

The equivalent qualification has been assessed by the Higher Education Commission.

The Appellant was challenging the decision of the Respondent to appoint the Co-Respondents to the post of EPO (the Post) in the Ministry of Education, Tertiary Education.

The Scheme of Service for the Post, dated ..., provides that the post be filled by promotion, on the basis of experience and merit, of officers who hold a substantive appointment in the grade of Educator (Secondary) (EP) in the EP Cadre of the Ministry and who possess -

1. (a) a Cambridge School Certificate with credit in at least five subjects including English Language obtained at not more than two sittings or
- (b) Passes not below Grade C in at least five subjects including English Language obtained at not more than two sittings at the General Certificate of Education "Ordinary Level" provided that, at one of the sittings, passes have been obtained either (i) in five subjects including English Language with at least Grade C in any two subjects or (ii) in six subjects including English Language with at least Grade C in any one subject.

Note

Candidates not possessing a credit in English Language at the Cambridge School Certificate will also be considered provided they possess passes in at least two subjects at "Principal Level" and one subject at "Subsidiary Level" as well the General Paper obtained on one certificate at the Cambridge Higher School Certificate Examinations.

AND

- 2. (i) a Cambridge Higher School Certificate or Passes in at least two subjects obtained on one certificate at the General Certificate of Education “Advanced Level”;
- (ii) a degree in EP or a joint degree, the major component of which should be EP from a recognised institution; and
- (iii) a Postgraduate Certificate in Education from a recognised institution.

OR

- 3.(i) a degree in EP or a joint degree, the major component of which should be EP from recognised institution.
- (ii) a Postgraduate Diploma in EP or a Master’s Degree in EP from a recognised institution; and
- (iii) a Postgraduate Certificate in Education from a recognised institution.

OR

Equivalent qualifications to A.1, A.2 and A.3 above acceptable to the Public Service Commission.

B. Candidates should also-

- (i) reckon at least five years’ teaching experience in EP (after Graduation) in a State Secondary School;
- (ii).....;
- (iii).....

Case of the Appellant

The Appellant solemnly affirmed as to the correctness of the grounds of appeal (GOA) and of his Statement of Case (SOC). The GOA are as follows:

- “1. Mr ..., the applicant, I joined the service with Teacher’s Diploma in EP to teach EP in the State Secondary Schools from 8th June 1998 as Education Officer (Grade B).*
- 2. I entered the grade of Education Officer (Grade A) since 11 February 1999 after successfully completing my Bachelor of Arts (Education) in EP.*
- 3. I completed my P.G.C.E in EP on 23 December 2001 to progress in my career path as per the qualifications required to be promoted to the rank of EP Organiser.*
- 4. I completed my MSc in Educational Administration and Technology on 23 July 2009 to consolidate my position for the promotion to the rank of EPO.*
- 5. I reckon 24 years’ service post “A” level degree and am eligible for the post of EPO since 2004, when the Scheme of Service prescribed dated 12 June 1995 was still in force.*
- 6. I was the first to be upgraded to Grade A, I was the first to cross the Qualification Bar (QB) and I was the first to reach the maximum point (top salary) in the salary scale amongst the three. I am at level 9 in the qualification bar whereas other two are at level 8.*
- 7. Much to my dismay, I am not the first in the seniority list when the other two colleagues have less years of service as Grade A, as well as they do not possess the qualifications required in the Scheme of Service, that is, a degree in EP and a P.G.C.E.*
- 8. My seniority in the present grade can be easily verified and compared to my colleagues. I have reached maximum points on the salary scales as I have served longer period as Education Grade A, now restyle Educator (Sec) EP (24 Years).*
- 9. When Seniority or length of service is the criterion for appointment in the Grade to Grade promotion, qualification is a core criterion of selection, candidates without the prescribed qualifications are not eligible for the post.*

10. *The qualifications for the post of EPO set out in the Scheme of Service prescribed on 29 November 2009 was same as that of 12 June 1995, inter alia, as follows : SC/GCE "O" level, HSC/GCE "A Level", a Degree in EP, a PGCE in EP or a Master's Degree or equivalent qualifications acceptable to PSC and also reckon at least five year teaching experience in EP after graduation in a State Secondary School on the basis of experience and merit, of officers who hold substantive appointment in the grade of Educator (Secondary) (EP) in the EP Cadre.*
11. *The post of EPO would be filled from the list of Education Officers (Grade A) now restyled Educator (Sec) EP, and who were Senior in that grade and possessing all the required qualifications prescribed in the Scheme of Service.*
12. *Seniority being one of the main criteria for the promotion as EPO, it is good to refer to the PSC regulations (2)(1)'Seniority'. As per PSC regulations as soon as I had entered grade of Education Officer Grade A, I was deemed to be Senior most of the colleagues mentioned above and other Educators EP as well". SIC*

The Appellant expatiated on his grounds of appeal in his SOC and repeated more or less the same issues as couched in his GOA. Under cross examination, he admitted that the Co-Respondents No 1 and 2 joined service as Educator before him. He maintained that he was qualified to cross the QB well before the two Co-Respondents as he obtained his degree before them and as such the seniority placing should change.

