

- Seniority is not a predominant criterion in a selection exercise.
- Performance at an interview may make the difference when all candidates are at par regarding qualification and experience.

The Appellant averred that he had 12 years of service at the time when the vacancies in the post were advertised. He felt aggrieved that he had applied for the post on two occasions and that he had not been appointed. In the second appointment exercise, the four appointees were his juniors and reckoned only seven years of service compared to his longer years in post. He further stated that he had sat for the General Certificate of Education and passed in four subjects while the appointees only had their Primary School Leaving Certificate. He felt that his additional qualifications were important for the job and should give him an advantage over his colleagues. He also averred that he was given assignment of duties. The Appellant could not understand why he was not appointed for the job especially that the Co-Respondents applied for the first time and were successful.

The Respondent averred that the post was filled by selection. The Appellant was not appointed as the Respondent had found the Co-Respondents more suitable than the Appellant. The Respondent had scrupulously followed the procedures. The appointment of the four Co-Respondents was made following a selection exercise as per the requirements of the Scheme of Service for the post. The Respondent denied that the Appellant was given assignment of duties as averred.

The Tribunal determined that the Respondent had made it clear that it was a selection exercise and seniority was not the determining factor as the

candidates for the post were assessed by other criteria. In the assessment, there was no mark given to the additional qualification of the Appellant as this was not a requirement for the post. Thus the Co-Respondents and the Appellant got equal marks for qualifications. The Tribunal also determined that there was no official assignment of duties as such and the Appellant conceded that he did not get any letter of assignment of duties.

The Tribunal had sought further information from the Respondent and these were submitted under confidential cover. The Tribunal had found that all the candidates were given same markings for the two criteria of “qualification” and “experience”. The selection panel then assessed the candidates on their performance at the interview and a single marking was given. There were no set criteria and markings were not given per criterion but an overall grade was compiled for the final selection. The Tribunal had found no reason to question the present method used by the selection panel.

The Tribunal found that the Respondent had followed the appointment procedures and had not erred in any way. The appeal was set aside.

