

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

**In the matter of an Application under Article
126 of the Constitution of the Democratic
Socialist Republic of Sri Lanka.**

S.C. Application No. (FR) 236 / 2011

Mrs. Sehu Allaudeen Fathima Shanaz
No. 12/16A, George Mawatha,
Keranga Pokuna, Mabola, Wattala.

Petitioner

Vs.

- 1. University of Colombo**
- 2. Prof. (Mrs.) Kshanika Hirimburegama**
- 3. Dr. Tudor Weerasinghe**
- 4. Prof. Indralal de Silva**
- 5. Prof. Maria E.S. Perera**
- 6. Prof. N. Selvakumaran**
- 7. Prof. Harshalal Senevirathne**
- 8. Dr. P.S.M. Gunarathne**
- 9. Prof. T.R. Ariyaratne**
- 10. Prof. Sunil Chandrasiri**
- 11. Prof. Nayani Malagoda**
- 12. Prof. Rohan Jayasekara**
- 13. Vidyanidhi N. R. de Silva**
- 14. Mr. Rajan Asirwadam**
- 15. Mr. K. Kang-Iswaran**
- 16. Mr. Thilak Karunarathne**
- 17. Mr. Chellaih Thangarajah**
- 18. Mr. C. Maliyadda**
- 19. Mr. Mahinda Rajapaksha**
- 20. Mr. H.M.N. Warakaulle**
- 21. Mr. P.W. Senarathne**
- 22. Mr. M. Wickramasinghe**
- 23. Mrs Leisha de Silva Chandrasena**
- 24. Prof J. Thilaksiri**
- 25. Dr. Cuda Witeratne**
- 26. Prof. Sarath Wijesuriya**
- 27. Rev. Agalakada Sirisumana**
- 28. Dr. (Mrs) Ajantha Hapuarachchi**
- 29. Mr. T. L. R. Silva**

All are of

No 94, Cumarathunga Munidasa Mawatha
Colombo 03.

- 30. Hon. Attorney General**
Attorney General's Department

Hulftsdorp, Colombo 1

Respondents

TO: HER LADYSHIP THE CHIEF JUSTICE AND THEIR LORDSHIPS THE OTHER HONOURABLE JUDGES OF THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

I, **Mrs. Sehu Allaudeen Fathima Shanaz** of No. 12/16A, George Mawatha, Keranga Pokuna, Mabola, Wattala being a Muslim, do hereby solemnly , sincerely and truly declare and affirm as follows:

1. I am the affirmant and the Petitioner above named .
2. The 1st Respondent is a University established under the provisions of the Universities Act No. 16 of 1978.
3. The 2nd Respondent is the present Vice - Chancellor (VC) of the 1st Respondent University. In terms of Section 34 of the Universities Act No. 16 of 1978, as amended by the Universities (Amendment) Act No 7 of 1985, the Vice Chancellor is the Principal Executive Officer and the Principal Academic Officer of the University and he is also an *ex officio* member and Chairperson of both the Council and the Senate of the 1st Respondent University.
4. The 3rd to the 25th Respondents are the other members of the Governing Council of the 1st Respondent University.
5. The 2nd, 4th, 18th, 26th, 27th and 28th Respondents were the members of the Selection Committee which interviewed the candidate for the post of Lecturer (Probationary) in the Unit of Journalism of the Faculty of Arts of the 1st Respondent University.
6. The 29th Respondent is the Acting Registrar of the 1st Respondent University. In terms of Section 37 of the Universities Act No. 16 of 1978, as amended by the Universities (Amendment) Act No 7 of 1985, the Registrar is the Secretary to the Council and the Senate of the 1st Respondent University. He is also the custodian of the property and the records of the 1st Respondent University.
7. The 30th Respondent is the Honorable Attorney General who is made a party to this application in terms of Article 134(1) of the Constitution and in terms of the rules of Your Ladyship's Court.
8. I am a citizen of Sri Lanka. I successfully completed the G. C. E. Ordinary Level and the G.C.E. Advanced Level examinations at the Mawathagama Madya Maha Vidyalaya, Kurunegala and the St. Anthony's Girls School, Kandy, respectively. I also passed the National Dancing Final Examination conducted by the Department of Education for the year 2000/2002. I also took part in the Inter School Drama Competition 1998/99 conducted by the Tower Hall Foundation in collaboration with the Ministry of Education and the All Island Dancing and Ballet Competition 2000 organized by the Ministry of Education. Copies of the G.C.E Ordinary and Advanced

Level Examination Certificates, the National Dancing Final Examination Certificate and the certificates issued by the Tower Hall Foundation and the Ministry of Education are marked and produced as **P1A, P1B, P1C, P1D** and **P1E** respectively.

