

**NARANGODA AND OTHERS**  
**v.**  
**KODITUWAKKU, INSPECTOR-GENERAL OF POLICE AND**  
**OTHERS**

SUPREME COURT  
FERNANDO, J.,  
GUNASEKERA, J. AND  
YAPA, J.

SC APPLICATION NO. 397/2000

WITH SC NOS. 398, 400, 703 AND 704 OF 2000

15 AND 28 NOVEMBER, 2001

*Fundamental Rights – Promotion of Assistant Superintendents of Police – Article 12 (1) of the Constitution.*

The petitioners Assistant Superintendents of Police who were unsuccessful candidates at the selection for appointment to the rank of Superintendent complained of discrimination *vis-a-vis* the successful candidates. They challenged the authenticity of the interview mark sheet, the selection criteria, the procedure followed in verifying service records and the allocation of marks. They alleged that they were interviewed for three or four minutes each and were asked questions some of which were not strictly relevant to their police work.

**Held:**

- (1) The state produced a computer printout and not the original mark sheet, and there is considerable doubt as to whether that document correctly records the marks given at the interview without subsequent adjustments.
- (2) The criteria applied did not include many important qualities needed for the post such as leadership ability, management skills, initiative, independence and the ability to resist improper influence. The allocation of marks for "service record" was gravely flawed.
- (3) The records relating to "pending disciplinary inquiries" and no pay leave, etc., had not been properly assessed notwithstanding unauthenticated alteration in some cases which led to one candidate who was not eligible being selected for promotion and others being called for interview though

ineligible. There was also no satisfactory explanation as to the huge discrepancies in the allocation of marks. There were no detailed interview schedules for the use of the members of the selection Board to enable them to verify details in respect of each candidate in the time available for interview.

- (4) Except as regards about one third of the promotees in respect of whom there was no evidence of shortcoming or manipulation of marks by the Board, the failure to produce the original mark sheet gives rise to the inference that it would have disclosed alterations and additions indicative of manipulation.

*Per Fernando, J.*

"45 officers were selected in advance for promotion, for good reasons or bad, and at the interviews the allocation of marks was manipulated to give more for the favoured few and less for the others, without disturbing their seniority *inter se*."

- (5) *Per Fernando, J.*

"It has been established beyond reasonable doubt that the interview and selection process was a sham – worse than any I have come across. There had been a grave denial of the petitioners' rights to a fair, equal and reasonable selection process."

**APPLICATION** for relief for infringement of fundamental rights.

*Faisz Musthapha*, PC with *Sanjeewa Jayawardena* for the petitioners in SC 397, 398, 703 and 704 of 2000.

*D. S. Wijesinghe*, PC with *J. C. Weliamuna* for the petitioners in SC 400 of 2000.

*Palitha Fernando*, Deputy Solicitor-General for the 1st to 12th and the 48th respondents.

*Manohara de Silva* for the 25th respondent.

*U. Abdul Najeem* for the 44th respondent.

February 11, 2002

**FERNANDO, J.**

These five applications (SC Nos. 397, 398, 400, 703 and 704 of 2000) <sup>1</sup> were taken up for hearing together. Counsel agreed that the decision in SC 397/2000 would apply to the other four cases as well.

There are 17 petitioners in SC 397/2000, and 29 petitioners in the other four cases. They are Assistant Superintendents of Police (ASP's), who complain that their fundamental rights under Article 12 (1) had been infringed by the failure to promote them to the rank of Superintendent. In SC 397/2000 they have named as respondents 36 officers who were promoted, and all those promotions are challenged in these five applications, except that of the 48th <sup>10</sup> respondent. Although in their petition the petitioners challenged his appointment, alleging that he was not eligible and had neither applied nor been interviewed, at the leave stage itself they stated that they were not pursuing that challenge because he had been promoted in pursuance of a distinct cabinet decision of 19. 04. 2000. I express no opinion as to whether that promotion was legal or proper in terms of the applicable scheme of promotion. The 32nd respondent (candidate No. 55) died before leave was granted, without any attempt at substitution, and natural justice requires that his promotion remain unaffected by this order. <sup>20</sup>

The officers who were invited to apply were ASP's who had **five** years' confirmed service as ASP's, and an "unblemished record of service" for five years prior to December, 1999. However, the modified scheme of recruitment and promotion approved by the cabinet on 05. 08. 98 stipulated **eight** years, service. The question whether some successful candidates were disqualified on this score was not pursued at the hearing, and I express no opinion on that matter.

