

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

1. U.P.E. Wijesuriya,
Service No. 1423,
291/8/1, Pragathi Place,
Sudarshana Mawatha, Malabe.
2. L.H.M. Premarathne,
Service No. 1555,
Dunhinda Road,
Ethgala, Gampola.
3. R.A.P. Samaraweera,
Service No. 1607,
1543/10, Amuattamulla Road,
Kottawa – East,
Pannipitiya.

Petitioners

SC/FR/382/2019

Vs.

1. Sri Lanka Rupavahini Corporation,
2. Chairman,
Sri Lanka Rupavahini Corporation,
Independence Square, Colombo 7.
3. Mr. M.P. Bandara,
Member of the Interview Panel,
Senior Assistant Secretary (Admin),
Ministry of Mass Media & Information,
163, Kirulapona Mawatha,
Polhenagoda, Colombo 05.

4. Mr. Rohan Perera,
Member of the Interview Panel,
Former Deputy Director General
(Engineering),
Sri Lanka Rupavahini Corporation,
No. 8, Chackendarama Road,
Rathmalana.
5. Mr. G.G.S.C. Roshan,
Member of the Interview Panel,
Director (Administration),
Sri Lanka Rupavahini Corporation
Independence Square, Colombo 7.
(Now said to be in Japan)
6. Mr. Mahinda Samarakoon,
Member of the Committee to Investigate
appointments to “Technical Administrator”
Post, Assistant Director,
7. Mr. Palitha Gallage,
Member of the Committee to Investigate
appointments to “Technical Administrator”
Post, Deputy Director General (Engineering),
8. Mr. Palitha Wijesinghe,
Member of Committee to Investigate
appointment to “Technical Administrator”
Post, Director General,
9. Mr. Thusira Malawwethantri,
Former Director General,
10. Mr. Saranga Wijerathne,
Director General (Former),
- 10A. Mr. Ajith Naragala,

Director General (Former),
10B. Mr. Jayampathi Bandara,
Director General (Former),
10C. Mr. B. Wijerathne,
Director General (Former),
10D. Mr. Ajantha Senevirathne,
Director General (Former),
10E. Mr. J.D.P. Asanga,
Director General (Former)
10F. Mr. Manoja Nadeeshana Amarasinghe,
Acting Director General,
Sri Lanka Rupavahini Corporation,
Independence Square, Colombo 7.

11. Mr. Namal Wijemuni Soyza,
Member of the Director Board,
Sri Lanka Rupavahini Corporation,
O2, 1st Lane, Rathnapura Road,
Avissawella.

11A. Mr. Prasanna Hennayake,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
No. 190/3A, Peter D Perera Avenue,
Avissawella.

11B. Mr. Chandrapala Liyanage,
Member, Board of Directors,

11C. Mr. Chaminda Ratnayake,
Member, Board of Directors,

11D. Prof. Uditha Gayashan Gunasekara,
Chairman (SLBC),
Member, Board of Directors

11E. Mr. Jayalal Hemasiri Perera,
Member, Board of Directors,

11F. Mr. Lasantha Mahesh Samaranayake,
Member, Board of Directors,

11G. Mr. R.A.S.K. Ranasinghe,
Member, Board of Directors,

11H. Mr. Chanaka Jayadewa,
Attorney at Law,
Member, Board of Directors,

11I. Mr. Sudath Mahadiulwewa,
Member, Board of Directors,
All of Sri Lanka Rupavahini Corporation,
No. 2204, Chairman's Office,
Sri Lanka Rupavahini Corporation,
Independence Square, Colombo 7.

12. Mr. Siddi M. Farook,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
345/13, Kuruppu Lane, Colombo 8.

12A. Mr. Indika Liyanahewage,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
901/4, Kandy Road, Kelaniya.

12B. Ms. P.K.S. Subhodini,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
No. 2204, Chairman's Office,
Sri Lanka Rupavahini Corporation,
Independence Square, Colombo 7.

13. Mr. Ajith Nishantha Pathirana,

Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
151, Dewannampiyatissa Mawatha,
Colombo 10.

13A. Mr. Indika Jayaratne,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
No. 976, Kotte Road, Ethul Kotte.

13B. Prof. Ajith Dissanayake,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
No. 2204, Chairman's Office,
Sri Lanka Rupavahini Corporation,
Independence Square, Colombo 7.

14. R.M.A. Rathnayake,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
Treasury Observer,
Director General,
State Accounts Department, Treasury,
Colombo 1.

14A. Mr. Manjula Makumbura,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
No. 358, Maya Mawatha, Makubura,
Pannipitiya.

14B. Jayantha Dharmadasa,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,

Chairman, National Film Corporation,
Colombo 7.

- 14C. Mr. Nuwan Gamage,
Member, Board of Directors,
- 14D. H.H. Kasthuriarachchi,
Member, Board of Directors,
- 14E. Mr. S.R.W.M.R.P. Sathkumara,
Member, Board of Directors,
- 14F. Mr. Sonala Gunawardena,
Chairman (Former),
- 14G. W.B. Ganegala,
Chairman (Former),
- 14H. Ms Rakhitha Abeygunawardhane,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
All of No. 2204, Chairman's Office,
Sri Lanka Rupavahini Corporation.
- 14I. Mr. Hudson Samarasinghe,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
Chairman, Sri Lanka Broadcasting
Corporation, No. 574,
Torrington Square, Colombo 7.
- 14J. Mr. Deepal Chandraratne,
Member, Board of Directors
Sri Lanka Rupavahini Corporation,
Chairman, National Film Corporation,
303, Baudhaloka Mawatha, Colombo 7.
- 14K. Mr. S.R.W.M.R.P. Sathkumara,
Member, Board of Directors,

Sri Lanka Rupavahini Corporation,
Additional Secretary/Administration,
Ministry of Mass Media, 163, Asidisi
Medura, Kirulapona Mawatha,
Polehenagoda, Colombo 7.

