

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/FR/254/2019

1. Dissanayaka Mudiyanseelage Champa
Renuka Dissanayaka,
No. 4/2, Papalgahadeniya,
Yakkala.
2. Juvandarage Ruchira Priyanthi,
No. 136B, Old Police Road,
Kahathuduwa, Polgasowita.
3. Randunu Dewage Wasantha Kumari
Anuruddhika, Kotagaloluwa,
Hodiyadeniya.
4. Niyadurupola Dewage Nirosha
Kumudhini Niyadurupola,
No. 80, Ranawaruga, Pasyaala.
5. Sembaperuma Aarachchige Chandrika
Dilhani Sembapperuma,
No. 3, Royal Park Pathegama South,
Kottegoda.
6. Yathramulla Muhandiramge Inoka
Enderagewatta, Ganegoda
Akmeemana, Galle.
7. Arukattu Patabedige Neela De Silva,
“Dayawi” Gurugodalla Junction,
Kadawedduwa, Yatiyana, Matara.
8. Jayaweera Padmini Jayaweera,

No. F6, Police Quarters, Sir
Chittampalam A. Gardiner Mawatha,
Colombo 02.

9. Hewamarambage Irosha Suhashini, No.
354, Waturuwila, Kahaduwa.
10. Sapugoda Mudiyanseelage Menike
Chandima Sapugoda, 254/2A, Meda
Mawatha, Athurugiriya.
11. Tennakoon Mudiyanseelage Deepani
Perera, No. 2/2, 'I' Block Anderson Flats,
Narahenpita, Colombo 05.
12. Athauda Aarachchilage Apsara
Krishanthi, No. A 182/16, Edurupotha,
Kegalle.
13. Galbokka Hewage Thanuja Srijith
Sulrekha De Silva, Netolagama 02,
Ella Road, Wellawaya.
14. Jayakodige Rohini Jayakody,
No. 180B, Mallawatta,
Haendeniya, Peradeniya.
15. Jayasuriya Deepa Senanai,
No. 79/A Jayasewana Udyaanaya,
Pallekalle, Kundasaale.
16. Kankanamge Dona Pradeepa Subashini,
No. 41, Weliketiya, Niripola, Hanwella.
17. Wanniaarachchige Nimali Shiromala
Fonseka, No.18/B, 2nd Lane, Siddamulla,
Piliyandala.
18. Prameesha Niroshini Hewapathirana, No.
39/3, Kobiwatta, Uyanwatta South,
Matara.
19. Shiromi Pramuditha Rubasingha

E/2/5, Police Quarters, Richmond Hill,
Heenthandala, Galle.

20. Hapuhinne Gedara Kalyani Menike
Hapuhinna, Pahala Makuruppa,
Rikillagaskada.
21. Appuhany Aatachchilage Thamara
Nilangani, Gallahera, G/3/12,
Eleyat Place, Boralla.
22. Biyanka Roshini Bandaarigoda,
No.8, Isurupura, 1st Lane,
Idigasketiya, Baddegama.
23. Danapala Mudiyanseelage Anoma
Damayanthi, No. 124, Prajashallawa,
Baduluthirigama, Badulla.
24. Sudarshani Priyanka Liyanage,
556A, "Sudharma", Rukkgahakotuwa,
Gahanuwala, Meegoda.
25. D.P. Ranasinghe,
No. 22/7, Heppumulla,
Ambalangoda.
26. Chandrika Attapattu,
No. 25, Jaya Mawatha, Pulliyaara
Junction, Anuradhapura.

Petitioners

Vs.

1. K.W.E. Karaliyadda,
Chairman, National Police Commission,
Block 9, BMICH, Colombo 7.
- 1A. E.W.M. Lalith Ekanayaka,
Chairman, National Police Commission,
Block 9, BMICH, Colombo 7.

2. Thilak Kollure,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
- 2A. D.K. Renuka Ekanayake,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
3. Mrs. Savithri D Wijesekere,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
- 3A. K. Karunaharan,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
4. Y. L. M. Zawahir,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
- 4A. P.G.S. Gamini Silva,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
5. Gamini Navaratne,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
- 5A. Dilshan Jayasuriya,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
6. Asoka Wijetilleka,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
- 6A. A.A.M. Illiyas,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
7. G. Jeyakumar,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.