185 ASP's were called for interview, and 179 were interviewed, on 13th, 15th, 17th and 19th March and 7th May, 2000. The Board

of interview (the Board) consisted of the 1st respondent (the Inspector- 30  
General of Police), the 4th respondent (the Secretary, Ministry of  
Defence), and the 50th, 51st and 52nd respondents (senior public  
officers). Upon the Board's recommendation, communicated by the 4th  
respondent by his letter dated 12. 05. 2000 (not produced), the Public  
Service Commission (PSC) by letter dated 16. 05. 2000 granted  
approval for the promotion of 35 officers. The 5th respondent is the  
Chairman, and the 6th, 8th, 10th and 11th respondents are the  
members, of the PSC. The 1st respondent announced these promo-  
tions by a circular dated 18. 05. 2000; (both the 17th and the 18th  
were public holidays). The 4th respondent averred in his affidavit that 40  
another eight officers (not named) had not been recommended, although  
they had scored more marks than the last of the 35 promotees,  
because of pending fundamental rights applications, and disciplinary  
and criminal proceedings against them. The PSC when granting  
approval stated that a further communication would follow in regard  
to another ten officers (not named). In November and December, 2000,  
six others were promoted. This judgment will apply to all ASP's  
promoted (or recommended for promotion) in pursuance of the  
aforesaid interviews.

After judgment was reserved, I called for the correspondence 50  
between the 1st respondent, the 4th respondent and the PSC  
pertaining to the promotions, and the PSC minutes. One of the  
documents produced was the 4th respondent's letter dated 12. 05.  
2000 to the PSC, in which he recommended 45 officers, including  
the eight who had scored more than the last promotee. That letter  
made no reference to pending inquiries; his affidavit in this Court was  
therefore not truthful. By letter dated 15. 05. 2000 the PSC asked  
whether there **were** pending inquiries, and then only was it disclosed,  
by letter dated 15. 05. 2000 received by the PSC on 16. 05. 2000,  
that there were pending inquiries against ten of the officers already 60  
recommended. It appears that without any discussion at a meeting  
Chairman and three members of the PSC approved the 35 promotions  
by circulation of papers the same day.

The petitioners contended that the decisions of the Board and the PSC were arbitrary, capricious, unreasonable and discriminatory.

The shortcomings in the interview and selection process are more serious than those disclosed in SC Applications Nos. 272-275/2001 (SCM 19. 11. 2001), which involved the promotion of Chief Inspectors to the rank of ASP.

The petitioners challenged the authenticity of the interview mark <sup>70</sup> sheet, the selection criteria adopted by the Board, the procedure followed in verifying service records, and the allocation of marks. They averred that they were interviewed for three to four minutes each and asked various questions, some of which were strictly unrelated to their police work.

### **INTERVIEW MARK SHEETS**

It was submitted on behalf of the members of the Board that they did not maintain individual mark sheets, and that they made a joint assessment of each candidate. If systematically and honestly done after meaningful discussion, that procedure is not objectionable. However, <sup>80</sup> the document produced by the 4th respondent as being the interview mark sheet is a computer printout, and not a mark sheet contemporaneously maintained by them – although that was the document which this Court called for. We were told that this was not available. (By a strange coincidence, in SC Applications 272-275/2001, too, the original mark sheet was not available).

Only the last sheet (the eleventh) of that computer printout is signed. Though all five members have signed, three of them have not dated it. The 1st respondent had dated his signature as "12. 05. 2000". The date under the 4th respondent's signature is unclear. One possible <sup>90</sup> explanation that might have been suggested for the lack of a handwritten record is that the marks, as soon as they had been agreed, were entered directly on the computer: but the members of the Board

made no such claim. Indeed, if that was the case, there is no reason why a computer printout was not obtained on 07. 05. 2000, and signed at once; only a few candidates were interviewed on 07. 05. 2000. Besides, the computer entries include the ranking of the candidates, which would have been done only after the conclusion of all the interviews. Here, too, the members of the Board might have claimed – but did not – that this was done automatically, and contemporaneously, by the computer program used. If that was what happened, it would have been signed the same day. 100

There is another matter. Against the name of candidate No. 68 (and his alone), there are three asterisks (\*\*\*) . There was no explanation for this. However, above the marks allocated to him, there is an unauthenticated entry: "Killed in action. Posthumously promoted". The asterisks and that entry, quite obviously, were not made at the time of interview, but later. When? is the question.

