

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

In the matter of an application under and in
terms of Articles 17 and 126 of the Constitution

Mr. M.N.M. Nafees

54/3, Haskampola,

Siyambalagaskotuwa.

Petitioner

SC /FR/ Application No. 56/2018

Vs,

1. Hon. Lakshman Kiriella MP

The Minister of Higher Education,

No. 18, Ward Place, Colombo 07.

1A. Hon. Kabir Hashim MP

The Minister of Higher Education,

No. 18, Ward Place, Colombo 07.

Substituted 1A Respondent

1B. Wijeydasa Rajapakshe MP

The Minister of Higher Education,

No. 18, Ward Place, Colombo 07.

Substituted 1B Respondent

1C. Hon Bandula Gunawardena MP

The Minister of Higher Education and

Cultural Affairs,

No. 18, Ward Place, Colombo 07.

Substituted 1C Respondent

1D. Hon. Prof. G.L. Peris

The Minister of Higher Education,
No. 18, Ward Place, Colombo 07.

Substituted 1D Respondent

1E. Hon. Dinesh Gunawardena MP

The Minister of Higher Education,
The Ministry of Higher Education,
No. 18, Ward Place, Colombo 07.

Substituted 1D Respondent

2. University Grants Commission

No. 20, Ward Place, Colombo 07.

3. Prof. Mohan de. Silva,

The Chairman,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

3A. Prof. Sampath Amarathunga

The Chairman,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

Substituted 3A Respondent

4. Prof. P.S.M. Gunarathne

Vice Chairman,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

4A. Prof. Janitha A. Liyanage

Vice Chairman,

University Grants Commission,

No. 20, Ward Place, Colombo 07.

Substituted 4A Respondent

5. Prof. Malik Ranasinghe

The Member,

University Grants Commission,

No. 20, Ward Place, Colombo 07.

5A. Prof. Kollupitiye Mahinda

Sangharakhitha Thero

The Member,

University Grants Commission,

No. 20, Ward Place, Colombo 07.

Substituted 5A Respondent

6. Dr. Wickrema Weerasooriya

The Member,

University Grants Commission,

No. 20, Ward Place, Colombo 07

6A. Senior Prof. A.K.W. Jayawardane

The Member,

University Grants Commission,

No. 20, Ward Place, Colombo 07.

Substituted 6A Respondent

7. Prof. Hemantha Senanayake
The Member,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

7A. Prof. Premakumara de. Silva
The Member,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

Substituted 7A Respondent

8. Dr. Ruviaz Haneefa
The Member,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

8A. Mr. Palitha Kumarasinghe
The Member,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

Substituted 8A Respondent

9. Prof. R. Kumaravadivel
The Member,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

9A. Prof. Mrs. Vasanthi Arasarathnam
The Member,
University Grants Commission,
No. 20, Ward Place, Colombo 07.

Substituted 9A Respondent

10. Mr. P.K.G. Harischandra

The Treasury Representative
University Grants Commission,
No. 20, Ward Place, Colombo 07.

10A. Mr. A.R.H.W.A. Kumarasiri

The Treasury Representative
University Grants Commission,
No. 20, Ward Place, Colombo 07.

Substituted 10A Respondent

11. Dr. Priyantha Premakumara

The Secretary to the Commission
University Grants Commission,
No. 20, Ward Place,
Colombo 07.

12. Mrs. Shalika Ariyaratne

Senior Assistant Secretary for Secretary
University Grants Commission,
No. 20, Ward Place, Colombo 07.

12A. Mrs. C. Gunawardena

Senior Assistant Secretary for Secretary
University Grants Commission,
No. 20, Ward Place, Colombo 07.

Substituted 12A Respondent

13. Mr. B. Sanath Poojitha

The Commissioner General of Examinations
Department of Examinations,
Pelawatta, Battaramulla.

14. Mrs. P.K.S. Dhammika de. Silva

Assistant Examination Commissioner (Inquiry)
Department of Examinations,
Pelawatta, Battaramulla.

15. Mr. M.M. Nawash

Former Principle,
A/ Kahatagasdigiya MMV, Kahatagasdigiya.

16. Mr. S.A.M. Sahabdeen

The Principle,
A/ Kahatagasdigiya MMV, Kahatagasdigiya.

17. Hon. Attorney General

Attorney General's Department
Colombo 12.

Respondents

Before: Justice Vijith K. Malalgoda PC
Justice Yasantha Kodagoda PC
Justice Mahinda Samayawardhena

Counsel: Rushdhie Habeeb with Rizwan Uwais, Sachini Wickramasinghe and Shahla Rafeek instructed by Thakshila Serasinghe for the Petitioner
Indika Demuni De Silva, PC, SG, with I. Randeny, SC, for the 1E, 13th, 14th and 17th
Respondents
Kuvera De Zoysa, PC with Nilantha Kumarage for the 2nd to 12th Respondents

Written Submissions On:

By the Petitioner	: 30.07.2021
1E, 13th, 14th, 17th Respondents	: 13.07.2021
2nd to 12th Respondents	: 12.10.2021

Further Written Submissions On:

By the Petitioner	: 22.04.2022
2nd to 12th Respondents	: 02.06.2022

Argued on : 08.12.2021, 15.03.2022 and 24.03.2022

Judgment on : 29.09.2022

Vijith K. Malalgoda PC J

Petitioner to the instant application namely Muhammdu Nawfer Muhammad Nafees had complained the violation of his fundamental rights guaranteed under Article 12 (1) and 12 (2) of the Constitution by not allowing the Petitioner to submit his application to the University Admission for the Academic year 2017/2018 based on the results in General Certificate of Education (hereinafter referred to as G.C.E.) Advance Level 2017. The Petitioner had further sought relief in order to gain admission to the University based on results he obtained in G.C.E. (Advance Level) for the year 2017.

According to the Petitioner, he sat for his G.C.E. (Ordinary Level) Examination in Tamil medium from Ku/Giri/ Madeena National School in the year 2013. He obtained seven "A" Passes and one "B" pass in the said examination. Even though the Petitioner is silent as to whether he commenced following G.C.E (Advance Level) Classes in the same school, he has taken up the position that he left Ku/Giri/ Madeena National School on 7th August 2014 and got admitted to A/ Kahatagasdigiliya Muslim Maha Vidyalaya (hereinafter referred to as A/ Kahatagasdigiliya MMV) to follow G.C.E (Advance Level) Classes in Physical Science stream.