8. Siri Hettige,
Member, National Police Commission,
Block 9, BMICH, Colombo 7.
9. Saman Dissanayake,
Secretary, National Police Commission,
Block 9, BMICH, Colombo 7.
- 9A. N.A. Weerasinghe,
Secretary, National Police Commission,
Block 9, BMICH, Colombo 7.
- 9B. Thamara D. Perera,
Secretary, National Police Commission,
Block 9, BMICH, Colombo 7.
10. Pujith Jayasundara,
Inspector General of Police,
Police Headquarters, Colombo 01.
11. P.D. Wickramarathne,
Acting Inspector General of
Police, Police Headquarters, Colombo 01.
- 11A. Deshabandu Tennakoon,
Acting Inspector General of
Police, Police Headquarters, Colombo 01.
12. The Hon. Attorney General,
Attorney General's Department, Colombo.
13. Jayaweera Achchilage Renuka
Pushpakumari, Woman Inspector of
Police,
14. Anoma Priyadharshani Disanayake,
Woman Inspector of Police,
15. Weerakoon Achchige Manori Weerakoon,
Woman Inspector of Police,
16. Disanayake Mudhiyanselage Nalani
Kumari Dissanyake,
Woman Inspector of Police,

17. Samaraweera Mudalige Chintha Kumari
Samaraweera,
Woman Inspector of Police,
18. Hettiwanage Gedara Nilushi Priyanthika,
Woman Inspector of Police,
19. Merengage Rasanga Nilmini Mendis,
Woman Inspector of Police,
20. Madagedara Niluka Sajeewani Manike,
Woman Inspector of Police,
21. Dharmalatha Sanjeewani Kappetige,
Woman Inspector of Police,
22. Maddhuma Hewage Vibhusa Nishanthi
Samarasinghe,
Woman Inspector of Police,
23. Dilrukshi Indhika Nadiraji Nadesalingam,
Woman Inspector of Police,
24. Dayani Geegana Gamage,
Woman Inspector of Police,
25. Sigamuni Purage Nilanthi Mangalika
Swarnakanthi,
Woman Inspector of Police,
26. Dahampath Arachchige Sanjaewani
Nirosha,
Woman Inspector of Police,
27. Roopasinghe Arachchiralalage Inoka
Dilrukshi,
Woman Inspector of Police,
28. Bulugahamulge Pathirannahalage
Pirunamala Jayashree,
Woman Inspector of Police,
29. Shamila Niroshini de Soysa
Weerawardana,
Woman Inspector of Police,

30. Hathurusingha Renuka Hemamali,
Woman Inspector of Police,
31. Pathirage Dona Disna Sajeewani
Pathirana,
Woman Inspector of Police,
32. Ranasingha Pathirannahalage Ranmini
Upeksha Ann Gothami Ransingha,
Woman Inspector of Police,
33. Rajapaksha Mudiyanseelage Samanthi
Renuka,
Woman Inspector of Police,
34. Mullegamgoda Mohottalalage Nirosha
Deepani Mullegamgoda,
Woman Inspector of Police,
35. Ahangama Widanlange Deepa Hemamali,
Woman Inspector of Police,
36. Jayasundara Mudhiyanseelage Susanthi
Vijitha Kumari Jayasundara,
Woman Inspector of Police,
37. Abeysinghe Mudhiyanseelage Yasanthi
Kumari, Woman Inspector of Police,
38. Mulgiri Achchilage Leelawathi Podi
Manike, Woman Inspector of Police,
39. Liyanaarachchi Lekamlage Wasana
Tharaka Shilari, Woman Inspector of
Police,
40. Samarasinghe Achchillage Asanthi
Mangalika Samarasinghe, Woman
Inspector of Police,
41. Kathuri Arachchige Kumudhuni
Niranjala Jayakodi, Woman Inspector of
Police,