Among the documents produced after the hearing was the 1st respondent's request dated 28. 04. 2000 to the 4th respondent for a posthumous promotion for candidate No. 68 who was killed in action on 07. 04. 2000. The 4th respondent appears to have conveyed that request to the PSC only much later. The PSC by letter dated 10. 08. 2001 granted that promotion. That officer had scored enough marks to be ranked 27th, but his name was not among those recommended for promotion by the Board, or promoted by the PSC in May, 2000. I find it difficult to believe that the members of the Board in May, 2000, anticipated the PSC's August, 2001, decision. 110

I think it probable that the computer printout was not a contemporaneous record, but one subsequently made from another (probably handwritten) document which has not been produced. There is neither a certificate nor evidence that the computer printout is a correct copy of such original (or that the members of the Board satisfied themselves on that score before signing). There is considerable doubt as to whether that document correctly records the marks given at the interview without subsequent adjustments. 120

## CRITERIA AND PROCEDURE

In his first affidavit dated 07. 11. 2000, the 4th respondent explained the criteria and procedure as follows:

The Board of interview, with the concurrence of the Public Service 130 Commission, applied the following marking scheme:

seniority	—	30 marks
service record	—	30 marks
conceptual skills	—	10 marks
analytical skills	—	10 marks
human relations skills	—	10 marks
communication skills	—	10 marks

The candidates' seniority and service records were verified by perusing personal files, records, reports and certificates submitted by the relevant authorities and the candidates, in order to obtain, among 140 other details, the total period of service in the said rank, special increments (10 marks), commendations and rewards of Rs. 5,000 and above (10 marks) and good entries (10 marks).

The Board assessed their conceptual skills, analytical skills, human relations skills, and communication skills by questioning candidates on real and hypothetical situations in different languages and by paying special attention to the manner and the confidence with which they faced the interview and replied the numerous questions posed to them.

Each candidate was awarded marks upon the overall agreement 150 of the members of the Board.

In a later affidavit dated 18. 04. 2001, filed in SC 398/2000 the 4th respondent added:

All members of the Interview Board were furnished with personal details of the candidates in the form of computer printouts, an Inquiry File containing disciplinary/criminal/court action pending against candidates, an assessment of the service record of each candidate, and personal data submitted by candidates in the prescribed form.

Several questions arise in regard to the criteria and the procedure. 160

While the criteria and the weightage given are unobjectionable, it is a serious defect that the criteria did not include many important qualities needed for the post – such as leadership ability management skills, initiative, independence and the ability to resist improper influence.

The decision of the Board to subdivide "service record" to include marks for "rewards" and "good entries" was patently unreasonable. The petitioners produced the Departmental Order relating to the Police Reward Fund, which provided for the payment of rewards to officers of and below the rank of Chief Inspector. It was not disputed that ASP's are not entitled to rewards. It was also conceded that there is no practice of making "good entries" in respect of ASP's. That the Head of the Police Force was unaware of this, and failed to enlighten his colleagues on the Board, raises serious doubts as to his competence. Assuming, however, that all the members of the Board made a *bona fide* mistake at the outset in making that subdivision, there is no explanation for their failure to correct it when the interviews commenced – for it would then have become apparent that marks could not be allocated under those two heads. Indeed, the computer printouts containing the candidates' personal details did not record rewards and good entries. Nevertheless, if the mark sheet is to be believed, the Board purported to allocate marks under those two heads as well. That is beyond dispute, because several candidates were given high marks (between 16 and 21, out of 30) even though they had no special increments or commendations. 170 180



Further, since an "unblemished record of service" for five years was a *sine qua non*, the Board was obliged to make provision – by deducting marks, or otherwise – for "blemishes". As pointed out later in this judgment, the Board failed to do so.

I hold that the subdivision of the "service record", and the allocation 190 of marks for "service record", were gravely flawed.

