

The improper filling of the application form and the non inclusion of important certificates is fatal to the application

The Appellant has lodged an appeal to this Tribunal as he applied for the post of STR at the Ministry of... but he was not called for an interview.

The post of is filled by selection from among employees on the permanent and pensionable establishment of the Ministry who reckon *inter alia* at least three years' service in a substantive capacity in their respective grade and who possess the Certificate of Primary Education (CPE). Appointment to the post was done under powers delegated to the Ministry by the Respondent in....

The Ministry invited applications for the filling of vacancies in the post by way of Circular No. dated ... The closing date for submitting applications to the Ministry was... The applications forms were to be submitted in duplicate, one to be sent directly to the Ministry and one through the candidate's Supervising Officer.

Appellant's case

The Appellant averred that he worked for five years in the Ministry. He obtained his CPE in. He was adamant that he filled in the forms as required and he enclosed a copy of his CPE with each of the application forms which he sent to the Ministry as per the procedure. He also stated that he had been working as AO for... He was eligible for the post and he could not understand why he was not called for interview. He averred that, when he phoned the Ministry, he was told in ...by somebody from the Ministry that it was because he did not include his CPE certificate with his application form and that he would be appointed soon and he was asked to withdraw his appeal.

Respondent's Case

In its Statement of Defence the Respondent averred that 190 applications were received in response to the advertisement and 102 were found eligible. The Appellant

failed to insert in his application form that he possessed a CPE which was a requirement for the post. Following the interview exercise, the 102 Co-Respondents were appointed.

The Respondent denied that the Appellant was ever made to perform the duties of AO as claimed by the Appellant.

The Respondent stated that one officer from the Human Resource section of the Ministry had informed the Appellant by phone that he failed to mention in his application form that he possessed a CPE. The Appellant was also told that there was still a number of vacancies in the grade which had remained unfilled due to lack of qualified candidates and that the Ministry intended to advertise the post in the future. The Appellant was at no point requested to withdraw his appeal to the Tribunal. The appointment was made by the Ministry of ... under delegated power. The Representative of the Ministry gave evidence before the Tribunal. On being questioned by the Chairperson, the Representative of the Ministry conceded that he personally told the Appellant that as long as his appeal was pending, the new selection exercise could not take place.

The Respondent further stated that it had no established procedure to inform candidates who had not been selected for interview or to give reason thereof. However, when a candidate phoned to request an explanation this was given on an individual basis as was the case for the Appellant.

The Respondent moved that the appeal be set aside.

Determination

This is a case where a candidate has not given the complete information that is required in the application form.

It is agreed that the Appellant has a CPE as this was produced at the Hearing. However, the Respondent produced the application form dated ... which the Appellant sent directly to the Ministry, where he was supposed to insert his qualifications in section 12 thereof which was blank. According to section 16 of the Ministry's application

form it is said clearly “*Incomplete, inadequate or inaccurate filling of the form may cause the applicant’s elimination from consideration*”. The Respondent also produced the second application form where the Appellant did insert in section 12 that he had a CPE, but still without a photocopy of his CPE. His second application form had to go through the Head ... where the applicant was posted and then to the Human Resource Division of the ...of the applicant. It is noted that this application form was finally completed by the Human Resource Division ... and sent to the Ministry on..., by which time the list of interviewees was already finalised as the Ministry did so on the basis of the forms sent directly to it. Letters for the interview had already been issued on ... and interviews were carried out on

The Appellant was adamant that he enclosed a photocopy of his CPE with his application, but he has not been able to show proof that he did so. Before this Tribunal, the onus is on the Appellant to bring evidence and prove his case. The Tribunal can only rely on the averment of the Respondent that the copies of the CPE were not sent. Had this been done the Appellant would easily have found his way on the list of those appointed as there was a large number of vacancies that could not be filled due to unavailability of qualified candidates.

When cross-examined by Co-Respondent No. 55, the Appellant conceded that he had not read everything in the Circular No. ... which explains in detail what were the requirements of the post, the mode of application etc. He also admitted that he had been negligent in handling his application. In fact he relied on another person to fill in the form for him despite the fact that clear instructions were given on the form. Since there was no proof that the Appellant had a CPE, the Respondent did not call him for the interview and its decision cannot be contested as from the very outset, the Respondent makes it clear that “incomplete, inadequate or inaccurate filling of the Application Form may cause a candidate’s elimination”.

The Appeal is set aside.