

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

In the matter of an application under
Article 17 and in terms of Article 126 of
the Constitution of the Democratic
Socialist Republic of Sri Lanka.

1. D.M. Yahampath
No.6A, Sadu Mawatha, Neelammahara
Road,
Godigamuwa, Maharagama
2. K.P.D.Prabhath Sirisena
No 310, Kandewatta,
Pinnawala
3. P.N.Ranaweera
No. 305/7, Palan Watta,
Pannipitiya
4. I.M.N.Dissanayaka
'Rathnawasa'
Thammattagama, Mahawa
5. K.Sunil
No.242 C, Mawathagama,
Padukka
6. A.D.Nimalsiri
No 33/66, Gaminipura,
Meegoda.
7. H.M.K.C.Bandara
No. 32, Paliyapana,
Poorikaduwa, Menikhinna

SC/FR/APPLICATION NO 309/2014

8. S.M.S.B.Samarakone
No 386, Rathmalkatuwa
9. H.D.R.A.Jayaratne,
116, 'Shanthi'
Mudungoda, Gampaha
10. D.W Peries
No.30, Keselwatta, Panadura
11. A.M.P. Adhikari
No 742, Naththandiya Road,
Marawila.

PETITIONERS

Vs.

1. Vocational Training Authority of Sri Lanka, 4th Floor, No 354/2, Elvitigala Mawatha, Narahenpita
2. S.R.P.Rathnayaka
Former Chairman, Vocational Training Authority of Sri Lanka, No 354/2, Elvitigala Mawatha, Narahenpita
3. Manoja Pathirana,
Former Chairman,
Vocational Training Authority of Sri Lanka, No 354/2, Elvitigala Mawatha, Narahenpita
- 3A. Wijesuriya Arachchige Ranaweera,
Director (Administration),
Vocational Training Authority of Sri Lanka, 4th Floor, No 354/2, Elvitigala Mawatha, Narahenpita.

3B. Gammana Vidanalage Priyantha
Niroshana
Director (Administration),
Vocational Training Authority of Sri Lanka,
4th Floor, No 354/2, Elvitigala Mawatha,
Narahenpita.

4. Attorney General
Attorney General's Department,
Colombo 12.

5. Nimal Bopage
Former Chairman
Vocational Training Authority of Sri
Lanka, 4th Floor, No 354/2, Elvitigala
Mawatha, Narahenpita.

5A. Lionel Pinto
Former Chairman ,
Vocational Training Authority of Sri
Lanka, 4th Floor, No 354/2, Elvitigala
Mawatha, Narahenpita.

5B. Gamini Hettiarachchi
Chairman,
Vocational Training Authority of Sri
Lanka, 4th Floor, No 354/2, Elvitigala
Mawatha, Narahenpita.

5C. Ravi Jayawardane
Chairman /CEO
Vocational Training Authority of Sri
Lanka, 4th Floor, No 354/2, Elvitigala
Mawatha, Narahenpita.

5D. Mr. Damitha Wickremasinghe,
Chairman /CEO

Vocational Training Authority of Sri Lanka, 4th Floor, No 354/2, Elvitigala Mawatha, Narahenpita.

5E. Mr. A.T.Upali Keppitipola
Chairman/CEO

Vocational Training Authority of Sri Lanka, 4th Floor, No 354/2, Elvitigala Mawatha, Narahenpita.

5F. Air Vice Marshal Prasanna Ranasinghe
(Retired)

Chairman/CEO

Vocational Training Authority of Sri Lanka, 4th Floor, No 354/2, Elvitigala Mawatha, Narahenpita.

5G. Mr. Vijitha Weerarathunga

Chairman/CEO

Vocational Training Authority of Sri Lanka, 4th Floor, No 354/2, Elvitigala Mawatha, Narahenpita.

RESPONDENT

BEFORE :Hon. K.Kumudini Wickremasinghe, J.

Hon. Dr. Sobhitha Rajakaruna, J.