Turning to the procedure followed, although the 4th respondent asserted that an assessment of the service record of each candidate was available to the Board, when this Court called for the documents, the "assessments" tendered did not include those in respect of candidates Nos. 1 to 36, and 137 to 185. Ten of the original 35 promotees were among candidates Nos. 1 to 36. The available assessments were a scanty recital of a few aspects of the service details (which should anyway have been available in the computer printouts referred to below), and were in no sense an *evaluation* of 200 the merits or the quality of service. Besides, those assessments were not signed or authenticated in any way. I doubt their reliability. Thus, candidate No. 55 had not been recommended for promotion by his two immediate superiors, and had pending disciplinary inquiries – facts which his "assessment" did not disclose. Candidate No. 91 had been on no-pay leave, but this his "assessment" did not reveal – although one of the matters which the 4th respondent had directed the 1st respondent to provide in advance was "periods of no-pay leave/no service period in the present rank".

As for the computer printouts, it is doubtful whether the computer 210 records were regularly and systematically maintained. Thus, in regard to "disciplinary inquiries", most records were negative, as indicated by "N". In the case of many candidates, "N" had been altered in ink to "Y", without any authentication. It may be that these alterations were correct and proper, but the fact that they were made shortly after the printouts were obtained for the interviews proves that the computer records had not been properly updated. Further, in regard

to successful candidates Nos. 47 and 55, although the computer printout showed "N", there was evidence that there were pending disciplinary inquiries against them.

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There were inconsistencies between the "assessments" and the computer printouts. Thus, successful candidate No. 91 had been on no-pay leave for one year and seven months, and had that period been deducted it would have been apparent that he did not have the required minimum of five years' confirmed service as an ASP. Had that deduction been made, it would have been clear that he was not eligible, even to be called for the interview. The computer printout disclosed this period of no-pay leave; the "assessment" did not. The petitioners pleaded that that candidate was ineligible. In reply, the 4th respondent claimed that "this fact was not reported to the interview <sup>230</sup> Board" – thereby confessing that the Board had failed to peruse the computer printouts. Furthermore, counsel for that candidate pointed out that the candidate himself had disclosed this fact in his application form. That confirms that even if the "personal data submitted by candidates in the prescribed form" was available to the Board (as the 4th respondent claims), that too was not checked.

I must mention that the other four members of the Board did not file affidavits to answer or explain the allegations made by the petitioners. In SC No. 398/2000, on 03. 11. 2000 the 1st respondent's instructing Attorneys informed this Court that he was undergoing <sup>240</sup> medical treatment in India and that his affidavit would be filed on his return – but that was not done. The explanation given by the 4th respondent is most unsatisfactory. It was humanly impossible, in the time available, for the Board to have verified details from all the numerous sources listed by the 4th respondent, namely:

- (a) personal files,
- (b) records, reports and certificates submitted by the relevant authorities and the candidates,
- (c) personal data submitted by candidates in the prescribed forms,

- (d) computer printouts,
- (e) inquiry file, and
- (f) assessments of service.

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What is more, it appears that what was available was only one set of all these documents – which five members could not have referred at the same time.

Any meaningful interview for such a large number of candidates should have been preceded by the preparation of detailed interview schedules, listing out all relevant details, for the use of every member of the Board. That was not done.

## ALLOCATION OF MARKS

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The interview mark sheet shows that the first candidate scored 78 marks, and the 45th candidate (not counting candidate No. 68) scored 50 marks. A large number of candidates scored 49 marks, and were not recommended.

*"Seniority"*: The learned Deputy Solicitor-General submitted that marks for seniority were allocated at the rate of three marks for each year of service as ASP's. In that respect, the mark sheet reveals several discrepancies. Thus, candidates Nos. 12, 129, 136, and 137 were allocated only 12 marks each: if so, they had only four years' service, and were ineligible, and even if they had been called for 270 interview by mistake, the Board should not have wasted any time in attempting to assess them.

*"Service Record"*: Among the top 45 candidates, there were over 20 candidates who had been allocated between 16 and 21 marks – although there was no evidence that they had any special increments or commendations. There were at least another 15 candidates, also without special increments or commendations, who had been allocated between four and 13 marks: the latter had an aggregate of 49 marks,

and thus missed selection by just one mark. I find it impossible to understand how the Board differentiated between these two groups,<sup>280</sup> and how the differential was so substantial. Thus, successful candidate No. 44 (with eight years' service) got 21 marks, while unsuccessful candidates Nos. 1 and 3 (with over ten years' service) got only four and seven marks, respectively. There is some doubt as to the former's eligibility as he had been on overseas leave since July, 1995, but that apart since he was abroad for all but seven months of the five-year period relevant to quality of service, it is surprising that he earned the highest number of marks from among all the candidates for "service record". Candidates Nos. 1 and 3 missed the cut-off mark by three marks and one mark, respectively. 290

There were others, such as candidates Nos. 7, 12 and 25, who did have special increments or commendations, but were allocated only 9, 10 and 12 marks, respectively. Each of them had an aggregate of 49, and missed selection by one mark.

