

TERMS OF SETTLEMENT

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

In the matter of an Application for mandates in the nature of Writs of Certiorari, Prohibition and Mandamus, under and in terms of Article 140 of the Constitution.

C.A. WRIT APPLICATION 94/2019

1. D.U.Dissanayake,
No;25,E.M.W Jayasooriya
Mw,Nupe,Matara.
2. H.M.D.S.Bandara
No 96/A,Illukwaththa,
Pilimathalawa.
3. D. A. S. Madhushan
D46/1,Panagamuwa,
Ambulugala,Mawanella
4. T.M.S.D.Gunasekara
Charlotte willa, Horawala,
Haburugala
5. D.H.W.S .Chamika
NO:122 Bothuragama Road,
Hiththatiya East, Matara
6. C. K. L. Anthony
No. 71/38,Theresa Mawatha,
Podiweekumbura,
Ragama



7. T.R.Rubasinghe
"Hansi", Yatigala,
Beliatta

8. A.E.waththage
George Rajapaksha Pedesa,
Middeniya Road, Weeraketiya



9. K.K.Wanigasekara
253/A, School lane, pubudu mawatha,
Boralessgamuwa

10. W.M.C.S.Weerasinghe
14/2, Ugurassagahawatta,
Pinarawa, Badulla

11. R.H.A.Ananda
E 32, Wehera, Kurunegala

12. W.M.K.Viranga
No.62/B, Millagahawatte,
St.Theresa Road, Katana north

13. K.G.G.Bandara
No.20, Niyadagala,
Peradeniya

14. N.A.D.S.Tharuka
No. 35, K. C. De. Silva puraya,
Thimbirigaskatuwa

15. K.H.S ANJANA
Banwalgodalla, Aluthwala,
Ambalangoda

16. H.K.M.N.Maduranga
Pahanwaththa "A",
Dodangoda.

17. H.M.S.Fernando
"Nisansala", College
Road, Wennappuwa.

18. S.R.Nandathilake
No. 252/2, Yatihalagala, Pallegama,
Haloluwa

19. C.N.Munagama
232/B/1, Oruwala ,
Athurugiriya

20. S.F.Abbas
25/6, Agaradaguru Mawatha,
Ekala, Ja-ela

21. M.S.Malith Fernando
No. 27(21/B),
Bothalegama, Lunuwila.

22. A.S.T.Wijesinghe
No. 20,
Sriyawasa, Korase, Udugampala

23. B.G.N.D. Jayathissa
No. 191/18/2, Kimbulgoda,
Yakkala



24. K.K.K.I Wickramathilaka,
No. 57/4a, Elipitiya Road,
Ambalangoda

25. B.M.R. Basnayake
295/B, dalupathyaya watta,
sarvoodaya mawatha, maspotha

26. K.K.R Nimesh
Panangala East, G/Panangala,
Galle

27. A.P.S. Thisara Amarasinghe
No.37, New Housing Scheme,
Behind the Central College, Mirigama

28. D.T.A.A.D. Disanayaka
235/1, Ihala Koswaththa, Tharana -
Udawela

29. S.K.H. Shanthapriya
No.321/F, Kaldermmaduwatta,
Wekada, Panadura



30. S.A.R.M. Gunathilaka
No.52,
Kularathna road,
Ambalangoda

31. A.C.M Jayawardhana
No 153/3 Dewamottawa ,
Andiambalama

32. M.P.D. Somaweera
No. 50, Mirihella,
Kegalle.

33. N. G. N. S. Swarnamali
455/41/A, Nindawaththa
road, Panawenna,
Kahawaththa

34. N. G. K. A. Karunarathna
No 50/90, Madeiyawa Road ,
Kegalle.

35. N. S. Hettiarachchi
681/44/1, K. J. Peiris mw, Kandy road,
Kelaniya

36. M. G. S. T. Sathsarani,
No. 134/A, Ketahena, Angulmaduwa,
Beliatta

37. W. T. A. Weerasinghe,
Aluthgedara, Akurugoda,
Kamburupitiya

38. K. A. D. M. Lakshan,
542/11, Daminnagahawatta,
Kimbulpitiya

39. P. H. T. Krishmika,
Millawatta,
Batapola

40. Mr. K. P. D. Kawshan
No; 66, Baddegama Rd, Hikkaduwe

41. A. L. H. D. Athapaththu,
84/1, Siyambalagoda, Polgasowita.

42. P. G. A. D. Liyasara
No 84, Poojanagaraya,



Mahiyanganaya.

