

**The onus is on the officer to provide equivalence certificate to their respective qualification.**

## **DETERMINATION**

The two Appellants are challenging the decision of the Respondent to appoint the Co-Respondents to the post of SA in the Ministry. Both appeals were heard together and only one determination is delivered.

### **Case of Appellants**

Appellant No 1 solemnly affirmed as to the correctness of his Ground of Appeal and his Statement of Case (SOC).

His ground of appeal reads as follows:

*“The Respondent did not assess my qualifications and experience properly as I have not been called to interview for the post of SA despite holding a Bachelor Degree in Agriculture with specialisation in Organic Farming and having 14 years of relevant experience. I wish the Tribunal to nullify this nomination and to relaunch a new selection exercise”.* SIC

In his SOC, he averred that he holds the post of OAS/SOAS since January 2010 in the Ministry and that he possesses a Bachelor of Science in Agriculture (BSc (Hons) Agriculture with specialisation in Organic Farming).

Under cross examination, he admitted that the Post requires a diploma in Agriculture as per the Scheme of Service but he explained that he holds a Degree in Agriculture with specialisation in Organic Farming which is higher than a diploma in Agriculture. He also admitted that he did not have any equivalence certificate from the competent authorities and there was no need for such equivalence certificate. He added that he applied and obtained the post of OT/SOT at the National Plant Conservation Service in the Ministry which also requires a diploma in Agriculture in January 2018 but later he decided to revert to his previous post. However, he agreed that there was no appeal against his appointment before this Tribunal.

Appellant No 2 solemnly affirmed to the correctness of the Grounds of Appeal and the Statement of Case (SOC) filed by her.

The only ground of appeal reads as follows:

*“I had not been called for the interview of the post of SA despite the fact that I hold a Bachelor degree in Agriculture and have almost 14 years of working experience at the Ministry of Agro-Industry and Food Security” SIC.*

In her SOC, she averred that she is holder of a Bachelor of Science degree in Agriculture (BSc Agriculture with specialisation in Agribusiness) from the University of Mauritius in July 2007. She also holds a Master of Science degree in Sustainable Agrochemical Management from the University of Mauritius in October 2014.

She also averred that she has all the experience and skills required to perform the job as Agricultural Superintendent.

Under cross examination, she admitted of not possessing a diploma in Agriculture but she maintains that she has a Degree in Agriculture with specialisation in Agribusiness. In her opinion, an equivalence certificate is not required as a Degree in Agriculture with specialisation in Agribusiness is higher than a diploma in Agriculture.

She also stated that she has been convened for interview for the post of OT (Conservation) in July 2024 which requires a diploma in Agriculture and produced the convocation letter.

### **Case of Respondent**

The representative of the Respondent solemnly affirmed as to the correctness of the Statement of Defence (SOD). Respondent produced the scheme of service for the post of SA.

It averred that the post is filled from among officers in the grade of SOA/SSOA who reckon at least 10 years' service in a substantive capacity in the grade or an aggregate of at least 10 years' service in a substantive capacity in the grade of OA/SSOA and the former grade of SSOA or OA, possessing:

- (i) a diploma in Agriculture from a recognised institution or an equivalent qualification acceptable to the Public Service Commission;
- (ii) organising and supervisory skills; and
- (iii) good interpersonal and communication skills.

It also averred that the Appellants were not convened for interview as the Appellants did not possess the exact academic qualification as specified in the Scheme of Service, that is a diploma in Agriculture. No equivalence certificates were submitted by both Appellants.

Respondent clearly mentioned in its SOD in bold character that the onus was on the Appellants to submit equivalence certificate as per the advertisement for the post.

Under cross examination, the representative of the Respondent agreed that a degree is higher than a diploma. However, she stated that the Respondent is not the authority to decide on equivalence of qualifications and that the onus was on the Appellants to produce such equivalence to their degrees. She maintained that the Appellants did not possess the exact qualification as laid down in the Scheme of Service.

### **Case of Co-Respondents**

#### Co-Respondent No 1

Co-Respondent No 1 solemnly affirmed as to the correctness of her SOD. She averred that she holds a degree in Bachelor of Science in Agriscience and Technology and also produced to the Respondent an equivalence certificate from the Tertiary Education Commission and she, therefore, was fully qualified for the Post.

### Co-Respondent No 2

Co-Respondent No 2 solemnly affirmed as to the correctness of his SOD. He averred that he holds a BSc (Hons) in Agricultural Biotechnology. He produced an equivalence certificate from the Tertiary Education Commission to the Respondent at the time of application for the Post and, therefore, he was fully qualified for the Post.

### Co-Respondent No 3

Co-Respondent No 3 solemnly affirmed as to the correctness of his SOD. He holds a diploma in Agriculture and, therefore, he is fully qualified for the Post.

### Co-Respondent No 4

He submitted an SOD, the contents of which was authenticated by his solemn affirmation. He possesses a diploma in Agriculture and he averred that he is fully qualified for the Post.

### Co-Respondent No 5

Co-Respondent No 5 solemnly affirmed as to the correctness of her SOD and averred that she possesses a diploma in Agriculture. She also averred that she was eligible for the post.

## **Determination**

Both Appellants had filed only one ground of appeal respectively. Both of them were not convened for interview. The Tribunal will deal with the Ground of Appeal of both Appellants at the same time as it relates to the same issue.

The Scheme of Service as produced by the Respondent provides that the Post be filled:

*By selection from among officers in the grade of OAS/SOAS who reckon at least 10 years' service in a substantive capacity in the grade or an aggregate of at least 10 years' service in a substantive capacity in the grade OA/SOA and the former grades of SOAS or OA, and who possess-*

- (i) a diploma in Agriculture from a recognised institution or a equivalent qualification acceptable to the Public Service Commission;*
- (ii) organising and supervisory skills; and*
- (iii) good interpersonal and communication skills.*

The Notice of Advertisement by way of circular notes no 40 of 2023 issued for the post includes a Note as follows:

*The onus for the submission of equivalence of qualification (if applicable) from the relevant authorities (Higher Education Commission or Mauritius Qualification Authority) rests on the candidates. Applications will not be considered in case of non-submission of Equivalence Certificate, as appropriate, by the closing date.*

Further, the representative has stated during the hearing that the Respondent is not the authority to decide on equivalence.

Both Appellants averred that their applications for the Post of OT in the same Ministry were accepted even though the requirement for the post of OT is a diploma. However, they failed to produce any scheme of service for the said post.

As it had been confirmed that Co-Respondents No 1 and 2 who also hold a degree had produced an equivalence certificate whereas the other Co-Respondents possess a diploma in Agriculture as required in the Scheme of Service, their appointments cannot be questioned under this ground of appeal. The appeals cannot succeed.

The Tribunal also observes that it would be difficult for a candidate to obtain an equivalence certificate before the closing date as the delay is too short. The Tribunal is of the opinion that the Respondent should bring the issue of equivalence of qualifications to the notice of all public officers so that any officer who feels the need to have an equivalence certificate could do so well in advance to avoid any dispute at the time of filling a vacancy. However, this remark does in any way affect our decision, as mentioned above.

The Tribunal, therefore, set aside the appeal.