

2017-UNAT-795, Rehman

UNAT Held or UNDT Pronouncements

UNAT agreed with UNDT that the application was moot as the Appellant had already received the relief she requested, namely, the repetition of the selection exercise and her participation in it. UNAT found no reason to differ from UNDT's approach. UNAT supported UNDT's recommendation that tests be protected against the possibility of editing or alteration and further recommended that the Organisation strictly complied with its legal framework, particularly with respect to not entrusting staff functions to consultants and/or individual contractors. UNAT suggested that UNDT and the Registries grant parties to a case automatic access to the full record, including records of hearings, except those filed and kept ex parte in conformity with the need for transparency and in keeping with the adversarial principle. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to select her for a post. UNDT rejected the application. UNDT found that: (i) the record did not support an inference that the Applicant's test, which was part of the selection process, had been altered; (ii) any irregularity (such as entrusting staff functions to a consultant) did not impact her right to a full and fair consideration; (iii) she did not provide evidence in support of bias or any other improper motive; and (iv) it was not mandatory for the Administration to consider her for a lateral reassignment. UNDT found that, even if the decision had been illegal, the application was now moot as the Applicant had received the relief she requested.

Legal Principle(s)

An application may be declared moot when an individual has already received the relief he or she requested.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Rehman

Entity

UNICEF

Case Number(s)

2017-1080

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Oct 2017

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Full and fair consideration

Written test

Applicable Law

UNICEF Administrative Instructions

- CF/AI/2013-001/Amend 2
- CF/EXD/2013-004

Related Judgments and Orders

UNDT/2017/019