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JUDGMENT



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9. 2n 188=" #e o+ta%ned a ;a&#e o\* of A\*ts %n @\*en&# ' %t# ) uss%an Atud%es" at Bueen 5 a\*! and Cestf%e d Co ege" Un%(e\*s%t! of Dondon.

10. 2n 2011" t#e -PP e:am%nation %n t#e Adm%n%st%at%on 3o+ fam% ! ' as ad(e\*t%sed. 2t \*e7u%ed at east a f%st e(e un%(e\*s%t! deg%ee %n a num+e\* of f%e ds" %n& uding /D%ngu%st%&s0. T#e A\$S &ant a\$\$ed to t#e ad(e\*t%sement as a G to P &and%date.<sup>1</sup> 6e met t#e e %g%+% %t! &\*%te\*a t#at !ea\* +ut d%d not \$ass t#e e:am%nation.

11. 2n 2013" a ne' ad(e\*t%sement fo\* t#e -PP e:am%nation %n t#e Adm%n%st%at%on 3o+ fam% ! \*e7u%ed at east a f%st e(e un%(e\*s%t! deg%ee %n one of se(e\*a f%e ds of stud!" +ut D%ngu%st%&s ' as \*emo(ed as a \*e7u%ed f%e d of stud!. T#e f%e d of stud! /6uman%tes0 %n& uded /Cu tu\*a Atud%es0.

12. 2n e(%den&e" 5 s. Jansen" 9:am%nations Off%&e\*" 9:am%nations and Tests Ae&t%on ./9TA01" De\$a\*tm%ent of 5 anagement" to d t#e T\*%+una t#at %n 2013 t#e C9 ; d%ss&ussed %n de\$t# ' #at an a\$\$ &ant ' ou d #a(e to #a(e stud%ed %n o\*de\* to %n& ude #%s o\* #e\* stud! \$\*og\*amme unde\* /Cu tu\*a Atud%es0. T#e C9 ; &on& uded t#at" %n &ont\*ast to t#e e %g%+% %t! \*e7u%ements of 2011" A\$S &ants ' #o stud%ed anguages ' e\*e not &ons%de\*ed to fa ' %t#%n t#e s&o\$e of /Cu tu\*a Atud%es0 and t#e\*efo\*e" &ou d not +e adm%tted to s%t fo\* t#e -PP e:am%nation %n t#e Adm%n%st%at%on 3o+ fam% !. 6o'e(e" t#ese &and%dates &ou d +e adm%tted %n t#e 3o+ fam% ! of Pu+ %& 2nfo\*mat%on fo\* ' #&# /Danguages0 ' as a s\$e&%f%ed e %g%+% %t! &\*%te%on.

13. On ? Ju ! 2013" t#e A\$S &ant a\$\$ed fo\* t#e 2013 -PP e:am%nation %n Adm%n%st%at%on s&#edu ed fo\* 3 De&em+e\* 2013. 2n #%s P\*ofess%ona 6%sto\*! P\*of%e ./P6P01" unde\* /9du&at%on0" #e %sted #%s Un%f%eU

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ta,e t#e - PP %n t#e a\*ea ' #e\*e m! e:\$e\*%en&e %es and ' #e\*e 2 #ad  
#o\$ed to &ont%nue m! UN &a\*ee\*. 2 #a(e 10 !ea\*s4 e:\$e\*%en&e %n

\*e7ulements fo\* Pu+ %& 2nfo\*matlon" t#e de a! %n & a\*f!ing t#e  
stuatlon #as de&\*eased t#s e: \$e&tatlon.

24. 2n #s e(%den&e to t#e T\*%+una t#e A\$\$ %&ant said t#at t#s fu\*t#e\*  
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o\* #o ' to att&# #s t\*ans&\*%\$ of studies.

25. On 3 De&em+e\* 2013" t#e da! of t#e ' \*%tten e: am%natlon" t#e A\$\$ %&ant sent  
!et anot#e\* \*em%nde\* ema% to 9TA" #a(%ng st% not \*e&e%(ed a \*es\$onse.

2<. On < De&em+e\* 2013" t#e Off%&e\*%>%n>C#a\*ge ./O2C01" 9TA" \*es\$onded to t#e  
A\$\$ %&ant e: \$\*essing \*eg\*et t#at #e #ad not !et \*e&e%(ed a \*es\$onse to #s a\$\$ea  
f\*om t#e C9 ; and st\*essing t#at #e ' ou d oo, %nto t#e matte\*.

2=. 5 s. Jansen e: \$ a%ned to t#e T\*%+una t#at as t#e A\$\$ %&ant4s \*e7uest fo\* a  
\*e(%e ' ' as &ons%de\*ed to #a(e +een sent afte\* t#e 10>da! dead %ne" %t ' as dea t  
' %t# afte\* \*e7uests t#at #ad +een \*e&e%(ed on t%me.

