

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

*In the matter of an application under and in terms of  
Article 126 of the Constitution of the Democratic  
Socialist Republic of Sri Lanka.*

B.R.P.R. Gunasena  
No 159/1, Pitakotuwa, Walbothale,  
Mirigama

SC/FRA/194/2017

**PETITIONER**

Vs.

1. Coconut Development Authority  
No. 54, Nawala Road,  
Narahenpita,  
Colombo 5

2. H.K. Udaya Rupasinghe  
Chairman,  
Coconut Development Authority  
No. 54, Nawala Road,  
Narahenpita,  
Colombo 5

2a. Jayantha Wickramasinghe,

2b. Keerthi Sri Weerasinghe,

2c. Prof. Roshan Perera,

2d. K.A. Shantha Sisira Kumara  
Ranatunga,

Chairman,  
Coconut Development Authority  
No. 54, Nawala Road,  
Narahenpita,  
Colombo 5

3. P. Edirimanne,  
Deputy Director (Product Development)

4. S.W. Rasika  
Assistant Director

5. Yvonne Fernando  
Member of Board of Directors,

6. Dilani Karunaratne  
Assistant General Manager,

The 3rd to 6th Respondents, all of,  
Coconut Development Authority,  
No 54, Nawala Road,  
Narahenpita,  
Colombo 5.

7. W. Thilakaratne  
Assistant Director

Ministry of Plantation Industries,  
11th Floor, Sethsiripaya Stage II,  
Battaramulla

8. K.W.Ranjith  
No 210/3, Kelanimulla, Mulleriyawa  
New Town
9. W.R. Priyangani  
No. 203, Urapona, Hunumulla
10. Attorney-General  
Attorney General's Department,  
Hulftsdorp, Colombo 12

**RESPONDENTS**

**Before:** Janak De Silva, J  
K. Priyantha Fernando, J &  
Dr. Sobhitha Rajakaruna, J

**Counsel:** Manohara de Silva, PC with Dilmini De Silva for the Petitioner  
Saliya Pieris, PC, with Sarinda Jayawardena for the 1st to 7th Respondents  
Rajitha Perera, DSG, for the 10th Respondent

**Written Submissions:** Petitioner :15.09.2020 & 04.09.2025  
1st – 5th & 7th Respondents: 29.05.2025 & 04.09.2025

**Argued on:** 05.08.2025

**Decided on:** 26.02.2026

**Dr. Sobhitha Rajakaruna, J**

The Petitioner appeared for an interview on 07.04.2017 as part of the selection process to fill the vacancy for the position of “Administrative Officer/Human Resource Officer” in the Junior Management category, at the 1st Respondent Authority. According to the Petitioner, the 8th Respondent received the highest total marks at that interview and was ultimately selected for the post. The Petitioner alleges that the Respondents’ actions in connection with this selection process were ultra vires, mala fide, arbitrary, and capricious, and that they violated her fundamental rights. This Court granted leave to proceed with the Application in respect of alleged infringements of Articles 12(1) and 14(1)(g) of the Constitution.

The Petitioner contends that she was awarded 28 marks in the “Relevant Additional Experience” category, whereas the 8th and 9th Respondents received only 14.5 marks and 25 marks, respectively. According to the Petitioner, despite her having 7 years of relevant experience, the 8th and 9th Respondents were given comparatively high marks despite possessing only 2 years and 6 years of experience, respectively. The Petitioner further points out that no marks were allocated to her, the 8th Respondent, or the 9th Respondent for either their GCE Ordinary Level or Advanced Level qualifications. She also alleges that the 9th Respondent was incorrectly awarded 7 marks (instead of the appropriate 6 marks) for certificates demonstrating her additional qualifications. Similarly, the Petitioner submits that she received only 2.5 marks less than the 8th Respondent and just 1 mark less than the 9th Respondent overall. Consequently, she argues that these deductions materially affected the final scores and significantly influenced the outcome of the selection process.