43. W.R.B.S.Wickramarathna,
Goroggala waththa, horombawa,
Narammala

44. D.M.D.M.Wijerathna
No 65/21A, Judge's hill road,
Badulla

45. G.K.K.Padmamali
134/13, Mabulgoda,
Pannipitiya

46. M.D Chaturangani
No 492,
Nungamuwa, Yatigaloluwa,
Polgahawela

47. R.R.Edirisinghe,
'Sirimedura', Talalla South,
Gandara



48. S.G Wenusara Lakpiya,
No. 70/8G, Hettiweediya,
Weligama

49. K. U. V. Silva
No. 46/C, Aloka Mw,
Kotugoda

50. M.S.Hasara
276, Kottawa,
Pannipitiya.

51. W.G.D.S.Gamlath
Shan Niwasa,
Ginipendegama,
Wariyapola

52. M. J. D. Wijesena
Girambe,
Polgahawela

53. A.K.P. Ramashan
245/4, Hakmana Rd,
Beliatta

54. B.P.N.G.Balasooriya
25/A, Kurunduwatta road, Wettewa
watta,
Geliya

55. Sachin Jayalath
No 140, Humes rd, Galwadugoda ,
Galle

56. K.C. Ileperuma
97/1, Temple Road,
Ambalangoda, Polgasowita

57. A. A. I. Amarasinghe
Mirishena, Kelegedara,
Dambadeniya

58. A.I. Kalubovila,
No. 43, Gamage Mawatha,
Poruwadanda, Horana

59. S.Y.D. Sehari Ananda,
344/A, Colombo Road,
Dadalla, Galle .



60. B. M. D. Ovindi Wimalanatha
255/1B Niladeniya,
Hapugala, Galle.

61. H. S Samarasinghe
Halgasdeniya,
Uru bokka

62. P.U.S.Padmadeera,
"SENANI", Ginikarawa,
Wellawa

63. R.M.H.B.Ekanayake,
'Samagi Uyana',
Mawathagama

64. A.T.P.Eranga
"Ruwana", Halpandeniya,
Mirissa

65. S.A.C.Liyanagama
15/10, Thilini Uyana,
Meddawaththa, Matara

66. G.B.N.N.D.Amarawansa
142/A, Puwakdandawa ,
Beliatta

67. D.L.Liyanage,
No 161, Boragodawaththa,
Minuwangoda

68. S.N. Wickremasinghe
34/18, Koshena, Udathuthiripitiya

69. H.M.Y.MADUSHANKA
427/A, Athurugiriya Road,
Malabe



70. B. B. D. S. Perera
Madurugamuwa Lake Road,
Kirimatiyana, Lunuwila

71. T.M.K.C.Thennaon,
Wewa para,Thalahengoda,
Mawathagama

72. A.K.C.Maleesha
Bokuruketuwa, Miriswatte,
Ethkandura

73. P.D.G.N.M.Hureegolla,
NO 14/1, W.A.de Silva Road,
Katunayake

74. Mr.N.I.M.Gunasekera,
No.44 Lanka Lands Raddolugama

75. D.H.C. Hettiarachchi
No.198/1, Shramadana Mawatha,
Pilapitiya, Kelaniya.

76. K.S.Jayasekara
118/1,Bulugahagda,Ganemulla

77. K.G.B.J.Amarasinghe
133/391,Walawwatta,Welipillewa,Ga
nemulla



78. Mr.T..N.S.Indrajith
No :02/80, St'Mary's road,
Jaela.

79. L.P.K.Gamage
Beliketiya , Midigama,
Ahangama

80. C.J.Weerasekara
156/G,Aladuwaka ,
Pilimalawa

81. K.P.S. Kanishka,
Atambagaha junction, Pollewwa,
Batapola

82. D.K.Liyanage,
NO 18,WELIPITIYA,
WELIGAMA

83. T.S.Kuruppu,
NO:214/10,Melkopiwatta,
Yatiana,Minuwangoda.

84. K.R.S.D. Gunathilake,
"Lasantha Villa",Rotuwa,Moronthota,
Kegalle



85. B.H.Kasun Chamara Thilakasiri
500/8A, kumburuwatta,
batapolada

86. E.M.P.Chinthaka
Sahan , 6th Mile Post,
Mirahawattha , Bandarawela

87. Halpita Pathinayakage Keshala
Sandamini
254/B,Thotillagahawaththa,

Katuwellegama

88. Pallekumbura Rajasinghe Lakshitha
Prabash Amakara
197/A, Trincomalee road,
Kanthale
89. Darsha Lakshitha Abewardhana
Gammana
No 02, Andarawewa road,
Talawa
90. Kalutarage Wageesha Wasalee
No 233/7;
Galagahahena, pitipana South,
Kiriwaththuduwa
91. Hewage Madhawa Suranga Jayasinghe
Budhdhi Keerthisena Road,
Marawila
92. Thiththagalla Gamage Charitha
Madushani
Katukurundage watta,
Malimbada,
Palatuwa
93. Ovini Aushadi Hettiarachchi
No:60/1, Pangiriwatta road,
Gangodawila,
Nugegoda
94. Wasala Mudiyanse Lage Nindara Kumbure
Gedara Samith Bandara Weerakoon
Temple road 2nd Mile Post,
Bogahamadiththa,
Haliela
95. Yakdehige Kanishka Dananjaya
141 Batahena Road,
Surigama,
Kadawatha
96. Thalaramba Vithanage Charith Ayodya
No, 138,
Dikhenawatta,
Mattegoda



97. Loku Adassuriyage Mahendra Kavindu
Laksitha
No 22/1c,
Sri sarananda mawatha,
Hingurugamuwa,
Badulla
98. Rumesch Amarasekara Ekanayaka
Udawela,
Ibbagamuwa
99. Navodya Nandimal Kuruppu
No.217,
Moratuwa Road,
Piliyandala
100. Herath Mudiyansele Roditha Ridmal
Herath
452, Palugollagama,
Getalawa
101. Dissanayake Mudiyansele Nadun
nishantha Dissanayake
84/2, Kadadoragama,
Uvapanagama
102. Hitihami Mudiyansele Nilanka
Madushan Gnanarathna
141/A2, Doranagoda,
Udugampola
103. H.T.W. Asanka Manoj Piyasena,
No. 588/23,
Sangabo Mawatha,
Makola North,
Makola.
104. A.V.I.E. Ariyaratne
Walawwaththa, Pussella,
Parakaduwa



105. Danthika Samantha
Karunathilake
No. 69A , Makola North,
Makola

106. R. Nishantha Gunasena
1/2, Samadi MW,
Katuwasgoda,
Veyangoda

107. D.Y Illukkumbura
No.28,
Temple Road, Nawala

108. M.D.D.Wijetunge
235/6, Bandaranayake Mawatha,
Katubedda

PETITIONERS

Vs.

1. National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

2. Nazeer Ahamed,
Chairman,
National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya



3. R.M.A.P. Samaradivakara,
Director(Quality),
National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

And also

Acting Principal/Director,
Institute of Engineering Technology,
Temple Road,
Katunayake,
Sri Lanka