42. Jayasinghe Mudhiyanselage Nirmala
Kumari Jayasinghe,
Woman Inspector of Police,
43. Dalkandura Dhanapala Mudhiyanselage
Himali Indhika Dalkandura, Woman
Inspector of Police,
44. Adhikari Mudhiyanselage Shiromi
Dhamyanthil, Woman Inspector of Police,
45. Herath Mudhiyanselage Sanjeewani
Herath, Woman Inspector of Police,
46. Thampu Nelka Shiromala,
Woman Inspector of Police,
47. Ediriweera Patabandige Nandahani
Priyanka, Woman Inspector of Police,
48. Rathnayaka Kankanamge Pradeepa
Nilanthi, Woman Inspector of Police,
49. Dunusingha Seawage Vinishiya
Neelamani Premarathne,
Woman Inspector of Police,
50. Madagodage Nishani Inoka Senadeera,
Woman Inspector of Police,
51. Samarakoon Mudhiyanselage Irosha
Kanchana Samarakoon,
Woman Inspector of Police,
52. Ransinghe Arachchilage Dhanawathi
Ranasinghe,
Woman Inspector of Police,
53. Dilrukshi Algewatta,
Woman Inspector of Police,
54. Heyyanthuduwege Dona Thanuja
Dilrukshi,
Woman Inspector of Police,

55. Jayasinghe Achchige Ruwini Priyangika
Felasiy Jayasinghe,
Woman Inspector of Police,
56. Brahmachariyalage Nilantha Hemanthi
Kumari,
Woman Inspector of Police,
57. Nanayakkara Naga Mudalige Indika
Shyamali Gunawardane,
Woman Inspector of Police,
58. Dewundara liyana Waduge Champika
Priyadharshani Chandrasena,
Woman Inspector of Police,
59. Rathran Muramudali Herath
Mudhiyanselage Thunhitiyawwe Gedara
Devika Karunarathna,
Woman Inspector of Police,
60. Wanniarachchilage Siriyalatha
Wanniarachchi,
Woman Inspector of Police,
61. Marasinghe Arachchige Thanuja Nilmini
Marasinghe,
Woman Inspector of Police,
62. Henarath Pathirannahalage Sunethra
Seneviratne,
Woman Inspector of Police,
63. Ubeysekara Mudhiyanselage Pushpa
Kumari Ariyaratna,
Woman Inspector of Police,
64. Lewwandage Don Vinfrida Sanjeevani,
Woman Inspector of Police,
65. Kasthuriarachige Sujatha Kumari,
Woman Inspector of Police,

66. Madapathage Dona Lasanthi Priyandika
Madapatha,
Woman Inspector of Police,
67. Aluthgedara Saman Manushanthi
Seneviratne,
Women Inspector of Police,
68. Muthukuda Arachchige Roshanthi
Chandrika Wikramasinghe,
Woman Inspector of Police,
69. Jayasinghage Nirmala Niluka Chamali
Perera, Woman Inspector of Police,
70. Veelsing Gedara Sunethra
Priyadharshani Disanayaka,
Woman Inspector of Police,
71. Pittala Wattage Dona Nirosha
Priyadharshani Karunaratna,
Woman Inspector of Police,
72. Ramyalatha Ponnampuruma,
Woman Inspector of Police,
73. Gamagedra Kusum Gamage,
Woman Inspector of Police,
74. Kunnak Mudiyansele Ayesha Upulmal
Bandara Manike,
Woman Inspector of Police,
75. Bamunusingha Arachchilage
Aurudhdhika Amarawansa
Bamunusingha,
Woman Inspector of Police,
76. Galgedra Shanthi Pushpalatha,
Woman Inspector of Police,
77. Edirisinghe Mudhiyansele
Kusumalatha Amarasinghe,
Woman Inspector of Police,

