

Termination of services of academician and lecturer

by S.S.Madavaraja

Recently the Supreme Court granted leave to proceed in a case where an academician and lecturer, Dr.Mario Gomez who is attached to the Faculty of Law at the University of Colombo alleges that his services have been unlawfully terminated by the University.

He claims Rupees two million as compensation.

The Petitioner in this case is Dr.Mario Gomez and the Respondents are (1) The University of Colombo (2) Prof.Savitri Goonesekere, Vice Chancellor, University of Colombo and (3) The Attorney-General.

Dr.Gomez has several academic qualifications in law to his credit. His interest was academic and as such he did not seek to be an Attorney-at-Law.

He joined the University in April 1990 as a lecturer and was attached to a full time course in the faculty of law.

He said that the faculty from its inception, through 1990 and up-to-date has been conducting a full time course in English which would continue for several years more.

Dr.Gomez states that for his work in the faculty it is not necessary for him to be proficient either in Sinhala or Tamil and he has performed the following functions.

(1) was a member of the faculty board (2) was the founding Director of the Legal aid Centre (3) was the secretary of the Alumni Association of the University and has supervised a number of Master's and Doctoral students.

He has been commended by several persons during his career in this institution.

The University compelled Dr.Gomez to sit for the proficiency test either in Sinhala or Tamil. He was willing and agreeable to conduct lectures in the sinhala medium but since he was not competent in Sinhala or Tamil to do so, the University terminated his services.

The bench comprised Justices A.R.B.Amerasinghe, P.R.P.Perera and Ismail. The court has informed the Chief Justice to study this matter and to constitute a Full Bench for the hearing.

Romesh de Silva PC with Hiran de Alwis appeared for the petitioner.

The next hearing is on February 16, 2000.