Hon. M. Sampath K.B. Wijeratne, J

COUNSEL : Manohara De Silva, PC with Kaveesha Gamage and Dilmini De Silva instructed by Athula De Silva for the Petitioners.

K. De Silva Balapatabendi, DSG instructed by Sonali Collure for the Respondents.

WRITTEN SUBMISSIONS ON :Written Submissions filed by the

Petitioner on 01.02.2021
Written Submissions filed by the
Respondents on 23.10.2020.

ARGUED ON : 06.03.2025

DECIDED ON : 27.02.2026

K. KUMUDINI WICKREMASINGHE, J

This is an Application filed under Article 126(1) of the Constitution by the Petitioners seeking, *inter alia*, for a declaration that their fundamental rights to equality before the law and equal protection of the law as guaranteed by Article 12(1) of the Constitution.

On 25.03.2015, having heard the Learned President’s Counsel for the Petitioners in support of this Application and the Learned Senior State Counsel who appeared for the Respondents, this court granted leave to proceed under Article 12(1) of the Constitution.

Factual Matrix

Petitioner’s version of facts

The Petitioners stated that they were Training Officers of the Vocational Training Authority of Sri Lanka (hereinafter referred to as “the 1st Respondent Authority”) and that, at the time of filing this Application, they were covering up duties in the post of Assistant Director (Training).

The Petitioners stated that the 1st Respondent Authority had been established under the Vocational Training Authority of Sri Lanka Act No.

12 of 1995. They further stated that the 2nd Respondent was the Chairman of the 1st Respondent Authority, the 3rd Respondent was the Director (Administration) of the said Authority and the 4th Respondent was the Hon. Attorney General.

The Petitioners stated that the acts and decisions of the 1st to 3rd Respondents complained of in this Application constituted executive and/or administrative action within the meaning of Articles 17 and 126 of the Constitution.

The Petitioners stated that they had been appointed as Instructors of the 1st Respondent Authority during the period from 1995 to 2001 and had thereafter been confirmed in service with effect from their respective dates of appointment (**P1** – Letter of Appointment dated 26.08.1996; P2 – Letter of Confirmation dated 01.10.1998).

The Petitioners stated that in July 2007, the 1st Respondent Authority had called for internal applications for promotion to several posts, including the post of Training Officer (**P3** – Letter dated 30.07.2007). They stated that they had applied for promotion to the post of Training Officer and that, upon successfully facing interviews, they had been promoted to the said post with effect from 1 July 2008 (**P4** – Letter of Promotion dated 29.08.2008).

The Petitioners stated that at the time of their promotion in 2008, the 1st Respondent Authority did not have a formally approved Scheme of Recruitment and Promotion and that appointments and promotions were made based on criteria determined by the senior management of the Authority. They stated that under the organisational structure which

existed prior to December 2013, the post of Training Officer was treated as a staff-grade and managerial post.

The Petitioners stated that under the said structure, the next promotional posts above Training Officer were Training Manager, Senior Training Manager, Assistant Director, Deputy Director and Director (Training) and that posts such as Senior Instructor, Instructor, clerical staff, drivers, labourers and other minor staff categories were placed below the post of Training Officer.

The Petitioners further stated that Training Officers were responsible for the design, coordination and implementation of training programmes at District Vocational Training Centres and functioned as supervising officers of Senior Instructors and Instructors. They further stated that the post of Training Officer had been treated as a staff-grade post even prior to 2008 and that applications for the post had been called under staff-grade categories.

The Petitioners stated that in or about 2010 and 2011, the 2nd Petitioner had been appointed to act and cover up duties in the post of Training Manager (**P5** – Letter dated 12.05.2010; **P5A** – Letter dated 04.07.2011). They stated that although applications had been called in November 2011 for promotion to the post of Training Manager, interviews were not concluded and the promotion process was not finalised (**P6** – Letter dated 24.11.2011).

The Petitioners stated that in or about May 2014, they had been appointed to cover up duties in the post of Assistant Director (**P7** – Letter dated 16.05.2014).

