රලේඛ 25/2014 හා 2014.12.29 දිනැති රාජ්‍ය පරිපාලන චක්‍රලේඛ 25/2014(i) කෙරෙහි අවධානය යොමු කරවමි.
02. ඉහත 25/2014 හා 25/2014(i) දරන රාජ්‍ය පරිපාලන චක්‍රලේඛයන්හි සඳහන් සුදුසුකම් සම්පූර්ණ කළ යුතු දිනය 2019.09.01 ලෙස සලකා එදිනට සුදුසුකම් සම්පූර්ණ කර ඇති නිලධරයන් එදින සිට මෙහි පහත සඳහන් i හා ii කොන්දේසි වලට යටත්ව ස්ථිර කිරීමට හැකිවන පරිදි රාජ්‍ය පරිපාලන චක්‍රලේඛ 25/2014 හා 25/2014(i) යළි බලාත්මක කිරීමට 2019.09.17 දින පැවති අමාත්‍ය මණ්ඩල රැස්වීමේ දී තීරණය කර ඇත.
  - i. ඉහත පරිදි ස්ථිර පත්වීම් ලබා දීමෙන් අනතුරුව විශ්‍රාම වැටුප් ව්‍යවස්ථා සංග්‍රහය යටතේ විශ්‍රාම වැටුපක් සඳහා සම්පූර්ණ කළ යුතු අවශ්‍යතා සම්පූර්ණ කළ හැකි නිලධරයන් සඳහා ස්ථිර විශ්‍රාම වැටුප් සහිත පත්වීම් ලබා දීම.
  - ii. ඉහත i හි සඳහන් අවශ්‍යතා සම්පූර්ණ කළ නොහැකි නිලධරයන් සඳහා රාජ්‍ය සේවක අර්ථසාධක අරමුදල යටතේ ස්ථිර පත්වීම් ලබාදීම.
03. ඉහත පරිදි ක්‍රියාකිරීමට අදාළ පත්කිරීමේ බලධරයන් ක්‍රියා කළ යුතු ය.
04. මෙම චක්‍රලේඛය මහා භාණ්ඩාගාරයේ එකඟතාව ඇතිව නිකුත් කරන ලදී.”

To that extent, the argument of the learned State Counsel is misconceived and is not convincing. The petitioners are, in fact, seeking that they be appointed to the vacancies in respect of the relevant posts referred to in P-1 to P-394.

15. To this end, the petitioners are basing their right and entitlement primarily on legitimate expectation. Prof. Craig, in ‘Administrative Law’

(7<sup>th</sup> Ed., at p.677), defines procedural and substantive legitimate expectation as follows:

*“The phrase ‘**procedural legitimate expectation**’ denotes the existence of some process right the applicant claims to possess as the result of a promise or behaviour by the public body that generates the expectation..... The phrase ‘**substantive legitimate expectation**’ captures the situation in which the applicant seeks a particular benefit or commodity, such as a welfare benefit or a license, as the result of some promise, behaviour or representation made by the public body.”*

The ideology of ‘substantive’ legitimate expectation originated in the landmark case of **R vs. Ministry of Agriculture Fisheries and Food, ex parte Hamble (Offshore) Fisheries Ltd** (1995) 2 All ER 714, where Sedley, J., held as follows:

*“Legitimacy in this sense is not an absolute. It is a function of expectations induced by government and of policy considerations which militate against their fulfilment. The balance must in the first instance be for the policy maker to strike; but if the outcome is challenged by way of judicial review, I do not consider that the Court's criterion is the bare rationality of the policy maker's conclusion. While policy is for the policy-maker alone, the fairness of his or her decision not to accommodate reasonable expectations which the policy will thwart remains the Court's concern (as of course the lawfulness of the policy). **To postulate this is not to place the judge in the seat of the Minister...but it is equally the court's duty to protect the interests of those individuals whose expectation of different treatment has a legitimacy which in fairness outtops the policy choice which threatens to frustrate it.**” [emphasis added].*