The 1st to 5th and 7th Respondents (collectively referred to as ‘Respondents’) maintain that the Petitioner obtained the highest marks in the categories of “Relevant Additional Experience” and “Relevant Additional Qualification.” However, they assert that she fell short of securing adequate marks in the categories of “Achievements” and “Performance.” These Respondents argue that the interview board’s recommendations cannot reasonably be regarded as malicious or politically motivated, since the marks were awarded strictly in accordance with the prescribed marking scheme and guidelines

The Respondents further explain that, following a domestic inquiry into alleged misconduct by the 8th Respondent, the Board of Directors of the 1st Respondent Authority found inconsistencies in its findings (Vide: the documents marked as 'CA2' and 'CA3'). As a consequence, the 8th Respondent was granted 50% of his back wages and associated benefits for the period during which he had been wrongfully suspended without pay. The Respondents note that this decision of the Board of Directors, reflected in 'CA2' and 'CA3', has never been challenged and continues to remain valid and operative to the present day. Furthermore, the Respondents contend that the Petitioner is, in effect, attempting to mount a collateral attack on the said earlier decision of the Board of Directors, marked 'CA3' (dated 07.04.2015) through the instant Application, while ostensibly only challenging the appointment of the 8th Respondent to the post of "Administrative Officer/Human Resource Officer".

The primary argument of the Petitioner is that the 8th Respondent lacked the required five-year satisfactory service record stipulated under document 'P1' at the time he applied for the post in question. Furthermore, the Petitioner points out that when computer operators/clerks in Middle Grade I were absorbed into Management Service Grade I after completing 10 years in Middle Grade I, such absorption was not automatic. It occurred only upon fulfilment of the specific conditions set out in the relevant circular/document dated 15.07.2016, marked 'PA1'. The Petitioner submits that she herself has completed 10 years of service in the category of Management Assistant Grade II (a position equivalent to computer operators/clerks). Nevertheless, she was awarded marks for additional experience based solely on 5 years. She therefore argues that she ought to have been granted 18 marks for this category (calculated as 6 years  $\times$  3 marks per year).

Moreover, the Petitioner submits that she was initially appointed to Clerk Grade II on 11.04.1994 as evidenced by document 'PA2', and was subsequently promoted to Clerk Grade I on 02.10.2010. Consequently, she maintains that she should be regarded as having served in the equivalent category of Management Assistant Grade II continuously from 02.10.2000 to 02.10.2010 — a period of 10 years. On this basis, the Petitioner contends that the experience criteria outlined in the interview schedule marked 'P8' (which was applied during the selection process) do not align with the provisions of the Scheme of Recruitment set out in "P1", nor with the terms of the notice inviting applications, marked "P2".

In terms of the mark sheet of the relevant interview (held on 07.04.2017), signed by the members of the interview board, marked 'P7', the Petitioner has been awarded a total of 50 marks, whereas the 8th Respondent was awarded 52.5 marks. The marking scheme adapted by the interview panel is marked as 'X1' whereas the Scheme of Recruitment is marked as 'P1'. It was submitted that the 8th Respondent retired from the post of "Administrative Officer/HR" upon reaching the age of sixty on 25.02.2019, thereby rendering the position vacant with effect from 26.02.2019. Consequently, the resulting vacancy was filled by appointing the 9th Respondent to act in the capacity of Administrative Officer/HR on a temporary basis, pending the filling of the post through the proper and due recruitment process.

I must draw attention to the Board paper (marked as 'CA2') pertaining to the 524th meeting of the Board of Directors, held on 06.03.2015. In that paper, the Board observed that the disciplinary inquiry conducted against the 8th Respondent had been carried out in an improper manner. Consequently, the Board resolved to pay the 8th Respondent 50% of the wages and allowances to which he would have been entitled during the period of his interdiction. The subsequent Board paper, marked 'CA3', relates to the 525th Board meeting held on 07.04.2015. By way of an amendment to the decision taken at the 524th meeting, the Board of Directors further decided on 07.04.2015, to permit the 8th Respondent to apply for future promotions and to refrain from withholding any salary arrears due to him. This resolution was in addition to the earlier determination to award him 50% of his salary and allowances for the interdiction period.