The Petitioners stated that in 2006, the Government had introduced a revised public sector salary structure by Public Administration Circular No. 6/2006 and that corresponding revisions for statutory bodies had been introduced by Management Services Circular No. 30. They stated that in terms of Management Services Circular No. 30, their salaries had been revised and they had been placed in salary scale MA-4-2006, which was categorised under **“Operational / Instructional Services”**.

The Petitioners stated that they had made representations regarding their categorisation and had been informed that the said categorisation was solely for salary restructuring purposes and would not affect their status or position in the 1st Respondent Authority. They further stated that paragraph 2 of Annexure II to Management Services Circular No. 30 expressly provided that re-categorisation under the Circular would not affect the existing status of employees.

The Petitioners stated that, in these circumstances, they had a legitimate expectation that their status as staff-grade and managerial officers would continue and that proper categorisation would be addressed at the time a formal Scheme of Recruitment and Promotion was formulated.

The Petitioners stated that in December 2013, pursuant to Management Services Circular No. 30, the 1st Respondent Authority had restructured its cadre, had introduced a formal Scheme of Recruitment and Promotion and had revised its organisational structure. They stated that under the said Scheme of Recruitment, the post of Training Officer was categorised as a Junior Manager (JM-1-1) post.

The Petitioners stated that they had been informed by letters issued by the 1st Respondent Authority that they had been absorbed into the Junior Manager (JM-1-1) category with effect from 27.12.2013. They further stated that, as part of the restructuring process:

1. The posts of Training Manager and Senior Training Manager were abolished;
2. Officers who had held those posts were absorbed into the posts of Assistant Director or Deputy Director; and
3. Approximately forty Senior Instructors and Instructors were promoted to the post of Training Officer with effect from 12 May 2014.

The Petitioners stated that in terms of the new Scheme of Recruitment, promotion to the posts of Assistant Director or Deputy Director could be made, *inter alia*, from among internal candidates who had completed five years of satisfactory service in a post belonging to the Junior Manager category.

They stated that they had held the post of Training Officer continuously since 01.07. 2008 and had therefore completed more than five years of service in a post which was subsequently categorised as a Junior Manager post.

They stated that in November 2013, applications were called for several posts of Assistant Director and that, by letter dated 03.12.2013, the

eligibility criteria were amended to align with the Scheme of Recruitment. The Petitioners stated that the closing date for applications was 10.12.2013 and that, as at that date, they possessed the stipulated qualifications, including five years of satisfactory service as Training Officers.

The Petitioners stated that they had applied for promotion to the post of Assistant Director, that their applications had been accepted and that they had been called for interviews held on 27.12.2013. They stated that they had faced the interviews to the satisfaction of the interview panel. However, despite the completion of the interview process, no permanent appointments were made to the post of Assistant Director.

They stated that they thereafter had made representations requesting that permanent appointments be made.

The Petitioners stated that by letter dated 30.09.2014, the 3rd Respondent had informed them that, as they had been absorbed into the Junior Manager category only with effect from 27.12.2013, they had not completed five years of service in that category and were therefore not eligible for promotion.

They stated that the said decision had the effect of disregarding their service as Training Officers from 2008 to 2013, their seniority in the post and their prior managerial status. They further stated that they had a legitimate expectation of promotion and that the refusal to appoint them to the post of Assistant Director had caused them prejudice.

Objections of the Respondents

The Respondents submitted that the Petitioners' Application was misconceived in law and that the Petitioners had failed to establish any violation of their fundamental rights under the Constitution.

The Respondents submitted that the 1st Respondent Authority had been established under the Vocational Training Authority of Sri Lanka Act No. 12 of 1995, which empowered it to appoint officers and staff as necessary for the discharge of its functions. They submitted that the Authority had acted in accordance with its statutory powers in determining the eligibility of the Petitioners for promotion.

The Respondents submitted that prior to the introduction of Management Services Circular No. 30 dated 22.09.2006 (MSC 30) (**P14**), the post of Training Officer had been placed on salary scale MA-4, which was a non-managerial scale. They submitted that the Petitioners had been appointed to the post of Training Officer on 29.08.2008 (P4) and that their salaries had been revised in accordance with MSC 30 (**P15**).