9. In 2001, I entered the University of Kelaniya and obtained my B.A. (Special) Degree in Mass Communication with a Second Class (Upper Division) pass in 2006. I state that I secured 3.5 G.P.A. at the final year examination conducted by the said University. True copy of the Degree Certificate issued by the University of Kelaniya is marked and produced as **P2**. True copy the certificate indicating the summery of grades obtained by me at the annual examination is also marked and produced as **P2A**.

10. As an undergraduate of the University of Kelaniya I made significant contributions to the organizing of Mass Communication development programmes, among the students as well as the general public. In 2003 and 2004, I functioned as an announcer and the script writer of the “oQú,sudj;” Radio Programme transmitted by the Sri Lanka Broadcasting Corporation in collaborating with the Department of Mass Communication at the University of Kelaniya. In 2004, I also functioned as the Director News of the “iqyo FM”, the official Radio of the National Arts Festival organized by the Ministry of Cultural Affairs. I also participated in the workshop on “The Film Aesthetic & New Trends of Film” organized in July 2004. Furthermore I participated as a resource person of the “Resource Exchange Programme” conducted by the Sri Lanka Broadcasting Corporation in collaborating with the Department of Mass Communication at the University of Kelaniya. To establish the aforesaid copies of three documents issued under the signature of Dr. Ariyaratne Atugala, the Head, Mass Communication Department of the University of Kelaniya dated 5th April 2004 and a certificate issued under the signature of Mr. Prasanna Vithanage, the Course Coordinator are marked and produced as **P3A, P3B, P3C** and **P3d** respectively.

11. On 16th May 2005, I joined the Wayamba Development Bank as a Banking Assistant and I was attached to the Marketing Division of the Head Office of the Bank. I continued in the said position until 18th May 2007. True copy of the letter issued by the Chief Manager - Administration dated 16th September 2008 is marked and produced as **P4**.

12. On 22nd May 2007, I was appointed as an Assistant Lecturer (Temporary basis) of the Department of Mass Communication at the University of Kelaniya and I continued in the said position until 23rd July 2008. While functioning as an Assistant Lecturer, I also performed duties as an Examiner of the “Centre for Open and Distance Learning” of the said University. In addition, I was appointed as an Academic Sub Warden of the Bandaranayake Hostel of the University of Kelaniya.
A copy of the letter dated 23rd August 2008 issued under the signature of Prof. Chandrasiri Rajapaksha is marked and produced as **P5**. A copy of the letter of appointment received by me appointing me as a Lecturer of the Mass Communication Diploma Programme is marked and produced as **P5A**. A copy of the letter of appointment issued by the Vice Chancellor in appointing me as a Sub Warden dated 26th June 2007 is marked and produced as **P5B**.

13. On 15th September 2008, I joined the Sri Lanka Port Management and Consultant Services Limited and I was attached to the Secretarial Division of the Sri Lanka Port Authority as its

Media Officer. A copy of the letter of Appointment dated 24th September 2008 is marked and produced as **P6**.