16. The abovementioned dictum of Sedley, J. has been cited with approval in the Sri Lankan decisions of **Dayaratne vs. Minister of Health and Indigenous Medicine** (1999) 1 SLR 393, in **Nimalsiri vs. Fernando** (SC/FR/256/2010, decided on 17.09.2015), and in **M. R. C. C. Ariyaratne and others vs. Inspector General of Police and others** (SC/FR/444/2012, decided on 30.07.2019). In **M. R. C. C. Ariyaratne and others vs. Inspector General of Police and others** (supra), Prasanna Jayawardena, P.C., J., after an extensive and all-

encompassing analysis on the doctrine of legitimate expectation, cited with approval the following dicta of Dehideniya, J.'s decision in **Zamrath vs. Sri Lanka Medical Council** (SC/FR/119/2019, decided on 23.07.2019), as the rationale underlying the doctrine of legitimate expectation:

*“The legitimate expectation of a person ... further ensures legal certainty which is imperative as the people ought to plan their lives, secure in the knowledge of the consequences of their actions. The perception of legal certainty deserves protection, as a basic tenet of the rule of law which this court attempts to uphold as the apex court of the country. The public perception of legal certainty becomes negative when the authorities by their own undertakings and assurances have generated legitimate expectations of people and subsequently by their own conduct, infringe the so generated expectations.”*

17. In **R. vs. North and East Devon Health Authority, ex p Coughlan** [2001] QB 213, Lord Woolf, M.R. (giving the judgment of the Court consisting of himself, Mummery and Sedley L.JJ.), as follows:

*“Where the court considers that **a lawful promise or practice** has induced a legitimate expectation of a benefit which is substantive, not simply procedural, authority now establishes that here too the court will in a proper case decide whether to frustrate the expectation is so unfair that to take a new and different course will amount to an abuse of power.”* [emphasis added.]

The above dicta confirms that an erroneous decision cannot create a legitimate expectation. Further, in **Siriwardane vs. Seneviratne and four others** [2011] 2 SLR 1, Dr. Shirani Bandaranayake, J. (as her Ladyship then was), held as follows:

*“A careful consideration of the doctrine of legitimate expectation, clearly shows that, whether an expectation is legitimate or not is a question of fact. This has to be decided not only on the basis of the application made by the aggrieved party before court, but also **taking into consideration whether there had been any arbitrary exercise of power by the administrative authority in question.**”* [emphasis added.]

18. Being mindful of the aforesaid, I will now consider if clause 12 of the letters P-1 to P-394 creates a legitimate expectation. This clause certainly does hold out that upon the approval of the said posts by the Department of Management Services, the petitioners are due to be attached to the Department of Archaeology in due course. This is a clear holding out that at some point in time, upon the cadre approval, the petitioners will be attached to the Department of Archaeology. The determinate factor specifically referred to therein is the approval of the said posts by the Department of Management Services. The learned State Counsel argues that this is a mere information and not a promise of permanent employment.
19. The plain reading of the said clause simply means what it says, and that's no more and no less than that the attachments will be made to the Department of Archaeology upon the realisation or receiving of cadre approval. These petitioners have been appointed on contract basis to two specific posts. The cadre approval was to be obtained in the future. When the petitioners are informed that attachment would be made with the approval, that means that they will be so appointed. This certainly creates an expectation, and as it is based on a lawful basis, to my mind, it is legitimate *per se*.
20. I will now consider if the sequence of events that is common ground between the parties in fact is sufficient to create such a legitimate expectation. The starting point is the initial letters of appointment, P-1 to P-394. The petitioners have been serving between 1 – 3 years in such posts and positions. The learned State Counsel does inferentially argue that the said letters of appointment were not given by the Department of Archaeology, but the CCF. The argument is that in the absence of any direct holding out, promise, or representation by the Department of Archaeology, the petitioners cannot have a legitimate expectation which would bind the Department of Archaeology. To this end, I observe that 4R-1 is relevant. This is a letter written by the Director General of the