78. Wanniarachchige Kanchana Gangani,
Woman Inspector of Police,
79. Bogahawatte waruni Keshala,
Woman Inspector of Police,
80. Goluwa wela Gedara Nanda Bandara,
Woman Inspector of Police,
81. Warnakula sooriya Mudhiyanselage
Priyanka Nilanthi Warnasooriya,
Woman Inspector of Police,
82. Palumullalage gayani Dhammika
Karunaratna, Woman Inspector of Police
83. Pituwala Kankanange Dilupa Wijeratne,
Woman Inspector of Police,
84. Ambelagedara gamage Sureka Dilhani,
Woman Inspector of Police,
85. Rathnayake mudhiyanselage Nilanthi
Rathnayake, Woman Inspector of Police,
86. Kankanam Gamage Shyamali
Dhammika, Woman Inspector of Police,
87. Horagoda Gamage Jeewanthi Badhrani
Gamage, Woman Inspector of Police,
88. Amarasinghage Ruweena Rukmali de
Fonseka, Woman Inspector of Police,
89. Kajugaswattage Kanthi Pushpalatha
Woman Inspector of Police,
90. Henaka Arachchilage Roopa Indhumathi
Wijeratne, Woman Inspector of Police,
91. Miyadeniya Gamaralalage Pushpalatha,
Woman Inspector of Police,
92. Rajapaksha Ge Rajapasksha,
Woman Inspector of Police,
93. Walisundara Mudhiyanselage Himali
Indika Kumari Samarakoon,

- Woman Inspector of Police,
94. Kahandawala Arachchilage Nishanthi
Chamila Perera,
Woman Inspector of Police,
95. Malkanthi Rohini Kehelgamuwa,
Woman Inspector of Police,
96. Dona Dilini Deepika Wijesiri
Jayawardana Weeraman,
Woman Inspector of Police,
97. Wedagedara Sujeewa Chandani
Disanyake, Woman Inspector of Police,
98. Heenkanda Durage Chamia Samanthi
Gunawardane, Woman Inspector of
Police,
99. Wanigasekarage Dumindu Renuka
Wanigasekara, Woman Inspector of
Police,
100. Manikkuwadura Malka Thushari De
Soyso, Woman Inspector of Police,
101. Kodippili Weda Arachchige Rasika
Nilanthi, Woman Inspector of Police,
102. Wawagama Gamage Dharma Niroshani,
Woman Inspector of Police,
103. Gala Gedarage Sajeewa Jayamini
Ariyasena, Woman Inspector of Police,
104. Jayaweera Arachchige Nimali
Wasundara, Woman Inspector of Police,
105. Dasanyake Mudiyanseelage Nilanthi
Kumari Wijesinghe,
Woman Inspector of Police,
106. Ramanayake Arachchilage Deepika
Ramanayake, Woman Inspector of Police,
107. Kusumawathi Punchihewa,

- Woman Inspector of Police.
108. S.S. Disanayaka,
Woman Inspector of Police.
109. H.M.I.N. Senevirathna,
Woman Inspector of Police.
110. H.M.U.S. Disanayake,
Woman Inspector of Police.
111. M.D. Vithanawasam,
Woman Inspector of Police.
112. P.R.S.D.W.M.N.L. Palipana,
Woman Inspector of Police
All of C/O Mr. Prasad Ranasinghe,
Senior superintendent of Police,
Director Human Resource,
Police Headquarters, Colombo 01,
113. Public Service Commission,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

Respondents

Before: Hon. Chief Justice P. Padman Surasena
Hon. Justice Mahinda Samayawardhena
Hon. Justice Sampath K.B. Wijeratne

Counsel: Rienzie Arsecularatne, P.C., with Chamindri Arsecularatne
for the Petitioners.
Rajitha Perera, D.S.G., for the Respondents.

Argued on: 30.06.2025

Written submissions:

By the Petitioners on 14.10.2025.
By the Respondents on 24.09.2025.

Decided on: 08.09.2026

Samayawardhena, J.

Twenty-six Petitioners filed this application on 18.06.2019 naming twelve Respondents, including the Inspector General of Police, the National Police Commission, and the Attorney General, seeking a declaration that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution have been infringed by the National Police Commission and/or the Inspector General of Police by the issuance of letter bearing reference No. NPC/ED/NG/PR/07/Time Pro/2019 dated 24.05.2019 marked P21 by the National Police Commission.

At the time P21 was issued by the National Police Commission on 24.05.2019, a Woman Inspector of Police became eligible for promotion to the rank of Woman Chief Inspector of Police upon completion of a minimum of eight years' service in the rank of Woman Inspector of Police. By P21, acting on the proposal made by the Inspector General of Police by letter bearing reference No. STAFFDIG/IG/OUT/08/255/2019 dated 09.05.2019 marked 11R2, the National Police Commission decided, as a temporary measure intended to address issues relating to stagnation in promotions within the police service, to increase the minimum period of service required for such promotion from eight years to ten years as at 31.12.2018. The reasons underlying that decision will be discussed later in this judgment.