There was no satisfactory explanation as to these huge discrepancies.

When interviewing 179 candidates, a few mistakes are both unavoidable and perhaps excusable. But, here the mistakes, if indeed they were no more than mistakes, were legion. Five members of the Board, if they had each perused the relevant documents, could not<sup>300</sup> all have made the identical "mistakes" which I have referred to above. The allocation of marks for "service record" appeared to be no better than a "lucky dip".

*"Other Skills"*: I have now to turn to the other four criteria (collectively referred to as "capacity"). The petitioners stressed the shortness of the interviews. The 4th respondent contented himself with a bare denial, saying nothing about the length of each interview or the total time spent. The 25th respondent stated that he had been interviewed for "almost 15 minutes". If each interview lasted 15 minutes,

the Board would have required 45 hours to interview the candidates. 310 The Board does not claim to have spent so much time on the interviews. Besides, even 15 minutes was inadequate for the Board to have done – properly – what it claims to have done. Verifying the records of each candidate, asking him *numerous* questions to judge his skills in four different areas, and discussing and reaching agreement (for each candidate separately) as to the allocation of marks for "service record" and four other criteria, would have required much more than 15 minutes.

There is another disturbing feature. By and large, the Candidates who came among the top 45 had all been given 24 marks or more 320 (out of 40) for "capacity", while the unsuccessful candidates got 15 or less. Candidates who were given high marks for "service record" despite the lack of special increments and commendations invariably received high marks for "capacity" as well; and those who were given low marks for "service record" consistently also received low marks for "capacity". That suggests a deliberate manipulation of the marking system. Further, the ranking of the 45 candidates who scored the highest marks, coincided with their seniority – that is to say, not one of those officers scored more than any of his seniors or less than any of his juniors. Many of the candidates were of equal seniority. 330 Thus, there were about 20 officers with eight years' service, each entitled to 24 marks for seniority. That none of these candidates scored more than his senior or less than his junior is highly improbable.

I have no hesitation in concluding that the allocation of marks was worse than a "lucky dip", at which everyone has an equal chance, depending only on his luck. This, however, was a deliberate manipulation, and not chance. 45 officers were selected in advance for promotion, for good reason or bad, and at the interviews the allocation of marks was manipulated to give more for the favoured few, and less for the others, without disturbing their seniority *inter se*. The result 340 was that among the 60 most senior candidates, the 31 senior officers overlooked scored 47, 48 or 49 marks each. The only exception was candidate No. 22 who scored 35 marks – but that was because he was wrongly given only 12 marks (and not 24) for seniority.

I must hasten to add that there is no evidence of shortcomings or manipulation in regard to about one-third of the promotees.

The failure to produce the original mark sheet(s) gives rise to the inference that it would have disclosed alterations and additions indicative of manipulation.

## **PENDING DISCIPLINARY INQUIRIES**

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The 4th respondent's position that candidates who had scored sufficient marks to warrant promotion were not recommended for promotion if there were pending disciplinary or legal proceedings against them is contradicted by his letter dated 12. 05. 2000. The petitioners alleged that some officers were not only recommended but even promoted despite such proceedings. Among the examples cited were successful candidates Nos. 47 and 55.

A rigid rule that public officers against whom disciplinary or legal proceedings are pending must be denied appointments and promotions, may sometimes cause injustice – as, for instance, if the proceedings are based on frivolous allegations. At the same time, if an appointing authority were to make an appointment or grant a promotion, despite such proceedings, a serious injustice and anomaly would result if the officer was later found guilty.<sup>360</sup>

Such injustices and anomalies can be avoided in several ways. The appointing authority may make an appointment or promotion subject to the result of the proceedings, or may expressly reserve (if he lawfully could) the right to revoke the appointment or promotion in the event of the charges being later proved. Another reasonable alternative would be for the appointing authority to make the appointment or promotion but to make it operative only upon the favourable conclusion of such proceedings.<sup>370</sup>

The practice followed by the PSC in this case of permitting officers to apply for promotions despite pending proceedings, and of withhold-

ing promotions until such proceedings are concluded, is reasonable and proper. However, in this case there is a further consideration, namely, that only those with an "unblemished record" were eligible. Accordingly, not only were pending proceedings of some relevance, though perhaps slight, but adverse findings in concluded proceedings could not be ignored simply because no punishment was imposed.<sup>380</sup> Any evaluation of the "service record" of a candidate could not have ignored such "blemishes", at least for the reason that a candidate against whom there was no adverse finding was entitled to some preference as against another whose record was blemished by a finding of guilt, even though not visited with "punishment" as defined in the Establishments Code.