Department of Archaeology, dated 04.09.2017, to the Director General of the CCF. Paragraphs 1 and 4 read as follows:

“01. ගරු අධ්‍යාපන අමාත්‍යතුමාගේ ප්‍රධානත්වයෙන් සහ අමාත්‍යාංශ ලේකම්තුමාගේ සහභාගීත්වයෙන් පැවති ප්‍රගති සමාලෝචන රැස්වීමේදී ශීර්ෂගත කරුණ සම්බන්ධයෙන් තීරණය කළ පරිදි පුරාවිද්‍යා ස්ථාන සඳහා ඔබ ආයතනය මගින් සේවකයින් බඳවා ගැනීමෙන් පසු පුරාවිද්‍යා දෙපාර්තමේන්තුව වෙත අනුයුක්ත කිරීමට තීරණය කරන ලදී.

...

04. ඔවුන් පසු කාලයක දී පුරාවිද්‍යා දෙපාර්තමේන්තුවට අන්තර්ග්‍රහණය කර ගැනීමේ හැකියාව පිළිබඳව කාර්යය මණ්ඩල තොරතුරු කළමණාකරන සේවා දෙපාර්තමේන්තුව වෙත ඉදිරිපත් කරනු ලබන හෙයින් මෙයට අමුණා ඇති බඳවා ගැනීමේ පටිපාටියේ සුදුසුකම් ලත් අය පමණක් බඳවා ගැනීමට කටයුතු කිරීම සුදුසු වේ.”

21. According to which, the Director General of Archaeology has informed that upon a discussion held with the Minister and the Secretary, it has been decided that the persons who may be recruited to the CCF, upon being so recruited, would be attached to the Department of Archaeology. Further it has also been stated by the Director General, in no uncertain terms, that the said recruitments to the CCF be made in accordance with the scheme of recruitment of persons with the requisite qualifications, as such persons are due to be absorbed to the Department of Archaeology. This, as I see, is a clear holding out by the Director General of Archaeology that, in fact, the petitioner, in due course, would be absorbed.

22. The use of the words ‘attach’ (‘අනුයුක්ත’) and ‘absorb’ (‘අන්තර්ග්‍රහණය’) in this letter is very significant and relevant. ‘Attach’ is defined in the Black’s Law Dictionary (8<sup>th</sup> Ed.) as follows:

**“attach** *vb.* **1.** *To annex, bind or fasten.*”

As for attachment in the context of employment, it will mean that upon the recruitment to the CCF, such persons will, at some point, be annexed to or taken over by the Department of Archaeology. Then, the word ‘absorption’, used in paragraph 4, clearly establishes that the future attachment to the Department of Archaeology goes beyond a mere ‘appointment’. An appointment will contemplate a form of employment

in the first instance. However, ‘absorption’ will presuppose some form of appointment with one agency (the CCF) that would be regularised within the Department of Archaeology, which would contemplate a form of merger between the employment in the CCF and the Department of Archaeology. According to the Black’s Law Dictionary (8<sup>th</sup> Ed.), ‘absorption’ is defined as follows:

*“**absorption** n. **1.** The act or process of including or incorporating a thing into something else. ... **3.** Labor Law. In a postmerger collective-bargaining agreement a provision allowing seniority for union members in the resulting entity.”*

Such attachment and absorption may then entail or require the issuance of a formal letter at that point, which will intimate the said attachment and absorption.