14. Subsequently, on 2nd December 2008, I was appointed as a Tutor of the Journalism Unit, Faculty of Arts of the University of Colombo with effect from 2nd December 2008. On 26th June 2010, I was again appointed as an Assistant Lecturer (Temporary Basis) of the said Journalism unit of the University of Colombo. Whilst working as an Assistant Lecturer, I also functioned as a Visiting Lecturer of the Diploma in Journalism Programmes 2009-2010 and 2010-2011 conducted by the University of Colombo. The 2nd Respondent by letter dated 2nd January 2009 appointed me as a Sub Warden of a University Hostel at Kalubowila, Dehiwala. True copies of the letters of Appointments received by me dated 2nd December 2008, 7th May and 25th November 2009, 17th June and 15th December 2010 and 22nd February 2011 are marked and produced as **P7A, P7B P7C, P7D, P7E** and **P7F** respectively. Copies of the letter of appointment issued by the Vice Chancellor appointing me as a Sub Warden dated 2nd January 2009 and the Letter of appointment as the Lecturer in the said Diploma Programme are also marked and produced as **P7G** and **P7H** respectively.
15. I state that in February 2010, the 1st Respondent University by publication of a notice in the Daily News Papers called for applications for the post of Lecturer (Probationary) Journalism Unit of the Faculty of Arts of the 1st Respondent University. In response to the said Advertisement, I submitted an application dated 2nd March 2010 since I possessed the requisite qualifications. A copy of the said press advertisement and my application are marked and produced as **P8** and **P9** respectively. A copy of the document issued by the 29th Respondent stating the academic qualifications and other requirements is marked and produced as **P10**.
16. Thereafter I received a letter dated 27th January 2011 from the 29th Respondent calling me for an interview to be held on 10.02.2011. A copy of the letter received by me is marked and produced as **P11**.
17. I state that the Selection Committee that met on 10th February 2011 comprised of the following:
 - i. Prof. (Mrs.) K. Hirimburegama, The Vice Chancellor (The 2nd Respondent)
 - ii. Prof. Indralal de Silva, the Dean - Faculty of Arts (The 4th Respondent)
 - iii. Mr. C. Maliyadde, Member of the Council (The 18th Respondent)
 - iv. Prof. Sarath Wijesuriya, Senate Nominee (The 26th Respondent)
 - v. Rev. Agalakada Sirisumana, Head, Department of Sinhala (The 27th Respondent)
 - vi. Dr.(Mrs) A. Hapuarachchi, Coordinator – Journalism Unit (The 28th Respondent)
17. I state that I gave satisfactory answers to all the questions posed to me by the members of the Selection Committee and therefore, performed well at the interview. I state that the interview was conducted in Sinhala language for approximately 20 minutes.
18. At the beginning of the interview, the 2nd Respondent Vice Chancellor, having perused my application (**P9**), questioned me about my qualifications as a graduate and inquired as to why I wished to join the 1st Respondent University. I replied that the University of Colombo is one of the best universities in the region and that I preferred to work in the Journalism Unit, a fast developing academic section of the University. I further replied that I had been appointed to the

University of Colombo as a temporary lecturer for more than two years and had found the said period to be thoroughly rewarding as an academic. Following are the other questions asked by the members of the Selection Committee and the answers provided by me:

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ඔබට නැටුම් පිළිබඳව සම්මාන තිබෙනවා නේද ?

පිළිතුර - ඔව්. මම ජාතික නැටුම් අවසාන විනාගය සමන් වෙලා ඉන්නේ. ඊට අමතරව පාසල් මට්ටමින් හා ජාතික පාසල් මට්ටමින් ජයග්‍රහණ තිබෙනවා.

සූර්‍ය අගලකඩ සිරිසුමන ස්වාමීන් වහන්සේ

ශ්‍රී ලංකාවේ වත්මන් රූපවාහිනී මාධ්‍ය ක්‍රියාත්මක වන ආකාරය පිළිබඳව ඔබගේ අදහස් මොනවාද ?.

පිළිතුර - ජනමාධ්‍ය යනු ප්‍රජාවගේ තොරතුරු දැනගැනීමේ මාධ්‍යයක් වුවත් වත්මන් ජනමාධ්‍ය වෙළෙඳ ව්‍යාපාරයක් බවට පත් වී ඇත . එය එක්තරා සමාගමක එක් ව්‍යාපාරයක් පමණි. ශ්‍රී ලංකාවේ රූපවාහිනී මාධ්‍යයද වෙළෙඳ අරමුණු හා නම පෞද්ගලික න්‍යාය පනර් ඔස්සේ යමින් ක්‍රියාත්මක වෙයි. එය ජනප්‍රිය සංස්කෘතියේ වැඩසටහන් වලට මූලිකත්වය ලබා දෙන බව පෙනෙන්නට තිබෙනවා. රියැලිටී හා මෙගා ටෙලිනාට්‍ය මඟින් රසවින්දනය පෙරටු කර ගෙන ක්‍රියාත්මක වෙනවා .

මහාචාර්ය සරත් විජේසූරිය මහතා

මොනවාද ඔබගේ වීඩියෝ නිෂ්පාදන? .