2?. On 10 De&em+e\* 2013" 5 s. Jansen su+mitted t#e A\$\$ %&ant4s &ase to 5 s.  
Dane" Co>C#a%\* of t#e C9 ;" +! an ema% ' %t# t#e fo o' %ng su+3e&t %neI /m%ssed  
&ase0.

28. ;et ' een 10 and 18 De&em+e\* 2013" t#e C9 ; de %+e\*ated on t#e \*e(%e ' of  
t#e A\$\$ %&ant4s a\$\$ea +! ema% &ommun%&at%ons among t#e se(en mem+e\*s of t#e  
\*e(%e ' \$ane<sup>2</sup> \*at#e\* t#an +! a meet%ng of t#e ;oa\*d. A ema% s ' e\*e &o\$ed to a  
C9 ; mem+e\*s. 5 s Dane" Co>C#a%\* of t#e C9 ;" to d t#e T\*%+una t#at t#e usua

the 9:am\inations Unit #as found a &ase t#at ' as a\$\$Sea ed and m\ssed +! t#em and ' as t#e\*efo\*e not \*e(\e ' ed +! t#e C9 ; 0. A#e fu\*t#e\* sa\id t#at t#e! needed to \*e(\e ' \t /fo\* ega \*easons0. A#e e:\$ a\ined to t#e T\*\+una t#at t#e Off\&e of 6uman )esou\*es 5 anagement ./O6 ) 5 01 #ad ad(\sed t#e C9 ; t#at e(en t#oug# t#e \*e7uest ' as sent to t#e C9 ; afte\* t#e e:am #ad ta ,en \$ a&" \t s#ou d st\ +e &ons\de\*ed \n &ase an!one as ,ed 7uest\ions.

31. 2n #e\* ema\ to t#e C9 ; mem+e\*s" 5 s. Dane noted t#at t#e A\$\$ \&ant4s Unde\*g\aduate deg\*ee ' as @\*en&# and )uss\an" t#at no t\*ans&\*%\\$ts of t#e stud\es #ad +een \$\*o(\ded" and t#at t#e a\$\$Sea #e made ' as /fo\* 3o+ e:\$e\*\en&e0. A#e &on& uded t#at s#e /F ' Gou d a\$\$e&\ate Ft#e!\\*G t#oug#ts0.

32. A&&o\*d\ng to 5 s Dane" \n 2013 t#e C9 ; 'ou d oo, at an! add\tona \nfo\*mat\on \$\*o(\ded +! t#e &and\date on a\$\$Sea " +ut on ! as ,ed fo\* t\*ans&\*%\\$ts o\* fu\*t#e\* \nfo\*mat\on a+out t#e &and\dates! 7ua \f\&at\ons \f t#e deg\*ee \sted +! t#e &and\date ' as not & ea\* as to \ts &ontent" o\* t#e &and\date made a & a\m \n t#e\\* a\$\$Sea o\* a\$\$ \&at\on on a sSe&a \sation t#at ' as not a\$\$a\*ent \n t#e t\it e. 2n an effo\*t to ma,e t#e \$\*o&edu\*e & ea\*e\* to &and\dates" \n 2014 t#e C9 ; sent unsu&essfu &and\dates a standa\*d ette\* stat\ng" inter alia, /%f !ou t#\n, t#at !ou fu f\ .t#e @\e d of Atud! deg\*ee \*e7u\*\ement! \$ ease su+m\it t#e \*e e(ant do&umentat\on0.

33. @o o' \ng a \*em\nde\* ema\ f\*om 5 s. Dane" t#e C9 ; mem+e\*s +egan a &#a\n of ema\ s &o\$!\ng ea&# ot#e\*. T#e f\*\st ema t"72837.7843(/) -3.66653(a) -3.66653(n) -0.9602212





43. On 30 January 2014 the Assesment filed a request for management evaluation and letter dated 28 August 2014 the Management Evaluation Unit informed the Assesment that the Assessment is a #