23. Next, the Board Paper 4R-2A, bearing No. 204.12.1, becomes relevant.

The subject of this Board paper is the recruitment of watchers and labourers for the archaeological sites and the protection of archaeological artefacts. This Board Paper confirms that which is stated in paragraphs 1 and 4 of 4R-1. The said Board Paper specifically provides that these recruitments are specifically until the approval of the cadre of the Department of Archaeology. Similarly, the Director General of Archaeology has, by 4R-4, once again intimated that the proposed cadre increase had been approved, and as there may be a delay in recruitment, the period of contract of the labourers and watchers, who were recruited by the CCF, be extended. In this backdrop, in 2019, interviews have been called for to fill in the vacancies for the posts of Archaeological Assistants and Watchers in the Department of Archaeology. It appears that the petitioners have submitted themselves to the said interviews. The mark sheet of the candidates who secured the required cut-off mark was tendered to this Court marked X-1 and X-2. According to which, 98 petitioners have been successful in obtaining the cut-off mark. The said petitioners are the 1st, 18th, 21st, 43rd, 49th, 50th, 58th, 60th, 61st, 63rd, 65th, 66th, 79th, 80th, 81st, 84th, 91st,

94th, 99th, 104th, 107th, 120th, 121st, 125th, 126th, 127th, 133rd, 142nd, 148th, 151st, 152nd, 155th, 156th, 157th, 158th, 160th, 169th, 171st, 175th, 180th, 183rd, 188th, 194th, 196th, 199th, 200th, 208th, 209th, 215th, 216th, 217th, 218th, 220th, 227th, 231st, 233rd, 235th, 247th, 251st, 253rd, 256th, 258th, 261st, 267th, 269th, 273rd, 279th, 285th, 286th, 290th, 292nd, 294th, 295th, 296th, 302nd, 306th, 315th, 316th, 317th, 322nd, 323rd, 336th, 337th, 341st, 342nd, 344th, 345th, 347th, 348th, 350th, 353rd, 354th, 356th, 364th, 366th, 384th, 386th, and 390th petitioner.

24. It is upon the said interviews by a circular dated 21.02.2020, bearing No. 1/2020, the Ministry of Finance and Policy Development has made a general directive in respect of recruitments to the State, as well as to State Institutions, by which all recruitments will continue to be suspended. Paragraph 2 of the said Circular specifically provides that all recruitments to categories PL-1, PL-2, and PL-3 would continue to be suspended. Paragraph 2 provides as follows:

“ඒ අනුව සියලුම අමාත්‍යාංශ, දෙපාර්තමේන්තු සහ ඒ යටතේ වන සියලුම ආයතනයන්හි ප්‍රාථමික සේවා ගණයේ (PL-1, PL-2 සහ PL-3) දැනට පවතින සියලුම පුරප්පාඩු සඳහා බඳවාගැනීම් නැවත දැනුම් දෙන තුරු අත්හිටුවීමට 2020.01.22 දින පැවති අමාත්‍ය මණ්ඩල රැස්වීමේදී තීරණය කර ඇති අතර එකී තීරණය පරිදි කටයුතු කිරීමට පියවර ගත යුතුය.”

25. Then, by Circular No. 2/2020, dated 26.10.2020, issued by the Ministry of Finance and Policy Development, provided for the recruitment to the approved cadre of persons and filling of vacancies thereto. According to paragraph 2(viii) thereof, it provides as follows:

“ප්‍රාථමික සේවා ගණයේ (PL) තනතුරු සඳහා අවශ්‍ය සේවක පිරිස් බහුකාර්ය සංවර්ධන කාර්යසාධක බලකා දෙපාර්තමේන්තුව මගින් ලබාදීමට තීරණය කර ඇත.”

This requires that all recruitments to the PL category be made through the Multi-Purpose Development Task Force. These circulars have also been tendered by the respondents by motion dated 12.06.2023, marked once again as X-1 and X-2. The position of the respondents is that in view of the said circulars, the recruitment of the petitioners, including

those who were successful at the interviews held in 2019, could not be processed and made. Accordingly, the learned State Counsel argues that the petitioners are thus not entitled to seek employment as prayed for.