According to the Petitioner, his sister was studying in the medical faculty of the Rajarata University in Anuradhapura and that was one reason for his family to move into Anuradhapura. Since the Petitioner was registered as a Tamil medium student even at the G.C.E. (Ordinary Level) Examination, the availability of good tuition classes in Tamil medium at Vauniya which is a closer destination to

Anuradhapura was another reason for the Petitioner's Family to temporarily moved into Anuradhapura.

The Petitioner followed G.C.E. (Advance Level) Classes at A/ Kahatagasdigiliya MMV in Tamil medium and sat for his G.C.E. (Advance Level) Examination in August 2016 as a school candidate.

In order to establish his school candidature from A/ Kahatagasdigiliya MMV Petitioner relied upon the school leaving certificate (P-11) official statement of the General Information Technology Examination for the year 2015 as a school candidate (P-5) and the results of the Individual and Group Projects which were submitted as a school candidate for the G.C.E. (Advance Level) Examination in 2016. (P-8)

The results of the said examination were released in January 2017, but the Petitioner's result was withheld and by letter dated 06.01.2017, Department of Examinations informed the Petitioner to be present for an inquiry on 14.02.2017 at the Department of Examinations Pelawatta.

The Petitioner was also summoned for another inquiry by the Provincial Department of Education North Central Province by letter dated 10.01.2017.

As submitted by the Petitioner, he appeared before the inquiry officers in both the above inquiries and made a statement at the inquiry held in the Provincial Department of Education. The 4th Respondent who conducted the inquiry at the Department of Examinations, after the inquiry informed the Petitioner that his results would be released without the District Rank.

Petitioner was informed of his results as 1A and 2Cs' and letter issued with the printed results sheet dated 27.04.2017 with the following results.

1. Combined Mathematics - A pass
2. Physics - Credit pass
3. Chemistry - Credit pass

In the meantime, Petitioner applied for the University admission for the academic year 2016/2017 based on the above results and secured admission for the Physical Science stream at Sri Jayawardenapura as well as Peradeniya Universities (P 10A- 10B)

Since the Petitioner was not interested in following the Physical Science stream and was only interested in following Engineering stream, he did not register at any of the above Universities, but

decided to sit for the G.C.E. (Advance Level) Examination once again. As the Petitioner had already left A/ Kahatagasdigiya MMV after sitting for G.C.E. (Advance Level) Examination, decided to sit for the G.C.E. (Advance Level) Examination 2017 as a private candidate from the Kurunegala District.

The Petitioner had obtained 1A (Distinction pass) and 2Bs' (Very Good Passes) with 1.6985 Average "Z" score and passed the above examination obtaining 122nd place in the District Rank and 1389th in the Island Rank.

The University Grants Commission (hereinafter referred to as U.G.C) had called for online applications for University Admission for the academic year 2017/2018 from the eligible candidates who sat for G.C.E (Advance Level) Examination in 2017. The said notice was published somewhere around 5th January 2018 and the closing date for applications was 2nd February 2018.

Somewhere around the 9th January the Petitioner logged the website of the U.G.C. to apply for the University Admissions for the academic year 2017/2018 based on his results 2017, but when the Petitioner entered his basic information such as the National Identity Card Number, Index Number etc. an error message appeared indicating that the Petitioner is not eligible for University Admission under Clause 1.7 of the Admission Handbook.

As understood by the Petitioner, Clause 1.7 of Handbook referred to the categories of students do not qualify for University Admission as internal students and since the Petitioner does not fall under any category referred to in the said Clause, the Petitioner visited the U.G.C on 10th January to inquire the reasons for the error message received by him.

When the Petitioner visited the U.G.C. and met the 12th Respondent, he learnt that there was an issue with regard to his first attempt in 2016, whether he attended A/ Kahatagasdigiya MMV throughout the academic year or not, and the Petitioner was asked to submit a show cause letter immediately. Even though the Petitioner was not prepared to reply any allegation, he drafted a letter in Tamil Language and handed over it to the 12th Respondent. (P-17)

The Petitioner has once again forwarded an appeal to the U.G.C on 15.01.2018 (P-18) but he was not informed of any decision by the U.G.C.

In the said circumstances the Petitioner filed the instant application for alleged violations of his Fundamental Rights guaranteed under Article 12 (1) and 12 (2) of the Constitution. This Court having

considered the material placed before it, had granted leave to proceed for the alleged violation under Article 12 (1) on 3rd April 2018.

As observed by this court, the Respondents before Court belongs to two categories and the Petitioner even though had not sought any relief from one set of Respondents including the 13th and the 14th Respondents, had claimed relief from the other set of Respondents including the U.G.C., its members and some officials.

U.G.C. is established under the University Act 1978 and is responsible under the said Act for the Planning and coordination of University education, allocation of fund to Higher Education Institutions, Maintenance of academic standards and regulations of admission of students to the Higher Education Institutions, but has no role to play with the affairs of schools and conducting G.C.E. (Advance Level) Examination. U.G.C. takes over only, once a student express interest in applying to a University based on the results obtained at the G.C.E. (Advance Level) Examination and upon submission of the required information and the documentation.

The 13th and 14th Respondents, namely the Commissioner General of Examinations and the Assistant Examination Commissioner (Inquiry) were represented by the Hon. Attorney General before this Court. The other Respondents namely the 2nd to the 12th Respondents were represented by the President's Counsel. When considering the material placed by both parties, it appears that the examination process which was the base for the University selection was not challenged before Court but some aspect of the selection criteria which is based on the University selection guideline for undergraduate courses 2017-2018 (hereinafter referred to as admission guideline 2017-2018) was questioned before this Court. However, the Petitioner had not challenged the provisions with regard to the selection criteria based on the 'Z' score obtained by the candidates, identified in the Admission Guidelines 2017-2018.

In order to understand, the grievance complained by the Petitioner and its existence, it is necessary to identify the factual matrix as explained by the Respondents before this Court.

As submitted by the 13th Respondent, he wrote to the Provincial Director of Education North Central Province in January 2017 requesting information with regard to the candidates who sat for the G.C.E. (Advance Level) Examination 2016 fraudulently from the North Central Province. This letter was sent as a formality prior to the release of the Examination Results. (13R1) In response to the above request Provincial Director of Education North Central Province submitted, a list of 22 students who sat for

the G.C.E. (Advance Level) Examination 2016 from A/ Kahatagasdigiliya MMV and informed that it was revealed from an inquiry conducted by the said Department, that the above candidates were not residents of Anuradhapura District and sat for the above examination in violation of the Education Department Circular 2008/17. (13R2) The name of the Petitioner, his National Identify Card Number and the Index Number appeared in place 12 of the said letter.