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\*eg\*etta+ e de a!s %n t#e &onsde\*ation of t#e ASS %&ant4s a\$\$Sea +! t#e C9 ;" d%id not %m\$a&t on #s em\$ o!ment o\* #a(e an! ot#e\* &onse7uen&es on t#e ASS %&antK

f. Candidates %,e t#e ASS %&ant ' #o on ! #o d a deg\*ee %n languages ' e\*e not &on(o,ed to t#e - PP %n Adm%in%st\*ation" +ut ' e\*e offe\*ed to slit %n Pu+ %& Adm%in%st\*ationK t#e C9 ; o\* 9TA d%id not %n7u%\*e fu\*t#e\* %n & ea\* &ut &ases of f%ie ds of stud!K t#e ASS %&ant d%id not a\*gue t#at #s stud%es ' e\*e %n t#e f%ie d of &u tu\*a stud%es and d%id not e(en use t#e ' o\*ds /&u tu\*a stud%es0 e%t#e\* %n #s a\$\$ %&at%ion" o\* %n #s a\$\$Sea K

g. On t#e +as% of t#e %nfo\*mat%ion a(a% a+ e at t#e t%ime" t#e C9 ; &on& us%on t#at t#e ASS %&ant ' as not e %g%+ e ' as not man%fest ! un\*reason+ e and s#ou d +e ma%nta%nedK %t fe %n t#e Adm%in%st\*ation4s d%is&et%ion to dete\*m%ine t#at a ; a#e o\* %n @\*en&# and ) us%ian stud%es" ' #%&# a\$\$ea\*ed to fo&us on languages and %ngu%st%&s" d%id not fa unde\* /Cu tu\*a Atud%es0 as \$\*o(%ded fo\* %n t#e 3o+ o\$en%ng fo\* t#e -PP 2013 %n Adm%in%st\*ationK

#. T#e 3o+ o\$en%ngs fo\* t#e -PP %n Adm%in%st\*ation %n 2011 and 2013 ' e\*e d%ffe\*ent% \$a\*t%&u a\* !" t#e f%ie d of / %ngu%st%&s0" ' #%&# #ad +een %n& uded unde\* /Ao&%a A&%en&es0 %n t#e -PP %n Adm%in%st\*ation %n 2011" ' as no onge\* %n& uded %n t#e 2013 3o+ o\$en%ng. Co\*, e:\$e\*%en&e %s not an e %g%+% %t! &\*%te\*%on unde\* t#e -PPK #en&e" t#e add%t%ona e:\$e\*%en&e a&7u%\*ed +! t#e ASS %&ant s%n&e 2011 ' as not \*e e(ant" and &ou d not se\*(e to o(e\*\*%de t#e edu&at%iona \*e7u\*ementsK

%. 2t %s t#e \$\*e\*ogat%(e of t#e Ae&\*eta\*!>Gene\*a to dete\*m%ine t#e o\*gan%eat%ona needs of t#e O\*gan%eat%on" ' #%&# &#ange o(e\* t%meK #en&e" 3o+ des&\*%\$t%ions a\*e ad%usted a&&o\*d%ng to su&# &#ang%ng needs. @u\*t#e\*" e %g%+% %t! does not ne&essa\*% ! %m\$ ! su%ta+% %t!" and t#e ASS %&ant fa% ed t#e e:am %n 2011K



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method should not be adopted in the case of a meeting of members in session or in the absence of a quorum. The decision is made in the same manner as in the case of a meeting of members in session or in the absence of a quorum. The decision is made in the same manner as in the case of a meeting of members in session or in the absence of a quorum.

3. Paragraph 1 of Article 1 refers to decisions taken by the Board of Directors. The Board of Directors shall exercise a quorum of five (5) members. These are and unanimous orders impose a mandatory obligation on the Board to ensure that its decisions are taken by a quorum of five (5) members. The



3. The evidence established a number of errors in assessing the Applicant's application to be considered for the 2013 - PP examination in Administration. These began with the error of sending the initial decision to the wrong





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30+ fam! a\* e not s!stemat!a ! t#e same and #ad" as a matte\* of fact" +een &#anged fo\* t#e - PP 2013 \n Adm\nst\*at\non.

87. 2n addit\non" at no stage of t#e \$\*o&ess" ne\t#e\* u\$on #s \n\t\na a\$\$ %&at\non fo\* t#e 2013 - PP \n Adm\nst\*at\non" no\* u\$on #s a\$\$ea to t#e C9;" d\dd t#e A\$\$ %&ant \*a\se an! a\*gment t#at #s deg\*ee ' as one \n Cu tu\*a Atud\es. 2n #s ette\* to t#e C9 ; #e \*efe\*\*ed to #s 7ua %f%\&at\non \n /mode\*n anguages0.

88. T#e T\*%+una %s t#e\*efo\*e satisf\ed t#at t#e\*e ' as no \*eason fo\* t#e C9 ; to \*e7uest addit\nona %nfo\*mat\non \n t#e A\$\$ %&ant4s &ase" and t#at \t \ou d eg\t\mate ! & ass\! t#e A\$\$ %&ant4s deg\*ee as a %anguage deg\*ee \*at#e\* t#an unde\* Cu tu\*a Atud\es.

