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இலங்கை மனித உரிமைகள் ஆணைக்குழு
HUMAN RIGHTS COMMISSION OF SRI LANKA

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Your No }

දිනය } 02.04.2026
திகதி }
Date }

01. HRC/JA/081/26
Mr.A.Theepanthileesan
Vice President
Ceylon Teachers'Union
02. HRC/JA/074/26
Ms.S.Virubinniya
Teacher
J/Hindu ladies College
03. HRC/JA/078/26
Ms.R.Malini
Teacher
J/Pandatharippu Hindu College
04. HRC/JA/079/26
Ms. S. Rathika
Teacher
J/Hindu ladies College
05. HRC/JA/080/26
Ms.S.Poorani
Teacher
J/Hindu ladies College
06. HRC/JA/082/26
Ms.M.Selvakajani
Teacher
J/Veemankamam Maha vidyalayam

84.HRC/JA/164/26
 Ms.J.Amiththa
 Teacher
 J/KKS Nadeswara College

Complainants

01. The Provincial Director
 Provincial Education
 Department
 Northern Province
 Jaffna

02. The Secretary
 Ministry of Education
 Northern Province
 Jaffna

03. The Secretary
 Provincial Public Service
 Commission
 Northern Province
 Jaffna

Respondents

Complaint

On 24.02.2026 and 25.02.2026, the Northern Province Education Department issued two lists granting transfers to 193 teachers working in the Northern Province, considering the exigencies of service.

It was announced by the Northern Province Governor, Northern Province Public Service Commission, and Northern Province Director of Education that teachers who received transfers could submit their appeals regarding the transfers to the Northern Province Public Service Commission.

Accordingly, teachers affected by the said transfers have submitted appeals against the said transfers to the Northern Province Public Service Commission through departmental heads.

However, before the decisions on the said transfer appeals are announced, the Northern Province Director of Education is engaging in anti-democratic activities by issuing release letters, using force to violate natural justice and the dignity of teachers, and causing harm.

Among the said transfers are:

1. Those affected by cancer and kidney diseases.
2. Mothers caring for children with special needs.
3. Those caring for disabled husbands/wives/children.
4. Pregnant mothers.
5. Mothers caring for children under two years of age.
6. Teachers who have already served outside the district / in equivalent service.

There are teachers who have appealed with such various circumstances.

Complainants bring to the highest attention of the Human Rights Commission of Sri Lanka that before the results of the said appeals are received, the Northern Province Director of Education's actions of exercising his authority violently and unlawfully will cause irreparable loss that cannot be compensated with money to the affected teachers and their families.

Complainants request that teachers be allowed to continue working at their previous duty stations until announced, and that the Northern Province Director of Education's actions that violate the fundamental rights of teachers and cause them great loss be stopped.

Submission of the Respondents

The following views were presented by the respondents at the hearing held at the Jaffna Regional Office of the Human Rights Commission of Sri Lanka on 30.03.2026 regarding the above complaints.

01. The Director of Education of the Northern Province stated that the appeals were initially received from the zone through a letter rather than being sent to the Northern Province Education Department in the proper form. Therefore, they were sent back to be sent in

the proper form. Accordingly, the first batch of 22 appeals was received on 26.03.2026 itself. Arrangements have been made to send them to the Provincial Public Service Commission through the Secretary of the Northern Province Ministry of Education. In addition, more applications have been received. They will be sent to the Northern Province Public Service Commission in the proper manner.

02. The Secretary of the Ministry of Education stated that this is not an appeal that is given a time limit like the annual transfer and that in all other transfers except the annual transfer, teachers should accept it and submit their appeals while assuming duty at the new service station. Action will be taken regarding the complaint. But the teacher should continue to perform his duties at the new station. He said that this will be considered as a complaint and not an appeal. It was also stated that there is no limit to the number of transfers that cannot exceed 25 people in the case of a transfer based on the exigency of Service.
03. According to the Northern Provincial Public Service Commission, in the Northern Provincial Transfer Procedure, there is no mention that this is the procedure for transfers based on the need for service, or that an appeal can be filed only after such a period of time, or to which institution the appeal can be filed.