Subsequent to the receipt of the said letter, the candidates whose names appeared in the letter including the Petitioner were summoned for an inquiry at the Examinations Department. All the candidates except one, appeared before the Examinations Department and their statements were recorded. After the said inquiry it was decided to release the results of those who appeared before the Examinations Department without their District Rank (including the Petitioner's results) and the said decision was communicated to the U.G.C. by letter dated 19.06.2017. (13R5)

Similar steps were taken with regard to the candidates who sat for the said examination fraudulently from several other Districts and altogether 80 names were forwarded to the U.G.C. by the Examinations Department.

By letter dated 07.07.2017 U.G.C. had informed the 13th Respondent that, out of 80 names provided, only 28 had applied for University Entrance 2016/2017, and a request was made to provide information with regard to any fraudulent activities by any such candidate when sitting for the G.C.E. (Advance Level) Examination 2016-2017.

The following information was provided with regard to the Petitioner by the U.G.C. in the said letter,

<u>විභාග අංකය</u>	<u>නම</u>	<u>දිස්ත්‍රික්කය</u>	<u>Z අගය</u>	<u>තේරී ඇති පාඨමාලාව</u>
2993058	මුහම්මඩ් නවීන් මොහොමඩ් නරීස්	අනුරාධපුර	1.2541	භෞතික විද්‍යාව

<u>විශ්ව විද්‍යාලය</u>	<u>පාසලේ සිටි කාලය</u>	<u>විදුහල්පතිගේ නම</u>
ශ්‍රී ජයවර්ධනපුර	10/08/2014 - 31/07/2016	S.A.M. සහඹවීන්

Based on the above request, the 13th Respondent had written to the relevant authorities to provide him with necessary information to be submitted to U.G.C. and by letter dated 26.07.2017 Provincial Director of Educations North Central Province submitted the following information with regard to the Petitioner. (13R8B)

03. ඇමුණුම අංක 01 හි සඳහන් මුහම්මද් නවීන් මුහම්මද් නරීස් ශිෂ්‍යාගේ සහ ඔහුගේ පියා වන සාහුල් හමීඩ් මොහමඩ් නවීන් මහතාගේ ප්‍රකාශය අනුව ඔවුන්ගේ ස්ථීර පදිංචිය කුරුණෑගල දිස්ත්‍රික්කයේ 54/3, හස්කම්පොල, සියඹලාගස්කොටුව වේ. ඔවුන් අනුරාධපුර දිස්ත්‍රික්කයේ ස්ථීර පදිංචිව නොසිටි බවත් කහටගස්දිගිලිය විදුහල අසල නිවසක කාවකාලිකව නැවතී සිට පාසල් ගිය බවත් ප්‍රකාශ කර ඇත. අ.පො.ස. (සා.පෙළ) විභාගයට 2013 වර්ෂයේ සියඹලාගස්කොටුව කුරු/ගිරි/ මදිනා ජාතික පාසලෙන් පෙනී සිට ඇත. ශිෂ්‍ය කාර්ය දර්ශකයට අනුව 2014.08.07 පාසලෙන් ඉවත්වූ බව සටහන් කර ඇති අතර කහටගස්දිගිලිය මුස්ලිම් විදුහලේ 2014 වර්ෂයට අදාල ඇතුලත් වීමේ ලේඛනයට නම ඇතුලත් කර නොතිබිණි. පසුව 2009 වර්ෂයට අදාල ඇතුලත් වීමේ ලේඛනයට නම ඇතුලත් කර තිබිණි. පැමිණීම තහවුරු කිරීම සඳහා ඇති එකම ලේඛනය පාසලේ පැමිණීමේ සහතිකය වන අතර ගණිත අංශයට අදාල 2014/15 පැමිණීමේ ලේඛනයේ නම සඳහන්ව ඇති අතර 2016 පෙබරවාරි 01 දින සිට 2016 මැයි 31 දක්වා පැමිණීම ලකුණු කර ඇත. අධ්‍යාපන අමාත්‍යාංශ චක්‍රලේඛ 17/2008 ට අනුව පිට පළාත් වලින් අ.පො.ස. (සා.පෙළ) විභාගයට පෙනී සිටි සිසුන් දුෂ්කර දිස්ත්‍රික්ක වල උසස් පෙළ පන්ති සඳහා ඇතුලත් කිරීමේ දී පළාත් අධ්‍යාපන අධ්‍යක්ෂකගේ අනුමැතිය හෝ 6 වන ඡේදය සඳහා සුදුසුකම් සම්පූර්ණ කර නොතිබුණි. එමෙන්ම පැමිණීමේ ලේඛන එකම පැනකින් එකම දිනක පැමිණීම ලකුණු කළ බවට අනාවරණය කරගෙන ඇත.

The above information was provided to the U.G.C. by the 13th Respondent but the U.G.C. was not happy with the information provided (with regard to all candidates) in order to identify the district for University admission of each candidate and requested confirmation with regard to the period each candidate had studied in the district in question. The following information was provided with regard to the Petitioner by the U.G.C. (13R 9A and B)

<u>විභාග අංකය</u>	<u>නම</u>	<u>විශ්ව විද්‍යාල ප්‍රවේශ දිස්ත්‍රික්කය</u>	<u>Z අගය</u>
2993058	මුහම්මඩ් නවීන් මොහොමඩ් නරීස්	අනුරාධපුරය	1.2541

<u>පාසලේ සිටි කාලය</u>	<u>විදුහල්පතිගේ නම</u>
10/08/2014 -31/07/2016	S.A.M. සහබඩින්

When the said information requested by the U.G.C. was conveyed to the Provincial Director of Education Anuradhapura by the 13th Respondent, to following information was provided by him through letter dated 28.08.2017.

“අ/කහටගස්දිගිලිය මුස්ලිම් මහා විද්‍යාලයේ පවත්වාගෙන ගිය පැමිණීමේ ලේඛන අනුව පහත නම් සඳහන් සිසුන් පාසල් පැමිණි කාල සීමාව ඇතුලත් කොරතුරු මේ සමඟ ඉදිරිපත් කරමි.

1. මුහම්මඩ් නවීන් මොහොමඩ් නරීස් - 2016.02.01- 2016.05.31
2.