26. I will now consider this argument in the light of the events that transpired between 2019 and 2021. At the very outset, the petitioners have certainly been recruited on contract basis by the CCF for the specific purpose and object of them being employed for the purposes of the Department of Archaeology. The use of the words 'attachment' and 'absorption' clearly puts it beyond doubt that the petitioners, though recruited on contract basis by the CCF, were in fact so recruited on behalf of the Department of Archaeology, at least to the extent that the persons so recruited whilst being physically employed at various archaeological sites were intended to be so absorbed and attached to the Department of Archaeology upon the cadre approval. In these circumstances, the petitioners certainly will have the expectation of being attached and absorbed to the Department of Archaeology without any other interview or examination. However, by 4R-4 and 4R-5, there appears to have been a change that such persons may be required to face an interview. It is in view of this change of policy and procedure that the petitioners have applied and faced the interviews in 2019.

27. Up until such time, all the petitioners did have a legitimate expectation of being absorbed to the Department of Archaeology. However, the petitioners, by voluntarily submitting themselves to the 2019 interviews, have, by their act and deed of so submitting, agreed to abide by the outcome of such an interview. Therefore, the petitioners, unless they were successful in obtaining the cut-off mark, would forfeit and lose their legitimate expectation to be recruited on the strength of the original letters. However, as for the 98 petitioners who were successful, their right to be recruited on the said interview and the said legitimate expectation would continue, and they are entitled to demand that they be recruited.

28. It is thereafter that circulars No. 1/2020 and 2/2020, X-1 and X-2, submitted with motion dated 12.06.2023, come into operation. Strangely, there is a drastic change of policy as to the source of drawing persons for appointments to the category PL-1. The eligibility for recruitment is limited to those who were in the Multi-Purpose Development Task Force. By this process, the respondents have effectively disentitled and prevented the petitioners from being eligible to the said vacancies in the PL-1 to PL-3 posts. There is no reason or rationale forthcoming for this change of policy except that the persons in the said Task Force are, as claimed by the learned State Counsel, persons with some training and orientation.

29. As stated hereinabove, the petitioners in fact possessed the required qualifications, and at least a year's experience in the respective positions cannot per se be found or deemed not to have the minimum requisite aptitude or competence to be recruited to such positions. On the face of it, a sudden change of policy has certainly denied and violated the legitimate expectation of the petitioners, particularly those 98 petitioners who were successful at the interviews. The said circular No. 02/2020, along with the decision to follow the same, appears to be *mala fide*. In the absence of any express rationale or reason, it appears to be so implemented either to deliberately prevent the petitioners from being eligible or for some other extraneous reason. Even if it may not be express malice in acting so, there is, in the least, malice in law, which, according to 'Principles of Administrative Law' by Jain and Jain (8<sup>th</sup> Ed., at page 594), is as follows,

*“Mala fide exercise of power **does not necessarily imply any moral turpitude as a matter of law.** It only means that the statutory power is exercised for purposes foreign to those for which the law intended.”* [emphasis added].

Then also, Wade & Forsyth in 'Administrative Law' (11<sup>th</sup> Ed., at page 354) where the author states as follows,

*It is extremely rare for public authorities to be found guilty of intentional dishonesty: normally they are found to have erred, if at all, by ignorance or misunderstanding. **Yet the courts constantly accuse them of bad faith merely because they have acted unreasonably or on improper grounds.** Again and again it is laid down that powers must be exercised reasonably and in good faith. **But in this context ‘in good faith’ means merely ‘for legitimate reasons’.** Contrary to the natural sense of the words, they impute no moral obliquity.” [emphasis added].*

Then at page 355,

*“And Lord Greene MR...**treated bad faith as interchangeable with unreasonableness and extraneous considerations.** Bad faith therefore scarcely has an independent existence as a distinct ground of invalidity.” [emphasis added].*

30. Accordingly, on the one hand, the 98 petitioners who had a legitimate expectation of being recruited has been denied and their expectations violated. Similarly, the decision to change the policy by Circular No. 02/2020 cannot be said to have been done in good faith, and in any event, is unreasonable vis-à-vis the said 98 petitioners, as it appears that the same was for an extraneous consideration and made in bad faith, to that extent. Even if this does not necessarily imply any moral turpitude, such exercise of power is *mala fide* as a matter of law.