They further submitted that the post of Training Officer was categorised as a Junior Manager (JM-1-1) post only upon the introduction of the new Scheme of Recruitment in March 2014 (**P18**).

The Respondents submitted that internal candidates became eligible for absorption into the JM-1-1 category only upon completion of five years of service in the MA-4 post. They stated that the Petitioners had been absorbed into the JM-1-1 category with effect from 27.12.2013 (**P18**) and that applications for promotion to the post of Assistant Director were called

between November 2013 and 10.12.2013 (**P19 and P20**), prior to such absorption.

The Respondents submitted that the Petitioners had therefore not satisfied the eligibility criterion of five years of satisfactory service in a JM-1-1 post as at the closing date of applications. They argued that the Petitioners' request to have their total service as Training Officers considered for promotion itself acknowledged that they had not fulfilled the formal requirements under the Scheme of Recruitment.

Alleged violation of Article 12(1)

Article 12(1) of the Constitution guarantees that all persons are equal before the law and are entitled to the equal protection of the law. It is well settled that this provision strikes at arbitrariness in State action and mandates that executive or administrative decisions must not be irrational, capricious, or lacking in a reasonable basis.

In ***Perera v. Jayawickrama* [1985] 1 SLR 285**, a Full Bench of this Court considered the scope and content of Article 12(1). The majority opinion delivered by Sharvananda, C.J. held that:

“This Article is violated both by unequal treatment of the equals and equal treatment of the unequals. The aim of the article is to ensure that invidious distinction or arbitrary discrimination shall not be made by the State between a citizen and a citizen who answers the same though the concept of equality does not involve the idea of absolute equality among human beings. Hence, equality before the law does not mean that things which are different shall be treated as they were the same. Thus, the

principle of equality enacted under Article 12 does not absolutely prevent the State from differentiating between persons and things. The State has the power of what is known as a "classification" on a basis of rational distinction relevant to the particular subject dealt with. So long as all persons falling into the same class are treated alike there is no question of discrimination and there is no question of violating the equality clause. The discrimination which is prohibited is treatment in a manner prejudicial as compared to another person in similar circumstances. Discrimination is the essence of classification; so long as it rests on a reasonable basis there is no violation of the constitutional rights of equality."

However, the latter view taken up by the Petitioners was endorsed by Wimalaratne, J., who delivered a dissenting opinion in the same case:

"In order to establish discrimination, it is not necessary for the Petitioner to show that correct procedure was applied in the case of others and that he has been singled out for the adoption of a different procedure. Nor is it necessary for him to show that no others were victims of the wrong procedure now applied for the first time, perhaps in his case."

What Article 12(1) envisages in terms of equality is described by Ranasinghe, C.J., in **Ramuppillai v Festus Perera, Minister of Public Administration, Provincial Councils and Home Affairs and Others (1991) 1 Sri L.R. 11** (at p. 19) as:

"... among equals, the law should be equal and it should be equally administered: that like should be treated alike: that all

persons are equal before the law and are entitled to equal protection of the law: that no citizen shall be discriminated against on grounds of race, religion, language, casts, sex, political, opinion, place of birth or any of such grounds.”

By Sharvananda, C.J. in **C.W. Mackie and Company Ltd. v. Hugh Molagoda, Commissioner General of Inland Revenue and others [1986] 1 SLR 300**, where His Lordship held that:

“In order to sustain the plea of discrimination based upon Article 12(1) a party will have to satisfy the court about two things, namely (1) that he has been treated differently from others, and (2) that he has been differently treated from persons similarly circumstanced without any reasonable basis.”