පිළිතුර - මම වාර්තා කෙටි චිත්‍රපටයක්, වාර්තා වැඩසටහනක් හා ගීත සඳහා රූප රචනා දෙකක් කරලා තිබෙනවා. මාගේ උපාධි පර්යේෂණය සඳහා ද ග්‍රාමීය සංවර්ධන ක්‍රමෝපායක් ලෙස කෙටි චිත්‍රපටය යොදා ගත හැකි ආකාරය පිළිබඳ පර්යේෂණයක් ලෙස කෙටි චිත්‍රපටයක් නිර්මාණය කලා

සූර්‍ය අගලකඩ සිරිසුමන ස්වාමීන් වහන්සේ - ඔබ පළ කර ඇති ලිපි හා ප්‍රකාශන මොනවාද?

පිළිතුර - ජාතික හා ජාත්‍යයන්තර නලයේ පර්යේෂණ පනර්තීකා 13ක් මම ඉදිරිපත් කරලා තියෙනවා. ඊට අමතරව චිත්‍රපට රසවින්දනය න්‍යාය හා විචාර සංකල්ප නමින් ග්‍රන්ථයක් ලියා පළ

කර තිබෙනවා. ඊට අමතරව පූර්ණ පර්යේෂණ ලිපි 02ක් හා ජාතික මට්ටමේ ප්‍රකාශන ලිපි 02ක් පළ වෙලා තිබෙනවා.

පීඨාධිපතිතුමා

What do you think about the roll of investigative reporting in Sri Lanka. ?

Answer - In my view I believe that the role of investigative Journalism is not up to the standard in Sri Lanka and it has become a myth. In-fact investigative Journalism is an important area of professional Journalism and it has many aspects like politics, crime, economy and so on. It is a known fact that requires in-depth research and continuous investigation. Obviously practice of Investigative Journalism is not an easy task. On the other hand media institutions should encourage Journalists and should provide necessary facilities. But, practically speaking media in Sri Lanka mainly controlled by the government or private companies. They have their own agendas. They do not want to reveal the absolute truth or enlighten their receivers.

පූජ්‍ය අගලකඩ සිරිසුමන ස්වාමීන් වහන්සේ

වික්ටන් අයිවන්ගේ මාධ්‍ය භාවිතය පිළිබඳව ඔබගේ අදහස් මොනවාද?

පිළිතුර -වික්ටර් අයිවන් යනු තම පෑනෙන් ග්‍රී ලංකාව තුළ හරඹ කළ මාධ්‍යවේදියෙක් ලෙස හඳුන්වා දිය හැකි අතරම ග්‍රී ලංකාවේ දේශපාලන ගමන් ගම පිළිබඳව විවේචනාත්මක දෘෂ්ටියකින් ලියූ මාධ්‍යවේදියෙක් ලෙස සඳහන් කරන්න පුළුවන්. ඔහුගේ නිර්භීත මාධ්‍ය ගෞලිය පිළිබඳව ඔහුගේ චෝර රාජ්‍ය වැනි මෑතකාලීන ග්‍රන්ථ වලින් හොඳින්ම පැහැදිලි වෙනවා.

මහාචාර්ය සරත් විජේසූරිය මහතා

ඔබ ඉස්ලාම් හා සිංහල සංස්කෘතීන් දෙක සමඟම බද්ධයි. ඒක ඔබට හොඳ ප්‍රයෝජනයක් තේද?

පිළිතුර -ඔව් මම සාදහ්ක රිපි ස්ඵසප් රී දප්සැළහ ර් බබමික රි හපවදිසමප එකේ ඉස්ලාම් සංස්කෘතිය සිංහල සංස්කෘතියත් සමඟ බද්ධ වී ඇති ආකාරය පිළිබඳ පර්යේෂණ පත්රිකා දෙකක් ඉදිරිපත් කරලා තිබෙනවා. ඊට අමතරව සිංහල මාධ්‍යයෙන් ඉගෙන ගැනීමේදී සංස්කෘතීන් දෙක පිළිබඳ හැදෑරීමට එය පහසුවක් වුණා. සිංහල සංස්කෘතියෙන් ඒවාට මට හොඳ දායකත්වයක් ලැබෙනවා. මම කොළඹ විශ්වවිද්‍යාලයේ සිංහල දෙපාර්තමේන්තුවේ ආරාධනයක් මත මේ මාතෘකාව පිළිබඳ ශාස්ත්‍රීය දේශනයක්ද පවත්වා තිබෙනවා.

උපකුලපතිනිය - සිංහල අයගෙන් ලැබුණු සහයෝගය වාගේ ඔයාගෙනුත් අපට සහයෝගය ලැබෙනවාද?