It should be emphasised that the decisions reflected in such Board papers 'CA2' and 'CA3' remained valid and operative at the time the interviews took place on 07.04.2017. The Respondents submit that it is highly implausible for the Petitioner to claim she was unaware of the 8th Respondent's earlier interdiction and his subsequent reinstatement by the Board of Directors. In this context, the Court must examine whether the interview panel deliberately manipulated or adjusted the marks awarded during the interview process with the ulterior motive of securing the appointment of the 8th Respondent to the post of Administrative Officer/HR Officer for purportedly political reasons.

A careful examination of the documents annexed to the Petition, together with the calculations set out in the Petitioner's post-argument written submissions, reveals that the Petitioner ought to have been awarded a total of 28 marks for "Relevant Additional Experience". This comprises:

- 10 marks for 5 years of service in Management Assistant Grade II (5 years  $\times$  2 marks = 10 marks), and
- 18 marks for 6 years of service in Management Assistant Grade I (6 years  $\times$  3 marks = 18 marks).

As per the mark sheet 'P7', the Petitioner has been awarded 28 marks under the category of "Relevant Additional Experience". By contrast, the 8th Respondent was granted only 10 marks for 5 years of service in Management Assistant Grade II (5 years  $\times$  2 marks = 10 marks) and a mere 4.5 marks for 1 year and 6 months of service in Management Assistant Grade I (1 year 6 months  $\times$  3 marks = 4.5 marks).

The key issue to be determined in the instant Application is whether the interview board deviated from the approved marking scheme applicable to the interview in question. Upon careful consideration of the submissions advanced on behalf of the Petitioner, and the material made available to this Court, what is immediately apparent is that the marks awarded to the Petitioner were assigned strictly in accordance with the marking scheme. Having considered the overall circumstances of this Case, I am satisfied that the selection process including the allocation of marks by the interview board was conducted in strict conformity with the approved marking scheme and relevant recruitment guidelines. The Petitioner's grievance arises solely from her contention that she ought to have received more than the aggregate of 50 marks granted by the interview board. Nevertheless, the Petitioner's principal objective appears to be to impugn the marks allocated to the 8th Respondent, while she has not taken any steps at an earlier stage to challenge the prior decisions of the Board of Directors as reflected in documents 'CA2' and 'CA3', which eventually provided certain concessions to the said Respondent.

Consequently, I find no persuasive or sufficient grounds to conclude that the conduct of the interview board members, in the allocation of marks to the respective candidates, was ultra vires, mala fide, arbitrary, or capricious, as alleged by the Petitioner. The Petitioner

has failed to adduce cogent evidence to substantiate her allegations of mala fides, arbitrariness, capriciousness or political motivation on the part of the Respondents. In my view, the members of the interview board have duly discharged their responsibilities, adhering to the prescribed marking scheme.

Furthermore, the Petitioner has not identified or demonstrated any clear and manifestly wrongful act committed by one or more of the Respondents that discriminates against her or infringes her fundamental rights. The Petitioner has also failed to prove that she was subjected to any form of discrimination or that any other applicant in a similar position was treated more favourably than herself. Consequently, no question arises in the instant Application of a violation of the principle of equal protection of the law or freedom to engage in any lawful occupation. For the reasons stated above, I hold that the Petitioner has not succeeded in establishing that the Respondents have infringed the fundamental rights guaranteed to her under Articles 12(1) and 14(1)(g) of the Constitution.

Application is dismissed.

**Judge of the Supreme Court**

**Janak De Silva, J**

I agree.

**Judge of the Supreme Court**

**K. Priyantha Fernando, J.**

I agree.

**Judge of the Supreme Court**