The requirement of proving unequal treatment was further emphasized by Dr. Shirani Bandaranayake, J., in **Farook v. Dharmaratne, Chairman, Provincial Public Service Commission and others [2005] 1 Sri LR 133**, as follows:

“.... the petitioner quite clearly has sought to obtain relief on the basis of unequal treatment. When a person does not possess the required qualifications that is necessary for a particular position, would it be possible for him to obtain relief in terms of a violation of his fundamental rights on the basis of unequal treatment? If the answer to this question is in the affirmative, it would mean that Article 12(1) of the Constitution would be applicable even in a situation where there is no violation of the applicable legal procedure or the general practice. The application of Article 12(1)

of the Constitution cannot be used for such situations as it provides to an aggrieved person only for the equal protection of the law where the authorities have acted illegally or incorrectly without giving due consideration to the applicable guidelines. Article 12(1) of the Constitution does not provide for any situation where the authorities will have to act illegally. The safeguard retained in Article 12(1) is for the performance of a lawful act and not to be directed to carry out an illegal function. In order to succeed the petitioner must be in a position to place material before this Court that there has been unequal treatment within the framework of a lawful act.”

In ***Thilak Lalitha Kumara v. S.S. Hewapathirana, Secretary, Ministry of Youth Affairs and Skills Development [SC (FR) 451/2011, SC Minutes of 17.09.2015]***, Anil Gooneratne, J. dismissing an application claiming a violation of fundamental rights as guaranteed by Article 12(1), also held that:

“To survive equal protection attack the different treatment of two classes of persons must be justified by a relevant difference between them.”

Similarly, in ***Wasantha Disanayake and others v. Secretary, Ministry of Public Administration and Home Affairs and others (SC (FR) 611/2012, SC Minutes of 10.09.2015)***, K. Sripavan, C.J. held that it is necessary to show unequal treatment and discriminatory action against the Petitioners in pleading a violation of right to equality:

“Article 12(1) of the Constitution contemplates the right to equality and states that, ‘All persons are equal before the law and are entitled to the equal protection of the law’. What is meant here is that equals should be treated equally and similar laws and regulations should be applicable to persons who are similarly circumstanced. In reference to Article 12(1) of the Constitution, it would be necessary to show that there had been unequal treatment, and therefore, there exist discriminatory action against the Petitioners.”

Further, in the more recent Judgment of **R.M. Premil Priyalath de. Silva and others v. Akila Viraj Kariyawasam (M.P), Hon. Minister of Education and others [SC (FR) 97/2015, SC Minutes of 20.02.2018]**, Vijith K. Malalgoda, PC., J., referring to the Judgment in **Samadi Suharshana Ferdinandis and another V. S.S.K. Aviruppola, Principal, Visakha Vidyalaya and others [S.C. F.R. No. 117/2011]** held that:

“As referred to above in this judgment, the Petitioners have failed to place before this court any material to establish that they were treated differently by any of the above Respondents when they decide not to admit the 3rd Petitioner to Dharmashoka Vidyalaya, Ambalangoda. In the said circumstances I hold that Petitioners have not been successful in establishing that their fundamental rights guaranteed in terms of Article 12 (1) of the Constitution had been violated by the Respondents.”

Founded upon this principle, this Court in ***Samarasinghe v Air Lanka Ltd. and Others (1996) 1 Sri L.R. 259***, in relation to recruitment and promotions in the public sector, noted that (at p. 276):

“[T]his Court has, in dealing with the equality provisions of the Constitution, insisted that while there should be proper schemes of recruitment and promotion, their implementation should not be tainted by caprice, bias or prejudice. Favouritism on the one hand or the evil eye on the other, necessarily militate against the very concept of equality and should, therefore, be abhorred. There must, in the public interest, always be honesty, openness, and transparency in regard to executive or administrative acts.”

In the judgment of *Perera and Others v Monetary Board of Central Bank of Sri Lanka (1994) 1 Sri L.R. 152*, this Court further observed (at p. 167) that:

“[A] scheme of promotion must be justifiable in its formulation and just in its application. The law insists on justice and this, among other things, means that in the exercise of authority or power there must be just conduct. In the exercise of the power of recruitment, just conduct entails the even-handed treatment of those who might be affected by the exercise of a power.”

The constitutional question that arises is whether JM-1-1 represents a genuinely new service category introduced by IR3, or whether it is merely a formal reclassification of the same post of Training Officer which the Petitioners had been holding since 2008.