4. Mr. P.R. Rodrigo,
Director (Planning and Monitoring),
National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

5. Mr. Sumedha Jayasinghe,
Director(Administration),
National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

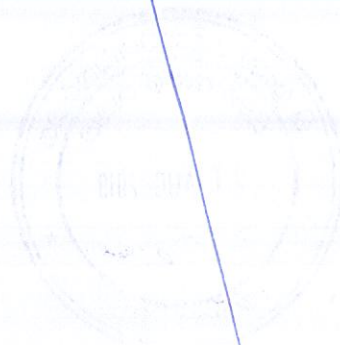
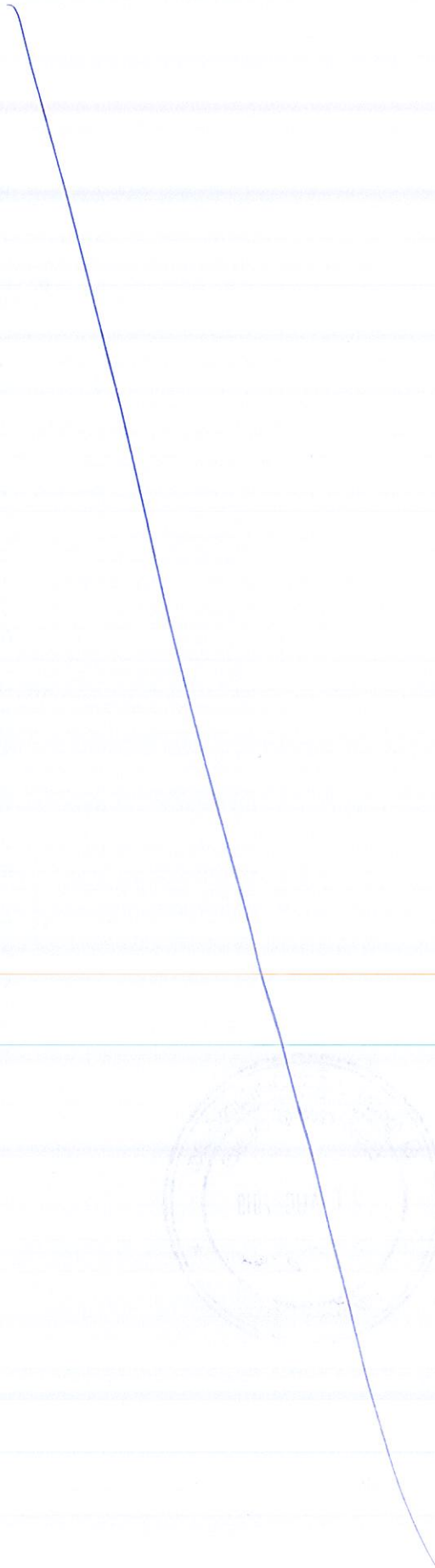
6. N.S. Nissanka,
Director(Training),
National Apprentice and Industrial Training
Authority (NAITA),



No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

7. Institution of Incorporated Engineers, Sri Lanka,
Lanka,
No 27/B,
Udumulla Road,
Battaramulla
8. Engineering Council, Sri Lanka,
The Institution of Engineers Sri Lanka,
No. 120/15,
Wijerama Mawatha,
Colombo 07
9. V. Sivagnanasothy,
Secretary,
Ministry of Skills Development and
Vocational Training,
354/2, "Nipunatha Piyasa", Elvitigala
Mawatha, Narahenpita, Colombo 05
10. Hon. Ranil Wickramasinghe,
Hon. Prime Minister and the Minister of
Skills Development and Vocational Training,
Ministry of Skills Development and
Vocational Training,
354/2, "Nipunatha Piyasa", Elvitigala
Mawatha, Narahenpita, Colombo 05
11. Tertiary and Vocational Education
Commission,
No. 354/2,
Elvitigala Mawatha,
Colombo 05





C.A Writ 94/2019

08.05.2019.

Before: Yasantha Kodagoda J PC, (P/CA)
Arjuna Obeysekere, J.

Sanjeewa Jayawardhana PC with Rukshan Senadheera for the
Petitioners.

Nayomi Kahawita SC for the A.G.

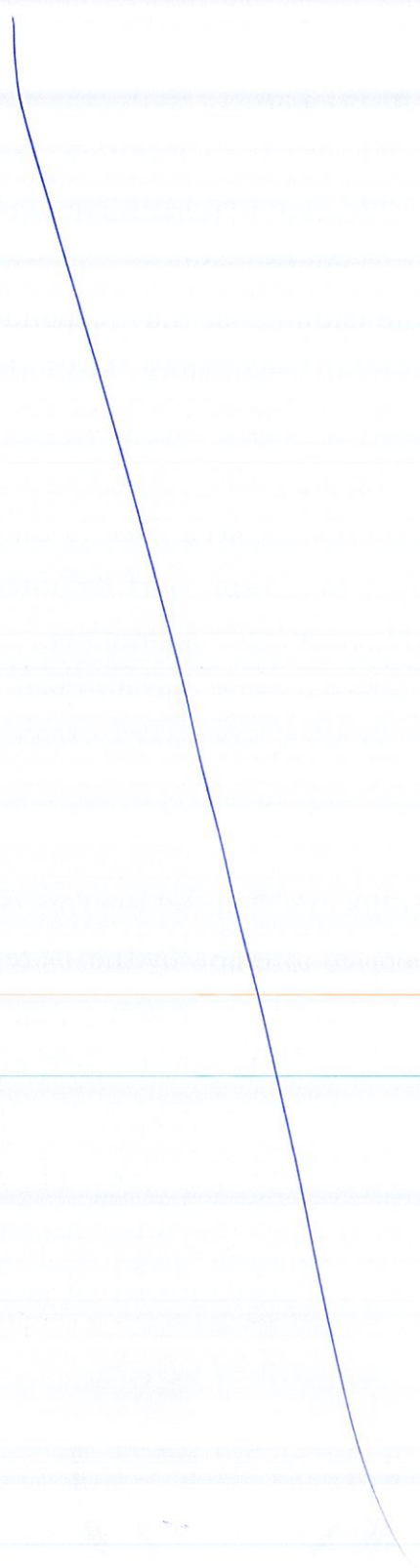
Chandana Premathilaka instructed by Niluka Dissanayake for the
7th Respondents.

Learned state counsel for the respondents informs court that a decision has been taken by the regulatory Authority not to permit the enlistment of an enhance batch to follow the programme referred to in the petition. However, in view of the fact that the Board of Management of the 1st respondent institution stands resolved. She is unable to obtain the instructions of the board in order to inform court definitely that this matter has been resolved to the satisfaction of the petitioners. Learned President's counsel for the Petitioners informs court that if in fact an enhance batch is not enlisted, he will be contact and he would most probably seek to withdraw this application.

Learned President's Counsel informs court that his immediate concern relates to the purported attempt by the 1st respondent to enlist the enhance batch. However, he remains concern about future enlistments as well. Learned Senior state counsel is called upon by court to obtain necessary instructions no sooner the board of management of the 1st respondent institution is being constituted and if it is possible to have this matter resolved to the satisfaction of the petitioners and the other respondents for a joint motion to be tendered to court. Matter to be mentioned on 28.06.2019.

Vkg/-





28.06.2019

Before : Justice Yasantha Kodagoda PC (P/CA) &
Justice Arjuna Obeyesekere

Sanjeewa Jayawardena PC with Rukshan Senadhera
ad C.R. Rashid for the Petitioner.

