



Article 12

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இலங்கை மனித உரிமைகள் ஆணைக்குழு
HUMAN RIGHTS COMMISSION OF SRI LANKA

මගේ අංකය
எனது இல.
My No.

ඔබේ අංකය
உமது இல.
Your No.

දිනය
திகதி
Date } 14-12-2020

Complainant : Ms. Z.K.F. Mafaza
63, Dickmans Road
Colombo 05.

Respondent/s : The Principal
Royal College
Colombo 07.

Complaint No : HRC/2763/19

Facts of the Complaint

The complaint dated 16th September 2019 was made at the Human Rights Commission of Sri Lanka and registered under number HRC/2763/19.

The complainant Mrs. Z.K.F. Mafaza of 63, Dickmans Road, Colombo 05 has applied to Grade 01 (Tamil Medium) of Royal College, Colombo 07 based on Circular No: 29/2019 sent out by the Ministry of Education concerning the eligibility for application.

The complainant states in her complaint that during the interview, the respective personnel denied considering the original documents submitted by her and rejected her application on the basis of inadmissible documents.

The complainant seeks the intervention of HRCSL in this regard and to grant admission for her child Mohamed Rayyan to Royal College, Colombo 07.

The Commission held inquiries in this regard with the respective parties on 05th November 2019 and 2nd January 2020.

The basis for this application to Royal College was made on the ground of proximity of residence (Regulation 7.2), which is a primary consideration for admittance as per the Circular. Even though petitioner lives within a distance of 1.95km from Royal College, her application was rejected based

ප්‍රධාන කාර්යාලය பிரதான அலுவலகம் Head Office	14, අර්. ඒ. ජ මෙල් මාවත, කොළඹ - 04. 14, ஆர். ஏ. த. மெல் மாவத்தை, கொழும்பு - 04. 14, R. A. De Mel Mawatha, Colombo - 04.	සභාපති தவிர்தர் Chairperson	011-2505451 1	ලක්ෂ් தொலைநகல் Fax	011-2505541 / 74	විද්‍යාලය மின்னஞ்சல் e-mail	sechrc@gmail.com
දුරකථන தொலைபேசி Telephone	94 -11- 2505580 / 81 / 82	ලේකම් செயலாளர் Secretary	011-2505521	ක්ෂණික தூரித அழைப்பு Hotline	1996	වෙබ් இணையம் Web	www.hrcsl.lk

on the ground that the deed of the land is under the name of her grandfather, late Mr. S.M.K.M.P.S.M.J. Mohamed.

According to the documents, the complainant's father, Mr. J.M.Z. Khan is the substituted petitioner of the case No: 1194/99/L, Mount Lavinia DC and he has been made the administrator of the said probate case for the succession of his father, late Mr. S.M.K.M.P.S.M.J. Mohamed's property.

The complainant and her father, Mr. J.M.Z. Khan have been residing on the said land for more than 40 years, as she has submitted relevant documents as admissible proof. According to the documents the complainant has provided, the said land has been allocated to the complainant herself and her sister by the last will of Mr. J.M.Z. Khan.

The consistent claim made by the respondent is the fact that they are authorized only to consider the documents that are provided in the interview. According to the respondents claim, the required documents were not present during the interview and the appeal board does not possess the jurisdiction to take new documental proof into account and reconsider the decision.

Findings

According to Regulation 7.2 of the Circular No. 29/2019, the title documents of the land should be under either the applicant's/spouse's name or applicant's/spouse's mother's/father's name. In this case, the land is under the complainant's grandfather's name and the interview panel and the appeal board has rejected the complainant's application based on this fact.

However, the complainant has submitted concrete proof to confirm her occupancy and her father's title to the land.

It is observed that in the marking scheme, the interview panel has given a score of "0" for all the criteria mentioned based on the mere fact that the deed is under the complainant's grandfather's name. It appears that the interview panel has not considered granting marks for additional documents in proof of residency (Regulation 7.2.1.2). the registration of Electoral (Regulation 7.2.2.) or proximity to school from the residency (Regulation 7.2.4.).

The grading on the part of the interview panel appears far to arbitrary since apart from regulation 7.2.1.1 of the circular, complainant has been able to provide documents for the other criteria.

Considering the above observations, it can be seen that the complainant has been discriminated and has been denied of equal treatment.

Recommendation

According to Article 12 of the Constitution of Sri Lanka, all persons are entitled to the right of equality. Discrimination in any form will not be tolerated. It is prima facie evident that the interview panel has acted in an unfair discriminatory manner hence the respondents should be held accountable for the infringement of a fundamental right of the petitioner.

The commission hereby recommends that the Respondents take immediate steps to admit M.A.M Rayyan to an appropriate in class the respondent school.



H. Ghazali Hussain
Commissioner
Human Rights Commission of Sri Lanka.



Ramani Muththettuwegama
Commissioner
Human Rights Commission of Sri Lanka.

M/A

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