The Petitioners' grievance is that they had completed eight years of service by 08.02.2018 and were therefore eligible to apply for promotion from the rank of Woman Inspector of Police to Woman Chief Inspector of Police. They contend that, due to the aforesaid decision of the National Police Commission, they were deprived of that opportunity, thereby infringing their right to equality guaranteed under Article 12(1) and their freedom to engage in a lawful occupation guaranteed under Article 14(1)(g) of the Constitution by one or more of the Respondents. They

further state that the alleged violation would cease to exist if the minimum period of service stipulated in P21 is reduced to eight years.

Although the Petitioners tendered the decision of the National Police Commission marked P21 with the petition, they did not produce the document which led the National Police Commission to arrive at that decision, notwithstanding the fact that the first paragraph of P21 specifically refers to that document. That document was subsequently tendered by the Inspector General of Police together with his affidavit and marked 11R2.

11R2 is a comprehensive document addressed by the Inspector General of Police to the National Police Commission, setting out in considerable detail the reasons underlying the proposal made by him for the consideration of the National Police Commission. The document consists of five pages together with three tables containing the relevant statistical data. There is no necessity to reproduce its contents *in extenso* in this judgment.

The substance of 11R2 is as follows. These facts have not been denied by the Petitioners.

In the first paragraph of 11R2, the Inspector General of Police admits that there is no proper policy in place in the Police Department regarding the promotion of police officers and that, consequently, there existed a considerable degree of frustration among police officers in almost all ranks. He states that Women Inspectors of Police who had completed more than ten years in that rank were among the worst affected.

By 31.12.2018, there were 105 Women Inspectors of Police who had completed more than ten years of service in that rank, whereas there were only 54 vacancies in the rank of Woman Chief Inspector of Police. Therefore, if only 54 officers were promoted, 51 Women Inspectors of Police who had completed more than ten years in the rank would be left out.

In order to mitigate the growing frustration among those officers, the Inspector General of Police proposed that all 105 officers be promoted to the rank of Woman Chief Inspector of Police with effect from 01.01.2019, notwithstanding the absence of sufficient vacancies in the cadre to accommodate all 105 officers. This was proposed as a temporary, one-off solution.

However, this did not amount to a blanket promotion of all 105 officers without any consideration. The proposal was that promotions be granted only to those Women Inspectors of Police who satisfied the criteria set out at pages 4 and 5 of 11R2 and who also complied with the other conditions stipulated therein. Thus, it was not a *carte blanche* promotion. The Inspector General of Police has further explained, by reference to the statistics contained in the tables annexed to 11R2, that all of these 105 Women Inspectors of Police had served in that rank for more than twelve years, and some for more than fifteen years.

As further explained therein, there were 68 Women Inspectors of Police, including the 15 Petitioners, who had completed eight years of service by 31.12.2018. Although those 68 Women Inspectors of Police may also have been senior officers, they had initially joined the Police Reserve Service as Women Sub Inspectors of Police on 16.04.1996 and not the Police Regular Service. They were absorbed into the Police Regular Service only on 24.02.2006 and were promoted to the rank of Woman Inspector of Police with effect from 08.02.2010.

The next question is whether the decision of the National Police Commission marked P21, taken upon the proposal made by the Inspector General of Police in 11R2, amounts to a violation of the Petitioners' fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution.

Promotions within the Police Department constitute a complex and recurring issue. The material before this Court demonstrates that there is no proper and comprehensive promotion policy in place and that

various *ad hoc* schemes have been introduced from time to time in an attempt to address grievances arising from stagnation in promotions. Unless and until a sound, transparent, and workable promotion policy is formulated, taking into account the views of all stakeholders, disputes of this nature are likely to continue. The extent of the problem is evident from the numerous promotion schemes introduced in recent years. It is further reflected in the substantial number of fundamental rights applications relating to police promotions presently pending before this Court.

In the instant case, the Inspector General of Police himself admits in 11R2 that there is no proper promotion policy in place in the Police Department and that *ad hoc* measures have been adopted from time to time to minimise growing frustration among police officers and thereby ensure the continued functioning of the Department.

