

UNDT/2011/175, De Saint Robert

UNAT Held or UNDT Pronouncements

Scope of judicial review: It is the selection panel's role to assess the language skills of candidates. In this respect, it is not for the Tribunal to substitute its own assessment for that of the selection panel, except where the panel made a manifest error of assessment. Notification and legality of administrative decisions: Irregularities affecting the notification of an administrative decision have no effect on the legality of that decision since such legality must be assessed as at the date on which the decision was made and not based on later circumstances, such as the notification. Outcome: Application rejected on the merits

Decision Contested or Judgment/Order Appealed

The Applicant was not selected for the post of Director (D-2), Division of Administration, UNOG which had been advertised in October 2009. Before the Tribunal, she contests the regularity of the selection process, alleging that the selected candidate did not meet one of the requirements for the post, that is, fluency in French with solid drafting skills. The Tribunal found no manifest error in the selection panel's assessment of the selected candidate's language skills and rejected the application.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

De Saint Robert

Entity

UNOG

Case Number(s)

UNDT/GVA/2011/017

Tribunal

UNDT

Registry

Geneva

Date of Judgement

12 Oct 2011

Duty Judge

Judge Cousin

Language of Judgment

French

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

Administrative Instructions

- ST/AI/2006/3

Related Judgments and Orders

2011-UNAT-110

2011-UNAT-122