Niluka Dissanayaka for the 7th Respondent.

M. Amarasinghe SC for the Respondents.

Learned Counsel for the 7th Respondent informs Court that no relief has been prayed for against the said Respondent.

Learned PC informs Court that there has been substantial progress made with regard to a comprehensive settlement of this dispute, all but one possible terms of settlement has been agreed upon.

Learned SSC for the State parties who are Respondents concurs with the said submissions.

Both parties move for further time to reach agreement and to file a joint motion containing the agreed terms of settlement. This matter is to be mentioned on 02.08.2019 to consider whether settlement has been reached.



CN/



23/7/2019
30/7/2019

R/CA

The A.A.L for the Petitioner tenders
Proxy / Amended Petition / Affidavits /
Documents and moves that the Same
be Accepted

Joint Terms of settlement

Submitted Pls.

02/08/2019

Before Hon. Justice Jayarathna (colgado, PC (P/CA),
Hon. Justice Arjuna Obeyesekere.

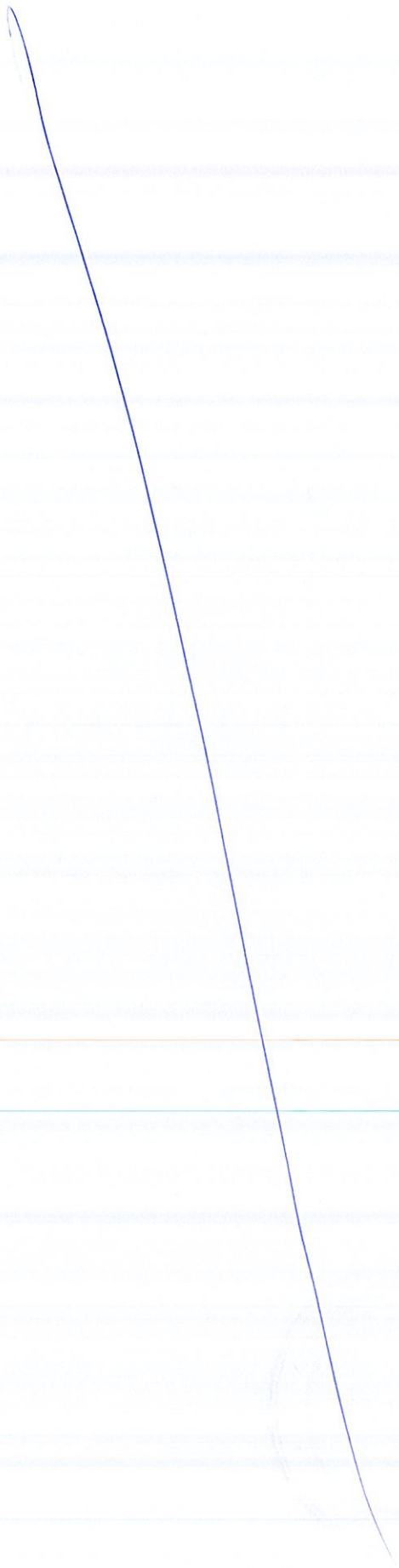
S. Jayawardena PC with C. Pushpan
Rashed and Rakeshan Senadeera for

Petners
Chandana Premathilake for 7th 2020
H. Uchawitza, sc for 11th 2020.

(Duch) Proceedings are terminated.
No order for costs made.

(2)





C.A.94/2019 : An Application for Writs of Certiorari, Prohibition and Mandamus

Before : Hon. Justice Yasantha Kodagoda, PC (P/CA), &

Hon. Justice Arjuna Obeyesekere

Counsel : Sanjeewa Jayawardene, PC with C. Roshana Rashid and Rukshan

Senadeera for the Petitioners.

Chandana Premathilake for the 7th Respondent.

N. Kahawita, SC for the 11th Respondent.

Decided on : 02.08.2019



Hon. Justice Yasantha Kodagoda, PC (P/CA)

Learned Counsel for the parties draw the attention of Court to the Motion dated 30.06.2019 filed on 30.07.19 containing the terms of settlement.

Counsel representing several parties inform Court that the terms of settlement referred to in the afore-stated Motion has been reached following consultation between the Petitioner and the 1st to 5th Respondents. These terms of settlement are as follows:

- A. The 1st to 6th Respondents above named and the Petitioners have unconditionally agreed to quash and/or set aside the decision to double the intake and/or increase the intake of the Institute of Engineering Technology (IET) for the National Diploma in

Engineering Sciences (NDES) program, as manifested upon and demonstrated in the latter dated 17.07.2018 of the 3rd Respondent (Produced Marked Document P3) and/or to enroll two parallel groups of students for the same intake to follow the National Diploma in Engineering Sciences, as the day time batch and as the evening and weekend batch, as manifested upon and demonstrated by the News Paper advertisement, dated 16.09.2018 (Produced Marked Document P14), without developing the facilities and increasing the academic and non-academic staff to comply with the Sydney Accord accreditation requirements in the Institute of Engineering Technology (IET), to facilitate the accommodation of such additional students or intake/s;

- B. The 1st to 6th Respondents above named, have agreed not to increase the batch of students for the 2018/2019 intake and/or in the future, *without* developing the facilities and increasing the academic and non-academic staff in compliance with the standards stipulated in the Gazette Extraordinary bearing No: 887/8 dated 7th September 1995.
- C. Additionally, the 1st to 6th Respondents above named agree and undertake to establish and maintain the necessary requirements stipulated in the "Criteria for Accreditation of Sydney Accord ", as set out in the "Engineering Technology Program Accreditation Manual", published by the Institute of Engineers Sri Lanka (Produced Marked Document P30) on the National Engineering Sciences (NDES) in the Institute of Engineering Technology (IET), within a period of one year from the date of the terms of settlement;
- D. The 1st to 6th Respondents above named have agreed to maintain the requirements, including the infrastructure requirements stipulated in the application form to register as a training institute with the Tertiary and Vocational Education Commission (TVEC),



under the Tertiary and Vocational Education Act, No.20 of 1990;