අධ්‍යාපන අමාත්‍යාංශ ලේඛණයේ අංක 17/2008 වක්‍ර ලේඛය උල්ලංචනය කරමින් මෙම සිසුන් පාසලට ඇතුළත්කරගෙන ඇති බවත් පැමිණීමේ ලේඛන ලකුණු කිරීම එකම දිනක පසුව සිදු කල බවට කරුණු අනාවරණය වන බවත් සිසුන්ගේ ප්‍රකාශ වලට අනුව පැමිණීමේ ලේඛනයේ සඳහන් පරිදි සිසුන් පාසලේ පැමිණ නොමැති බවත් අනාවරණය වී ඇති බව වැඩි දුරටත් කාරුණිකව දන්වා සිටිමි.”

by letter dated 21.09.2017 (13R11) the U.G.C. had sought the following clarification from the 13th Respondent.

“මීට අමතරව, අතිරේක පළාත් කලාප අධ්‍යාපන අධ්‍යක්ෂක (පාලන හා පුහුණු) විසින් එවන ලද ලැයිස්තුවෙහි නම් සඳහන් කර තිබූ පහත සඳහන් සිසුන් පස්දෙනා ගේ පාසලට ඇතුළත්ව සිටි කාලය වෙනුවට එවුන් පාසලට පැමිණි කාලය පමණක් සඳහන් කර තිබූ බවද දක්නට ලැබුණි.

පාසැල: අනුරාධපුර/කහටගස්දිගිලිය මුස්ලිම් මහා විද්‍යාලය කහටගස්දිගිලිය

<u>විභාග අංකය</u>	<u>නම</u>	<u>විශ්ව විද්‍යාල ප්‍රවේශ දිස්ත්‍රික්කය</u>	<u>පාසලේ සිටි කාලය</u>
1. 2993058	මුහම්මඩ් නවීෆ් මොහොමඩ් නෆීස්	අනුරාධපුරය	10/08/2014 -31/07/2016
2.			

එහෙයින් එම සිසුන් පස් දෙනාගේ පාසැලේ කාලය පිළිබඳව පහත සඳහන් තොරතුරු පැහැදිලිව දක්වා එවන මෙන් කාරුණිකව ඉල්ලා සිටිමි.

1. මෙම සිසුන් පස් දෙනා පාසැලට පැමිණි කාලය ඔවුන් පාසැලට ඇතුළත්ව සිටි කාලය සේ සැලකිය හැකිද?
2. නොඑසේනම් පාසැලේ වාර්ථාවල සඳහන් පරිදි මෙම සිසුන් පස් දෙනා පාසැලට ඇතුළත්ව සිටි කාලය පැහැදිලිව සඳහන් කර එවන මෙන් කාරුණිකව ඉල්ලා සිටිමි.”

By letter dated 25.10.2017 (13R12) 13th Respondent forwarded the reply he received from the Provincial Director of Education North Central Province (13R12A) to the effect,

“සිසුන් පස් දෙනා පාසැලට පැමිණි කාලය ඔවුන් පාසැලට ඇතුළත්ව සිටි කාලය සේ සැලකිය හැකිබව කාරුණිකව දන්වා සිටිමි.”

I will pause the discussion with regard to Factual Metrix at this point and would like to get back to the position already taken up by the Petitioner with regard to the material submitted by the 13th Respondent.

As revealed from the material submitted by the 13th Respondent, as a formality he called for material with regard to any fraudulent activities taken place at provincial level prior to the release of G.C.E. (Advance Level) Examination 2016 and he was informed of the fraudulent activities that had taken

place at A/ Kahatagasdigiliya MMV by the Provincial Education Authorities. The said investigation with regard to 22 students who sat for the above examination from A/ Kahatagasdigiliya MMV and the involvement of the Principal of the said school had already commenced by that time. This position is confirmed by the Petitioner and according to him one reason for him to leave A/ Kahatagasdigiliya MMV and get back to Kurunegala was an inquiry conducted by the Education Authorities where his statement was also recorded

However, the Petitioner was silent on the progress of the investigation carried out by the Education Authorities in the North Central Province except for the reference that it was one reason for him to get back to Kurunegala, but it appears that the Petitioner had not divulge the events that took place for him to go back to the Kurunegala District, where the “Z” score for the admission of the Engineering Faculty is very high compared to the Anuradhapura District.

The 2nd to the 12th Respondents had in fact raised three preliminary objections to the effect,

- a) The Petitioner has not come to court with clean hands
- b) The Petitioner has deliberately suppressed and/or misrepresented material facts to court
- c) The Petitioner lacks *uberima fides*,

which I will consider at a subsequent stage of this judgment. It is further observed that the Petitioner had neither made the relevant Education Authorities Respondent before this Court nor prayed any relief from them.

13th Respondent without suspending the results until the conclusion of the said inquiry, had an inquiry on his own and decided to release the results subject to the condition that No District rank would release to the student, but informed the said position to the U.G.C.

While the said process as already referred to by me in this judgment, was in progress the Petitioner,

- a) made his application for University Admission for academic year 2016-2017
- b) moved to Kurunegala and sit for the G.C.E. (Advance Level) Examination 2017 for the second time as a private candidate

Since no decision had been taken by the U.G.C. with regard to the Petitioner by that time, his application made to the U.G.C. for University Admission 2016/2017 was processed and was first selected to Jayawardenapura University and later to the Peradeniya University to follow

undergraduate studies in Physical Science stream, but the Petitioner without registering to anyone of those Universities, decided to sit for the G.C.E. (Advance Level) Examination once again from Kurunegala District.

The Petitioner had not challenged the procedure identified under the guidelines introduced for University Admission 2016-2017 or 2017-2018, but had prayed for the implementation of the guidelines for the year 2017-2018 and admit him to the Engineering stream for the academic year 2017-2018 based on his results/ "Z" score in G.C.E. (Advance Level) Examination 2017 from the Kurunegala District. He further submitted that he had not acted in contravention of the guidelines 2016-2017 specially Clause 1.7 when he applied for University Admissions 2016-2017.

On behalf of the 2nd to the 12th Respondents, the 3rd Respondent had filed an affidavit before this court. In the affidavit the 3rd Respondent had explained the events that took place subsequent the receipt of an application for University Admission for the academic year 2016-2017 from the Petitioner. According to the 3rd Respondent the Petitioner who possessed the basic qualification based on the results of the G.C.E. (Advance Level) Examination 2016 to apply for University Admission 2016-2017, had submitted an online application.

