

A higher qualification is not necessarily an advantage to be appointed to a post if the Scheme of service does not require such qualifications

The Appellant is challenging the decision of the Respondent to appoint the Co-Respondents to the post of LYO.

Appellant's Case

Appellant averred that she joined the service as SDN in ... and became NSO in ... and was confirmed to that post 1 year later. She joined the post of LYC 12 years later as she wanted to gain experience in a library environment even if the pay was lower than that of NSO. She had a full School Certificate and had A-Levels in two subjects. She claimed that A-Level in these two subjects were required to become a LBN and some of those appointed did not have the A-Levels in these subjects even if they held the Diploma in ... In addition, she had completed her degree in ... language.

She averred that she was more qualified.

Her prayer to the Tribunal was to find out whether the Co-Respondents had A-level in the two subjects.

Co-Respondents' Case

Co-Respondent No.1 and 7 gave Statements of Defence and had stated that they would defend their cases. But when invited to come forward and be sworn, they declined.

Respondent's Case

The Respondent explained that the post of LYO was filled from officers in the grade of SLC. However, in the Scheme of Service for the post of LYO, there is a Note that *"In the absence of qualified serving officers, by selection from among candidates who-*

(i) possess a diploma in ... or a diploma in ... from a recognised institution or a "Certificatd'aptitude..." or the Higher Certificate in ...or an equivalent qualification acceptable to the Public Service Commission; and

(ii) are computer literate"

Under (i), there was a list of qualifications which were the same as for the core Scheme of Service.

The Appellant was considered under the Note as she was a LYC and not a SLYC.

The Respondent denied that the post of LYO was lower than that of NSO.

The Respondent rebutted that A-Level in the two subjects was a requirement under the Scheme of Service for the post of LYO. It was not denied that for the post of LBN, the candidate to the post would require A-Level in these two subjects. However, the present appointments concerned the post of LYO.

The Respondent also averred that the possession of a degree in ...should not give the Appellant any advantage as it was not a requirement for the post.

The Respondent averred that the appeal had no merit and should be set aside.

During cross examination the Representative of the Respondent stated there were no adverse report against Appellant and Co-Respondent.

Determination

The appeal is straightforward. It relates to an appointment exercise and the Appellant has grounded her appeal on matters that are not relevant to the Scheme of Service for the post.

It is not said in the Scheme of Service that a candidate needs to have A-level in the two subjects for the post of LYO which the Appellant seems to believe. She based herself on the fact that to be a LBN one must have *inter alia* passed in the two subjects at A-level. However, this consideration is not relevant when filling the post of LYO.

Further, the possession of a degree in ...in spite of being a higher qualification, does not confer any advantage to a candidate for the post of LYO for the same reason that it is not required according to the Scheme of Service.

The relative importance of the post of NSO in relation to that of the ...cadre is not an issue for this appointment exercise.

The appeal, therefore, is set aside.