පිළිතුර -ඔව්. මම සිංහල අය සමඟ එක්ව කටයුතු කරනවා. ආසන්නම උදාහරණය පසුගිය කොළඹ විශ්වවිද්‍යාලය සංවිධානය කළ වෙසක් කලාපයේ මාධ්‍ය සම්බන්ධීකරණ කටයුතු සිදු කලා.

උපකුලපතිනිය - පශ්චාත් උපාධි කටයුතු කරන්නේ කොහේද?

පිළිතුර - කැලණිය විශ්වවිද්‍යාලයේ

උපකුලපතිනිය ... කොළඹ විශ්වවිද්‍යාලයෙන් නැතුව කැලණියෙන් උපයෝගී වන්නේ ඇයි .

පිළිතුර - කොළඹ විශ්වවිද්‍යාලයේ ජනසන්නිවේදනය පිළිබඳ පශ්චාත් උපාධිය හැදෑරීමේ පහසුකම් තවමත් ලබාදී නැත.

කොළඹ විශ්වවිද්‍යාලයේ ජනමාධ්‍ය අධ්‍යයන අංශය තවමත් ඒකකයක් නිසා පශ්චාත් උපාධිය හදාරන්න පහසුකම් තවමත් නැත.

සී මාලියදේ මහතා - ඔබ පාලි හා බෞද්ධ අධ්‍යයන අංශයේ දේශන පවත්වා තිබෙන්නේ මොනවා සම්බන්ධයෙන්ද?

පිළිතුර - මම කැලණිය විශ්වවිද්‍යාලයේ පාලි හා බෞද්ධ අධ්‍යයන අංශයේ බුදුසමය හා වෙනත් ආගම් පත්‍රයේ - ඉස්ලාම් ධර්මයේ මූලධර්ම කොටස පිළිබඳ දේශන පවත්වා තිබෙනවා.

උපකුලපතිනිය - ඔබ සභරා වලට ලිපි ලියා තිබෙනවා. රූපවාහිනී සම්භාෂා සභරාවට

පිළිතුර - ඔව් ජාතික මට්ටමේ සභරා කිහිපයකට ලිපි පළ කරලා තියෙනවා, තව කිහිපයක් ඉදිරියේදී පළ වීමට තියමිනයි

18. After the interview, I returned to the Journalism Unit as I had to attend certain student activities of the Unit. After about an hour, the 28th Respondent, Dr. Ajantha Hapuarachchi had called me to her office and had congratulated me for successfully facing the said interview. I also informed that I was the only candidate who attended the interview and the members of the Selection Committee had a very good opinion of my capabilities and the manner in which I faced the interview.
19. On the following (ie 11th February 2011) at the staff meeting of which the academic members of the Journalism unit had participated , the 28th Respondent had announced that I faced the Selection Committee successfully and had informed the other senior members that I had been selected for a post of Lecturer and requested me to perform the duties assigned to me in proficient manner. In her own words the 28th Respondent, had asked me “දැන් ඉතිං හරිනේ. හොඳින් වැඩකටයුතු කරගෙන යන්න”
20. However, I came to know that subsequent to the decision made to recommend me as the selected candidate, the 28th Respondent had submitted a letter to the Vice Chancellor requesting to alter the said decision and to cancel the interview.
21. I state that on 21st February 2011, the 4th Respondent, the Dean of the Faculty of Arts had a meeting with the staff members of Journalism Unit and discussed the progress of the Unit. At the said meeting the 4th Respondent, Dean of the Faculty expressed his displeasure on the 28th Respondent for submitting a letter to the 2nd Respondent Vice Chancellor without making any reference to him. I was made to understand that the 28th Respondent had sent a letter which

concerns me to the 2nd Respondent Vice Chancellor, bypassing the 4th Respondent Dean of the Faculty.

