

1987 June 27

[TRIANAFYLIDIS, P.]

IN THE MATTER OF ARTICLE 146 OF THE CONSTITUTION

MAROULLA MYLONA AND OTHERS,

*Applicants,*

v.

THE REPUBLIC OF CYPRUS, THROUGH  
THE PUBLIC SERVICE COMMISSION,

*Respondent.*

*(Case No. 37/86).*

5 *Public Officers — Promotions — Interviews — Group interviews — Save in exceptional cases personal interviews have to be conducted with one candidate at a time — This is more than ever necessary when the personality of the candidates is a material factor — In this case the method of group interviews was rendered more unsafe because the evaluation was made after a whole month from the last group interview and hair's breadth distinction, had to be made — As personality was a material consideration the defective manner in which the interviews were held is a ground of annulment.*

10 By means of this recourse the applicants challenge the validity of the promotions of the interested parties to the post of Clerical Officer in the General Clerical Staff.

15 All applicants, except applicant A. Eliades, and the interested parties, were among those recommended by the Departmental Committee. The respondent Commission decided to require the candidates who, in accordance with the report of the Departmental Committee were more or less equal in merit, qualifications and seniority, to sit for a written examination.

20 Some time thereafter the Commission decided not to hold such an examination, but to proceed with interviews, which would, in its opinion, be very useful because due to the duties of the post in question, the personality of candidates was a material consideration.

25 The interviews were held on 30.9.85, 3.10.85, 4.10.85, 7.10.85 and 8.11.85. At its last meeting, when only one candidate was interviewed (such candidate could not appear earlier because of ill health) the Commission evaluated the performance of the candidates as «mediocre», «good», «nearly very good», «very good» and «very very good».

It must be noted that with the exception of the interview of 8.11.85, all other interviews were group interviews of four or three.

Held, *annulling the sub judice decision*: (1) Save in exceptional cases, such as where the physique of the candidates is a material consideration, personal interviews should be conducted with one candidate at a time. The interviews should not be turned into personality contests. When personality is, as in this case, a material factor, it is more than ever necessary to interview the candidates one by one, in order to make as safe as possible the evaluation of their personality.

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(2) In this case the evaluation of the personality of the candidates was rendered even more unsafe, because it was made a whole month after the last group interview and hair's breadth distinctions, as that between «nearly very good» and «very good» had to be made.

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(3) As in this case personality was a material factor the defective manner in a material particular in which the interviews were held is a ground of annulment.

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*Sub judice decision annulled.  
No order as to costs.*

*Cases referred to:*

*The Republic v. Zachariades* (1986) 3 C.L.R. 852.

**Recourse.**

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Recourse against the decision of the respondent to promote the interested parties to the post of Clerical Officer in the General Clerical Staff in preference and instead of the applicants.

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

*P. HadjiDemetriou*, for the respondent.

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*Cur. adv. vult.*

TRIANTAFYLLIDES P. read the following judgment. By means of the present recourse the applicants are challenging fifteen promotions to the post of Clerical Officer, in the General Clerical Staff, as from 15 November 1985.

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As the post of Clerical Officer is a promotion post the relevant process for the constituting of a Departmental Committee was set up in motion.

The Departmental Committee recommended for promotion sixty, out of sixty-three Clerks, 1st Grade of the General Clerical Staff, who possessed the qualifications required for promotion by the relevant scheme of service. Among those recommended were  
5 the fifteen candidates who were eventually promoted and whose promotions are being challenged by this recourse - to be referred to hereinafter as the «interested parties» - and all the applicants except applicant A Eliades

10 The Departmental Committee stated in its report that most of the recommended candidates were more or less equal in merit, qualifications and seniority and proceeded to observe that the Public Service Commission ought to consider whether, under the circumstances, the candidates should be interviewed by the Commission

15 At its meeting on 22 July 1985 the respondent Public Service Commission decided that all the sixty-three candidates who were qualified for promotion were to be required to sit for a written examination

20 On 23 August 1985 the respondent Commission decided not to hold a written examination because of certain problems which had arisen and because, in view of the nature of the duties of the particular post, the personality of the candidates was a material consideration which had to be taken seriously into account and in this respect interviews of the candidates would be very useful. It  
25 was, consequently, decided to interview all the sixty-three candidates

The interviews took place on 30 September 1985, 3 October 1985, 4 October 1985, 7 October 1985 and 8 November 1985. On the last occasion the Commission interviewed only one  
30 candidate who had been unable, because of health reasons, to appear for an interview on 7 October 1985. On all the earlier dates the candidates were interviewed in groups, that is they were divided into fourteen groups of four candidates each and two groups of three candidates each, and in this way sixteen  
35 candidates were interviewed on each of the first three occasions and fourteen candidates on the fourth occasion, the candidates in each group being interviewed simultaneously.

On 8 November 1985 the Director of the Public Administration and Personnel Service, who had been present during all the

interviews, expressed to the respondent Commission his own views about the performance of the candidates at the interviews and then the Commission made its own evaluation of such performance in the light, also, of the views expressed by the said Director; it is to be noted that in this respect the Commission graded the performance of the candidates by using the terms «mediocre», «good», «nearly very good», «very good» and «very very good» («μέτριος», «καλός», «σχεδόν πολύ καλός», «πολύ καλός», «πέρα πολύ καλός»).

Eventually, on the same date, the Commission, after having taken into account all material considerations, including the impressions from the interviews of the candidates, proceeded to promote the fifteen interested parties.

It is plainly obvious that the respondent Commission treated all along the personality of the candidates as a material factor, which was to be evaluated during the interviews. It follows, therefore, that if the interviews, which are, indeed, a process helping in the evaluation of the candidates mainly from the point of view of merit (see *The Republic v. Zachariades*, (1986) 3 C.L.R. 852, 856) were conducted in a defective manner in a material respect, then this would be a reason for the annulment of the sub judice promotions.

In my opinion, save in exceptional cases, such as those in which the factor to be ascertained is the physique of candidates destined for posts in relation to which the factor of physique is the main material consideration, personal interviews have to be conducted with one candidate at a time and should not be turned into either group personality contests or a substitute for oral examinations. Moreover, when the personality of the candidates is considered to be a material factor, as was the situation on the present occasion, it is more than ever necessary to interview candidates one by one in order to make an as safe as possible evaluation of the personality of each one of them.

In my opinion the method of group interviews which was adopted by the respondent Commission in the present instance was an unsafe mode of ascertaining the personality of each individual candidate and it was rendered even more unsafe because of the fact that the evaluation of the performance of sixty-three candidates who were interviewed in groups was made a whole month later and hair's breadth distinctions had to be made such as that between the terms «nearly very good» and «very good».

In the light of all the foregoing I find that there has occurred on this occasion a material irregularity rendering defective the exercise of the relevant discretionary powers of the respondent Commission and, therefore, the sub judice promotions of the interested parties have to be annulled, without it being necessary to pronounce regarding other grounds of annulment which were put forward by counsel for the applicants.

In the result this recourse succeeds, but there will not be an order as to its costs.

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*Sub judice decision annulled.  
No order as to costs.*