- E. The 1st to 6th Respondents have agreed to formulate Regulations determining the academic and training standards to be maintained by the Institute of Engineering Technology (IET), in accordance with the necessary minimum requirements under the Tertiary and Vocational Education Act, No.20 of 1990, and additionally under the Sydney Accord Accreditation requirements.
- F. The 1st to 6th Respondents above named agree to forthwith take steps to conduct the aptitude test for the selection of students for the National Diploma in Engineering Sciences (NDES), by the Department of Examination-Sri Lanka, effective from **2020**;
- G. The 1st to 6th Respondents above named agree and undertake to forthwith take steps to display the marks obtained by the applicants at the aptitude test, to be enrolled for the said National Diploma in Engineering Sciences (NDES), which is officially published by the department of examination-Sri Lanka, without any alterations thereto, in the official web site of the Institute of Engineering Technology (IET), effectively from 2019, and to permit the said applicants to formally raise their objections if any, against the marks;
- H. The 1st to 6th Respondents above named agree and undertake to forthwith take steps to Implement the recruitment process as given below: -
- i. The selection of students for admission will be based on their respective performance at the G.C.E. (A/L) Examination in the Mathematical stream (Good Passes of Combined Mathematics, Chemistry and Physics) and the aptitude test to be conducted by the Examination Department of Sri Lanka and the marks obtained at the personal interview conducted by the Institute of Engineering Technology (IET);



- ii. The Interview panel should be chaired by the Director Principal (or the nominee of the Director Principal) of the institute and shall comprise of high-level industrial experts (TVEC/IIESL/IESL members), lecturers from the institute;
 - iii. From and out of those who pass the aptitude test, selections will be done in the order of merit of the G.C.E. (A/L) mathematics stream results, i.e. in the order of the Z -score and marks obtained for the aptitude test.
 - iv. In the selection, the 80% merit and 20% district quota will also be applied;
 - v. The minimum Z-score marks for the selection for the Engineering Diplomas conducted by the Institute of Engineering technology, for each year, in the future, shall be determined by the Governing Council of the Institute of Engineering Technology (IET) and the said Governing council shall be comprised of the relevant Governing Authority or authorities, as defined in the Constitution of the Institute of Engineering Technology (IET);
 - vi. In addition to the above, the 1st to 6th Respondents agree and undertake to make provision for a Chartered Engineer who represents the NDES Alumina Association, to be a member of the Governing Council of the Institute of Engineering Technology;
- E. The 1st to 6th Respondents above named agree and undertake to follow and adopt the following marking scheme for the recruitment of Students for the national Diploma in Engineering Sciences (NDES) Program conducted by the Institute of Engineering Technology (IET), in the future, from the next intake onwards: -
- **Marks for the Z score – 20% out of 100% (Merit Basis)**



Note:

Z_{min} = Minimum Z score which is define by the governing authority

Z_{max} = Maximum Z score of the individual in the batch

Z_s = Student's Z score

Factor of the "Z" score, Z_F = $\left[\frac{Z_s - Z_{min}}{Z_{max} - Z_{min}} \right]$

If ($Z_F > 0$) Marks for the "Z" score out of 100% = $[Z_F \times 20]$

If ($Z_F \leq 0$) Marks for the "Z" score out of 100% = 0

- Marks for the Aptitude Test - 60% out of 100%
- Marks for the Interview - 20% out of 100%
 - Marks for the Special National/ International level achievements in extracurricular activities at the interview – 10% out of 100%
 - Relevant national and/or international achievements and merit marks are to be determined by Interview panel.

Learned State Counsel for the 11th Respondent submits to Court that the 11th Respondent has no objection to the afore-stated terms.

In view of the foregoing, the Petitioners move Court for termination of these proceedings.

Learned counsel for the Respondents do not object to the said application.



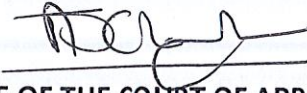
In the circumstances, proceedings are hereby terminated. No order for costs made.



PRESIDENT OF THE COURT OF APPEAL

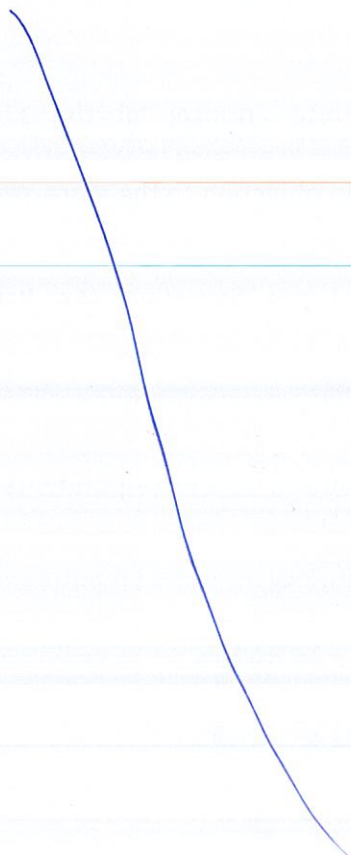
Hon. Justice Arjuna Obeyesekere

I agree.



JUDGE OF THE COURT OF APPEAL

Cr/-



TERMS OF SETTLEMENTIN THE COURT OF APPEAL OF THE
DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

In the matter of an Application for mandates in the nature of Writs of Certiorari, Prohibition and Mandamus, under and in terms of Article 140 of the Constitution.

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2. H.M.D.S.Bandara
No 96/A,Illukwaththa,
Pilimathalawa.

3. D. A. S. Madhushan
D46/1,Panagamuwa,
Ambulugala,Mawanella

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Haburugala

5. D.H.W.S .Chamika
NO:122 Bothuragama Road,
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E 32, Wehera, Kurunegala
12. W.M.K.Viranga
No.62/B, Millagahawatte,
St. Theresa Road, Katana north
13. K.G.G.Bandara
No.20, Niyadagala,
Peradeniya
14. N.A.D.S.Tharuka
No. 35, K. C. De. Silva puraya,
Thimbirigaskatuwa



15. K.H.S ANJANA
Banwalgodalla, Aluthwala,
Ambalangoda
16. H.K.M.N.Maduranga
Pahanwaththa "A",
Dodangoda.
17. H.M.S.Fernando
"Nisansala", College
Road, Wennappuwa.
18. S.R.Nandathilake
No. 252/2, Yatihalagala, Pallegama,
Haloluwa
19. C.N.Munagama
232/B/1, Oruwala ,
Athurugiriya
20. S.F.Abbas
25/6, Agaradaguru Mawatha,
Ekala, Ja-ela
21. M.S.Malith Fernando
No. 27(21/B),
Bothalegama, Lunuwila.
22. A.S.T.Wijesinghe
No. 20,
Sriyawasa, Korase, Udugampala
23. B.G.N.D.Jayathissa
No. 191/18/2, Kimbulgoda,
Yakkala