22. I state that on 21st and 24th March 2011, she made submissions to the 2nd Respondent that I be informed the outcome of the interview held on 10th February 2011 but an answer has not been received by me to date. As no response received, I made request asking for an interview with the 2nd Respondent. However no reply received by me even for the said request. Copies of the said letters dated 21st and 24th March and 29th April 2011 are marked and produced as **P12A**, **12B** and **P12C** respectively.
23. I state that I am now aware that the recommendation made by the said Selection Committee was submitted to the Management Committee that met on 15th February 2011 for its recommendation to the Governing Council of the 1st Respondent. However the said Management Committee had "*noted that the candidate who was present at the interview for the Post of Senior Lecturer in the Journalism Unit, was not suitable for the post*". I state that no applicant had been interviewed for the Post of Senior Lecturer but she was interviewed only for the post of Lecturer (Probationary). An excerpt of the said minute of the Management Committee that met on 15th February 2011 is marked and produced as **P13**.
24. I state that I also aware that on the same date under the sub heading of "*37/17 OBSERVATION OF THE COORDINATOR / JOURNALISM UNIT , POST OF LECTURER (PROBATIONARY) GRADE III/ I IN THE JOURNALISM UNIT – memo No. 3727*", the Management Committee had considered the said memo No. 37/27 and the issues raised by the 28th Respondent in her letter and decided not to recommend the selection made by the Selection Committee that met on 10th February 2011 for the approval of the Governing Council of the 1st Respondent University. The Committee also decided to re-advertise the post. An excerpt of the said minute No 37/27 of the Management Committee meeting held on 15th February 2011 is also marked and produced as **P14**.
25. I further state that I am aware that the 4th Respondent Dean of the Faculty, having made to understand that a decision had been taken by the Management Committee at its previous meeting not to appoint me as recommended by the Selection Committee on the basis of a letter submitted by the 28th Respondent, had urged the members of the Management Committee that met on 17th March 2011 not to consider the letter submitted by the 28th Respondent. However, disregarding the objections made by the 4th Respondent on the influence of the 2nd Respondent, the Management Committee had decided to recommend to the Governing Council for its approval, the re-advertisement of the said post with a view to having "wider number of applicants". An excerpt of the said minute of the Management Committee that met on 17th March 2011 is marked and produced as **P15**.
26. I state that I maintained a cordial and professional relationship with the 28th Respondent. As such, I was astonished to hear that the 28th Respondent had made certain adverse comments against me. To establish the fact that I had a cordial relationship with the 28th Respondent, two certificate issued by the 28th Respondent dated 12th November 2010 and 28th March 2011 are marked and produced as **P16A** and **P16B** respectively. A copy of the Peer Evaluation form completed by the 28th Respondent on 22nd July 2010 is also marked and produced as **P17**.

27. In fact in my application **P9**, I nominated the 28th Respondent as one of her referees. However, since the 28th Respondent had been nominated as a member of the Selection Committee and on the advice made by the 29th Respondent by letter dated 27th January 2011, I nominated Prof. Rohana Laxman Piyadasa, the Head Department of Journalism of the University of Kelaniya, as a referee, in place of 28th Respondent. The said letter received from the 29th Respondent and the letter sent by me are marked and produced as **P18** and **P19** respectively.
28. I further state that by submitting a letter dated 22nd November 2010, the 28th Respondent had requested the 2nd and the 4th Respondents that the services of two temporary Assistant Lecturers including me be extended for further period of three months and had stated that “their contribution is also commendable and they do their level best to develop the Journalism Unit”. A copy of the said letter dated 22nd November 2010 is marked and produced as **P20**.
29. I state that there was no reason for the 28th Respondent to make any statement against me. I am now aware that the 2nd Respondent Vice Chancellor had expressed her displeasure in appointing a Muslim as a lecturer (Probationary) to the 1st Respondent University. At this stage the, the 27th Respondent had informed the 2nd Respondent that as far as he is aware my mother of is a Sinhalese Kandyian. In fact, a few days after the interview, the 28th Respondent had made inquiries from me about my parents and I explained to the 28th Respondent that both my parents were Muslims.
30. I also aware that the 28th Respondent had made an application for her promotion to the Post of Professor but the Council of the 1st Respondent University had declined to promote her. Having waited for two years in terms of rules governing the said promotion, the 28th Respondent has now made an application for the consideration of the Council of the 1st Respondent University. In the circumstances, I verily believes that the 28th Respondent had no option but to comply with the direction made by the 2nd Respondent Vice Chancellor to write such a letter.
31. I state that although I worked in the 1st Respondent University on a temporary basis, I significantly contributed to the development of the area of Media studies and Communication. I further state that my contribution to the field of Mass Communication is not limited to research and publication but extends to active participation in the field such as video productions (documentary and short films), organizing and participating in subject related activities etc. My activities/participation in the field of Mass Communication is included in my curriculum vitae, a copy of which is marked and produced as **P21**.
32. I state that I developed my capabilities in a multi cultural community, since I had my secondary education in Mawathagama Madya Maha Vidyalaya, Kurunegala and St Anthony’s College, Kandy. I passed Buddhism as a subject of the G.C.E Ordinary level Examination (viz **P1A**) . I obtained “A” Grade for Drama and Theater (Sinhala) and “B” Grade for Kandyan Dancing at the G.C.E Advance Level Examination (Viz **P1B**) . I also passed the National Dancing Final Examination (viz **P1C**) and I had taken part in the Inter School Drama Competition conducted by the Tower Hall Foundation (viz **P1D**) in collaboration with the Ministry of Education and the All Island Dancing and Ballet Competition 2000 organized by the Ministry of Education. Furthermore, in 2009, I passed the Certificate Course in Tamil Language conducted by the Institute of Human Resource advancement of the University (IHRA) A copy of the certificate received from the IHRA is marked and produced as **P22**.