Observations

The applicable legal framework governing transfers of public officers, as set out in the Public Service Commission (Extraordinary Gazette No. 2310/29 of 14.12.2022) and the Northern Provincial Public Service Commission Rules of Procedure (Extraordinary Gazette No. 1817/30 of 03.07.2013), recognizes four categories of transfers: annual transfers, transfers based on exigencies of service, disciplinary transfers, and transfers upon request.

As per the aforesaid Extraordinary Gazette No. 2310/29 of 14.12.2022, a Public Service Officer may be transferred on exigencies of services by appointing authority or the authority with delegated power on any of the following reasons:

- i. where the service of a public officer is no longer needed in his present duty station;
- ii. where a public officer is needed for service in another duty station or where the service of the relevant public officer himself is needed;
- iii. where it is found, due to administrative reasons, that the retention of an officer in his present station is not suitable.

The appointing or delegated authority is required to strictly adhere to procedural safeguards, including: (i) personally satisfying that the transfer is necessary and cannot be deferred until the annual transfer cycle; (ii) documenting the reasons for such transfer; and (iii) clearly communicating those reasons in the transfer letter issued to the officer concerned.

However, in the present case, the Northern Provincial Education Director has effected transfers without demonstrating compliance with these requirements. No adequate justification has been provided to establish that the transfers were necessitated by exigencies of service. Notably, the Department had already conducted annual teacher transfers for 2026 affecting 368 teachers, thereby undermining any claim of urgency or necessity.

Further, the transfer of 193 teachers simultaneously under exigencies of service is inconsistent with established administrative principles and violates Chapter III, Sections 3.2 and 3.3 of the Establishments Code, which require transfers in larger departments to be conducted through Transfer Boards.

Affected officers are legally entitled to appeal against such transfers under Section 267 of the Public Service Commission Gazette, and relevant provisions of the Northern Provincial Establishments Code. Appeals must be duly considered, and procedural fairness must be ensured. Additionally, the National Teacher Transfer Policy (No. 2007/20) mandates that teachers who lodge appeals should be permitted to continue in their current posts until the appeal is determined, which must occur within one month.

Contrary to these requirements, the respondents have compelled the complainants to vacate their posts without resolving their appeals, and have further insisted that appeals will only be considered after the officers assume duties at new stations. This position was reiterated during the hearing before the Human Rights Commission of Sri Lanka on 30.03.2026, where the

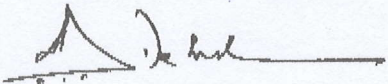
respondents declined to allow the complainants to remain in their existing posts pending appeal outcomes.

As a result, the complainants have been left without an assigned service station, thereby causing significant administrative prejudice and undermining their ability to perform official functions, including the reporting of leave.

Therefore, from the aforementioned facts, it is established that the respondents have failed to adhere to the prescribed procedure governing transfers, both under exigent circumstances and in the ordinary course. Accordingly, the Human Rights Commission of Sri Lanka (HRCSL) has determined that there exists a prima facie violation of fundamental rights. In light of the foregoing, the HRCSL hereby issues an interim order in terms of Section 15 of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996.

Accordingly, the HRCSL directs the respondents to forthwith suspend the implementation of the *impugned transfers and to refrain from effecting any further transfers of a similar nature until the conclusion of the investigation and the issuance of a final determination in this matter.*

Failure to comply with this order shall be deemed to constitute contempt of the Human Rights Commission of Sri Lanka (HRCSL), and appropriate action will be instituted under section 21 of the Human Rights Commission of Sri Lanka Act, No. 21 of 1996, which states that "every offence of contempt committed against, or in disrespect of, the authority of the Commission shall be punishable by the Supreme Court as though it were an offence of contempt committed against, or in disrespect of, the authority of that Court, and the Supreme Court is hereby vested with jurisdiction to try every such offence."



Justice L.T.B. Dehideniya
Judge of the Supreme Court (Retired)
Chairman
Human Rights Commission of Sri Lanka

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