24. K.K.K.I Wickramathilaka,
No. 57/4a, Elipitiya Road,
Ambalangoda
25. B.M.R. Basnayake
295/B, dalupathyaya watta,
sarvoodaya mawatha, maspotha
26. K.K.R Nimesh
Panangala East, G/Panangala,
Galle
27. A.P.S. Thisara Amarasinghe
No.37, New Housing Scheme,
Behind the Central College, Mirigama
28. D.T.A.A.D. Disanayaka
235/1, Ihala Koswaththa, Tharana -
Udawela
29. S.K.H..Shanthapriya
No.321/F, Kaldermmaduwatta,
Wekada, Panadura
30. S.A.R.M. Gunathilaka
No.52,
Kularathna road,
Ambalangoda
31. A.C.M Jayawardhana
No 153/3 Dewamottawa ,
Andiambalama
32. M.P.D.Somaweera
No. 50, Mirihella,
Kegalle.



33. N.G.N.S.Swarnamali
455/41 /A,Nindawaththa
road,Panawenna,
Kahawaththa

34. N.G.K.A.Karunaratna
No 50/90, Madeiyawa Road ,
Kegalle.

35. N. S. Hettiarachchi
681/44/1, K.J.Peiris mw, Kandy road,
Kelaniya

36. M.G.S.T. Sathsarani,
No. 134/A, Ketahena, Angulmaduwa,
Beliatta

37. W. T. A. Weerasinghe,
Aluthgedara, Akurugoda,
Kamburupitiya

38. K.A.D.M. Lakshan,
542/11, Daminnagahawatta,
Kimbulapitiya

39. P.H.T.Krishmika,
Millawatta,
Batapola

40. Mr.K.P.D.Kawshan
No;66,Baddegama Rd,Hikkaduwe

41. A.L.H.D. Athapaththu,
84/1, Siyambalagoda,Polgasowita.

42. P.G.A.D.Liyasara
No84, Poojanagaraya,



Mahiyanganaya.