According to the said application the Petitioner had sat for the G.C.E. (Advance Level) Examination 2016 from A/Kahatagasdigiliya MMV and was qualified for University Admission from the Anuradhapura District. According to the information provided in the said application, his date of admission to A/Kahatagasdigiliya MMV was 10.08.2014.

As per the criteria set out in Clause 1.5 of the University Admission Handbook for the academic year 2016-2017, the Petitioner was considered for University Admission from the District of Anuradhapura as he had studied for more than one year during the three years-period considered for the determination of the District.

The said criteria is referred to under Clause 1.5 as follows,

1.5 Criteria for determination of the District of the candidate for University admission

In order to decide the District of a candidate for University Admission, the candidate must provide evidence of enrolment in school for a period last three years. For this purpose, the head of the school concerned should certify, on the basis of school records, the accuracy of the information provided by the candidate.

The three years period is calculated backwards from the last date of the month, which is the month immediately preceding the month in which the candidate sat for Advanced Level Examination to qualify for University Admission. For example, if the Advanced Level Examination is held in August, the three years is calculated backwards form 31st July of that year.

The District of the school at which the candidate studied more than one year during this period, will be considered as the District of the candidate for University Admission.

.....

.....

If the school period of the candidate is less than one year or candidate has not enrolled in any school for Advance Level during that period, the District where the permanent place of residence of the candidate is located is the District considered for University Admission.....

Accordingly, the Petitioner got selected for the course of study in Physical Science at University of Sri Jayawardenapura under the normal intake and at University of Peradeniya under filling of vacancies from Anuradhapura District.

While the said process to identify the student’s intake 2016-2017 was in progress, U.G.C. had received a list of 80 students who had been identified as students who produced false information at the G.C.E. (Advance Level) Examination 2016 from the 13th Respondent. Among the 80 students it had been observed that 20 students had sat for the G.C.E. (Advance Level) Examination 2016 from A/Kahatagasdigiliya MMV and the Petitioner was one of them. When checked with its records for the University Admissions 2016, it was revealed that only 28 students have submitted applications for University entrance 2016-2017 but no immediate steps were taken with regard to those applicants, and requested more information with regard to those students from the 13th Respondent. The 3rd Respondent confirms the documents that had been produced by the 13th Respondent marked 13R6, 13R8, 8A and 8B, 13R9B, 13R10C and takes up the position that U.G.C. had requested confirmation with regard to the period the 5 students who applied for University Admission 2016-2017 from A/ Kahatagasdigiliya MMV, studied at the said school, since the report submitted by the

Education Authorities in North Central Province through the 13th Respondent had only referred to the attendance of the said students. (13R11)

By letter dated 25th October 2017 the 13th Respondent has submitted the reply he received from the Education Authorities of the North Central Province by letter dated 19th October 2017. (13R12 and 12A) In the said letter the Provincial Director of Education North Central Province on whose directive the investigation was carried out with regard to the alleged fraud that has taken place at A/Kahatagasdigiliya MMV, had confirmed that the period the five students had attended the school should be the period the said students had studied at the said school.

According to 13R 10C and 13R 11 the Petitioner had attended A/Kahatagasdigiliya MMV only between 01.02.2016- 31.05.2016 which is a period less than 1 year, but according to the application tendered by the Petitioner for University Admissions 2016-2017 based on his results 2016, his date of admission to A/Kahatagasdigiliya MMV was 10.08. 2014 and was attending the said school until the G.C.E. (Advance Level) Examination in year 2016 and thereafter left the school on 30.08.2016 which is confirmed by the school leaving certificate produced marked P-11.

In these circumstances the 2nd to the 12th Respondents took up the position that the Petitioner was guilty of submitting false information when applying for University Admission 2016/2017 under Clause 1.7 (9) of the University Admission Guidelines and therefore U.G.C. had decided to call for his explanation from the Petitioner and a show cause letter dated 13th December 2017 was issued to the Petitioner with a deadline to be replied on or before 27th December 2017. (R-11)

Since the Petitioner had failed to respond to the show cause letter within the period given, the U.G.C. at its commission meeting 978 dated 04th January 2018 decided the following;

- i. Cancel the selection of the Petitioner to causes of study of the Universities for the academic year 2016/2017
- ii. Cancel application for University Admission of the Petitioner for the academic year 2016/2017
- iii. Not to accept the Petitioner's application for University Admission in future academic years.

Once again, the Petitioner is silent on the receipt of the show cause letter but had taken up the position that he had visited twice to U.G.C. and submitted two appeals. During the argument before

us, the Respondents challenged the validity of the two-letters relied by the Petitioner and questioned whether the explanation given to the U.G.C. on 10.01.2018 and his appeal dated 15.01.2018 could be considered as a reply to the show cause letter sent by the U.G.C.

However. The petitioner when visited the U.G.C. had taken up the position that he could not respond to the U.G.C. letter since it was received late, but until his attempt to log into the U.G.C. web site was failed, he had not taken any interest either to reply the show cause letter by post or to visit U.G.C. as he did on 10.01.2018.

Even though the letter he submitted to U.G.C. on the 10th and the appeal he had submitted the U.G.C. on 15.01.2018 does not refer to the show cause letter sent by U.G.C, it appears that the U.G.C. had taken note of the position taken up the Petitioner in those letters.

As already referred to by me, U.G.C had already taken a decision with regard to the Petitioner by 10th January 2017 but, subsequent to the two visits by the Petitioner, the U.G.C. had sought further clarification with regard to the position taken by the Petitioner, from the 13th Respondent.

In the two letters submitted to U.G.C, the Petitioner had heavily relied on the leaving certificate issued to him by Principle of A/Kahatagasdigiliya MMV and had taken up the position that both, the Education Authorities in North Central Province as well as the 13th Respondent had accepted his position and in fact the 13th Respondent decided to release his results of the G.C.E. (Advance Level) Examination 2016.

