

UNDT/2021/143, Mirella

UNAT Held or UNDT Pronouncements

Whether candidates for a Job Opening possess all required criteria is subjected to an assessment entrusted to each hiring manager based on an evaluation of each candidature pursuant to secs. 7.4 and 7.6 of ST/AI/2010/3. Contrary to the Applicant's allegation, the hiring manager did not use new criteria but provided elements, that were taken into consideration in the assessment process, to come up with a reasoned and objectively justifiable decision aimed to select among a high number of applicants those to be shortlisted. Knowledge of several internal candidates in a D-1 recruitment process involving several candidates who are senior managers is not tantamount to bias in the selection recommendation process. Consequently, the Tribunal rejects the application in its entirety.

Decision Contested or Judgment/Order Appealed

Non-selection to a D-1 post at UNODC.

Legal Principle(s)

In selection and appointment matters: 1) The Administration enjoys broad discretion and the Tribunal's consideration is limited to whether the procedure laid down in the Staff Regulations and Rules was followed, and whether the staff member was afforded full and fair consideration. 2) There is a presumption of regularity concerning the performance of official acts. It is incumbent on applicants to allege and provide evidence of the flaws identified, and the presumption of regularity can be rebutted by evidence of a failure to follow applicable procedures, bias in the decision-making process, and consideration of irrelevant material or extraneous factors in a recruitment process.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Mirella

Entity

UNODC

Case Number(s)

UNDT/GVA/2019/57

Tribunal

UNDT

Registry

Geneva

Date of Judgement

30 Nov 2021

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Related Judgments and Orders

2019-UNAT-928

2011-UNAT-110

2021-UNAT-1103

2011-UNAT-122