

**Det 08 of 2015**

**A junior candidate may do better at the interview under specific criteria than a senior who scores good marks on qualification and length of service.**

This is an appeal by a HOCAD concerning the appointment of CILD Assistants in a specialised department by the Ministry of ... under delegated power.

### **Appellant's Case**

Appellant based her case on the fact that she was “most senior, more qualified and more experienced in the job”. She swore to the correctness of her grounds of appeal and Statement of Case in which she explained that she had joined service in ... She had been transferred to several units thereafter. She claimed that, throughout these years, she had applied for the post but each time in vain and junior staff had been selected.

Once more she stated that staff with less experience had been “promoted” and since she was 56 years old, it was her last chance.

During proceedings, she said that she had no grudge against anyone but could not understand why a junior working with her had been chosen.

### **Respondent's Case**

Representative of Respondent solemnly affirmed to the correctness of its Statement of Defence which referred to Circular Letter No... which concerned the post ... to be filled by “Selection”. The qualification required was “Certificate of Primary Education” or an equivalent qualification acceptable to the Public Service Commission (PSC)”.

In or around ... a selection exercise was carried out under delegated power. 228 applications were received. In the end only 194 candidates including the Appellant were found to meet the criteria for the post and were interviewed. The Selection Board established a merit list based on “qualifications, aptitude/personality in the job,

knowledge of work and the performance of the candidates at the interview". As there were 18 funded vacancies, only the first 18 candidates were offered the job. The Appellant was unfortunately 54th on the merit list.

### **Determination**

The Tribunal has taken into consideration the evidence brought by both parties and in particular the confidential documents shared with members of the Tribunal by the Ministry, for its eyes only. This revealed the criteria as being "Qualifications, length of service and performance at the interview" which is a slightly different wording as "aptitude/personality in the job and knowledge of work". Performance at the interview is in fact broken down into "communication skills, show interest and motivation and have knowledge of work applied for".

Regarding qualifications, those who have studied after their CPE have been allocated extra marks for up to Form IV, GCE (4 subjects), GCE/SC and above. Marks were also given in all fairness to each candidate according to their length of service.

In fact length of service did carry equal weight with qualifications and performance at interview. Those who had higher qualifications scored the full marks. Those who had longer years of service also scored high marks up to the maximum sometimes.

Appellant has scored good marks for her academic qualifications and length of service and less on her performance at interview contrary to the junior mentioned by her who scored less on length of service but more on performance at interview.

The number of marks between the 18<sup>th</sup> candidate chosen and Appellant was less than 2 points. This in fact means that most candidates were good but it was the performance at interview that made the difference.

The Tribunal having seen no flaw in the exercise cannot intervene.

The appeal is therefore set aside.