If the introduction of the JM-1-1 category represented the establishment of a new grade with distinct status and legal consequences, then the requirement that a candidate possess five years' satisfactory service in that category cannot be regarded as arbitrary. In such circumstances, service rendered prior to absorption into that category cannot, in law, be treated as service in a JM-1-1 post.

The Petitioners contended that the refusal to consider their continuous service in the post of Training Officer from 01.07.2008 to 27.12.2013 for the purpose of promotion to the post of Assistant Director constitutes unequal treatment under Article 12(1). They argued that, as the substantive duties and responsibilities of the post of Training Officer remained substantially unchanged, the reclassification of the post as Junior Manager (JM-1-1) under the Scheme of Recruitment should not have the effect of disregarding their prior service.

The Respondents, however, submit that the post of Training Officer prior to December 2013 was placed in salary scale MA-4, which was a non-managerial category. The JM-1-1 category was introduced **only under the Scheme of Recruitment (IR3)** formalised in December 2013. In particular, the Scheme of Recruitment **IR3**, at page 45, under “කණිෂ්ඨ කළමනාකාර” (JM 1-1) sets out the service category and recruitment procedure for posts falling under Junior Manager. It provides, inter alia, as follows:

*"(අ) සේවා ගණයට පැවරෙන කාර්යයන්හි ස්වභාවය පිළිබඳ පොදු නිර්වචනය:-
ආයතනයෙහි ජ්‍යෙෂ්ඨ කළමනාකාර සහ කළමනාකාර ශ්‍රේණිවලින් නියුතු වූවන්ගේ
කාර්ය භාරයට පරිපූරක/ සුසාධාකාරක / උපස්ථම්භක වන පරිදි විශේෂිත කොට
කළමනාකාර / ජ්‍යෙෂ්ඨ කළමනාකාර ශ්‍රේණියන්හි නිලධාරීන්ගේ අධීක්ෂණයට*

යටතර පවරා දෙනු ලබන පරිපාලනමය, පිරිස් කළමනා කරණ සහ මූල්‍ය කළමනා කරණ කාර්යයන්.

(අ)	සේවා	ගණයට	අයත්	තනතුරු	:-
01.		පරිපාලන			නිලධාරී
02.		විමර්ශන			නිලධාරී
03.		ප්‍රවාහන			නිලධාරී
04.	අභ්‍යන්තර		විගණන		නිලධාරී
05.		සැපයුම්			නිලධාරී
06.	ජ්‍යෙෂ්ඨ		වැඩසටහන්		නිලධාරී
07.		පද්ධති			විශ්ලේෂක
08.		මූල්‍ය			නිලධාරී
09.		මුද්‍රණ			නිලධාරී
10.		සුභසාධක			නිලධාරී
11.		පුද්ගලික			සහකාර
12.		පුහුණු			නිලධාරී
13.		පර්යේෂණ			නිලධාරී
14.	පරීක්ෂණ	හා	ඇගයීම්		නිලධාරී
15.	සැලසුම් නිලධාරී"				

It is evident from the above that the post of පුහුණු නිලධාරී (**Training Officer**) is explicitly included under the JM-1-1 service category. The Petitioners were absorbed into this category only from 27.12.2013 (**P16**). Accordingly, prior service in MA-4 cannot legally be considered as service in JM-1-1.

Conversely, if the evidence shows that the post of Training Officer remained substantially the same in its duties, responsibilities and position in the hierarchy and that the introduction of JM-1-1 was only a formal or salary-based reclassification, then the refusal to recognise prior

continuous service would require scrutiny under Article 12(1). An authority cannot, by merely changing the designation of a post, deny the benefit of past service unless such denial has a reasonable and rational basis.

It is therefore necessary to examine the material placed before Court in order to ascertain:

1. Whether the duties and responsibilities attached to the post of Training Officer underwent any substantive change upon the introduction of the Scheme of Recruitment;
2. Whether the JM-1-1 category constituted a new managerial grade distinct from the earlier MA-4 classification; and
3. Whether the decision to treat the Petitioners' service in the JM-1-1 category as commencing only from 27.12.2013 bears a rational nexus to the object sought to be achieved by the Scheme of Recruitment.

