

No. Det 04 of 2017

- **Appellants who do not have the minimum qualifications cannot expect to be appointed.**
- **Part qualifications are not enough.**

This is an appeal for the post of COSY at the District Councils of ... and ...

Appellant's Case

Appellant queried as to why she was not called for an interview as she felt discriminated against and doubted that the Co-Respondents had more experience than her.

She started her career as CAT at the Municipality of ... on... . She was then appointed as CEK/TY on ... and as SWRP on ... at ... Council. She was transferred on ...to ... District Council.

She was assigned duties as Acting COSY for ...times from ...to..., part of which was not remunerated but from ... to... , she was assigned duties as Acting COSY with remuneration.

She averred that she had the relevant qualifications but was not given the chance to be interviewed for the post of COSY which was filled on.... She produced her "certificates" to the Tribunal. She averred that she was never reprimanded. She also averred that in the past she had been called for interview for the same post

Co-Respondents' Case

Co-Respondents decided to abide by the decision of the Tribunal.

Respondent's Case

Respondent admitted the detailed time of service of Appellant. Respondent however averred that assignment of duty does not give rise to any claim for permanent appointment to the post.

Respondent annexed the LGSC Circular Note ... and the Scheme of Service.

The post of COSY was "*By selection from among officers in the grades of:-*

- (i) SWRP*
- (ii) WRP; and*
- (iii) CEK/WRP*

reckoning at least 10 years' service in a substantive capacity and who:

- (a) possess a certificate in ... from a recognized institution;*
- (b) are fluent in English and French;*
- (c) Have shown qualities of trustworthiness, discretion, maturity, tact and initiative;*
- (d) are capable of dealing with members of the public;*
- (e) are able to work under pressure.*

Note

COSY may be required to follow training as and when necessary, to equip them to perform their tasks."

Out of the ...candidates including Appellant only four were found eligible and were convened for the interview.

Appellant was not found eligible as she did not possess a certificate in ... from a recognised institution.

As regards the fact that she had previously been called for interview in..., ... and ..., Respondent avers that she had been placed on a reserved list

along with 8 other candidates. Though these candidates did not possess the certificate in..., they had more than 20 years' experience as WRP/SWRP and the Commission wanted to assess their proficiency. As Appellant did not upgrade her qualifications, she was not convened for selection exercises in... , ... and....

Respondent moved that the Appeal be set aside.

Determination

The Tribunal requested the Respondent to look at the two documents produced by the Appellant in the Tribunal and

- “(i) *confirm as to whether these same documents were annexed to the Application Form of the Appellant;*
- (ii) If yes, inform the Tribunal whether you sought any information concerning the said documents from any appropriate authorities to find out their status;*
- (iii) Produce a copy of the certificate(s) which the Co-Respondents annexed to their Application Form.”*

The Respondent produced the file concerning Appellant including her Application Form duly filled in and the annexes.

The Respondent also produced a document which emanates from a training institute which drew attention to their qualified logo which is available to learners who have achieved a certain level qualification or higher. The logo includes a descriptor that shows the level of the qualification the candidate has achieved.

If candidates apply for logo, they must email their request with scanned copies of certificates to the appropriate email.

To ensure that they receive the correct logo, they must only send copies of the certificate with the highest level qualification that they have completed.

Certificate of Unit Credit are not accepted as evidence that a candidate has completed a qualification.” (emphasis ours)

The Respondent also produced the qualifications of Co-Respondents from another recognized Institute.

Co-Respondent No.1 has a first class certificate in the relevant subject.

Co-Respondent No.2 also has the certificate in the relevant subject.

The Tribunal also wrote to the Mauritius Qualifications Authority (MQA) to double check the certificates produced by Appellant referred to as Document A and B as well as those concerning Co-Respondent produced by Respondent which were attached (referred to as Document C and D).

The MQA replied that *“documents A and B are partial qualifications and hence their equivalence to any full qualification cannot be established”* and that *“their comparability to qualifications as per document C and D as specified in the aforesaid letter cannot be established either”*.

In the light of the above, the Tribunal can only conclude that indeed the Appellant does not have the minimum requirements as per the Scheme of Service to be considered for interview. Even though she has wide experience in the job, she does not possess the relevant certificate.

The Appeal is set aside.