It is in that context that the cases of candidates Nos. 47 and 55 have to be considered. It was the 4th respondent, who had no personal knowledge of the facts and circumstances, who ventured explanations. In regard to candidate No. 47 the petitioners' allegation was that he<sup>390</sup> had been severely warned by the previous IGP on 03. 07. 98, and that an inquiry was pending in respect of the misuse of an official vehicle. The 4th respondent said that a report had been submitted to the 1st respondent, who "having carefully considered all available material has decided not to initiate any further action". He did not say when that decision had been taken – before the recommendation, before the promotion, or after the promotion. In regard to candidate No. 55, the 4th respondent stated that on 30. 03. 2000 the 1st respondent had communicated a disciplinary order, a "warning", which, he said, was not a "punishment" under the Establishments<sup>400</sup> Code. The report, the disciplinary order, and other relevant documents were not produced. The 1st respondent who would have had personal knowledge of the circumstances did not try to explain.

The 12th respondent, the Secretary to the PSC, tendered an affidavit pleading unawareness of the petitioners' allegations, and that presumably extended to the PSC as well.

I hold that in this respect too the Board failed properly to assess the "service record" of the candidates.

## ORDER

At the conclusion of the oral argument on 28. 11. 2001, all counsel<sup>410</sup> moved for two weeks' time to explore the possibility of a settlement on the basis of leaving the impugned promotions undisturbed and promoting the petitioners. Having regard to the serious flaws in the interview and selection process, we informed counsel that this Court could not approve such a settlement, and that we would reserve the right of other unsuccessful candidates thereupon to complain that such settlement was in violation of their rights. Thereafter, a motion was filed by the State Attorney on 20. 12. 2001 asking for a further two weeks' time "to settle this matter in view of the change of administration". Finally, on 11. 01. 2002 we were informed that no<sup>420</sup> settlement had been reached.

It has been established beyond reasonable doubt that the interview and selection process was a sham – worse than any I have come across. There has been a grave denial of the petitioners' rights to a fair, equal and reasonable selection process.

I hold that the petitioners' fundamental rights under Article 12 (1) have been infringed by the 1st, 4th, 50th, 51st and 52nd respondents, and award each of the 48 petitioners (in this and in the four other cases) a sum of Rs. 10,000 as compensation and costs, payable on or before 30. 04. 2002. The aggregate sum of Rs. 460,000 will be paid as follows: Rs. 100,000 personally by the 1st and 4th respondents in equal shares, Rs. 60,000 personally by the 50th, 51st, and 52nd respondents in equal shares, and the remaining Rs. 300,000 by the State.<sup>430</sup>

All promotions made by the PSC in pursuance of the interviews held in March and May, 2000, are quashed (other than the 32nd respondent's).



The Public Service Commission is directed to hold, or to cause to be held, fresh interviews for promotion to the rank of Superintendent of Police for the persons who duly applied and were interviewed in March and May, 2000; the interview and selection process shall be completed and promotions made on or before 31. 05. 2002. The Board of interview will determine which candidates are eligible to be called for interview. The Board of Interview shall not include the 1st, 4th, 50th, 51st and 52nd respondents, and the PSC will consider whether they should be debarred from sitting on interview panels. <sup>440</sup>

The Attorney-General is directed to consider whether the conduct of the 1st, 4th, 50th, 51st and 52nd respondents constitutes "corruption" within the meaning of section 70 of the Bribery Act as amended, or any other offence, and if so to take appropriate consequential action; <sup>450</sup> and to submit a report to this Court not later than 30. 04. 2002.

The Registrar is directed to return to the Attorney-General all personal files and records pertaining to the candidates.

**GUNASEKERA, J.** – I agree.

**YAPA, J.** – I agree.

*Relief granted.*