1. Whether the duties and responsibilities attached to the post of Training Officer underwent any substantive change upon the introduction of the Scheme of Recruitment.

The Petitioners have argued that the substantive duties and responsibilities of the post of Training Officer remained substantially the same from 2008 to 2013, even after the introduction of the Scheme of Recruitment IR3 in December 2013. Evidence from the record demonstrates that Training Officers were responsible for the design,

coordination, and implementation of training programs at District Vocational Training Centres. They supervised Senior Instructors and Instructors, a function which was carried out continuously since their promotion in 2008 (P4 – Letters of Promotion).

The IR3 document itself, at page 45, categorizes the post of පුහුණු නිලධාරී (Training Officer) under JM-1-1. The general definition of duties under JM-1-1 indicates that incumbents are assigned administrative, personnel, and financial management functions under the supervision of senior managers. A comparison of the pre-2013 duties and those set out in IR3 reveals that the responsibilities assigned to Training Officers remained substantially similar. No new functional responsibilities, reporting lines, or hierarchical powers were introduced that materially altered the nature of the post. This suggests that the reclassification was primarily formal or salary-based rather than a substantive change in duties.

2. Whether the JM-1-1 category constituted a new managerial grade distinct from the earlier MA-4 classification.

The Respondents contend, and the evidence supports, that the MA-4 scale was a non-managerial category prior to December 2013. The Petitioners' salaries had been revised under Management Services Circular No. 30, but this re-categorisation explicitly did not alter the officers' status or managerial classification (**P14–P15**). In contrast, **IR3** formally establishes JM-1-1 as a distinct service category with defined managerial responsibilities and a structured pathway for promotion.

Specifically, IR3 enumerates all posts under the Junior Manager category, including Training Officer and sets clear rules regarding eligibility for

promotion to higher posts such as Assistant Director. The eligibility criterion of five years' satisfactory service in a JM-1-1 post underscores the distinct nature of the category, marking a clear departure from the MA-4 scale. The evidence demonstrates that JM-1-1 was deliberately introduced to create a formal managerial grade, separate from the prior staff-grade structure, rather than being a mere continuation of MA-4.

3. Whether the decision to treat the Petitioners' service in the JM-1-1 category as commencing only from 27 December 2013 bears a rational nexus to the object sought to be achieved by the Scheme of Recruitment.

The Scheme of Recruitment IR3 was designed to standardise promotions and ensure uniform application of service criteria across the Vocational Training Authority. By requiring five years of satisfactory service in a post formally recognised under JM-1-1, the Authority ensures that all internal candidates have experience in a formally constituted managerial position before becoming eligible for higher responsibilities.

The Petitioners were absorbed into JM-1-1 only from 27.12.2013, the date of formal reclassification. Prior service under MA-4, though functionally similar, did not fall within the formal Junior Manager category. Therefore, the requirement that their JM-1-1 service be counted only from 27.12.2013 is consistent with the objective of the Scheme, to recognize service rendered in a properly constituted managerial grade. The decision is uniform, applies to all officers and bears a rational nexus to the aim of establishing clear promotion criteria and managerial accountability.

In those circumstances, the insistence on five years' service in the JM-1-1 category cannot be characterised as arbitrary or irrational. The requirement applies uniformly to all officers within that service category and is directly referable to the structure established by **IR3**.

Accordingly, this Court finds that the Petitioners have failed to establish that the impugned decision amounts to unequal treatment or a violation of Article 12(1) of the Constitution.

In the circumstances of the case I do not make any order as to costs.

Application dismissed.

JUDGE OF THE SUPREME COURT

Dr. Sobhitha Rajakaruna, J.

I agree.

JUDGE OF THE SUPREME COURT

M. Sampath K.B. Wijeratne, J.

I agree.

JUDGE OF THE SUPREME COURT