As revealed before us the U.G.C. had once again decided to sought clarification from the relevant authorities and wrote to the 13th Respondent and requested the following clarification from him. (13R13)

“කෙසේ වෙතත්, ඉහත තීරණය ස්ථිර වීමට ප්‍රථමයෙන් මුහුමඩ නවුතර මොහමඩ නරීර් නැමැති සිසුවා විශ්ව විද්‍යාල ප්‍රතිපාදන කොමිෂන් සභාවට පැමිණ ලිඛිත පිළිතුරක් ලබාදුන් අතර එම ලිපියෙහි අඩංගුවී තිබූ කරුණුවලට අනුව විභාග දෙපාර්තමේන්තුව විසින් 2016 වසරේ ඔහුගේ අ.පො.ස (උසස් පෙළ) විභාග ප්‍රතිඵල පළමුව අත් හටුවා පසුව අනුරාධපුර අධ්‍යාපන කාර්යාලය විසින් පවත්වන ලද විමර්ශනයකින් පසු අත්හිටවූ එම ප්‍රතිඵල නැවත නිකුත් කිරීමට කටයුතු කරන ලද බව දක්නට ලැබුණි.

එබැවින්, ඉහත සඳහන් කල පරිදි පළමුව මෙම සිසුවාගේ ප්‍රථම අත්හිටුවා අනුරාධපුර අධ්‍යාපන කාර්යාලය විසින් පවත්වන ලද විමර්ශනයකින් පසු අත්හිටවූ එම ප්‍රතිඵල නැවතනිකුත් කිරීමෙන් පසු එම සිසුවා අදාල විමර්ශනයෙන් නිදොස් වූ සිසුවෙක් වශයෙන් සැලකිය හැකිද යන්න පිළිබඳ පැහැදිලි කරන මෙන් කාරුණිකව ඉල්ලා සිටිමි.”

By letter dated 7th February 2018 the 13th Respondent replied the above quarry and informed the U.G.C. that, (13R13A)

“ඒ අනුව ඔහුගේ විභාග ප්‍රථිඵල තාවකාලිකව අත්හිටුවන ලද අතර විශ්ව විද්‍යාල ප්‍රවේශය සඳහා අයදුම් කිරීමට හැකිවන පරිදි දිස්ත්‍රික් කුසලතාවය නොමැතිව මෙම අයදුම්කරුගේ ප්‍රථිඵල පසුව නිදහස් කිරීමට කටයුතු කර ඇත.

කරුණු එසේ වුවද විශ්ව විද්‍යාල ප්‍රවේශයේදී අයදුම්කරු අයත්වන දිස්ත්‍රික්කය නිශ්චය කරගැනීම ප්‍රවේශ නීති රීති අනුව විශ්ව විද්‍යාල ප්‍රතිපාදන කොමිෂන් සභාවේ තීරණය පරිදි සිදුවිය යුතු බැවින් ඉහත සඳහන් අයදුම්කරු සම්බන්ධයෙන් ඒ අනුව කටයුතු කරන මෙන් කාරුණිකව දන්වමි.”

According to the 3rd Respondent the above material was once again considered by the U.G.C. and decided to adhere to the previous decision of the Commission.

In the absence of any challenge to the acts done by the 13th and 14th Respondents by the Petitioner and the Petitioner’s decision not to bring the Education Authorities, who are responsible for the conduct of the investigation/inquiry into the 22 students (including the Petitioner) from A/Kahatagasdigiliya MMV who sat for the G.C.E. (Advance Level) Examination 2016 and not to challenge the procedure and/or outcome of the said investigation/inquiry, I see no reason to consider the procedure and the outcome of the said investigation/inquiry in this judgment.

When discussing the relief prayed against the 2nd to 12th Respondents, I will first consider the preliminary objection raised on behalf of the said Respondents.

In this regard the said Respondents first submitted that the Petitioner is guilty of suppression and/or misrepresentation of material facts and therefore the Petition should be rejected in limine by this court.

As already referred to in this Judgment, the Petitioner was silent on several matters when he invoked the jurisdiction of this Court under Article 126 of the Constitution. He was silent whether he commence the studies in the Advance Level classes at Ku/Giri/ Madeen National School, before seeking admission to A/Kahatagasdigiliya MMV. Even though the Petitioner heavily relied on the school leaving certificate with regard to the date of admission to A/Kahatagasdigiliya MMV he was silent as to how he gain admission to the A/Kahatagasdigiliya MMV in violation of the School Admission Circular 2018/17 dated 2008.04.30 issued by the Secretary to the Ministry of Education (13R3)

Under Clause 6.1 of the said circular, it is not permitted for a student who got through the G.C.E. (Ordinary Level) Examination from a school in a district with facilities to enter G.C.E. (Advance Level) Class to a school in a District with less facilities, except in two instances under Clause 6.2.

Clause 6.2 provides that,

- a) When parents are transferred to a District with less facilities on a service requirement
- b) When parents change their residence to a District with less facilities for security reason, they become entitled to admit their children to a school in the same District to follow G.C.E. (Advance Level) Class.

However, the Petitioner does not come under any of the categories identified in Clause 6.2 of the said circular.

Clause 10 of the said circular further provides that the admission process to Grade 12 should be concluded by 15th June of each year but according to the leaving certificate submitted by the Petitioner, he gain admission to A/Kahatagasdigiliya MMV on 2014.08.10, almost two months after the deadline identified in the circular.

The Petitioner was further silent, as to whether he attended the school regularly, but he heavily relied on the following information in support of his attendance to A/Kahatagasdigiliya MMV,

- a) he sat for General Information Technology Examination from A/Kahatagasdigiliya MMV as a school candidate in 2015
- b) the results of the individual and group projects submitted through A/Kahatagasdigiliya MMV as school candidate,

but failed to explain as to the reasons for selecting A/Kahatagasdigiliya MMV a school without basic facilities including a teacher to teach Chemistry, to follow Advance Level classes as a student who obtained very good results for his G.C.E. (Ordinary Level) Examination.

While referring to the above suppressions and/or misrepresentation by the Petitioner, the Respondents argue that those suppressions and/or misrepresentation are with regard to the admission of the Petitioner to a school in a District with less facilities in violation of the prevailed circulars and therefore those facts are material to the Petitioner's case before this Court. Respondents further submitted that if not for the Petitioner's suppression and/or misrepresentation the Petitioner would not be able to support his case before this court.

In the case of ***Jahangir Sherifdeen V. Sandamali Aviruppola SC FR 01/2015*** SC Minute 03.10.2016 this court observed; that

“When a person files a fundamental rights application in court, he makes a declaration to court that all what he has submitted to court in his petition and affidavit was true and moves court to act on the said material and further he enters into a contractual obligation with the court to the effect that all what would be submitted by him by way further documents would be true. Subsequently, if the court finds that his declaration to be false and/or he has not fulfilled the said contractual obligation, his application or the petition should be dismissed in limine. Further when he seeks intervention of court in a case of this nature, he must come to court with frank and full disclose of facts. If he does not do so or does not disclose true facts, his petition should be rejected on that ground alone.”

