

# **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