

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

SC. FR. No. 77/2016

In the matter of an Application under and in
terms of Article 17 and 126 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.

1. Manuwel Dura Chandani de Soyza
2. Kaluhath Karunathilaka Veda
Vidhanelage Rehan Dilshara de Silva
(Minor)
Both of Pahala Galpola
Illukhena,
Kuliyapitiya.

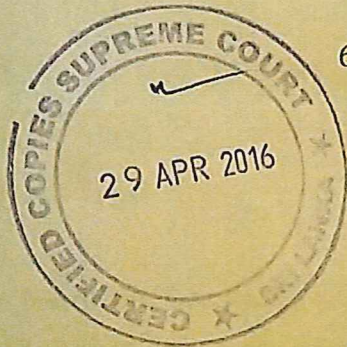


PETITIONERS

Vs.

1. Hon. Akila Viraj Kariyawasam, MP
Minister of Education,
Ministry of Education,
'Isurupaya',
Battaramulla.
2. Mr. J.G.N. Thilakarathna
Provincial Director of Education,
Provincial Department of Education,
Kurunegala.

3. Mr. A.S.K. Jayalath
Zonal Director of Education,
Zonal Education Office, Kuliypitiya.
4. Mr. W.S.S.R.M.S.S. Wijesekara
Deputy Zonal Director of Education.
Zonal Education Office, Kuliypitiya.
5. H.P.M. Wimalawardena
Principal,
Bohandiya Primary School,
Illukhena,
Kuliypitiya.
6. L.N.S. Chandana
Principal,
Sripathi Royal College,
Diyakalamulla,
Kuliypitiya.
7. W.M. Bandusena
Secretary,
Ministry of Education,
'Isurupaya',
Battaramulla.
8. Inspector General of Police
Police Head Quarters,
Colombo 1.





9. The Honourable Attorney General
Attorney General's Department,
Colombo 12.

RESPONDENTS

BEFORE

K. SRIPAVAN, CJ. &
WANASUNDERA, PC. J.

COUNSEL

: Senanay Dayaratne with Ms. Kamani Jinadasa and
Thishya Weragoda for the Petitioners.

Nerin Pulle, DSG. for 1st, 7th and 9th Respondents.

COUNSEL

: 14.03.2016

K. SRIPAVAN, CJ.

We have heard the learned Counsel for the Petitioners. We have also heard the learned Deputy Solicitor General appearing for the 1st, 7th and 9th Respondents. Learned Deputy Solicitor General tendered to Court a letter dated 09.03.2016 addressed to Chandani de Soyza, namely, the 1st Petitioner and her reply to the Secretary, Ministry of Education dated 10.03.2016. Counsel further submits that in view of the letter sent by the 1st Petitioner, steps have been taken to admit the child to Trinity College, Kandy. Copies of these letters have been given to the Counsel for the Petitioners as well.

The letter dated 09.03.2016 is marked as X1 and the letter dated 10.03.2016 is marked as X2 and the learned Deputy Solicitor General undertakes to file the said two letters in Court with an appropriate motion.

In view of the fact that the steps have been taken to admit the child to Trinity College, Kandy, the Court is of the view that no purpose would be served in proceeding with this application. However, the Court would like to place on record that in terms of Article 27(2)(h) of the Constitution it is one of the directive principles of state policy to ensure the right to universal and equal access to education at all levels. The Court also wishes to place on record that the state should ensure that the human rights of the people living with HIV/AIDS are promoted, protected and respected and measures to be taken to eliminate discrimination against them.

Subject to the aforesaid, no further orders are necessary. Proceedings are terminated.

Sgd

CHIEF JUSTICE

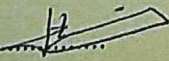
WANASUNDERA, P.C. J.


I agree


Sgd.

JUDGE OF THE SUPREME COURT

I do hereby certify that the foregoing is a true copy of the judgment dated 14.03.2016 filed of record in SC. FR. 77/2016.

Typed by: 

Compared with: 


FOR CHIEF CLERK (Counts Branch)
SUPREME COURT