In the case of ***T. M. Dingirimahathmaya V. H. Don Brampi Singho SC Appeal 145/2013*** SC minute dated 20th January 2021, this court observed that;

“This shows that such a position was raised by the appellant to mislead the courts and to get a favourable decision. Such a position taken by the Appellant and later not pursued is disrespectful to the judicial system and it is supported by two Maxims of Equity.

Firstly, we can consider this issue under the maxim of “he who comes in to equity must come with clean hands, it is an established fact that if a person who approaches the court must come with clean hands and put forward all the material facts otherwise, he shall be guilty of misleading the court and his application or petition may be dismissed at the threshold”

As observe by this court, the Petitioner for reasons best known to him, had either suppressed or misrepresented facts that are relevant for his admission and continued attendance to A/Kahatagasdigiliya MMV. He had not made the education authorities who are responsible for the conduct of an inquiry with regard to the fraudulent activities that had taken place with regard to his admission to A/Kahatagasdigiliya MMV to the instant case. Even though he had made the 13th and 14th Respondents parties to instant case, had not sought any relief from them.

Petitioner’s main complaint before this court was that the decision of the U.G.C, not to permit him to submit his application for University Admission 2017-2018 based on his G.C.E. (Advance Level)

Examination 2017 and thereby prevented him from gaining admission to a University based on his results at G.C.E. (Advance Level) Examination 2017.

When taking up the said position, his contention was to show that his second attempt was independent to his first attempt made from A/ Kahatagasdigiliya MMV and therefor his application for academic year 2017-2018 should be considered independent to his previous application. I don't think he is entitled to do so. Under Clause 1.7.9 of the University entrance Handbook 2016/2017 as well as 2017/2018, making a false declaration or producing forged documents for application and registration is an ineligibility for Admission to a state university and therefore it is the duty of the U.G.C. to satisfy with all material that was submitted by an applicant when forwarding an application for university admission.

If the applicant has gain admission to a school in a district with less facilities illegally and/or in violation of the circular issued by the Education Ministry, and gain admission to a state university based on a concession granted to a student in that district, he will certainly deprive a genuine student of that District.

In the said circumstances there is a duty cast on the Petitioner not a suppress and/or misrepresent material facts when he or she invokes the jurisdiction of this court alleging violation of fundamental rights guaranteed under the Constitution. As already referred to by me, the Petitioner was silent on several material facts, specially with regard to his admission and attendance to the A/ Kahatagasdigiliya MMV, a school situated within a District with less facilities. Even though it is not the duty of the U.G.C. to implement the circulars issued by the Education Ministry, U.G.C. has a duty to ascertain whether an applicant to a state university had adhered to such regulations and thereby not contravened the guidelines for University Admissions issued by the U.G.C., otherwise the U.G.C. is depriving a genuine student of that district of admission to a state university. In the said circumstance I hold that the Petitioner is guilty of suppression and/or misrepresentation of material facts with regard to his admission and attendance to a school in a district with less facilities.

However as already referred to in my judgment, the Petitioner had not made any official from the Provincial Department of Education who is responsible for the implementation of the circular issued by the Education Department within the North Central Province, a Respondent to the instant application and not claimed any relief from the 13th and 14th Respondents.

As already referred to in this judgment, U.G.C. had taken the following steps from the time it was informed by the 13th Respondent, of fraudulent activities at G.C.E. (Advance Level) Examination 2016 by several candidates including the Petitioner.

- a) After an inquiry, with regard to 22 students who sat for the G.C.E. (Advance Level) Examination 2016 from A/Kahatagasdigiliya MMV 13th Respondent decided to release their results without the 'Z' score in order for them to apply for University Admissions 2016-2017 and informed U.G.C. of the said decision by letter dated 19.06.2017 (13R5)
All together 80 names were forwarded including the 22 students referred to above by the 13th Respondent to the U.G.C. (Island wide)
- b) U.G.C. by letter dated 07.07.2017 informed the 13th Respondent that out of 80 names forwarded, only 28 had applied for university Admission 2016-2017 and requested further details of fraudulent activities committed by the said 28 applicants (out of which 5 applicants from A/Kahatagasdigiliya MMV including the Petitioner
- c) The required information was provided to the U.G.C. by the 13th Respondent through letter dated 10th August 2017. (13R8) U.G.C. requested the following clarification with regard to the exact period the students were admitted to the respective school from the 13th Respondent by letter dated 21st August 2017 (13R9A)

“නමුත් මෙම ක්‍රමවේදයට අනුව අප විසින් ඔබ වෙත එවන ලද 2017.07.07 දිනැති ලිපියෙහි නම් සඳහන් කර තිබූ සිසුන්ගේ විශ්ව විද්‍යාල ප්‍රවේශය සඳහා ඔවුන්ට සලකාබැඳූ දිස්ත්‍රික්කයන්හි නිරවද්‍යතාව තහවුරු කර ගැනීමට ඔබ විසින් අප වෙත එවන ලද 2017.08.10 දිනැති ලිපියෙහි අඩංගු වී තිබූ තොරතුරු ප්‍රමාණවත් නොවේ.”

ඒ අනුව මේ සමඟ අමුණා ඇති ඇමණුම 1 හා ඇමණුම 2හි නම් සඳහන් කර ඇති සිසුන් ඔවුන්ගේ නම ඉදිරියෙන් දක්වා ඇති පාසැල් කාලය තුළ සත්‍යවශයෙන්ම අදාළ පාසැල්වලට ඇතුළත්ව සිටියේද යන්න ඉතා පැහැදිලිව මා වෙත දක්වා එවන මෙන් කාරුණිකව ඉල්ලා සිටිමි.”

