

Det 12 of 2012

**Respondent cannot be expected to change a « cut off date » to suit any applicant.**

In this case, Appellant averred that he was not called for an interview exercise though he satisfied the requirements of the post as per the Vacancy Circular. He admitted that he did not meet the requirement of 5 years experience in supervision of field workers at the time the interview was being carried out. Following the demise of one of the appointees, another individual was appointed without a new selection exercise. Appellant highlighted that he was not aware of the first interview exercise and he did not know about subsequent interviews which had been rescheduled due to reshuffling of the interviewing panel. By that time, he reckoned 5 years of experience and thus satisfied the requirement as stated in the advertisement

Respondent rested its case on the fact that the Appellant did not meet the requirements of the advertisement for the post. Appellant had been informed that his request to be reconsidered for interview had not been entertained. Following the demise of one of the appointees, the person next on the merit list had been appointed.

The Tribunal referred to a determination in another case regarding the strict observance of a cut-off date whereby an Appellant was asking a Respondent to

flout a Scheme of Service and the Tribunal quoted at length the Privy Council in a recent judgement of 2011 (Ramsahai v/s Teaching Service Commission of Trinidad and Tobago) whereby the importance of the cut-off date as a key criterion in ensuring fair treatment of all applicants was highlighted. The Tribunal has determined that Appellant's demand to ask Respondent to ignore the cut-off date or to launch a fresh advertisement is not feasible. Since Respondent had not acted in a procedurally unfair manner towards Appellant, the appeal was dismissed.