

# **UNDT/2014/029, Dhanjee**

## **UNAT Held or UNDT Pronouncements**

The Tribunal noted that the HM has broad discretionary power to exercise a preliminary evaluation of the released applicants in order to establish the shortlist of the most qualified candidates to be invited for further assessment, and that the Tribunal will not easily interfere with the Administration's broad discretion in these matters and substitute its judgment for that of the competent decision maker. It further noted that the work experience requirement as listed in the vacancy announcement (VA) was already described in broad terms, thus opening the door to large discretion as to what could be considered relevant or irrelevant experience. It finally did not find any evidence in the record that the HM's decision was unreasonable or tainted by extraneous motives, bias or discrimination against the Applicant, hence it rejected the application.

## **Decision Contested or Judgment/Order Appealed**

The Applicant appealed the decision not to select him for a P-5 post, by not even shortlisting him for an interview. He considered that the Hiring Manager ("HM") wrongly assessed that he did not meet the work experience requirement of the post, and that a more lenient standard was applied with respect to the selected candidate.

## **Legal Principle(s)**

Staff Selection System (ST/AI/2010/3): Based on sec. 7.4 of ST/AI/2010/3, the HM has broad discretionary power to exercise a preliminary evaluation of the applicants released to him in order to establish the shortlist of candidates to be invited for further assessment; such a list, per definition, does not have to include all pre-screened candidates but only the most qualified or promising ones.

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Dhanjee

## Entity

UNCTAD

## Case Number(s)

UNDT/GVA/2012/94

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

14 Mar 2014

## Duty Judge

Judge Laker

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Discrimination and other improper motives

Evidence

Staff selection (non-selection/non-promotion)

Central Review Body

Full and fair consideration

Selection decision

## Applicable Law

Administrative Instructions

- ST/AI/2010/3

## Related Judgments and Orders

2012-UNAT-238

2013-UNAT-383

2012-UNAT-200

2011-UNAT-110

2013-UNAT-286

2011-UNAT-122

2012-UNAT-259