43. W.R.B.S.Wickramarathna,
Goroggala waththa, horombawa,
Narammala

44. D.M.D.M.Wijerathna
No 65/21A, Judge's hill road,
Badulla

45. G.K.K.Padmamali
134/13, Mabulgoda,
Pannipitiya

46. M.D Chathurangani
No 492,
Nungamuwa, Yatigaloluwa,
Polgahawela

47. R.R.Edirisinghe,
'Sirimedura', Talalla South,
Gandara

48. S.G Wenusara Lakpiya,
No. 70/8G,Hettiweediya,
Weligama

49. K. U. V. Silva
No. 46/C, Alok Mw,
Kotugoda

50. M.S.Hasara
276, Kottawa,
Pannipitiya.



51. W.G.D.S.Gamlath
Shan Niwasa,
Ginipendegama,
Wariyapola

52. M. J. D. Wijesena
Girambe,
Polgahawela

53. A.K.P. Ramashan
245/4, Hakmana Rd,
Beliatta

54. B.P.N.G.Balasooriya
25/A, Kurunduwatta road, Wettewa
watta,
Gelioya

55. Sachin Jayalath
No 140, Humes rd, Galwadugoda ,
Galle

56. K.C.Ileperuma
97/1, Temple Road,
Ambalangoda, Polgasowita

57. A. A. I. Amarasinghe
Mirishena, Kelegedara,
Dambadeniya

58. A.I.Kalubovila,
No. 43, Gamage Mawatha,
Poruwadanda, Horana

59. S.Y.D.Sehari Ananda,
344/A ,Colombo Road,
Dadalla, Galle .



60. B. M. D. Ovindi Wimalanatha
255/1B Niladeniya,
Hapugala, Galle.

61. H. S Samarasinghe
Halgasdeniya,
Uru bokka

62. P.U.S.Padmadeera,
"SENANI", Ginikarawa,
Wellawa

63. R.M.H.B.Ekanayake,
'Samagi Uyana',
Mawathagama

64. A.T.P.Eranga
"Ruwana", Halpandeniya,
Mirissa

65. S.A.C.Liyanagama
15/10, Thilini Uyana,
Meddawaththa, Matara

66. G.B.N.N.D.Amarawansa
142/A, Puwakdandawa ,
Beliatta

67. D.L.Liyanage,
No 161, Boragodawaththa,
Minuwangoda

68. S.N. Wickremasinghe
34/18, Koshena, Udathuththiripitiya

69. H.M.Y.MADUSHANKA
427/A, Athurugiriya Road,
Malabe



70. B. B. D. S. Perera
Madurugamuwa Lake Road,
Kirimatiyana, Lunuwila

71. T.M.K.C.Thennaon,
Wewa para, Thalahengoda,
Mawathagama

72. A.K.C.Maleesha
Bokuruketuwa, Miriswatte,
Ethkandura

73. P.D.G.N.M.Hureegolla,
NO 14/1, W.A.de Silva Road,
Katunayake

74. Mr.N.I.M.Gunasekera,
No.44 Lanka Lands Raddolugama

75. D.H.C. Hettiarachchi
No.198/1, Shramadana Mawatha,
Pilapitiya, Kelaniya.

76. K.S.Jayasekara
118/1,Bulugahagda,Ganemulla

77. K.G.B.J.Amarasinghe
133/391, Walawwatta, Welipillewa, Ga
nemulla

78. Mr.T..N.S.Indrajith
No :02/80, St'Mary's road,
Jaela.

79. L.P.K.Gamage
Beliketiya , Midigama,
Ahangama



80. C.J.Weerasekara
156/G,Aladuwaka ,
Pilimalawa

81. K.P.S. Kanishka,
Atambagaha junction, Pollewwa,
Batapola

82. D.K.Liyanage,
NO 18,WELIPITIYA,
WELIGAMA

83. T.S.Kuruppu,
NO:214/10,Melkopiwatta,
Yatiana,Minuwangoda.

84. K.R.S.D. Gunathilake,
"Lasantha Villa",Rotuwa,Moronthota,
Kegalle



85. B.H.Kasun Chamara Thilakasiri
500/8A, kumburuwatta,
batapolada

86. E.M.P.Chinthaka
Sahan , 6th Mile Post,
Mirahawatha , Bandarawela

87. Halpita Pathinayakage Keshala
Sandamini
254/B,Thotillagahawaththa,

Katuwellegama

88. Pallekumbura Rajasinghe Lakshitha
Prabash Amakara
197/A, Trincomalee road,
Kanthale
89. Darsha Lakshitha Abewardhana
Gammana
No 02, Andarawewa road,
Talawa
90. Kalutarage Wageesha Wasalee
No 233/7;
Galagahahena, pitipana South,
Kiriwaththuduwa
91. Hewage Madhawa Suranga Jayasinghe
Budhhi Keerthisena Road,
Marawila
92. Thiththagalla Gamage Charitha
Madushani
Katukurundage watta,
Malimbada,
Palatuwa
93. Ovini Aushadi Hettiarachchi
No:60/1, Pangiriwatta road,
Gangodawila,
Nugegoda
94. Wasala Mudiyanseelage Nindara Kumbure
Gedara Samith Bandara Weerakoon
Temple road 2nd Mile Post,
Bogahamadiththa,
Haliela
95. Yakdehige Kanishka Dananjaya
141 Batahena Road,
Surigama,
Kadawatha
96. Thalaramba Vithanage Charith Ayodya
No, 138,
Dikhenawatta,
Mattegoda



97. Loku Adassuriyage Mahendra Kavindu
Laksitha
No 22/1c,
Sri sarananda mawatha,
Hingurugamuwa,
Badulla
98. Rumesh Amarasekara Ekanayaka
Udawela,
Ibbagamuwa
99. Navodya Nandimal Kuruppu
No.217,
Moratuwa Road,
Piliyandala
100. Herath Mudiyansele Roditha Ridmal
Herath
452, Palugollagama,
Getalawa
101. Dissanayake Mudiyansele Nadun
nishantha Dissanayake
84/2, Kadadoragama,
Uvaparagama
102. Hitihami Mudiyansele Nilanka
Madushan Gnanarathna
141/A2, Doranagoda,
Udugampola
103. H.T.W. Asanka Manoj Piyasena,
No. 588/23,
Sangabo Mawatha,
Makola North,
Makola.
104. A.V.I.E. Ariyaratne
Walawwaththa, Pussella,
Parakaduwa



105. Danthika Samantha
Karunathilake
No. 69A , Makola North,
Makola

106. R. Nishantha Gunasena
1/2, Samadi MW,
Katuwasgoda,
Veyangoda

107. D.Y Illukkumbura
No.28,
Temple Road, Nawala

108. M.D.D.Wijetunge
235/6, Bandaranayake Mawatha,
Katubedda

PETITIONERS

Vs.

1. National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya



2. Nazeer Ahamed,
Chairman,
National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

3. R.M.A.P. Samaradivakara,
Director(Quality),
National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

And also

Acting Principal/Director,
Institute of Engineering Technology,
Temple Road,
Katunayake,
Sri Lanka

4. Mr. P.R. Rodrigo,
Director (Planning and Monitoring),
National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya



5. Mr. Sumedha Jayasinghe,
Director(Administration),
National Apprentice and Industrial
Training Authority (NAITA),
No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

6. N.S. Nissanka,
Director(Training),
National Apprentice and Industrial Training
Authority (NAITA),

No. 971,
Sri Jayewardenepura Mawatha,
Welikada,
Rajagiriya

7. Institution of Incorporated Engineers, Sri Lanka,
No 27/B,
Udumulla Road,
Battaramulla

8. Engineering Council, Sri Lanka,
The Institution of Engineers Sri Lanka,
No. 120/15,
Wijerama Mawatha,
Colombo 07

9. V. Sivagnanasothy,
Secretary,
Ministry of Skills Development and Vocational Training,
354/2, "Nipunatha Piyasa", Elvitigala Mawatha, Narahenpita, Colombo 05

10. Hon. Ranil Wickramasinghe,
Hon. Prime Minister and the Minister of Skills Development and Vocational Training,
Ministry of Skills Development and Vocational Training,
354/2, "Nipunatha Piyasa", Elvitigala Mawatha, Narahenpita, Colombo 05

11. Tertiary and Vocational Education Commission,
No. 354/2,
Elvitigala Mawatha,
Colombo 05



TO: HIS LORDSHIP THE HON.PRESIDENT AND THE OTHER HONOURABLE JUDGES OF THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA.

WHEREAS when the above numbered and styled Application was mentioned on 08-05-2019, Learned State Counsel appearing for the Respondents informed Your Lordships' Court that a decision had been taken by the Regulatory Authorities not to permit the enlistment of an enhanced batch to follow the program referred to in the Petition of the Petitioners. However, it was also apprised to Court that in view of the fact that the Board of Management of the 1st Respondent above-named Institution was dissolved at the time, that Learned State Counsel is unable to obtain the instructions of the Board in order to inform court that this matter has been resolved to the satisfaction of the Petitioners.

AND WHEREAS thereupon, President's Counsel appearing for the Petitioners informed Your Lordships' Court that, although the said decision of the 1st Respondent addresses the immediate concern of the Petitioners, that the petitioners were also anxiously concerned about the future enlistments as well.

AND WHEREAS upon hearing the submissions made by both the parties, Your Lordships' Court directed the Learned State Counsel appearing for the Respondent to obtain necessary instructions from the Board of management, no sooner the same is constituted, and if it is possible to have this matter resolved to the satisfaction to the Petitioners and the Respondents, to file a joint motion apprising Your Lordships' Court of the same.