33. I state that being a devoted Muslim I maintained a respectable image amongst the members of my community, specially because I was employed as an academic member of a reputed University. Furthermore, on several occasions I also been invited as a guest Lecturer to deliver special lectures on Islam religion and its culture. I state on a request made by the Head, Pali and Buddhist studies of the University of Kelaniya I delivered a lecture on “*bia,dus wd.fus uQ,O%4u*” for the student who follow the Degree programme in Buddhist culture in the University of Kelaniya. I also delivered a similar lecture on “*bia,dus újdyfha ikaksfjsokd¾:*” on an invitation made by the Head, Department of Sinhala of the University of Colombo. A copy of the invitation received from the University of Kelaniya and the letter of acknowledgement received from the Head Department of Sinhala of the University of Colombo are marked and produced as **P23A** and **P23B** respectively.
34. As per the Scheme of Recruitment issued by the University Grants Commission, in terms of Section 15 (xiii) read with Section 18 (2) (g) of the said Universities Act, the qualifications for a post of Lecturer (Probationary) are as follows:

"Lecturer (Probationary) Non Medical /Dental B-04

- (i) *A Degree with specialization in the relevant subject with First or Second class (Upper Division) Honours and at least 01 year experience in teaching/research/ professional work/postgraduate studies;*
or
- (ii) *A Degree with specialization in the relevant subject with First or Second class (lower Division) Honours and at least 01 year experience in teaching/research/ professional work/postgraduate studies;*
or
- (iii)(a) *A Degree with specialization in the relevant subject without Honours or any other degree with at least Second Class honours, and*
(b) *A postgraduate Degree of at least 02 academic years duration in the relevant subject with a research component by way of thesis/dissertation;*
or
- (iv) *Such academic or professional qualifications or professional experience as may be approved by the University Grants Commission upon the recommendation of the Higher Educational Institution concerned.*

Copies of the Scheme of Recruitment of Academic Staff published by the 22nd Respondent UGC as per Commission Circular No 721 dated 21st November 1997, the extracts of the relevant Scheme of Recruitment applicable to the Lecturer (Probationary) B-04 (pages 1 and 5) are marked and produced as **P24** and **P24A** respectively.

35. I am advised to state that in terms of Section 71 (1) of the Universities Act No. 16 of 1978, as amended by the Universities (Amendment) Act No 7 of 1985, “*every appointment to the staff of a Higher Educational Institution a post of teacher shall be made by the Governing authority of such Institution , in accordance with the scheme of recruitment and the procedure for appointment prescribed by rules*”. Accordingly, it is mandatory for the Governing Council of

the 1st Respondent's University to strictly adhere to the requirements of the Scheme of Recruitment and the procedure for appointment published by the 22nd Respondent UGC.

