

**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
of the Democratic Socialist Republic of Sri
Lanka.*

SC/FRA/171/2022

W.A.D. Ruwan Weththasingha
No. 12A/1,
Bendaluva,
Parakaduwa.

PETITIONER

Vs.

1. M.G.C. Sooriyabandara
Director-General
No. 811/A,
Jayanthipura Road,
Battaramulla.
- 1(a) M. S. L. R. P. Marasinghe
Director- General (Acting)
No. 811/A,
Jayanthipura Road,
Battaramulla.
2. W.A.A.D.U. Indrajith
Assistant Director - Uva
Department of Wildlife Conservation
No. 811/A,
Jayanthipura Road,
Battaramulla.
3. C. Jayasinghe
Director- Finance
Department of Wildlife Conservation
No. 811/A,
Jayanthipura Road,
Battaramulla.

3(a) P. G. S Priyantha
Director- Finance
Department of Wildlife Conservation
No. 811/A,
Jayanthipura Road,
Battaramulla.

4. A.D.Y. Anandani
Director- Administration
Department of Wildlife Conservation
No. 811/A,
Jayanthipura Road,
Battaramulla.

5. Hon. Attorney General
Attorney General's Department
Colombo 12.

RESPONDENTS

Before: Mahinda Samayawardhena, J

Dr. Sobhitha Rajakaruna, J

Sampath B. Abayakoon, J

Counsel: Navin Marapana, PC with Uchitha Wickremesinghe and Saumya

Hettiarachhi for the Petitioner.

Sabrina Ahmed, SSC for the Respondents.

Written Submissions: Petitioner - 21 May 2025 & 28 January 2026

Respondents - 28 May 2025

Argued on: 31 October 2025

Decided on: 08 May 2026

Dr. Sobhitha Rajakaruna J.

The Petitioner's principal contention is that his removal from the post of Wildlife Forest Ranger Grade III, by letter dated 31 January 2022 (marked 'X9a') issued by the Director General of the Department of Wildlife Conservation (hereinafter referred to as 'the DG'), without the conduct of a proper inquiry, constitutes a violation of his fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution. This Court granted leave to proceed in respect of the alleged infringements under the said Articles.

The material facts are largely undisputed. The Petitioner appeared for an interview conducted by the Department of Wildlife Conservation ('Department') on 13 February 2019, pursuant to Gazette Notification No. 2059 dated 16 February 2018 (marked 'X2'), which called for applications for recruitment to the post of Wildlife Forest Ranger Grade III through an open competitive examination. At the interview, the Petitioner produced his G.C.E. A/L (General Certificate of Education - Advanced Level - Examination) results for the year 2008, wherein he had obtained three Simple Passes in Physics, Chemistry, and Biology, together with his G.C.E. O/L (General Certificate of Education - Ordinary Level - Examination) results of 2003.

At the said interview, the Petitioner was requested to furnish proof of having obtained a Credit Pass in Biology at the G.C.E. (Advanced Level) Examination. In response, he submitted his results from the 2007 G.C.E. A/L, at which he had secured a Credit Pass in Biology but had failed the remaining subjects, namely Physics, Chemistry, and General English. Upon consideration of the results of the competitive examination held on 22 July 2018 and the structured interview, the Petitioner was appointed as a Trainee Wildlife Ranger for a period of six months by letter dated 07 May 2019 issued by the said DG. Upon successful completion of his training, he was appointed to the post of Wildlife Forest Ranger Grade III with effect from 19 November 2019 by letter dated 16 January 2020 (marked 'X8a').

Nearly two years thereafter, by letter dated 30 April 2021, the Department called upon the Petitioner to submit a certified copy of his G.C.E. A/L results to verify whether he had obtained a Credit Pass in Biology. Subsequently, by letter 'X9a' dated 31 January 2022, the Petitioner's appointment to the post of Wildlife Forest Ranger Grade III was revoked, and he was reverted to the post of Wildlife Guard Grade III as a new appointee.

The said letter 'X9a' sets out, inter alia, that:

- (i) the applicable Scheme of Recruitment requires a candidate to have passed three subjects (excluding the General Aptitude Test) at the G.C.E. A/L under the new syllabus, with a Credit Pass in Biology;
- (ii) although the Petitioner had obtained a Credit Pass in Biology in 2007, he had secured only three Simple Passes in 2008, thereby failing to satisfy the prescribed qualifications;
- (iii) in terms of Clause 3.2 of Chapter V of the Establishments Code, he will be reverted to the post of Wildlife Guard as a new recruit; and
- (iv) his appointment to Grade III was revoked with no future entitlement to that post.

Thereafter, by letter dated 30 March 2022 (marked 'X11'), the Petitioner was reappointed as a new recruit to the post of Wildlife Guard Grade III with effect from 01 February 2022.

The grievance of the Petitioner is that this course of action resulted in the loss of approximately six years and three months of his public service. He maintains that this prejudice was occasioned through no fault of his own. By way of appeal (marked 'X12'), he requested the DG of the Department to restore his full period of service, asserting that a grave injustice had been caused.

