

When appointees have higher qualifications they are likely to obtain higher marks specially if the weight given to this criterion is high.

If all the members of a selection panel show convergence in their marking, it cannot be said that they erred.

The Appellant is contesting the appointments of the Co-Respondents, and in particular Co-Respondent No.4, to the post of HAWR in the then Ministry of ...hereafter referred to as the Ministry.

The selection was carried out by the Ministry under delegated powers for the Respondent.

Appellant's Case

The Appellant was a GWR in the Ministry. He averred that he worked for five years as HAWR but he was not given an allowance. He worked on specific vehicles and he stated that this could be checked from the logbooks kept at the ... station. He was physically fit for the job and had no problem and his work was to the satisfaction of his supervisor.

He felt aggrieved that he was not appointed and Co-Respondent No.4 was appointed whereas the latter never worked on a specific vehicle and was posted in an office at the station. When he was appointed HAWR, he was again sent to the Central Head Office after a few days outside.

He conceded that he had no CPE and he had difficulty when he was asked to read a text by the selection panel. But he felt that this could not outweigh the fact that he had more experience.

The Appellant believed that there was no meritocracy and he should have been appointed.

Respondent's Case

The representative of Respondent swore as to the correctness of the Statement of Defence wherein it averred that the post of HAWR was filled by selection from among a specific category of Workers who:

- (a) Are on the permanent and pensionable establishment of the Ministry; and
- (b) Possess the Certificate of Primary Education;
- (c) In the absence of candidates possessing the Certificate of Primary Education, consideration will also be given to candidates who show proof of being literate.

The candidates were assessed on qualifications, experience, communications skills and physical aptitude.

Candidates who did not possess a CPE had to read a text to assess their literacy.

The Appellant did not possess a CPE and he had difficulty to read a text.

The Respondent had no record that the Appellant had been assigned the duties of HAWR. The representative of the Ministry stated at the Hearing that it may happen that lower grade workers are asked to work on a specific vehicle and in such cases their names appear in the logbooks as this is the practice. It did not mean that such workers are officially assigned the duties of HAWR. But it was agreed that a lower grade worker who worked for long periods on a specific vehicle could acquire experience for the job.

The representative of the Ministry, upon being cross-examined, also averred that HAWR could be posted in the "office" in the various stations. It was in order for Co-Respondent No 4 to have been posted there and given assignment of duties as HAWR.

The Respondent averred that it had taken all the information contained in the application given by candidates.

The Respondent had followed the procedure for the recruitment exercise and the appeal had no merit.

Determination

The fact that the vacancies were filled by selection is not contested. The only contention of the Appellant is that he has been doing the job of HAWR for years only to find that he was not selected when the post was filled. He was contesting in particular the appointment of Co-Respondent No.4 who never worked on the specific vehicle and performed the duties of HAWR.

The Appellant conceded that he was never officially assigned the duties of HAWR during the five years or so that he was working on the specific vehicle. It is not contested that he was giving assistance to the HAWR when working on bigger vehicles. But he also at times worked alone in the absence of a HAWR. It was not denied that in the process the Appellant may have acquired experience for the job.

It was also evident that Co-Respondent No.4 was also doing the duties of HAWR but in the office.

The Tribunal sought information under confidential cover from the Respondent on the criteria, the weightage and markings of the candidates. According to the information provided, the Tribunal finds that there were four criteria namely:

- (i) Qualifications
- (ii) Experience
- (iii) Communications skills and
- (iv) Physical Aptitude

The Selection Panel had given more weight for the criteria qualifications and physical aptitude. In fact these criteria accounted for ten marks each over a total of 30 marks. The Appellant scored only 2 marks for Qualifications given that he had not passed the CPE and did not do well when he was asked to read a short text as was

required for those not having the CPE. On the other hand, the Co-Respondents scored high marks on this criterion as they had the CPE and had a few years of secondary education even if they did not complete the School Certificate (SC). This was the case for Co-Respondent No.4 who scored 9 points as he studied up to the School Certificate even if finally he did not obtain the SC.

On the criterion of Physical Aptitude the Tribunal finds that the Appellant obtained high marks but so did the Co-Respondents.

On the criterion of Experience, the Appellant did better than most of the Co-Respondents, but this criterion carried a low weightage, not enough to offset Appellant's poor performance on the Qualifications criterion.

On the overall performance, the Co-Respondents scored higher points than the Appellant and they were appointed.

The Tribunal finds that the Respondent has not erred in the selection exercise. The marks given by the three members of the selection panel were consistent and showed convergence in their assessments.

The appeal is set aside.