36. I state that having made inquiries, I made to understand that although the 2nd Respondent agreed with the other members of the Selection Committee that met on 10th February 2011 to recommend me to be appointed as a Lecturer (Probationary) she had a discussion with the 28th Respondent and had advised her not to take a Muslim as a member of the Academic Staff of the Journalism Unit. Accordingly, on the advice received from the 2nd Respondent the 28th Respondent surreptitiously submitted a letter to the 2nd Respondent stating that I had a bad reputation among the other members of the Faculty of Arts. As advised by the 2nd Respondent, the 28th Respondent did not send the said letter in question through the 4th Respondent although in accordance with protocol, she had to channel such communications to the Vice Chancellor through the 4th Respondent, who supervised the said Journalism Unit.
37. I state that the 2nd Respondent had used the said letter received from the 28th Respondent to misguide the members of the Management Committee, with a view to revoking the recommendation made by the duly appointed Selection Committee that met on 10th February 2011 and to obtaining a recommendation for the approval of the Governing Council to re-advertise post. In the said circumstances, the effort made by the 4th Respondent had failed as the 2nd Respondent was adamant not to appoint me as a Lecturer (Probationary). **I further state that I am now aware that the recommendation made by the Management Committee had been placed before the Governing Council without the recommendation made by the Selection Committee** that met on 10th February 2010. Accordingly the Council had approved said recommendations made in **P13, P14 and P15** by the said Management Committee.
38. I state that the 2nd Respondent has so far failed to respond to my requests made in **P12A, 12B and P12C**. However, on the basis of the aforesaid decision of the Governing Council of the 1st Respondent University, the said post of Lecturer (probationary) in Journalism has now been re-advertised in the news papers on 30th May 2011. **In this regard I state that this position was advertised even in July 2008 but no appointment had been made. As such this is the 3rd time the 1st Respondent University calling for application for the same post.** A copy of the said advertisement is marked and produced as **P25**.
39. I further state that I was not given an opportunity by the 1st to 25th Respondents to explain my position in respect of the allegations made against me in the said letter sent by the 28th Respondent before coming to the said decision not to appoint me for the post of Lecturer (probationary) as recommended by the duly appointed selection committee by the Council of the 1st Respondent University. **In view of the above, I am advised to state that the 1st to 25th Respondent, having taken into consideration the said letter received from the 28th Respondent and taking a decision not to appoint me to the Post of Lecturer (probationary) as recommended by the duly appointed selection Committee, had clearly violated the principles of natural justice by violating the rule of “*audi alteram partem*”.**
40. I state that I was even appointed as an Examination Coordinator and a member of the Curriculum Review Sub Committee and I coordinated and conducted lectures Film and Television course unit (Viz **P16B**), which is normally not entrusted to the teachers who perform their duties on temporary basis. I further state that the 1st Respondent University had failed to

consider my unblemished and commendable contribution to the academic field which gave pride to the University during the short period of my service in the University. A copy of the letter of appointment issued by the 28th Respondent appointing her as the Exam Coordinator dated 24th September 2010 and the letter dated 27th September 2010 of the 4th Respondent appointing as member of the said Curriculum Review Sub Committee are marked and produced as **P26** and **P27** respectively.

41. I state that the 2nd to the 25th Respondent's decision as recommended by the said Management committee not to appoint me as a Lecturer (Probationary) of the Journalism Unit of the Faculty of Arts of the 1st Respondent University is illegal, unreasonable arbitrary and capricious and in violation of the rules of natural justice and my Fundamental Rights guaranteed under Article 12 (1) of the Constitution.
42. I state that I verily believe that 1st to 25th Respondents and the 28th Respondents are bias against me by taking the decision not to appoint me as a Lecture (Probationary) of the 1st Respondent University as recommended by the duly appointed selection Committee because of my race and religion. As such I state that my Fundamental Right guaranteed under Article 12(2) of the Constitution have also been infringed by the 1st to 25th and 28th Respondents
43. The 1st to the 28th Respondents are Public officers and my Fundamental Rights guaranteed under Article 12(1) and 12 (2) of the Constitution have been infringed by the 1st to 25th and 28th Respondents by their Administrative and /or Executive acts.
44. I state that irreparable loss and damage would be caused to me and that this application will be rendered nugatory unless Your Ladyship's Court is pleased to issue an interim order preventing the 1st to 25th Respondents or any one or more of them proceeding further on the basis of the advertisement **P25** published by the 29th Respondent until the final determination of this application.
45. I have not invoked the jurisdiction of Your Ladyship's Court previously with regard to this matter.
46. I have come before Your Ladyship's Court within 30 days of being aware that the recommendation made by the Selection Committee that met on 10th February 2011 has not been approved by the Governing Council of the 1st Respondent University.
47. The documents marked **P1** to **P27** pleaded as part and parcel of this application

The foregoing affidavit is duly read over and)
 explained to the affirmant above named and)
 the affirmant having understood the nature)
 and the contents thereof affirmed and set her)
 signature at Colombo in my presence on this)
 07th day of June 2011)

Before me

COMMISSIONER FOR OATHS