## **Conclusion.**

31. Accordingly, I hold that the 98 petitioners hereinafter mentioned are entitled to the relief as follows, in respect of prayer (d). A writ of *mandamus* is accordingly issued directing the respondent 5A, the Director General of the Department of Archaeology, to appoint the 1st, 18th, 21st, 43rd, 49th, 50th, 58th, 60th, 61st, 63rd, 65th, 66th, 79th, 80th, 81st, 84th, 91st, 94th, 99th, 104th, 107th, 120th, 121st, 125th, 126th, 127th, 133rd, 142nd, 148th, 151st, 152nd, 155th, 156th, 157th, 158th, 160th, 169th, 171st, 175th, 180th, 183rd, 188th, 194th, 196th, 199th, 200th, 208th, 209th, 215th, 216th, 217th, 218th, 220th, 227th, 231st, 233rd, 235th, 247th, 251st, 253rd, 256th, 258th, 261st, 267th,

269th, 273rd, 279th, 285th, 286th, 290th, 292nd, 294th, 295th, 296th, 302nd, 306th, 315th, 316th, 317th, 322nd, 323rd, 336th, 337th, 341st, 342nd, 344th, 345th, 347th, 348th, 350th, 353rd, 354th, 356th, 364th, 366th, 384th, 386th, and 390th petitioners to the respective posts such petitioner has been successful at the interviews as depicted in X-1 and X-2. The said appointments are to be made with effect from a date preceding the date on which appointments were made to these posts, upon the cadre approval. However, the said petitioners will not be entitled to any payments of wages or other emoluments for the said period until the actual assumption of duties. However, the said period of service be considered in determining the salary, emoluments, and other entitlements as at the date of actual assumption of duties upon appointments being made as per this Judgement. The prayer seeks a *mandamus* to make the petitioners permanent in terms of the Public Administration Circulars No. 25/2014 and 29/2019. However, as relief is granted on the basis of the interviews held in 2019, *vide* X-1 and X-2, the writ is issued in the aforesaid form, which this Court is empowered and authorised to do, considering the relief that was prayed for. However, as the relief by way of *mandamus* is so granted, the consideration of relief prayed for by prayer (c) does not arise. Accordingly, the same is not granted.

32. Relief as aforesaid is hereby granted to the 98 petitioners, namely the 1st, 18th, 21st, 43rd, 49th, 50th, 58th, 60th, 61st, 63rd, 65th, 66th, 79th, 80th, 81st, 84th, 91st, 94th, 99th, 104th, 107th, 120th, 121st, 125th, 126th, 127th, 133rd, 142nd, 148th, 151st, 152nd, 155th, 156th, 157th, 158th, 160th, 169th, 171st, 175th, 180th, 183rd, 188th, 194th, 196th, 199th, 200th, 208th, 209th, 215th, 216th, 217th, 218th, 220th, 227th, 231st, 233rd, 235th, 247th, 251st, 253rd, 256th, 258th, 261st, 267th, 269th, 273rd, 279th, 285th, 286th, 290th, 292nd, 294th, 295th, 296th, 302nd, 306th, 315th, 316th, 317th, 322nd, 323rd, 336th, 337th, 341st, 342nd, 344th, 345th, 347th, 348th, 350th, 353rd, 354th, 356th, 364th, 366th, 384th, 386th, and 390th petitioners. As to the

applications of the other petitioners, they are hereby refused and rejected, as they have failed to establish a legal basis which entitles them to any relief.

33. The applications of the said 98 petitioners are allowed, and relief is granted to that extent, and of the others are dismissed. However, I make no order as to costs.

Some applications are partially allowed.

**JUDGE OF THE COURT OF APPEAL**