- d) By letter dated 28th August 2017 13th Respondent had responded to the above request and the period Petitioner attended A/Kahatagasdigiliya MMV was referred to in the said letter as 2016.02.01-2016.05.31

- e) Since there was reference to the period the Petitioner and 4 others students from A/Kahatagasdigiliya MMV attended the said school, U.G.C. had sought further clarification from the 13th Respondent, whether the period referred to as “the period attended the said school” is different to the “period studies at the said school” and if so, to inform the exact period the said five applicants had studies at the school.
- f) By letter dated 25.10.2017 the 13th Respondent confirms the position that the period referred to as the period attended the school and period studied at the school are the same and therefore the period the Petitioner had studied at A/Kahatagasdigiliya MMV was from 2016.02.12-2016.05.31.
- g) Based on the information received U.G.C. had decided to call for his explanation form the Petitioner and a show cause letter was sent on 13.12.2017 to the Petitioner giving a deadline to reply as 27.12.2017
- h) In the absence of any response from the Petitioner U.G.C. at its 978th meeting decided
 - a. Cancel the selection of the Petitioner to courses of study of the Universities for the academic year 2016/2017
 - b. Cancel application for university admission of the Petitioner for the academic year 2016/2017
 - c. Not to accept the Petitioner’s application for university admission in future academic years
- i) Even after the said decision the U.G.C. had once again consider the two-letter submitted by the Petitioner on 10.01.2018 and 15.01.2018 and sought further clarification from the 13th Respondent with regard to his decision to release the Petitioner’s G.C.E. (Advance Level) Examination results 2016 without the District rank
- j) By letter dated 07.02.2018 the 13th Respondent informed U.G.C. that the decision to release the G.C.E. (Advance Level) results 2016 without the District rank was taken only to facilities the Petitioner to apply for the University Admission 2016-2017 but, it has nothing to do with the decisions that has to be taken by the U.G.C. based on the guidelines issued. (13R13A)

- k) U.G.C. after considering the above letter decided to adhere to the previous decision of the commission

When considering the steps, the U.G.C. had taken from the time it was notified by the 13th Respondent of fraudulent acts that has taken place at the G.C.E. (Advance Level) Examination 2016, it appears that every possible step that could be taken by the U.G.C. had been followed for the satisfaction of the U.G.C. When the U.G.C. was notified the details of 80 students, it had observed that out of 80, only 27 students had submitted applications for Admission 2016-2017 and called for further details that is required to decide the District of each candidates. Detailed information with regard to the 05 students who sat for G.C.E. (Advance Level) Examination from A/Kahatagasdigiliya MMV and applied for University Admission 2016-2017 was called from the 13th Respondent and every time such information was sought, the 13th Respondent had contacted the Education Authorities of North Central Province and obtained the necessary information from them and submitted to the U.G.C.

During the arguments before this court, the Petitioner made an attempt to show that some of the documents the 13th Respondent had relied, when responding to the quarries made by U.G.C., are neither not accurate nor complete and therefore any decision that was reached by U.G.C based on the said information could not be stand and is liable to be quashed by this court. In this regard the Petitioner submitted that the 13th Respondent had heavily relied on the attendance registers for five months beginning from 1st February 2016 to establish the period the Petitioner studies at A/Kahatagasdigiliya MMV, but failed to submit register for the period 2014-2015.

However as already observed in this judgment the Petitioner neither challenged the decisions/recommendations of the Education Authorities in the North Central Province nor made them Respondents to the instant case. He had not sought any relief from the 13th Respondent as well. In the absence of any challenge to the documents that has been considered by the U.G.C. when reaching the impugned decision, the Petitioner is not entitle to challenge such decision that has been taken by a party which is not before this court. However, the U.G.C. had taken every possible step for the Commission to satisfy before reaching a decision. As already observed, even after reaching a decision with regard to the petitioner, the Commission had once again considered the two appeals submitted by the Petitioner and call for fresh observation from the 13th Respondent in order to re consider the decision that has already taken by the Commission.

During the argument before this court, the learned counsel for the Petitioner further contended that the conduct of the U.G.C. not to allow the Petitioner to submit his application based on his G.C.E. (Advance Level) Examination 2017 was in violation of the legitimate expectation of the Petitioner. It was submitted that, on the basis of the admission policy identified under the hand book for Academic Year 2017-2018 published by the U.G.C., he had legitimate expectation, that on the results he had obtained as a private candidate from his native place, that the Petitioner would be selected to a faculty of engineering.

As already observed by me, the above contention was solely based on the belief that the two attempts made by the Petitioner should be considered separately, when considering admission for University by the U.G.C. However, the guidelines published by the U.G.C. does not permit to consider each attempt separately, if the applicant had applied under the provisions of the hand book in the previous attempt. The Petitioner had made the following declaration when he submitted the application for University Admission 2016-2017.

“I certify that all my particulars given by me in this form are true and accurate. I am also aware that if any particulars given by me in this application are found to be false or inaccurate prior to my admission, my application will be rejected and that if such information is found to be false or inaccurate after my admission I will be dismissed from the University/ Higher Educational Institution concerned.”

The effect of a similar declaration clause was considered in the case of ***Amal Senevirathne and Others V. Council of Legal Education and Others SC Appeal 163/2015 Sc Minute dated 01.04.2012*** and held,

“In these circumstances it is clear that the 1st Respondent is vested with wide discretion to decide the size of the batch and the cut off mark. The Petitioner making the declaration referred to above had admitted the wide discretion of the 1st Respondent to decide the number of students to be admitted to the academic year 2014 by deciding the cut off marks which is the ‘foundation to the legitimate expectation as held in ***Vasana V. Council of Legal Education*** (supra)”

From the material that was available, it is clear that the Petitioner had failed to meet the criteria set out in Clause 1.5 of the U.G.C. handbook of having minimum schooling period of one year at

A/Kahatagasdigiliya MMV and was disqualified under Clause 1.7.9 read with Clause 1.7 to gain admission to a University and thereby the Petitioner is not entitled to claim legitimate expectation based on his result at the G.C.E (Advance Level) Examination 2017.

For the reasons stated above I hold that,

- a) the Petitioner is guilty of suppression and/or misrepresented of material facts that are relevant to admission and/or continued attendance to A/Kahatagasdigiliya MMV
- b) the Petitioner had failed to establish that the conduct of the 2nd to 12th Respondents by not allowing the Petitioner to apply for University Admission based on his results of G.C.E. (Advance Level) Examination 2017 was in violation of the fundamental rights guaranteed under Article 12 (1) of the Constitution
- c) the Petitioner has failed to establish that he entertained a legitimate expectation of entering the Engineering Faculty based on his G.C.E. (Advance Level) Examination 2017

I therefore dismiss the application in all the circumstances without costs.

Application is dismissed. No Costs

Judge of the Supreme Court

Justice Yasantha Kodagoda PC

I agree,

Judge of the Supreme Court

Justice Mahinda Samayawardhena

I agree,

Judge of the Supreme Court