A senior officer of Higher Education Commission (HEC) was called as witness. He explained that a Diploma is classified at level 7 whereas a degree is classified at level 8. He also added that a PGCE is capped at level 9 in the National Qualification Framework. He also explained that the HEC establishes equivalence of academic qualifications for Certificates, Diplomas, Degrees, PGCE, Masters and PHd awarded by universities. It is the responsibility of the Equivalence Qualification Authority to establish equivalence in respect of technical/vocational qualifications, whereas the Mauritius Qualification Authority deals with School Certificate/Higher School Certificate. The

equivalence is based on the contents of the syllabus for the respective qualifications and is determined on a case to case basis.

Case of Respondent

The representative of the Respondent solemnly affirmed as to the correctness of the statement of defence (SOD) submitted by the Respondent.

It avers that there is a combined grade of Educator (Secondary) (EP) and for grade A (Educators), the post is filled from those candidates who possess full qualifications as prescribed in the Scheme of Service whereas for grade B (Educators) from those possessing a diploma only. It was explained during the hearing that those candidates who joined the service with a diploma should obtain the full qualification before being allowed to proceed beyond the Qualifying Bar (QB) in the relevant salary scale.

Respondent averred that Appellant was appointed Education Officer (EP) in 1998 and obtained his degree (BA in EP) in February 1999 which allowed him to cross the QB. Whereas, it is averred that Co-Respondents No 1 and 2 were appointed Education Grade B (EP) in January 1992. They obtained their degree in December 2000 which allowed them to cross the QB.

The post being one to be filled by promotion, Appellant was ranked 3rd after the two Co-Respondents. Consequently, following the occurrence of three vacancies in the grade of EPO, the Appellant and the Co-Respondents were appointed accordingly on the basis of their respective rank. A further appointment was made to Co-Respondent No 3.

Respondent averred that both the Appellant and the Co-Respondents were qualified to be appointed. Respondent produced a document emanating from the Higher Education Commission wherein it is spelt out that the B Ed (Hons) in EP awarded by the MIE may be exceptionally considered equivalent to the BSc (Hons) Sport Science and EP (Top Up) (including the Diploma in Sports Science and Recreational Activities) awarded by the University of Mauritius and Post Graduate Certificate in Education awarded by MIE, both taken together.

It was also stated during the hearing that the seniority list which was established at the time of joining the service did not change at the time of the crossing of the QB.

Case of the Co-Respondents

Co-Respondents Nos 1 and 2 filed a single SOD and both of them swore to the correctness of the SOD. Co-Respondent No 3 will abide to the decision of the Tribunal. In the SOD, they confirmed that they were appointed as Education Officer (EP) (Grade B) in 1992 and they were senior to Appellant in the Seniority List. They admitted that Appellant obtained his degree before them. They also confirmed that the Higher Education Commission has approved their degree and Diploma taken together as being equivalent to the PGCE. Therefore, they contended that they were fully qualified to be appointed as EPO.

Determination

The Tribunal notes that this appeal relates to one where appointment is made by way of promotion. Therefore, seniority is the main element in the present matter. Most of the Grounds of Appeal referred to are based on the issue of seniority linked with qualifications.

Grounds 1, 2, 3, 4, 5, 6, 8, 9, 11 and 12.

All these grounds will be dealt together as they all involve the issue of seniority linked with qualifications. It was the contention of the Appellant that the seniority placing should change with the crossing of the QB but he was unable to produce any document to support his contention. The Respondent on the other hand stated that the seniority list is made at the time they joined as Education Officer. The issue of crossing of the QB has no bearing, whatsoever, on the seniority placing of the officers in post. Therefore, the Tribunal concludes that there is no merit under these grounds.

Grounds 7 and 10.

These two grounds are linked together on the issue of qualifications. It has been proved before the Tribunal that both the Appellant and the Co-Respondents were fully qualified to be appointed as EPO. It is a fact that Co-Respondents No 1 and 2 did not

possess the PGCE as required by the Scheme of Service. However, the Higher Education Commission has established its equivalence to the qualifications possessed by the two Co-Respondents. Hence, these two grounds failed as well.

All grounds having failed, the Tribunal set aside the appeal.