

In an interview a candidate may obtain high marks under one criterion which outweighs the marks of another candidate. It is the final overall mark which counts.

The Appellant has lodged an appeal with this Tribunal against the decision of the Respondent to appoint the Co-Respondents to the post of SPRL.

The Appellant was appointed to the same post in ... and was posted at the District Council of ... However, one Mr. D. appealed to the Tribunal as he was not called for an interview in that appointment exercise. At the hearing before the Tribunal, the Respondent conceded that Mr.D. was eligible but his application form was mislaid at the Commission which is why he was not called for the interview. The Tribunal found that the selection process was flawed and quashed the appointment. The Appellant was reverted to his previous post of FRM at the Municipality of ... in ..., that is nearly after 8 months in post as SPRL.

Appellant's Case

The Appellant averred that he was appointed ELN in the Municipality of ... in He was promoted FRM in He had thus seven years experience as ELN and thirty years as FRM, in addition to the eight months as SPRL in the ... District Council.

The vacancies in the post were advertised on ... and the Appellant applied. He was called for interview on... . He was not selected by Respondent.

The Appellant's grounds of appeal were that he had better qualifications, he was more experienced and he was most senior.

Respondent's Case

The Respondent did not dispute the career path of the Appellant and the fact that he was reverted to his post of FRM.

For this appointment exercise, there were 50 candidates. Nine were found eligible, including the Appellant and were called for interview. Following the interview, the two Co-Respondents were appointed.

The Respondent gave a list of qualifications which the Appellant had submitted in his application form.

The Respondent averred, however, that it had considered all the qualifications of the Appellant but that qualifications were not the only criterion considered for selection.

The Respondent averred that it had followed all the procedures for the appointment of the two Co-Respondents in line with the Scheme of service for the post.

Determination

The Respondent provided the Tribunal information on the criteria used by the selection panel, their weightage and the markings of the candidates. The criteria were:

- (i) Qualifications
- (ii) Personality
- (iii) Sense of discipline/attitude
- (iv) Communication, supervisory and leadership skills
- (v) Knowledge of the job.

On the first criterion, the Appellant and the Co-Respondents obtained full marks. The Co-Respondents had additional qualifications over and above the CPE.

As regards the next three criteria, the Appellant scored slightly less than the Co-Respondents.

The Tribunal also finds that the criterion "Knowledge of the Job" carries a weight of 20 out of a total marks of 60. The Co-Respondents scored the high marks of 18/20 while the Appellant scored 12/20. It is noted that Co-Respondent No 2 was among the candidates who participated in the previous selection exercise when the Appellant was selected. It is further noted that after the Appellant was appointed in 2014, he performed the duties of SPRL for eight months and he did so without any adverse report. It is equally true that the Appellant was working mostly as FRM in the ... Department while the two Co-Respondents were performing duties in the specialised section. However, even if the Appellant was given more marks on this criterion this would not be enough to match what he lost in the previous three criteria to give him a head over the Co-Respondents and get appointed.

The appeal is set aside.