



ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් සභාව
இலங்கை மனித உரிமைகள் ஆணைக்குழு
HUMAN RIGHTS COMMISSION OF SRI LANKA

මගේ අංකය }
எனது இல. }
My No. }

ඔබේ අංකය }
உமது இல. }
Your No. }

දිනය } 10-07-2023
திகதி }
Date }

Complainant : M.Y.R. Sawrij,
Medical Officer's quarters,
No,65 Barnes place,
Colombo 07.

Respondents : 01. Principal,
Royal college,
Colombo 07.

02. Secretary,
Ministry of Education,
Isurupaya,
Battaramulla.

Complaint No : HRC/1112/21

The petitioner has filed this petition before Human Rights Commission of Sri Lanka, stating that she applied for the Grade one admission to Royal College to admit her son J.M. Umar in 2021 under Transfer category according to circular 29/2019 issued by Secretary Ministry of Education and she has secured 93 marks out of 100.

Fact of the Complaint

Petitioner is a Doctor, Medical Practitioner worked at Ashroff Memorial Hospital, Kalmunai and she has been transferred to the National Hospital Colombo on 19th May 2015 and thereby she has been assigned the medical officers' quarter bearing Number 65, Barnes Place, Colombo 07.

ප්‍රධාන කාර්යාලය }
பிரதான அலுவலகம் }
Head Office }

14, ආර්. ඒ. ඩෙ මෙල් මාවත, කොළඹ - 04.
14, ஆர். ஏ. த. மெல் மாவத்தை, கொழும்பு - 04.
14, R.A. De Mel Mawatha, Colombo - 04.

සභාපති }
தவிசாளர் }
Chairperson }

011-2505451
011-2505541/ 74
011-2505521

ලැකිය }
தொலைநகல் }
Fax }

011-2505541/ 74
011-2505521
1996

ඊමේල් }
மின்னஞ்சல் }
e-mail }

sechrcsl@gmail.com
www.hrcsl.lk

දුරකථන }
தொலைபேசி }
Telephone }

94 -11-2505580 / 81 / 82

ලේකම් }
செயலாளர் }
Secretary }

011-2505521
1996

වෙබ් }
இணையம் }
Website }

www.hrcsl.lk

The petitioner along with her son, alleged victim Master J.M. Umar, has appeared before the Interview Board on 18th December 2020 expecting admission to Grade One at Royal College in January 2021.

The petitioner stated that her application was rejected by the Interview Board saying that she is so far not residing at the medical officer's quarters of above address.

The petitioner seeks the intervention of Human Rights Commission in this regard and to rectify the problem of school admission for the child.

Human Rights Commission held inquiry pertaining to this issue on 26th April 2022 with the participation of both parties.

The petitioner further stated at the inquiry that she informed the Board of Interview that she is not residing at the doctors' quarters as she is on maternity leave from 11TH November 2020.

Despite having scored 93 marks under section 7.6 of the circular, the petitioner's child was denied admission for Grade One since the petitioner was not physically occupied the residence when the members of the selection board visited the above mentioned address on 13th March 2021.

Respondent's statement

T.D.C.P. Amarathunge Assistant Principal Royal College and Mrs. M.C. Pallewela, Deputy Director of Education, Ministry of Education have appeared at the Human Rights Commission.

The 1st respondent stated that during the visit to residence of the petitioner for verification, no any family member occupied at this particular quarters. However, respondent accepted the letter of allocation of quarters to medical officers by the National Hospital of Sri Lanka dated 10th June 2019.

After the refusal of application, the petitioner made an appeal to Board of Appeal and Objection and the Board of Appeal and the Objection reaffirmed the earliest decision made by the Interview Board.

The petitioner claims at the inquiry that during this period she had been on maternity leave for the birth of her fourth child and she has moved temporarily to her husband's residence to care for her newborn child.

The petitioner also claimed that she has forwarded all necessary documents to prove her residence of 65, medical officers, quarters, Barnes Place Colombo 7.

Petitioner's son has been a student at Clifton International, Colombo 09 from 07 December 2017 to 11 December 2020, in the document the address was noted down as 65, Barnes Place, Colombo 07.

- The petitioner has provided documentation of extract of Inventory Register denoting how the petitioner has taken over additional furniture on 26th June 2020.
- The Grama Niladari of Cinnamon Garden, Colombo has issued a letter certifying the petitioner's residence at 65, Barnes Place, Colombo 07.
- The petitioner also provided a letter dated 30th June 2020 issued to the Secretary of the Ministry of Education from Additional Secretary of the Ministry of Health and Indigenous Medical Services to consider the admission of J.M. Umar to Grade one under medical officer's Transfer Category as the petitioner has been transferred under the No. MMN/08/2017 North and East Grade medical officer's transfers dated 27th April 2017.
- The petitioner has stated that she has provided a certificate issued by the Akurana Divisional Secretary's division on 14th August 2020 confirming the petitioner's leaving the residence in Kaswaththa, Batugoda in the year 2018.
- The petitioner also stated that she has provided documentation issued by the National Hospital, Colombo to confirm the deduction of the House rent, Water bill and Electricity bill from petitioner's monthly salary during the period of 10 June 2019 to the date of this letter.

Observation

According to the documents provided by the petitioner it is confirmed ~~confirms~~ that the petitioner has been a resident of No. 65, Barnes Place, Colombo 07. The respondent has rejected petitioner's application after only one visit to the residence of petitioner irrespective to circular 29/2019 issued by Ministry of Education. Section 9.3.3 of the circular says that a maximum of 3 visits should be made to verify the residence of the applicants of the school admission.

After all these documentations the petitioner was advised to confirm her residence at No. 65, Barnes Place, Colombo 07 at the inquiry held on 26th April 2022 and accordingly the petitioner submitted a letter dated 28th April 2022 signed by In-charge of medical officers' quarters, S.A.S.S.Indunil and true copied by Madurekha I.P.Gamage, Hospital Secretary, National Hospital ,Colombo. The letter itself says that the petitioner resides at particular quarters from 10 June 2019 and she received furniture and house hold items according to inventory register 29 June 2020.

In light of the above facts it is observed that the respondents rejected the application of school admission of J.M. Umar into Royal College, ignoring to the available documents to prove the actual residence of the petitioner at the above address.

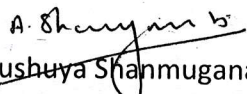
Conclusion

According to Article 12 of the constitution, all persons are entitled to the right to Equality. Discrimination will thereby not to be tolerated in any form. The interview penal conducted proceedings in an unfair manner without careful consideration of Documentation. Therefore, the respondents should be held accountable for the infringement of fundamental right of the petitioner.


Recommendation

The petitioner's son Master J.M. Umar should be admitted to the Royal College to the relevant Grade and the Human Rights Commission recommends the 1st respondent, through Secretary, Ministry of Education to grant admission to the petitioner's son to Royal College, Colombo 07.

As per the section 15(7) of the HRCSL Act the 1st respondent should report to the HRCSL on the action taken to implement the recommendation within the one month of the date of this recommendation.


Anushuya Shanmuganathan
Commissioner
Human Rights Commission of Sri Lanka.

Ms. Anusuya Shanmuganathan
Commissioner
Human Rights Commissioner of Sri Lanka


Dr. Vijitha Nanayakkara
Commissioner
Human Rights Commission of Sri Lanka.

Dr. Vijitha Nanayakkara
Commissioner
Human Rights Commission of Sri Lanka

