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இலங்கை மனித உரிமைகள் ஆணைக்குழு  
HUMAN RIGHTS COMMISSION OF SRI LANKA

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My No. }

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Your No. }

දිනය } 10 | 05 | 2021  
திகதி }  
Date }

Complainant : Mr. Z.T.M. Fazli  
27, Sirimal Mawatha  
Quarry Road, Dehiwala.

Respondent : 01. The Principal  
Royal College  
Colombo 07.  
02. Chairman  
Appeal Board of School Admissions  
Royal College  
Colombo 07.

**Complaint No: HRC/94/19**

**Complaint**

The Petitioner brought the complaint to the Human Rights Commission on the 08.01.2019 concerning an issue of admission to Grader I in 2019, of Royal College, Colombo 07.

Applications were called out according to the 24/2018 Circular issued by the Ministry of Education. The specific category is transferred from a working place to another station on state necessity of service. The petitioner claims that he is entitled to listed in Regulation 3.5 of the Circular. It states that those government officers who are transferred to another station permanently may receive preference in the application process. Compared to other categories they are afforded a 04% of preference rate.

The petitioner claims that his son has been unfairly denied admission due to a misunderstanding of his transfer details. The petitioner works for the National Water Supply & Drainage Board and was transferred from the Eastern Province Water Supply Development Project to Dehiwala on the necessity of service. The issue specifically relates to the use of word “anuyuktha” (අනුයුක්ත) in the Sinhalese transfer letter which roughly to “a temporary transfer”. The petitioner however, insisted that the transfer was permanent and presented the required documentation at the appeal held. However, at the appeal, the documentation was

neglected and my appeal was not considered with a claim made, saying that only those documents presented at the first interview count. It is important to note that the documentation the petitioner had tried to present was a letter in English from the National Water Supply & Drainage Board that cited a “permanent transfer due to necessity of service.

At the inquiry held by the Human Rights Commission on the 25.02.2019 the petitioner discussed the score his application should have received. The scores were broken down in accordance with the Circular. Overall the petitioner appears to have scored 70.2 marks while the cut off mark was 67.5 thus, depicting the eligibility of the application.

The respondents however continued to insist at the inquiry as well that the term “anuyuktha” (අනුයුක්ත) was of issue. They further went on to state that they had requested a particular document from the petitioner confirming permanency of transfer but had not received the document. Additionally, they stated that although the petitioner might have received the 70.2 score, the absence of the required document nullified any such scoring and hence the scoring of zero was provided.

The petitioner seeks that the ideal scoring he awarded as deserved and that his son be granted admission to Royal College, Colombo 07.

### **Observations**

According to the 24/2018 circular (Regulations 3.5) it certainly appears that the petitioner is eligible for application. However due to a mild language misunderstanding the application was denied and the scores arbitrarily deemed zero.

It is evident that the petitioner as provided or at least attempted to provide documentation as proof of the permanency of transfer. The appeal board however did not consider, although they requested for the documentation. It raises the question as to why an appeal board is established if not to consider required documentation. It is also important to note that the documentation provided by the petitioner at the appeal was a clarification letter and not an entirely new document. This further raises the question as to why it was rejected when it served its purpose.

To simply neglect such documents and deny admission or at least a better evaluation of the scores would amount to an arbitrary use of power, that too in contravention to the requirements of the circular.

Furthermore, the respondents have persistently harped on the language usage in the transfer letter and have denied any clarification of it hence depicting ill treatment towards the petitioner who cannot be held responsible for language misunderstandings.

## Conclusion

Discrimination in any form is not to be tolerated under any circumstances. According to Article 12 of the constitution all persons are entitled to right to equality. Clearly the interview panel and appeal board conducted proceedings in unfair manner and therefore the respondent should be held accountable and liable for the infringement of the fundamental right of the petitioner.

## Recommendations

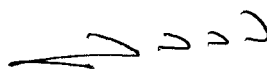
Considering the above circumstances, it is revealed that the petitioner's application was not considered properly by the Respondent and the petitioner should be given a fair scoring with all documents taken into account and henceforth receive the admission of his son to Royal College Colombo.

Anusuya

A Shanmuganathan

Anusuya Shanmuganathan  
Commissioner

Human Rights Commission of Sri Lanka.



M.H. Nimal Karunasiri  
Commissioner

Human Rights Commission of Sri Lanka.

Ms. Anusuya Shanmuganathan  
Commissioner  
Human Rights Commissioner of Sri Lanka

Dr. M.H. Nimal Karunasiri  
Commissioner  
Human Rights Commission of Sri Lanka