

No priority is given to any candidates unless he/she satisfies the eligibility criteria laid down in the Scheme of Service.

Appellants appealed against the decision of Respondent to appoint the Co-Respondents for the post of “**WA**” in the Public Body.

Appellants’ case

The Appellants solemnly affirmed to the correctness of their grounds of appeal (**GOA**) and their statement of case (**SOC**). The GOA of all Appellants are the same and read as follows:

“As ATTD of Brown Sequard, we work on shift with mental patient. We have experience working with patient as required in the application form. Staff with no experience has been nominated. Working for 5 years with mental patient, staff with no experienced has been nominated. Interview question was all about mental patient which ATTD at Brown Sequard Hospital do it every day. But staff with no experience has been selected and has been working as ATTD only 2 years. Some has not been working in and Admission ward. WA is not a post which can be earned by, just be an ATTD is not a promotion, it is a post that an ATTD gets after working and having experience in handing of mental patient. One again staff with less and no experience has been nominated” SIC

They further expatiated on their GOA in their SOC to the effect that they work day and night with patients and that they have to deal with the patients as a team with the assistant and they cover all the works of the WA when the latter is not in the ward. They also averred that in the application form, it was stated that staff with experience in handling mental patients will be given preference and that they even do work of the WAs when there is a lack of staff even if it is not part of their scheme of duty. They also averred that staff from other hospitals with no experience working on the field have been nominated and that they have been working with the patients in the

pandemic. They averred that working in a ward for one or two weeks in continuous shift in a ward with 30 mental patients is not an easy task. They further averred that the interview questions were all about experience acquired in the field working with mental patients.

As agreed between all parties, only one Appellant was deputed to be cross-examined as representative of all the Appellants. Appellant No 4 deponed to the effect that he currently holds the post Hospital ATTD at the Brown Sequard Hospital. He agreed that the appointment for the post of WA was made by way of selection exercise. He further agreed that experience was not the sole criterion which was taken into consideration. He did not agree that the Co-Respondents were more experienced. However, he conceded that out of the 19 candidates who were offered appointment, 15 of them were posted at the Brown Sequard Hospital. He stated that those posted at the psychiatric wards of the Regional Hospitals do not have the experience to work with a ward full of mental patients. He further stated that the tasks at Brown Sequard Hospital require more patience and that the patients in the said hospital are different compared to those in other hospitals. He added that the patients can sometimes become violent and that they perceive a risk allowance. He also stated that the reason why he applied for this post is that it was mentioned in the advertisement that preference will be given to officers who have had experience in the handling of mental patients.

Respondent's case

The Representative of the Respondent affirmed as to the correctness of the Statement of Defence (**SOD**). The Respondent expatiated on its SOD. It averred that all relevant experience as disclosed by the candidates was taken into consideration and that out of the 19 candidates who had been offered appointment, 15 of them were posted at the Brown Sequard Mental Health Care. It was also averred that the candidates were assessed on the following criteria namely:-

- (i) job knowledge
- (ii) relevant experience and
- (iii) communication skills.

Finally, the Respondent averred that all candidates convened were favourably reported upon and had the relevant experience.

Under cross-examination, the Representative of the Respondent stated that the current selection exercise was made through delegated powers to the Ministry of Health and Wellness. She also stated that approval of the Respondent is required for the selection criteria. She further stated that the advert should reflect the scheme of service. She agreed that one of the criteria as provided for in Regulation 14 is that of 'suitability' and is determined by the selection panel.

The Senior Human Resource Executive from the Ministry of Health and Wellness was called as a witness on behalf of the Respondent who stated that the current exercise was based on experience and merit as per the Scheme of Service. She added that 84 candidates attended the interview and accordingly the selection criteria used were job knowledge, relevant experience and communication skills. She further stated that 19 candidates were appointed, out of which 15 were posted at the Brown Sequad Hospital. She also stated that the selection criteria were approved by the Respondent.

In addition, the Regional Health Services Administrator was called as a witness. She stated that at the end of the interview, a merit list is drawn according to the marks scored by the candidates. She also stated that as per the scheme of service, preference will be given to officers who have experience in handling mental patients, not only at Brown Sequad Hospital given that there are officers posted at the psychiatric wards found in the five regional hospitals. She added that those officers also deal with mental patients as well. She stated that candidates were assessed on three criteria and that preference was given to candidates with experience dealing with mental patients.

Co- Respondents case

Co-Respondents 3 to 18 did inform that they will abide to the decision of the Tribunal. The Tribunal has been informed that Co-Respondents No.2 passed away

Co-Respondent No 1 solemnly affirmed as to the correctness of his SOD where he averred that he joined the service on the 16.04.2009 and was promoted as ATTD Hospital Services (On Shift) in 2017. He further averred that he applied for the post of WA, was called for interview and that he was able to answer all the questions at the interview confidently and clearly. Under cross examination, he stated that he has experience in handling mental patients and was posted at Dr. Jeetoo Hospital prior to this appointment.

Determination

The Tribunal has taken due consideration of the GOA, SOC of the Appellants as well as the SOD of the Respondent and of the Co-Respondents.

The Appellants' main contention is that officers with no experience in handling mental patients have been appointed and argued that preference ought to have been given to those who have experience in handling mental patients. As per the evidence on record the Tribunal notes that out of the 19 appointments initially, 15 were appointees from the Brown Sequard Hospital. As such, the ground of appeal of the Appellants that officers with no experience have been appointed fails. The more so the remaining 4 appointees were from regional hospitals where there are psychiatric wards and hence do have experience in handling mental patients.

In light of the above, the ground of the appeal has failed. This Appeal has therefore no merit and is set aside accordingly.