I observe that new cases concerning police promotions continue to be filed in the Supreme Court, indicating that, even to date, no proper policy has been formulated. In such cases, during submissions, learned counsel appearing for petitioner police officers frequently contend that this Court should direct the formulation of a proper promotion policy and follow up on its implementation. This Court has, in the past, issued such directions in a number of cases. However, for various reasons, those directions have not materialised into a comprehensive and workable policy.

It is, however, encouraging that this Court has been informed that the National Police Commission has recently approved several recruitment and promotion schemes intended to address these longstanding issues. It is hoped that these measures will lead to the formulation and implementation of a transparent, workable and sustainable promotion policy that will minimise uncertainty, reduce litigation and promote confidence in the promotion process within the Police Department.

Against this backdrop, one cannot realistically expect the Police Department to continue functioning in the manner in which it has operated for years, namely, with long periods of stagnation, punctuated by *ad hoc* promotions granted to selected officers. Changes become necessary from time to time to address prevailing and pressing institutional needs, and to devise at least on a temporary basis measures to alleviate growing frustration within the Department and thereby ensure its smooth functioning, even at a minimum level.

The material before Court demonstrates that the impugned decision was conceived as a temporary and exceptional administrative measure intended to address an immediate institutional difficulty and not as a permanent restructuring of the promotional scheme. The classification introduced by P21 was intended to address an exceptional and accumulated stagnation affecting officers who had remained in the rank of Woman Inspector of Police for periods exceeding twelve to fifteen years.

The contents of 11R2, and the consequential decision of the National Police Commission reflected in P21 are well-founded. 11R2 adequately justifies the decision embodied in P21. Accordingly, P21 cannot be characterised as arbitrary.

The formulation of promotion policies and the management of cadre structures within the Police Department primarily fall within the province of the competent administrative authorities, subject to the policy-making authority vested in the Cabinet of Ministers under Article 55(1) of the Constitution. While such decisions remain subject to constitutional scrutiny, this Court shall exercise restraint and should not interfere with policy choices made by the executive unless they are shown to be arbitrary, irrational, *mala fide*, discriminatory, or otherwise unconstitutional. The present case discloses no such infirmity.

The question before this Court is not whether some other promotional arrangement could also have been devised. The question is whether the decision reflected in P21 is so arbitrary, irrational, or discriminatory that

it warrants constitutional intervention under Article 12(1) of the Constitution.

No police officer possesses a vested right to promotion merely upon satisfying the minimum eligibility requirements. At most, such an officer may claim a right to be considered for promotion in accordance with the prevailing policy framework, which itself remains subject to lawful modification by the competent authorities in response to administrative exigencies and institutional requirements.

Chaudhari & Chaturvedi's Law of Fundamental Rights, 4th edition (Delhi Law House, 2001) at page 426 states:

No one can claim a right to promotion. The right extends merely to being considered for promotion on just and equitable principles, without unfair discrimination against him, unless there is some statutory rule giving right to any person to be promoted, because in the absence of any such rule, the Government can keep any due promotion in abeyance, provided the Government has acted fairly, reasonably and in public interest: and, then again, this simple right to being considered for promotion is only when the aspirant possesses the minimum qualifications for the post.

In *State of Jammu & Kashmir v. Shiv Ram Sharma* AIR 1999 SC 2012, the Supreme Court of India emphasised that the State possesses the authority to prescribe qualifications and conditions governing appointment and promotion to public posts in accordance with administrative exigencies and that employees do not acquire a vested right to be considered for promotion under a particular set of rules existing at the time of their entry. The Court further held at page 2014 that the principle of avoiding stagnation applies to the service as a whole and not to the hardship suffered by individual employees:

The law is well settled that it is permissible for the Government to prescribe appropriate qualifications in the matter of appointment or

promotion to different posts. The case put forth on behalf of the respondents is that when they joined the service the requirement of passing the matriculation was not needed and while they are in service such prescription has been made to their detriment. But it is clear that there is no indefeasible right in the respondents to claim for promotion to a higher grade to which qualification could be prescribed and there is no guarantee that those rules framed by the Government in that behalf would always be favourable to them.

