

UNDT/2016/042, Krioutchkov

UNAT Held or UNDT Pronouncements

Appealable decision: The modalities of a written test in the context of a competitive selection cannot be contested as such as they do not constitute an administrative decision within the meaning of art. 2.1(a) of the Tribunal's Statute. However, the final non-selection can be challenged on the grounds that the selections criteria or the assessment conditions were improper. Written test: The administration of a written test is a lawful means of assessing the technical skills of candidates in a selection process. The methodology for such a test must not necessarily replicate the internal workflows of a given unit or office. Candidates must comply with the instructions given for a written test, and take personal responsibility for making the necessary arrangements to meet the requirements for such compliance. Failure to do so may properly lead to their exclusion from the recruitment process. The only applicable requirement is that the methodology of the tests be fair and reasonable, and not designed deliberately to confer an advantage on a preferred candidate or, alternatively, to disadvantage a particular candidate, who may then challenge the decision by filing a claim alleging that there has been a material irregularity in the selection process.

Decision Contested or Judgment/Order Appealed

The Applicant contested his non-selection on the grounds that, as part of the selection procedure, he had been requested to sit a written test that required typing in Russian. He did not submit his answers to the test, was excluded from next stages in the process and, as a result, not selected. The Tribunal found that expecting candidates to type the answers to the written test questions was not unfair or unreasonable. Accordingly, the non-selection decision was not tainted by any irregularity.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Krioutchkov

Entity

ESCAP

Case Number(s)

UNDT/GVA/2015/135

Tribunal

UNDT

Registry

Geneva

Date of Judgement

26 Apr 2016

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2010/3

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2013/030

2011-UNAT-152

2010-UNAT-030

2013-UNAT-304