The Gazette Notification 'X2' prescribes the educational qualifications required for appointment to the post in question. In particular, it requires that a candidate must have passed three subjects at the G.C.E. (Advanced Level) under the new syllabus with a Credit Pass in Biology (excluding the General Aptitude Test). The said educational qualifications to be eligible to be appointed to the post of Wildlife Forest Ranger Grade III are as follows:

“(i) The candidates shall have passed G.C.E. (Ordinary Level) Examination in six (06) subjects with credit passes for Sinhala/Tamil/ English, Mathematics and two other subjects;

and

(ii) Shall have passed 04 subjects in G.C.E. (Advanced Level) Old Syllabus with credit passes for Botany and Zoology;

Or

Shall have passed 03 subjects in G.C.E. (Advanced Level) New Syllabus with a Credit Pass for Biology (excluding General Aptitude Test)”

The Petitioner argues that the relevant requirement¹ does not explicitly stipulate that the Credit Pass in Biology and the passing of the other two subjects must be obtained at the same sitting. He contrasts this with a subsequent Gazette Notification² No. 2466 dated 05 December 2025, which expressly includes the phrase “same sitting,” thereby suggesting that no such requirement existed at the material time.

Having carefully considered the submissions and the applicable provisions, I am unable to accept the Petitioner’s contention on this point. A plain reading of the said qualifications set out in ‘X2’ indicates that the requirement consists of two inseparable components: (i) a Credit Pass in Biology, and (ii) passes in three subjects. These requirements must be satisfied as part of a single examination attempt. To interpret otherwise would defeat the clear intent of the Scheme of Recruitment. Accordingly, I hold that the Petitioner did not possess the requisite qualifications for appointment to the post of Wildlife Forest Ranger Grade III at the time of his appointment under ‘X8a’.

However, the inquiry does not end there. The critical issue is whether the subsequent action taken by the DG in reverting the Petitioner and treating him as a new recruit was lawful.

In this regard, I find no legal basis for the invocation of Clause 3.2 of Chapter V of the Establishments Code by the DG of the Department. The said provision pertains to officers who are permanently released or who relinquish their posts to accept another post, whether in the public service or outside it. Such a clause has no application to the present circumstances. Furthermore, there is no evidence that any formal disciplinary procedure

¹ “Shall have passed 03 subjects in G.C.E. (Advanced Level) New Syllabus with a Credit Pass for Biology (excluding General Aptitude Test)”

² The Petitioner has submitted a copy of the said Gazette Notification by way of a motion dated 12 January 2026. The learned President’s Counsel appeared on behalf of the Petitioner adverted to the said Gazette Notification during the hearing stage of this Case.

was instituted against the Petitioner, nor was a charge sheet issued or an inquiry conducted prior to the impugned decision.

In these circumstances, the reversion of the Petitioner and his reappointment as a new recruit cannot be sustained in law.

The Respondents relied on judicial authorities (*Gamaethige v Siriwardane* [1998] 1 Sri LR 384) to contend that two wrongs do not make a right and that the right to equality does not extend to equal illegality (*Dissanayake v Priyal de Silva* [2007] 2 Sri LR 135). Likewise, relying on the dicta in *Henaka Rallage Deepika Damayanthi v. Ranjith Ariyaratne, Post Master General and Others* (SC/FR/438/21, SC Minutes of 3 October 2024), the Respondents seek to draw a comparison between the facts and circumstances of that case and the present application; however, I am unable to agree. While these principles are well established, they are inapplicable to the present case.

There is no evidence that the Petitioner procured his appointment through fraud or misrepresentation. On the contrary, he disclosed all relevant educational qualifications. The error, if any, lies with the authorities who failed to properly scrutinise his credentials at the time of recruitment. In such circumstances, it would be manifestly unjust to deprive the Petitioner of the service he had already rendered. The Department cannot be permitted to visit the consequences of its own administrative lapse upon an individual who acted in good faith.

Accordingly, I hold that the period of service rendered by the Petitioner prior to the issuance of 'X6' and 'X8a' cannot be disregarded. The Petitioner is entitled to have his service restored without a break and without prejudice to his lawful entitlements, in accordance with the conditions of service applicable as at 13 May 2019 (the effective date of the Petitioner's purported appointment as a Trainee Wildlife Forest Ranger). The period between 13 May 2019 and 19 November 2019 (the effective date of the Petitioner's purported appointment as a Wildlife Forest Ranger Grade III) shall also be reckoned as part of his continuous service in the Department when assessing and calculating his lawful entitlements. Moreover, I take the view that it is inappropriate to recover any additional emoluments paid to the Petitioner in connection with his purported appointment to the post of Wildlife Forest Ranger Grade III (as a trainee or otherwise). Accordingly, I declare

that the documents marked X6, X7, X8a, X8b, X8c, and paragraph 03 of X9a and X11 have no force or effect in law

For the foregoing reasons, I declare that the Petitioner's fundamental rights only under Article 14(1)(g) of the Constitution have been infringed by the action of the DG in reappointing him as a new recruit to the post of Wildlife Guard Grade III and thereby depriving him of his accrued period of public service. The instant Application of the Petitioner is allowed to the extent declared above.

Judge of the Supreme Court

Mahinda Samayawardhena J.

I agree.

Judge of the Supreme Court

Sampath B. Abayakoon J.

I agree.

Judge of the Supreme Court