In Roshan Lal Tandon vs. Union of India 1968(1) SCR 185, it was held by this Court that once appointed an employee has no vested right in regard to the terms of service but acquires a status and, therefore, the rights and obligations thereto are no longer determined by consent of parties, but by statute or statutory rules which may be framed and altered unilaterally by the Government. The High Court has also noticed that there was an avenue provided for promotion but the prescription of the qualification was not favourable to respondents.

The principle of avoiding stagnation in a particular post will not be with reference to a particular individual employee but with reference to the conditions of service as such. As long as rules provide for conditions of service making an avenue for promotion to higher grades the observations made in T.R. Kothandaramans case [supra] stand fulfilled.

Classification among the same group of persons *per se* does not violate Article 12(1) of the Constitution. However, any such classification must be founded on an intelligible differentia having a rational nexus to the object sought to be achieved. Classifications among persons must be reasonable and not arbitrary or unjust. Reasonable classifications for legitimate purposes, and differential treatment based on such classifications, are permissible. What Article 12(1) seeks to prevent is discriminatory treatment within the same classification. (*Palihawadana*

v. Attorney General [1978-79-80] 1 Sri LR 65 at 68-69, *Wasantha Disanayake and Others v. Secretary, Ministry of Public Administration and Home Affairs and Others* [2015] 1 Sri LR 363 at 367, *Thilak Lalitha Kumara v. Secretary, Ministry of Youth Affairs and Skills Development and Others* [2015] 1 Sri LR 369 at 376-377)

In *S.G. Jaisinghani v. Union of India and Ors.* 1967 AIR 1427, the Petitioners challenged the constitutional validity of the seniority and quota rules governing promotions within the Income Tax Service, specifically questioning their compliance with Articles 14 and 16 of the Indian Constitution which guarantee equality before the law and equality of opportunity in public employment. The Court observed at page 1429 that these rules did not violate Articles 14 and 16 of the Constitution as they were based on reasonable classification, essential for filling higher echelons of the service with experienced and capable officers as follows:

The concept of equality in the matter of promotion can be predicated only when the promotees are drawn from the same source. If the preferential treatment of one source in relation to the other is based on the differences between the said two sources, and the said differences have a reasonable relation to the nature of the office or offices to which recruitment is made, the said recruitment can legitimately be sustained on the basis of a valid classification.

In *Samarasinghe v. The Bank of Ceylon* [1978-79-80] 1 Sri LR 221, it was held that “Although employees may be integrated into one class, i.e. Sub-Managers, the employees can, in the matter of promotion, be classified again into two different classes on the basis of any intelligible differentia, such as educational qualifications, which bears a nexus to the object of the classification, namely, efficiency in the post to which promotion is to be made. Accordingly, the differentiation made by the Bank in promotions from the grade of Sub-Manager to Assistant Manager was not unconstitutional.”

The Petitioners were not singled out for hostile or unequal treatment. They belonged to a larger category of officers who had not yet crossed the ten-year threshold stipulated in P21. Equality under Article 12(1) does not guarantee identical outcomes to unequals. What it prohibits is arbitrary and discriminatory treatment.

In the instant case, although the Petitioners had completed eight years of service in the rank of Woman Inspector of Police and were therefore eligible to be considered for promotion, the material before Court demonstrates that the competent authorities were confronted with a more pressing and acute problem. As at 31.12.2018, there were 105 Woman Inspectors of Police who had completed more than ten years of service in that rank, whereas there were only 54 cadre vacancies in the rank of Woman Chief Inspector of Police. In those circumstances, the decision to give priority to officers who had remained in the rank for exceptionally long periods and to devise a temporary measure to alleviate the accumulated stagnation affecting them was both understandable and justifiable. The Petitioners were not similarly circumstanced. Accordingly, the decision reflected in P21 cannot be characterised as arbitrary, irrational, or discriminatory.

Having regard to the facts and circumstances of this case, I do not think that the Petitioners have succeeded in satisfying this Court that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution have been infringed by any of the Respondents.

Accordingly, I dismiss the Petitioners' application, but without costs.

Judge of the Supreme Court

P. Padman Surasena, C.J.

I agree.

Judge of the Supreme Court

Sampath K.B. Wijeratne, J.
I agree.

Judge of the Supreme Court