AND WHEREAS subsequent to the aforesaid direction of Your Lordships' Court, the petitioners and the Respondents above named had several discussions to settle the aforesaid matter, and agreed to enter into a settlement, and accordingly, **do hereby agree to enter into the following express settlement terms and conditions as more fully set-out hereinafter :-**

- A. The 1st to 6th Respondents above named and the Petitioners have unconditionally agreed to quash and/or set aside the decision to double the intake and/or increase the intake of the Institute of Engineering Technology (IET) for the National Diploma in Engineering Sciences (NDES) program, as manifested upon and demonstrated in the latter dated 17.07.2018 of the 3rd Respondent (Produced Marked Document P3) and/or to enroll two parallel groups of students for the same intake to follow the National Diploma in Engineering Sciences, as the day time batch and as the evening and weekend batch, as manifested upon and demonstrated by the News Paper advertisement, dated 16.09.2018 (Produced Marked Document P14), without developing the facilities and increasing the academic and non-



academic staff to comply with the Sydney Accord accreditation requirements in the Institute of Engineering Technology (IET), to facilitate the accommodation of such additional students or intake/s;

- B. The 1st to 6th Respondents above named, have agreed not to increase the batch of students for the 2018/2019 intake and/or in the future, *without* developing the facilities and increasing the academic and non-academic staff in compliance with the **standards stipulated in the Gazette Extraordinary bearing No: 887/8 dated 7th September 1995.**
- C. Additionally, the 1st to 6th Respondents above named agree and undertake to establish and maintain the necessary requirements stipulated in the "Criteria for Accreditation of Sydney Accord ", as set out in the "Engineering Technology Program Accreditation Manual", published by the Institute of Engineers Sri Lanka (Produced Marked Document P30) on the National Engineering Sciences (NDES) in the Institute of Engineering Technology (IET), within a period of one year from the date of the terms of settlement;
- D. The 1st to 6th Respondents above named have agreed to maintain the requirements, including the infrastructure requirements stipulated in the application form to register as a training institute with the Tertiary and Vocational Education Commission (TVEC), under the Tertiary and Vocational Education Act, No.20 of 1990;
- E. The 1st to 6th Respondents have agreed to formulate Regulations determining the academic and training standards to be maintained by the Institute of Engineering Technology (IET), in accordance with the necessary minimum requirements under the Tertiary and Vocational Education Act, No.20 of 1990, and additionally under the Sydney Accord Accreditation requirements.
- F. The 1st to 6th Respondents above named agree to forthwith take steps to conduct the aptitude test for the selection of students for the National Diploma in Engineering Sciences (NDES), by the Department of Examination-Sri Lanka, effective from **2020**;
- G. The 1st to 6th Respondents and the 11th Respondents above named agree and undertake to forthwith take steps to display the marks obtained by the applicants at the aptitude test, to be enrolled for the said National Diploma in Engineering Sciences (NDES), which is officially published by the department of examination-Sri Lanka, without any alterations thereto, in the official web site of the Institute of Engineering Technology (IET), effectively from 2019, and to permit the said applicants to formally raise their objections if any, against the marks;



H. The 1st to 6th Respondents above named agree and undertake to forthwith take steps to Implement the recruitment process as given below: -

- i. The selection of students for admission will be based on their respective performance at the G.C.E. (A/L) Examination in the Mathematical stream (Good Passes of Combined Mathematics, Chemistry and Physics) and the aptitude test to be conducted by the Examination Department of Sri Lanka and the marks obtained at the personal interview conducted by the Institute of Engineering Technology (IET);
 - ii. The Interview panel should be chaired by the Director Principal (or the nominee of the Director Principal) of the institute and shall comprise of high-level industrial experts (TVEC/IIESL/IESL members), lecturers from the institute;
 - iii. From and out of those who pass the aptitude test, selections will be done in the order of merit of the G.C.E. (A/L) mathematics stream results, i.e. in the order of the Z -score and marks obtained for the aptitude test.
 - iv. In the selection, the 80% merit and 20% district quota will also be applied;
 - v. The minimum Z-score marks for the selection for the Engineering Diplomas conducted by the Institute of Engineering technology, for each year, in the future, shall be determined by the Governing Council of the Institute of Engineering Technology (IET) and the said Governing council shall be comprised of the relevant Governing Authority or authorities, as defined in the Constitution of the Institute of Engineering Technology (IET);
 - vi. In addition to the above, the 1st to 6th Respondents agree and undertake to make provision for a Chartered Engineer who represents the NDES Alumina Association, to be a member of the Governing Council of the Institute of Engineering Technology;
- I. The 1st to 6th Respondents above named agree and undertake to follow and adopt the following marking scheme for the recruitment of Students for the national Diploma in Engineering Sciences (NDES) Program conducted by the Institute of Engineering Technology (IET), in the future, from the next intake onwards: -

- Marks for the Z score – 20% out of 100% (Merit Basis)

Note:



Z_{min} = Minimum Z score which is define by the governing authority

Z_{max} = Maximum Z score of the individual in the batch

Z_s = Student's Z score

Factor of the "Z" score, Z_F = $\left[\frac{Z_s - Z_{min}}{Z_{max} - Z_{min}} \right]$

If ($Z_F > 0$) Marks for the "Z" score out of 100% = $[Z_F \times 20]$

If ($Z_F \leq 0$) Marks for the "Z" score out of 100% = 0

Marks for the Aptitude Test - 60% out of 100%

Marks for the Interview - 20% out of 100%

- Marks for the Special National/ International level achievements in extracurricular activities at the interview – 10% out of 100%
- Relevant national and/or international achievements and merit marks are to be determined by Interview panel.



The 1st to 6th Respondents above named and the petitioners have agreed to expedite and facilitate as required, to execute and conclude the ongoing Austrian Project, within the stipulated period, in order to develop the infrastructure facilities, staff requirements and curriculum/ syllabus revisions, to accommodate 500 students, upon the completion of the same, as per the agreement between NAITA, IET, the Line Ministry and the Austrian Donor Agency.

In view of the aforesaid specific express terms of settlement entered into between the parties, the Petitioner and the respondents respectfully move Your Lordships' Court to make order in terms of these settlement conditions and further move that these proceedings be terminated.

Registered Attorney-at-Law for the Petitioners

Registered Attorney-at-Law for 1st to 6th Respondents

CAFFOOR ROSHANA RASHID
LLM (Colombo)

Attorney - at - Law, Notary Public &
Commissioner for Oaths

20, Nagahamulla Road, Kolonnawa, Sri Lanka.
Mob : 0773887399, Tel : 011-2533418

C. ROSHANA RASHID
Attorney - at - Law


On this 30th day of July 2019,

I do hereby certify that the foregoing is a true photo copy of the Court of Appeal

JE 08.05.2019, 28.6.2019, 02.8.2019 order dated 02.8.2019 and terms of settlement dated 30.07.2019 filed of record in C.A.

No: ..CA/WRT/94/2019.....

Photo Copd :  (SANATH DISSANAYAKE)

Compd. with:  (B.M. Wijetunge)

Receipt No: $\frac{I}{2A} 263504$
2019-08-26





REGISTRAR - GRADE II - COURT OF APPEAL

Registrar Grade II
Court of Appeal
Colombo 12.