

A candidate is not eligible if he does not have the qualification required by the Scheme of Service. Years of experience in the job cannot compensate for the lack of proper qualification.

The Appellant averred that she had applied for the post which required five credits at the School Certificate (SC) level and a Cambridge Higher School Certificate (HSC) or passes in at least two subjects obtained on one certificate at the General Certificate of Education "Advanced Level". She had been performing the duties related to the post for quite some time and she had even been paid an *ad hoc* allowance for the past four years. She applied for the post even if she had only four credits at SC level. She claimed that since her appointment, she was always posted at the offices in the specific field. She had acquired experience and mastered all the work procedures of the field. The Appellant considered herself fully eligible for appointment but she felt that the Respondent had given more importance to academic qualifications than to experience acquired in the service. Her nine years of experience in the field had not been taken into account. She stated that she was drawing a full responsibility allowance and had she not been fully qualified for the post, she would have drawn a reduced allowance of 80 % only, as was the case for her colleagues. She further added that she would be providing training to the two appointed officers before the handing-over while the latter officers would learn the procedures and adapt to the work while she, as a fully-trained officer, was not considered for the post.

The Respondent averred that the post was filled by selection. The Appellant had applied for the post but as she was not eligible she was not called for the interview. She did not possess a credit in Mathematics as per the requirement of the Scheme of Service for the post. All the candidates

convened for interview satisfied all the requirements of the Scheme of Service. The Respondent averred that the Appellant was qualified for the post until the Scheme of Service was amended and it was imperative for candidates for the post to have a credit in Mathematics. The Scheme of Service was amended in 2005 and 2010 and the present Scheme of Service for the post was prescribed and became effective as from 14 September 2010. The selection exercise was based on PSC Regulation 14 (1) (c), the Scheme of Service for the post and performance at the interview. The Respondent stood guided by PSC Regulation 19 (6) to determine the suitability of the candidates for the post.

The Scheme of Service clearly stated that the candidates to the post must possess five credits at the SC level including English language, French and Mathematics. The Appellant did not even have a credit in Mathematics which became mandatory after the Scheme of Service had been amended. While deposing before the Tribunal, she conceded that she had only four credits but she was relying on her long posting at the specific section to be appointed. The Tribunal determined that the Appellant had no case. The Scheme of Service prevailing at the time of the invitation to apply was binding. Any candidate who was not in possession of the required qualifications was naturally ousted from the competition outright. The long experience at the specific section could not be a substitute for the initial mandatory eligibility criterion of qualifications. The reason why the Appellant was getting a full responsibility allowance is because she was eligible for the post prior to the change in the Scheme of Service. However, after the Scheme of Service was first amended, she was no more fully qualified and the Respondent conceded that her employer had made a mistake in overpaying her. She should have been paid a reduced allowance as from then.

The appeal was therefore set aside.