

It is fair and reasonable that those who have a higher certificate should be preferred to those having only a basic certificate, if the Scheme of Service provides a note to state that preference would be given to those with the higher qualifications.

The Appellant, A SAHS is appealing against the decision of the Respondent to appoint the Co Respondents to the post of TSFS (on Shift) in the Ministry of ...as from....

Case of Appellant

Appellant solemnly affirmed to the correctness of his Grounds of Appeal and Statement of Case. His ground of appeal reads as follows:

-Requirement is a basic certificate and sat for a higher certificate so why am not eligible for this post (SIC)

Appellant expatiated further on this ground in his SOC filed at the Tribunal on the ... and which is reproduced with slight amendments

1. *I wish to why I am not qualified for this post.*
2. *I wish to know why there is some GTKPR still acting on this post where they did not select in two nominations of GTKPR (TSFS)*
3. *I wish to know selection to be nominate for this post made by Public Service Commission or by the team in Ministry of ...*
4. *I wish to know why I have been rejected two times after being apply for this post. (SIC)*

The Appellant was not represented by Counsel and was cross examined by Counsel of Respondent. He admitted that the appointment was made after a selection exercise and that he had never obtained the higher certificate.

Case of Respondent

The Respondent averred that the post of TSFS was advertised on the ... and a selection exercise was held out internally by the Ministry for the filling of 11 funded vacancies. The candidates were assessed according to the following criteria:

- a) Qualifications;
- b) Ability to speak and write simple English and French;
- c) Personality
- d) Aptitude, interest and motivation.

The Respondent further averred that a merit list was drawn and the first 11 candidates were appointed.

The representative of the Ministry was cross examined by Appellant who stated that the Appellant was not appointed because he was not selected by the interviewing panel. On the second issue raised by Appellant in his statement of case, the Tribunal observed that the Appellant should make his case and cannot plead for others. Finally, with regard to the third issue relating to qualification, the representative of the Ministry explained that the minimum qualification required as per the Scheme of Service for the post is a basic certificate and that there is a NOTE inserted in the same scheme of service which stipulates that preference will be given to candidates who show proof of having sat for the higher certificate.

Case of Co Respondent

All the Co Respondents were abiding.

Determination

The present matter was a straightforward case where the Appellant was given all explanation required as to the reason for not being appointed as TSFS. It was confirmed that a merit list was drawn following the selection exercise and that the Appellant is not even on the merit list. However, as a matter of transparency, the Tribunal had requested for the markings of each and every candidate which were duly submitted for analysis. A close scrutiny of the markings allocated to each of the candidates showed that those having sat for the higher certificate have been allocated

additional marks compared to those who had only a basic certificate which the Tribunal found fair and reasonable.

Therefore, the Tribunal does not find any reason to disturb the selection exercise and set aside the present appeal.