

1982 May 22

[TRIANTAFYLIDES, P.]

PANGYPRIOS ENOSIS EPISTOMONON CHIMIKON,  
*Applicants,*  
v.  
THE MINISTER OF EDUCATION,  
*Respondent.*

(Case No. 169/77).

*Constitutional Law—Written requests or complaints addressed to competent public authorities under Article 29 of the Constitution —To be attended to and decided and a reasoned reply given in respect of them only when first addressed—And not on every subsequent occasion when they are repeated without anything new being put forward which would merit further consideration.*

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On 22nd October 1975 the applicants, who were the Union of Chemists, wrote to the Ministry of Education complaining, in effect, about the fact that during the preceding years there had not been appointed chemists in the public educational service as secondary education schoolmasters of chemistry; and as they received no reply they wrote a further letter regarding the same matter on 25th November 1975.

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On the 7th January 1976 the Director-General of the Ministry of Education replied to the two aforesaid letters of the applicants explaining in detail why schoolmasters of physics and of natural science were being appointed in order to teach, among other subjects, chemistry, too, and stating further that in any event the matter raised by the applicants would be examined in relation to the forthcoming school-year.

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The applicants wrote back on 20th July, 1976 refuting the explanations given to them by the letter of 7th January, 1976. They received a reply on 26th October, 1976, that the matter in question was being examined in conjunction with the revision of the Schemes of Service for posts of Schoolmasters. Upon

receiving this letter they wrote back on 10th November, 1976 expressing their disagreement with the contents of the said letter of the 26th October.

By means of this recourse applicants complained against the alleged failure of the respondent to reply to their written requests and complaints dated 20th July, 1976 and 10th November, 1976, in compliance with Article 29\* of the Constitution.

*Held*, that the letters to the applicants dated 7th January, 1976 and 26th October, 1976 constitute duly reasoned replies to them in the sense of, and in compliance with, Article 29 of the Constitution; that the fact that the applicants kept on thereafter reiterating practically the same requests and complaints, as they have done by means of their letter of 10th November 1976, did not create, under Article 29 an obligation on the part of the respondent Minister to keep replying to such requests and complaints, because a particular request or complaint has to be attended to and decided and a reasoned reply given in respect of it, as envisaged by the said Article 29, only when it is first addressed to the competent public authority and not on every subsequent occasion when it is repeated without anything new being put forward which would merit further consideration; and that any other construction and application of Article 29 might lead to absurd results and would lead to an abuse of the right safeguarded by Article 29; accordingly the recourse must be dismissed.

*Recourse dismissed.*

### **Recourse.**

Recourse against the omission of the respondents to reply to applicants' written requests and complaints dated 20th July, 1976 and 10th November, 1976.

*D. Papachrysostomou*, for the applicants.

*A. S. Angelides*, for the respondent.

*Cur. adv. vult'*

TRIANTAFYLLIDES P. read the following judgment. By means of the present recourse the applicants complain against an alleged

\* Article 29 is quoted at p. 748 post.

omission of the respondent to reply to their written requests and complaints dated 20th July, 1976 and 10th November, 1976.

The salient facts of this case appear, from the material before me, to be as follows:

- 5 On 22nd October, 1975 the applicants, who are the Union of Chemists, wrote to the Ministry of Education complaining, in effect, about the fact that during the preceding years there had not been appointed chemists in the public educational service as secondary education schoolmasters of chemistry; and as they  
10 received no reply they wrote a further letter regarding the same matter on 25th November, 1975.

- On 7th January, 1976 the Director-General of the Ministry of Education replied to the two aforesaid letters of the applicants explaining in detail why schoolmasters of physics and of natural  
15 science were being appointed in order to teach, among other subjects, chemistry, too, and stating further that in any event the matter raised by the applicants would be examined in relation to the forthcoming school-year.

- Then, the applicants wrote back on 20th July, 1976 refuting  
20 the explanations given to them as aforesaid by the letter of 7th January, 1976.

- As they received no reply the applicants wrote on 1st September, 1976 asking to be informed, among other things, whether the respondent Ministry had requested the Educational Service  
25 Commission to appoint chemists as schoolmasters and how many of them.

On 26th October, 1976 they received a reply that the matter in question was being examined in conjunction with the revision of the schemes of service for posts of schoolmasters.

- 30 The applicants wrote back on 10th November, 1976 expressing their disagreement with the contents of the aforesaid letter of 26th October, 1976 and requesting, consequently, that the *schemes of service already in force should be applied in relation to the appointment of schoolmasters of chemistry.*

- 35 Then, on November 26, 1976, there took place a meeting of the respondent Minister and of representatives of the applicants during which the whole matter was discussed.

The only ground which has been argued in support of the present recourse by counsel for the applicants is that the respondent has failed to reply to the aforementioned letters of the applicants of 20th July, 1976 and 10th November, 1976 in compliance with Article 29 of the Constitution, which reads as follows: 5

“1. Every person has the right individually or jointly with others to address written requests or complaints to any competent public authority and to have them attended to and decided expeditiously; an immediate notice of any such decision taken duly reasoned shall be given to the person making the request or complaint and in any event within a period not exceeding thirty days. 10

2. Where any interested person is aggrieved by any such decision or where no such decision is notified to such person within the period specified in paragraph 1 of this Article, such person may have recourse to a competent court in the matter of such request or complaint”. 15

Having in mind the whole correspondence which has been exchanged between the parties, as aforesaid, I have come to the conclusion that the letters to the applicants dated 7th January, 1976 and 26th October, 1976 constitute duly reasoned replies to them in the sense of, and in compliance with, Article 29 of the Constitution. It is correct that no reply was given to the letter of the applicants dated 10th November 1976; but, in the circumstances of the present case, it cannot be said that the failure to reply to such letter amounts to a contravention of Article 29 of the Constitution since the same complaints and requests of the applicants had been duly answered already earlier and the relevant policy of, and the action being taken by, the Ministry of Education had been communicated and explained to them by the answers given to them as above. 20 25 30

In my opinion the fact that the applicants kept on thereafter reiterating practically the same requests and complaints, as they have done by means of their letter of 10th November 1976, did not create, under Article 29, above, an obligation on the part of the respondent Minister to keep replying to such requests and complaints; because, in my view, a particular request or complaint has to be attended to and decided and a reasoned 35

reply given in respect of it, as envisaged by the said Article 29, only when it is first addressed to the competent public authority and not on every subsequent occasion when it is repeated without anything new being put forward which would merit further  
5 consideration; it seems to me that any other construction and application of Article 29 might lead to absurd results and would lead to an abuse of the right safeguarded by Article 29.

In the light of all the foregoing I have reached the conclusion that it has not been established that the respondent has con-  
10 travened Article 29, above, as alleged by the applicants.

Before concluding this judgment I should stress that in the present recourse I am not concerned with whether or not the relevant requests and complaints of the applicants were justified, and, so, I should not express any view in this connection.

15 For the reasons set out in this judgment this recourse fails and it is dismissed accordingly; but, in view of the nature of the case, I shall make no order as to costs against the applicants.

*Recourse dismissed. No order as to costs.*