- 14L. Ms. R.J. Abdeen,
Member, Board of Directors,
Sri Lanka Rupavahini Corporation,
Director, Department of Public
Enterprise, Ministry of Finance,
The Secretariat, Colombo 1.
- 14M. Prasad Samarasinghe,
Chairman (Former),
- 14N. Ms. A.J.S.S. Edirisuriya,
Member, Board of Directors,
- 14O. Mr. N.A.K.L. Wijenayake,
Member, Board of Directors,
- 14P. Dr. Senesh Dissanaika Bandara,
Chairman (Former),
Member, Board of Directors,
- 14Q. Mr. Gihan de Silva,
Chairman (Present),
All of Sri Lanka Rupavahini Corporation,
No. 2204, Chairman's Office,
Sri Lanka Rupavahini Corporation,
Colombo 7.
15. Mr. K.G.R.W. Jayatissa,
Service No. 1346,
Technical Administrator,
16. Mr. M.I. Sihamudeen,

Service No. 1071,
Technical Administrator,

17. Mr. Nalin Dushantha De Silva,
Service No. 1112,
Technical Administrator,

18. Mr. R.A.L. Nandana,
Service No. 1223,
Technical Administrator,

19. Mr. I.S.N. Edirisinghe,
Service No. 1229,
Technical Administrator,

20. Mr. A.S. Nirosha,
Service No. 1550,
Technical Administrator,
All of Sri Lanka Rupavahini Corporation,
Independence Square, Colombo 7.

21. Mr. Sunil Samaraweera,
Secretary, Ministry of Mass Media,

21A. Mr. Jagath P. Wijeweera,
Secretary, Ministry of Mass Media,

21B. Mr. Anusha Palpita,
Ministry of Mass Media,

22. R.P.W. Gunewardena,
Additional Secretary (Administration),
Secretary, Ministry of Mass Media,
All of 163, Asidisi Medura,
Kirulapona Mawatha, Polhengoda,
Colombo 5.

23. Hon. Attorney General,
Attorney General's Department,

Colombo 12.

Respondents

Before: Hon. Justice S. Thurairaja, P.C.

Hon. Justice Kumudini Wickremasinghe

Hon. Justice Mahinda Samayawardhena

Counsel: Dr. Sunil F.A. Coorey for the Petitioner.

Rasika Dissanayake with Sandun Senadipathi for the 1st to 11th, 13th and 14th Respondents.

Rajeev Amarasuriya with Subhani Hewapathirana for the 15th to 18th Respondents.

Sabrina Ahmed, S.S.C. for the Hon. Attorney General.

Argued on: 30.04.2025

Written submissions:

By the Petitioner on 4.6.2025.

By the 1st to 11th, 13th and 14th Respondents on 2.6.2025.

By the 15th to 18th Respondents on 11.6.2025.

Decided on: 07.07.2025

Samayawardhena, J.

The three petitioners filed this application on 04.10.2019, alleging that their fundamental rights guaranteed under Articles 12(1) and 14(1)(g) of the Constitution were violated by the respondents through the appointment of the 15th to 18th respondents to the post of Technical Administrator, pursuant to the board decision dated 31.07.2019, marked P17. This Court granted leave to proceed on the alleged violation of Articles 12(1) and 14(1)(g) of the Constitution.

The petitioners and the 15th to 18th respondents are employees of the 1st respondent, the Sri Lanka Rupavahini Corporation. Applications were called for internal promotions to the post of Technical Administrator, Grade JM 1-1, in respect of 20 vacancies. Following the interviews, candidates who secured 80 marks or more were promoted to the said post, and the vacancies were accordingly filled. This process took place in 2014. The petitioners were not among those selected at that time.

The complaint of the petitioners is that the promotion of the 15th to 18th respondents in 2019 to the said post is in violation of Articles 12(1) and 14(1)(g) of the Constitution. Their contention is that, according to the “waiting list” tendered by the petitioners marked P7, they ought to have been promoted to the said post.

According to P7:

The 1st petitioner is listed at No. 24 on the waiting list and had obtained 79 marks at the interview.

The 2nd and 3rd petitioners are placed at Nos. 29 and 30, respectively, and had each secured 77 marks.

The 15th respondent is listed at No. 23 on the waiting list, with 79 marks at the interview.

The 16th, 17th, and 18th respondents are placed at Nos. 26, 27, and 28, respectively, and had each obtained 77 marks.

If I may go by the waiting list tendered by the petitioners themselves, it was unjustifiable to have promoted the 16th, 17th, and 18th respondents over the 1st petitioner, as the 1st petitioner had obtained higher marks than each of them.

On the other hand, although the 2nd and 3rd petitioners obtained the same marks as the 16th, 17th, and 18th respondents, they were ranked lower on the waiting list. Moreover, the 16th, 17th, and 18th respondents are far senior in service when compared to the 2nd and 3rd petitioners.

I declare that the fundamental rights of the 1st petitioner guaranteed under Article 12(1) of the Constitution has been violated. Accordingly, I direct the 1st and 2nd respondents—the Sri Lanka Rupavahini Corporation and its Chairman—to appoint the 1st petitioner U.P.E. Wijesuriya (Service No. 1423) to the post of Technical Administrator, with effect from 01.08.2014, without payment of arrears of salary, in the same manner as was done in respect of the 15th to 18th respondents.

Judge of the Supreme Court

S. Thurairaja, P.C., J.

I agree.

Judge of the Supreme Court

Kumudini Wickremasinghe, J.

I agree.

Judge of the Supreme Court