

Other acceptable qualification must be approved by the relevant authorities.

The Appellant is challenging the appointment of the Co-Respondent as PNT in the unit of the Ministry. Appellant solemnly affirmed as to the correctness of his grounds of appeal and his statement of case.

Case of Appellant

The grounds of appeal are as follows:

- “1. It is noted that the Co-Respondent has completed the National Trade Certificate Level 2 (NTC2) awarded by the Mauritius Institute Training and Development (MITD), as per the staff list. A National Certificate Level 4 (NC4) is not a relevant Diploma, which is a requirement for the post of PNT. This clearly implies that Appellant did not meet the requirements for the post.*
- 2. I would also like to express my concern regarding the fact that years of experience in a grade cannot be considered equivalent to a qualification. I believe that it will be unfair towards other long-serving SNTs who were not promoted to the post of PNT even though they had the required minimum years of experience in the SNT grade but did not have the required qualification.*
- 3. Given that I am next on the list for promotion to the post of PNT and I possess the required relevant Diploma awarded by City and Guilds of London Institute along with two years’ service as SNT at the Unit, I would like to appeal to the Tribunal to verify the abovementioned appointment of Co-Respondent.*
- 4. Moreover, in the event that Co-Respondent has completed any other related courses, I would be grateful if the Tribunal could confirm whether it is in order*

by counter-verifying any equivalent qualification thereof by the concerned authority.

5. *In light of the above, I firmly believe that the appointment of the Appellant as PNT was not justified and I sincerely hope that this matter is seriously looked into with necessary action at your end to follow". (SIC)*

Case of Respondent

The representative of the Respondent solemnly affirmed as to the correctness of the Statement of Defence (SOD) of the Respondent. In its SOD, Respondent averred that according to the Scheme of Service (SOS) prescribed on 10 March 2010, the post of PNT of the unit is filled by promotion, on the basis of experience and merit, of officers in the grade of SNT of the Unit who-

- "(i) Reckon at least two years' service in a substantive capacity in the grade; and*
- (ii) Possess the relevant Diploma in the field awarded by the City and Guilds of London Institute or an equivalent qualification acceptable to the Public Service Commission".*

The Respondent further averred that on ..., the Ministry requested the supersession of one SNT who ranked first on the seniority list but who did not possess the required qualification. It was then that the Co-Respondent was appointed as PNT. Respondent stated that Co-Respondent does not possess the relevant Diploma as laid down in the SOS but he possesses the National Trade Certificate level 2 (NTC 2) awarded by the then Industrial and Vocational Training Board. Respondent justified its decision to appoint the Co-Respondent on the basis of a letter dated ... from the Mauritius Qualification Authority (MQA) indicating that the NTC 2 is of comparable level to the relevant Diploma awarded by the City and Guilds of the London Institute, UK and is pitched at level 4 of the National Qualification Framework.

Case of Co-Respondent

The Co-Respondent solemnly affirmed as to the correctness of his SOD and confirmed that he possesses the NTC 2 instead of the relevant Diploma in the field awarded by the City and Guilds of London Institute. He averred that he produced the letter dated ... and same was accepted by Respondent as an equivalent qualification.

Determination

The Tribunal finds that all the grounds of appeal are linked and referred to the qualification of the Co-Respondent. The Tribunal will therefore deal with all grounds of appeal together.

It is a fact that Co-Respondent did not possess the relevant Diploma in the field awarded by the City and Guilds of London Institute but possesses the NTC 2 awarded by the then Industrial and Vocational Board. The SOS provides under Qualification that the post of PNT be filled:

“By promotion, on the basis of experience and merit, of officers in the grade of SNT of the unit who-

- (i) Reckon at least two years’ service in a substantive capacity in the grade; and*
- (ii) Possess the relevant Diploma in the field awarded by the City and Guilds of London Institute or an equivalent qualification acceptable to the Public Service Commission”.*

It has been proved that the qualification that the Co-Respondent produced to the Responsible Officer was considered to be comparable to relevant Diploma in the relevant field by the MQA and which was accepted by Respondent. It was right to proceed with the appointment of Co-Respondent to the Post of PTN.

The Appeal has therefore no merit and is set aside.