

UNDT/2013/056, Lex

UNAT Held or UNDT Pronouncements

The UNDT found that she was evaluated fairly with respect to both the written test and the interview, which was based on appropriate criteria. The UNDT found that the selection process was not biased against the Applicant and that consideration of her candidacy was not marred by significant errors or procedural violations that would vitiate the selection process or result in a failure to give her proper consideration. The UNDT dismissed the application.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision not to select her for a P-5 level post in the Office of Internal Oversight Services in New York. The UNDT found that the Applicant was afforded priority consideration as a 30-day candidate.

Legal Principle(s)

Judicial review of non-selection: The Secretary-General has broad discretion in substantive determinations of eligibility and in matters of selection and promotion, and it is not the role of the Tribunal to substitute its own decision for that of the Secretary-General. However, the exercise of managerial prerogative is not absolute and the Tribunal may examine whether the selection procedures were properly followed or were carried out in an improper, irregular or otherwise flawed manner, as well as assess whether the resulting decision was tainted by undue considerations or was manifestly unreasonable. Full and fair consideration: Full and fair consideration means that the persons evaluating the applicant's qualifications do so rationally and fairly in the sense and to the extent necessary to reasonably assess her qualifications as against others competing with her, taking into account and appropriately weighing up all relevant matters free of improper and irrelevant considerations and based upon relevant information and considerations.

Outcome

Closed on withdrawal

Full judgment

[Full judgment](#)

Applicants/Appellants

Lex

Entity

OIOS

Case Number(s)

UNDT/NY/2010/096

Tribunal

UNDT

Registry

New York

Date of Judgement

20 Mar 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2006/3

Related Judgments and Orders

UNDT/2009/095

UNDT/2010/086

UNDT/2010/095

UNDT/2011/177

2011-UNAT-110

2011-UNAT-122

2012-UNAT-242