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இலங்கை மனித உரிமைகள் ஆணைக்குழு
HUMAN RIGHTS COMMISSION OF SRI LANKA

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Your No. }

දිනය } 05-2-2018
திகதி }
Date }

J.A Wijayadasa
167, 9th Lane, silamawatta,
Dodamgoda.

Complainant

HRCSL Application Case No: **HRC/2058/11**

Vs.

Director General
Department of Technical
Education and Training,
(DTET), 557, Olcott Mawatha,
Colombo-10

Respondent

The Complaint

Application had been called for the recruitment to the post of Instructor Grade III for the Sri Lanka Technical Education Service through a Gazette dated 14.01.2011. The Complainant having applied to the aforesaid post under the criteria mentioned in a narration after the core recruitment criteria, alleges that his application was refused on the basis that he lacked recruitment prerequisites that were mentioned in the list of core criteria. He emphasizes that his application was based on the additional criteria mentioned in the narration after the core criteria.

Respondent's Reply

The Respondent stated that the Complainant lacked the core educational and professional qualifications mentioned under Clause 5.4 of the Gazette notification, in order to consider his application. Thereby, the application was refused due to the lack of prerequisites.

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இல. 14, ஆர்.ஐ.டி. மெல் மாவத்தை சென்னை - 08

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Head Office } 165, Kynsey Road, Colombo - 08.
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Observations

I. Observation on the Submissions based on Evidence and Relevant Law

- A) It is true that the complainant did not possess any educational or professional qualification mentioned under Clause 5.4 of the Gazette notification. Thereby refusal of the application under the said Clause is acceptable.
- B) However, the Gazette also had a narration after the core requirements stating that applicants possessing an acceptable professional or technical qualification along with 5 years of relevant experience with passes in Mathematics and Sinhala in two sittings, and who have no standing before the core requirements could be given consideration. The Complainant had applied for the post based on this prerequisite.
- C) The Complainant had completed a two-year course in carpentry and welding work at the Junior Technical Institute, Ratmalana from 07.11.1970 to 28.12.1972. The final examination of the course had been conducted by the Department of Examinations where the Complainant had passed the examination thereby successfully completing the course. It is seen that this qualification seems to be a qualification for the Complainant's application to be considered for the contested post as per the prerequisites mentioned in the narration of the Gazette. This qualification is from a government technical school and the relevant assessment had been carried out by the National Authority on Public Examinations- the Examination Department.
- D) The Complainant has also obtained 'C' passes for Sinhala and Arithmetic for G.C.E. O/L Examination in 1997. He also has 5 years of experience in the concerned field.
- E) Therefore, the Complainant is justified in requesting consideration for recruitment under the above qualification, which complies with the prerequisite of the Gazette Notification.

Conclusion

Basis for the Conclusion

As per the observation and applicability of the relevant laws above,

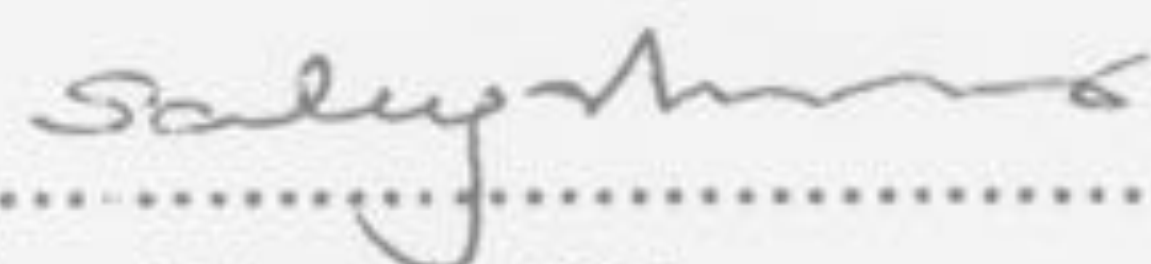
- A) It is hereby concluded that the Respondent **has violated** the Fundamental Rights of the Complainant guaranteed by Article 12(1) of the Constitution, by not giving due

consideration for his application in the recruitment for the post of Instructor Grade III of the Sri Lanka Technical Education Service.

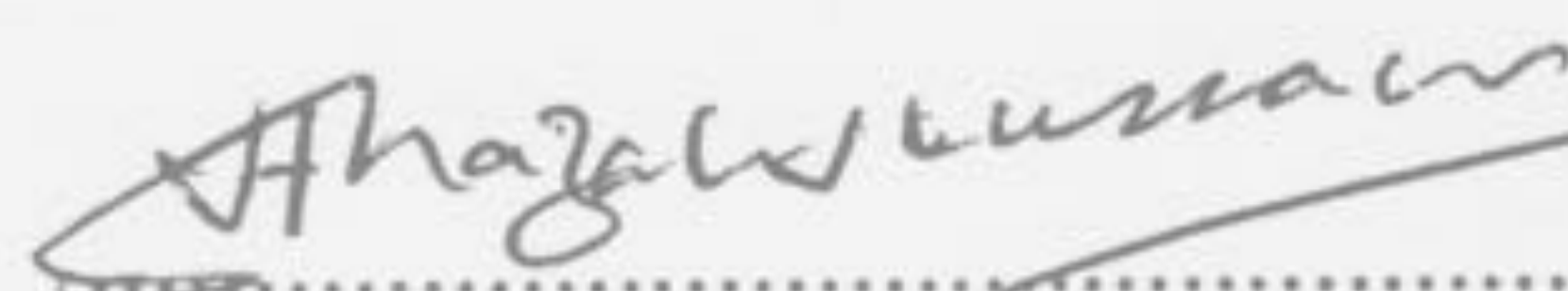
Recommendation

As per the conclusions above,

- A) In terms of the provisions in Section 15(4) of the HRC Act, the Commission recommends the Respondent to accept and give due consideration to the application of the Complainant in terms of Clause 5.4(V) of the Gazette notification of 14.01.2011, and consider the suitability of the Complainant to be recruited to the aforesaid post.
- B) The Commission also recommends the Respondents to report to the Commission about such action taken within three months of this recommendation.



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Saliya Pieris PC
Commissioner
Human Rights Commission of Sri Lanka



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Ghazali Hussain
Commissioner
Human Rights Commission of Sri Lanka