100. 2n addit\non" \n t#e a+sen&e of a ega \*e7u\\*ement \n t#s \*es\$e&t unde\* t#e a\$\$ %&a+ e \*u es at t#e t\me" t#e fact t#at t#e \$\*a\t\&e ' \t# \*es\$e&t to \*e7uest\ng addit\nona su\$\$o\*t\ng do&uments ' as &#anged \n 2014" as a matte\* of +est \$\*a\t\&e" %s %\*\*e e(\ant fo\* t#e &ase at #and.

101. On t#e me\*ts of #s \*e7uest fo\* \*e(\e ' " a t#oug# t#e A\$\$ %&ant ost t#e &#an&e fo\* a \$\*o\$e\* \*e(\e ' of t#e de&s\non on #s e %g%\t\ ! to s\it t#e 2013 - PP e:am\nation \n Adm\nst\*at\non" t#e T\*%+una a&&e\$ts t#e )es\$ondent4s su+m\ss\ns t#at e(en %f t#e de&s\non #ad +een a ' fu " t#e A\$\$ %&ant4s &#an&es of su&&ess #en&e of mate\*a ga\n ' e\*e (e\*! o' .

102. On t#e e(\den&e \$\*esent\ed to t#e C9 ; +! t#e A\$\$ %&ant u\$on #s a\$\$ea " '#&# #e adm\tt\ed ' as not t#o\*oug#" t#e T\*%+una f\nds \t un %,e ! t#at t#e out&ome of t#e \*e(\e ' ' ou d #a(e +een d\ffe\*ent #ad t#e C9 ; +een \n \$ossession of addit\nona %nfo\*mat\non" su&# as t#e one gat#e\*ed du\*ng t#e \$\*esent \$\*o&eed\ngs.

103. T#e A\$\$ %&ant \$\*esent\ed a deg\*ee t#at" on t#e fa&e of \t" ' as a %anguag\$g\*\$en

educational requirements 'e'e different from those in 2011' '##&# e:\$ a\ins '#!  
#e me\*e ! \*efe\*\*ed to t#e fa&t t#at #e #ad +een found e %g%+ e / ' %t# t#e same  
deg\*ee0 %n 2011.

104. As a \*esu t of %ts e:am%nation of t#e a+o(e>mentioned %ssues" t#e T\*%+una  
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a. T#e C9 ; de&%s%on on t#e A\$\$ %&ant4s a\$\$ea 'as nu and (o%d fo\*  
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+. On t#e me\*%ts t#e A\$\$ %&ant 'as most un %,e ! to #a(e +een found  
e %g%+ e fo\* t#e e:am%nation %n Adm%n%st%ationK and

&. T#e &onse7uen&e of t#e de a! and ot#e\* e\*\*o\*s +! t#e C9 ; 'as t#at  
t#e A\$\$ %&ant ost t#e o\$\$o\*tun%t! to +e &on(o,ed fo\* t#e e:am%nation %n  
Pu+ %& 2nfo\*mat%on fo\* ' ##&# #e 'as most \$\*o+a+ ! e %g%+ e.

Re 'edies

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105. T#e A\$\$ea (e) -14.3252( ) 6 6 6 53(\*)2.5788( ) -112.9979(e) -3.663.66653(' (n) -0.960221(

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un a ' fu \$\*o&ess of de&is%on>ma, %ng \*esu t%ng %n a nu %t!. A of t#%s adds u\$ to a fundamenta +\*ea, do ' n %n \$\*es&%%+ed \$\*o&edu\*es.

11?. T#e e(%den&e of t#e A\$\$ %&ant4s mo\*a #a\*m &aised +! t#ese +\*ea&#es %s #%s f\*ust\*at%on and st\*ess" as demonstr\*ated %n #%s nume\*ous ema% s \*e7uest%ng %nfo\*mat%on and u\$dates f\*om t#e Adm%n%st\*at%on. 2t ' as \*e%te\*ated %n #%s s ' o\*n test%mon! +efo\*e t#e T\*%+una .

118. On t#e +as%is of t#%s e(%den&e t#e T\*%+una a ' a\*ds t#e A\$\$ %&ant t#e sum of UAD2"000 as &om\$ensat%on fo\* mo\*a damages.

### Conclusion

120. 2n (%e ' of t#e fo\*ego%ng" t#e T\*%+una D9C2D9AI

- a. T#e de&is%on not to &on(o,e t#e A\$\$ %&ant to t#e 2013 -PP %n

9nte\*ed %n t#e )eg%ste\* on t#%s 2? t# da! of 5 a! 2015

.-igned!

)en0 5. Va\*gas 5." )eg%st\*a\*% Gene(a