

## Det 42 of 2017

- *Qualifications which are not requirements of the Scheme of Service cannot be relied upon as a Ground of Appeal.*
- *The way a candidate is dressed does not normally make much difference in an interview.*

Appellant holds the job of WW in the RRE. He has appealed to this Tribunal against the appointment of three TRS, to the post of FF in the Central Administration. He had also appealed against the appointment of the fourth Co-Respondent who was appointed afterwards. But his second appeal could not be entertained as it was outside the statutory delay of 21 days' required to lodge an appeal.

### **Appellant's Case**

The Grounds of Appeal (GOA) of the Appellant were as follows:

- "1. I possess all the qualifications required in the vacancy*
- 2. I sat for School Certificate in ... together with Certificate in ... Institute."*

Appellant was sworn in and confirmed the truth of his GOA and his Statement of Case (SOC).

He was asked by the Tribunal why he had said in his SOC that he was more qualified than the Co-Respondents and that the selection exercise had been badly done. His reply was that he was better dressed than the Co-Respondents when he appeared before the selection panel. He was asked to speak rather about qualifications for the job of FF. His reply was that he was a qualified WW and had performed as FF which should have given him an edge on the others.

Counsel for Respondent asked him if he was aware that, apart from the matter of dress and qualifications, applicants were assessed on a number of relevant criteria, including conduct and experience in particular, to assess if the candidate is suitable and

has the required skills for the job. He did not agree. He stated that he had duly produced his qualifications at the interview. Counsel, thereupon, drew his attention to para, 11 (b) - under the heading "QUALIFICATIONS" of Circular Note No. ... which states *inter alia* in clear terms that selection would be among TRS who:

*"(i) possess a basic Certificate;*

*(ii) reckon at least eight years' service in a permanent and pensionable capacity as TRS;*

*(iii) have a good general knowledge of the work performed by different categories of workers on a site of work or in a workshop and*

*(iv) are able to control, organize and discipline workers".*

Counsel added that no mention was made therein of any specific qualification. Counsel for the Respondent further asked Appellant whether it was not possible that some workers who did not possess such a qualification could do better after years of practice and experience. Appellant did not agree.

Counsel for Respondent asked him if he was aware that Respondent was looking for the most suitable applicants for the post and had assessed all the candidates on the basis of various criteria in line with the duties of the post. Appellant maintained that he was the most suitable candidate in view of his educational attainment and his technical qualifications, a copy of which he had produced at the interview and which he again filed at the Tribunal.

#### **Co-Respondents' Stand.**

On a question from the Tribunal, all the four Co-Respondents stated that they would abide by the Tribunal's determination

#### **Respondent's case**

The Representative of the PSC swore to the correctness of the Statement of Defence (SOD) which stated that out of eighteen candidates who applied for the post, nine, including the Appellant and the four Co-Respondents, were all fully eligible for the post. Counsel for Appellant asked him to produce Vacancy Circular Note ... which he did. He also confirmed that the criteria for the selection of candidates – qualifications,

job knowledge/experience, motivation and personality and communication skills - had been strictly observed.

They were assessed on the criteria of selection and a merit list drawn; hence the selection of the first three Co-Respondents followed by a fourth one as they were found to be more suitable candidates than Appellant.

### **Determination**

At the outset, the Tribunal found that the Appellant misconstrued the purpose of a selection exercise. He was under the impression that the way the candidate is dressed would earn him more marks than those who were not so well-dressed. He may be partly right but having had the opportunity of seeing the Co-Respondents at the Tribunal, they seem to be well-dressed and respectful in many respects. It could hardly have been otherwise at the interview. He also attached a lot of importance on some of his technical qualifications which were not requirements of the Scheme of Service.

The Respondent has explained that the selection exercise involved the retention of nine eligible candidates out of a total of eighteen applicants. At the interview, the nine candidates were assessed on the criteria of qualifications, job knowledge/experience, motivation, personality and communication skills. Following the interview, a merit list was drawn and the Chief Executive recommended the appointment of the Co-Respondents whose work, conduct and attendance were satisfactory. The Tribunal asked the Respondent to provide under confidential cover the criteria of selection and markings of the selection panel. This confidential information shows that the four Co-Respondents topped the list and the Appellant followed close behind.

Having taken cognizance of the weight of the evidence adduced by parties at the Hearing as well as the candidates' ratings at the interview, the Tribunal finds no flaw in the Respondent's decision.

The appeal is, therefore, set aside.