

UNDT/2020/199, Smon

UNAT Held or UNDT Pronouncements

Considering that the Secretary-General has broad discretion in matters of staff selection, the Administration can include more restrictive and yet reasonable criteria in the job opening for the evaluation of candidates. Based on the evidence on file, the Tribunal finds that the assessment was conducted properly and that the Applicant's qualifications were fully and fairly considered in accordance with relevant law. As the Applicant was not substantially equal or superior to those of competing male candidates, her non-selection did not violate ST/AI/1999/9.

Decision Contested or Judgment/Order Appealed

Non-selection for the temporary position of Aviation Quality Assurance Officer (P-3) in the Department of Field Support.

Legal Principle(s)

The Tribunal's judicial review is limited. Its role is to determine if the administrative decision under challenge is reasonable and fair, legally and procedurally correct, and proportionate. The Secretary-General has broad discretion in matters of staff selection. The Tribunal shall only examine (1) whether the procedure as laid down in the Staff Regulations and Rules was followed and (2) whether the staff member was given fair and adequate Consideration and its role is to assess whether the applicable regulations and rules have been applied and whether they were applied in a fair, transparent and non-discriminatory manner. The Tribunals' role is not to substitute their decision for that of the Administration. The starting point for judicial review is a presumption that official acts have been regularly performed.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Smon

Entity

MONUSCO

Case Number(s)

UNDT/GVA/2019/021

Tribunal

UNDT

Registry

Geneva

Date of Judgement

30 Nov 2020

Duty Judge

Judge Belle

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

Administrative Instructions

- ST/AI/1999/9
- ST/AI/2010/4/Rev.1

Related Judgments and Orders

2010-UNAT-084

2011-UNAT-110

2012-UNAT-265

2017-UNAT-762

2011-UNAT-122