

**D. D.N. Amarasekera v. Visakha Vidyalaya Colombo/ Ministry of Education**

***RTIC Appeal (In person) 121/2017 (Order adopted as part of a formal meeting of the Commission on 20.11.2017 subsequent to the proceedings of the Commission meeting held on 17.11.2017)***

*Order under Section 32 (1) of the Right to Information Act, No 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)*

**Chairperson:** Mr. Mahinda Gammampila

**Commission Members:** Ms. Kishali Pinto-Jayawardena

Mr. S.G. Punchihewa

Dr. Selvy Thiruchandran

**Present:** Director-General Mr. Piyathissa Ranasinghe

**Appellant:** Dr. D D N Amarasekera

**Notice issued to:** Mr. Sunil Hettiarachchi, Secretary, Ministry of Education  
(Designated Officer- DO)

**Notice also issued to:** Mrs. S. K. Aviruppola, Principal, Visakha Vidyalaya  
(Information Officer at the time of the appeal to the Commission)

**Appearance/ Represented by:**

Appellant- Dr. D. D. N. Amarasekera

PA - Mr. Prasad Weerasiri, Director, National Operations, Ministry of Education

Ms. S. S. K. Aviruppola, Principal, Visakha Vidyalaya

Ms. Pushparani Samaranayaka, Sectional Head (Primary)

<b>RTI request filed on</b>	24.04.2017
<b>IO responded on</b>	29.04.2017
<b>First Appeal to DO filed on</b>	20.06.2017
<b>DO responded on</b>	No response
<b>Appeal to RTIC filed on</b>	12.07.2017

The Appellant, Dr. D. D. N. Amarasekera was present at the hearing.

Mr. Prasad Weerasiri was present on behalf of the DO, Mr. Sunil Hettiarachchi, Secretary, Ministry of Education (Designated Officer) and Mrs. S.S. K. Aviruppola, Principal, Visakha Vidyalaya, the Information Officer (IO) were present.

**Brief Factual Background**

The Appellant by request dated 24.04.2017 requested the following information. It is noted that item 2 of the information request is similar to the information request of RTICAppeal/65/2017.

1. The total number and list of names of students in Grade 4 of Visakha Vidyalaya Colombo 05 as at 11.04.2017.
2. Following details regarding school admissions to Grade 1
  - a. The list of names and number of students admitted after calling for applications, through interviews, to Grade 1 in 2014
  - b. The list of names of students whom the Special Appeal Board recommended to be admitted in 2014
  - c. The list of names of students admitted to Grade 1 among those who were recommended by the Special Appeal Board.
  - d. Details of the students admitted in a manner other than by following the above mentioned procedure from January 2014 to date (11.04.2017)
    - i. Name of the student
    - ii. Date of admission
    - iii. Reason for admittance

In relation to the process of obtaining the information similar circumstances ensued as in RTICAppeal/65/2017. The Appellant had thereafter by appeal dated 12.07.2017 appealed to the Commission.

### **Matters Arising During the Hearing**

At the hearing, the IO expressed her concern for the safety and security of the students should the name list of the students be released as she had done during the course of the hearing of RTICAppeal/ 65/2017. However it is noted by the Commission as in the previous appeal (RTICAppeal/ 65/2017) that the information that has been asked for is limited to name lists and the numbers of the children who have been admitted without any further personal details.

The IO and DO both stated that there is no list prepared by the Special Appeal Board recommending the students to be admitted subsequent to an appeal. The list that is published is the final list, which is a list of all the students that are selected for the admission to Grade 1 and publicized subsequent to the appeals process, whereby the Special Appeal Board considers the appeals by those not selected under the Temporary list which is first published. This list is the final list. It was explained that at no point does the Special Appeal Board put out a separate list of students whom the Special Appeal Board recommends be admitted after the appeals process is concluded. Rather a final list of students to be admitted is created incorporating the changes that occur during the appeals process to the temporary list. Thus the list of names of the children selected in the first instance is subject to change subsequent to the appeal process. During the course of the Appellant's submission it became clear that Appellant has incorrectly assumed that

the Special Appeal Board creates a separate list of the students selected during the appeals process only. It became apparent during the submissions of the PA (both the IO and DO) that this is not the case. Therefore it was reiterated for the record by the IO and DO that there is no special appeal board list made in 2014 to which the Appellant refers in item 2 b. of his information request.

The IO and DO submitted that the Appellant can be provided with the list of names of children selected in the first instance i.e. prior to the list of children to be admitted being finalized by the Special Appeal Board subsequent to the appeals lodged with it by parents of children not selected in the first instance.

The IO submitted before the Commission, a list of documents identical to those submitted in RTICAppeal/65/2017.

### **Order**

The IO and DO are directed to release the list of names of children selected in the first instance i.e. prior to the list of children to be admitted being finalized by the Special Appeal Board subsequent to the appeals lodged with it by parents of children not selected in the first instance.

It is directed that the list of documents identical to those submitted in RTICAppeal/65/2017 before the Commission, be handed over to the Appellant. This includes the final list of students selected in the year 2014.

The statement by the Principal, Visakha Vidyalaya, confirmed by the Director National Schools, to the effect that there is no Special Appeal Board list made in 2014 to which the Appellant refers, is noted of record.

The PA is also directed to release the Temporary list prepared subsequent to which the appeals process begins. This will enable the Appellant to get an idea of the changes that have taken place during the appeals process and the changes made by the Special Appeal Board.

The Appeal is concluded.

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